

The following is a SAMPLE Declaration, which may be used as a guide to develop a document for recording in accordance with RTP grant program requirements and RSMo 59.310. Missouri law for miscellaneous documents requires the document to be dated, signed, and notarized, and for the property description including deed book and page number to appear on the first page, or to use a cover page with this information in accordance with the statutory requirements. In addition, each county may have additional requirements for recording real estate documents.

[3-inch margin reserved for recording; additional fee if margin not reserved]

WHEN RECORDED MAIL TO:

[insert owner contact information; owner is responsible to provide an additional copy to Grant Administrator]

Space above line reserved for recorder's use

DECLARATION OF DEED RESTRICTION

THIS DECLARATION made this ___ day of ____, 20XX, _____ by [insert legal name of property owner], [mailing address] (hereinafter referred to as "Owner" ; *this is the grantor, if required by recorder's office*). Owner hereby declares that the below-described real property is and shall be held transferred, sold, and conveyed subject to the following conditions and restrictions in accordance with the covenants made for the award of grant funds in Project XXXX administered by the Missouri Department of Natural Resources ("Department"; *this is grantee and holder, if required by the recorder's office*), P.O. Box 176, Jefferson City, MO 65102, through funds made available by the United States Department of Transportation, Federal Highways Administration Recreational Trails Program (RTP):

[insert legal description of project, must begin on page 1 of document]

In accordance with the RTP grant award and 2 CFR 200.316, the Property has been improved with grant funds and must be held in trust as trustees for the beneficiaries of the program funds used to develop the Property by limiting use of the Property to outdoor recreational use, and maintaining and operating the Property in accordance with Title VI of the Civil Rights Act of 1964 such that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of this improvement paid by federal financial assistance. See 43 CFR 17. This Declaration shall be binding upon Owner and Owner's heirs, successors, assigns and other transferees in interest (hereinafter "Transferees"), and shall run with the land. Each instrument hereafter conveying any interest in the Property or any portion of the Property, shall contain a notice of this Declaration. Owner, on its behalf and on behalf of all Transferees, grants to the Department's representatives the right of access at reasonable times in a reasonable manner for the purpose of inspection to determine compliance with these limitations.

Any act, conveyance, contract, or authorization by Owner or Transferee, whether written or oral which would cause to be used, or would permit use of, the Property contrary to the terms of this Declaration, will be deemed a violation and breach, and may require sale of the property consistent with 2 CFR 200.311, and repayment of the award.

Failure to timely identify or enforce compliance with these activity and use limitations shall not bar subsequent enforcement or be deemed a waiver of right to take action. If any provision of this Declaration is found to be unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

IN WITNESS WHEREOF, this instrument is executed this ___ day of ___, 20XX.

[Owner]

By: _____ Date: _____

[Name and Title of Authorized Signatory]

Document must be notarized in accordance with current notary laws

STATE OF MISSOURI)

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COUNTY OF XXXX)

On this ___ day of ___, 20XX, before me personally appeared [Owner] to me personally known, who, being by me duly sworn, did say that he/she is the Owner of the Property, and that the foregoing instrument is acknowledged to be the free act and deed of the Grantor, and has been executed for the purposes stated herein.

Notary Public

Printed Name or seal

My Commission expires: _____