



Preservation Trust Fund-Public Access 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, must be **held by VOF or a locality** as specified in Virginia Code §10.1-1801.1.
- 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 grant agreement must be recorded as an exhibit to the deed.

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.

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:

- The deed **must** 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 as a park. Impervious surface will be limited/capped. 10% of property is average cap, though up to 50% will be considered for urban areas/community needs.
 - 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.