

GRANT ROUND 2

INFORMATION FOR THE APPLICATION FOR COMPREHENSIVE PARK, RECREATION, & OPEN SPACE PLANS AND CONSERVE, ENHANCE, CONNECT PROJECTS

****THE FULL APPLICATION WILL BE AVAILABLE ON THE COUNTY'S WEBSITE IN AUGUST. CHECK BACK THEN. IN THE MEANTIME, USE THE INFORMATION BELOW TO SEE WHAT YOU WILL NEED TO PROVIDE.**

SUBMISSION CHECKLIST

- _____ Letter of Transmittal
- _____ Section 1: Application Form
- _____ Section 2: Project Description
- _____ Section 3: Project Map
- _____ Section 4: Scope of Work
- _____ Section 5: Project Schedule
- _____ Section 6: Cost Estimate
- _____ Section 7: Municipal Resolution(s)
- _____ Section 8: Letters of Support from Partnering Organizations, Municipalities, and others
- _____ Section 9: Attachments
(As necessary and applicable. For more guidance on requirements, see the "Attach the Following Materials" section and Appendices.)
- _____ Property Appraisal (for Conserve projects)
- _____ Site Development Drawing (for Enhance and Connect projects)
- _____ Certification of Title Form (for Enhance and Connect projects)
- _____ Declaration of Public Trust, Covenants, Conditions, and Restrictions
- _____ 1099-S Verification Form (For easement projects)
- _____ Conservation Easement with Baseline Documentation Report (For easement projects)
- _____ Letter of Waiver of Retroactivity (for Conserve projects if applicable/desired)

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_____ Any supporting documents including:

- _____ Letters of support
- _____ Photographs
- _____ Pages from planning documents

SECTION 1: APPLICATION FORM

☐ Single Municipality

☐ Multi-Municipal

Lead Municipality:

Participating Municipalities:

Municipal Contact*

Name:	Email:
Title:	Phone:
Address:	Fax:

*For lead municipality

Project Information

Project Title:	
Project Type:	(Conserve, Enhance, Connect, or Planning & Design)
Project Location:	
Project Summary (150 words maximum):	
Previous Planning Efforts	

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Please identify any previous planning efforts that identify and support this project. (Can include pages as an attachment.)

Project Funding Request

Source	Dollar Amount	Percent of Total Cost	Status (pick one)
Delaware County Green Ways Program	\$	100%	
Source 2 if any other funding sources will be used. NO MATCH IS REQUIRED.	\$		(Committed/Pending)
Source 3	\$		(Committed/Pending)
Source 4	\$		(Committed/Pending)
TOTAL		N/A	N/A

SECTION 2: PROJECT DESCRIPTION

Please provide a summary of the project and a brief description of how the project will support the applicable criteria listed under your project type in Appendix A of this application. In providing this summary (as is the purpose of these criteria) you should be fully answering the questions “How will this project advance one of the three main goals of the Delaware County Open Space, Recreation, and Greenway Plan (Conserve, Enhance, or Connect). What are your project’s benefits and how is it supported by previous planning?” (600 words max.)

SUPPORTING DOCUMENTS

SECTION 3: PROJECT MAP

- Show street location of the project and study area / site boundaries.

SECTION 4: SCOPE OF WORK

- Narrative detailing all work to be done and end products. Explain who will administer the project and who will do the work – staff, volunteers, or contracted firm.

SECTION 5: PROJECT SCHEDULE

- Approximate timeline of project milestones, including meetings, public outreach, construction start dates, permitting, bidding, etc.

SECTION 6: COST ESTIMATE

- Itemized budget. Include labor and direct costs, etc. Use Budget Worksheet found in Appendix B.
- For Conserve projects, submit appraisal(s) with the application. (Refer to PA DCNR “[BRC Acquisition Policy: Requirements for Property Appraisals](#)”)

SECTION 7: MUNICIPAL RESOLUTION

- Resolution from municipal governing body stating that they are in support of the project and commit to administering the project if grant is awarded. Use template found in Appendix C.

SECTION 8: ATTACHMENTS (AS NECESSARY AND APPLICABLE)

- Letters of support from partnering organizations and municipalities
- Property appraisal (for Conserve projects - Refer to current PA DCNR “[BRC Acquisition Policy: Requirements for Property Appraisals](#)”).
- Site Development Drawing (for Enhance and Connect projects)
 - Conceptual drawing – minimum if final design is part of the project. (Refer to applicable current PA DCNR Site Drawing Checklist in the following downloadable documents:, either for [Parks](#) or for [Trails](#).)

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- If available, please provide Engineered final design drawings – if a project has been designed and is ready to bid for construction. If not available, cost of final design drawings would be covered by the grant agreement up to 15% of the total project cost.
- Certification of Title Form (for Enhance and Connect projects – see Appendix D)
- Declaration of Public Trust, Covenants, Conditions, and Restrictions (for all projects except conservation easements – see Appendix E)
- 1099-S Verification Form (For easement projects – see Appendix F)
- Conservation Easement with Baseline Documentation Report (For conservation easement projects – see Appendix G)
- Letter of Retroactivity (For use with Conserve projects if acquisition may occur prior to grant award – see Appendix H for a template letter.)
- Any supporting documents including:
 - Photographs
 - Letters of support
 - Pages from planning documents

APPENDICES

APPENDIX A: EVALUATION CRITERIA

APPENDIX B: BUDGET WORKSHEET

APPENDIX C: MUNICIPAL RESOLUTION TEMPLATE

APPENDIX D: CERTIFICATE OF TITLE FORM (FOR ENHANCE AND CONNECT PROJECTS)

APPENDIX E: DECLARATION OF PUBLIC TRUST, COVENANTS, CONDITIONS, AND RESTRICTIONS
(FOR ALL PROJECTS EXCEPT CONSERVATION EASEMENTS)

APPENDIX F: 1099-S VERIFICATION FORM (FOR CONSERVATION EASEMENT PROJECTS)

APPENDIX G: BASELINE DOCUMENTATION REPORT CHECKLIST FOR CONSERVATION
EASEMENTS

APPENDIX H: TEMPLATE LETTER OF A WAIVER FOR RETROACTIVITY (FOR APPLICABLE
CONSERVE PROJECTS)

GRANT ROUND 2

PROJECT EVALUATION CRITERIA

APPENDIX A

BACKGROUND

The objective of Delco's *Green Ways* grant program is to advance the County's goals of *conserving* green spaces, *connecting* the County with safe places to bicycle and walk, and *enhancing* public parks for people of all ages, interests, and abilities — for a more unified countywide system. As such, the theme of the grant round this year is *Unity*. We encourage you to partner with neighboring municipalities or non-profits and explore innovative ways to show your project demonstrates Unity. The Open Space and Recreation Municipal Grant Program Team will use the criteria on the following pages to evaluate and rank applications.

PROJECT TYPES

Under the Green Ways grant program, **each municipality can apply for two grants: one project grant that advances a County Goal: Conserve, Enhance, and/or Connect, and one Planning and Design grant (two grant applications maximum)**. Delaware County encourages multi-municipal applications in which two or more jurisdictions join forces to undertake a project funded by the Green Ways grant program. Non-profits can also apply for a grant in collaboration with the municipality in which the proposed project is located. Multi-municipal projects or projects of non-profit organizations will not count against the project limit for municipalities. Project applications will fall into one of the following categories aligned with County's [2035 Open Space, Recreation and Greenway Plan Goals](#).

1. CONSERVE
(open space land preservation)
2. ENHANCE
(capital improvement in parks and open spaces)
3. CONNECT
(trail development)
4. PLANNING AND DESIGN
(plans, studies, engineering, & design work) The Planning and Design category will now include funding of Mini-Parks, Recreation, and Open Space Plans. A separate application for the Mini Parks, Recreation, and Open Space Plans is available on the County's website. These are grants that require no match by smaller communities of under 8,000 population or 1.5 square miles in size.

Evaluation Description

All applications will be reviewed, scored, and ranked based on the answers to the Criteria Questions listed below, along with your application and the additional items required in the application. You might find it helpful to draft your responses in a Word document first and then copy and paste them into the application, which will be available August 27 – September 13.

Criteria Questions

Please select and answer the question below that aligns with your project type. Refer to the criteria on pages 3 - 10 to write your project description. Be sure to express how your project will advance the County's [2035 Open Space, Recreation and Greenway Plan](#) goal that relates to your project (Conserve, Enhance or Connect). Use the ranking criteria for that goal as your guide.

1. **What is the purpose of your project and how does it advance Delaware County's goals for *conserving open space*?** (This project type is for land acquisition and conservation easements. Refer to *Conserve Criteria* on page 3.)
2. **What is the purpose of your project and how does your project advance Delaware County's goals for *enhancement*?** (This project type is for the improvement of parks and recreation facilities. Refer to *Enhance Criteria* on page 5.)
3. **How does your project advance Delaware County's goals for *connections*?** (This project type is for the master planning and development of bicycle trails. Refer to *Connect Criteria* on page 8.)
4. **What kind of a planning project do you have?** The type of planning project will serve as criteria (see page. 10).

Note: Please know that the criteria are guidelines to help applicants describe their project and how it supports the County's goals for open space conservation, trail connections, and the enhancement of parks and recreation facilities. It's unlikely that any application will be able to address each item listed in the ranking criteria, and the County does not expect that. Choose the criteria elements that best fit your project and do not worry about addressing each one. Strive for an answer that is no more than 1500 words.

PROJECT TYPE: CONSERVE

For the protection of undeveloped land in perpetuity. Eligible projects include fee simple acquisition; conservation or trail easements on private land; and other similar conservation methods.

Ranking Criteria

Distress of Community - DVRPC IDP Score: _____. (This is a score of potential socio-economic distress in the community. Delaware County Planning Department will assign this score upon submission.)

Natural Resource Impacts

- Locally significant open space under threat of a land use change
- Natural Heritage Area as shown in the Natural Heritage Inventory of Delaware County or within an Important Bird Area
- Protects important natural landscapes (e.g., steep slopes, floodplains, woodlands, tree canopy, wetlands, meadows, and vistas)
- Delaware Riverfront
- Opportunity for brownfield restoration or reclamation
- Adjoins publicly or preserved lands or trails, including County Primary Trails

Existing Resource Protection or Expansion

- Expands an existing protected open space
- Protects agricultural land
- Protects important historic and cultural resources
- Protects streams and/or other water bodies

Greenway Impacts

- Potential use for a segment of a Countywide Primary Trail as shown in the map at the end of the criteria

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- Accessibility to an existing or potential Countywide Primary Trail
- Accessibility to an existing or planned local trail for connection to the Countywide Primary Trail Network

Benefits

- Environmental
- Economic
- Social
- Health

Working with Neighbors or Other Partners

- Multi-municipal project
- Other Partners

Supporting Documentation

- Recommended in a Municipal Comprehensive Plan
- Recommended in a Park, Recreation and Open Space Plan
- Recommended in a Trail Plan
- Letters of Support

PROJECT TYPE: ENHANCE

For capital improvements to park and/or recreation facilities. Eligible projects include capital improvements to existing park facilities and regreening efforts (e.g., street tree plantings, green stormwater infrastructure, etc.). Please note indoor recreation facilities will take least priority during evaluation.

Ranking Criteria

Distress of Community - DVRPC IDP Score: _____. (This is a score of potential socio-economic distress in the community. Delaware County Planning Department will assign this score upon submission.)

Natural Resource Impacts

- Natural Heritage Area as shown in the Natural Heritage Inventory of Delaware County or within an Important Bird Area
- Involves stream protection and restoration
- Green storm water management
- Tree cover improvement project
- Existing Resource Protection or Expansion
- Degree that the project enhances the open space
- Protects important historic and cultural resources

Components to Meet Community Need

- Park within a ten-minute walk of significant populations
- Rehabilitates aging, deteriorated or outdated facilities
- Provides facilities that connect people with nature
- Provides facilities for building a sense of community
- Provides facilities that support active healthy living
- Indoor recreation facility requests will receive the lowest priority

Greenway Impacts - Development or Substantial Improvement of a Park's Internal Trail System that Will

- Provide a trailhead, trail destination, or amenities to support trails
- A segment of the countywide Primary Trail Network
- Part of a local trail network that connects to or will connect to the county's Primary Trail Network
- Part of a local [existing or planned] trail network that extends off-site and will not connect to the countywide Primary Trail Network

Benefits

- Environmental
- Economic
- Social
- Health

Working with Neighbors or Other Partners

- Multi-municipal project
- Other Partners

Supporting Documentation

- Recommended in a Master Site Development Plan for the park
- Recommended in a Municipal Comprehensive
- Recommended in a Park, Recreation and Open Space Plan

GREEN WAYS



- Multi-municipal project
- Letters of support

PROJECT TYPE: CONNECT

For master planning, design, and development of trails included on the Countywide Primary Trail Network and development of local trails. Eligible projects include trail master planning, design, or construction of multi-use segments of the countywide Primary Trail Network.

Ranking Criteria

Distress of Community - DVRPC IDP Score: _____. (This is a score of potential socio-economic distress in the community. Delaware County Planning Department will assign this score upon submission.)

Trail Segments in the County Primary Trail Network

(As shown on the County Primary Trail Network Map at the end of this document, page 12.)

For all other trails that are not part of the Countywide Primary Trail Network (local trails), consideration will be given to the following criteria (do not add for Trails in the PTN):

- Links directly to a Primary Trail in the Countywide Primary Trail Network
- Listed in a local trail corridor plan or feasibility study
- Listed in a local trail network plan within a comprehensive municipal parks, recreation, and greenway plan
- Listed in a municipal comprehensive plan
- Gap trail: Provides a missing link between two other trail segments
- Links significant local destinations (man-made resources) with residential areas
- Provides a safe alternative to an unsafe condition (e.g., a project offering an alternative to pedestrians sharing a vehicular route or crossing a busy roadway at grade)
- Links established or protected linear greenway corridors to major hubs or destinations

Working with Neighboring Communities or Other Partners

- Multi-municipal project
- Other Partners

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— Letters of Support

Benefits of Completing this Project

- Environmental
- Economic
- Social
- Health

Supporting Documentation

- Recommended in a Master Site Development Plan for the park
- Recommended in a Municipal Comprehensive
- Recommended in a Park, Recreation and Open Space Plan
- Multi-municipal project
- Letters of support

PROJECT TYPE: PLANNING AND DESIGN

Park, Recreation and Open Space Plan

- Multi-municipal Parks, Recreation and Open Space Plan
- Municipal Parks, Recreation and Open Space Plan
- Mini-Multi Municipal PROSP
- Mini-Municipal PROSP

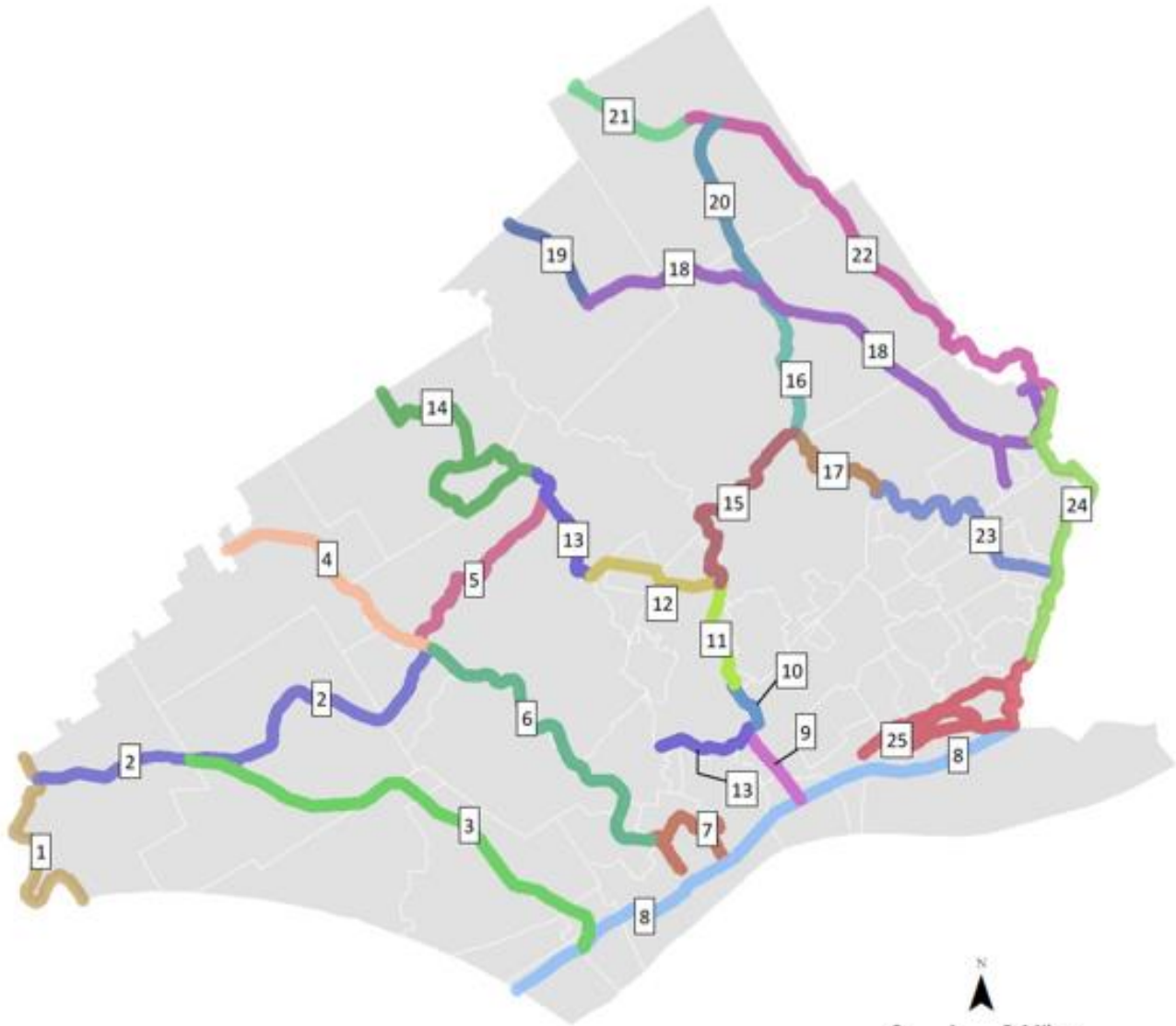
Other Types of Plans

- Trail Plan for Primary Trail
- Trail Plan for all other local trails
- Park master plans (one park master plan or a park system plan)
- Feasibility for recreation facilities
- Feasibility for trails
- Natural Resource Management Plan
- Maintenance Plan
- Appraisals
- Title research
- Other

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Delaware County's Primary Trail Network



- | | | |
|---|--|--|
| 1 - Brandywine Creek Greenway | 10 - Blue Route Bikeway - Leiper to Kinder Connector | 19 - Route 252 Bicycle Route |
| 2 - Octoraro Rail Trail | 11 - Blue Route Bikeway - Leiper-Smedley Trail | 20 - Blue Route Bikeway - Ithan-Darby Creek Valley |
| 3 - PECO Right-of-Way Trail | 12 - Media-Smedley Connector Trail | 21 - Radnor Trail |
| 4 - Chester Creek Trail - North Extension | 13 - Ridley Creek Greenway (North & South Sections) | 22 - Forge to Refuge Trail |
| 5 - Rocky Run Trail | 14 - Ridley Creek State Park Trails | 23 - Darby Creek Stream Valley Park Trail |
| 6 - Chester Creek Trail | 15 - Blue Route Bikeway - Smedley to Darby Creek | 24 - Cobbs Creek Trail |
| 7 - Chester Creek Trail - East Coast Greenway (ECG) Connector | 16 - Darby Creek Trail - Haverford Township | 25 - Heinz Refuge Trails |
| 8 - East Coast Greenway | 17 - Darby Creek Trail - Drexel Hill Connector | |
| 9 - Blue Route Bikeway - East Coast Greenway (ECG) Connector | 18 - Newtown Square Branch Rail Trail | |

County of Delaware Planning Department Open Space and Recreation Municipal Grant Program						
Applicant Name:				Date:		
Project Title:						
Detailed Budget						
Unused rows may be deleted.						
Item #	Work Item Description	#	Units	Unit Cost	Total Cost	
Acquisition (Conserve)						
1				\$0.00	\$0.00	
2				\$0.00	\$0.00	
3				\$0.00	\$0.00	
4				\$0.00	\$0.00	
5				\$0.00	\$0.00	
6				\$0.00	\$0.00	
Construction (Enhance or Connect)						
1				\$0.00	\$0.00	
2				\$0.00	\$0.00	
3				\$0.00	\$0.00	
4				\$0.00	\$0.00	
5				\$0.00	\$0.00	
6				\$0.00	\$0.00	
Planning & Design (design may also be under Connect type)						
1				\$0.00	\$0.00	
2				\$0.00	\$0.00	
3				\$0.00	\$0.00	
4				\$0.00	\$0.00	
5				\$0.00	\$0.00	
6				\$0.00	\$0.00	
Total Project Cost:					\$0.00	#DIV/0!
County Open Space and Recreation Grant Program Request:					\$0.00	#DIV/0!
[Other Source1]:		\$0.00	Total Match	\$0.00	#DIV/0!	
[Other Source2]:		\$0.00				
[Other Source3]:		\$0.00				
[Other Source4]:		\$0.00				
[Other Source5]:		\$0.00				
Engineer/Professional Signature						
Seal			Date			

County of Delaware						
Planning Department						
Open Space and Recreation Municipal Grant Program						
Applicant Name:				Date:		
Project Title:						
Detailed Budget						
Unused rows may be deleted.						
Item #	Work Item Description	#	Units	Unit Cost	Total Cost	
Acquisition (Conserve)						
1	Appraisal	1	LS	\$0.00	\$0.00	
2	Property Costs	1	LS	\$0.00	\$0.00	
3	Closing Costs	1	LS	\$0.00	\$0.00	
4	Financing Fees	1	LS	\$0.00	\$0.00	
5	Consultant Services	1	LS	\$0.00	\$0.00	
6	Related Project Costs	1	LS	\$0.00	\$0.00	
Construction (Enhance or Connect)						
1	Excavation, Earthwork, Fill Material and Topsoil	1	LS	\$165,000.00	\$165,000.00	
2	Clearing and Grubbing / Tree Removal	1	LS	\$9,500.00	\$9,500.00	
3	Subbase 6" Depth (No. 2A Modified)	2,350	SY	\$18.00	\$42,300.00	
4	Class A Cement Concrete, 4" Depth	2,350	SY	\$92.00	\$216,200.00	
5	Restroom Shelter	1	LS	\$12,500.00	\$12,500.00	
6	Parking Area Modifications - Vehicle / Ped Access (ADA)	1	LS	\$17,500.00	\$17,500.00	
7	Playground (Equipment, Surface, Fencing, etc.)	1	LS	\$210,000.00	\$210,000.00	
8	Construction Surveying and Layout	1	LS	\$6,500.00	\$6,500.00	
9	Retaining Wall	320	LF	\$190.00	\$60,800.00	
10	Erosion and Sediment Pollutions Control Measures	1	LS	\$12,000.00	\$12,000.00	
11	Post Mounted Signs	1	LS	\$2,500.00	\$2,500.00	
12	Drainage BMP's	1	LS	\$37,000.00	\$37,000.00	
13	Appurtenances - Benches, Tables, Trash Facilities	1	LS	\$8,000.00	\$8,000.00	
14	Miscellaneous	1	LS	\$25,000.00	\$25,000.00	
15	Design and Engineering (Environmental, Construction Docs, etc.)	1	LS	\$46,500.00	\$46,500.00	
Professional Services Support						
1	Consultant Services	1	LS	\$0.00	\$0.00	
2	Related Project Costs	1	LS	\$0.00	\$0.00	
Total Project Cost:					\$871,300.00	100%
County Open Space and Recreation Grant Program Request:					\$100,000.00	11%
DCNR Grant (Pending)		\$300,000.00	Total Match	\$771,300.00	89%	
DCED Grant (Pending)		\$250,000.00				
PECO Green Region Grant (in-hand)		\$10,000.00				
N/A		\$0.00				
Remaining Municipal Match (Municipal Funds):		\$211,300.00				
<div> <div>Engineer/Professional Signature</div> <div>Seal</div> <div>Date</div> </div>						

RESOLUTION

(Submit with original signatures as part of grant application)

RESOLUTION NO. _____**MUNICIPALITY OF** _____**DELAWARE COUNTY, PENNSYLVANIA**

WHEREAS, Delaware County Council has established an Open Space and Recreation Municipal Grant Program to be utilized by the municipalities of Delaware County; and

WHEREAS, the grants may be used by the municipality for the improvement or acquisition of municipal recreation land or for planning services for such activities; and

WHEREAS, the municipality of _____, Delaware County Pennsylvania desires to participate in the Delaware County Open Space and Greenways Municipal Grant Program in order to help fund

(project name)

WHEREAS, the municipality will have available any and all additional funding needed to complete the project,

NOW, THEREFORE, by the governing body of _____, Delaware County, Pennsylvania, as follows:

1. That the municipality of _____, Delaware County, Pennsylvania, hereby approves the filing of an application for Delaware County Municipal Grant Program assistance.
2. That _____ is hereby authorized and directed to execute and file the appropriate forms with the Delaware County Planning Department.

Duly presented and adopted by the Governing Body of _____ in public meeting held this ____ day of _____, 20____.

Municipality of _____
Delaware County, Pennsylvania

By: _____
Chairman/President

Attest: _____

DELAWARE COUNTY OPEN SPACE AND RECREATION MUNICIPAL GRANT PROGRAM

CERTIFICATE OF TITLE

Submit with original signature(s) as part of all development (Enhance or Connect) grant applications

Applicant: _____

Project Title: _____

Property Tax Identification Number(s):

Acreage:

Property Name:

I hereby certify that the property(ies) on which the proposed rehabilitation/improvement is to be made, in accordance with the current round’s Application under the Delaware County Open Space and Recreation Municipal Grant Program, is in the name of:

Applicant: _____

I further certify that there are no easements, encumbrances, or restrictions on the property (ies) which would affect the proposed rehabilitation/improvement project except as herein listed:

Date _____ Solicitor _____

Prepared by:

Return to:

Tax Parcel #:

DELAWARE COUNTY OPEN SPACE AND RECREATION MUNICIPAL GRANT PROGRAM

DECLARATION OF PUBLIC TRUST, COVENANTS, CONDITIONS, AND RESTRICTIONS

THIS DECLARATION OF PUBLIC TRUST, COVENANTS, CONDITIONS, AND RESTRICTIONS is made this _____ day of _____, _____, by the (Municipality Name), Delaware County, Pennsylvania, (hereinafter "Declarant").

BACKGROUND

WHEREAS, Declarant is a _____ of the _____ class of the Commonwealth of Pennsylvania and is the owner of a parcel of land containing _____ acres identified as Tax Parcel Number _____-_____-_____ located in (name of municipality[s]), whose ownership is on record at the Delaware County Recorder of Deeds in Deed Book _____ Page _____; and

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution states that: Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people; and

WHEREAS, this Declaration affirms the Land as a public natural resource benefitting the people as described in the Pennsylvania Constitution, dedicating the Land or confirming the Land's dedication to the Public Purposes and subject to the protections provided by, but not limited to, the Donated or Dedicated Property Act of December 15, 1959 P.L. 1772, 53 P.S. §§3381-3386 (the "Donated or Dedicated Property Act").; and

WHEREAS, Counties are authorized to acquire interests in real property to protect and conserve natural or scientific resources; to protect scenic areas; to preserve sites of historic, geologic or botanic interest; to promote sound, cohesive and efficient land development by preserving open spaces between communities; and for purposes consistent with the terms of the Conservation and Land Development Act (the "Conservation Act"), Pa. Stat. Ann. Title 32, Section 5001 et seq; and

WHEREAS, the Council of Delaware County have therefore designated County funds for municipal partners to promote the health, safety, and public welfare of the citizens of Delaware County by providing grants to municipalities for the acquisition and preservation of significant natural, recreational, historic, cultural, scenic, and agricultural resources; and for the development of parks and trails; and

WHEREAS, pursuant to the guidelines and criteria of the Delaware County Open Space and Recreation Municipal Grant Program, Declarant submitted an application to the Program for assistance to fund an applicable project of a type other than a conservation easement; and

WHEREAS, as a specific condition of the aforesaid County grant Program, the Declarant agrees to record a covenant running with the land requiring the continuous use of the Property for open space, natural areas, natural resource conservation, agriculture and/or public parks, trails and greenways, and to hold and manage the property on behalf of the Public Trust including protections afforded under the Donated or Dedicated Property Act; and

WHEREAS, the Property possesses natural, scenic, open space, historical, agricultural, educational, and/or recreational values (collectively "conservation values") of great importance to Declarant, the people of Delaware County, and the people of the Commonwealth of Pennsylvania; and

WHEREAS, Declarant further intends, as owner of the Property, to permit public access and/or agriculture, and further to preserve and protect the conservation values of the Property in perpetuity; and

NOW, THEREFORE, intending to be legally bound hereby, Declarant shall utilize Property solely and exclusively for the uses stated herein and as further specified in Article III.

ARTICLE I - DEFINITIONS

The following words and terms, which are used in this Declaration, shall have the following meanings:

1. "DECLARATION" shall mean and refer to this instrument, as amended from time to time.
2. "DECLARANT" shall mean and refer to the Municipality to be bound by this agreement.
3. "SUCCESSOR DECLARANT" shall mean each entity to which Declarant shall have specifically, by writing, assigned or conveyed any or all of Declarant's rights in and to the Property.

ARTICLE II - PROPERTY

1. PROPERTY" shall mean the existing property or parcel of land referenced above and more particularly described in Article II and Exhibit "A" (legal description) and shown on Exhibit "B" (map) attached hereto. The property subject to the restrictions herein is all or part of a parcel of land containing acre(s), identified as Tax Parcel Number(s) - - located in (name of municipality). In the event of any additions to the existing property, which shall be made subject to this Declaration, then, from and after the recording of an appropriate Supplementary Declaration, the term "Property" shall mean the existing property and any such additions.

ARTICLE III - RESTRICTIONS

1. The use of the Property as defined in this Declaration shall be restricted to open space, natural areas, natural resource conservation, agriculture and/or public parks, trails and greenways. If, when, and as it is deemed inappropriate to utilize the Property for the originally intended permitted uses, it is agreed, understood and hereby declared that the utilization of the Property shall be for open space and free of any use or encumbrance prohibited by this Declaration. The term of this restriction shall be perpetual and it shall be a covenant running with the land.

2. The following two items serve to highlight uses that are specifically prohibited, but does not represent the full extent of uses that are in violation of this Declaration: Disposal of sewage effluent generated off-site (including disposal of offsite-generated sewage at any stage of treatment or post treatment using any technology including but not limited to spray or drip irrigation) is prohibited. Any composting materials, waste products or any other items that are generated off site may not be placed on site for any reason including disposal or processing.

3. Property subject to this Declaration shall not be available to count toward satisfying any open space or preserved land requirements as stipulated under applicable municipal land use laws, ordinances, or codes. Furthermore, owners may not transfer for use outside the Property (whether or not for compensation) any development rights allocated to the Property under any applicable law.

4. The Declarant shall manage and develop the property for authorized uses in a manner that maximizes public access consistent with the respective use and preserves the integrity of natural resources such as stream corridors, steep slopes, wetlands, and state, national or globally rare species.

5. No additional restrictions may be placed on the Property without permission from the County Department responsible for programmatic oversight. Express written consent of the Council of Delaware County Pennsylvania is required if the County finds that the additional restrictions proposed will reduce public access or diminish the conservation values of the property.

ARTICLE IV – RESERVATION

1. Declarant reserves the right but not the obligation to install, or allow the installation of, underground improvements provided: such improvements are otherwise permitted by federal, state and local laws, rules and regulations and the improvements are not extractive of natural resources that are part of the bundle of rights that comprise the Property. Any permissible underground improvements must only serve Public Purposes and must be designed and located so as not to materially affect the Public Purposes being financed in part by the County grant.

2. Declarant may lease or license portions of the surface of the Land to others to provide or assist the Declarant in providing facilities, programs, goods, services, or other amenities to the public that are consistent with the Public Purposes of the Open Space and Recreation Municipal Grant Program.

ARTICLE V - ENFORCEMENT

1. The County of Delaware shall have the right and power to enforce the terms of this Declaration, by any proceedings at law or in equity, against the Declarant, Successor Declarant, or any person or persons violating or attempting to violate any provision of this Declaration; to restrain violations; to require specific performance; and/or to recover damages.

2. In execution of its monitoring and enforcement rights, the County of Delaware has the right to enter and inspect the Property for compliance with this Declaration by way of land, through the use of an unmanned aerial vehicle, or a combination of both.

3. Rights and remedies arising out of this declaration are cumulative; they neither limit nor are limited by any rights or remedies arising from the Donated or Dedicated Property Act or other applicable authority available for upholding the Public Purposes.

4. If the County determines that Declarant, Successor Declarant, or any other person is in violation of the terms of this Declaration or that a violation is threatened, the County shall give written notice to the party in violation and demand corrective actions sufficient to cure the violation, and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the permitted uses of this Declaration, to restore that portion of the Property so injured. If violator fails to cure the violation within thirty (30) days after receipt of notice thereof from the County, or under circumstances where the violation cannot reasonably be cured within a thirty day period, fails to begin curing such violation within the thirty (30) day period, or fails to continue diligently to cure such violation until finally cured, the County may bring an action at law or equity in a Court of competent jurisdiction to enforce the terms of this Declaration, to enjoin the violation, ex parte as necessary, by temporary or permanent injunction to recover any damages to which it may be entitled for violation of the terms of this Declaration or injury to any public interest protected by this Declaration, and to require the restoration of the Property to the condition that existed prior to such injury.

5. Without limiting Declarant's, Successor Declarant's, or any other person's liability therefore, the County, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property. The County's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Declaration and Declarant and Successor Declarants agree that the County's remedies at law for any violation of the terms of this Declaration are inadequate and that the County shall be entitled to the injunctive relief described in this Article, both prohibitive and mandatory in addition to such other relief to which the County may be entitled including specific performance of the terms of this Declaration, without necessity or proving either actual damages or the inadequacy of otherwise available legal remedies. The County's remedies described in this Article shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

6. Cost of enforcement. Any costs incurred by the County in enforcing the terms of this Declaration against Declarant or Successor Declarant, including, without limitation, costs of suit and attorneys' fees, and any costs of restoration necessitated by Declarant or Successor Declarant's violation of the terms of this Declaration shall be borne by Declarant or Successor Declarant.

7. The failure by the County to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

ARTICLE VI - MISCELLANEOUS

1. The covenants and restrictions of this Declaration shall run with the land and bind the Property in perpetuity.

2. The provisions of this Declaration shall, pursuant to its terms, inure to the benefit of Delaware County, and bind the Property, Declarant and its successors and assigns.

3. Recording. This Declaration shall forthwith be recorded in the Office of the Recorder of Deeds in and for the County of Delaware, Pennsylvania.

IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year first above written.

ATTEST: NAME OF DECLARANT: _____

_____ By: _____

Chairman/President/Officer

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF DELAWARE :

On this ____ day of _____, 20__, before me, the undersigned officer, personally appeared _____ who acknowledged her/himself to be the (Chairperson/President/Officer) of the governing body of (Municipality), and that he/she as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Municipality by him/herself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____, Notary Public
Print Name:

1099-S VERIFICATION FORM

As Settlement Agent for the _____, I hereby verify that I will take responsibility for submitting the appropriate IRS 1099-S form(s) to the Internal Revenue Service and to the transferor for the conservation easement identified below in accordance with Internal Revenue Code, Section 6045. I further verify that I will report the gross proceeds in the case of the joint easement purchase by _____, and the County of Delaware. I verify that the 1099-S form will be sent to the IRS and the transferor by the deadline established by the IRS.

Grantor(s) Name(s)	Acreage	Tax Parcel Number (S)

Grantee:	Co-Grantee: County of Delaware

SETTLEMENT AGENT SIGNATURE

DATE

Return to:
Open Space and Recreation Municipal Grant Program
Delaware County Planning Department
1055 E. Baltimore Pike
Media, PA 19063

DELAWARE COUNTY OPEN SPACE AND RECREATION MUNICIPAL GRANT PROGRAM

BASELINE DOCUMENTATION REPORT CHECKLIST FOR CONSERVATION EASEMENTS

(Include this Checklist with the Baseline Documentation Report [with original signature(s)])

The Municipality must document the baseline conditions of the property or interest being acquired. The following checklist is adapted from The Conservation Easement Handbook published by the Trust for Public Land and the Land Trust Alliance. Submission of all items on the checklist is required for municipal easement acquisitions funded through the Open Space and Recreation Municipal Grant Program.

- ☐ 1. COVER PAGE
Please include a cover page with the following language: "Baseline Data for Conservation Easement/Conservation Restrictions granted by (landowner name) on (name or description of property) property, Delaware County, Pennsylvania to (applicant)." The signature of the author/collector and the date should also appear.
- ☐ 2. BASELINE DATA CHECKLIST (Completed)
- ☐ 3. TABLE OF CONTENTS
- ☐ 4. OWNER ACKNOWLEDGEMENT OF CONDITION (Signature of the owner[s])
This acknowledgement is an IRS requirement if the easement is a gift for which a deduction will be claimed. The regulations require that this statement must clearly reference the baseline data. It must say, "in substance...[t]his natural resources inventory is an accurate representation of [the protected property] at the time of the transfer." he statement must be notarized and signed by both grantor and representative of grantee.
- ☐ 5. BACKGROUND INFORMATION
 - Ownership information (name, address, and phone number of property owner).
 - Driving Directions to the Property from the Delaware County Planning Department, 1055 E. Baltimore Pike, Media, PA 19063.
 - Historical information on the acquisition (brief chronological description of events that led to the protection of the property).
 - Summary of easement/deed restriction provisions (specific prohibitions, restrictions, and retained rights, as derived from the language of the easement or deed).
 - Purpose of easement/deed restrictions.
 - Evidence of the significance of the protected property, as established either by government policy (include copies of document) or by the long- term protection strategy developed by the grantee.
 - Corporate or agency resolution accepting or authorizing purchase of the property (minutes of the meeting at which acquisition was approved are adequate).
- ☐ 6. LEGAL CONDITION
 - A copy of the signed, recorded easement document or deed (legal fees to draft the document are not reimbursable).
 - A parcel map.
 - A clear title statement or preliminary title report, noting any liens against the property that could compromise its natural qualities or invalidate the easement or deed restrictions.
 - Copies of any other relevant easements associated with the property.

BASELINE DOCUMENTATION REPORT CHECKLIST FOR CONSERVATION EASEMENTS

- ☐ 7. ECOLOGICAL FEATURES
 - An inventory of rare, endangered, and/or threatened species.
 - Reports from wildlife biologists or other specialists that document the status of significant natural elements.
 - A general description of plant cover, soils, etc. This description should be limited only to those ecological features that the easement seeks to protect.

- ☐ 8. AGRICULTURAL FEATURES
 - Intensity of grazing (this is expressed in "animal units" per acre).
 - Level of pesticide use.
 - Soil quality (landowners should be encouraged to ask the Soil Conservation Service to prepare a soil conservation plan; this serves as the easement's benchmark for acceptable practices on erodible land).

- ☐ 9. SCENIC FEATURES
 - Official policies citing the property's scenic value.
 - Number of people who frequent nearby public places (roads, trails, and parks) from which they can view property.

- ☐ 10. MAN-MADE FEATURES
 - Improvements (structures, trails, fences, wells, power lines, pipelines, irrigation systems, etc.).
 - Recreation/tourism attractions.
 - Trespass damage and disturbed land (stray animals, introduced species, evidence of vehicular trespass, etc.).

- ☐ 11. PHOTOGRAPHS
 - On-site photos taken by the municipality (not the appraiser). Be sure to record key photo points on a map, record distance and azimuth from structures or other fixed points, and sign and date all photos.

- ☐ 12. MAPS
 - An 8 1/2 in. x 11 in. section of a local road map showing property location and location of eased or restricted area if different.
 - A legible site map, to scale, showing photostations, property boundaries and boundaries of eased or restricted area if different.
 - Aerial photographic maps should be included if appropriate.

Template Letter of Retroactivity
for applicable Conserve Projects. Customize as needed.

[DATE]

Mr, Steven R. Beckley, AICP
Manager, Open Space and Trails
Delaware County Planning Department
1055 E. Baltimore Pike, First Floor
Media, PA 19063

RE: **Delaware County Green Ways Grant Program – Waiver of Retroactivity Request for [Name of Project]**
Xxxxxxxx Township/Borough/City, Delaware County, Parcel Number XX-XX-XXXXX-XX [Delaware County Board of Assessments Folio # of Parcel(s) to be acquired]

Dear Mr. Beckley:

[redacted] is seeking to acquire the XX.XX-acre [redacted] Property/Tract located in XXXXXXX Township/Borough/City along [name of street]. [Applicant municipality/organization] has submitted or will submit a Delco Green Ways grant application to Delaware County to help fund the transaction. I am requesting a waiver of retroactivity for our planned acquisition of this site in the event settlement occurs before award determinations are made for the 2021 grant round.

The [redacted] Property is currently for sale for the appraised value of \$XXX,XXX. The current owner, [redacted], purchased the Property in [year] with the intention of [redacted]. [Brief explanation of the owner-seller situation and the recent use of the land.] In light of these circumstances, [Applicant] would like to be able to act quickly and make an offer on the Property.

The [redacted] Property is located on [name of street] and is adjacent to [name landmark adjacent properties, if applicable], as well as to [also name landmark adjacent parks or natural features]. Acquisition of this Property would allow for [name some benefits such as the following, if applicable: connection of the trail systems on these open spaces, expansion of passive recreational opportunities for the public, and enhanced resource protection for wildlife and vegetation].

I would be happy to supply any additional documentation you need for this waiver of retroactivity request. If you have any questions or concerns you can contact me at [phone#] or [email address]. Thank you for your consideration.

Sincerely,

[Signature]
[Applicant Municipal Contact Name]
[Job Title]