

Prepared by:

Address:

Return to:

DEDICATION AGREEMENT
FOR

[name of property and location]

We, the undersigned, are collectively the owners of all those certain lots, pieces and parcels of lands and premises situation in _____ Hundred, _____ County, State of Delaware, known as the parcels bordering _____ [name of road], and more particularly identified as Tax Parcel(s): [list]

(See Exhibit "A" attached hereto and incorporated herein by this reference).

As the sole owners of the said lands and premises, it is our desire and intent by this writing to create, acknowledge, and forever dedicate to public use the said lands and amenities, to be privately maintained, including compliance with ADA requirements as outlined in Federal Code or by jurisdiction(s) having similar authority and more restrictive requirements, inclusive of prepared path surfaces, sidewalks, recreational amenities, and other applicable elements. The State of Delaware assumes no responsibility for present or future maintenance, compliance, or remediation of the improvements and assets contained within the areas which are being dedicated to public use.

It is the further desire and intent of the undersigned that, for and in consideration of the sum of One Dollar (\$1.00), the receipt and sufficiency of which are hereby acknowledged, this Dedication Agreement, dedicating the said _____ to public use, shall be binding upon our respective selves, heirs, administrators, successors, and assigns.

It is the further desire and intent of the undersigned that this Dedication Agreement be recorded in the Office of the Recorder of Deeds in and for _____ County, as a matter of public record.

IN WITNESS THEREOF, intending to be legally bound hereby, the undersigned have hereunto set their respective hands and seals upon the dates so indicated below.

EXHIBIT "A" [Provide a plot plan or drawing of property to be dedicated to public use showing tax parcels represented as having ownership interest.]

DEDICATION INSTRUCTIONS

OVERVIEW

Community Transportation Funds (CTF) is public funding, i.e., tax dollars. Therefore, when CT funds are to be used on privately owned property, the property must be properly “dedicated to public use”.

The purpose of dedication is to realize a public benefit from the public funds. If a private subdivision wishes to use CT funds to pave the streets, improve curb and/or sidewalk, provide lighting or signage, etc., the land on which those funds are to be used must be dedicated to public use. In this venue that would mean that the public in general is free to drive/park on the streets and walk on the sidewalks. Once parcels are dedicated to public use, no prohibition such as gates, barricades, or “no parking” signage can be used to prohibit access of usage to the general public.

COMPLETING THE DEDICATION AGREEMENT AND ATTACHMENTS

When a home owners association (HOA) is initiating the dedication, the following must be followed:

- If the individual properties each go to the center of the road (see metes and bounds description in deeds), you will need an Agreement for **each parcel owner** - 100% participation is required. Give them page 1 for reference and have them fill out and sign page 2 (with witness and notary). The completed page 2 should be returned to the community liaison – do not return them to the person named in the “return to” line – as this information is for the Recorder of Deeds office only.
- If the road has its own parcel number, you will only need one Agreement, signed by the persons(s) listed on the deed as owner(s) of the road.
- If the **owner is** a Maintenance Association, the signatures of the officers are required, in compliance with your by-laws.

When the property to be dedicated *is not represented by an authorized HOA*, **all** of the property owners whose property abuts the parcel to be dedicated must sign a signature page to be attached to the Dedication Agreement.

When the property to be dedicated is a parking lot, the signature of the Officer or Board of Officers legally authorized to represent in such matters is required upon taking a vote and coming to agreement in the matter of dedication. The Dedication Agreement signature page should reflect a comment to the effect that such a vote was taken and an agreement reached per the organization’s bylaws.

RECORDATION AT RECORDER OF DEED

Once the Dedication Agreement, Signature Page(s) and Plot Plan or Drawing (Attachment "A") are prepared, they must be officially recorded at the Recorder of Deeds in the County where the property to be dedicated is situated. The "recorders stamp", i.e., "Book" and "Page" must appear at the top of the document. The HOA or other party dedicating the document should make and keep a copy for future reference.

A copy of the RECORDED DEDICATION AGREEMENT must be provided to the legislative aide for the legislator providing CT Funds. The aide will in turn provide the documents to the CTF office at DeIDOT. At that time the legislator may fund the project in conjunction with the CTF Office.