

After recording return to:

D. Thomas LeFevre
Stewart, Melvin & Frost, LLP
P.O. Box 3280
Gainesville, GA 30503

**NOTICE OF LIMITATION OF USE AND
DECLARATION OF COVENANT**

This **Notice of Limitation of Use and Declaration of Covenant** is made this _____ day in of March, 2024 by **HALL COUNTY GEORGIA**, a political subdivision of the State of Georgia (hereinafter referred to as “Declarant”);

WITNESSETH:

WHEREAS, Declarant is the owner of the real property described in Exhibit “A” which is attached hereto and incorporated herein by reference (hereinafter the “Property”); and

WHEREAS, Declarant has applied for a grant with _____ (the “Grant”) in connection with the development of the Property for use as a park; and

WHEREAS, the Property has been acquired or developed with Federal financial assistance provided by the National Park Service (formerly the Heritage Conservation & Recreation Service) of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. Section 4601-5 et seq. (1970 ed.) and subsequently re-codified under P.L. 113-287 to 54 U.S.C. Sections 200301 et seq.

WHEREAS, Under the terms of the Grant the Property must be restricted to public outdoor recreational uses; and

WHEREAS, Declarant desires to subject the Property to the provisions of this Notice of Limitation of Use and Declaration of Covenant;

NOW, THEREFORE, Declarant hereby declares that the Property is hereby subjected to the provisions of this Declaration and shall be held, sold, transferred, conveyed, used and occupied subject to the covenants, conditions and restrictions, (sometimes referred to herein collectively as “Covenants and Restrictions”) hereinafter set forth, which are for the purpose of complying with the terms of the Grant and which shall run with the title to the Property and shall be binding on all persons having any right, title or interest in all or any portion of the real property made subject hereto, their respective heirs, legal representatives, successors, successors in title and assigns.

ARTICLE I

PROPERTY SUBJECT TO THIS DECLARATION

The real property which is, by the recording of this Declaration, subjected to the covenants, conditions and restrictions hereafter set forth and which, by virtue of the recording of this Declaration, shall be held, transferred, conveyed, used and occupied subject to this Declaration is the real property lying and being in the Gainesville District G.M.D. 411, Hall County, Georgia being ____ acres as described in **Exhibit "A"** attached hereto and by reference made a part hereof (the "Property").

ARTICLE II

LIMITATIONS ON USE

The Property is hereby subjected to the following restriction, to wit:

Pursuant to the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. Section 4601-5 et seq. (1970 ed.) and subsequently re-codified under P.L. 113-287 to 54 U.S.C. Sections 200301 et seq. the Property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide recreational plan and only upon such conditions as he deems necessary to assure the substitution of other recreational properties of at least equal fair market value and of reasonably equivalent usefulness and location.

ARTICLE III

GENERAL PROVISIONS

Term. The aforesaid use restriction and covenant shall run with the land and be binding on all parties that own all or any portion of the Property until the use restriction and covenant are terminated as provided above.

WITNESS the hand and seal of the undersigned this ____ day of March, 2024.

HALL COUNTY GEORGIA

Signed, this ____ day of _____, 2024.

By: _____

Unofficial Witness

Notary Public

(NOTARY SEAL)

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY