Prepared by and return to:

Model Declaration of Public Trust

basic form

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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

## **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.

## **Public Trust.** Declarant desires to formally declare a public trust containing the Land and to affirm its role and duty as trustee in service of the Public Purposes described below.

## **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.

## **Donated or Dedicated Property Act.** Declarant desires this declaration to serve as a dedication of the Land to public use within the meaning of the Act of December 15, 1959, P.L. 1772, 53 P.S. §§3381-3386 (the “Donated or Dedicated Property Act”).

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

# Dedication and Declaration

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

Providing public access for outdoor recreation; and

Providing 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.

## **Declaration of Public Trust.** Declarant formally and unequivocally declares that the Land is the body of a public trust in service of the Public Purposes and of which Declarant is the trustee.

## **Development.** Except in direct support of the Public Purposes, further development or improvement of the Land is prohibited.

## **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.

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)

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  
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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.