

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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WQIP Land Acquisition Projects for Source Water Protection Deed Requirements for Match Property:

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 Round _____ Consolidated Funding Application – Water Quality Improvement Project Program Overview May 20_____, Contract No. DEC01- _____, between the New York State Department of Environmental Conservation and the (**Grantee Name**) _____ . 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. Items in bold are to be filled in by the Grantee.

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

FOR LAND TRUSTS

WHEREAS, the _____ is a publicly supported tax exempt charitable organization in the State of New York under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended and incorporated under the Not-For-Profit Corporation Law of the State of New York, for the purpose of conserving and preserving the unique environmental, agricultural, scenic and open space values of lands located in New York State; and **OR**

FOR MUNICIPALITIES

WHEREAS, Grantee is a municipal corporation authorized to accept and hold conservation easements under the provisions of New York State Environmental Conservation Law ("ECL"), Title 3 of Article 49, Conservation Easements; and

WHEREAS, Environmental Conservation Law ("ECL") Article 15, Title 33 provides for State Assistance Payments by the State of New York to municipalities, not-for-profit corporations, and soil and water conservation districts for the acquisition of land to support, expand, or enhance drinking water quality protection; and

WHEREAS, the _____ will be awarded a State Assistance Payment in accordance with ECL § 15-3303, Round ____ Consolidated Funding Application – Water Quality Improvement Project Program Overview May 20____ ("Grant"), Contract No. DEC01- _____ ("Contract"), and hereby pledges as match the Protected Property for purposes of Source Water Protection;

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:

1. All current and future use of the Protected Property must be consistent with the public purposes set forth in ECL § 15-3303.
2. Development or use of the Protected Property requires prior written approval of the Commissioner of the NYS Department of Environmental Conservation.
3. Riparian buffers must be maintained. Disturbances that compromise the ecological condition of the riparian buffer, wetland areas, including but not limited to livestock access, wood or timber harvesting, excessive mowing and recreational vehicular use, or at grade crossings are prohibited.
4. The Protected Property may be subject to inspection upon the request of the Department.
5. Upon approval of the Department, an applicant who acquired an interest in real property using monies obtained through this program may sell, lease, exchange or donate the real property to a not-for-profit or municipality, who will continue to use the real property for the same public purpose, without an express act of the New York State Legislature. Any sale, lease, exchange or donation which will result in the real property no longer having a public purpose must be approved by an express act of the New York State Legislature.
6. In the event that a municipality or not-for-profit sells a parcel(s) which was acquired with funds made available pursuant to ECL § 15-3303, Grantee must acquire an exchange parcel(s) which meets the following:
 - A. Exchange parcel(s) must be of equal environmental and source water value;
 - B. Exchange parcel(s) must be equal to or greater than the original purchase amount, excluding:
 - i. awardees match; and
 - ii. any stewardship & monitoring expenses incurred; and
 - iii. value of the exchange parcel(s) must account for inflation of the original parcel(s).
7. The Department must review and approve the proposed acquisition of an exchange parcel(s) prior to the sale of the original parcel(s).

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)