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HOUSE BILL NO. 1353

Offered January 11, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 10.1-2202.5, relating to easements on battlefield properties.*

Patron—Ware

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-2202.5 as follows:

§ 10.1-2202.5. *Transfer or assignment of easement on battlefield property.*

A. As used in this section:

"National park" means Appomattox Court House National Historical Park, Cedar Creek and Belle Grove National Historical Park, Colonial National Historical Park, Fredericksburg and Spotsylvania National Military Park, Manassas National Battlefield Park, Petersburg National Battlefield, or Richmond National Battlefield Park.

"Property" means a fee simple interest in a battlefield property.

B. Any instrument creating an easement held by the Board on a battlefield property shall provide for the transfer or assignment of the easement to the United States in the event that a boundary expansion at a national park results in the battlefield property being located within or becoming eligible for inclusion in the national park. For the purposes of any such transfer or assignment of an easement, the United States shall be considered a public body pursuant to the provisions of the Virginia Open-Space Land Act (§ 10.1-1700 et seq.).

C. The Board shall transfer or assign to the United States an easement pursuant to the provisions of this section if requested to do so by the United States and the fee owner of the underlying property and if the fee owner affirms to the Board that the property will be transferred to the United States in order that (i) the property, after its acquisition by the United States, will be subject to the requirements of 54 U.S.C. § 100101, 36 C.F.R. § 2.1, and other applicable federal laws and regulations for the preservation and protection of natural, cultural, and historic resources in national parks; (ii) applicable federal laws and regulations will sustain the conservation purposes of the easement; and (iii) public access to the battlefield property, and the interpretation and study of the battlefield property, will be improved. In making its transfer or assignment, the Board shall not impose any additional conditions or contingencies on the transferee or assignee.

2. That the Board of Historic Resources shall, by July 1, 2019, transfer or assign to the United States the easement it holds on each of the following seven battlefield properties located within the boundaries of the Petersburg National Battlefield: the Riveroak Tract on the White Oak Road Battlefield, Dinwiddie County, DHR File No. 026-0131-0001, recorded May 22, 2008; the Baird Tract on the Reams Station Battlefield, Dinwiddie County, DHR File No. 026-0050-0001, recorded November 17, 2008; the Baird Cole Tract on the Reams Station Battlefield, Dinwiddie County, DHR File No. 026-0152, recorded March 31, 2015; the Dear Tract on the Peebles Farm Battlefield, Dinwiddie County, DHR File No. 026-5211, recorded October 27, 2016; the Mayes Tract on the Breakthrough Battlefield, Dinwiddie County, DHR File No. 026-5048, recorded May 4, 2006; the Dunford Tract on the Breakthrough and Peebles Farm Battlefields, Dinwiddie County, DHR File No. 026-5199, recorded March 19, 2013; and the Mignogna Tract on the Breakthrough and Peebles Farm Battlefields, Dinwiddie County, DHR File No. 026-5207, recorded February 24, 2015.

3. That the Board of Historic Resources shall, by July 1, 2019, transfer or assign to the United States the easement it holds on each of the following two battlefield properties located within the boundaries of the Richmond National Battlefield Park: the Fort Gregg Tract on the Chaffin's Farm/New Market Heights Battlefield, Henrico County, DHR File No. 043-0033-0031, recorded October 22, 2012, and the Alcor Tract, Malvern Hill Battlefield, Henrico County, DHR File No. 043-5078-0001, recorded November 9, 2016.

4. That the transfer or assignment of an easement by the Board of Historic Resources pursuant to the provisions of the second or third enactment of this act shall comply with the provisions of § 10.1-2202.5 of the Code of Virginia as created by this act.

5. That the Board of Historic Resources shall, with the consent of the recipient organization, conform the terms of any existing grant agreement created pursuant to § 10.1-2202.4 of the Code of Virginia to comply with the provisions of this act.

6. That the provisions of this act shall control notwithstanding any inconsistency with § 10.1-1705

INTRODUCED

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59 of the Code of Virginia.