

DRAFT RESOLUTION FOR BOARD CONSIDERATION

**A RESOLUTION TO SEEK A SOLUTION TO EASEMENT ADMINISTRATION ISSUES
FOR VOF'S OPEN-SPACE EASEMENT NUMBER FAU-VOF-2026**

WHEREAS, the Virginia Outdoors Foundation (“VOF”) and the Piedmont Environmental Council (“PEC”) co-hold an open-space easement (“Easement”) known to VOF as FAU-VOF-2026 and known to PEC as “Ovoka 64,” which easement was recorded among the land records of Fauquier County on August 1, 2006, in Deed Book 1227, Page 574; and

WHEREAS, Piedmont Agriculture Academy, LLC (“Landowner”) is the fee simple owner of the property that is subject to the Easement; and

WHEREAS, Landowner is the successor in interest to Martha Boneta who purchased the property, subject to the Easement, from PEC in 2006; and

WHEREAS, the Easement grants exclusive authority to PEC for enforcement of certain restrictions (“PEC’s Restrictions”), and the Easement grants primary authority to VOF to enforce the remainder of the Easement’s restrictions; and

WHEREAS, PEC and Landowner have been involved in a dispute relating to administration of the PEC’s Restrictions under the Easement; and

WHEREAS, VOF is not a fact-finder and board meetings are not evidentiary hearings and as such, VOF takes no position on the allegations or claims of either party, leaving those conclusions to a court of competent jurisdiction; and

WHEREAS, Landowner has petitioned the VOF Board of Trustees to adopt a resolution evidencing VOF’s willingness to work with the Landowner and PEC to help settle the issues between the parties related to the Easement;

NOW THEREFORE, be it

RESOLVED, by the Virginia Outdoors Foundation Board of Trustees, this 6th day of November 2014:

That in an effort to settle the issues related to easement administration between Landowner and PEC, the Virginia Outdoors Foundation Board of Trustees hereby states that it is willing to consider an agreed-upon proposal by the parties wherein VOF would become the sole administrator of the Easement, subject to conditions to be specified at a later date by VOF’s Executive Director and subject to the final approval of the Board of Trustees, and

FURTHER LET IT BE RESOLVED,

That the Virginia Outdoors Foundation Board of Trustees hereby encourages PEC and the Landowner to work together to find common-ground to settle the issues and find a practical solution, which solution may include but is not limited to, the above-described proposal to unify administration of the Easement in VOF, and

FINALLY LET IT BE RESOLVED,

That the Virginia Outdoors Foundation Board of Trustees hereby directs VOF staff to work with PEC and Landowner to seek a solution amenable to all the parties.

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

ATTEST: Brett C. Glymph, Executive Director