

Climate Smart Communities Land Acquisition Deed Requirements for Properties used as Match:

The following must be included as a recital in the body of the deed and at the end of the legal description attached as a Schedule to the deed:

“SAID PREMISES is acquired and pledged as match for funding received by the _____(**Grantee**) under the Climate Smart Communities Grant Program, Environmental Conservation Law Article 54, Title 15, Contract No. DEC01-_____, between the New York State Department of Environmental Conservation and the _____(**Grantee**). Upon recording of this deed, all use of the property is and shall remain subject to the terms and conditions described in the Notice of Grant Agreement attached hereto as Exhibit _____and recorded herewith.”

Notice of Grant Agreement (provided below) must be attached to the deed as an Exhibit.

Exhibit _____

NOTICE OF GRANT AGREEMENT

THIS NOTICE, dated ____ day of ____, 20____, is made by the _____, (hereinafter "Grantee") whose address is _____.

WITNESSETH

WHEREAS, the _____ is the owner of certain real property located in the Town/Village of _____, County _____, State of New York, Tax Map District _____, Section _____, Block _____ and Lot _____ which real property is more particularly described in Exhibit _____ annexed hereto (hereinafter "Protected Property"); and

WHEREAS, Grantee is a _____ (municipality, as defined by 6 NYCRR Part 492), authorized to purchase and hold lands for climate adaptation or mitigation purposes under the provisions of New York State Environmental Conservation Law 54-1523(1)(i), and

WHEREAS, Environmental Conservation Law Article 54, Title 15 provides for State Assistance Payments by the State of New York to municipalities for the acquisition of land to support climate mitigation and adaptation projects; and

WHEREAS, the _____ (Grantee) will be awarded a State Assistance Payment in accordance with Environmental Conservation Law § 54-1523 and §54-1525, Climate Smart Communities Grant Program, Contract No. DEC01-_____ ("Contract"), and hereby pledges as match the Protected Property for purposes of climate mitigation or adaptation.

NOW, THEREFORE, Notice hereby given to any party having a right, title or interest in the Protected Property, now or in the future, that the following provisions are perpetual and run with the land, until alienated pursuant to Environmental Conservation Law § 54-1525:

1. All current and future use of the Protected Property must be consistent with the public purposes set forth in Environmental Conservation Law § 54-1523.
2. Development or use of the Protected Property requires prior written approval of the Commissioner of the New York State Department of Environmental Conservation. (Does not apply to bike lane, multi-use

trails, sidewalk projects, or food scrap composting facilities as the purpose of these projects is to develop the land for said public purpose.)

3. The Protected Property may be subject to inspection upon the request of the New York State Department of Environmental Conservation.
4. Real property (land in fee simple) acquired, developed, improved, restored or rehabilitated by a municipality pursuant the Climate Smart Communities Grant Program, under Environmental Conservation Law 54-1523(1)(i), shall not be sold or disposed of or used for other than climate adaptation or mitigation purposes, without the express authority of an act of the New York State Legislature, which shall provide for the substitution of other lands of equal environmental and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the commissioner.
5. DEC must review and approve the proposed acquisition of a new parcel(s) prior to the sale of the original parcel.

By: _____
Its: _____

State of New York

County _____

On the ____ day of _____ month in the year 20____ before me, the undersigned personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed in the same in the signature(s) on the instrument, the individuals(s), or the person upon behalf of which the individual(s) acted, executed in the instrument.

Notary Public
(Notary Public Stamp Here)