

Article 97: Practical Tips

When contemplating the sale, change in use, or disposal of open space or land dedicated to public outdoor recreational use:

- 1) **Look to the chain of title for actions that categorically designate land for Art. 97 purposes:**
 - ❑ Language in the deed or order of taking
 - ❑ A contemporaneous/subsequent conservation restriction, or a similar encumbrance for historic preservation or agricultural use
- 2) **Look to see if your municipality has accepted federal or state grant money or funds restricting future use of the land.**
 - E.g., LWCF grants, state Parkland Acquisitions and Renovations for Communities Program (PARC) (formerly the Urban Self-Help Program)
- 3) **Look to Town Hall records of Town Meeting actions or other formal dedication of land following acquisition**
 - Was “care, custody, and control” of the land transferred to a conservation commission, park department, water supply department or forest division?
- 4) **Look to common sense:**
 - When looking at the “totality of the circumstances” has the municipality clearly and unequivocally dedicated open space to the public as a park?