

STAFF REPORT

Date: February 12, 2020

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **B.5. Staff Report (For Possible Action): Approval of nonrevocable property restrictions for Brodhead, Crissie Caughlin and Schiappacasse, Cyan, Double Diamond, Fisherman's I, Miguel Ribera, Somerset West and Terrace Sports Complex Parks in accordance with requirements for use of Federal Land and Water Conservation Funds. (No City Funds)**

From: Jeff Mann, Parks Manager

Summary: The City has accepted Land and Water Conservation Funds (LWCF) from the federal government over the years to assist with acquiring and constructing certain parks and recreational features. When accepting these funds, local agencies agree to restrict the property to park and recreation use only; such restriction runs in perpetuity unless replaced by another facility. The US Department of Interior, which manages the program, now requires that local agencies file proper agreements with the county recorder to restrict the property for park and recreation use only. Agencies must file the document(s) in order to receive future funding from the program. This item includes the necessary documentation to record the agreements.

Background: The City has accepted LWCF grants for projects as shown in the table below.

LWCF #	Award Date	Project	Park	Grant Amount
32-00025	6/14/1971	Construct pool	Traner ¹	\$150,000
32-00047	6/30/1972	Construct park	Brodhead Park	\$29,800
32-00045	8/16/1972	Construct tennis courts	Reno Tennis Center ²	\$60,826
32-00050	12/13/1972	Purchase river property	Crissie Caughlin Park & Schiappacasse Park	\$70,000
32-00132	8/30/1977	Construct park	Crissie Caughlin Park	\$45,337
32-00188G	8/10/1984	Truckee River Access	Fisherman's Park I	\$55,000
32-00256	7/1/2004	Park improvements	Terrace Sports Complex	\$250,000
32-00311	9/10/2010	Park improvements	Double Diamond Park	\$50,000

32-00347	6/1/2017	Construct skate park	Miguel Ribera Park	\$225,000
32-00357	6/1/2019	Construct park	Somersett West Park ³	\$200,000
32-00047	7/23/2019	Conversion/Banked property	Cyan Park ⁴	N/A

Notes:

1. Traner Pool property owned and already restricted by WCSD.
2. Reno Tennis Center property owned and already restricted by Washoe County.
3. Construction in progress.
4. Restricted due to loss in value of portions of Brodhead Park which were converted to other use.

Discussion: Accepting LWCF grants incurs a restriction on the use of the property in perpetuity for park and related recreational use only. The restriction prohibits, among other things: installation of utilities not used to support the park, including cellular phone towers; construction of recreation centers or other indoor recreation facilities; construction of any public facility not used solely for recreation; and construction of facilities for private purposes.

Prior rules for the use of LWCF required that agencies restrict the use of funded park properties for related park and recreation use, but did not require that agencies record any documentation with the County Recorder. The City of Reno has not filed restrictions on past projects. There have been a number of unauthorized uses of LWCF funded park properties throughout the United States over the years, including several in Nevada, so agencies are now required to file appropriate documentation to continue to receive funding.

In the event a local agency desires to use a restricted property for another use, the agency must request conversion of the value of the lost portion of park property by adding a suitable replacement of equal or greater value. The conversion process requires that an agency acquire new land or construct new recreational facilities on property not already used for recreational purposes, and in a value equal to or greater than that which is converted. The value is based on a federally mandated appraisal process. In the event the new property's value exceeds the loss in value of the converted property, that excess value ("banked value") can be used towards a future conversion of another restricted property if so desired. In Reno's case, we replaced the value of that portion of Brodhead Park which the City sold for private housing by placing a new restriction on Cyan Park, which at the time had not been transferred to City ownership and was thus eligible for conversion. This resulted in a banked value of \$2,963,000 for the city.

Any local agency's failure to suitably protect its properties funded through LWCF would place the statewide LWCF program in jeopardy of losing funding through the program. The local agency will also be required to construct a suitable replacement facility in another location, which cannot be a site already used for recreational purposes, even if funded through non-federal

sources.

The attached documents meet the filing requirement and have been approved through Nevada State Parks, which administers the LWCF program at the state level.

Financial Implications: None at this time.

Legal Implications: Legal review completed for compliance with City procedures and Nevada Law.

Recommendation: Staff recommends approval of the Nonrevocable Agreements to Restrict Property for the subject parks and authorize the Mayor to sign.

Proposed Motion: I move to approve staff recommendation.

Attachments:

- Brodhead-1 LWCF Deed Restriction (PDF)
- Crissie Caughlin LWCF Deed Restriction (PDF)
- Cyan LWCF Deed Restriction (PDF)
- Double Diamond LWCF Deed Restriction (PDF)
- Fishermans I LWCF Deed Restriction (PDF)
- Miguel Ribera LWCF Deed Restriction (PDF)
- Somerset West LWCF Deed Restriction (PDF)
- Terrace LWCF Deed Restriction (PDF)