

INSTRUCTIONS FOR APPROVED PROJECTS

Recreation Grant Programs

Revised May 2009



PWD BK P4000-1146

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Section 1

INTRODUCTION



Dear Sponsor:

Congratulations on the approval of your recreation grant! After the intense competition of the application phase, I am sure you are wondering where to go from here.

This booklet is designed to provide step-by-step instructions for project administration until completion. We have provided several flow charts and a number of checklists I hope you will find helpful.

We suggest you provide a complete copy of this set of instructions to the person who will be responsible on a daily basis for coordinating the grant for you. Please contact us if you need additional copies, and it is available online at <http://www.tpwd.state.tx.us/business/grants/trpa/>.

Of course no instruction book can answer every question you have. Please call us for personalized assistance when necessary. We have included a directory of the Recreation Grants Branch Staff. We suggest that you schedule an individual pre-construction procedural meeting in order to discuss program acquisition, development, and reimbursement guidelines. Please schedule with the appropriate staff member or call us at 512/389-8109 for referral.

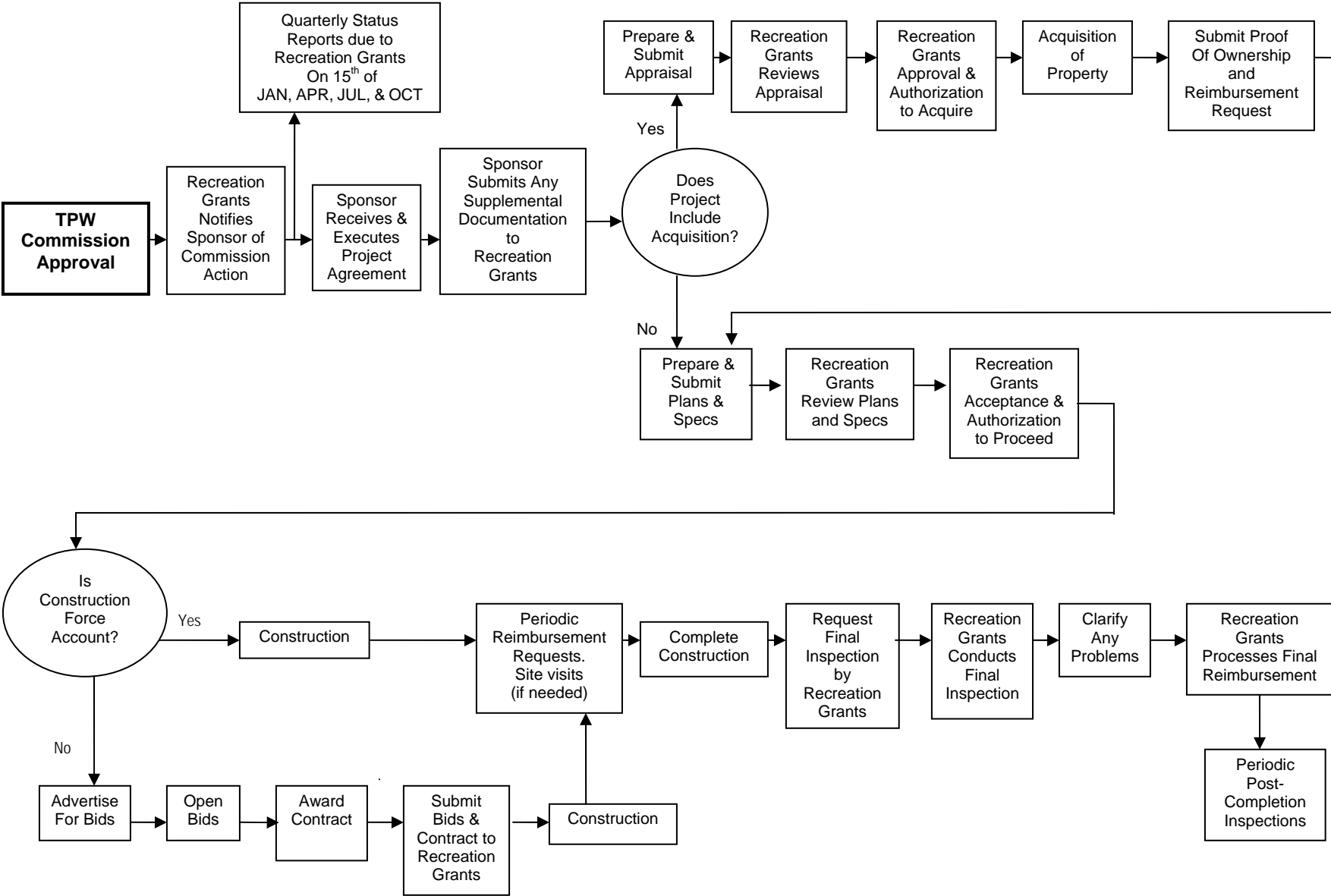
We look forward to the successful completion of the project and hope our partnership will be productive.

Sincerely,

Tim Hogsett, CPRP
Director
Recreation Grants Branch

TH:RR:lt

GRANT PROCESS FLOW CHART



Recreation Grants Branch Staff Directory

<p>Mailing Address Texas Parks & Wildlife Recreation Grants Branch 4200 Smith School Road Austin, Texas 78744</p>	<p>Office Location Texas Parks & Wildlife Recreation Grants Branch 1340 Airport Commerce Drive Building 6, Suite 600A Austin, Texas 78741</p>
<p>Web: http://www.tpwd.state.tx.us/business/grants/ Email: Rec.Grants@tpwd.state.tx.us Tel: (512) 389-8224 Fax: (512) 389-8242 TPWD Main Numbers 1-800-792-1112 or 512 389-4800</p>	

Name	Office #
Tim Hogsett, Director	389-8224

Local Park Grant Programs

Jill Parrish, Manager	389-8175
Wendy Kovach	389-8322
Roxane Eley	389-8109
Pat Welch	389-8862

Fiscal Section

Ramon Riquelme, Head	389-8210
Robert Urbina	389-8116
Will vanWisse	389-8714
Robin Kolton	389-8104

Community Outdoor Outreach Program

Darlene Lewis, Head	389-8745
Dana Lagarde	389-8056

Other Grants - Boating, Trails, & Pumpout

Andy Goldbloom, Head	389-8128
Steve Thompson	389-8230

Administrative Staff

Renee Serrano, Manager	389-8171
Chris Contreras	389-8224
Adrienne Villalobos	389-8225

Section 2

QUARTERLY STATUS REPORTS

Quarterly Status Reports

Quarterly status reports, in letter format, hard copy, or fillable form by e-mail (4mb maximum), should be provided **on or before the 15th of January, April, July and October**. Please discuss your progress with appraisal and land transfer negotiations, construction of project elements, reimbursement requests, any problems incurred, requested changes to the contract, and the feasibility of meeting compliance deadlines and project expiration date.

Photos are optional, but highlights of facility development are welcome, in the smallest digital size possible. Address all correspondence to the Recreation Grants Branch, and include the project name and number on all submissions. Questions should be referred to the appropriate staff member noted in the Staff Directory in this manual

You may access an electronic fillable version of the Quarterly Status Report form from the web at: <http://www.tpwd.state.tx.us/business/grants/>. Save the form, complete it and submit to our email account at Rec.grants@tpwd.state.tx.us.

Or you can mail or fax the completed form to:

**TPWD
Recreation Grants Branch
4200 Smith School Road
Austin, Texas 78744
Fax: 512-389-8242**

Please submit just **one** copy of the Quarterly Status Report.

For TPWD use only			For TPWD use only		
Projects:			FY Funded:		
Fiscal:			Exp:		



Quarterly Status Report

Texas Local Park Grants

The following information must be submitted to maintain compliance with projects funded by Texas Parks and Wildlife Department. *Required fields are indicated with **. Please refer any questions to the Recreation Grants Branch: (512) 389-8224 or rec.grants@tpwd.state.tx.us

Sponsor Information				Report Prepared by (if different than sponsor contact)					
* Sponsor Name:				Your Name:					
* Project Name:				Affiliation (e.g., city, consulting group):					
Project Number:									
Contact Name:				Address:					
Contact Title				City:		State:		Zip:	
Address:				Phone: ()					
City:		State:		Zip:		E-mail:			
Phone: ()				Has the Grant Sponsor received a copy of this					
E-mail:				Status Report? <input type="checkbox"/> Yes <input type="checkbox"/> No					

* Reporting Quarter:			
<input type="checkbox"/> January 1 – March 31		<input type="checkbox"/> April 1 – June 30	
<input type="checkbox"/> July 1 – September 30		<input type="checkbox"/> October 1 – December 31	

On the following page, please describe your progress toward completing the project scope as outlined in your agreement with TPWD. Answer the questions on the following page, and provide an explanation for any variance from your expected progress. Photos and highlights of project elements or program activities are encouraged. If you are e-mailing photos attached to your Quarterly Status Report, use the smallest digital image size possible.

Note: The narrative sections have unlimited space to fill in the needed information. The final view of the form for your project may be more than two pages.

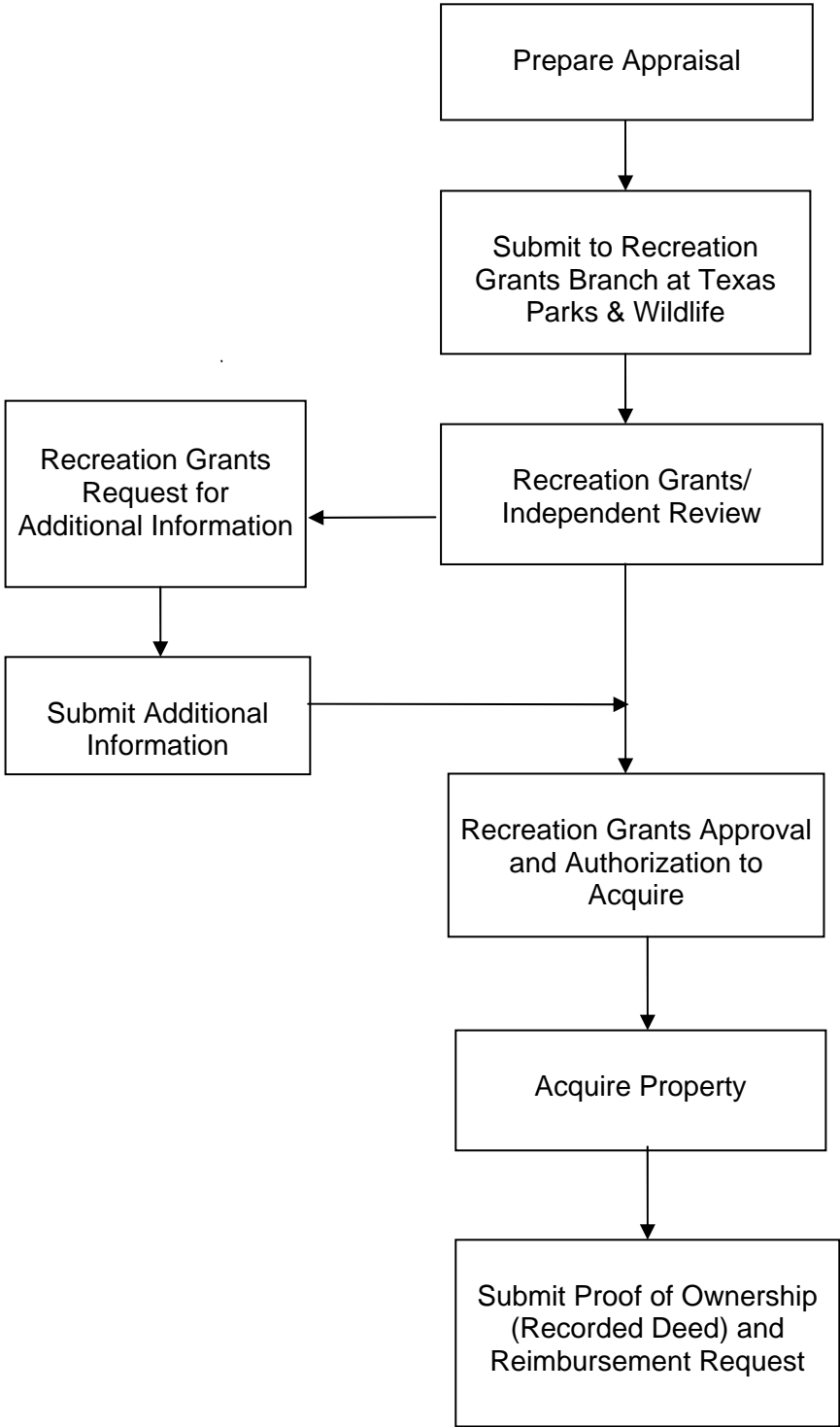
Page 2 – Quarterly Status Report

I. Pre-construction documentation	
* Have the pre-construction documents been submitted? (As outlined in the letter that accompanied your agreement, i.e., Corps Permit, TX Historical Commission survey, Drilling/Mining protection)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If NO , please provide an explanation.	
II. Land negotiations/Construction status:	
1. Have you submitted an appraisal to TPWD for review?	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
2. If your appraisal has been approved by TPWD, have you submitted a recorded deed for the property conveyed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Have you submitted plans and specifications to TPWD for review?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Have you registered your project for accessibility compliance with the <u>Texas Department of Licensing and Regulation</u> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Has the Temporary Project Sign been installed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. If your plans have been approved by TPWD, have you completed the bid process for the project elements?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. If you have completed items 1 through 4 above, is construction underway?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Outline the construction progress of the project elements.	
III. Meeting compliance deadlines and project expiration date:	
1. What is the estimated project completion date? (Enter as MM/YYYY)	
2. Have you experienced any unforeseen delays?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES , please explain.	
IV. Requested changes to the agreement:	
Do you need an extension or amendment to your agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES , the project sponsor must submit a signed request under separate cover.	
Please submit quarterly reports to rec.grants@tpwd.state.tx.us or mail to:	
Texas Parks and Wildlife Department Recreation Grants Branch 4200 Smith School Road Austin, Texas 78744	
An electronic copy of this form can be found at http://www.tpwd.state.tx.us/business/grants/trpa	

Section 3

LAND ACQUISITION PROCESS

ACQUISITION FLOW CHART



LAND ACQUISITION INSTRUCTIONS

LAND ACQUISITION PROCESS

1. Contact the landowner to determine availability of the property.
2. Have one independent appraisal of the property prepared according to the "Acquisition Methods and Appraisals" instructions in the following section.
3. Submit one copy of the completed appraisal to the Department for review/approval.
4. After appraisal approval, make a written offer to acquire the property based on instructions in the Department letter approving your appraisal and setting the grant assistance value. Negotiations with the landowner over price may now begin.
5. Supply the landowner with notification of the property grant assistance value. Use the "Statement of Just Compensation" for land purchases, or the "Statement of Donor" for land donations.
6. Close the property transaction (use of a title company is recommended but not required). Obtain the owner's signature on the "Statement of Just Compensation" or "Statement of Donor" as applicable.
7. File the property deed at the local County Clerk's office.
8. Prepare an acquisition reimbursement request and submit to the Department (see "Land Acquisition Reimbursement Checklist" in the "Reimbursement Process," Section 4).
9. Install a program recognition sign (see "Acknowledgement Signs" in "Design/Development Process," Section 3).

Acquisitions Involving Relocations

The Department will not assist with relocation costs for persons displaced by grant-assisted property acquisition. It is the sole responsibility of the grant sponsor to bear these relocation costs. It is also the responsibility of the sponsor to follow the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act related to benefits and payments for displaced persons.

If you have any questions regarding the above instructions, please contact the Department.

ACQUISITION METHODS AND APPRAISALS

NOTE: In order to ensure the appraisal report contains the content required by our guidelines, the grant sponsor needs to provide the appraiser with a copy of these "Acquisition Methods and Appraisals."

1. **Methods of Acquisition.** Acquisition of land and water, or interests therein, may be accomplished through purchase, eminent domain, transfer, gift, mandatory dedication, or other means. The Department encourages public policies and procedures for the acquisition of real property that are fair and consistent, and directed toward giving the property owner the full measure of compensation authorized by law, promptly, with a minimum of inconvenience, and without prolonged negotiation or costly litigation.
 - A. Every reasonable effort should be made to acquire real property by a means other than eminent domain or condemnation.
 - B. Real property should be appraised before the initiation of negotiations. Program assistance will be based on the current fair market value of real property as established by an independent appraisal reviewed and approved by the Department. Property owners shall be afforded an opportunity to accompany the appraiser during the inspection of the property.
 - C. Condemnation should not be advanced or delayed in order to induce an agreement on price. If an agreement does not appear possible after a reasonable period of negotiation, the project sponsor may, if authorized by law, institute condemnation proceedings.
 - D. If a partial taking would leave the owner with an uneconomic remnant, the sponsor shall offer to acquire the entire property.
 - E. In determining the boundaries of a project, the sponsor should take into account human considerations, including the economic and social effects of the acquisition and subsequent development on owners and tenants in the adjacent area, in addition to engineering and other factors.
2. **Basis for Assistance.** Generally, the market value standard will be used as the basic measure of program assistance on acquisitions. Program assistance shall be based upon evidence of this value. When determined by the Department to be capital costs and when other pertinent conditions are met, any degree of long term interest in real property can be considered for matching aid, whether purchased by or donated to the project sponsor. Properly documented costs of severance damage may be matched. Severance damage is the diminution in value of the remaining land due to the particular land taken and is considered to be an inherent part of just compensation. The only incidental costs of acquisition which may be matched are appraisal and boundary survey costs for non-Land & Water Conservation Fund Projects.

Payments shall be made only after the Project Agreement has been executed for the project involved.

3. **Department Action on Acquisition Documents.** The Department will approve all appraisal reports for adequacy and consistency. Other documents may also be checked to determine whether they adequately serve the purposes intended for them. Additional information, including a new appraisal, may be required when circumstances so warrant.

- 4. Waiver of Requirements.** The Department may waive any of its documentation or payment requirements upon request or upon its own initiative, when in the opinion of the Department a requirement is not necessitated by law and does not reduce any protections provided by the Grants Manual. When such a waiver is given, the Department reserves the right to establish suitable and reasonable conditions under which the waiver may be operative.

When a waiver is needed, it should be requested by the sponsor. The request should include a justification for the waiver and a statement of how a proposed substitute report or system would meet the need of the Department to justify payments from the grants program.

- 5. Appraisal.** The sponsor shall secure an appraisal of the appropriate type by a State of Texas certified appraiser for all real property to be taken. If more than one parcel is to be acquired, all parcels shall be appraised in the same report. Individual parcel appraisal reports will not be reviewed by the Department, nor are they eligible for program assistance.

When Federal Funds are involved, standards for appraisals shall be consistent with the current Uniform Appraisal Standards for Federal Land Acquisition (“Yellow Book”) which can be found on the U. S. Department of Justice’s Internet Website:

<http://www.usdoj.gov/enrd/land-ack/>

Except for written Findings of Value (C below), the appraisal should be an analytical narrative report following current professional appraisal practices involving the application of standard techniques, such as comparative/market approach or cost less depreciation. Other portions of the report, such as introductory and supporting data, limiting conditions and certifications should also meet these standards.

The formality and detail of required documentation will be determined, as described below, by the value of the real property involved in each instance. Depending on value, the Department will require detailed appraisal reports, abbreviated appraisal reports, or written findings of value. The appraisal will be submitted to the Department for review unless otherwise noted or requested. A detailed appraisal is required for all projects involving the donation of real property or interests therein. The value established by the appraisal report should not be older than two years from the date of its submittal to the Department for review.

- A. Detailed Appraisal Report.** If an acquisition will cost more than \$25,000 the project sponsor will apply the following appraisal requirements.

The report on any individual property may vary depending upon the type of property under appraisal. Additional data may be required in the case of highly specialized properties. Items may be deleted as in the case of land valuation only. Generally, however, all items must be considered by the appraiser and included in the report unless otherwise requested and agreed to by the Department, and omissions must be explained by narrative.

The Appraisal Report should cover the following:

- (1) Opportunity to Accompany. Property owners (or a designated representative) shall be afforded an opportunity to accompany the appraisers during the inspection of the property. The appraisal report shall indicate whether or not the owner or representative accompanied the appraiser.
- (2) Qualifications. Statement of qualifications (education, experience, list of clientele, State of Texas Certification number, and date of expiration) of all appraisers and/or technicians contributing to the report.

- (3) Statement of Limiting Conditions. The appraiser should provide clear concise statements of all assumptions, including the following specifics:
 - (a) That the title to the property is marketable,
 - (b) That the appraiser assumes no responsibility for legal matters, and
 - (c) That all data furnished by others are presumed correct.
- (4) Purpose of the Appraisal. This shall include a definition of all values required and appraised.
- (5) Identification of Property. Legal description of the whole tract and that portion to be acquired.
- (6) City and Area Data. This data (mostly social and economic) should be kept to a minimum and include only such information as directly affects the property being appraised.
- (7) Property Data.
 - (a) Site. Describe soil, topography, mineral deposits, easements, etc. If there is an indication that mineral deposits have more than a nominal commercial value, this fact shall be clearly stated.
 - (b) Easements. If land is to be acquired over which the sponsor has limited control or use, such as land encumbered by easements, proper adjustments must be made to the appraisal reports to reflect the limited control. If no adverse easements exist, report should so state.
 - (c) Improvements. This shall be by narrative description, including dimensions of principal buildings and/or improvements. A floor plan and location of each building is required.
 - (d) Equipment. This shall be by narrative description including the condition of equipment.
 - (e) Condition. The current physical condition and relative use and obsolescence shall be stated for each item or group appraised and, whenever applicable, the repair or replacement requirements to bring the property to usable condition.
 - (f) Assessed Value and Annual Tax Load. Include the current assessment and dollar amount of real estate taxes. If the property is not taxed, the appraiser shall estimate the assessment in case it is placed upon the tax roll, state the rate, and give the dollar amount of the tax estimate.
 - (g) Zoning. Describe the zoning for the subject and comparable properties.
- (8) Analysis of Highest and Best Use. The report shall state the highest and best market use that can be made of the property (land and improvements and where applicable, machinery and equipment) for which there is a current market. The valuation shall be based on this use. In no case shall the land be appraised for one highest and best use and the value of the improvements added when they do not contribute to the fair market value of the land under the highest and best use. Such special purpose appraisals are not allowable.

Also, subdivision development should not be selected as a highest and best use. The Texas Supreme Court has ruled the subdivision approach as an inaccurate and inappropriate method of appraisal, and reports relying on this method of appraisal will not be supported by the Department.

Additionally, recreation should only be selected as a highest and best use when private sector recreation sales are used as comparable sales. If no non-public recreation sales are available, a highest and best use other than recreation should be selected and supported with like-type comparables.

- (9) Land Value. The appraiser's opinion of the value of the land shall be based upon its highest and best use, regardless of any existing structures and shall be supported by confirmed current factual data (sales and offerings) of comparable, or nearly comparable lands having like optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised.
- (10) Value Estimate by Comparative (Market) Approach. All comparable sales used shall be confirmed by the buyer, seller, broker, or other person having knowledge of the price, terms and conditions of sale. Each comparable sale shall be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser's final value estimate from this approach.
- (11) Value Estimate by Cost Approach. This section shall be in the form of computational data, arranged in sequence, beginning with reproduction or replacement cost, and shall state the source (book and page if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.
- (12) Value Estimate by Income Approach.

NOTE: The Department will not reimburse the sponsor for the value of land determined by the income approach method.
- (13) Interpretation and Correlation of Estimates. The appraiser shall interpret the foregoing estimates and shall state the reasons why one or more of the conclusions reached in items (10) and (11) are indicative of the market value.
- (14) Tabulation of History of Conveyance (property sales and transfers). Include parties to the transactions, dates of purchase, and amounts of consideration for at least 5 years prior to appraisal.
- (15) Certification of Appraiser.
 - (a) He/she has personally inspected the property.
 - (b) He/she has no present or contemplated interest in the property.
 - (c) That in his/her opinion the market value of the taking as of _____
(Valuation date)
is \$ _____.

(Signature)

- (16) Exhibits and Addenda. (Note: All maps and plans may be bound as facing pages opposite the description, tabulation, or discussions they concern).
- (a) Location Map. Include the city or area.
 - (b) Comparative Map Data. Show geographic location of the appraised property and the comparative parcels analyzed.
 - (c) Comparative Data Details. A listing of sale price, property type, grantor, grantee, sale date, financing, confirmation (person), present use, zoning, land size, shape, flood information, and a brief narrative describing physical characteristics, public utilities associated with the land, deed restrictions, and any other information deemed pertinent.
 - (d) Plot Plan. Include a metes and bounds description.
 - (e) Floor Plans. Include when needed to explain the value estimate.
 - (f) Photographs. Pictures shall show at least the front elevation of the major improvements, plus any unusual features. When a large number of buildings are involved, including duplicates, one picture may be used for each type. Views of the best comparables should be included whenever possible. Except for the overall view, photographs may be bound as pages facing the discussion or description to which the photographs pertain. All graphic material shall include captions.
 - (g) Other Pertinent Exhibits. Include as deemed appropriate.

B. Abbreviated Appraisal Report. An abbreviated appraisal report, compiled by a qualified appraiser and adequately related to comparable sales, is acceptable for a parcel with a value estimate between \$1,000 and up to and including \$25,000. The abbreviated report should include:

- (1) A brief description of the subject property to include physical characteristics, present use, zoning, public utilities associated with the land, deed restrictions, and any other pertinent information.
- (2) A legal description of the real property to be acquired and a plat.
- (3) At least a 5 year history of conveyances (sales and transfers), including parties to the transactions, dates of purchase, and amounts of consideration.
- (4) An analysis and statement of the property's highest and best use.
- (5) Supporting data, including two or three comparable real property sales, a brief analysis of those sales, and a map showing their locations relative to the land to be acquired.
- (6) The appraiser's certification and signature (see Item 5.A.15).
- (7) The date the value estimate applies.
- (8) A statement of the appraiser's experience, qualifications, State of Texas Certification number, and date of expiration.

(9) Opportunity to Accompany. Statement that the owner or representative had the opportunity to accompany the appraiser at the time of property inspection, and whether or not he/she accompanied the appraiser.

(10) Location Map. Include the city or area.

(11) Boundary Map (Plat). Include a metes and bounds description.

C. Finding of Value. Where a parcel has a value of \$1,000 or less and the expense of an appraisal would be disproportionate to its benefit, a written finding of value by a qualified appraiser will be acceptable for approval. This finding of value can be based on the individual's knowledge of land values, but should include a statement of the appraiser's experience and qualifications, including a short description of the factors considered and the means by which a conclusion was reached. These statements should be sufficiently detailed so as to enable the Department to judge their respective merits.

D. Eminent Domain/Condemnation. When lands are acquired through judicial proceedings, the price determined by the court will be accepted by the Department in lieu of any previous Department approved appraised value. The department, however, will not be obligated to match an amount higher than the approved support ceiling of the project.

E. Acquisition by Donation. One appropriate appraisal report is administratively required for all projects involving the donation of real property or interests therein for determination of matching share. Prior to project approval or the first reimbursement request:

(1) The Department shall ensure that the project sponsor secures adequate appraisal services.

(2) The project sponsor will have an appraisal made in accord with the requirements of this section.

(3) Upon completion of the appraisal, it shall be submitted to the Department for review and approval. After project agreement execution and Department approval of the appraisal, the cost of the appraisal is reimbursable for non-Land & Water Conservation Fund Projects, up to 5% of the value of the land, or \$10,000, whichever is less.

F. Appraisals for Properties with Man-Made Improvements. For acquisition projects which involve the acquisition of properties with man-made improvements, the following methodology must be followed by the appraiser for the valuation of such improvements.

(1) If the highest and best use of the property is determined to be for "recreation":

(a) Fair market value must be justified utilizing private sector recreation properties as comparable sales.

(b) Improvements on the property which are for recreation (and are therefore potentially eligible for program assistance) must be valued at their "current depreciated value."

(c) Improvements on the property which cannot be utilized for recreation must be assessed for salvage/scrap value. (Such improvements are not eligible for grant support.)

(2) If the highest and best use of the property is determined to be for "other than recreation":

(a) Improvements which are for "recreation use" must be assessed for their salvage/scrap value. (The salvage/scrap value can be eligible for grant support).

- (b) Improvements which are for "other than recreation use" must be valued at their depreciated value. These improvements are eligible for grant assistance only if they are to be demolished/removed from the site, or if the improvements are to be utilized for (or in support of) recreation activities. To be grant supported, the improvements must either be handicapped accessible in their current state, or they must have the ability to be modified and made accessible, pursuant to state law requirements.

G. Sponsor Owned Land Used as Match. An appropriate appraisal report is required to establish the level of program assistance, pursuant to Grants Manual guidelines, when sponsor owned, non-dedicated parkland is used as the local match.

- 6. Statement on Differences in Value.** An appraisal, if competently compiled by a qualified person, should be an acceptable estimate of property value; it cannot be assumed, however, to be an absolute statement of value. The approved appraisal value is a basis for helping establish the level of grant support.
- 7. Reservations and Outstanding Rights.** In an effort to stretch the dollars spent, the project sponsor might wish to purchase less than fee simple title. This would be permissible when fee simple title is excessively expensive, and a lesser control of the area will not detract from the recreation use of the land and not have significant impact on the environment.
- 8. The Department will not obtain a legal right or title to any area or facility acquired with Texas Parks and Wildlife assistance.**
- 9. Evidence of Title.** The Department must have on file satisfactory evidence of the purchase price and a description of the character and nature of the title received by the sponsor before the Department reimburses grant funds.

Evidence of title, such as a written statement by the State Attorney General, title insurance, or other means considered reasonable and adequate, must also be available to the Department before requesting reimbursement.

A survey may be required by the Department when there is reasonable doubt about the exact location of the boundary or of the size of the tract being acquired.

- 10. Responsibility for Quieting Title or for Replacement of Properties Acquired with Defective Title.** The sponsor is responsible for quieting claims against title and for replacing property found to have defective title with other properties of equivalent value, usefulness, and location acceptable to the Department.
- 11. Acquisition of Interest in Real Property.** The acquisition of easements, rights-of-way, etc., will be viewed in the same light as full takings. Documentation of value by appraisal will be the same. The project proposal should adequately explain why lesser interests are to be acquired.

STATEMENT OF JUST COMPENSATION

_____ is now in the process
(Buyer/Grant Sponsor)
of acquiring private property necessary for _____
(Project Name)
grant project. Title records indicate that you are the owner of real property located in the State of Texas,
County of _____ more particularly described as follows:

(indicate number of acres, value, and description of property)

Since your property is within the project area, it is necessary to acquire the property for this project.

We are prepared to purchase your property subject to any existing Easements or Restrictions of record and excepting and reserving the following interest (if any) which will not be acquired and for which no value is included in our estimate of just compensation:

In accordance with the current "Uniform Relocation Assistance and Real Property Acquisition Policies Act," an estimate of grant assistance property value in the amount of \$ _____

for _____ acres has been made for the interest to be acquired in the above described property. This amount is based upon the State approved appraisal prepared for the acquiring agency and included a personal inspection of your property, at which time you or your representative were given the opportunity to accompany him/her.

The appraisal takes into consideration the location of your property, its highest and best use, current land sales of properties similar to your property and other indicators or values, i.e. _____

Grant assistance to the buyer includes amounts for the land, improvements, severance (if any), other elements, and will not exceed as follows:

Land:	\$
Improvements:	\$
Buildings:	\$
Structures:	\$
Damage to the Remainder:	\$
Other:	\$
TOTAL	\$

Signed _____
 (Buyer/Grant Sponsor)

Printed Name and Title _____

Date _____

STATEMENT OF OWNER

I have been given the opportunity to accompany the appraiser during his inspection of the property or to designate a representative to do so and I understand the amount established for grant assistance is based on the appraiser's opinion of fair market value. I have read and understand the conditions in this statement. I understand that I have the right to negotiate the sales price for the property, but the amount above is the maximum grant assistance to be received by the buyer/grant sponsor.

Signed _____
 (Owner)

Date _____

Signed _____
 (Representative of Owner)

Date _____

Address _____

STATEMENT OF DONOR

In accordance with the current "Uniform Relocation Assistance and Real Property Acquisition Policies Act," I understand that a State-approved appraisal, which was prepared for the acquiring agency, establishes the fair market value of \$_____ for the parcel. This value was determined after a personal inspection of the property by the appraiser during which I, or my representative, was given an opportunity to accompany the appraiser.

I donate the following (indicate number of acres, value, and description of donated property).

Signed _____
(Owner or Representative)

Printed Name and Title _____

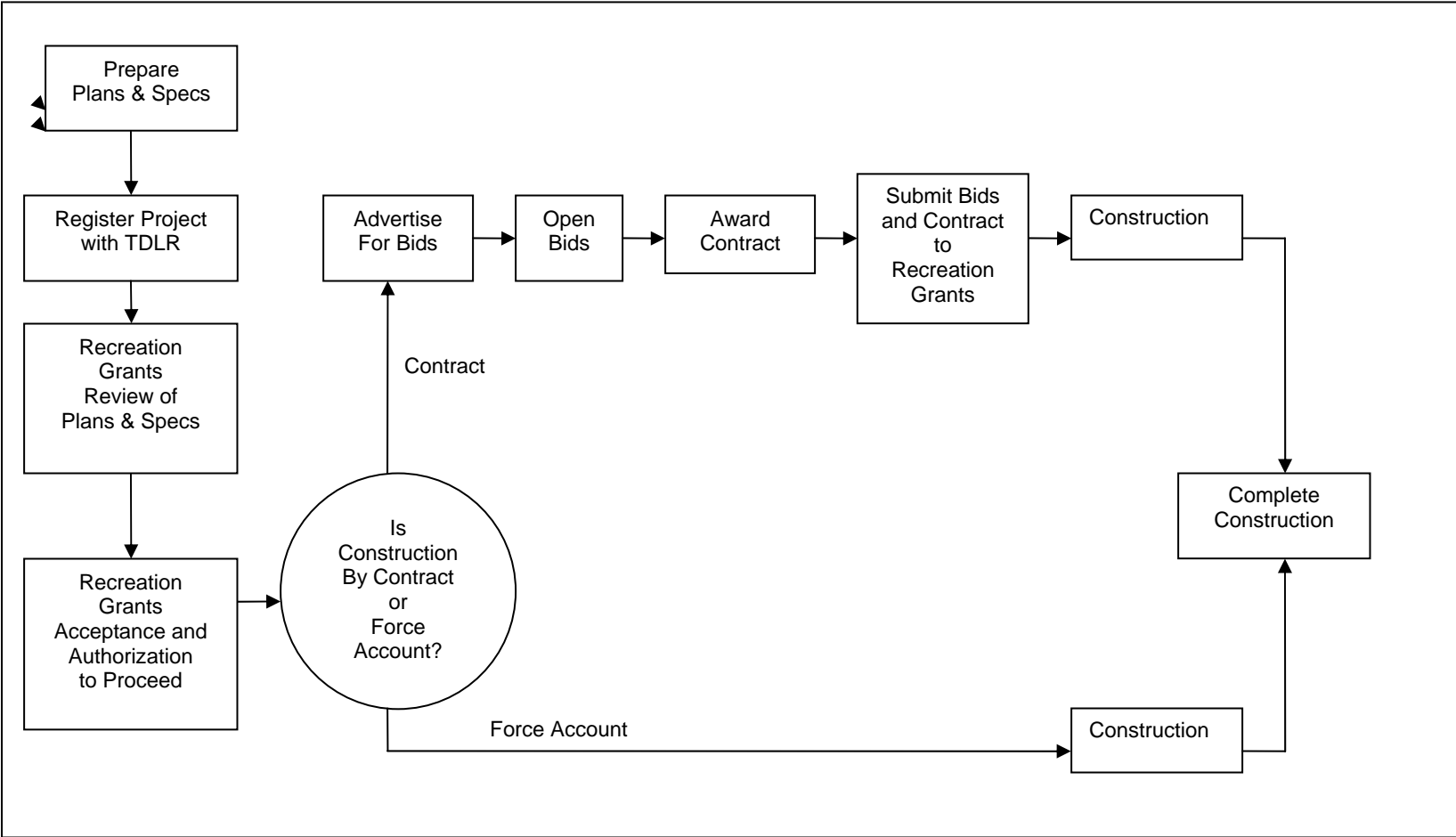
Date _____

Note: This statement must be completed and signed by the donor when an acquisition project involves either a full or partial donation by owner.

Section 4

DESIGN/DEVELOPMENT PROCESS

DESIGN/DEVELOPMENT FLOW CHART



DESIGN/DEVELOPMENT INSTRUCTIONS

This section contains instructions for projects which will develop recreation facilities. Included are the elements required for submission of plans and specifications, requirements for handicapped accessibility, and instructions for the required program recognition signs.

PLANS AND SPECIFICATIONS

The Recreation Grants Staff reviews all plans and specifications. Plans and specifications must be officially transmitted to the Department from the sponsor by a letter of transmittal.

Plans and specifications will not be considered for review unless they bear the registration seal and signature of the designer, who is reminded that ethically his seal should appear only on documents for which he is personally responsible for and technically proficient. All plans and specifications must be accepted by the Department prior to invitation to bid and construction.

Permits or letters of approval from other applicable state agencies must accompany submittals, if not furnished previously. (Examples: Texas Commission on Environmental Quality for new water or sewer systems, Texas Historical Commission for archaeological clearance.)

Submitted plans and specifications shall in all cases be in sufficient detail to permit a comprehensive evaluation of the project. Because a project is to be constructed by force account rather than by contract does not relieve the sponsor or the State of their responsibilities to provide technically adequate construction documents.

Bid proposals must identify costs of any portion of the work not supported by Fund assistance. These costs must be easily separated for audit purposes.

Plans and specifications are not required on items such as playground equipment, picnic tables, and benches to be purchased; however, the manufacturer's name and model number must be furnished. Plans and specifications for the installation must be provided.

The attached design checklist named "Checklist for Plans and Specifications" establishes the minimum construction document elements required for Department review. It is intended to assist the designer and his client (the sponsor) in obtaining rapid approval without dictating criteria, creativity, or originality.

TYPES OF REVIEW ACTION

The sponsor will be informed of the result of the Department review:

1. Accepted as submitted;
2. Accepted as noted (subject to corrections, changes, etc. noted on documents);
3. Accepted of certain portions as submitted or noted; or
4. Not Accepted pending resubmittal.

PLANS REVIEW TIMING

A minimum of thirty (30) days should be allowed for review. Consultation or applicant conferences with review personnel regarding the plans will be by appointment.

DEPARTMENT PLANS REVIEW LIMITS

The Department staff is a reviewing body only, and may not act as designers nor furnish detailed estimates.

ACCESSIBILITY REQUIREMENTS

Projects are required to comply with the Texas Accessibility Standards (TAS) established by the Texas Department of Licensing and Regulation (TDLR) under the Elimination of Architectural Barriers Act, Texas Government Code, Chapter 469 and Texas Occupations Code, Chapter 51. Contact TDLR at:

<http://www.license.state.tx.us/ab/abtas.htm>

Elimination of Architectural Barriers Program
Texas Department of Licensing & Regulation
P.O. Box 12157
Austin, TX 78711
1-877-278-0999

CIVIL RIGHTS REQUIREMENTS

The contractor is required to comply with regulations issued pursuant to the Civil Rights Act of 1964 with respect to nondiscrimination in assisted programs of the Department.

The following provisions, known as the EQUAL OPPORTUNITY CLAUSE are to be incorporated verbatim in each contract and must be included in the plans and specifications submitted for TPWD review.

“During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, religion, creed, color, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, creed, color, or national origin. Such action shall include but not be limited to employment, upgrading, demotion or transfer, recruitment or retirement, advertising, layoff or termination, rates of pay or other forms of compensation, and selection training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the non-discrimination clause.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, creed, color, sex, or national origin.
3. The contractor will send to each labor union or representative of workers with whom he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order Number 11246, as amended in 3 CFR 169 (1974), and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order Number 11246, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order 11246, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6. In the event of the contractor's non-compliance with the non-discrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order Number 11246, as amended or by rules, regulations, or orders of the Secretary of Labor, or as otherwise provided by law.

7. The contractor will include the provisions of Paragraphs 1 and 7 in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order Number 11246, as amended, so that such provisions will be binding upon each subcontractor or purchase order, as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance; provided however, that in the event the contractor becomes involved in or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interest of the United States.”

CONTRACT AND BOND REQUIREMENTS

Contracts awarded under the grant are required to follow Texas competitive bidding procedures in accordance with Local Government Code Chapters 252, 262, and 375.

Standard construction practices recommend a bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

Pursuant to the Texas Uniform Grant and Contract Management Act, the following minimum requirements apply to all contracts exceeding \$50,000 in total value:

1. A Performance Bond on the part of the contractor for 100 percent (%) of the contract price. A Performance Bond is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such a contract.
2. A Payment Bond on the part of the contractor for 100 percent (%) of the contract price. A payment Bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.
3. In lieu of the bond requirements for contracts less than \$50,000 a provision that no money will be paid to the contractor until completion and acceptance may be included in the contract.

The sponsor shall include, in addition to provisions to define a sound and complete contract agreement, the following provision in all contracts:

1. Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
2. All contracts, amounts for which are in excess of \$10,000 shall contain suitable provisions for termination by the sponsor including the manner by which it will be affected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated or default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

WAGES

Contractors are required to comply with the Texas prevailing wages requirements established in Government Code Ch. 2258.

WORKERS' COMPENSATION

The sponsor shall comply with the Reporting Requirements for Building or Construction Projects for Governmental Entities of 28 TAC 110.110.

Additional information regarding these requirements may be obtained from:

Texas Department of Insurance
Division of Workers' Compensation (DWC)
7551 Metro Center Drive, Suite 100
Austin, TX 78744-1609
512/804-4000
<http://www.tdi.state.tx.us/wc/indexwc.html>

PERMITS

The sponsor shall insure that all applicable permits or approvals have been obtained prior to construction. A copy of these approvals or permits shall be provided to the Department. Examples include, but are not limited to:

1. Comptroller of Public Accounts for tax permits
2. Corps of Engineers Permit for construction in water of the United States
3. Texas Department of Health approval of new water or sewage systems
4. Texas Commission on Environmental Quality for storm water and air permitting

ACKNOWLEDGEMENT SIGNS

On-site program acknowledgement signs are required for all approved acquisition and construction projects. Signage requirements include a temporary sign which should be displayed throughout the activity stages of a project (once land acquisitions are complete – if applicable), and a permanent sign or plaque which must be installed and maintained at the site.

Costs for program acknowledgement signs are reimbursable for approved projects if included in the “Budget Summary.”


Examples of both temporary and permanent acknowledgement signs for **state funded projects** are shown below. Information shown on the examples is the minimum information required.

TEMPORARY SIGN (Minimum Size – 4’ x 8’)

The (City/County/District) of [REDACTED]		
Public Recreation Site (Acquisition/Development) Project		
Funding assistance from a portion of the state sales tax on sporting goods		
Through the LOCAL PARK GRANT PROGRAM		
Administered by Texas Parks & Wildlife Department		
FUNDING		
State of Texas	50%	\$ 500,000
(City/County/District)	<u>50%</u>	<u>\$ 500,000</u>
Total Project		\$ 1,000,000

PERMANENT SIGN OR PLAQUE (Minimum Size – 18” x 24”)

One permanent sign will be provided by Recreation Grants Branch at the final inspection. (For projects that applied after January 31, 2008)

	A TEXAS LOCAL PARK GRANT PROJECT
Funded in part from a portion of the state sales tax on sporting goods	
Administered by Recreation Grants Branch	

If the permanent project acknowledgement sign provided by the Department is lost or damaged, a replacement will be required at the sponsor’s expense.

Use these samples **only for projects supported with Local Park Grant Program funds.**

LAND AND WATER CONSERVATION FUND

PROJECT ACKNOWLEDGEMENT SIGNS

On-site program acknowledgement signs are required for all approved acquisition and construction projects. Signage requirements include a temporary sign which should be displayed throughout the activity stages of a project (once land acquisitions are complete – if applicable), and a permanent sign or plaque which must be installed and maintained at the site.

Costs for program acknowledgement signs are reimbursable for approved projects if included in the “Budget Summary.”

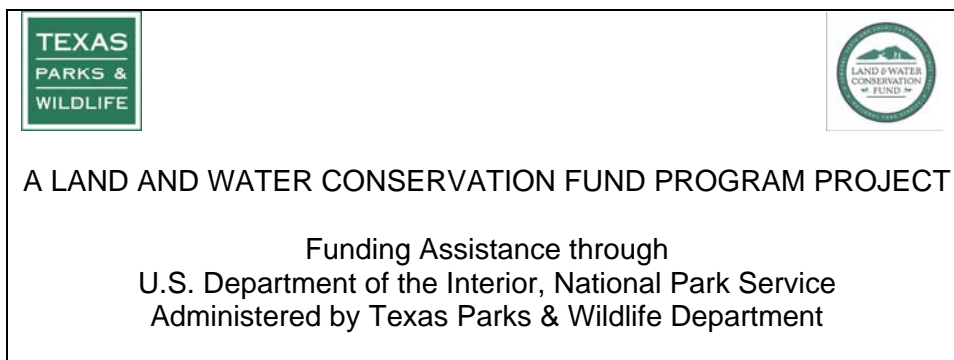
Examples of both temporary and permanent acknowledgement signs for **federally funded** projects are shown below. Information shown on the examples is the minimum information required.

TEMPORARY SIGN (Minimum Size – 4’ x 8’)

The (City/County/District) of [REDACTED]			
Public Recreation Site (Acquisition/Development) Project			
With Funding Assistance through			
LAND AND WATER CONSERVATION FUND			
U.S. Department of the Interior, National Park Service			
Administered by the Texas Parks & Wildlife Department			
		FUNDING	
Land and Water Conservation Fund	50%	\$	500,000
(City/County/District)	<u>50%</u>	\$	<u>500,000</u>
Total Project		\$	1,000,000

PERMANENT SIGN OR PLAQUE (Minimum Size – 18” x 24”)

One permanent sign will be provided by Recreation Grants Branch at the final inspection. (For projects that applied after January 31, 2008)



If the permanent project acknowledgement sign provided by the Department is lost or damaged, a replacement will be required at the sponsor’s expense.

Use LWCF wording only if notified by the Department that a project will receive federal funding.

BOATING ACCESS

TEMPORARY SIGN (Minimum Size – 4' x 8')

THE (CITY/COUNTY/DISTRICT) OF (SPONSOR'S NAME)			
A PUBLIC BOATING ACCESS SITE AIDED RAMP SITE AIDED BY			
<u>THE FEDERAL AID IN SPORT FISH RESTORATION ACT</u>			
Funded by Federal Gasoline Taxes Paid by Recreational Boaters			
ADMINISTERED BY			
TEXAS PARKS AND WILDLIFE DEPARTMENT			
FOR THE			
U.S. DEPARTMENT OF THE INTERIOR/FISH & WILDLIFE SERVICE			
<u>FUNDING</u>			
Federal Aid	75%		\$300,000
<u>(City/County/District)</u>	<u>25%</u>		<u>\$100,000</u>
Total Project			\$400,000

PERMANENT SIGN OR PLAQUE (Minimum Size – 10" x 12")

<p>Project Name</p> <p>A Federal Aid In Sport Fish Restoration Act Project</p> <p>Sponsored By</p> <p>The City/County/District of (Sponsor's Name)</p> <p>Texas Parks & Wildlife Department</p> <p>U.S. Department Of Interior/Fish & Wildlife Service</p>

PLANS AND SPECIFICATIONS CHECKLIST

This checklist is designed for use by the consultant, the Sponsor, and the Texas Parks & Wildlife Department Recreation Grants staff. Its purpose is to assist the involved parties in expediently meeting minimum criteria for recreational project development.

Each item of the checklist should be marked by the designer and the sponsor, and submitted with plans and specifications for Department review: (Not all items will pertain to every project; indicate with an "N/A" where appropriate.)

PLANS (Submit one set only)

1. General

- ___ a. Sheet size, 24" x 36" preferred
- ___ b. Title Block, State Project Number, and Professional Registration Seal on all sheets
- ___ c. Vicinity map
- ___ d. Site plan showing location of all proposed facilities and existing facilities
- ___ e. Clearly indicate which portions of work are to be accomplished by Force Account and which are to be done by Contract
- ___ f. Clearly indicate any work not done with grant funding.
- ___ g. North arrows shown on all maps and site plans
- ___ h. Scale shown for all drawings
- ___ i. Indicate existing and finished contours and/or grades
- ___ j. Locate all bench marks
- ___ k. Program acknowledgement sign (temporary sign and permanent sign)

2. Buildings

- ___ a. Site Plan – may be combined with other project elements if sufficient detail can be reflected
- ___ b. Sufficient number of elevations to depict each different view of building
- ___ c. Minimum of two (2) cross-sections (longitudinal and transverse) including foundation; additional as needed
- ___ d. Foundation plan including structural details (reinforcing, etc.)

- ___ e. Plumbing – plan and riser diagram, cold water, hot water, gas, waste, and drains
- ___ f. Electrical – plan, circuitry diagram, symbols, and schedule
- ___ g. Mechanical (HVAC) – plan, details, and schedule
- ___ h. Room finish schedules – floor, walls, ceiling, etc.
- ___ i. Door and window schedule
- ___ j. Details – wall and roof sections, miscellaneous details necessary for fabrication and installation of all building components
- ___ k. Dimensioned floor plan for each level
- ___ l. Sufficient number of interior elevations to depict each view
- ___ m. Identification of special provisions for use by handicapped

3. Structures Other Than Buildings

- ___ a. Site plan – may be combined with other project elements if sufficient detail can be reflected
- ___ b. Minimum of two (2) elevations
- ___ c. Minimum of two (2) sections, including foundation
- ___ d. Foundation plan including structural details
- ___ e. Sufficient dimensions to allow easy construction

4. Roads and Parking

- ___ a. Site Plan – may be combined with other project elements if sufficient detail can be reflected
- ___ b. Plan/profile on roads
- ___ c. Cross-section showing type and dimension of materials, slopes, etc.
- ___ d. Drainage patterns, grades, structures, etc.
- ___ e. Existing and finished grades, spot elevations as required for clarity
- ___ f. All necessary dimensions, curve data, etc.

5. Landscaping (including nature trails, hiking trails, bikeways, turf, shrubbery, trees, landscaping structures, irrigation systems)

- ___ a. Site plan – may be combined with other project elements if sufficient detail can be reflected
- ___ b. Existing and finished grades, spot elevations as required for clarity, drainage patterns as appropriate
- ___ c. Planting plans; give dimensions and plant spacing, indicate existing and proposed plant materials by accepted common name; provide key for proposed plant material listing quantity, common name, scientific name, plant size, and transplanting condition (i.e. – B &B, BR, Container)
- ___ d. Transplanting and staking details for typical tree planting, shrub bed, and/or ground cover bed planting
- ___ e. Plans, elevations, cross-sections, and construction details as required for site developments including walks, trails, curbs, retaining walls, foot bridges, steps, ramps, fences, barriers, entrance portals, and signing
- ___ f. Sprinkler system plan including sized piping diagram, sprinkler head locations, and key for sprinkler head selections; typical spacing detail indicating coverage pattern (full, half, quarter, etc.); valve, and piping installation details. Provide control wire/tubing diagram, valve location, etc. as required for automatic type system. Provide detailed specifications of all equipment proposed.

6. Water Systems

- ___ a. Site plan – may be combined with other project elements if sufficient detail can be reflected
- ___ b. Profile of all lines 6” or larger
- ___ c. Indicate size and type of materials of all lines
- ___ d. Show size and location of all valves, and valve boxes
- ___ e. Details – equipment installations
- ___ f. Typical details – ditch, line installation, etc.

7. Sewage System

- ___ a. Site Plan – may be combined with other project elements if sufficient detail can be reflected
- ___ b. Profile of all lines larger than 4”
- ___ c. Location and details of all manholes and cleanouts

- ___ d. Indicate size and type of materials
- ___ e. Details – equipment installation
- ___ f. Typical details – ditch, line installation, etc.

8. Electrical System

- ___ a. Site Plan – may be combined with other project elements if sufficient detail can be reflected
- ___ b. Indicate line size and type
- ___ c. Indicate Primary and Secondary distribution systems
- ___ d. Building distribution schematic
- ___ e. Show location and size of all transformers, disconnects, and panels
- ___ f. Details – equipment installation
- ___ g. Typical details
- ___ h. Identify any existing overhead lines

9. Telephone, Gas, and Other Utilities

- ___ a. Site Plan – may be combined with other project elements if sufficient detail can be reflected
- ___ b. Indicate size and type of material
- ___ c. Details – as required

SPECIFICATIONS

- ___ *1. Addenda (stapled to inside of front cover)
- ___ *2. Invitation and Instructions to Bidders
- ___ *3. Special Instructions to Bidders
- ___ *4. Contractor's Proposal Forms
- ___ *5. Performance Bond Forms
- ___ *6. Payment Bond Forms
- ___ *7. Contract Forms

- ___ *8. Certificate of Insurance
- ___ *9. General Conditions
- ___ *10. Supplementary and/or Special Conditions
 - a. Statement regarding use of program funds
 - b. Equal Opportunity Clause (Non-Discrimination Provision)
 - c. Wage Scale
 - d. Other
- ___ *11. Detailed Technical Specifications
 - a. Table of Contents
 - b. Technical Sections – by major project elements and/or craft involved

*Not specifically required on Force Account projects.

SAMPLE RESOLUTION #1 – NATURAL AREA/OPEN SPACE/WETLAND

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF XYZ

I, Jane M. Doe, being the current City Clerk of the City of XYZ, Texas, do hereby certify that the attached is a true and correct copy of Resolution No. R01-28, passed and approved by the City Council of the City of XYZ, Texas, on the 12th day of July, 20XX, and such Resolution was duly passed and approved at a meeting open to the public and notices of the meeting, giving the dates, place and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this 12th day of July, 20____.

Jane M. Doe
City Clerk

SAMPLE RESOLUTION #2 – NATURAL AREA/OPEN SPACE/WETLAND

RESOLUTION NO. ###

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF XYZ, TEXAS, DEDICATING FIVE (5) ACRES OF PARKLAND ALONG THE CREEK/DRAINAGE WAY IN THE XYZ COMMUNITY PARK AS DESCRIBED IN EXHIBIT (A) ATTACHED AS NATURAL AREA/OPEN SPACE/WETLAND FOR PERPETUITY, AS REQUIRED BY THE TEXAS PARKS AND WILDLIFE DEPARTMENT; APPROVING THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER AND MAYOR; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the XYZ City Council desires to provide quality park facilities for the residents of XYZ; and

WHEREAS, the City of XYZ has obtained a grant from the Texas Parks and Wildlife Department for the development of a community park and desires to comply with all of the requirements set forth in the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF XYZ, TEXAS THAT;

SECTION 1. In order to fulfill the requirements of the Texas Parks and Wildlife Department's grant to the City of XYZ, the City Council of XYZ, Texas hereby designates five acres of parkland in the XYZ Community Park for Natural Area/Open Space/Wetland

SECTION 2. The Mayor of the City of XYZ, along with the City Manager, are hereby authorized to execute the appropriate documents approving the terms and conditions of the agreement with the Texas Parks and Wildlife Department.

SECTION 3. Any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 4. Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 5. This Resolution shall take effect immediately from and after its passage and it is so duly resolved.

DULY PASSED AND ADOPTED by the City Council of the City of XYZ, Texas, on this the 12th day of July, 20XX.

APPROVED:

John M. Smith, Mayor
XYZ City Council

ATTEST:

Jane Doe, Interim City Secretary

APPROVED AS TO FORM:

Robert Lawyer, City Attorney

SAMPLE RESOLUTION #3 – NATURAL AREA/OPEN SPACE/WETLAND

EXHIBIT “A”

Please use copy of Official Site Plan/Boundary Map
Showing the location of the Natural Area/Open Space/Wetland

And/Or

Include a Metes and Bound Description specifically outlining the boundaries
of the Natural Area/Open Space/Wetland.

(SAMPLE) EXHIBIT "A"

Being a parcel or tract of land situated about 1-1/3 miles southwest from the public square of Sulphur Springs in Hopkins County, Texas, a part of the Jose Y'Barbo Survey, A-1102, and described by metes and bounds as follows:

BEGINNING at a point in the east boundary line of that certain 27-acre tract of land set aside to Robert E. Lanier in deed of partition dated April 17, 1972, from Carrie Sue Lanier et al, to each other, of record in Vol. 340, page 281, Deed Records of Hopkins County, Texas, South 1 deg. 20 min, east 208.7 feet from the northeast corner of the aforesaid 1-acre tract devised to George Walter Greenway;

THENCE South 89 deg. 10 min. west with the south boundary line of the aforesaid 1-acre tract, 208.7 feet to the southwest corner of said 1-acre tract, for the northwest corner of this tract;

THENCE South 1 deg. 20 min. east and parallel with the east boundary line of said 27-acre tract, 208.7 feet to a point for the southwest corner of this tract;

THENCE North 89 deg. 10 min. east and parallel with the north boundary line of said 27-acre tract 208.7 feet to a point in the east boundary line of said 27-acre tract, for the southeast corner of this tract;

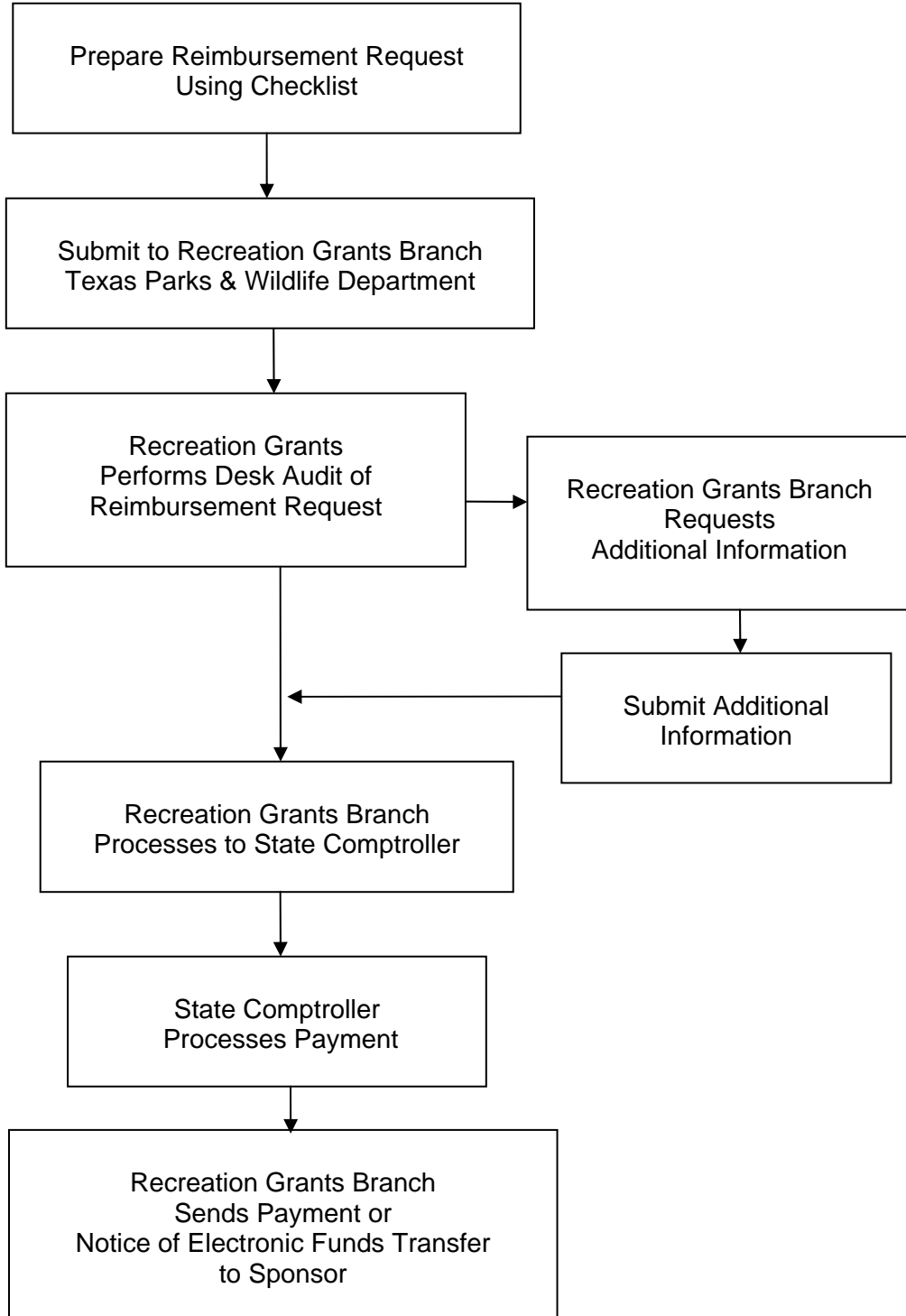
THENCE North 1 deg. 20 min. west with the east boundary line of said 27-acre tract, 208.7 feet to the place of beginning.

(THIS DOCUMENT STAMPED AND RECORDED AT THE COUNTY COURTHOUSE)

Section 5

REIMBURSEMENT PROCESS

REIMBURSEMENT FLOW CHART



GRANT REIMBURSEMENT PROCEDURES

The following information is a general outline of the procedures for requesting reimbursement under the recreation grant programs. Reimbursement is made only after the sponsor has accomplished the work and made the expenditure.

It is requested that sponsors submit reimbursement requests on a regular basis, quarterly if possible, to prevent large outstanding grant balances. The minimum reimbursement request amount is \$10,000 for construction projects.

Project sponsors should be aware of their project agreement expiration date. Expenses incurred after the expiration date are not eligible for reimbursement. Adherence to these procedures will be considered in evaluating your eligibility for future grants.

IF ASSISTANCE IS REQUIRED, PLEASE CONTACT THE FISCAL SECTION OF THE RECREATION GRANTS BRANCH.

GENERAL REIMBURSEMENT INFORMATION

Since projects differ in scope, the information contained herein can only be of a general nature. These procedures are for sponsor use in submitting reimbursement requests for work completed.

A Reimbursement Request Checklist is included for review when submitting reimbursement requests. If the eligibility of an expenditure item is not addressed in these guidelines, please contact the Recreation Grants Fiscal Section.

In general, the Department will reimburse up to 95% of grant funds before the final inspection. Please advise the Recreation Grants Branch, in writing, at the time the final reimbursement request is submitted so that the Department can schedule the final inspection. Please refer to the Project Closeout Checklist for further guidance.

The sponsor is required to retain financial records for three (3) years after the final reimbursement. The sponsor's records are subject to audit.

SINGLE AUDIT

It is the responsibility of the grant sponsor 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. Contact Recreation Grants for any questions regarding this audit.

ALLOWABLE EXPENDITURES

Costs must be necessary and reasonable for proper and efficient operation of the grant project, be an allowable expense toward project construction, and not be a general operating expense required to carry out the overall responsibilities of state or local government.

Expenditures must be authorized (or not prohibited) under state or local laws and regulations.

Expenditures must conform to the limitations of manuals, state law, federal law, or other governing limitations in the agreement as to type or amount of costs.

Matching reimbursement of Professional Services is limited to 12% of the total grant construction estimate amount. This allows the Department to allocate more funds to recreational facilities. Environmental survey costs may be considered above the 12% professional services limit on a case-by-case basis. Design fees will not be reimbursed until project construction plans and specifications have been reviewed and accepted by the Department.

Appraisal costs are allowable up to 5% of appraisal value or maximum of \$10,000.00, whichever is less. Appraisal costs are not reimbursable for Land and Water Conservation Fund projects.

The sponsor will be notified if eligible expenses are disallowed. Items disallowed may be paid on the next reimbursement request if the sponsor provides the information requested and if expenses are justified.

NON-ALLOWABLE EXPENDITURES

Expenditures must not be charged or eligible to be charged to any other grant-financed program unless permitted by guidelines administering that particular program.

Ceremonial or entertainment expenses

Expenses for publicity (except for competitive bid advertisement)

Charges in excess of the lowest bid, when competitive bidding is required by law, unless the Department agrees in advance to the higher bid

Charges for deficits or overdrafts

Taxes for which the sponsor is not liable to pay

Interest expenses

Damage judgments arising out of the acquisition, construction, or equipping of a facility, whether determined by judicial decision, arbitration, or otherwise

Incidental costs relating to acquisition of real property and of interests in real property, such as the cost of legal fees and relocation costs

Operation and maintenance costs of recreation areas and facilities

The value of personal properties, unless specifically approved in advance by the Department

Cost of discounts not taken and finance charges

Equipment to be used for the maintenance of outdoor recreation areas and facilities, including but not limited to automotive equipment, tractors, mowers, other machinery, and tools

Employee facilities, including residences, appliances, office equipment, furniture, and utensils

Donations or contributions made by the sponsor, such as to a charitable organization

Salaries and expenses and other administrative costs of a political subdivision, not related to project construction

Fines and penalties

Appraisal Costs (for Land and Water Conservation funded projects)

Any costs related to the collection of an unpaid debt

Any indirect costs

SUPPORTING DOCUMENTS

1. Bid Advertisement and Tabulation

A copy of the published bid advertisement and the tabulation of all bids received are required.

2. Contract Documents

A copy of the executed contract(s), and all change orders issued on the contract must be submitted.

3. Invoices

The invoice must identify the project element for which materials or services are being used. For example, if a portion of the invoice is for water system and the other portion for electrical system, a break out of each element must be noted.

4. Contractor's Application for Payment

A copy of the contractor's application for payment or voucher must be submitted.

5. Proof of Payment

Adequate proof of payment, such as cancelled checks, bank statements, or wire transfers are required for proof of payment. The amount charged to the grant project must be clearly defined

6. Force Account Records

When force account costs are reported, the sponsor may use either the Department's Work Record form or their local work records, including computer information, providing required data is submitted with each reimbursement request. (It is recommended that the sponsor receive prior format approval.) Copies of payroll checks are not necessary, provided all time sheets are certified by the foreman or responsible official. Payroll records are subject to audit at the Department's discretion.

A) Personnel: The disbursements for this section of the form will be obtained from the sponsor's payroll records. Total work hours consolidated weekly or monthly will not be accepted. Work records must define actual days and hours worked. Daily Work Records are for the sponsor's use; only submit the Weekly Work Record designating days worked to the Department.

B) Equipment: A brief description of the equipment, including costs code number assigned, hours/miles used, the established average rate, and total cost is needed.

C) Recapitulation: Recapitulation section as shown on the Daily Work Record is to be used for totals of each item. The "Miscellaneous" column may be used for fringe benefit percentage.

D) Certification: The work record must be certified by the sponsor. (Individuals donating labor must sign the work record form as certification.)

7. Certification of Donated Labor or Service

When an individual is donating labor or service in their specialized trade such as electrician, brick layer, carpenter, etc., a "Certification of Donated Labor or Service" must be completed and submitted with the signed work record for reimbursement.

8. Spreadsheet

An accounting spreadsheet prepared by the sponsor is required with each reimbursement request. The purpose of this spreadsheet is to disburse project expenditure costs for the billing period to the appropriate project element. The spreadsheet will aid the Department in expediting payments.

9. Budget Summary

A copy of the Budget Summary will be provided by the Department. The reported costs of the Budget Summary are the actual project costs to date. The total of the "Construction" section will show actual costs, and retainage should be deducted from this total, if it applies, on each summary report. The summary will be used for reconciliation of reimbursement requests between the sponsor and the Department. The amounts listed in the "Estimate" column for each construction element item are estimates only and are not the limits that may be expended per line item. However, reimbursement will not exceed total project agreement cost.

Because a contractor's bid seldom identifies all the construction elements, consultation with the contractor or architect-engineer is usually necessary for proper allocation of costs to the project elements. If bids contain work items not in the grant project, they must be identified for audit purposes. On a unit price bid, it is requested that the sponsor identify the Budget Summary construction elements for each bid item.

10. Materials Purchasing: Copies of the Purchase Order or Requisition for materials and equipment will be provided with the cancelled check and invoice when requesting reimbursement.

Purchases made to one vendor over a short period of time, and which exceed the minimum bidding requirement amount, will be considered as falling under competitive bidding laws and will not be reimbursed unless proper bid procedures are followed. When a purchase is made under competitive bidding guidelines, submit a copy of the specifications, advertisement for bid, bid tabulation, and executed purchase order for Department review and approval. Prior to awarding a contract to other than the lowest bidder, the sponsor must submit in writing, for Department approval, justification as to why the purchase should not be awarded to the lowest bidder.

11. Equipment Use: The rates established by the Department are derived from the Federal Emergency Management Agency (FEMA) "Schedule of Equipment Rates" available at:

<http://www.fema.gov/government/grant/pa/eqrates.shtm>

12. Equipment Rental: Lease or rental charges on equipment are allowable when it is determined that such an arrangement is the most efficient and economical. Equipment that is rented to the sponsor by private contractors may be charged to the grant fund program on an actual cost basis, provided that these rates are equal to those charged to all other users. Adequate cost records must be maintained to support these rates.

13. In-Stock Materials: If the sponsor uses materials from warehouse stock, a list must be furnished to the Department giving description of materials, cost of material, and for what construction element the materials were used. Materials must be at actual cost, less discounts, rebates, etc., with no profit to the sponsor. The sponsor must maintain inventory, and auditable cost accounting records or confirmation of material cost must be furnished to the Department.

CONSTRUCTION METHODS

CONTRACT BID CONSTRUCTION

The sponsor must comply with the Local Government Code Chapters 252, 262, and 375 requirements governing advertisement of bids. It is the responsibility of the sponsor to adhere to all local, state, and federal laws and regulations regarding bidding procedures. These procedures generally require award of a construction contract to the lowest qualified bidder. Prior to awarding a contract to other than the lowest bidder, the sponsor must submit in writing, for Department approval, justification as to why the contract should not be awarded to the lowest bidder. Contract change orders must be forwarded to the Department for review and approval.

FORCE ACCOUNT CONSTRUCTION

Construction performed by the sponsor's own work force including work provided by other governments must be recorded and certified on work record forms.

The sponsor must ensure that the employee is not being paid from ineligible sources of funding.

Fringe benefits paid by the sponsor such as FICA, insurance, and retirement, are allowable expenses, but the method of determination must be documented. Fringe benefits may be computed on a percentage of total payroll, provided the method of determination is approved. The sponsor's payroll records may be verified at the final audit/inspection.

CONSTRUCTION BY DONATION

Labor or Services: The value of donations may be used only to meet cost sharing or matching requirements. The Department must be assured that the donation is at actual cost. The sponsor may not make a profit from any donation claimed on the grant.

Donated labor or services will be recognized for matching purposes at the local common laborer wage, minimum wage or wage the sponsor pays that type of employee or service. The force account work record form may be used for documenting donated labor provided the individual donating the labor or service certifies by signature that the hours worked are correct. The sponsor's project officer or supervisor is also required to certify the work record.

If an individual is donating labor or services in their trade such as an electrician, brick layer, carpenter, etc., reimbursement will be based on the prevailing wage paid in the locality for that specialized trade. The "Certification of Donated Labor or Service" form must be completed and submitted with a signed force account work record.

Labor performed by individuals from correctional institutions must be documented in writing by an officer of the correctional institution.

Materials: Donated materials will be recognized for matching purposes at the actual cost or at the normal price charged by a vendor. All vendors donating materials must submit an invoice and a signed letter stating that they are making a donation and that the invoiced amount is the actual price of goods or services normally charged all customers.

Equipment: Donated equipment use will be recognized for matching purposes at rates established by the Department, providing that the firm is not in the equipment rental business. If equipment is donated from a rental agency, the donor must submit an invoice and signed letter stating that the invoiced amount is the normal price charged all customers.

LOCAL GOVERNMENT PURCHASING COOPERATIVE

The Local Government Purchasing Cooperative is an administrative agency created in accordance with Texas Government Code Chapter 791 (Inter-local Cooperation Contracts). “A local government that purchases goods and services under this section satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and services.” Its purpose is to obtain the benefits and efficiencies that can accrue to members or a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services. Membership is free and open to all local governments, non-profits, and other political subdivisions of the state of Texas.

LAND ACQUISITION REIMBURSEMENT CHECKLIST

After grant approval and Recreation Grants Branch approval of an independent appraisal prepared in accordance with the program procedures, the following information is required before payment can be made to the sponsor for acquisition projects:

- ___ 1. Project Construction Plans and Specifications must be accepted by the Department before reimbursement will be made for land donations.
- ___ 2. Statement of Just Compensation/Waiver for land purchases and/or;
- ___ 3. Statement of Donor/Waiver for land donations
- ___ 4. Proof of ownership and legal rights obtained: One photocopy of the executed, recorded deed
- ___ 5. Title Policy (if obtained)
- ___ 6. Proof of payment
- ___ 7. Budget Summary showing acquisition value of the land
- ___ 8. A current status report must be on file

Treatment of Land Donation Reimbursement after Expenditures Submitted

Sponsors may not make a profit from donations. Land donations will be recognized for matching purposes after the sponsor has made other cash payments for the project. The matchable amount for land donation equals the amount of the cash expenditures or the value of the land donation as approved by the Department, whichever is less.

REIMBURSEMENT REQUEST CHECKLIST

The sponsor should review this checklist carefully before submitting each request. Reimbursement requests not meeting the prescribed format will be returned to the sponsor.

- _____ 1. **Plans and Permits:** Construction plans must be accepted by the Department and on file for each construction element of the project for which reimbursement is requested. Registration of the project with TDLR is required before reimbursement. All other required permits and clearances should be on file with TPWD.

- _____ 2. **Bid Advertisement and Tabulation of All Bids Received:** For expenditures requiring competitive bidding, a copy of the bid advertisement and a copy of the bid tabulation listing all bidders and bid amounts are requested.

- _____ 3. **Contract Documents:** A copy of the executed contract(s) and all change orders issued on the contract(s) must be filed with the Department.

- _____ 4. **Invoices:** All invoices must be legible and must identify the project element for which materials or services are being used. A copy of each invoice must be submitted with proof of payment.

- _____ 5. **Contractor's Payment Voucher:** A copy of the contractor's estimate must be furnished to the Department supporting the proof of payment.

- _____ 6. **Proof of Payment:** Adequate proof of payment is required, such as cancelled checks, bank statement, or wire transfers.

- _____ 7. **Force Account Work Record:** The sponsor may use either the Department's Daily or Weekly Work Record, or their own. Include the supervisor's signature. Submit copies of Weekly Work Record only.

- _____ 8. **Certification of Donated Labor or Service:** A completed Certification of Donated Labor or Service must be submitted when requesting reimbursement for donations of a specialized trade or profession.

- _____ 9. **Spreadsheet:** A spreadsheet that ties all expenditures, including force account, to project elements must be provided with each reimbursement request.

- _____ 10. **Budget Summary:** The sponsor should submit one completed copy of the Budget Summary with each reimbursement request.

- _____ 11. **Certification for Reimbursement Request:**
A completed "Certification for Reimbursement Request" form must be submitted with each reimbursement request to insure that each period reimbursement is true and correct.

- _____ 12. **Quarterly Status Report**
A current quarterly status report must be on file at the time of reimbursement request.

PROJECT CLOSEOUT CHECKLIST

Before requesting a final inspection of a completed grant project, the following must be accomplished:

- _____ 1. All facilities must be complete and usable for recreation as specified in the Agreement. If facilities differ significantly from the original site plan, an as-built site plan must be provided to the Department.
- _____ 2. The sponsor must have all construction bills paid and furnish cancelled checks and invoices to the Department.
- _____ 3. A permanent grant program recognition sign must be installed in a visible location. The temporary recognition sign should be removed when the permanent sign has been installed.
- _____ 4. Project must be registered with Texas Department of Licensing and Regulation.

REIMBURSEMENT FORMS

- I.** Daily Work Record
SAMPLE Daily Work Record
- II.** Weekly Work Record
- III.** Equipment Listing
SAMPLE Equipment Listing
- IV.** Certification for Donated Labor or Service
- V.** Certification of Recreation Grants Reimbursement Request
- VI.** SAMPLE Spreadsheet
- VII.** SAMPLE Budget Summary
- VIII.** Direct Deposit Authorization

Note: A Budget Summary will be furnished after the execution of a grant agreement. The spreadsheet is the responsibility of the sponsor. These forms are to be used by you for requesting reimbursement. Please feel free to duplicate as necessary or you can develop your own as long as the same information is provided.



I. DAILY WORK RECORD

Project Number: _____ **Date:** _____
Department: _____ **Foreman or Supervisor:** _____
Nature of Work: _____
Project Element: _____ **Location:** _____

PERSONNEL				SIGNATURE
Name	Hours	Rate	Cost	
PAYROLL SUMMARY				

EQUIPMENT				RECAPITULATION	
Unit	Hours/ Miles	Rate	Cost		Cost
				Personnel	
				Equipment	
				Fringe Benefits*	
Note for equipment: Sponsor must have cost records or use approved Department rates. Rates will be furnished by the Department upon written request.				TOTAL	

I certify that the above named employees were on the payroll of the _____
 on the date shown and that these employees and the above listed equipment were used on
 Project Number _____, _____ Project.

*Fringe Benefits: Method of fringe benefits calculation must be furnished to the Department.

Signature, Project Officer or Supervisor



SAMPLE I. DAILY WORK RECORD

Project Number: 50-009999	Date: 6/1/2005
Department: Parks and Recreation Department	Foreman or Supervisor:
Nature of Work: Water Line Construction	John T. Jones
Project Element: Construction	Location: Anywhere, Texas

PERSONNEL				SIGNATURE
Name	Hours	Rate	Cost	
John Doe	4	\$11.76	\$47.04	
Jonas Doe	8	\$10.74	\$85.92	
Joseph Doe	7	\$9.89	\$69.23	
Jonathan Doe	9	\$12.41	\$111.69	
PAYROLL SUMMARY			\$313.88	

EQUIPMENT				RECAPITULATION	
Unit	Hours/ Miles	Rate	Cost		Cost
Tractor with Grader	8	\$4.76	\$38.08	Personnel	\$313.88
				Equipment	\$38.08
				Fringe Benefits* (9.74%)	\$30.57
Note for equipment: Sponsor must have cost records or use approved Department rates. Rates will be furnished by the Department upon written request.				TOTAL	\$382.53

I certify that the above named employees were on the payroll of the City of Anywhere on the date shown and that these employees and the above listed equipment were used on Project Number 50-009999, Anywhere City Park, Project.

*Fringe Benefits: Method of obtaining fringe benefits must be furnished to the Department.

Signature, Project Officer or Supervisor



IV. CERTIFICATION FOR DONATED LABOR OR SERVICE

I certify that my profession or skilled trade is _____ and the prevailing wage for this profession or trade is \$_____ per hour. My donation of labor or service for _____ (Project Name) _____, _____ (Project Number) _____ is correct and just, as will be stated on the work record and will be charged to the project only when working in the trade or profession named above.

By _____
Signature of Donor

(Print or Type Name)

Date

By signature hereon I certify that to the best of my knowledge the individual named above is in the profession or skilled trade stated and has agreed to donate labor or services to the referenced grant project.

Sponsor

By _____
Signature of Donor

(Print or Type Name and Title)

Date



**V. CERTIFICATION FOR RECREATION GRANTS
REIMBURSEMENT REQUEST**

I certify that the attached reimbursement request for the
period of _____ to _____ for

Project Name _____, **Project Number** _____

is correct and just, and is based upon actual payment(s) of record by the participant political
subdivision; that payment from the State of Texas has not been received; that the work and services
are in accordance with the Texas Parks and Wildlife Department Recreation Grants Program, including
amendments thereto; and that progress of the work and services under the project agreement is
satisfactory and is consistent with the amount billed.

Political Subdivision (Sponsor)

By _____
Signature

Print or Type Name and Title

Date

AMOUNT REQUESTED: \$ _____



SAMPLE VIII. BUDGET SUMMARY

PROJECT: Anywhere City Park
PROJECT NUMBER: 50-009999

REIMBURSEMENT REQUEST NUMBER 1
PERIOD COVERED: 01/02/2005 TO 03/01/2005

	ESTIMATE	COMPLETED LAST REQUEST	COMPLETED THIS PERIOD	TOTAL COMPLETE
1. <u>PROFESSIONAL SERVICES</u> Construction Plans/Specifications Begin: 1/1/05	\$ 1,000.00		300.00	300.00
2. <u>CONSTRUCTION ELEMENTS</u>				
A. Site Preparation	7,000.00		1,000.00	1,000.00
B. Utilities				
1. Water	1,500.00		902.65	902.65
2. Electrical	9,000.00		6,000.00	6,000.00
C. Roads and Parking				
1. Roads	4,000.00			0.00
2. Parking	3,000.00			0.00
D. Restroom/Concession	10,000.00		4,800.00	4,800.00
E. Recreation Facilities				
1. Picnic Units	900.00			0.00
2. Barbecue Pits	800.00			0.00
3. Tennis Court Renovation	9,000.00			0.00
4. Tot Lot Playground	2,400.00			0.00
5. Baseball Field	14,000.00			
F. Miscellaneous				
1. Sign	200.00			0.00
2. Contingencies	1,200.00			0.00
Construction Cost	\$ 63,000.00		12,702.65	12,702.65
Less Retainage	\$ 0.00		(480.00)	(480.00)
TOTAL CONSTRUCTION	\$ 63,000.00		12,222.65	12,222.65
3. <u>LAND:</u>	\$			
TOTAL PROJECT COST	\$ 64,000.00		12,522.65	12,522.65

MATCH: \$32,000.00

IX. DIRECT DEPOSIT AUTHORIZATION

This form may be downloaded from:

<http://www.window.state.tx.us/taxinfo/taxforms/74-176.pdf>

Section 6

AFTER GRANT PROJECTS ARE COMPLETE

RETENTION, OPERATION & MAINTENANCE RESPONSIBILITIES

RETENTION AND USE

Once the project is complete, post completion inspections will be conducted by the Recreation Grants Staff. These inspections are made every five years to observe operation, maintenance, and compliance with civil rights requirements.

You are reminded that any park property assisted with grant funds shall not be converted to other than public outdoor recreation uses without the prior approval of the Department. The installation of overhead electrical lines at a fund assisted site is considered conversion.

Financial records, supporting documents and all other records pertinent to this grant must be retained for the next three years.

An annual status report will be required every year at August 31st, for five years after the project is completed. This report must contain descriptions of present and anticipated uses, contiguous land additions, new development, and any major changes in the character of the property.

* * * * *

Property acquired or developed with TPWD assistance shall be retained and used for public recreation. Any property so acquired or developed shall not be wholly or partly converted to other than public recreation uses without the approval of the Department. Such approval will be given only upon conditions as the Department deems necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonably equivalent usefulness, quality, and location. An exception to the requirement for permanent public recreation use and dedication will only be made for leased TPWD-assisted properties after the term of such leases expire.

- A. Proposed Uses – Non-recreational uses anticipated at the time of approval, or for which a request for conversion will be made subsequent to project approval, will be subject to the conditions above.
- B. Existing Uses – These provisions do not apply to non-recreational uses being made of an area or facility at the time the program-assisted project is approved, when such uses are known to and approved by the Department and documented in the project proposal.

CHANGES IN RECREATIONAL USES

The use of property acquired or developed with program assistance may not be changed from that contemplated and approved when assistance was obtained, unless prior approval is obtained from the Department.

OPERATION AND MAINTENANCE

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

- A. The property shall be maintained so as to appear attractive and inviting to the public.
- B. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.

- C. Properties shall be kept reasonably safe for public use. Fire prevention, lifeguard, and similar activities should be maintained for proper public safety.
- D. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use. It is not necessary that assisted structures/improvements be maintained in perpetuity. Once assisted improvements/structures have exceeded their estimated lifetime, or they are no longer economically feasible to operate or maintain, they may be demolished, renovated, or redeveloped as long as the area remains in public recreation use and prior Departmental approval is received.
- E. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

AVAILABILITY TO USERS

- A. Non-Discrimination – Property acquired or developed with program assistance shall be open to entry and use by all persons regardless of age, race, color, sex, national origin, or handicap who are otherwise eligible. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable difference in admission or other fees may be maintained on the basis of residence.
- B. 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. Thus, limitations may be imposed on the number of persons using an area or facility or the type of users such as hunters only or hikers only. All limitations shall be in accord with the applicable grant agreement and amendments.