Prepared by and return to:

Model Declaration of Public Trust

basic form

v. 2018.10.04

published by WeConservePA

Parcel identification:

Declaration of Public Trust

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

# Background

## **Land.** The real property that is the subject of this declaration is identified briefly below and more fully described in exhibit A attached to and incorporated into this declaration (that property, the “Land”).

Parcel identification:

Street address:

Acreage:

Municipality and county:

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

## **Constitution.** 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.

## **Affirmation.** The Declarant makes this declaration to affirm the Land as a public natural resource benefitting the people as addressed in the Pennsylvania Constitution, dedicating the Land or confirming the Land’s dedication to the Public Purposes described below.

## **Donated or Dedicated Property Act.** This declaration evidences a dedication of land or buildings as public facilities pursuant to the act of December 15, 1959 P.L. 1772, 53 P.S. §§3381-3386 (the “Donated or Dedicated Property Act”).

## **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 the Donated or Dedicated Property Act or other applicable authority available for upholding the Public Purposes.

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

# Dedication

## **Dedication to Public Purposes.** The Declarant formally and unequivocally dedicates the Land to the following public purposes (collectively, the “Public Purposes”) in perpetuity:

#### To assure public access to the Land for outdoor recreation; and

#### To assure that the Land will remain predominantly undeveloped and provide, for the public, open space benefits, which may include maintaining and improving the quality of water resources, both surface and groundwater, including replenishing their supply; establishing and protecting scenic views and vantage points for those views; preserving existing, planned, and potential outdoor public recreation and conservation areas; preventing and reducing floods; providing natural habitat for animals, plants, and fungi; preventing the loss and depletion of soil; conserving farmland for agricultural production and forestland for production of timber and other forest products; preserving features of historic, geologic, or biologic significance; and providing for sound land development by providing open space within and around developed lands.

## **Duty.** The Declarant, in dedicating the Land, acknowledges its duty as trustee to hold and conserve the Land in service to the Public Purposes.

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

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

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

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

This document is based on the
Model Declaration of Public Trust (basic form, v. 2018.10.04)
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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.

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF :

 ON THIS DAY \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ before me, the undersigned officer, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who acknowledged him/herself to be the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Declarant, a Declarant of the second class of the Commonwealth of Pennsylvania, 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 corporation by her/himself as such officer.

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

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

 Print Name: