

LAND USE PROGRAM

Open Space Category



REAL ESTATE ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – County Assessor

Article 4. Special Assessment for Land Preservation [Read All](#)

- § 58.1-5229 Repealed
- § 58.1-5250 Special classifications of real estate established by ordinance
- § 58.1-5251 Authority of counties, cities and towns to adopt or amend an ordinance
- § 58.1-5252 Authority of city to provide for assessment of real estate in a particular area
- § 58.1-5253 Determinations to be made by local officers or boards of zoning or other ordinance
- § 58.1-5254 Application by property owners for assessment of real estate for special assessment, etc.
- § 58.1-5255 Removal of parcels from program if taxes delinquent
- § 58.1-5256 Valuation of real estate under ordinance
- § 58.1-5257 Change in use or zoning of real estate assessed for special assessment
- § 58.1-5257.1 Authority of counties to enact additional provisions for special assessment
- § 58.1-5258 Failure to report change in use; misstatement of value
- § 58.1-5259 State Land Evaluation Advisory Committee
- § 58.1-5260 Council; membership; duties; ordinances to be enacted
- § 58.1-5240 Duties of Director of the Department of Conservation and Recreation, the State Forester and the Commissioner of Agriculture and Consumer Services; remedy of person aggrieved

DIVISION 3. - SPECIAL ASSESSMENT FOR LAND PRESERVATION

Sec. 74-261. - Findings; levy of tax.

The county finds that the preservation of real estate devoted to **agricultural, horticultural, forest and open-space** uses within its boundaries is in the public interest. Having adopted a land use plan, the county hereby taxes such real estate in accordance with the provisions of article 4 of chapter 32 of title 58.1 of the Code of Virginia (Code of Virginia, § 58.1-3230 et seq.) and the provisions of this division.

(Code 1988, § 13-161)



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- § 58.1-5245 Application of other provisions of Title 58.1
- § 58.1-5244 Article not in conflict with requirements for preparation and use of true values

"Real estate devoted to open-space use" shall mean real estate used as, or preserved for, (i) park or recreational purposes, including public or private golf courses, (ii) conservation of land or other natural resources, (iii) floodways, (iv) wetlands as defined in § 58.1-3666, (v) riparian buffers as defined in § 58.1-3666, (vi) historic or scenic purposes, or (vii) assisting in the shaping of the character, direction, and timing of community development or for the public interest and consistent with the local land use plan under uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § 58.1-3240, and in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and the local ordinance

Park or recreation purposes

Conservation of land other natural resources

Floodways

Wetlands

Riparian Buffers

Historic or scenic

Assisting in the shaping of the character, direction & timing of community development



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C. Other Requirements.

Real estate devoted to open-space shall be:

1. Within an agricultural, a forestal or an agricultural and forestal district entered into pursuant to Chapter 36 of Title 15.1 of the Code of Virginia;
2. Subject to a recorded perpetual easement that is held by a public body and that promotes the open-space use classification as defined in § 58.1-3230 of the Code of Virginia; or
3. Subject to a recorded commitment entered into by the landowner with the governing body in accordance with Section 3 of these regulations.



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COUNTY OF HENRICO, VIRGINIA
FINANCE DEPARTMENT
REAL ESTATE ASSESSMENT DIVISION

LAND USE PROGRAM
OPEN-SPACE USE AGREEMENT

This Agreement, made this 1st day of August, 2022, between
H. STARKE CAUTHORN, III, and GLORIA S. CAUTHORN, hereinafter called the Owner,
and the COUNTY OF HENRICO, a political subdivision of the Commonwealth of Virginia,
hereinafter called the County, recites and provides as follows:

RECITALS

1. The Owner is the owner of certain real estate, described below, hereinafter called the Property; and
2. The County is the local governing body having real estate tax jurisdiction over the Property; and
3. The County has determined:
 - A. That it is in the public interest that the Property should be provided or preserved for park or recreational purposes, conservation of land or other natural resource, an historic site, a scenic area, suitable to the shaping of the character, direction and timing of community development, or other use which serves the public interest by the preservation of open-space land as provided in the land-use plan; and
 - B. That the Property meets the applicable criteria for real estate devoted to open-space use as prescribed in Article 4 (158.1-21.29 et seq.) of Chapter 52 of Title 58.1 of the Code of Virginia, and the provisions for identifying such real estate prescribed by the Director of the Virginia Department of Conservation and Recreation; and
 - C. That the provisions of this agreement meet the requirements and standards prescribed under 158.1-21.23 of the Code of Virginia for recorded commitments by landowners not to change an open-space use to a non-qualifying use; and
4. The Owner is willing to make a written recorded commitment to preserve and protect the open-space use of the Property during the term of this agreement in order for the Property to be taxed on the basis of a use assessment and the Owner

has submitted an application for such taxation to the assessing officer of the County of Henrico, Virginia, and

The County is willing to extend the tax for the Property on the basis of a use assessment commencing with the next succeeding tax year and continuing for the term of this agreement, in consideration of the Owner's commitment to preserve and protect the open-space use of the property, and on the condition that the Owner's application is satisfactory and that all other requirements of Article 4, Chapter 52, Title 58.1 of the Code of Virginia and 158.1-29 et seq. of the County Code are complied with.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, covenants and terms herein contained the parties hereby covenant and agree as follows:

1. This agreement shall apply to all of the following described real estate:

3010 Pump Road (GFN "11-70-2574" containing 4.82 acres, more or less (but excluding 0.69 acre for the home), being part of that certain lot, piece or parcel of land situated in Henrico County, Virginia, shown and described as parcel 1531-1-2321 of the Code of Virginia and 158.1-29 et seq. of the Code of the County of Henrico, Virginia, and

1531-1-2321 ACRES (NEW) ZONING: A-1 on the Plat SHOWING A PARCEL LINE MODIFICATION BETWEEN 3010 AND 3014 PUMP ROAD," dated January 7, 2022, made by Balzer & Associates, and recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia, in Plat Book 137, page 38 (the "Plat");

Being a part of the property designated as "Parcel 2" in that certain Deed of Conveyance and Transfer to H. Starke Cauthorn, III, and Gloria S. Cauthorn from H. Starke Cauthorn, III, Trustee of The Starke S. Cauthorn, Jr. Marital Deduction Trust (dated January 18, 1980), H. Starke Cauthorn, III, Executor of the Estate of H. Starke Cauthorn, III, dated and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, in Deed Book 18, Page 107, and

Being a part of the property designated as "Parcel 1" in that certain Deed of Conveyance and Transfer to H. Starke Cauthorn, III, Trustee of The Starke S. Cauthorn, Jr. Marital Deduction Trust (dated January 18, 1980), H. Starke Cauthorn, III, Executor of the Estate of H. Starke Cauthorn, III, dated and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, in Deed Book 18, Page 107, and

Being a part of the property designated as "Parcel 2" in that certain Deed of Conveyance and Transfer to H. Starke Cauthorn, III, Trustee of The Starke S. Cauthorn, Jr. Marital Deduction Trust (dated January 18, 1980), H. Starke Cauthorn, III, Executor of the Estate of H. Starke Cauthorn, III, dated and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, in Deed Book 137, page 38 (the "Plat");

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JURISDICTIONS WITH OPEN SPACE

Dinwiddie

Powhatan

Chesterfield

Henrico



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