

Virginia conservation easement in jeopardy

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Virginia conservation easement in jeopardy: Protected Property?

(Note from a land trust/CE supporter: This illustrates problems faced with conservation easements when they lose public support and their conservation purpose no longer seems clear.)

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To submit a Letter to the Editor:

Mary Moody Northen, a wealthy Texan, voluntarily gave up all rights to develop the 81-acre family farm in 1976.

The Virginia Outdoors Foundation, a state-sponsored land trust, locked those rights away in a contract called a conservation easement.

Both sides figured the deal was forever.

Maybe not.

Northen died in 1986.

The Northern Endowment, a nonprofit group that she established in her will, owns the land now and wants to sell it for development.

The endowment wants the General Assembly to lift protections from the Moody land, protecting, in its place, a larger tract in far Southwest Virginia.

State Sen. John Watkins, R-Chesterfield, opposes the idea of protecting land forever.

"That says to generations yet to be born that we know more about everything they are going to face than they ever will, and we ought to control it. I don't think you or me or anybody else walking the face of the earth has that kind of knowledge."

Once-Rural Land Now Surrounded by Suburbs

The Moody property is worth about \$35,000 with the restrictions on it -- and about \$7 million without them, endowment officials say. Today, the land is an island of green amid a suburban sea of homes, stores and gas stations.

A family graveyard, ringed by a wrought-iron fence, lies in a meadow.

Watkins: "The property is just sitting there empty, becoming a collection point for trash."

Leslie Trew, with the Virginia Outdoors Foundation, said the property provides clean air, a refuge for animals and a pleasant view for neighbors.

"Development is perpetual, too, but that doesn't seem to cause the same concern as keeping a place open," Trew said. Under the land's restrictions, it could become a park with trees and trails, Trew said.

Virginia Senate: Bills Introduced to Terminate Easement

Watkins and Del. R. Lee Ware Jr., R-Powhatan, had introduced bills in the Virginia Legislature to lift the land's protections.

However, faced with questions from residents near the open land, the legislators decided this week to hold off.

The endowment will ask the legislature -- next year -- to lift the protections, said Eric J. Finkbeiner, a Richmond lawyer representing the group.

"We thought it best for everyone concerned to have some more time to work on it."

The endowment supports higher education and historic preservation.

Betty Massey, director of the endowment, said no decision has been made on what would go on the property.

Easements Should be Perpetual

Tamara A. Vance, executive director of the Virginia Outdoors Foundation, said the best evidence of Northen's wishes is the conservation easement she signed to protect the full 81 acres.

The Virginia Outdoors Foundation has protected about 1,300 properties, totaling about 224,000 acres.

Vance said efforts to conserve land will suffer if people can swap protected land for land under less development pressure.

"If we are not able to honor that contract [with Northen], it undermines our whole program."

Neighborhood resident Bill Rose said he likes the land open but would not object strongly to quality development. "It's a great situation but, hey, you can't stop progress."

For the entire article:

<http://www.gsenet.org/library/11gsn/2003/g030130.php#VIRGINIA%20-%20CONSERVATION%20EASEMENT%20IN%20JEOPARDY>

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http://www.propertyrightsresearch.org/virginia_conservation_easement_i.htm