

A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE THE DECLARATION OF DEED RESTRICTION BETWEEN THE CITY OF WEST PLAINS, MISSOURI, AND THE MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR THE ALL-INCLUSIVE PARK.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: That the Mayor is authorized to execute the Declaration of Deed Restriction between the City of West Plains, Missouri, and the Missouri Department of Natural Resources for the All-Inclusive Park.

Section 2: That this Resolution shall be in full force and effect on and after its date of passage and approval as provided by law.

PASSED AND APPROVED THIS 18th DAY OF DECEMBER 2023.

CITY OF WEST PLAINS, MISSOURI

BY: Michael Toplift
MICHAEL TOPLIFF, MAYOR

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ATTEST:

Allison Skinner
ALLISON SKINNER, CITY CLERK

Space above line reserved for recorder's use

DECLARATION OF DEED RESTRICTION

THIS DECLARATION made this _____ day of _____, 2023, by the City of West Plains, 1910 Holiday Lane, West Plains, Mo., 65775, (hereinafter referred to as "Owner"; *this is the grantor, if required by recorder's office*). Owner hereby declares that the below-described real property is and shall be held transferred, sold, and conveyed subject to the following conditions and restrictions in accordance with the covenants made for the award of grant funds in Project _____ administered by the Missouri Department of Natural Resources ("Department"; *this is grantee and holder, if required by the recorder's office*), P.O. Box 176, Jefferson City, MO 65102, through funds made available by the United States Department of Interior, National Park Service, Land and Water Conservation Fund (LWCF):

All that part of Lot One (1) of Hogan-Patterson Subdivision of the North Half (N1/2) of the Southeast Quarter (SE1/2) of Section Twenty (20), Township Twenty-four (24), Range Eight (8), north, west, lying west of Highway 63, as said highway is now located, over and across said lot, EXCEPT beginning at the point where the south line of said Lot One (1) intersects the west property line of said Highway 63, as said highway is now located, which beginning point is on the north property line of West Broadway in West Plains, Missouri, thence north 35 minutes west along the west line of Highway 63 a distance of 300.92 feet to the south property line of First Street, thence west along the south property line of First Street 239.4 feet, thence south 8 degrees 10 minutes east 302.8 feet to the north property line of West Broadway, thence east along the north line of West Broadway to the point of beginning.

In accordance with the LWCF grant award and 2 CFR 200.316, the Property has been improved with grant funds and must be held in trust as trustees for the beneficiaries of the program funds used to develop the Property by limiting use of the Property to outdoor recreational use, and maintaining and operating the Property consistent with 43 CFR Part 17

(civil rights laws), in perpetuity. This Declaration shall be binding upon Owner and Owner's heirs, successors, assigns and other transferees in interest (hereinafter "Transferees"), and shall run with the land. Each instrument hereafter conveying any interest in the Property or any portion of the Property, shall contain a notice of this Declaration. Owner, on its behalf and on behalf of all Transferees, grants to the Department's representatives the right of access at reasonable times in a reasonable manner for the purpose of inspection to determine compliance with these limitations.

Any act, conveyance, contract, or authorization by Owner or Transferee, whether written or oral which would cause to be used, or would permit use of, the Property contrary to the terms of this Declaration, will be deemed a violation and breach. In accordance with the terms and conditions of the LWCF award, such other use without prior approval may constitute a conversion that will require purchase of replacement property. Proposals related to any portion of the Property for a different use must be approved in advance by National Park Service. Requests may be directed to Missouri Department of Natural Resources, Division of State Parks, attn.: Grants Management.

Failure to timely identify or enforce compliance with these activity and use limitations shall not bar subsequent enforcement or be deemed a waiver of right to take action. If any provision of this Declaration is found to be unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

IN WITNESS WHEREOF, this instrument is executed this ___day of _____, 2023.

[Owner]

By: Michael Dophij Date: _____
[Name and Title of Authorized Signatory]

Document must be notarized in accordance with current notary laws

STATE OF MISSOURI)
)
COUNTY OF HOWELL)

On this ___ day of ~~December~~, 2023, before me personally appeared [Owner] to me personally known, who, being by me duly sworn, did say that he/she is the Owner of the Property, and that the foregoing instrument is acknowledged to be the free act and deed of the Grantor, and has been executed for the purposes stated herein.

Allison L. Skinner
Notary Public

Allison L. Skinner
Printed Name or seal

My Commission expires: 7-7-2025

