

This template is provided to assist localities and their attorneys in preparing deeds of designation of Open Space. As each property contains unique values, localities or VOF staff may recommend provisions appropriate to individual properties. Selection of alternative provisions should be made and guidance instructions in italics and brackets should be deleted.

NOTE TO TITLE EXAMINERS: This deed contains a restriction on use of the property described below, which runs with the land and is applicable to the property in perpetuity.

Prepared by: _____

Return to: _____

Tax Map Number(s): _____

Exempt from recordation tax under the Code of Virginia (1950), as amended, Section 58.1-811A.3 and from Circuit Court Clerk's fees under Sections 17.1-266 and 17.1-279.

THIS DEED OF DEDICATION OF OPEN-SPACE LAND made the ____ day of *month*, *year* by the *City/Town/County* of _____, Virginia, a Virginia municipality ("*City/Town/County* of _____"), the address of which is _____, Virginia, witnesseth:

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 \$_____ to the *City/Town/County* of _____ 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 (the "Grant Agreement").

A copy of the Grant Agreement, Number PTF20XX-XX, dated ###/###/#####, is kept at the office of the Virginia Outdoors Foundation, 39 Garrett St., Suite 200, Warrenton, VA 20186, and at the office of the *City/Town/County* of _____ at the following address: _____.

In accordance with the grant agreement, the Property is to be retained and used by the *City/Town/County* of _____ 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.

[List in recitals below the particular attributes of the Property, the public benefit they yield, and how the restrictions set forth below protect such attributes.]

NOW, THEREFORE, the *City/Town/County* of _____ does hereby dedicate the following described Property in the *City/Town* of _____, _____ County, Virginia as open-space land pursuant to Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950), as amended, to-wit:

_____ [attorney to insert legal description keyed to each tax parcel] _____

Even if the Property may have been acquired previously as separate parcels, it will be considered one parcel for purposes of this deed, and the restrictions of this deed will apply to the Property as a whole and will bind Grantor and Grantor’s successors in interest in perpetuity. *Use if more than one tax parcel:* Even though the Property currently consists of _____ parcels for real estate tax purposes and it may have been acquired previously as separate parcels, it will be considered one parcel for purposes of this deed, and the restrictions of this deed will apply to the Property as a whole and will bind Grantor and Grantor’s successors in interest in perpetuity. *If the Property is a portion of or contains a portion of a tax parcel, revise the language above accordingly.* [Optional: In addition, the parties hereto agree that Tax Map Parcels _____ and _____ are hereby consolidated into a single tax map parcel on the land records of the County for all purposes.]

Adhering to the terms of the VOF grant, it is the *City/Town/County* of _____’s intent to do the following on the Property:

1. To keep the Property as a single undivided parcel,
2. To allow public access on the Property on a regular basis,
3. To allow only those improvements that support the use of the Property as a public park,
4. 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 _____’s standard definitions and methodology; and
5. To (*insert any specific deliverables required by the terms of the Grant Agreement*).

In accordance with the Grant Agreement responsibility for compliance with the preceding terms rests solely with the *City/Town/County* of _____.

No part of the Property may be converted or diverted from its open-space use unless such conversion or diversion is determined by the *City/Town/County* of _____ to be in compliance with the provisions of Section 10.1-1704 of the Open-Space Land Act.

This deed is executed by name, title of the *City/Town/County* of _____ after having been authorized to act on behalf of the *city/town/county* by resolution duly adopted on date, year, by the *City/Town Council/Board of Supervisors* of the *City/Town/County* of _____.

This deed is approved as to form by name, *City/Town/County* Attorney, accordingly by § 15.2-1803 of the Code of Virginia (1950), as amended, as evidenced by his/her signature. *(Delete this clause if not applicable.)*

WITNESS the following signature and seal:

CITY/TOWN/COUNTY OF _____

By: _____ (SEAL)

name, title

COMMONWEALTH OF VIRGINIA, AT -LARGE,
CITY/TOWN/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____, _____, on behalf of the *City/Town/County* of _____, Virginia.

Notary Public

Notary Public Reg. No. _____

My commission expires: _____

Approved as to form:

CITY/TOWN/COUNTY OF _____

By: _____
