

23 December 1997

Re: NEPA Technical Inquiry 0069 - Model Covenants and Restrictions

Dear NEPA Call-In User:

This letter is in response to a April 7, 1997 request by a GSA advisor for NEPA Call-In to provide you with example covenants or restrictions to ensure preservation and proper treatment during transfer of property.

NEPA Call-In obtained "APPENDIX II, ANNOTATED CONDITIONS/STIPULATIONS," which was an appendix to the syllabus for a short course entitled "Preparing Agreement Documents Under Section 106 of the National Historic Preservation Act," provided jointly by the University of Nevada, Reno and the Advisory Council on Historic Preservation. It presents standard model stipulations and conditions for Section 106 agreement documents. Specifically, page 46 of this document begins a section titled: "TRANSFER OF TITLE, MOVING, IMPOSITION OF TITLE RESTRICTIONS." Page 51 through 62 contain a subsection titled: "Title Restrictions" which are provisions obligating the responsible agency "to encumber title to a property it is transferring to another party with restrictions designed to protect its historic, architectural, engineering, or cultural significance."

A copy of this document was sent to you via GSA cc:Mail on April 10, 1997. We are also providing the document on 3.5" diskette in Word format (enclosed).

The materials in this TI have been prepared for use by GSA employees and contractors and are made available at this site only to permit the general public to learn more about NEPA. The information is not intended to constitute legal advice or substitute for obtaining legal advice from an attorney licensed in your state and may or may not reflect the most current legal developments. Readers should also be aware that this response is based upon laws, regulations, and policies in place at the time it was prepared and that this response will not be updated to reflect changes to those laws, regulations and policies.

Sincerely,

(Original Signed)

NEPA Call-In Researcher