

# Capitola City Council

## Agenda Report



**Meeting:** April 25, 2024

**From:** Public Works Department

**Subject:** Park at Rispin Mansion Deed Restriction

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**Recommended Action:** Adopt a resolution authorizing the City Manager to execute a deed restriction on a City-owned parcel (APN 035-347-01) for the Park at Rispin Mansion.

**Background:** In 2018, California voters passed Proposition 68 (Prop 68), the “Parks, Environment and Water Bond Act of 2018”. Prop 68 authorized \$4 billion in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects. Prop 68 provides a variety of funding opportunities for local jurisdictions. One grant opportunity through Prop 68 is the Per Capita Grant Program.

The Per Capita Grant Program is a non-competitive program made available for local park rehabilitation, creation, and improvement grants to local governments. Per Capita Grant funds are distributed to local jurisdictions based on population size.

In 2019, the City submitted the Per Capita Allocation Questionnaire to determine the City’s allocation under the grant program. Grant funds are allocated based on population and are one-time funds. In July 2020 the State notified the City of their allocation amount of \$177,952. On September 24, 2020, the City Council approved an application for Per Capita Grant Funds for the Park at Rispin Mansion, which verified the City’s commitment and ability to implement the project.

As a condition of the Per Capita Grant, the California Department of Parks and Recreation requires a deed restriction to be recorded on the title where the grantee owns the project land.

**Discussion:** As a condition of accepting the Per Capita Grant, the California Department of Parks and Recreation requires a deed restriction to be recorded on the title where the grantee owns the project land. The City owns the Rispin Mansion property, and under current Prop 68 funding programs, the City must record the deed restriction to receive the grant allocation.

The resulting restrictions to the property can be found in Attachment 4: Exhibit B to Deed Restriction: Prop 68 Grant Contract Section II(I). In summary, by recording the deed restriction and accepting the allocation, the City agrees to the following: to operate and maintain the property developed with the funds; and to only use the property for the purposes of the allocated grant; unless otherwise authorized by the State. The deed restriction would be in effect from July 1, 2018, through June 30, 2048. As the property is already subject to several deed restrictions, City staff does not foresee a scenario in which the park and recreational focus of the property would be substantially changed in the agreement’s time period.

**Fiscal Impact:** The City cannot be reimbursed by the grant funds before the execution of the deed restriction.

**Attachments:**

1. Resolution
2. Exhibit A to Resolution: Prop 68 Deed Restriction
3. Exhibit A to Deed Restriction: Legal Description APN: 035-371-01
4. Exhibit B to Deed Restriction: Prop 68 Grant Contract

**Report Prepared By:** Jessica Kahn, Public Works Director

**Reviewed By:** Julia Gautho, City Clerk; Samantha Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager