

NORTH CAROLINA
Tax Parcel No. ___0742-59-1809_____

___Wake___ COUNTY
LWCF NO. 37-01046_

NOTICE OF *LAND AND WATER CONSERVATION FUND*
GRANT REQUIREMENTS AND RESTRICTIONS ON PROPERTY

Prepared By: Laurie Hohe, Town Attorney, Town of Apex

After Recording Return To: Attention LWCF State Liaison Officer
NC Department of Natural and Cultural Resources
1615 Mail Service Center
Raleigh, North Carolina 27699-1615

Brief Description for Index: LWCF Restrictions on Property

INDEX IN THE GRANTOR INDEX UNDER:

- (1) Town of Apex, P.O. Box 250, Apex, NC 27502
- (2) State of North Carolina

INDEX IN THE GRANTEE INDEX UNDER:

- (1) Town of Apex, P.O. Box 250, Apex, NC 27502
- (2) State of North Carolina

PROPERTY SUBJECT TO THIS NOTICE:

The property that is subject to this Notice is that certain real property lying and being in ___White Oak___ Township, ___Wake___ County, North Carolina, containing ___12.049_ acres more or less, and which is more particularly described in that certain deed recorded in Deed Book

__13456_, Page _1268_, and Book of Maps BM2019, Page 1301, Wake County Register of Deeds (hereinafter the “**Property**”).

OWNER OF THE PROPERTY- GRANT RECIPIENT:

Town of Apex, a North Carolina municipal corporation, is the sole owner in fee simple of the Property and has a principal address of _____P.O. Box 250, Apex, NC, 27502_____ (hereinafter “**Grant Recipient**”).

TAKE NOTICE THAT GRANT RECIPIENT DECLARES THE FOLLOWING:

Grant Recipient declares that the contents of this Notice are true and accurate and further declares as follows:

1. The Land and Water Conservation Fund Act of 1965 (as amended, in 54 U.S.C. 200302, et seq.) (hereinafter, the “**Act**”) establishes the Land and Water Conservation Fund (hereinafter, the “**Fund**”) and authorizes the granting of financial assistance through the Fund’s State Grants Assistance Program to local governmental units or public authorities to assist them in acquiring, planning, and/or developing land to be used for outdoor recreation purposes. Section 143B-50.19(c) of the North Carolina General Statutes designates the Director of the North Carolina Division of Parks and Recreation (hereinafter, the “**State Liaison Officer**”), or any other additional personnel as designated by the Secretary of the North Carolina Department of Natural and Cultural Resources (hereinafter, “**NCDNCR**”), a department of the State of North Carolina (hereinafter, the “**State**”), as having the authority and responsibility to accept and administer funding received through the Fund.

2. The Property has been acquired or developed with Federal financial assistance from the Fund provided by the National Park Service of the U. S. Department of the Interior in accordance with the Act. Pursuant to a requirement of the Act, the Property shall in perpetuity (1) be used for, and only for, outdoor recreation purposes for the use and benefit of the general public and (2) not be converted to other than public outdoor recreation uses (whether by transfer, sale or in any other manner) without the express written approval of the Secretary of the U.S. Department of the Interior or his/her designee (hereinafter, the “**Secretary**”). Such conversion shall be approved only if the Secretary finds it to be in accord with the State’s then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and or reasonably equivalent usefulness and location.

3. The requirements and restrictions on the Property shall be permanent and perpetual and shall run with the land and shall be binding upon Grant Recipient and all parties having any right, title, or interest in the Property, and their heirs, successors, and assigns, and shall be binding upon all those claiming by, through, or under each such party, in perpetuity.

4. The Secretary shall have the right to enforce the requirements and restrictions on the Property through any and all means and authorities available under law or equity. Any forbearance by the Secretary to exercise his/her rights of enforcement shall not be deemed or

construed to be a waiver by the Secretary of such right in general or with respect to any specific violation of the requirements or restrictions applicable to the Property. Grant Recipient grants the U.S. Department of the Interior, the State Liaison Officer, and their agents, employees, and representatives the right of entry and access to the Property for the purposes of inspecting the Property and exercising the aforementioned enforcement rights.

5. Grant Recipient hereby covenants and agrees, for itself, its successors and assigns, that, in the event it wishes to transfer the Property or any interest therein, it shall notify the State Liaison Officer, or any other additional personnel as designated by the Secretary of DNCR as having authority to administer funding received through the Fund, in writing of the names and addresses of any party to whom the Property is intended to be transferred at least sixty (60) days prior to the time said transfer is to be consummated. Any transferee of the Property or any interest therein shall take title subject to the requirements and restrictions referenced herein or applicable to the Property. Grant Recipient, for itself, its successors and assigns, further covenants and agrees to make specific reference to this Notice by its full name and recording information in a separate paragraph of all subsequent leases, deeds, or other legal instruments by which the Property or any interest therein is conveyed.

[SIGNATURES AND NOTARIZATION ARE ON THE NEXT PAGE]

IN WITNESS WHEREOF, Grant Recipient, by authority duly given, has hereunto caused these presents to be executed by its officers and its seal affixed, to be effective upon signature and recordation.

GRANT RECIPIENT:

TOWN OF APEX,
a duly constituted North Carolina Municipal Corporation

By: _____
Jacques Gilbert
Mayor, Town of Apex

ATTEST:

TOWN SEAL:

By: _____
Donna B. Hosch
Town Clerk

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

I, the undersigned Notary Public of the aforesaid county, North Carolina, do hereby certify that Donna B. Hosch personally appeared before me this day and acknowledged that he/she is the Town Clerk of the Town of Apex, a local government of the State of North Carolina, and that by authority duly given and as the act of the local government, the foregoing instrument was signed in its name by its Mayor, Jacques Gilbert, sealed with its seal, and attested by himself/herself as its Town Clerk.

Witness my hand and notarial seal this the ____ day of _____, 20__.

Notary Public: _____

Printed Name: _____

My commission expires: _____

STAMP/SEAL