Prepared by and return to:

Model Declaration of Public Trust

for Conservation Easements

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Parcel identification:

Declaration of Public Trust

THIS DECLARATION OF PUBLIC TRUST is made by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (“Declarant”) on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 20\_\_\_.

# Background

## **Conservation Easement.** On [insert date of the grant of easement], [insert names of the grantors] executed and delivered to Declarant a [insert title of the granting document] (the “Grant”), which was recorded on [insert recording date] in the [insert name of recording office] in [insert recording information]. The resulting easement (the “Conservation Easement”), which burdens the real property identified briefly below and more fully described in exhibit A (that real property, the “Land”), is the subject of this declaration.

Parcel identification:

Street address:

Acreage:

Municipality and county:

## **Declarant.** Declarant is a \_\_\_\_\_\_\_\_\_\_ of the \_\_\_\_\_\_\_ class of the Commonwealth of Pennsylvania.

## **Public Trust.** Declarant desires to formally declare a public trust containing the Conservation Easement and to affirm its role and duty as trustee in service of the purposes (the “Public Purposes”) described in the Grant.

## **Constitution.** Article 1,Section 27 of the Pennsylvania Constitution states:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. 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.

## **Action.** This declaration is made pursuant to resolution \_\_\_\_\_ of Declarant on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 20\_\_\_.

# Declaration

**Declaration of Public Trust.** Declarant formally and unequivocally declares that the Conservation Easement and Declarant’s rights under the Grant are the body of a public trust in service of the Public Purposes and of which Declarant is the trustee..

# Clarifications

## **Rights and Remedies.** Rights and remedies arising out of this declaration are cumulative; they neither limit nor are limited by any rights or remedies arising from any other applicable authority available for upholding the Public Purposes.

## **No Effect on Landowner Rights.** Nothing in this Declaration should be construed to limit or otherwise affect the rights of the owner of the Land.

## **Easement Administration.** This declaration is intended to ensure that the administration of the Conservation Easement, including its potential amendment, transfer, or termination, as well as waiver of any of its terms, is subject to public trust principles. This declaration is not intended to confer upon the public any rights to administer the easement.

**Proceeds of Disposal.**In the event that the Conservation Easement or any portion thereof is extinguished or otherwise disposed of, all proceeds derived from the disposal must be reinvested in service of the Public Purposes.

Use the following paragraph ONLY IF the easement was acquired using open space tax dollars.

## **Potential Disposal Pursuant to Referendum.** This declaration is not intended to obviate the possibility of Declarant disposing of those open space property interests acquired all or in part with open space tax revenue, following the assent of the electorate in a referendum pursuant to the act of January 19, (1968) 1967, P.L. 992, No.442, as amended.

INTENDING TO BE LEGALLY BOUND, Declarant has signed and delivered this declaration as of the date set forth in the opening recital of this document.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Seal)

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Seal)

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF :

 ON THIS DAY \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ before me, the undersigned officer, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who acknowledged themself to be the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ class of the Commonwealth of Pennsylvania, and that they as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by themself as such officer.

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

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Notary Public

 Print Name:

This document is based on the
Model Declaration of Public Trust for Conservation Easements

(v. 2024.04.26)
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Nothing contained in the model, which was prepared in the context of Pennsylvania law, is intended to be relied upon as legal advice or to create an attorney-client relationship. There is no guarantee that it is up to date or error free. It should be revised under the guidance of legal counsel to reflect the specific situation.