



Preservation Trust Fund Program Requirements Land Acquisition & Protection

Required Documents Prior to Fund Disbursement:

1. A boundary survey of the property prepared by a Virginia licensed surveyor or professional engineer, preferable in digital form, depicting the metes and bounds of the property unless VOF determines that an adequate legal description of the Property is available.
2. Copies of title work showing grantor's fee simple interest in the property and/or a title insurance policy showing title vested in the grantor as well as any easements, rights, and other encumbrances of record acceptable to VOF.
3. A Phase I Environmental Site Assessment prepared within six months of closing shall be provided.
4. A copy of the draft deed, or the recorded deed, the form of which has been approved by VOF.
 - The property interest must be **held by VOF or a locality** as defined in Virginia Code §10.1-1700
 - The property interest must be **dedicated in perpetuity as open-space land under the Open-Space Land Act** (Virginia Code §§ 10.1-1700 to 10.1-1705). The deed must include the following 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 Grantee for the protection and enhancement of public open space, as more fully described in the Virginia Outdoors Foundation Open-Space Lands Preservation Trust Fund-Public Access Grant Agreement attached hereto as Exhibit A.*
 - 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.*
 - The deed must include the following restrictions to be imposed in perpetuity:
 - A conversion/diversion clause, 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 the owner/public body to be in compliance with the provisions of Section 10.1-1704 of the Open-Space Land Act.*
 - Deed restrictions to protect those outstanding characteristics of a project for which a grant award was made will be required to be imposed in perpetuity. These characteristics include public access, historic and cultural, water quality, scenic and open space, habitat, agriculture and forestry, and policy alignment.
 - The deed may include the following restrictions to be imposed in perpetuity:
 - A right of public access.
 - No division.
 - Only structures allowed are those that support public use of the property. Impervious surface will be limited/capped.
 - 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.*
5. Verification of eligible expenditures including, but not limited to: appraisals, settlement statements, copies of invoices, cancelled checks (both sides), survey fees, appraisal fees, legal fees including title reports and insurance, and recordation fees, etc.
6. Contact information for the settlement agent who will be receiving the grant funds for closing and a W-9 for that company at least two weeks before the desired closing date.