

Deed Restriction Overview

The enclosed Deed Restriction is required by the Office of Grants and Local Services (OGALS) to record a restriction on the title to the property. The restriction ensures that the property is used for a purpose consistent with the grant scope for the length of the contract performance period.

- If the Grantee owns the project site property, a deed restriction is required before any additional grant payments may be approved.
- **Acquisition-only projects**
The deed restriction is required after the acquisition is complete and the Grantee takes ownership of the property (grant payments may only be made for acquisition costs until the deed restriction is recorded).
- **Acquisition/Development projects**
The deed restriction is required after the acquisition is complete and prior to paying for development costs.

Deed Restriction Instructions

1. Fill in all the blank spaces of the Deed Restriction form as indicated below. Do not alter the Deed Restriction form.

Deed Restriction Form – Page 1

I. WHEREAS, _____ (hereinafter referred to as “Owner(s)”

Insert ownership information as it appears on the deed.

Deed Restriction Form – Page 3

5. SEVERABILITY.

Dated: _____, 20 ____

Insert the date the Deed Restriction is signed by the Grantee’s Authorized Representative (the position identified on the Grant Contract face sheet) in the presence of a notary.

Business Name (if property is owned by a business): _____

Signed: _____

Signed: _____

PRINT/TYPE NAME & TITLE OF ABOVE
(GRANTEE’S AUTHORIZED REPRESENTATIVE)

PRINT/TYPE NAME & TITLE OF ABOVE
(ADDITIONAL SIGNATURE, AS REQUIRED)

The Grantee's Authorized Representative (the position identified on the Grant Contract face sheet) signs in the presence of a notary. Additional signature lines may be added if multiple signatures are required.

2. To the Deed Restriction form attach:
 - (1) A page entitled, "Exhibit A (Legal Description of Property)".
 - (2) Exhibit A: A formal legal description of every parcel of property to which grant funds will be allocated. This information can be obtained from the grant deed or title policy. (NOTE: The assessor's parcel number or a street address is NOT a valid legal description.), or,
Exhibit A (Alternative), Habitat Conservation Fund (HCF) Grant Program only:
A topographic map that clearly outlines the project boundaries
 - (3) Exhibit B: A complete copy of the Grant Contract signed by the Grantee and the State of California with Grant Contract provisions attached.
3. Notarize it: Take the unsigned Deed Restriction form, "Exhibit A", and "Exhibit B", to a notary. The Grantee's Authorized Representative (the position identified on the Grant Contract face sheet) signs the Deed Restriction form signature page in the presence of a notary. The notary then completes the "Notary Acknowledgement" section.
4. Record it: Take the notarized Deed Restriction form, "Exhibit A", and "Exhibit B", to the County Recorder's Office of the county in which the property is located and ask the County Clerk to "record the Deed Restriction form, Exhibit A, and Exhibit B, on the title to the property."
5. Send a copy of the notarized and recorded Deed Restriction form, "Exhibit A", and "Exhibit B" to OGALS Project Officer.