



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: October 28, 2014

From: Jennifer Heim, Special Projects Manager Item No: 16
Town Manager's Office

Subject: ADOPT RESOLUTIONS NUMBER 2014-41 AND 2014-42
AUTHORIZING THE TOWN OF APPLE VALLEY TO APPLY FOR
STATE AND FEDERAL GRANT FUNDING FOR PROPERTY
ACQUISITION GRANTS

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

That the Town Council adopt Resolution Numbers 2014-41 and 2014-42 authorizing the Town to apply for State and Federal Grant funding for the acquisition of a 20.75 acre parcel, APN 3112-181-01-0000, south of Highway 18 between Dale Evans Parkway and Standing Rock Avenue.

SUMMARY:

Over the past two years, the Apple Valley Legacy Trail (AVLT) Committee, an affiliate group of the High Desert Community Foundation (a registered 501c3 non-profit), has worked tirelessly as part of a large grassroots effort to develop a natural heritage trail system plan for the 20.75 acre parcel containing the historic Hilltop House ruins. The goal of the AVLT effort is to reclaim the now blighted and vandalized property that was once the pride of Apple Valley and revitalize it into a spectacular multi-use destination, bringing the community together at the location of the Town's most recognizable and celebrated landmark.

Some of the proposed AVLT project elements include master planned and natural trails; an observation deck with a 360° panoramic view; picnic and contemplative areas; hiking and horseback trails; pavilions, memorials, monuments, plaques & bricks to celebrating the community and region; a Legacy Center where historic items and memorabilia will be showcased. More information on the project vision can be found at www.applevalleylegacytrail.org and at www.facebook.com/AVHilltopHouseForum.

In an effort to advance the project beyond conception and into reality, representatives from AVLT Committee approached Town staff in September to discuss the possibility of Town partnership on the project. Committee representatives submitted a request that the Town consider an acquisition of the Hilltop House property by utilizing State and Federal grant funding for the purchase, as non-profit agencies are precluded from applying (only cities, counties and districts may apply for California State Parks Habitat Conservation and Federal Land and Water Conservation grant funding).

As a requirement for acceptance, both the California State Parks Habitat Conservation and Federal Land and Water Conservation programs require resolutions adopted by the agency's governing body (see attachments "A" and "B" respectively).

FISCAL IMPACT:

Not Applicable

RESOLUTION NO. 2014-41

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM

WHEREAS, the people of the State of California have enacted the California Wildlife Protection Act of 1990, which provides funds to the State of California for grants to local agencies to acquire, enhance, restore or develop facilities for public recreation and fish and wildlife habitat protection purposes; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the HCF Program, setting up necessary procedures governing project application under the HCF Program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the State; and

WHEREAS, the applicant will enter into a contract with the State of California to complete the project(s).

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Apple Valley hereby:

1. Approves the filing of an application for the Habitat Conservation Fund Program; and
2. Certifies that said applicant has or will have available, prior to commencement of any work on the project included in this application, the required match and sufficient funds to complete the project; and
3. Certifies that the applicant has or will have sufficient funds to operate and maintain the project(s), and
4. Certifies that the applicant has reviewed, understands, and agrees to the provisions contained in the contract shown in the grant administration guide; and
5. Delegates the authority to the TOWN MANAGER to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the project.
6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley
this 28th day of October 2014.

Art Bishop, Mayor

ATTEST

La Vonda M. Pearson, Town Clerk

RESOLUTION NO. 2014-42

RESOLUTION OF TOWN COUNCIL OF THE TOWN OF APPLE VALLEY APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUND FOR THE APPLE VALLEY LEGACY TRAIL PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing applications by local agencies under the program; and

WHEREAS, the applicant certifies by resolution the approval of the application and the availability of eligible matching funds prior to submission of the application to the State; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Apple Valley hereby:

1. Approves the filing of an APPLICATION for Land and Water Conservation Fund assistance for the proposed; and
2. Agrees to abide by Section 6(f)(3) of Public Law 88-578 which states "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location;" and,
3. Certifies that said agency has matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
4. Appoints Frank Robinson, Town Manager, as agent of the applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned project.

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley
this 28th day of October 2014.

Art Bishop, Mayor

ATTEST

La Vonda M. Pearson, Town Clerk