

Local Parks FAQ's

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Is there a match requirement?

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

What are the eligibility requirements for previously funded applicants?

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 Non-Urban Outdoor Recreation, Small Community and Non-Urban Indoor Recreation Grant Programs: • All active projects which are at least two years old at the time of application 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 at the time of application 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 at the time of application 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 at the time of application may not exceed \$4 million for all active grant projects. An applicant

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.

Are we required to submit a Parks, Recreation and Open Space Master Plan?

Points may be received through the applicable "Project Priority Scoring System" for projects which meet priorities identified in Department-accepted, locally-endorsed parks, recreation, and open space master plans. A jurisdiction wide master plan is NOT required to participate in the grant program, nor does Texas Parks & Wildlife Department's acceptance of a plan guarantee that points will be awarded for any project. There are no points in the Small Community scoring criteria for having a master plan. Master Plans must be submitted to TPWD at least 60 days prior to the grant deadline in which you wish to participate in order to be considered for points.

What does the application review process include?

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 evaluated, 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. .

Who maintains legal control of the 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.

Can we use leased property?

Leased property will only be eligible for fund support if it meets all of the following requirements: • Applicant has (or will have) full surface legal control of the property proposed for assistance; and • 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 • 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 • The lease cannot be revocable at will by the lessor.

What is a 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. Waiver approval does not

guarantee funding. If you find yourself in this situation, please contact the Local Park Grant Staff at 512-389-8224 prior to accepting legal control of the property.

What are the requirements to use publicly owned non-parkland as match?

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.

Are rights held by others permissible?

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..

What is the public hearing requirement?

All grant applications must receive at least one public hearing prior to submission in compliance with the [Texas Open Meetings Act](https://www.texasattorneygeneral.gov/files/og/openmeeting_hb.pdf) [https://www.texasattorneygeneral.gov/files/og/openmeeting_hb.pdf]. 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.

Are school districts eligible for grant assistance?

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:

- o The property meets all requirements of the grant program, including requirements for development on leased property.
- o 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.
- o The lease agreement must include a schedule of times the fund-assisted facilities are available to the public along with a metes and bounds description of the project area, which includes the areas to be developed, and ingress/egress route to the assisted facilities.

What is the long term commitment if funded?

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. • No overhead utility lines may be installed;

• 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; • The project area(s) must be maintained so that it is safe, attractive, and inviting to the public; • A permanent program acknowledgement sign or plaque must be installed and maintained at all project sites; • 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.