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 development of a project described in the Virginia Outdoors Foundation Open-Space Lands Preservation Trust Fund-Public Access Grant Agreement (the “Grant Agreement”) attached hereto as Exhibit A.

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:
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% (Up to 50% may be considered 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 if appropriate).

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:
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: __________________________

____________________________