

Document Number

DECLARATION OF DEED RESTRICTIONS *(suggested format)*

The *(Municipal Flood Control Grantee Name)* hereby files the following Deed Restriction for the following property in the *(municipal name)*, *(county name)*, Wisconsin. The PROPERTY, is more specifically identified below.

Legal Description of Parcel:

The address and tax key number of the PROPERTY is as follows. Specific legal descriptions for property is attached hereto as copies of actual deeds confirming *(grantee's name)* purchase and depicted as Exhibit A, pages 1 through *(page number)*.

(list property address and tax key number here)

The above-referenced PROPERTY was purchased by *(grantee name)* with funds received from the State of Wisconsin, Dept. of Natural Resources, Municipal Flood Control Grant Program.

It is the requirement of the State of Wisconsin that the acquired PROPERTY identified herein is to be left in a natural permanent open space state, and that no structures or encumbrances that would affect flood levels or obstruct the natural water flowage to the water body be allowed.

In conformance with *(grantee name)* Municipal Flood Control Grant *(grant number and project name)* for the Property Acquisition Project from the Wisconsin Department of Natural Resources – hereinafter “WDNR”, the following Deed Restrictions are implemented and shall run with the PROPERTY and be incorporated with any subsequent transfers of the said PROPERTY.

1. The *(grantee name)*, their permittees, successors or assigns agree to manage the PROPERTY herein described consistent with section 281.665 of the Wisconsin State Statutes, Chapter NR 199 of the Wisconsin Administrative Code, and all of the terms and conditions stated in WDNR’s Municipal Flood Control Grant Agreement *(grant number and project name)*.
2. The natural, conservation, open space and outdoor recreation values of the PROPERTY will be protected in perpetuity as permanent open-space with only open-space activities allowed, and any use of the PROPERTY that will significantly impair or interfere with those values is prohibited.
3. There shall be no topographic changes, extraction of subsurface materials, or alteration of the natural landscape of the property by excavation, filling, drainage, tiling, ditching, or any other means except as needed for flood control measures and as required for maintenance by ch. NR 199, Wis. Adm. Code.
4. There shall be no construction or placement of any new building or structures, permanent or mobile, on the PROPERTY or construction of placement of any billboards or other advertising material, or playing fields or playgrounds or placement of an obstacle that would obstruct the natural water flowage to the water body.
5. There shall be no placing or storing, temporarily or permanently, of any equipment, vehicles or material including animal feeds and wastes, soil, ashes, trash, sawdust, brush, piles of gravel, garbage or any unsightly, offensive or hazardous material on, under or in the PROPERTY except in connection with activities authorized herein.
6. There shall be no industrial or commercial activity undertaken or allowed on or across the PROPERTY.
7. The PROPERTY shall be open to the public for outdoor recreational purposes limited to open-space activities such as a walking path, unless the WDNR determines it is necessary to close the property to the public to protect wild animals, plants or other natural features. The PROPERTY shall not be closed to the public without prior written authorization of the WDNR.
8. THE WDNR, its agents, officers, employees and permittees shall have the right to enter the PROPERTY in order to monitor compliance with the Deed Restrictions. The WDNR may take actions necessary to prevent any activity on or use of the PROPERTY that is inconsistent with the purpose of this document as required under ch. NR 199, Wis. Adm. Code and may require the restoration of any area or feature of the PROPERTY that is damaged by the inconsistent activity or use of *(grantee name)*, it’s permittees, successors or assigns.

This space is reserved for recording data at the County Register of Deeds office.

Return To:
(grantee name and address)

Parcel Identification Number/Tax Key Number

Tax Key Numbers: (list tax parcel numbers)

9. The WDNR shall have the right, but not the obligation, to undertake land management responsibility for the PROPERTY if the (*grantee name*) its permittees, successors or assigns, fails to meet its land management responsibilities as outlined in these Deed Restrictions and ch. NR 199, Wis. Adm. Code. Before undertaking such responsibility, the WDNR shall provide the (*grantee name*), its permittees, successors or assigns with a minimum of six (6) months prior written notice of the land management activity required and shall give the (*grantee name*) its permittees, successors or assigns the opportunity to perform that activity within the 6-month period, or within a reasonable time thereafter if more time is needed due to weather constraints.
10. The (*grantee name*), its successors or assigns may grant various utility easements through out the above reference PROPERTY as long as said easement is not in conflict with the limitation of the Deed Restriction document and ch. NR 199, Wis. Adm. Code. In addition, no utility structure may be erected on the property that would obstruct the water flowage to the water body.
11. The (*grantee name*), its successors or assigns may sell or transfer the PROPERTY to a third party other than a creditor of (*grantee name*) with the prior written approval of the WDNR. All restrictions imposed by the above-referenced grant contract and land management plan shall remain with the property and any subsequent owners shall execute a grant agreement assignment which states that they have received and reviewed the grant contract and land management plan and shall abide by their provisions. WDNR approval of the transfer is not valid until the contract assignment is signed by and recorded with the (*county name*) County register of Deeds office.
12. Any changes or modifications to the above stated Deed Restrictions must be reviewed and approved in writing by the WDNR Municipal Flood Control Grant Manager and filed with the (*county name*) County Register of Deeds as an amendment to this Declaration of Deed Restrictions.

The above Declaration of Deed Restrictions has been authorized by the Commission of the (*grantee name*) and the below reference authorized representative who is authorized to sign this document on behalf of said Commission.

 Initialed as “Approved as to form” – (*grantee name*) Legal Dept.

(GRANTEE NAME)

 (signature)

 (date)

 (print name and title)

State of Wisconsin)
)ss
 ((*county name*) County)

On the above date, this instrument was acknowledged before me by the above named Authorized Representative of the (*grantee name*), known to me to be such officer, and who acknowledged that he executed the forgoing instrument on its behalf for the purpose aforesaid and by his authority as such officer.

 (signature Notary Public, State of Wisconsin)

 (print or type name, Notary Public, State of Wisconsin)

 (date commission expires)