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SENATE BILL NO. 621

Senate Amendments in [] - February 7, 2020

A *BILL to amend and reenact §§ 10.1-1014 and 10.1-1705 of the Code of Virginia, relating to open-space and conservation easements; rule of construction.*

Patron Prior to Engrossment—Senator Deeds

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1014 and 10.1-1705 of the Code of Virginia are amended and reenacted as follows:
§ 10.1-1014. Validity.

A conservation easement is valid even though:

1. It is not appurtenant to an interest in real property;

2. It can be or has been assigned to another holder;

3. It is not of a character that has been recognized traditionally at common law;

4. It imposes a negative burden;

5. It imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;

6. The benefit does not touch or concern real property; or

7. There is no privity of estate or of contract.

Except as otherwise provided in this chapter, a conservation easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements. *If language in an easement acquired pursuant to this chapter is ambiguous, such language shall be construed against the grantor [or his successor or assigns] and in favor of the grantee.*

§ 10.1-1705. Chapter controlling over other laws; powers supplemental.

Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling. The powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law. *If language in an easement acquired pursuant to this chapter is ambiguous, such language shall be construed against the grantor [or his successor or assigns] and in favor of the grantee.*

ENGROSSED

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