

Recreation and Public Purposes Act Information Sheet



Fire Station, Las Vegas Nevada

Department of the Interior regulations for the Recreation and Public Purposes Act are found in Title 43 of the Code of Federal Regulations (43 CFR), Parts 2740 (Sales) and 2912 (Leases). The Act authorizes the sale or lease of public lands for recreational or public purposes to State and local governments and to qualified nonprofit organizations. Examples of typical uses under the Act are historic monument sites, campgrounds, schools, fire houses, law enforcement facilities, municipal facilities, hospitals, parks, and fairgrounds.

What Lands Are Covered By the Act?

The act applies to all public lands identified for disposal within existing land use plans. Excepted lands are those within national forests, national parks and monuments, national wildlife refuges, Indian lands, and acquired lands.

Under special authority, the BLM administers about 2 million acres of revested Oregon and California Railroad and Coos Bay Wagon Road grant lands in western Oregon. These lands may only be leased by public agencies and municipal corporations under the Act.

How Much Land May Be Purchased?

The amount of land an applicant can purchase is set by law. Whether the land is to be purchased or leased, the BLM will classify for purposes of the act **only the amount of land required for efficient operation of the projects described in an applicant's development plan**. Applicants should limit the land requested to a reasonable amount. Applicants will be required to first accept a lease, or lease with option to purchase, to ensure approved development takes place before a sale is made and a patent (Government deed) is issued. However, projects that include the disposal, placement, or release of hazardous materials (i.e., sanitary landfills) must go directly to patent.

State Agencies and Other Political Subdivisions:

Any State, State agency or political subdivision of a state may purchase for recreation purposes up to 6,400 acres annually, and as many small roadside parks and rest sites, up to 10 acres each, as may be needed. In addition, any State, State agency, or political subdivision of a state may acquire 640 acres annually for each public purpose program other than recreation. These lands must be

within the political boundaries of the agency or within the area of jurisdiction of the organization or, in the case of cities, they must lie within convenient access to the municipality and within the same State.

Nonprofit Organizations:

Nonprofit organizations may purchase up to 640 acres a year for recreation purposes, and an additional 640 acres for other public purposes.

How Much Land May Be Leased?

The Act sets no limitation on the amount of land that may be leased.

The Cost

A. State and Local Governments

1. Recreation or Historic Monument Purposes. Permanent conveyances of land for recreation or historical monument purposes are made without charge. Governments may lease lands for recreational use at no charge, but lands leased for historic monument purposes are subject to special pricing as described below.

2. Other Public Uses. Public agencies may purchase or lease land by two alternative pricing methods.

B. Special Pricing

Under special pricing schedules, purchases may be made for \$10 an acre, with a minimum price per transfer of \$50, or land may be leased for \$2 per acre per year with a minimum annual rental of \$25. Special pricing applies to land that will be government-controlled, used for government purposes, and serves the general public. Examples include parks, educational facilities, public health-related facilities, fire and law enforcement structures, courthouses, and State, county and community administrative service facilities, social services, storage and maintenance, extension services, and public works.

C. Regular Pricing

The rental or purchase price of land for uses that do not qualify for special pricing will be one-half of fair market value. The price will be 90 percent of fair market value if the use is restricted to members of a particular or limited group. Uses subject to regular pricing generally are those that are publicly supported and operated, but not essential or customary to government administration and services. They include museums, community centers, tourist information facilities, and fairgrounds.

D. Nonprofit Organizations

Nonprofit organizations may lease or purchase land for uses consistent with their articles of incorporation or creating authority. The lease or purchase price is one-half of the fair market value or 90 percent if the use is not open to the public.



Centennial High School, Las Vegas Nevada

Commitments:

To obtain a lease, applicants must obligate themselves to the following commitments:

- A. **Nondiscrimination.** Nondiscrimination as to access to the land and facilities based on race, color, religion, sex, age, or national origin in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 241).
- B. **Development and Management Plan.** To develop and manage the lands in accordance with an approved program of utilization that must include a plan of development and plan of management.
- C. **Use Charges.** To make no more than reasonable charge for the use of facilities on the land (whether by concession or otherwise) and to charge no more for entrance to a use area than is charged at other comparable installations managed by State and local agencies, all charges to be subject to review and modification by the Secretary of the Interior under due process procedures.

Note: A facility may be operated by a concessionaire, who is entitled to a reasonable profit in return for work done.

Terms and Conditions:

- A. **Patents:** Patents issued under the Recreation and Public Purposes Act convey a restricted title since they contain certain provisions or clauses which, if not complied with, may result in reversion of the title to the United States. These provisions are:
 - 1. Certain nondiscrimination clauses providing that the patentee may not restrict or permit restriction of the use of any of the lands conveyed or facilities thereon because of race, creed, color, sex, age, or national origin.
 - 2. If the patentee or its successor in interest attempts to transfer title or control over the land to another, or the land is devoted to a use other than that for which it was conveyed without the consent of the Bureau of Land Management, title will revert to the United States.
 - 3. Each corner point of the lands desired will be monumented and described in an official

survey before patent is issued and the land described in the patent must be specifically shown upon the official survey plat.

4. A stipulation that the lands will be used in perpetuity for the purposes for that they are acquired. The lease or patent may stipulate that certain provisions of the development program, including the management plan, may be subject to review by the Secretary of the Interior or his delegate.

Note: The purpose and plan may be modified upon approval by the BLM.

5. All minerals will be reserved to the United States.

B. Lease Periods. Lease periods may vary, but shall not exceed 20 years for nonprofit entities and 25 years for governmental entities.

C. Lease Terms and Conditions. Leases are issued subject to appropriate environmental and legal stipulations and contain provisions for compliance with:

1. Nondiscrimination based on race, creed, color, sex, age or national origin.
2. The approved plan of management and development upon that the lease was considered and issued. In addition, leases may be canceled for nonuse or a use other than that for which the lease was issued without prior consent of the BLM.
3. Under certain circumstances, the Federal Government may reserve the standing timber, use of water, or place other limitations on the use of natural resources.
4. Other reasonable stipulations as may be required as part of the consideration for the moderate charge being made for the land.
5. Subleasing to another entity for profit is not allowed.

How Interested Parties Should Proceed:

Anyone intending to submit an application must have a consultation with the local BLM office that manages the proposed lands prior to submitting the application. The consultation will cover such items as land status, application filing requirements, application processing steps, BLM policies and objectives, management responsibilities of the lessee or patentee, and terms and conditions that may be required in a lease or patent, pricing policy, land use planning, and time frames for application processing.

The time of year an application is made may affect the processing time. Applications received late in the field season or during the winter months may be held up where field examinations cannot be made until the following spring. Delay also may result from the presence of unpatented mining claims since it is necessary to determine the validity of these claims or mineral potential of the area before acting on the applications. Similarly, when lands are sought that have been withdrawn (legally set aside) for power or other particular purposes, considerable time may be required to secure the necessary approvals.

With the advice and help of the local BLM office, prospective applicants should complete the following steps:

1. Determine that they are qualified to be an applicant under the Act and secure evidence that they are legally empowered to lease or hold title to land.
2. Ensure that all the lands to be applied for are needed to accommodate a definite project that serves an actual need and that the project meets the established criteria for such a project. Land included in applications for patents or leases must be shown to be part of a **definite, well-planned project**. A development and management plan and construction schedule are required to ensure proper programming for the future use of the land.
3. Ensure that there is sufficient funding to develop the proposed project (see 4(b) below).
4. Refer to BLM land records for legal descriptions, acreage and status of lands desired, their availability, and nature of any conflicts of record. Unpatented mining claim conflicts can be determined by researching county records, on-the-ground inspection, and the BLM automated mining claim recordation system.



First Baptist Church of the Lakes, Las Vegas Nevada

Application Requirements:

Applications are made on BLM Form 2740-1 (See [Illustration 1](#)). In addition, the application should be accompanied by:

1. A \$100.00 nonrefundable filing fee.
2. Certified copies of the Charter, Articles of Incorporation or Association, or other creating authority, if the applicant is a nongovernmental corporation or association.
3. A certified copy of a resolution or other evidence authorizing the filing of the application and further authorizing the signing officer to execute the application.

4. A draft development plan (including a site plan), and a management plan, to include:
 - (a) A statement of the proposed use of lands, a detailed description of the proposed project and a statement describing administration of the tract (See [Illustration 2](#)).
 - (b) The anticipated expenditure for development (including source of funds to be used for development). (See [Illustration 2](#)).
 - (c) A map showing the nature and location of facilities, land ownership of the entire project, and access routes. A professionally prepared site plan by a planner or architect is not usually required, but is encouraged and recommended as a means to ensure feasibility of the proposal, both functionally and economically (See [Illustrations 3](#) and [4](#)). In some cases, it may be desirable, for budgetary reasons, to submit these items after the tract has been classified.
 - (d) Timetable for development.
 - (e) Explanation of proposed maintenance responsibilities and procedures should be provided. If all or portions of the area are to be preserved in a natural state, the protective measures should be explained. The R&PP application process is not intended for acquisition of open space or buffers to previously designated lands.

The extent of the development plan will depend on the character of the land and its acreage, the purpose of the acquisition, the public demand to be served, and other variable factors. It need not be elaborate, but it must include as complete information as can be provided. **The plan should anticipate the development required during the first 5 years**, with general goals after that period. A principal cause of delay in processing applications has been submission of inadequate plans that require extensive revisions. If the tract is to be incorporated into a larger park or recreation area already established, the program for development of the overall area should be provided, with such modifications as the additional land entails. Completed applications should be submitted to the BLM office that manages the applied for tract.

BLM Procedures after Receipt of an Application:

After receiving an application, the BLM will:

1. Determine if the proposal is in conformance with land use planning, review land status to determine if the lands are subject to application, and determine if the application meets all requirements of the law and regulations.
2. Review the development and management plans to determine their adequacy and effectiveness and evaluate the construction schedule and estimated financing to ensure they are realistic and practicable.
3. Secure the views of other agencies that may have an interest in the lands, including State and local planning and zoning departments.

4. Check for the presence of unpatented mining claims. R&PP leases and patents cannot be issued where mining claims are present. If it is necessary to determine the validity of a mining claim in order to allow the lease, the cost of the determination will be the responsibility of the applicant.
5. Cadastral Survey will conduct research/investigation (Standards of Boundary Evidence (SBE) Certificate) to ascertain a correct legal description and location of the land. The information gathered will determine if each corner point for the desired Federal land is monumented. If it is determined an official survey is needed, apprise the applicant the options and best method for procuring the survey and provide an estimate of the cost. The gathering of other information and data on the environment considerations, certainty of location, and proper classification of the lands will be completed by appropriate BLM staff.
6. Publish a notice in the Federal Register as well as in a local newspaper to solicit views and comments from the public concerning the proposal.

Based on its review and evaluation, Bureau officials may approve or disapprove any application in whole or in part, or require its revision.



Exploration Peak Park, Mountains Edge, Las Vegas Nevada

Responsibilities after Lease or Patent is Issued:

The BLM periodically reviews areas leased or sold under the Act to ensure continued compliance with the terms.

The authorized use and character of the land must conform to the approved plan of development and management plan. Reasonable charges may be made to the public for use of facilities provided that fees are no more than those charged at comparable publicly owned installations. The schedule of charges is subject to review and approval by the Secretary of the Interior.

Title to land acquired under this Act may be transferred to other parties only with the consent of the BLM (no consent is required if the patent does not contain a reverter provision). If the transfer includes additional uses or changes of use, the uses must be approved by the BLM. The recipient must also meet the qualifications of an applicant under the act. For example, a State agency may

transfer title to a county park commission which will manage the tract. Most patents contain a reverter clause that returns title to the United States if the tract is used for purposes not provided for in the patent and not allowable under the Act or a change in ownership occurs without consent from the BLM. A sale of the reversionary interest may be considered, but the interest may only be sold at fair market value.

Each lease contains a termination clause which provides that, if the land has not been used for the purposes specified in the lease, or is being used for another purpose, the lease will be canceled. The lease may also be canceled if the terms of the development and management plans are not fulfilled, unless modifications of the plans are approved.

A lease may be assigned to another agency or organization with the consent of the BLM, if the assignee meets the qualifications of an applicant under the act. The lessee may surrender the lease or any part of it by filing a relinquishment with the BLM. If so, the lessee may be required to restore or otherwise clean up with site.

Additional information regarding the Act may be obtained by contacting any BLM Office.

Glossary of Terms Used

Classification of Lands: An action taken, after examination and analysis through the land use planning process, that identifies a tract of public land as being suitable for a specific type of lease or disposal and opened to applications under applicable authorities.

Land Use Plan: A local BLM planning document designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses.

Nonprofit Association or Corporation: Any institutions, organizations, or associations that have been established according to local law and are held by the Internal Revenue Service to be tax-exempt.

Patent: A government deed; a document that conveys legal title of public lands to whom the patent is issued.

Plan of Development / Development Plan: An outline of how a definitely proposed and authorized project is to be implemented. The plan includes design drawings, surveys if needed, sketches, cost estimates, and construction schedules.

Plan of Management/ Management Plan: A plan showing how lands are to be managed after development has progressed to the point where the project is in operation.

Public Lands: Any lands or interest in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management, except lands located on the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts and Eskimos.

Public Purpose: The purpose of providing facilities or services for the benefit of the public in connection with, but not limited to, public health, safety or welfare. Use of lands or facilities

for habitation, cultivation, trade or manufacturing is permissible only when necessary for and integral to the public purpose use.

Special Pricing Program: A schedule of special prices established by the Secretary of the Interior, based upon the fair market value of the property, with a reduction based on the proposal or proposed purpose or protected use.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
**APPLICATION FOR LAND FOR
RECREATION OR PUBLIC PURPOSES**
(Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-4)

Illustration 1

FORM APPROVED
OMB No. 1004-0012
Expires: September 30, 2006

Date	Serial Number (BLM use only)
01/16/2009	N 87-303
Home phone (include area code)	
(702) 455-5289	

Ia. Applicant's name Clark County	b. Address (include zip code) 500 S. Grand Central Parkway, Las Vegas, NV	Business phone (include area code)
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2. Give legal description of lands applied for (include metes and bounds description, if necessary)

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN
	34	14S	66E	M.D.B.&M

County of Clark	State of Nevada	Containing (acres) IS
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3a. This application is for: Lease Purchase (If lease, indicate year)

b. Proposed use is Public Recreation Other Public Purposes

4. Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land.

See Attached Plan of Development and Maintenance.

5. If applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes.
NRS 244.275 Authority is given to the Board of County Commissioners to lease and/or purchase land for the use of the Country.

6. Attach a copy of your authority for filing this application and to perform all acts incident thereto.

7. If land described in this application has not been classified for recreation and/or public purposes pursuant to the Recreation and Public Purposes Act, consider this application as a petition for such classification.

(Continued on page 2)

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex age? Yes No (If "no," describe the situation or activity and your plans for achieving compliance.)

9. Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons in disabilities? Yes No (If "no," describe the situation or activity and the reasons for no accessibility).

Applicant's Signature



Date 3/10/09

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

GENERAL INSTRUCTIONS

I. Type or print plainly in ink.

2. Submit application and related plans to the BLM District or Resource Area Office in which the land is located.

3. Study controlling regulations in 43 CFR 2740 (*Sales*) and 43 CFR 2912 (*Leases*).

4. If applicant is non-governmental association or corporation, attach a copy of your charter, articles of incorporation or other creating authority. If this information has been previously filed with any BLM office, refer to previous filing by date, place, and case serial number.

5. If applicant is non-governmental association or corporation, attach a copy of your authority to operate in the State where the lands applied for are located. If previously filed with any BLM office, refer to previous filing by date, place, and case serial number.

2. If land is surveyed, give complete legal description. If land is unsurveyed, description should be by metes and bounds connected, if feasible, by course and distance with a corner of public land survey. If possible, approximate legal subdivisions of unsurveyed lands should be stated. Acreage applied for must not exceed that specified by regulations.
- 3a. Generally, title to lands will not be granted upon initial approval of an application. In order to assure proper development or use plans, the general practice will be to issue a lease or lease with option to purchase after development is essentially completed. In any case, term of lease may not exceed 20 years for non-profit organizations or 25 years for governmental agencies, instrumentalities or political subdivisions.
4. Leases and patents under this act are conditioned upon continuing public enjoyment of the purposes for which the land is classified. The plan of development, use, and maintenance must show, at a minimum:
 - a. A need for proposed development by citing population trends, shortage of facilities in area, etc.
 - b. That the land will benefit an existing or definitely proposed public project authorized by proper authority.
 - c. Type and general location of all proposed improvements, including public access (*roads, trails, etc.*). This showing may take the form of inventory lists, maps, plats, drawings, or

blueprints in any combination available and necessary to describe the finished project. Site designs should be provided for intensive use sites and general information about improvements existing or planned on lands within the overall project.

d. An estimate of the construction costs, how the proposed project will be financed, including a list of financial sources, and an estimated timetable for actual construction of all improvements and facilities.

e. A plan of management to include operating rules, proposed source and disposition of revenues arising from the proposed operation, personnel requirements, etc.

f. A specific maintenance plan to include, for example, sewage and garbage disposal, road maintenance, upkeep and repair of grounds and physical facilities, etc.

g. Applications for solid waste disposal sites must comply with guidelines established by the Environmental Protection Agency (40 CFR 258) and must include a detailed physical description of the site including a map, description of ground water situation, soil characteristics and management plan.

6. This may consist of a copy of a delegation of authority, resolution or other evidence of authority from the governing board of the applicant's organization, copy of the by-laws of the organization, or the like.

PARK #031-34-101-001

PROPOSED 15-ACRE RURAL PARK SITE

DEVELOPMENT & IMPROVEMENT PLAN:

I. Description

The proposed addition to the existing Ron Lewis rural park is made up of 15 acres located within Section 34, T14S, R66E, within the Unincorporated Town of Moapa. The proposed site is basically sloping from the west to the east, covered with sparse Mojave Desert vegetation and has natural drainage patterns from the west to the east through the property (see Exhibit 1).

2. Statement of Need

In keeping with current planning policies, this 15 acre park expansion will help to fulfill the future expanding recreational needs in the northeast part of Clark County. Based on a recent rural park assessment, the demand for programmable park space in rural Clark County is six (6) acres per 1,000 residents. This park addition will provide services for a future population increase of 2,350 people within Moapa. This 15 acre site adjoins an existing school and is located in a rural community that may experience growth in the near future. A demand exists for more sports fields in the rural community. A recent rural park survey indicates a need for two (2) soccer fields in northeast Clark County, which may hold County sponsored or Co-sponsored events.

Clark County has been one of the fastest growing areas in the United States with the rural areas participating in this growth. To keep up with population growth and meet park acreage standards, an average of 36 acres per year in the urban community and 3 acres per year in the rural community is needed over the next 25 years. The above figures alone demonstrate the need for the additional park sites within Clark County. To meet future demand for park and recreation facilities it is imperative to secure park land ahead of development.

The proposed rural park addition will be developed in a phase sequence with the following facilities: off-sites (boundary streets, utilities, street lighting, and sidewalks),

boundary fences, access barriers, parking facilities, two soccer fields, restrooms, concession, landscaping, lighting, utilities and ancillary equipment.

3. Location

The land embraced by the proposed rural park is to be leased and ultimately purchased by Clark County and is described as follows (see Exhibit 2):

Township 14 South, Range 66 East, Section 34 (15 acres) N
1/2, NW1/4, NW1/4, SE1/4 and NE1/4, NE1/4, SE1/4

4. Agency Support

Concurrence and approval of this application have been given by the Clark County Board of Commissioners and the agenda item of March 3, 2009 as item number 31.

5. Description of Proposed Improvement for Development of the Proposed Neighborhood Park

A. Phase I: Year 1

Improvements: Design, survey, engineering, plans and specifications for construction of a fifteen (15) acre park including clearing, grading, off-site improvements, on-site parking and utilities, finish grading, irrigation, walkways, lighted soccer fields, restrooms, concession, lighting, landscaping and ancillary improvements

B. Phase II: Year 2

Improvements: Construction for a fifteen(15) acre park, including clearing, grading, off-site improvements, on-site parking and utilities.

C. Phase III: Year 3

Improvements: Construction for a fifteen (15) acre park, including finish grading, irrigation, walkways, lighted soccer fields, restrooms, concession, lighting, landscaping and ancillary improvements.

The above-described improvements represent the development over a period of three (3) years and complete utilization of the fifteen (15) acre site, including buffer zones for proper separation of uses. It is intended that the Project Master Plan will be reevaluated with public hearings prior to construction and changed as necessary to best fulfill the needs of the community.

6. Timetable for Development and Cost Estimate for the Proposed Rural Park

The plan is to develop the park in three (3) construction phases over a three (3) year period for the fifteen (15) acre site, if all funding is secured. The first phase will commence within three (3) years to five (5) years after the lease is issued or sooner depending upon available funding. Sufficient capital improvements will be constructed to justify a request for purchase prior to the end of the initial twenty five (25) year lease. The proposed timetable for development will be approximately as follows:

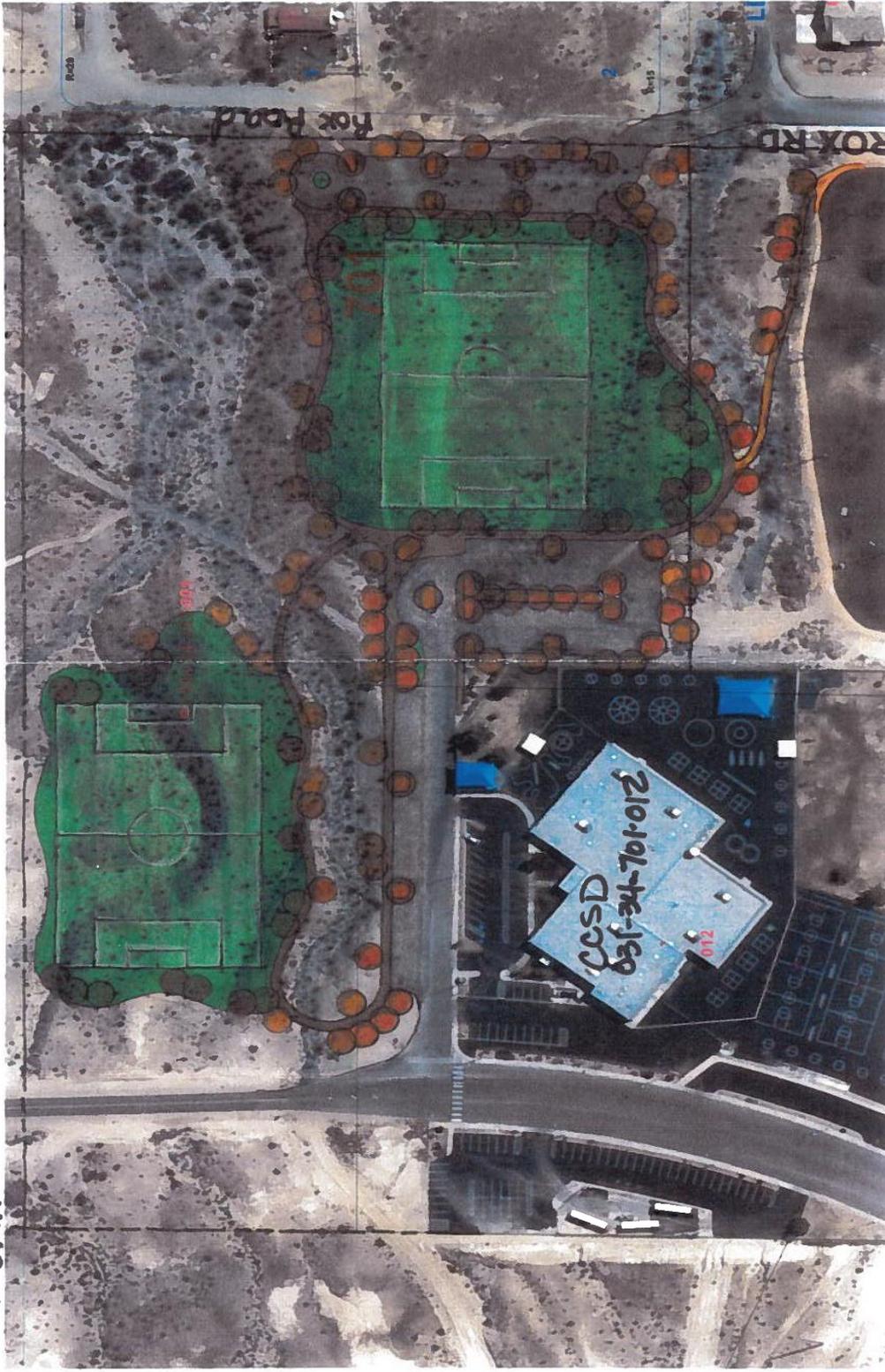
Schedule and Cost Estimate

		<u>ESTIMATED SCHEDULE</u>
<u>PHASE I</u>	<u>YEAR 1</u>	<u>2014</u>
Annual Rental - BLM land		\$ ____0
Design of facilities as described in the Phase I Improvements in Paragraph 5A		\$ <u>1,170,425</u>
<u>PHASE II</u>	<u>YEAR 2</u>	<u>2015</u>
Annual Rental - BLM land		\$ _____0

Construction of facilities as described in Phase II

Improvements in Paragraph 5B	\$ 535,000
<u>PHASE III</u>	<u>2016</u>
Apply for Purchase- BLM land	\$ <u> 0</u>
Construction of facilities as described in Phase III improvements in Paragraph 5C	<u>\$ 12,272,500</u>
<u>Three (3) Year Development Schedule Grand Total</u>	<u>\$ 13,977,925</u>

MOAPA SOCCER COMPLEX CONCEPT



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