

RESOLUTION
VIRGINIA OUTDOORS FOUNDATION (VOF)
A RESOLUTION TO ALLOW FOR REMOVAL OF CO-HOLDERS IN
EXISTING OPEN-SPACE EASEMENTS

WHEREAS, Va. Code Section 10.1-1801.1 formerly required that any conservation or open-space easement for which a Preservation Trust Fund grant was made be co-held by the Virginia Outdoors Foundation and a local co-holder; and

WHEREAS, the Acts of Assembly (2009 Va. Acts ch. 599) reflects that the Virginia General Assembly amended Va. Code Section 10.1-1801.1 to remove the co-holder requirement for Preservation Trust Fund easements and to clarify that “after the effective date of this act, any local co-holder may convey the entirety of its interest to the Virginia Outdoors Foundation notwithstanding any requirements in effect prior to the date of this act”; and,

WHEREAS, in cases other than those where a Preservation Trust Fund grant was made in conjunction with the conveyance of open-space easements, the Virginia Outdoors Foundation has occasionally agreed to co-hold easements with another entity due to a landowner’s request, the co-holding entity’s request, or another purpose; and

WHEREAS, in certain cases, co-holding can create difficulties for both easement holders and for the landowner due to each holder having different policies, procedures, and staff resources, and in some cases, due to the fact that each co-holder is holding the easement under a different enabling act; and,

WHEREAS, the Virginia Outdoors Foundation is willing and able to hold solely any easements that it currently co-holds; and, NOW therefore, be it

RESOLVED, by the Virginia Outdoors Foundation Board of Trustees, this 26th day of June 2013, That the Virginia Outdoors Foundation authorizes acceptance of assignments to hold the entire interest of any co-held easement; and be it

RESOLVED FURTHER, That the Virginia Outdoors Foundation’s Executive Director and Deputy Directors are hereby authorized and instructed to consult with appropriate legal staff and to take appropriate actions to execute the deed of assignment (or other appropriate legal instrument) that conveys a co-holder’s entire interest in a co-held easement to the Virginia Outdoors Foundation.

Adopted by a vote of ____ in favor and ____ against.

ATTEST: Robert Lee, Executive Director