

Primer for Conservation Easement –

What is a Conservation Easement?

A conservation easement is a voluntary agreement between the owner of property (the grantor) and a third party. The owner agrees to limit some of his ownership rights, and allows the other party the legal standing to enforce the voluntary waiver of those rights.

Why does the city want to do this?

The James River Park system is a priceless gem, a key part of what defines Richmond. But a future city government, facing unknown stresses might want to make a short term decision to sell or develop our park. This measure will make certain that every generation of Richmond enjoys the values that this generation shares.

How Does That Affect the James River Park System?

The owner of the property, in this case the city, agrees that it will forbid any residential, commercial or industrial development in the park, and that it will limit its other uses to help maintain the natural aspects of the park. The city maintains the right to manage the property as a park, and to maintain all the infrastructure of public works and public utilities in the park.

How does this change how the park is being used now?

It guarantees that the present conservation values and recreational uses are maintained for the future...a nature park in the middle of the city.

What is included in the easement?

The easement covers only those pieces of property that are identified in the document by tax and parcel descriptions. It does not cover any other city-owned property, and does not include any privately-owned property.

Can the city at some future point ever sell any piece of the park?

The document states that the city may not sell any of the included pieces of the park system.

What kind of limitations does the easement place on use of the park?

The easement favors a natural state, and a muscle-powered use of the park. No motorized boat landings will be permitted, and any future paving will be severely limited. Unpaved paths and river accesses are permitted. No commercial operations, such as food trucks or novelty sales, will be permitted in the included pieces of park property.

What does this cost?

The easement requires the city to incur no additional costs. It does not require additional capital or maintenance funding, and does not require any development, maintenance or monitoring costs.

Who are the other partners, the grantees?

The grantees of the easement, the second parties who will help enforce the terms of the easement, are the Virginia Department of Conservation and Recreation, a state agency; the Capital Region Land Conservancy, a local tax-exempt group whose mission is land preservation; and, the Richmond Recreation and Parks Foundation, a private non-profit organization whose mission is park support.

Who wrote the easement and who negotiated the terms of the agreement? Who represented the city in this process?

The core of the city negotiating team included a representative from Richmond City Council, the Department of Parks, Recreation and Community Facilities, the Department of Public Utilities, and the Office of the City Attorney. The actual drafting was done by the Office of the City Attorney. From time to time over the past four years other city agencies represented included the Department of Public Works, the Department of Community Development, the Department of Economic Development.

How long does the easement last? Can it be changed?

The easement lasts forever. It can be amended however by agreement of all the parties to the document.

Suppose the easement holders don't like something the city is doing? Can they take over the park?

The easement holders have only the right spelled out in this document. If they have evidence that the city is violating the terms of the easement, there is a specific procedure spelled out, involving consultation, communication, negotiation and arbitration. If the easement holders don't like city plans in general, but the plans are not in violation of this agreement, then they have no more rights than any other citizen or group.

In Conclusion: The City of Richmond maintains ownership, management and control of the James River Park System. It willingly and voluntarily gives up the right to sell the property or to develop it for commercial, residential or industrial use.