



VIRGINIA OUTDOORS
FOUNDATION

Preservation Trust Fund

FY25 Grant Program Manual

Preservation Trust Fund

Grant Program Manual

Overview

Established by the Virginia General Assembly in 1997 and administered by the Virginia Outdoors Foundation (VOF), the Open-Space Lands Preservation Trust Fund (PTF) provides grants for acquisitions, easements, rights of way, and other methods of protecting open space for farming, forestry, recreation, wildlife, water quality, and more. In most cases, a right, privilege, or interest in real estate must be conveyed to either VOF or a locality, pursuant to Virginia's Open-Space Land Act, to be eligible for PTF funding.

Opportunity

VOF hosts two grant rounds annually, with requests for proposals announced in January and June or July each year, and grant awards made in June and October or November. Grant agreements have a two-year lifespan. The grant project period starts one month after approval date regardless of grant agreement status.

VOF seeks proposals for projects that provide new or expanded public access to open space, such as parks, preserves, trails, greenways, outdoor classrooms, beaches, and boat launches, as well as projects that protect exceptional natural and cultural resources for the benefit of the Commonwealth. Proposals may be submitted for both public and private lands.

Projects must meet protection standards under the Virginia Open-Space Land Act. Options include fee-simple conveyance, open-space easement, right of way, lease, or other real estate interest conveyed to either VOF, a locality, or an approved eligible holder under the Open-Space Land Act. Visit the VOF website at <https://www.vof.org/protect/grants/ptf> or the online application portal at <https://vaoutdoors.webgrantscloud.com> for calendar updates.

Applicant Eligibility

PTF grants may be awarded to any person, organization, or locality with a real estate interest to convey on either public or private land.

Permanent land protection is a required component of the Preservation Trust Fund, with the legislative language specifying that in most cases, the Virginia Outdoors Foundation or a locality must take a real estate interest in a property. Usually, the preferred applicant or land protection partner is the locality.

A Preservation Trust Fund grant award may be given to an applicant without a confirmed land protection partner. Grant recipients without the required partner may accept the grant award and use the two-year grant lifespan to develop the necessary partnership. No funds may be disbursed until the real estate interest is conveyed.

Funds Available

The amount of funding available for each grant round is determined annually. In recent cycles, grant awards have averaged \$150,000 per project. However, there is no absolute cap and exceptional projects, as well as those with substantiated need, have been funded at higher amounts. Applicants are encouraged to request the amount of funding that would allow the project to be fully implemented. Partial funding is possible. Funds may be disbursed only when a real estate interest has been conveyed to VOF, a locality, or an approved eligible holder under the Open-Space Land Act. Once a land protection instrument is recorded, the grant award may be issued in full with spend-down reporting to follow.

Project Eligibility

Any land that is not already permanently protected as open space may be considered, including land already under locality ownership. Land that is permanently protected as open space that has the potential for additional protections or rights to benefit the Commonwealth may be considered. An example of this scenario would be adding the right of public access to an existing open-space easement.

PTF funds may be used in conjunction with other grant funds such as the Virginia Land Conservation Foundation (VLCF) or the Land and Water Conservation Fund (LWCF). Applicants should coordinate land protection deed recordation to make certain eligibility for funding is not compromised.

Land acquired through other conservation grant programs may not be eligible if there are certain existing deed restrictions. Conversely, the requirement for VOF or a locality to take a real-estate interest may complicate or prevent land from being eligible for federal sources of grant funding, federal ownership, or, in the case of a tribal applicant, to have ownership placed in federal trust for the benefit of the tribe. Grant applicants who may be considering federal partnerships of any kind should contact grants staff before applying.

While infrastructure is an eligible cost, impervious surface will be capped. Project sites that are currently predominantly hardscape or are intended to be predominately hardscape are not good candidates for PTF funding.

Please contact VOF grant program staff at grants@vof.org with questions about project eligibility.

Project Prioritization

While VOF is offering grant awards for both public access and exceptional natural and cultural resource protection projects, VOF is prioritizing those projects where the interest in real estate includes a provision to provide access to the property by the public. Successful proposals will protect and preserve open green space.

Funding for resource protection easements will be prioritized for those projects that show exceptional characteristics in the following categories: historic and cultural, water quality, scenic and open space, habitat, agriculture and forestry, and policy alignment. Deed restrictions will protect the highest conservation values of a property.

Eligible Costs

PTF grants may pay for any costs that are associated with the conveyance of an interest, right, or privilege in open space to VOF or a locality, including fee-simple acquisition, development rights, public access rights of way, leases, legal costs, and survey costs. Components critical for public use of the land may also be included in the grant request such as infrastructure and the associated necessary engineering, design, and planning. Although design costs may be included as part of a larger proposal, priority will be given to shovel-ready land protection projects with tangible, measurable results. Although design costs may be included as part of a larger proposal, priority will be given to shovel-ready land protection projects with tangible, measurable results.

While infrastructure is an eligible cost, impervious surface will be capped, and project sites that are currently predominantly hardscape or are intended to be predominately hardscape are not good candidates for PTF funding.

Application Process

Applications are being accepted through an online process exclusively, which can be accessed at <https://vaoutdoors.webgrantscloud.com>. Grant program staff are available to assist with the online application process, and alternative arrangements may be made if the online process is an impediment.

A PDF reference version of the application is available on the VOF website and grant portal. Previous applications that were not funded may not be resubmitted without revisions.

While application requirements vary annually, examples of successful full applications can be found here:

1. [Shenandoah County, Public River Access Along the North Fork](#)
2. [Downtown Greens Inc, Downtown Greens](#)
3. [City of Norfolk, Elizabeth River Trail Larchmont Trailhead](#)
4. [County of Lancaster, Carter Cover County Park Creation](#)
5. [Friends of Southwest Virginia, Big Cherry Lake, Big Stone Gap, VA](#)

Please contact VOF grant staff at grants@vof.org with any questions about the application process.

Grant Proposal Review

There is a multi-level review process undertaken by VOF staff and completed by the VOF Board of Trustees, which has the final approval authority for all grant awards. Grant project proposals will be reviewed for alignment with Preservation Trust Fund criteria such as:

All Projects

- State, regional, and local plan alignment
- Population served
- Community support
- Readiness

Public Access Projects

- Availability for and ease of access by the public

Resource Protection Projects

- Historic and cultural characteristics
- Water quality characteristics
- Scenic and open space characteristics
- Habitat characteristics
- Agriculture and forestry characteristics
- Policy alignment

See Appendix A for a complete list of review criteria.

In addition, data from several different computer models will be used to assess recreational access needs, new areas of work for VOF, the return on investment, and the environmental justice impact of a project, which is determined through the Mapping for Environmental Justice tool and/or the Virginia Institute of Marine Science Social Vulnerability Model.

Mapping for Environmental Justice, found at <https://mappingforej.berkeley.edu/virginia/>, and the VIMS Social Vulnerability Model, found at https://cmap2.vims.edu/SocialVulnerability/SocioVul_SS.html, both combine demographics with environmental factors to provide a statewide rating based on census tracts.

Final consideration will be given to overall diversity in geographic location, project type, and applicant type.

Feedback Process

Immediately following grant notification, unfunded applicants may request written feedback and schedule discussion sessions with grants staff via a video conference call. Material may be provided and meetings may be hosted beginning one month after the notification date.

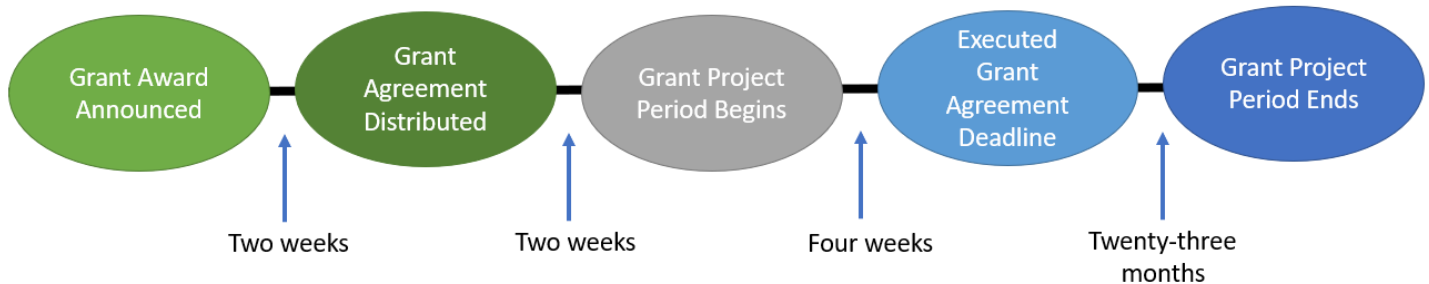
Feedback will be formatted to give a general overview of how the proposal aligned with or diverged from program criteria. Suggestions for reapplication may be included.

Grant Award Timeline & Contract Information

Grant awards will be announced at the meeting of the final VOF Board of Trustees meeting of each calendar and fiscal year, usually October or November and June. All applicants will be notified of their status regardless of approval.

Notice of grant award letters will be distributed through email, with grant agreements to follow within two weeks of award announcement. Grant agreements must be signed and returned to VOF within 45 days of receipt, though extensions may be considered upon request. A template for grant agreement and budget may be found in Appendices B and C.

PTF grant agreements have a two-year lifespan, with a project period starting one month after approval. There is no penalty for early completion. Extensions to the grant agreement project period may be considered upon request. A sample grant extension request form may be found in Appendix D.



Scope of Work

In the case of land acquisition, the acquisition must be completed before any investment in infrastructure or improvements are made using grant funds.

In addition, grant recipients are encouraged to record the land protection instrument before incurring any costs toward project implementation.

Reporting Requirements

Progress reports are required every six months throughout the lifespan of the grant using a standardized reporting process. In addition, a progress report should be submitted at the time that funding is requested. Photographs should be included if appropriate.

Should the land protection instrument be recorded before costs are incurred, a financial spend-down report is due to document how the grant funds were applied in the implementation of the project.

A final report is due within 90 days of the final disbursement of funds or notification of project completion. The purpose of the final report is to assess and analyze the process, the success of the project, the impact on the community, and to provide feedback on how to improve the grant program and its administration. Sample reporting forms are available for review.

A PTF grant is not considered complete, and will not be closed out, until a final report has been received.

Disbursement Policy & Procedures

Funds may be disbursed only once a real estate interest has been conveyed to VOF, a locality, or another approved eligible holder under the Open Space Land Act. The real estate interest may take the form of the recordation of an open-space easement, the dedication of land to open space, or another mechanism approved by VOF.

Should the land protection instrument be recorded before any expenses are incurred, funds will be available in advance of any expenditures. Grant recipients will report back to VOF on how funds were spent. If the recordation of the land protection instrument takes place after expenses are incurred, fund disbursement will more closely resemble a reimbursement process.

Please note all due diligence must be reviewed and approved before a land protection instrument is recorded and funds are disbursed. See Appendix E for a comprehensive list of required due diligence items.

Grant funds distributed shall not exceed eligible documented costs incurred, not to exceed the total grant amount. Verification of expenses is required. Materials to be submitted to support the financial report may include appraisals, settlement statements, copies of invoices, bills of sale, contracts, cancelled checks (both sides), survey fees, appraisal fees, legal fees including title reports and insurance, and recordation fees, etc. In the case of land acquisition using grant funds, verification of the purchase price is required. Acceptable forms of verification include a settlement statement or deed of conveyance.

A budget is a required component of the grant agreement. The budget serves as a guide for expenditure. Funds from any item category may be reallocated toward other deliverables in the grant agreement **if there is no impact to the scope of work**. Grant recipients should inform VOF regarding line-item changes greater than 5% of the total award or changes that would alter the deliverables listed in the grant agreement.

A current Commonwealth of Virginia W-9 form must be on file before any funds are disbursed. VOF will only issue payment to the grant recipient; no funds will be paid directly to a vendor.

Funding requests are usually processed and fulfilled within two weeks of receipt. Funds may be distributed via paper check through the United States Postal Service to the remittance address provided on the W-9. In the case of real estate transactions, VOF may wire funds to the closing agent if all required due diligence items have been reviewed and approved.

Should fund status allow, award increases up to 10% may be considered and approved administratively:

- The increase request has been reviewed by Deputy Directors and found to be justified, supported with appropriate documentation; and,
- The Administrative Deputy Director has reviewed availability of funds and current budget status and has approved the increase.

Real Estate Closings

Funds may be wired to real estate closing agents. To facilitate this process, grant recipients shall work closely with VOF to set up all property closings and must contact VOF at least one month before the desired closing date to ensure that VOF will have sufficient funds available to meet the funding obligations.

Grant recipients must provide the contact information to the settlement agent, who will be receiving the grant funds for closing and must also provide a W-9 for the closing company at least two weeks before the desired closing date.

All due diligence must be submitted to and approved by VOF before any funds are transferred, including the settlement statement.

Media and Publicity

The grant recipient will release information to the media informing the community of the grant award to the project and acknowledging that it has received funding from VOF.

All press releases and other printed materials and publications, audiovisuals, and signs pertaining to the project should reference the Virginia Outdoors Foundation or include the VOF logo. VOF staff is available to assist with drafting and distributing press releases by request. Please contact Jason McGarvey, VOF communications manager, at jmgarvey@vof.org to coordinate.

Each project site will be permanently marked with a VOF sign or signs (as appropriate) in locations reasonably selected or approved by VOF. VOF shall provide such signs at no cost to the property owner (the number may be limited). In cases where there are multiple funders, this requirement may be fulfilled by including VOF on the sign acknowledging all funding sources.

All materials submitted as support or documentation of project progress, such as photographs, may be used by VOF to promote the grant program. Any VOF publication will cite the source of the reprinted material when possible. These records will also be deemed public records and subject to Virginia's Freedom of Information Act; however, copyright holders will retain their copyrights.

Due Diligence

The following items are required for submission and approval prior to any fund disbursement for **all** PTF projects:

- 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.
- 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.
- A copy of the draft deed, or the recorded deed, the form of which has been approved by VOF.
- Verification of eligible expenditures including, but not limited to appraisals, settlement statements, copies of invoices, bills of sale, contracts, cancelled checks (both sides), survey fees, appraisal fees, legal fees including title reports and insurance, and recordation fees, etc.

If grant funds are being used to acquire land, the following **additional** items are required for submission and approval prior to any fund disbursement:

- A Phase I Environmental Site Assessment prepared within six months of closing.
- A settlement statement.

The following items **may be** required for submission and approval prior to any fund disbursement:

- An appraisal prepared within one year of closing.

See Appendix E for a comprehensive list of required due diligence items.

Land Protection Requirements

VOF staff is available to assist with the drafting of deed language, and sample deed language may be found in Appendix F. Additional examples and model language may be provided upon request. A draft deed must be approved by VOF.

The draft deed must meet the following requirements:

- In most cases, 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 or a notice of grant requirements must be recorded as an exhibit to the deed.

For **public access projects**, the draft 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.

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.

For **natural and cultural resource protection projects**, the draft deed must include the following restrictions to be imposed in perpetuity:

- To restrict division of the property.
- 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.
- To protect the Conservation Values of the property for which a grant award was made, such as public access, historic and cultural, water quality, scenic and open space, habitat, agriculture and forestry, and policy alignment.

Contract Termination

VOF reserves the right to reclaim grant funds or to nullify the grant agreement if a recipient fails to meet deadlines including the signing of the grant agreement in the requested timeframe, to provide required documentation, or to produce listed deliverables. Specifically, if no significant progress has been made after the first year of the contract, the grant agreement may be nullified and funds reassigned.

In addition, grant funding may be subject to rescission by the Virginia General Assembly. In such event, VOF shall have the right to cancel grant agreements without liability.

Appendices

- A. PTF Review Criteria
- B. Sample Grant Agreement
- C. Sample Grant Agreement Budget
- D. Sample Grant Extension Request Form
- E. Program Required Materials
- F. Sample Deed Language



APPENDIX A

Preservation Trust Fund Project Review Criteria

All Projects

Plan Alignment

- Project is in alignment with the Virginia Outdoors Plan.
- Project is in alignment with regional plans.
- Project is in alignment with a local comprehensive plan.
- Project meets ConserveVA objectives.
- Project meets DCR Recreational Access needs (terrestrial and/or aquatic).

Population Served

- Project provides an important service or resource.
- Project provides an opportunity for new partnerships.
- Project is in a community not yet served by VOF.

Community Support

- Project has demonstrated support of the locality.
- Project has demonstrated support from the community.
- Project has matching funds from a partner agency or organization.

Readiness

- Project is ready to move forward.
- Proposal is clear and feasible.
- Project is a good return on investment and cost-efficient.
- PTF funding requested is critical for the completion of the project.

Public Access Projects

Accessibility

- The percentage of time during the year the site is open to the public.
- The percentage of the area is open to the public.
- The degree of accessibility of the site by the public.

Population Served

- Project serves an underserved population.
- Project meets a specific need.
- Project increases accessibility to open space and community resources.
- Project benefits a large portion of the community or has a great significance to a smaller portion of the community.
- Project protects a recreational, scenic, cultural, or historic resource or landscape feature.
- Project is part of a larger local conservation/outdoor movement.
- Project provides outdoor educational and/or research opportunities.

Resource Protection Projects

Historic & Cultural

- Area prioritized in DCR ConservationVision Cultural Resource Preservation Index.
- Presence of state or federally recognized historic and/or resources on property.
- Presence of undesignated local/regional/culturally significant resources on property.

Water Quality

- Area prioritized in DCR ConservationVision Watershed Model.
- Presence of rivers, perennial and/or intermittent streams.
- Presence of karst geology.

Scenic and Open Space

- Proximity to previously conserved land within the same watershed.
- Visibility from a designated scenic road and/or river.
- Public appreciation value illustrated by frequent visibility by the public, from nearby recreational spaces, along public passageways, or leading to or located within an historic setting.

Habitat

- VA Natural Landscape Assessment-Ecological Core Scoring.
- Modeled habitat present (DWR WERMS data, TNC Aquatic & Terrestrial Portfolios, Important Bird Areas).
- DCR Natural Heritage-indication of community screening or element occurrence on property.
- Presence of wetlands/forested habitat.
- Adjacent to previously conserved land.

Agriculture & Forestry

- American Farmland Trust Productivity, Versatility, and Resiliency Value.
- Farm Class Soils, presence of USDA-designated Prime and Statewide Importance Soils.
- Active working farm with crops, livestock, timber or trees.
- Forest Conservation Value (FCV)-timber potential.
- Special designation or program enrollment (e.g. Clean Water Farm Award, CREP enrollment).
- Designated Century Farm or Forest.

Policy Alignment

- Proximity to VOF-conserved lands.
- Located in a VOF special project area.
- Located within the Chesapeake Bay or Albemarle Pamlico watershed.
- Contributes to reclamation or redevelopment of mined lands or brownfields.
- Meets any additional state-defined policy goals (public drinking water, carbon sequestration, nutrient mitigation, TMDLs).

APPENDIX B



VIRGINIA OUTDOORS FOUNDATION OPEN-SPACE LANDS PRESERVATION TRUST FUND GRANT AGREEMENT

Grant Recipient: [ORGANIZATION]
Project Title: [PROJECT NAME]
Approval Date: [APPROVAL DATE]
Project Number: [GRANT NUMBER]
Project Period: [PROJECT PERIOD]
Project Description: [PROJECT DESCRIPTION]
Location: [PROJECT LOCATION]
Grant Amount: [FUNDING APPROVED] (Exhibit A, budget attached)
Multiple Funding Sources: While it is the sole responsibility of the grant recipient to meet all program requirements, should this project utilize additional funding sources to achieve the goals listed in the project description above, all parties shall collaborate to ensure that the required land protection instrument satisfies the requirements of all funding sources.

The [ORGANIZATION], in consideration of the grant funds in the amount of [FUNDING APPROVED] being provided to it pursuant to this agreement by VOF, agrees to comply to the following terms and conditions:

GRANT POLICIES

Scope of Work

1. The following deliverables are included in the grant agreement and are expected to be completed within the grant lifespan:
 - Conveyance to the Virginia Outdoors Foundation (VOF) or a locality of a right, interest, or privilege that that will protect, in accordance with Virginia Code § 10.1-1801.1 and § 10.1-1700, approximately ___ acres of open space.
 - Such right, interest, or privilege shall also convey a permanent right of public access to the property.
 - Infrastructure or deliverables from grant proposal.
2. Any variance from the listed scope of work and deliverables must be approved by VOF.

Schedule

3. All components listed above must be completed by [REQUIRED COMPLETION DATE].
4. If no significant progress has been made after the first year of the contract, the grant agreement may be nullified, and funds reassigned.
5. In the case of land acquisition, the land acquisition must be completed before any investment in infrastructure or improvements is made.

Funding

6. Grant funds distributed shall not exceed eligible documented costs incurred, not to exceed the total grant amount of [FUNDING APPROVED].
7. Funding may be disbursed only once a real estate interest has been conveyed to VOF or a locality, such as the recordation of an open space easement, the dedication of land to open space, or another mechanism approved by VOF.
8. In the case of land acquisition using grant funds, verification of purchase price is required. Acceptable forms of verification include a settlement statement or deed of conveyance.
9. The general budget is a guide for expenditure. Funds from any item category may be reallocated toward other deliverables in the grant agreement **if there is no impact to the scope of work**. The grant recipient should inform VOF regarding line-item changes greater than 5% of the total award.
10. The parties understand that the grant funding hereunder may be subject to rescission by the Virginia General Assembly. In such event, VOF shall have the right to cancel this Agreement without liability thereon.

In the Case of Land Acquisition

11. The recordable deed of conveyance, executed on behalf of the grant recipient, must be previously approved in form and substance by VOF. See Land Protection section below, which must follow acquisition or occur at the time of closing.
12. Should land be acquired using PTF grant funds, the following due diligence items must be provided:
 - a. A survey of the property prepared by a Virginia licensed surveyor or professional engineer, preferably in digital form, depicting the metes and bounds of the property unless VOF determines that an adequate legal description of the Property is available.
 - b. A Phase I Environmental Site Assessment prepared within six months of closing shall be provided.
 - c. Final policy or commitment for owner's title insurance less than ninety (90) days old showing title vested in the seller of the properties and that upon closing of the purchase transactions, [ORGANIZATION] will hold an unencumbered fee simple interest in the property (subject to easements and other encumbrances of record acceptable to VOF).
 - d. Verification of eligible expenditures related to property acquisition at closing and shown on settlement statement, including, but not limited to survey fees, appraisal fees, legal fees including title reports and insurance, required reports, and recordation fees.
13. [ORGANIZATION] must provide contact information to the settlement agent who will be receiving the grant funds for closing and must also provide a W-9 for that company at least two weeks before the desired closing date.
14. [ORGANIZATION] shall work closely with VOF to set up all property closings and must contact VOF at least one month before the desired closing date to ensure that VOF will have sufficient funds available to meet the funding obligations created hereunder.
15. [ORGANIZATION] must provide copies of all recorded deeds of transfer, open space easements, and right-of-way or trail easements for which VOF funds have been awarded, showing the locality, deed book, page of recordation, and/or instrument number to VOF no later than one month after recordation.

Land Protection

16. A recordable legal instrument reflecting the conveyance of a real estate right, interest, or privilege, such as deed of open-space dedication or easement executed on behalf of grant recipient, must be previously approved in form and substance by VOF. See Exhibit B: Sample Deed Language for example language that may be included.
17. The deed must designate such property as open-space land in accordance with the Open-Space Land Act (Va. Code § 10.1-1700 *et seq.*) including Section 10.1-1701 of the Code of Virginia (1950), as amended, and the restrictions outlined below shall be imposed in perpetuity by enforceable restrictions set forth in the deed of conveyance or by restrictions set forth in a deed of easement or other instrument to be granted to VOF or a locality. The decision of whether deed restrictions, a deed of easement, or some other instrument thereof shall be used will be determined by VOF.
 - a. Public Access Projects
 - i. To allow a right of public access.
 - ii. To restrict any division of the property.
 - iii. 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.
 - iv. To limit the type of structures allowed on the property to those that support the public use of the Property as a park.
 - v. To include a conversion/diversion clause.
 - b. Natural & Cultural Resource Protection Projects
 - i. To restrict division of the property.
 - ii. 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.
 - iii. To protect the Conservation Values of the property for which a grant award was made.
 - iv. To include a conversion/diversion clause.
18. [ORGANIZATION] must provide the following due diligence:
 - a. A 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.
 - b. 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.
19. [ORGANIZATION] must provide contact information to the settlement agent who will be receiving the grant funds for closing and must also provide a W-9 for that company at least two weeks before the desired closing date.
20. [ORGANIZATION] shall work closely with VOF to set up all property closings and must contact VOF at least one month before the desired closing date to ensure that VOF will have sufficient funds available to meet the funding obligations created hereunder.

21. [ORGANIZATION] must provide copies of all recorded deeds of transfer, open space easements, and right-of-way or trail easements for which VOF monies have been awarded, showing the locality, deed book, page of recordation, and/or instrument number to VOF no later than one month after recordation.

Reporting

22. Progress reports are required throughout the lifespan of the grant. Reports should be submitted every six months following the signing of the grant agreement. Reports should be submitted through the VOF standardized process. Additionally, a final report is due upon completion of the project. Photo documentation should be included when appropriate.

Media and Publicity

23. The grant recipient will release information to the media informing the community of the grant award to the project and acknowledging that it has received funding from VOF.
24. All press releases and other printed materials and publications, audiovisuals, and signs pertaining to the project should reference the Virginia Outdoors Foundation or include the VOF logo. VOF staff is available to assist with drafting and distributing press releases by request. Please contact Jason McGarvey, communications manager, at jmgarvey@vof.org to coordinate.
25. Each project site will be permanently marked with a VOF sign or signs (as appropriate) in locations reasonably selected or approved by VOF. VOF shall provide such signs at no cost to the property owner. In cases where there are multiple funders this requirement may be fulfilled by including VOF on the sign acknowledging all funding sources.
26. All material submitted as support or documentation of project progress, such as photographs, may be used by VOF to promote the grant program. Any VOF publications will cite the source of the reprinted material when possible. These records will also be deemed public records and subject to Virginia's Freedom of Information Act; however, copyright holders will retain their copyrights.

Contract Authority

27. Modification of this Agreement must be in writing executed by the parties hereto.
28. The interpretation and performance of this Agreement shall be in accordance with the laws of the Commonwealth of Virginia. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid, the remaining provisions shall not be affected thereby.
29. [ORGANIZATION] shall hold the Commonwealth of Virginia harmless from all legal liability under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. §§ 9601 et seq., together with any other federal, state or local law or ordinance related to hazardous substances or hazardous waste.
30. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors.
31. The individuals executing this Agreement on behalf of VOF and ORGANIZATION possess all necessary power and authority to bind the parties hereto and, upon execution, this Agreement shall constitute a legal and valid obligation of the parties hereto.

Termination:

32. VOF reserves the right to reclaim grant funds, or properties purchased with grant funds, or to nullify the grant agreement if recipient fails to meet land transfer deadlines, obtain appropriate open space protection, or provide required documentation regardless of transfer of ownership. Specifically, if no significant progress has been made at the one-year review of the project, the grant agreement may be nullified.

In witness whereof, the parties hereto have executed this contractual agreement as of the dates entered below.

Virginia Outdoors Foundation

By: _____

Date: _____

Leslie Grayson, Deputy Director

Grant Recipient, [ORGANIZATION]:

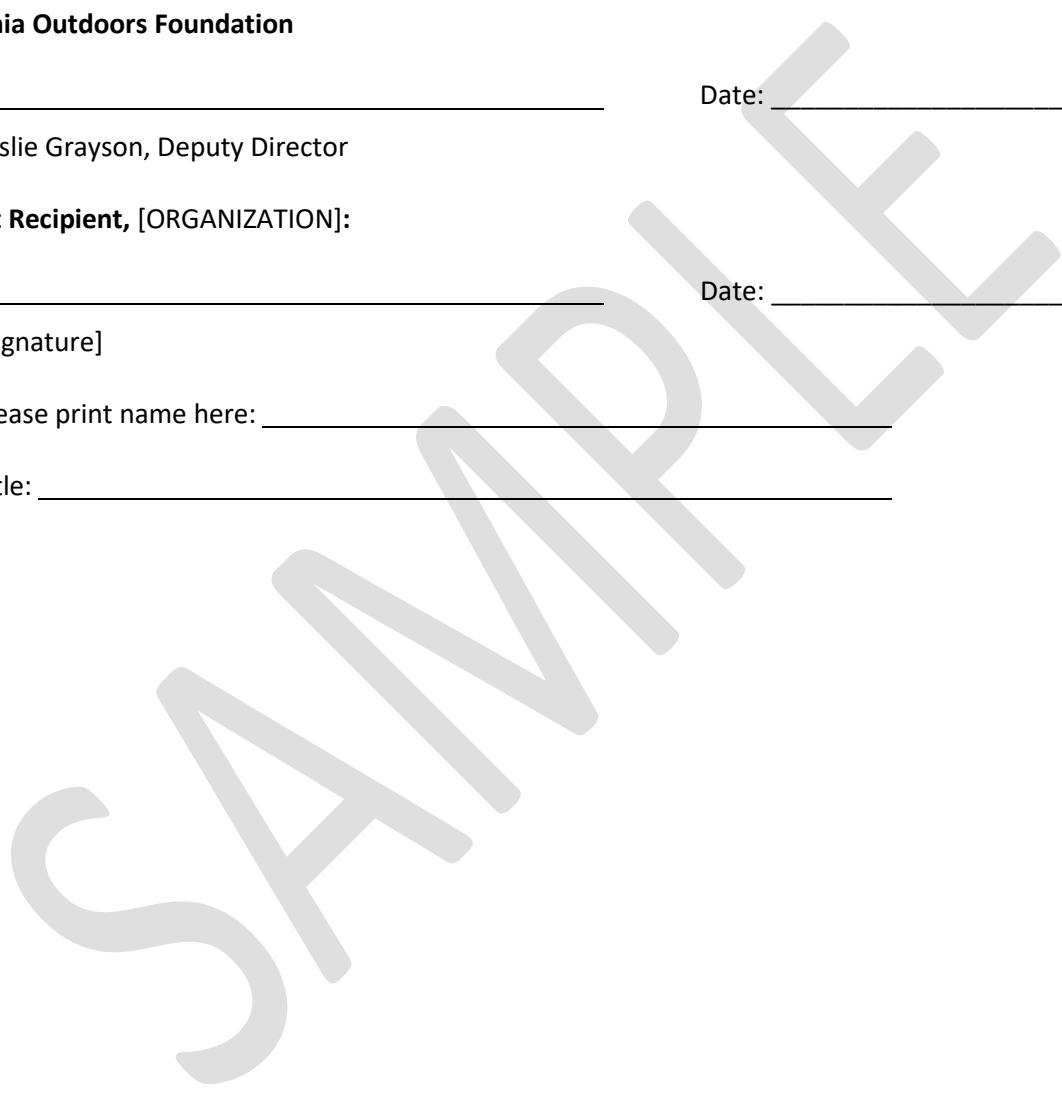
By: _____

Date: _____

[Signature]

Please print name here: _____

Title: _____





APPENDIX C

VIRGINIA OUTDOORS FOUNDATION PRESERVATION TRUST FUND PROGRAM

Grant Agreement Exhibit A: General Budget

Grant Recipient: [ORGANIZATION]

Project Title: [PROJECT NAME]

Project Number: [GRANT NUMBER]

Grant Amount: [GRANT AWARD]

ITEM	EXPENSE
	\$
	\$
	\$
	\$
Total	\$

While it is the sole responsibility of the grant recipient to meet all program requirements, should this project utilize additional funding sources to achieve the goals listed in the project description of the grant agreement, all parties shall collaborate to ensure that the required land protection instrument satisfies the requirements of all funding sources.

The general budget is a guide for expenditure. Items and quantities included in the budget were specified at the time of application. Alternative or substitute materials may be used without prior approval from VOF if the use and/or purpose is unchanged.

Funds from any item category may be reallocated toward other deliverables in the grant agreement **if there is no impact to the scope of work**. Grant recipient should inform VOF regarding line-item changes greater than 5% of total award. Grant funds distributed shall not exceed eligible documented costs incurred, not to exceed the total grant amount of \$[GRANT AWARD].

Funding may be disbursed only once a real estate interest has been conveyed to VOF or a locality, such as the recordation of an open space easement, the dedication of land to open space, or another mechanism approved by VOF.



APPENDIX D

Conservation Grants Program Request for Extension

Organization: _____

Date of Request: _____

Grant Program: _____

Project Name: _____

Original Grant Deadline: _____

Project #: _____

Has any previous extension been approved? If so, what length?

Yes

No

Expiration Date: _____

Are the deliverables and budget of the project the same as approved previously?

Yes

No, explain below

Briefly describe the extent of deliverables completed to date.

Briefly explain the circumstances making extension necessary.

What is the requested extension length?

1-year extension

6-month extension

3-month extension

Additional _____ day extension

Deputy Director, Director, or Program Manager Approval:

Approve requested

Other: _____

Date of Approval: _____

Extension End Date: _____

Deputy Director, Director, or Program Manager Signature: _____



APPENDIX E

Preservation Trust Fund Required Material

Land 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 copy of the draft deed, or the recorded deed, the form of which has been approved by VOF.
 - In most cases, 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 open space, specifically the development of a project as 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].
4. Verification of eligible expenditures including, but not limited to appraisals, settlement statements, copies of invoices, bills of sale, contracts, cancelled checks (both sides), survey fees, appraisal fees, legal fees including title reports and insurance, and recordation fees.
5. 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.

Land Acquisition & Protection

Additional Required Documents Prior to Fund Disbursement:

6. A Phase I Environmental Site Assessment prepared within six months of closing.



APPENDIX F

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 $\frac{1}{4}\%$ to $\frac{1}{2}\%$ 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.