



## Preservation Trust Fund Program Sample Deed Language

A draft deed must be approved by VOF and meet the following requirements:

- The property interest, the form of which may be determined by VOF, in most cases must be **held by VOF or a locality** as specified in Virginia Code §10.1-1801.1.
- The property must be **dedicated in perpetuity as open-space land under the Open-Space Land Act** (Virginia Code §§ 10.1-1700 to 10.1-1705).

### Recitals:

- Pursuant to Chapter 18, Title 10.1, Section 10.1-1801.1 the Virginia Outdoors Foundation (VOF) has provided an Open-Space Lands Preservation Trust Fund Grant in the amount of [\$GRANT AMOUNT] to [GRANTEE] for the protection and enhancement of open space, specifically the development of a project more fully described in the Virginia Outdoors Foundation Open-Space Lands Preservation Trust Fund Grant Agreement.
- A copy of the Grant Agreement, Number PTF20XX-XX, dated ##/##/####, is kept at the Virginia Outdoors Foundation, 39 Garrett St., Suite 200, Warrenton, VA 20186, and at the office of [GRANTEE] at [GRANTEE ADDRESS].
- When there is acquisition of a property interest by a locality:
  - Grantor is conveying the described property (the "Property") to Grantee to be retained and used by Grantee in perpetuity as open-space land pursuant to Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950), as amended.
- OR
- When property interest is already held by a locality:
  - Grantor is dedicating the described property (the "Property") to be retained and used in perpetuity as open-space land pursuant to Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950), as amended.

### Designation:

- The [*owner/public body/grantee*] hereby designates the Property to be retained and used in perpetuity as open-space land to Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950) as amended.

### Restrictions:

#### Natural & Cultural Resource Protection Projects

- The deed **must** include the following restrictions to be imposed in perpetuity:
  - a. To restrict division of the property.
  - b. To limit impervious surface on the property, including both existing and additional improvements, usually ¼% to ½% of the property area depending on the size and characteristics of the property as well as the Conservation Values being protected.
  - c. To protect the Conservation Values of the property for which a grant award was made.

### Public Access Projects

- The deed **must** include the following restrictions to be imposed in perpetuity:
  - To allow a right of public access.
  - To restrict any division of the property.
  - To limit total impervious surface on the Property, including both existing and additional improvements, to no more than 10% (*Exceptions may be considered by the VOF Board of Trustees for projects located in urban areas or for specific community needs*) of the total area of the Property. Measurement of impervious surface may be calculated using the City/Town/County of [owner/public body]'s standard definitions and methodology.
  - To limit the type of structures allowed on the property to those that support the public use of the Property as a park.
  - To include a conversion/diversion clause.
    - No part of the Property may be converted or diverted from its open-space use unless such conversion or diversion is determined by the [owner/public body] to be in compliance with the provisions of Section 10.1-1704 of the Open-Space Land Act.
  
- The deed **may** include the following restrictions to be imposed in perpetuity:
  - A clause in which VOF must agree that the determination of the public body to convert/divert the public land has met all the requirements of 10.1-1704, such as:
    - No part of the Property may be converted or diverted from its open-space use unless such conversion or diversion is determined by VOF to be in compliance with the provisions of Section 10.1-1704 of the Open-Space Land Act.