

LAND USE PROGRAM

Open Space Category



REAL ESTATE ASSESSOR'S OFFICE

Brian E. Gordineer, AAS – County Assessor

Article 4. Special Assessment for Land Preservation

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- § 58.1-3229 Repealed
- § 58.1-3230 Special classifications of real estate established by ordinance
- § 58.1-3231 Authority of counties, cities and towns to adopt or amend an ordinance for the adoption of ordinance
- § 58.1-3232 Authority of city to provide for assessment of area
- § 58.1-3233 Determinations to be made by local officers and the adoption of ordinance
- § 58.1-3234 Application by property owners for assessment for special assessment, etc.
- § 58.1-3235 Removal of parcels from program if taxes delinquent
- § 58.1-3236 Valuation of real estate under ordinance
- § 58.1-3237 Change in use or zoning of real estate assessed under ordinance
- § 58.1-3237.1 Authority of counties to enact additional provisions
- § 58.1-3238 Failure to report change in use; misstatement of facts
- § 58.1-3239 State Land Evaluation Advisory Committee; membership; duties; ordinances to be adopted
- § 58.1-3240 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 by action or inaction of Director, State Forester or Commissioner

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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- § 58.1-3242.1 Forest Sustainability Fund
- § 58.1-3243 Application of other provisions of Title 58.1
- § 58.1-3244 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 area; a scenic area; assisting in 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 (§58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, and the standards for classifying 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 §58.1-3233 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 uses 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 pursuant to §58.1-3234 of the Code of Virginia and §20-59 et seq. of the Code of the County of Henrico, Virginia; and

5. 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 uses of the property; and on the condition that the Owner's application is satisfactory and that all other requirements of Article 4, Chapter 32, Title 58.1 of the Code of Virginia and §20-59 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:

2010 Pump Road (GPIN 741-749-2574), containing 4.822 acres, more or less (but excluding 0.689 acre for the homestead). Being part of that certain lot, piece or parcel of land, lying and being in Henrico County, Virginia, shown and designated as "4.822 ACRES (NEW) ZONING: A-1" on that certain plat titled "PLAT SHOWING A PARCEL LINE MODIFICATION BETWEEN #2010 AND #2042 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 Confirmation and Transfer to H. Starke Cauthorn, III, and Gloria S. Cauthorn from H. Starke Cauthorn, III, Trustee of The Hurley S. Cauthorn, Jr. Marital Deduction Trust u/t/a dated January 18, 1980, H. Starke Cauthorn, III, Executor of the Estate of Mary K. Cauthorn, deceased, H. Starke Cauthorn, III, Mary C. Hinrichsen, Ellen C. Corbett, Richard S. Cauthorn, Gayle C. Schlosser, and Carol C. Woodcock, recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia, on August 20, 2004, in Deed Book 3722, page 1528 (the "Deed of Confirmation and Transfer"); and

2042 Pump Road (GPIN 741-750-4605), containing 1.587 acres, more or less (but excluding 1 acre for the homestead). Being part of that certain lot, piece or parcel of land, lying and being in Henrico County, Virginia, shown and designated as "1.587 ACRES (NEW) ZONING: A-1" on the Plat.

Being a part of the property conveyed to H. Starke Cauthorn, III, Trustee of the Carol K. Woodcock Irrevocable Trust created u/t/a dated the 19th day of August,



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JURISDICTIONS WITH OPEN SPACE

Dinwiddie
Powhatan
Chesterfield
Henrico



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