



LOCAL PARK GRANT PROGRAM GENERAL INFORMATION

Overview:

The Local Park Grant Program consists of 5 individual programs that assist local units of government with the acquisition and/or development of public recreation areas and facilities throughout the State of Texas. The Program provides 50% matching grants on a reimbursement basis to eligible applicants. All grant assisted sites must be dedicated as parkland in perpetuity, properly maintained and open to the public.

Funding for these programs comes from a portion of the state sales tax on sporting goods through the Texas Recreation and Parks Account, the Texas Large County & Municipality Recreation & Parks Account, and from the federal Land and Water Conservation Fund.

Grant Program	Eligible Population (2010 Census)
Small Community	<20,000
Outdoor Recreation	<500,000
Indoor Recreation	<500,000
Urban Outdoor Recreation	>500,000
Urban Indoor Recreation	>500,000

Matching Funds:

Grant funds are provided on a matching basis with the local applicant providing 50% of the project costs. The match MUST be available at the time of application. The applicant's matching share may come from a number of sources including, but not limited to the following:

- Voter approved bonds
- Applicant cash and EDC funds
- Applicant in house labor, equipment, and materials
- Applicant publicly-owned non-parkland
- Fees or cash in-lieu of mandatory dedicated parkland
- Donated land, cash, labor, equipment, and materials.
- Other grants awarded

Applicant Eligibility:

Eligible applicants include political subdivisions of the State of Texas legally responsible for providing public recreation services to their citizens. This includes cities, counties, river authorities, municipal utility districts, and other special districts.

The following criteria will be used to determine applicant eligibility for additional funding:

- All previously completed Recreation Grant Projects must be in compliance with all the terms of the Project Agreement under which they received assistance and all program guidelines; and
- For active grants, all required project documentation (such as appraisals, construction plans, quarterly status reports, and reimbursement requests) must be complete and have been received on schedule, if

due; and

- For the Outdoor Recreation, Small Community and Indoor Recreation Grant Programs:
 - all active projects which are at least two years old must be reimbursed for a minimum of 50% of the approved grant amount; and
 - the total of approved grant funds which have not been reimbursed may not exceed \$2 million for all active grant projects.
- For the Urban Outdoor Recreation and Urban Indoor Recreation Grant Programs:
 - all active projects which are at least two years old must be reimbursed for a minimum of 25% of the approved grant amount; and
 - the total of approved grant funds which have not been reimbursed may not exceed \$4 million for all active grant projects.

A grantee may also be considered to be “high risk” based on financial stability or non-conforming management standards, requiring additional special conditions and restrictions as determined by grant management standards.

Project Eligibility:

Development projects may consist of basic outdoor recreation facilities and related support facilities to serve the general public; provided that the funding of the project is in the best public interest in accord with local plans. Facilities may be developed, renovated, or redeveloped on lands or waters owned or adequately controlled by the project applicant. Plans for recreational development should be based on public needs, expected use, and the type and character of the project areas.

Facilities should be attractive to the public and consistent with the natural setting and topographic limitations of the site. Recreational improvements should be designed to be harmonious with the natural environment. Emphasis should be given to public health, safety, the natural environment, barrier-free access, and the protection of recreational and community values of the area. These considerations should be part of the planning, design, and maintenance criteria for all grant-assisted areas.

Development projects may consist of the complete or partial development of a public recreation area. All projects must be logical units of work to be accomplished within three years.

Legal Control of Property:

Applicants requesting development funds are required to have full legal control of the property proposed for development. Adequate legal control of the property means that the applicant either has fee simple title to the property, is proposing to acquire the property as part of the project, or will lease the property from another government entity.

Leased property will only be eligible for fund support if it meets all of the following requirements:

1. Applicant has (or will have) full surface legal control of the property proposed for assistance; and
2. Applicant and lessor can guarantee that the project area will remain dedicated to public recreation use throughout the term of the lease. The lessor must be willing to comply with all program guidelines for the entire term of the lease; and
3. Project area must be leased to the applicant for a minimum of 25 years for most projects, and in some cases up to 40 years for major capital expenditures like aquatic and related facilities; and
4. The lease cannot be revocable at will by the lessor.

Barrier Free Access:

All recreational facilities acquired and/or developed with grant assistance must be designed in accordance with the Texas Architectural Barriers Act ([Texas Civil Statutes – Article 9102](#)) and must comply with the Americans with Disabilities Act (ADA) ([Public Law 101-336](#)). Texas Accessibility Standards can be found on the Texas Department of Licensing & Registration's website <http://www.license.state.tx.us/ab/ab.htm> .

Prevention of Surface Drilling and Mining:

The applicant must provide evidence that the surface of the project site is protected from any drilling or mining, or can demonstrate protection through the following:

- Existing ordinance or resolution
- Zoning
- Ownership of mineral rights by applicant
- Draft of ordinance, resolution or zoning, and statement that if funded, will authorize the ordinance or resolution.

Reservations and Rights Not Acquired:

Reservations and rights held by others (i.e. - mineral rights, property liens, easements, etc.) are permissible only if it is determined that the outdoor recreation activities and environment would not be adversely affected. The applicant shall list all outstanding rights or interests held by others on the boundary map. Reservations must also be discussed in the application to explain how these outstanding rights are to be dealt with to assure that recreation interests and the environment will not be adversely affected.

Public Hearing Requirements:

All grant applications must receive at least one public hearing prior to submission in compliance with the Texas Open Meetings Act <https://www.oag.state.tx.us/open/> . The hearing may be a separate public meeting, or it may occur at the time the governing body regularly meets. At this public hearing, the governing body must pass the resolution authorizing application submission. The public hearing must be properly posted and advertised in compliance with the Texas Open Meetings Act, and there must be an opportunity for public comment.

If the project is located in a floodplain/wetland area, the public must be notified that the project will have certain environmental impacts on that floodplain/wetland area, and must allow public comment. The following actions must be taken:

- The applicant must publish a notice in the local media describing the proposed action in the floodplain or wetland area and invite the public to provide their views on the proposal. This may be done by holding a public hearing or making the plans and other pertinent materials available for review at a public place (i.e., city hall, courthouse, library, etc.).
- The application must contain a copy of the published notice and any public comments received. If no public comments are received, this must be clearly stated.

Any public hearing or comments received within two years of the application submission will be accepted.

Development:

Development projects may be individual or multi-site projects and may include new construction, renovation and/or redevelopment. General repair and maintenance projects are not eligible. The following definitions are used to clarify the differences between these types of projects:

- **REPAIR AND MAINTENANCE:** Normally consist of minor work intended to mend a specific part of a facility which has become broken or otherwise inoperative, to return it to a useful state, or periodic minor work designed to merely maintain a specific part of a facility so such facility will be in a good state of maintenance and repair.
- **RENOVATION:** Renovate is defined in terms of “to renew or make over”. Work on existing facilities to completely renew, update, or modernize such facilities so the finished product will meet present-day standards and be comparable with newly constructed similar facilities is classified as renovation.
- **REDEVELOPMENT:** Redevelop is defined in terms of “to develop again.” Redevelopment of existing park areas includes demolition of obsolete facilities and the construction of new facilities.

Examples of Eligible Development

- Sports fields
- Boating, Fishing, and Hunting Facilities
- Picnic facilities
- Playgrounds
- Splash pads
- Swimming Pools
- Trails
- Camp Sites
- Recreational Support Facilities
- Community Gardens
- Basketball, Volleyball and other sports courts
- Small Amphitheaters
- Small Bandstands
- Rodeo Arenas
- Exhibit / Interpretive Displays
- Golf Courses
- Landscaping using native plants

Examples of Ineligible Development

- Professional or semi-professional arts and athletics
- Monuments & landmarks
- Amusement Parks
- Residences and furnishings
- Lodges, hotels, motels and luxury cabins
- Support facilities for ineligible facilities
- Marinas and related support facilities
- Non-native plants

Development on School Property

Although school districts are not eligible for grant assistance, facilities on public school grounds for joint school-general public use are allowed provided that the following conditions are met:

1. The property meets all requirements of the grant program, including requirements for development on leased property.
2. The proposed facilities are not required as part of the normal curriculum of the educational institution and must be primarily intended for general public use.
3. The lease agreement must include:
 - schedule of times the fund-assisted facilities are available to the public,
 - metes and bounds description of the project area, which includes the areas to be developed, and
 - ingress / egress route to the assisted facilities.

4. Adequate signage must be installed prior to the final grant payment/reimbursement that is:

- maintained throughout the term of the lease at the project site
- indicates when the fund-supported facilities are available to the public

Acquisition Projects:

Acquisition of lands, man-made improvements and waters, additions to existing parks, forests, wildlife areas, beaches, wetlands, and other similar areas dedicated to public outdoor recreation may be eligible for assistance.

Acquisitions which occur prior to grant approval, department authorization, or which do not meet the acquisition criteria, are not eligible for assistance.

The value of sponsor owned non-parkland may only be used as the sponsor's matching share if it has never been dedicated, platted, managed, used, or acquired for a public park or recreation use.

When proposing the acquisition of land or real property it is not appropriate to negotiate a price prior to grant and appraisal approval. You may contact the land owner to determine if the land is available for acquisition and you may determine if the owner is willing to donate, sell or partially donate the subject property.

Negotiation of an acquisition price prior to grant and appraisal approval may jeopardize the eligibility of the proposed acquisition for grant assistance. The level of grant assistance will be determined by an independent appraisal, approved by the Department. Projects approved for federal (LWCF) funding are required to complete appraisals in compliance with Uniform Appraisal Standards for Federal Land Acquisition ("yellow book" standards).

Delayed Development

Assistance may be available to acquire property on which recreational development is not planned until a future time. During the interim between the time the property is acquired and the time it is developed, the property should be open for those public recreational purposes which the land is capable of supporting, or which can be achieved with minimum public investment. Applicants submitting grant applications to acquire land for future development must submit a master plan for development with the application. Non-recreational uses, such as agriculture or grazing, which are occurring on the property at the time of acquisition, may continue for up to three years, or the remainder of the grant period, contingent on prior Department approval. In such cases the project applicant shall not receive reimbursement for the land until the non-recreational use is terminated.

If development will be delayed for more than two years from the date of acquisition, the following information must be included in the grant application:

1. Justification as to why the immediate acquisition is necessary;
2. A schedule for development, pursuant to the master plan;
3. Discussion of any non-recreational property uses, including when such uses will terminate. Non-recreational uses must terminate within three years from the date of acquisition;
4. Assurance that any income derived during the interim period will be used on the project site only;
5. Identification of the type of public recreational access to be provided during the interim period.

It is not necessary that the eventual development be carried out with grant assistance, or that such unassisted recreational development is Department approved as long as it is in accordance with the master plan and purpose for which the application was made. Once developed, all improvements on land acquired with fund assistance must be operated and maintained in accordance with program requirements. If acquisition assistance is received, development on the property must begin within three years of project approval. Public access to the site must be made available immediately after the site is acquired.

Waiver of Retroactivity

For land which may be under eminent threat of loss as an acquisition opportunity, the Department may authorize such acquisitions to occur prior to grant approval through a waiver of retroactivity. In addition, land may be transferred to a non-profit holding organization until an application has been reviewed and approved.

Ineligible Acquisitions

1. Historic sites and structures. Exceptions may be made with Department approval only when it is clearly demonstrated that the acquisition is primarily for public recreation purposes. This exclusion need not prevent the consideration of a project calling for the acquisition of real property interest contiguous to (or near) historic sites/structures which meet priority recreation needs. The acquisition must be in accordance with the [Texas Antiquities Code](#) if it is adjacent to or includes a site listed as a State Archaeological Landmark (SAL) or if it is a site eligible for listing as a SAL.
2. Museums, sites for museums or sites primarily for archaeological excavation.
3. Public school property. Acquisition will not be made for school property to help meet minimum acreage requirements, as established by state law or local regulations.
4. Areas and facilities to be primarily used for semi-professional or professional arts or athletics.
5. Areas/facilities to be used solely for game refuges or fish production.
6. Areas containing luxury lodges, motels, cabins or similar elaborate facilities.
7. Land primarily for agricultural purposes.
8. Areas for which the primary purpose of the acquisition is for non-recreational uses (such as an area to be impounded or excavated to serve as a future public water supply).
9. Lands already within the public domain which were previously dedicated, platted, managed, used, or acquired for public park, recreation and open space use are not eligible to serve as the applicant's matching project share.
10. Land which has been designated for acquisition as mitigation for other public domain activities may not be used for matching fund purposes and will not be eligible for acquisition assistance. Land acquired for mitigation of projects undertaken by the private sector are, however, eligible for acquisition under this program and may be used as matching funds if proposed as a donation in the grant application.

Means of Acquisition

Acquisition of lands / waters or interests therein may be accomplished through purchase, eminent domain or condemnation, dedication, transfer, donation, or a combination of these methods. When the acquisition is proposed by donation, the nature of any restriction on the use of the area or condition of donation will be examined to ensure that it is compatible with the purpose of the project. Full title must rest with the applicant with no outstanding liens on the property.

Acquisition of Structures

Acquisition projects may include structures and impoundments which are:

1. To be used for public recreation or related support facilities; or
2. A part of the recreation area to be acquired and are to be removed, demolished, or drained in the case of an impoundment.

Grant applications must identify all improvements and discuss the proposed use, disposition, or mitigation of these structures.

Acquisition of Lesser Interests

Proposed acquisitions of interests in lands/waters of less than fee simple title are acceptable where such lesser rights will ensure the desired public use. Proposals such as a permanent park or conservation easements will be evaluated on their merit and contribution to public recreation.

Application Review:

The process of reviewing grant applications requires about five months. A technical review by Recreation Grants staff will be followed by a review by agency resource staff. If environmental concerns are identified such as potential endangered species being located on the project site, additional environmental coordination and/or a survey may be required. Recreation Grants will also coordinate the review of your project with the Texas Historical Commission (THC).

When all of the information necessary to complete the application is received, the project is scored, put in priority order by score, and recommendations are presented to the Texas Parks & Wildlife Commission.

The TPW Commission makes all final decisions regarding awards of program funds. Each project applicant will be notified of the staff's recommendation shortly before the TPW Commission hearing. The public is welcome to attend and participate at the hearing.

Funded Projects:

Single Audit Requirement

It is the responsibility of the grantee to have a Single Audit done annually according to the Texas Single Audit Circular for state funded projects, and according to OMB Circular A-133 for federally funded projects. A copy of this audit must be furnished to the Department when completed.

Retention and Use

Property acquired or developed with grant assistance shall be retained and used for public recreation. Any property acquired or developed shall not be converted to other than public recreation uses without Department approval. Such approval will be given only with the substitution of other properties of at least equal fair market value and equivalent usefulness, quality, and location. Conversion Guidelines are available by contacting the Recreation Grants office.

Operation and Maintenance

Property acquired or developed with program assistance will be operated and maintained as follows:

1. The property will be maintained as attractive and inviting to the public.
2. Sanitation and sanitary facilities will be maintained in accordance with applicable health standards.
3. Properties will be kept reasonably safe for public use.
4. Buildings, roads, trails, and other improvements will be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use. It is not necessary that assisted improvements be maintained in perpetuity. Once assisted improvements have exceeded their estimated lifetime, or they are no longer economically feasible to operate or maintain, they may be demolished as long as the area remains in use for public recreation and prior Departmental approval is received.

5. The facility will be kept open for public use at reasonable hours and times of the year.
6. Property which includes natural area, wetland, or open space dedication should be maintained to preserve the original characteristics of the area which were suitable for these designations. This might include restrictions on development, mowing, drainage, landscaping, intensity of use, or other considerations which could affect the habitat or species within these designated areas.

Availability to Users

Non-Discrimination: Property acquired or developed with program assistance shall be open to persons regardless of age, race, color, religion, sex, national origin, or handicap. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable differences may be charged on the basis of residence.

Reasonable Use Limitations: Participants may impose reasonable limits on the type and extent of use of the areas and facilities acquired or developed with program assistance when such a limitation is necessary for maintenance or preservation.

Additional on-going commitments

All property acquired and/or developed with fund assistance must remain dedicated in perpetuity and be used only for public recreation, with the exception of leased lands which may revert to other uses upon lease expiration;

1. No overhead utility lines may be installed;
2. The project area(s) must be open to the public and utilized for public recreation, free from discrimination pursuant to Title VI of the Civil Rights Act of 1964;
3. The project area(s) must be maintained so that it is safe, attractive, and inviting to the public;
4. A permanent program acknowledgement sign or plaque must be installed and maintained at all project sites;
5. Periodic post completion inspections by Department staff will generally be unannounced, and are intended to ensure that program compliance continues after the project is completed. The applicant may be asked periodically to participate in post completion self-inspection. Applicants who fail to comply with long-term program commitments may jeopardize future eligibility for funds for new projects and/or be subject to legal actions by the state and/or federal government to enforce program compliance.

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