



Preservation Trust Fund-Public Access 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 open space, as more fully described in the Virginia Outdoors Foundation Open-Space Lands Preservation Trust Fund 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:
 - No division
 - A right of public access
 - Only structures allowed are those that enable public use and enjoyment of the property. 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
 - 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.
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.