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**HOUSE BILL NO. 1209**

Offered January 22, 1996

*A BILL to amend and reenact § 10.1-1010 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55-48.1, relating to disclosure of conservation easements and purposes.*

Patrons—Katzen, Bryant, Callahan, Dudley, Ingram, Kilgore, Weatherholtz and Wilkins

Referred to Committee on Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-1010 the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55-48.1 as follows:**

§ 10.1-1010. Creation, acceptance and duration.

A. A holder may acquire a conservation easement by gift, purchase, devise or bequest.

B. No right or duty in favor of or against a holder and no right in favor of a person having a third-party right of enforcement arises under a conservation easement before its acceptance by the holder and a recordation of the acceptance.

C. A conservation easement shall be perpetual in duration unless the instrument creating it otherwise provides a specific time. Where an easement is perpetual, the holder shall (i) meet the criteria in § 10.1-1009, and (ii) have had a principal office in the Commonwealth for at least five years.

D. An interest in real property in existence at the time a conservation easement is created is not impaired by it unless the owner of the interest is a party to the conservation easement or consents to it in writing.

E. No conservation easement shall be valid and enforceable unless the limitations or obligations created thereby conform in all respects to the comprehensive plan at the time the easement is granted for the area in which the real property is located.

*F. No conservation easement shall be valid and enforceable unless the limitations or obligations created by the easement are clearly presented in writing on the face of any document creating the easement and the owner of the servient estate signs a consent form acknowledging an understanding of the limitations or obligations created by the easement and the duration thereof. The consent form shall clearly state the name and organizational purposes of the holder.*

FG. This chapter does not affect the power of the court to modify or terminate a conservation easement in accordance with the principles of law and equity, or in any way limit the power of eminent domain as possessed by any public body. In any such proceeding the holder of the conservation easement shall be compensated for the value of the easement.

§55-48.1. *Deed provisions related to conservation easements.*

*A. Every deed through which a conservation easement, as defined in § 10.1-1009, maybe transferred after June 30, 1996, shall not be valid unless it contains the limitations or obligations created by the easement and the duration thereof and the grantee of the servient estate signs a consent form acknowledging an understanding of the limitations or obligations created by the easement and the duration thereof which shall be attached to the deed. The consent form shall clearly state the name and organizational purposes of the holder of the easement.*

*B. Every deed evidencing a transfer of property after June 30, 1996, for the conservation purposes described in § 10.1-1009 shall not be valid unless it contains the conservation limitations and obligations created and the duration thereof and the grantor signs a written acknowledgment evidencing an understanding of the organization purposes of the grantee, if an organization, and the intended uses of the property by the grantee. The consent form shall clearly state the name and organizational purposes of the grantee, if an organization, and shall be attached to the deed.*

INTRODUCED

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