



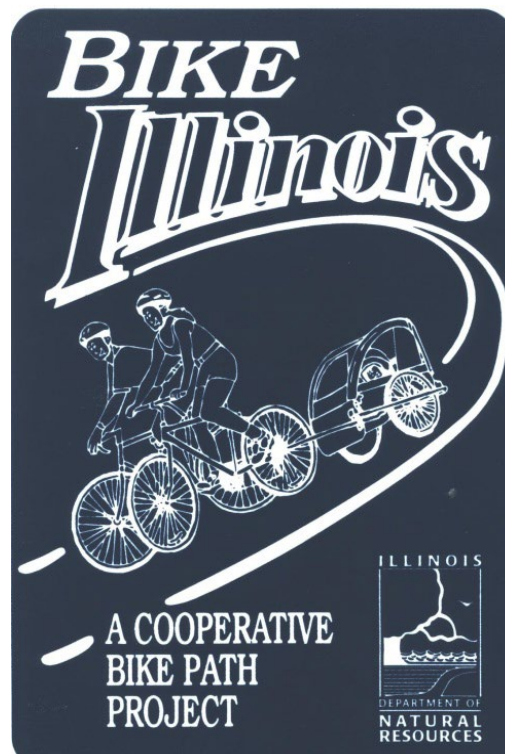
**Illinois Department of
Natural Resources**

Illinois Bicycle Path Grant Program

State Fiscal Year

2023

Program Information for Applicants



Equal opportunity to participate in programs of the Illinois Department of Natural Resources (IDNR) and those funded by the U.S. Fish and Wildlife Service and other agencies is available to all individuals regardless of race, sex, national origin, disability, age, religion, or other non-merit factors. If you believe you have been discriminated against, contact the funding source's civil rights office and/or the Equal Employment Opportunity Officer, IDNR, One Natural Resources Way, Springfield, Ill. 62702-1271; 217/785-0067; TTY 217/782-9175.

FY2023 BIKE PATH PROGRAM CHANGES

- **The Illinois Bicycle Path Grant (BIKE) Program will only accept applications electronically through the new AmpliFund Grant Management System.**
- **All complete applications must be submitted to:**
 - <https://il.amplifund.com/Public/Opportunities/Details/f0178489-d3c1-46d8-b4de-5e5257528dca>
- **No other form of submission will be allowed or eligible.**
- **Any submission that does not include all required documents and/or completed responses in the BIKE Application will be considered ineligible and will not be reviewed.**

Grant Basics

The Illinois Bicycle Path Grant Program is offered annually through the Illinois Department of Natural Resources (IDNR). The following pages contain a very brief overview of this grant program; please read the grant guidelines for more detailed information.

Illinois Bicycle Path Grant Program (BIKE PATH): This is a **reimbursement** grant program that provides up-to-50 percent project funding assistance on total approved project costs. The maximum grant award for development projects is limited to \$200,000 per request. There is no grant limit established for acquisition projects.

The following types of projects are eligible for BIKE PATH funding:

- Land acquisition of property in fee simple title, permanent easements, or long-term leases (the lease must be for the minimum of 25 years and be non-revocable), including associated appraisal costs approved by the IDNR, for securing a linear corridor/right-of-way to be used for bicycle path development
- New bicycle path development - must include trail construction (may include site clearing and grading, surfacing, drainage, bridging, access control devices, fencing & signs)
- Bicycle path renovation – must include trail construction (may include site clearing and grading, surfacing, drainage, bridging, access control devices, fencing & signs)
- Bicycle path support facilities and/or amenities (for example parking areas, access roads, shelters, lighting, benches, restrooms, safety lighting, potable water supply, and architectural/engineering services deemed necessary for proper design & construction)
- Projects that have been awarded federal funds and have completed Phase 1 and Phase 2 engineering. (Applicants are strongly encouraged to contact IDNR Grants staff)
- Non-motorized bicycle paths

BIKE PATH funding is available to: Units of local government with statutory authority to acquire develop and maintain lands for bicycle trail purposes. This includes but is not limited to: counties, townships, municipalities, park districts, conservation districts and forest preserve districts.

The following types of projects are not eligible for BIKE PATH funding:

- Costs incurred prior to IDNR grant execution;
- Phase I or Phase II engineering;
- Projects that will not be available for public bicycling use;
- Bicycle routes and/or lanes sharing existing roadway surfaces;
- Projects that have already been awarded federal funds (i.e. IDOT administered “Enhancements” projects) that are only in Phase I or Phase II engineering;
- Projects that anticipate ITEP funding to be used as matching funds to this application;
- Site clearing and grading, surfacing, drainage, bridging, access control devices, fencing & signs as a standalone project are not eligible.
- Motorized bicycle path.

Frequently Asked Questions

Please see grant guidelines for additional details

I am not sure which grant program is better suited for my project. What are the funding priorities with BIKE PATH?

The IDNR funding priorities include projects acquiring land or long term/permanent easements for linear corridors; projects proposing development of a bicycle trail system, particularly long distance trails, connector trails linking several existing trails, or multiple use trails; projects allowing multiple trail uses; projects identified in state, regional or local bikeway/trail plans and/or outdoor recreation plans, comprehensive plans, etc.; projects proposing quality bike path facilities readily accessible to major population centers or proposing initial creation of bike path facilities in a high demand area; projects having minimal adverse environmental and social effects; projects proposing initial development of bicycle path facilities at the project site (*trail renovation projects are a lower priority than new trail construction*); projects of scenic and recreation quality offering a diversity of trail user experiences, user amenities, convenient access, connectivity to other public lands, compatibility with adjacent lands, or which resolve an existing trail user safety issue; and projects where long term operations and maintenance capability is clearly demonstrated by the local sponsor.

Projects that have received federal funds (e.g., TEA-21, CMAQ, etc.) to fund part of the proposed project are a lower funding priority.

What is the difference between the Illinois Bicycle Path Grant Program and the RTP grant program?

RTP is expected to be in a natural setting providing a sense of being in nature. A Bike Path project should be a linear pathway that is paved or hard surface such as aggregate. RTP trails can allow motorized use whereas a Bike Path cannot, RTP projects also allow equestrian use where Bike Path projects do not.

May we apply to both RTP and Bike grant?

Yes, however by applying to both funding sources, the applicant is consenting to allow the IDNR to recommend the most appropriate sources of funding for the project. The applicant must also physically complete a full application for both programs to be eligible in both programs

How much money is available through the program?

This can vary from year to year depending on appropriations. There is \$13,000,000 available through the program, which will be posted in the Notice of Funding Opportunity (NOFO) on the Grants Accountability and Transparency Act (GATA website).

What is the maximum amount of funding assistance I can apply for?

BIKE PATH provides 50% reimbursement funding assistance on approved projects. A maximum grant of \$200,000 may be awarded per application for development projects. No maximum grant award amount is set for acquisition projects.

Is there an application fee?

Yes, the BIKE PATH program requires a non-refundable application fee. This fee is calculated as $\frac{1}{4}$ of 1% (0.0025%) of the grant request. There is a minimum fee of \$100 and a maximum fee of \$300.

Is there a fee if my project is selected for funding?

Yes, there is a Grant Award Fee of 1% of the total funding assistance awarded with a maximum fee of \$5,000.

Can I apply for multiple grants through BIKE PATH?

Yes, there is no limit on the number of individual BIKE PATH grants that one entity can apply for. However, there must be an ingress and egress to the Bike Path.

When is the grant deadline?

Applications are due no later than **5:00 pm on May 15, 2023.**

Can I make changes to my proposed project scope after it has been selected for funding?

All proposed grant projects are competitively scored and selected on the basis of **merit**. Under most circumstances' grantees may not deviate from the scope of an approved project. Occasionally circumstances arise whereby the project sponsor may request authorization to minimally revise the scope of an approved project. Such changes are made at the sole discretion of the IDNR staff.

Can I complete my grant application on-line?

Yes, applications **must** be completed/submitted through the AmpliFund Grant Management System:

<https://i.amplifund.com/Public/Opportunities/Details/0178489-d3c1-46d8-b4de-5e5257528dca>

How are awarded projects selected?

All applications undergo extensive review, often including a site visit. After project site visits have been completed, professional staff members score all applications. Projects and scores are then reviewed and approved by IDNR administration. At the completion of this process award announcements are made.

What is meant by reimbursement?

If your project is selected for funding, you must have adequate funds **on hand** to pay for your entire project. The project sponsor (grantee) pays all costs associated with the project and, when completed, submits the billing documents (provided in the Implementation & Billing Packet) to the IDNR. IDNR then reviews the documentation and once approved, will pay the project sponsor the eligible grant percentage. Reimbursement time turnaround is estimated at 8-12 weeks.

My project proposal includes construction on land that is owned by others. Is this allowable?

All grant assisted construction projects must be located on property that is owned, leased (minimum 25-year non-revocable lease) or on an easement held by the project sponsor. Documentation is required.

How long do I have to complete my project?

Do not start your project until you have entered into formal agreement with the IDNR. You should plan to complete your project within ***24 months of entering into the agreement with the IDNR.***

Are there any requirements for contracting of project work to be completed?

Project construction may be accomplished by any of the following methods or combinations thereof: 1) competitively bid contract(s) per local/state procurement guidelines (the local sponsor must comply with applicable state statutes and applicable local ordinances concerning bidding requirements for construction contracts and equipment/material purchases), 2) directly hired labor and material purchases IF qualifying as bid exempt and 3) using local agency Force Account labor (in-house staff).

If my staff members work on the project, is the value of their time eligible as a project cost?

Yes, in-house labor may be counted as part of the awarded project costs. Documentation of their hourly wages will be required.

Is there a minimum standard for the project surface width?

Yes, the project must be constructed with a minimum finished tread surface width of eight feet (8'). It is recommended that construction be in compliance with AASHTO's "Guide for the Development of Bicycle Facilities, 4th Edition", dated 2012.

Will there be any project reporting requirements?

Status of project progress and spending must be reported to the IDNR Grant Administrator assigned to the project **each January 1, April 1, July 1 and October 1** throughout the duration of project implementation (i.e., until the FINAL project billing is submitted to IDNR). The "Periodic Performance Report" and "Periodic Financial Report" forms are required under the Grant Accountability and Transparency Act. **Failure to submit a required report will result in no reimbursement (for projects over \$25,000.00) and may result in the local sponsor being placed on the statewide Stop Pay List (See 44 IL Admin Code 7000.80)** Forms for reporting will be provided at the time a project is awarded.

Are there specific billing requirements on awarded projects?

Projects that are awarded are required to follow certain procedures and billing protocols that are explained in the Implementation & Billing packet.

Are road share Bike Path eligible? No

What should the separation of the Bike Path be if within a right-of-way?

Where a two-way bike path is physically located within the highway right-of-way, traffic wide separation should be provided to demonstrate that the path functions as an independent facility for bicyclists and other users. This separation should be as wide as practical and still allow the bicyclist to be visible by the motorist. However, the following minimum separations are recommended:

1. Urban Cross Section. The minimum recommended distance between the path and the face of curb is 5 ft.
2. Rural Cross Section. The minimum recommended distance is based on the posted speed limit.
 - For a posted speed limit of 45 mph (km/h) or less, the minimum separation between the path and the edge of travelled way is 5 ft (1.5 m).
 - For a posted speed limit greater than 45 mph (km/h), the minimum separation between the path and the edge of travelled way is 10 ft (3.0 m).

Who can I contact if I have questions?

Illinois Department of Natural Resources
Office Grant Management and Assistance
Attn: BIKE PATH Grants
One Natural Resources Way
Springfield, IL 62702-1271
Email: dnr.grants@illinois.gov
telephone: (217)782-7481
fax: (217)782-9599

Guidelines for the Illinois Bicycle Path Program

Introduction and Purpose

Introduction and Purpose

The primary purpose of the Illinois Bicycle Path grant program is to provide financial assistance to eligible, local units of government to assist them with the acquisition, construction, and rehabilitation of public off-road, non-motorized bicycle paths and directly related support facilities. Agencies that apply for projects that accommodate additional trail users, such as equestrians, will receive special consideration in the review of grant applications. Project applications are limited to land acquisition or trail development **along a single trail corridor**. Looped trails within a single parcel or park site are not eligible for BIKE PATH funding. These projects, however, may be eligible for Recreational Trails Program (RTP) or Open Space Land Acquisition and Development (OSLAD) grant assistance. The only exceptions are looped trails located within very large preserves and connected/linked to another trail. Bicycle routes sharing existing roadway surfaces are also not eligible for funding consideration under this program.

I. Revenue

A. Source and Amount

Funding for the program is derived from revenue generated from fees collected pursuant to Section 3-821(f) of the Illinois Vehicle Code (625 ILCS 5/2-119).

B. Distribution

Distribution of funds to eligible government agencies will be on a statewide competitive basis, as determined by need, type of project, project costs, and the capability of the project sponsor (applicant) to fund, operate, and maintain the project. Additional considerations are included in the Project Selection Process.

C. Cost Sharing

BIKE PATH will reimburse up to 50 percent of total approved project costs up to the maximum allowable cost. The remainder of the costs will be borne by the project sponsor. BIKE PATH is a reimbursement program, meaning that a project sponsor must have sufficient cash, donations, or eligible in-kind services to pay for work, and then be paid back the grant percentage after approval of a reimbursement request.

II. Types of Eligible BIKE PATH Projects

- A. Land acquisition of property from *willing sellers* in fee simple title, permanent easements, or long-term leases, including associated appraisal costs approved by the IDNR, for securing a linear corridor/right-of-way to be used for bicycle path development. (For acquisition of less than fee simple title, such as a lease agreement, the agreement must cover a minimum time period of 25 years. The IDNR will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term lease agreement or other circumstances beyond the control of the governmental unit prohibit such arrangements.)
- B. New bicycle path development - must include trail construction (may include site clearing and grading, surfacing, drainage, bridging, access control devices, fencing & signs).

- C. Bicycle path renovation - must include trail construction (may include site clearing and grading, surfacing, drainage, bridging, access control devices, fencing & signs).
- D. Bicycle path support facilities and/or amenities (for example parking areas, access roads, shelters, lighting, benches, restrooms, safety lighting, potable water supply, and architectural/engineering services deemed necessary for proper design & construction).

III. Ineligible BIKE PATH Projects

Illinois Bicycle Path Grant Program funds may **NOT** be used for any of the following:

- A. Land acquisition through eminent domain (exceptions to this rule might be made by IDNR staff after reviewing the circumstances in extreme situations);
- B. Bike Path grant funding cannot be expended on U.S. Forest Services Land;
- C. Projects not available for public use;
- D. Bicycle routes and/or lanes sharing existing roadway surfaces (Road share bike path);
- E. Phase I or Phase II engineering;
- F. Costs incurred prior to IDNR grant execution;
- G. Projects that anticipate ITEP funding to be used as matching funds to this application;
- H. Site clearing and grading, surfacing, drainage, bridging, access control devices, fencing & signs as a standalone project are not eligible;
- I. Motorized bicycle path (except those used for physical mobility requirements).

IV. Allowable Costs

A. Basic Concept

The Illinois Bicycle Path Grant Program is a reimbursable grant program. To be eligible for matching assistance, costs other than design or appraisal costs must be incurred within the project period, stipulated by a signed project agreement. All projects must allow public bicycling use.

B. Development and Renovation

Upon receipt of a fully executed grant agreement with the IDNR for a project, development and renovation costs are eligible for reimbursement and are incurred on the date construction contracts are signed or at the start of actual physical work on the project site and continue through the period the work is being done. Costs must be incurred within the project period (grant agreement award date through contract expiration date) to be eligible for reimbursement. Initial master plan costs are not eligible, but applicable construction drawings may be eligible.

C. Acquisition

Acquisition costs are eligible for reimbursement, including associated appraisal costs approved by the IDNR, for securing a linear corridor/right-of-way to be used for bicycle path development, **if incurred during the grant contract period**. All eligible acquisitions should be done under an approved grant contract. The acquisition must be completed using state guidelines. Costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account/agent for the property. No purchase agreement, option, etc., or price negotiations shall be entered into without IDNR approval. Title to any property for which grant reimbursement is sought cannot be taken by the sponsoring agency before IDNR approval of Fair Market Value (FMV) for the property is received.

For acquisition of less than fee simple title, such as a lease agreement, the agreement must cover a minimum time period of 25 years. The IDNR will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements.

Trail corridor width approved for grant funding generally does not exceed 100'. Reimbursement is based upon 50% of the approved fair market value (FMV) of the land and associated costs.

D. Land Donations

A local agency may receive up to 50% reimbursement on the approved FMV of land anticipated for donation to the local project sponsor and utilize such donation as all or part of the required local match on an approved bicycle path project, provided such land: 1) is not a mandatory donation or stipulated as part of a pre-existing legal agreement or local ordinance; and 2) will be maintained for public bicycle trail purposes. Land donations from another public agency or involving land previously owned by another public agency within the past five (5) years are not program eligible nor are donations where title has been secured prior to IDNR approval. *Land donations can be combined with either an acquisition or development project.*

It is highly recommended that IDNR grant staff be contacted to discuss the best way to use a land donation in a proposed project.

The value of donated real property shall be established by an independent appraiser. The IDNR will review the narrative analytical appraisal and, if disputes arise as to fair market value, the property will be re-appraised by another appraiser chosen by IDNR. Project sponsors must pay for the appraisals, which are eligible for reimbursement.

E. Planning

In cases where the assistance of an architect, landscape architect, consultant, planner, or engineer is required for a project, a share of the costs may be borne by program funds. The maximum allowable claim for "contracted" Architectural/Engineering (A/E) services used for the proper design and construction supervision/administration of an approved BIKE PATH development project is 15.25%. To be eligible for reimbursement, planning costs must reflect actual grant work that was performed. **Planning work is not eligible as a stand-alone project.**

V. ADMINISTRATION

A. General Responsibility

Office Grant Management and Assistance (OGMA) will administer the Illinois Bicycle Path Grant Program (BIKE PATH) for the IDNR and insure both the successful performance of the project and the continued operation and maintenance of aided facilities for public recreational trail use. The OGMA will also inspect projects to insure compliance with the intent of the program.

b. Eligible Applicants

Any unit of local government with statutory authority to acquire, develop and maintain lands for bicycle trail purposes. This does not include the State of Illinois or Federal governmental agencies. Non-profit organizations are not eligible to apply to this program.

C. Applicant Procedures

Grant applications for funding assistance under the BIKE PATH grant program must be submitted to and received by the IDNR **NO LATER THAN 5:00 PM ON MAY 15, 2023.**

Grants are awarded on a competitive basis and made under the sole authority and directive of the Director of the Illinois Department of Natural Resources after consultation with IDNR staff. The amount of grant funds awarded shall be determined by the IDNR based upon the appropriation level for the program in a given fiscal year and demonstrated need.

NOTE: Application cannot be made in the SAME grant cycle for both land acquisition and trail development assistance on the same site UNLESS the acquisition portion of the proposed project constitutes an eligible land donation that will be used by the project applicant as part or all of the required project grant match.

1. Application

The following must be included with any application submitted:

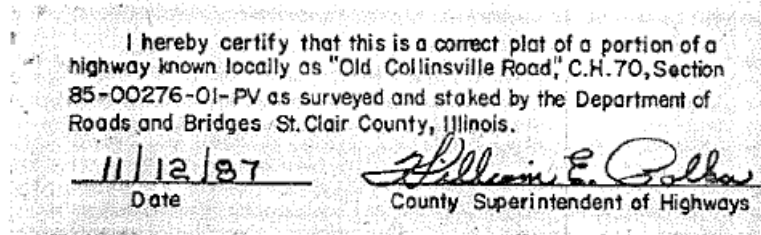
- A. Completed application forms including the GATA application and budget;
- B. Completed application forms provided in the manual;
- C. Itemized project cost estimate;
- D. Project narrative statement describing the project concept, location, need for and objectives of project, anticipated benefits and method of financing or accomplishing the project;
- E. Project maps including: 1) Location map, 2) Premise Plat map, 3) Development Plan (all must be labeled correctly);
- F. Completed project Environmental Assessment Statement and CERP form;
- G. Application fee.

2. Ownership

A project sponsor must either own or have a sufficient long term non-revocable lease or easement for a BIKE PATH project area. A long-term lease or easement must be for a minimum of 25 years non-revocable. A copy of the following must be provided:

- a. Property deed and/or lease showing adequate control and tenure of the project site (development projects).

Examples of adequate control/documents. IDOT writes letter to applicate that they are agreeable to the bike path plan or on the plat map it has something similar to the example below.



- b. Commitment for title insurance and appraiser qualifications (acquisition projects)

3. **Public Hearings**

Governmental applicants proposing initial acquisition of development of an undeveloped area for the creation of a new trail within a linear corridor must conduct a Public Hearing, held specifically to solicit public review and comments on the proposed trail. Notice of the Hearing must be advertised in a local newspaper of general circulation at least seven (7) days prior to the Hearing date. Minutes of the Hearing, along with written comments received and a copy of the newspaper notice must be submitted as part of the application. See **Application Appendix 4 Public Notice Form** for posting. Pubic meeting is NOT required for renovation project.

4. **Funding Certification**

The applicant must certify in a written affidavit that it possesses the funding capability to initially finance the total amount of project costs, if approved, and the ability to comply with program regulations.

5. **Application Fee**

The BIKE PATH program requires a non-refundable application fee. This fee is calculated as $\frac{1}{4}$ of 1% (0.0025%) of the grant request. There is a minimum fee of \$100 and a maximum fee of \$300.

6. **Conflict of Interest**

No official or employee of the local political subdivision who is authorized in his/her official capacity to negotiate, make, accept, approve or take part in decisions regarding a contract or subcontract in connection with an approved BIKE PATH grant project shall have any financial or other personal interest in that contract or subcontract.

No person performing services for a local government in connection with an approved BIKE PATH grant projects shall have a financial or other personal interest other than his/her employment or retention by the local government in any contract or subcontract in connection with said BIKE PATH grant project. No officer or employee of a person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved BIKE PATH grant project unless that interest is openly disclosed on the public records of the local government and that officer, employee or person has not participated in the acquisition for, or on behalf of, the local political subdivision.

D. Project Evaluation

The following factors are used by the IDNR in evaluating and recommending project applications for funding assistance consideration:

- a) Projects providing land acquisition or long-term/permanent easements;
- b) Projects providing the development of a bicycle trail system, especially well-developed long-distance trails or connector trails linking several existing trails;
- c) Projects located in areas of high demand or readily accessible to major population centers;
- d) Projects proposing initial development of bicycling facilities at the project site;
- e) Projects where long-term operations and maintenance capability is clearly demonstrated by the project sponsor;
- f) Projects specifically identified or supported by State, Regional or local bicycle trail planning initiatives/documents developed through broad-based public input; and
- g) Project site physical characteristics/attributes including scenic quality
- h) Natural and cultural resources along the corridor; environmental suitability; safety factors; adjacent land use compatibility and available trail user amenities such as adequate parking, restrooms, drinking water, etc.

E. User Fees

User fees are permitted at areas and facilities assisted with program funds, however they are discouraged. If it is deemed necessary by the project sponsor to levy fees for use of the project facilities, prior approval from the IDNR must be received for the proposed fee schedule. Justification for charging a fee must clearly document that the existing operation and maintenance budget of the project sponsor is not sufficient to cover the cost of properly operating and maintaining the project facility. All fees received must be deposited in a separate account to be used for project facility operation and maintenance as well as future improvements to the facility.

F. Matching Requirements

Project sponsors will be reimbursed up to 50 percent of the total cost of acquisition, development or renovation undertaken not to exceed the grant limit. The remaining share of the project costs will be borne by the project sponsor.

1. State and Local Funds

Any eligible local government funds may be used toward the 50 percent match. This could include tax sources, bond issues, cash, or force account contributions.

2. Donations

Private individuals, entities, organizations, or corporations may donate funds, rights-of-way, or real property toward the local matching share required. The IDNR will approve documentation of the fair market value of donated private rights-of-way. Applicants cannot take possession of any real property until a state/local agreement is signed (only if applicant intends to use the value of the real property for cost sharing purposes).

VI. ACQUISITIONS

Land may be purchased from either private landowners or other units of state or local government that has not been used for recreational purposes in the past.

Sites already owned by the town, city, township or county which the grant recipient represents, but which have been under the control of another department of the same local unit, may not be purchased with grant funds.

Property which the current owner (not the grant applicant) acquired with federal funds may not be purchased with BIKE PATH funds nor could it be used as an in-kind land contribution match for a grant. However, a grant could be made to develop facilities on it if the source of local match were other than the land value.

A. STATE AND FEDERAL ACQUISITION POLICIES

Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970

All acquisitions must conform to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Federal Uniform Act) P.L. 91-646. This law prescribes policies and procedures to ensure fair, equitable, and uniform treatment of persons whose land is acquired through federally assisted programs.

The provisions of the Federal Uniform Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects which receive federal assistance. The Act applies regardless of whether federal assistance is used for acquisition or development. For example, an organization cannot knowingly circumvent the federal law by acquiring the land with local funds and not follow the regulations of the Act and then apply for development funds in a later project. For all development projects, proof must be supplied that the project site was acquired in accord with P.L. 91-646 if the land was acquired after January 2, 1971.

There are two major sections to the law: policies regarding the acquisition of land and relocation benefits to landowners. Each section will be discussed separately in this chapter. The acquisition procedures explained in Attachment V, should be read with extreme care. If the procedures are not followed, the sponsor could encounter severe problems in being reimbursed regardless of the method of acquisition.

B. LAND ACQUISITION COSTS

Eligible Costs:

The following land acquisition costs are allowable and eligible for reimbursement under the BIKE PATH Grant Program.

1. The appraised fair market value of fee simple title or an easement for the use of real property acquired by negotiated purchase.
2. The purchase price for an easement or fee title to real property acquired by bargain sale (below appraised value). The donated land value (the difference between the purchase price and appraised value) may be used as a match for federal funds to purchase that parcel of land, purchase other pieces of property, or develop facilities. Similarly, lands for which 100% of the value is donated may only be used as the organization's share of a project to purchase other land or build facilities.
3. Incidental acquisition and relocation costs only as described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

4. Appraisal Fees.
5. Engineering reconnaissance fees where a land acquisition project involves proposed major facilities and their feasibility needs to be established. Examples of such eligible fees include hydrologic investigations, subsurface explorations, availability of construction materials and preliminary cost outlines. Detailed plans and specifications for construction of the facilities would not be eligible in a grant for only the land purchase but would be eligible in a grant which included building the facilities.

Ineligible Costs

Costs ineligible for reimbursement in an acquisition project include:

1. Land acquisition through eminent domain (exceptions to this rule might be made by IDNR staff after reviewing the circumstances in extreme situations).
2. The purchase of real property to which the project sponsor became committed prior to state approval of the grant.
3. Boundary surveys, title search, legal fees, fines and penalties paid by the project sponsor.
4. Incidental costs relating to real property acquisition and interests in real property unless allowable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
5. Taxes for which the local sponsor would not have been liable to pay.
6. Damage judgments arising out of acquisition whether determined by judicial decision, arbitration or otherwise.

C. TRANSFER OF TITLE

Land is transferred on the date the warranty deed is signed by the previous landowner and the buyer. If reimbursement is to be requested for the cost of a land purchase, the deed cannot be signed by the seller and buyer until the project is approved by the IDNR. The applicant also cannot make a commitment to purchase real property prior to federal grant approval as described below under timing for purchases. The applicant may need or want to guarantee land will be available for purchase after grant approval. The property may be reserved for the applicant by: (1) having a private third party acquire and hold title to the land, or (2) by securing an option to purchase by a later date. A third party could be an individual, private business or educational institution, not-for-profit organization other than the applicant, or other similar entity.

D. TIMING FOR PURCHASES AND DATE WHEN COSTS ARE INCURRED

The applicant may not commit to purchase land prior to state approval of the grant with the following exceptions: (a) an option to purchase is exercised; (b) payment is made to an escrow agent even though the applicant has not received the deed from the escrow agent; (c) a contract to purchase is executed; (d) the deed is accepted although payment has not been made; (e) the buyer takes possession of the property; or (f) other written promises to purchase have been made.

Confusion often arises in acquisition projects on the exact date when land purchase costs are incurred. To be eligible for matching assistance, purchase payment(s) to the landowner must be

incurred within the project period (date of fully executed agreement approval to the date of project expiration). Acquisition costs are incurred on the date when the earliest of any of the following transactions take place:

1. Project sponsors accept deed or other appropriate conveyance.
2. Project sponsor makes full payment for the property.
3. Project sponsor makes the first payment in a series of spaced or time payments.
4. Project sponsor makes the first payment or as much as 10% of the purchase price as stipulated in an option agreement. (The cost of the option is not an allowable cost from grant funds.)
5. Project sponsor makes first partial or full payment to an escrow agent.

E. OPTIONS

The applicant may wish to take an option on the property to prevent the land being sold prior to the approval of a project. The date an option is exercised is normally the date the buyer advises the seller that he desires to complete the purchase under the terms of the option. The option may include special conditions or terms which govern whether or not the buyer will purchase.

For example, one condition could be the availability of funds or financing. An option is unacceptable if it is exercised prior to project approval, unless it specifies that acceptance is contingent on the availability of BIKE PATH grant money, so the date of project approval would be the exercise date.

If an option is signed prior to state approval of the project, then it should extend at least until fall so it may be exercised after the grant is approved. Since competition for funds is often intense, applicants may find it helpful to negotiate an option which can be extended at no cost for a second year. This could enable the project to compete for funds a second time if it were not approved the first year.

The purchase price in an option is to be the amount negotiated after the land has been appraised and the fair market value offered to the landowner as explained in the section on negotiated purchases. Only one payment toward the property may be made under an option. A maximum of 10 percent of the approved appraised value of the property may be paid at the time the option is transacted. This amount should be part of the purchase price of the property. Any additional payments prior to grant approval may make the acquisition ineligible. It is important that documentation of the option payment required for reimbursement billings be kept for later use. Project sponsors are encouraged to consult the Office of Real Estate before negotiating an option to ensure the eligibility of the land acquisition under the option conditions.

F. TIMING FOR LAND DONATIONS

Property donations may be transferred to the applicant after project approval. If a land donor wants to convey the property before project approval the land could be given to a third party, such as a foundation or other not-for-profit organization other than the applicant. This third entity could donate the land in a later year and the land value would be eligible as a match. Land donations will be credited toward the sponsor's match. No direct reimbursement will be given for a land donation.

METHODS OF ACQUIRING LAND

G. Negotiated Purchases

This section outlines specific procedures under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (49 CFR 24) to follow in acquiring land through negotiated purchases involving federal assistance. The following steps must be taken by the applicant in negotiating with the landowner.

1. Make initial contact with the seller to see if the land might be available for sale. At this point, the price should not be negotiated since the purchase amount must be based on an appraisal.
2. Obtain information as to whether or not the owners, business (es), or tenants will be eligible for relocation assistance. The property residents must be advised of their right to relocation assistance.
3. Have the land appraised according to the Uniform Standards of Professional Appraisal Practice (USPAP), with the landowner given the opportunity to accompany the appraiser. The appraiser must have a copy of the appraisal requirements which are located on the web at <http://www.uspap.org/> . The appraisal must also be completed in accordance with the IDNR's Appraisal Specifications, which will be given to the grant applicant to forward to their selected appraiser.
4. Submit the appraisal to the Office of Grant Management and Assistance for review by a review appraiser in the IDNR's Division of Realty. Upon receiving approval of the appraisal, the applicant then knows the acceptable fair market value of the property to be acquired.
5. Inform the owner in writing of the value of the property based on the results of the appraisal and offer to purchase the property for this price. Also, inform the landowner of his or her eligibility for relocation benefits. It is not necessary to show the appraisal itself to the landowner. The authorized agent of the applicant and the property owner must sign the *Statement of Just Compensation* and *Written Offer to Purchase* form, which should indicate the appraised value of the property. A copy of this form is included in the Implementation and Billing Packet.
6. Based on the written offer at the appraised value, the final selling price is negotiated. If the purchase price is more than the appraised value, additional documentation explaining the difference in value will be needed, as explained later in this section. If the price is less than the appraised value, the acquisition is called a "bargain sale", and a *Waiver of Just Compensation* must be signed by the landowner as explained in the section on bargain sales. At this point, the applicant may sign an option to purchase, if desired, but before the grant receives approval the applicant may not make a commitment to acquire the property.

A project application may be submitted during any of the above steps to acquire the land. The appraisal, however, must have been submitted and approved prior to Step 6. Again, the land can only be acquired during the approved project period to be eligible for reimbursement of acquisition costs. The above procedure is mandatory and must be followed for all negotiated purchases.

Applicants should be aware that state regulations, which apply to acquisitions by public agencies for which federal funds are not provided, follow the same sequences of steps, except the IDNR does not review local documentation. The state also specifies relocation benefits for landowners and tenants.

Land purchased by negotiated purchase is based on a fair market value for the property as established in an independent appraisal prepared by a real estate appraiser hired by the applicant. An appraisal, if competently compiled by a qualified person, should be an acceptable estimate of property value. It cannot be assumed, however, to be a final determination of value. The approved appraisal value is the minimum floor value for establishing the amount of just compensation offered to the owner at the initiation of negotiations. The negotiations between a willing seller and a willing buyer will sometimes set a price that is higher than the appraisal, and this marketplace value must be considered with the appraised value in establishing the purchase price of the property. The Illinois Department of Natural Resources will only reimburse the applicant for the approved appraised value of the property and not for any costs over and above this value. Additional consideration given to the property owner will be at the purchaser's expense and not eligible for reimbursement under the BIKE PATH program.

Sometimes a seller or purchaser desires to spread payments for land over several years. "Contract Sales", where installment payments are made over a specified period of time at the end of which the buyer receives title are not acceptable for BIKE PATH. The risk is in the event the periodic payments are not paid when due, the seller could foreclose and regain complete ownership of the land. Thus, the state and local funds would have been spent with nothing to show for the expenditure.

A suggested alternative is to subdivide a tract into smaller parcels. The applicant may acquire full title to each parcel individually and receive reimbursement as each is acquired. This does not jeopardize the investment of public funds.

Assistance for separate parcels may need to be applied for in different grants over a period of years, depending upon the cost and timing of the acquisitions.

H. Condemnation

Condemnation is not allowed with the BIKE PATH Grant Program. All land acquired with BIKE PATH monies must be acquired from a willing seller. (Exceptions to this rule might be made by IDNR staff after reviewing the circumstances in extreme situations.)

I. Land Donations

A donation of land from a private landowner can be used as part of the sponsor's entire share of the project costs, provided the donor did not acquire the land with federal funds. The donation may be used to match the state funds for: (1) the purchase of land at the same site, (2) the development of facilities on or at the same site as the land gift, or (3) the purchase of land or construction of facilities at other sites serving a similar purchase. A letter of intent to donate the property to the applicant from the landowner must accompany the project application.

The date when title to a land gift is transferred to the applicant is critical to the eligibility of the land value for a match. The earlier section on timing for land donations should be clearly understood.

A written offer to purchase and a Statement of Just Compensation are not necessary when acquisition is by full donation. The legal act of donation itself precludes the necessity for these documents which relate only to negotiated purchases and bargain sales. However, the donor should sign a statement for donation (with or without) an appraisal (see appendix A-2, A-3).

Two appraisals for a land donation are required. To appraise a land donation, the appraiser should first be approved by the Illinois Department of Natural Resources, Office of Real Estate. A list

of approved appraisers can be had by contacting:

Illinois Department of Transportation
Central Bureau of Land Acquisition
2300 South Dirksen Parkway, Room 210
Springfield, Illinois 62764
telephone: (217) 782-6243

The appraisals must be paid for by the project sponsor. Appraisals provided by landowners may not be used as the basis for federal assistance.

For the project application, one copy of each appraisal must be submitted. Since a land donation constitutes all or part of the local matching share of a project's costs, it is important that the land value be established early in advance of application to enable the applicant to take full advantage of the donated land value and at the same time prevent the project sponsor from having to provide additional local funds if the land value is later found to be less than anticipated.

Once the appraisals are approved and the property is transferred the donated land value will be credited towards the grantee's matching share. If the match has been met, then the development costs will be reimbursed at 100%.

J. Bargain Sale

In some cases, a landowner may be willing to sell real property for less than the full market value but is not able to donate the entire value of the land. A bargain sale involves the purchase of a tract of land. The difference between the sale and the appraised fair market value is considered donated land value. For a BIKE PATH project, federal reimbursement may be provided for the purchase part of the acquisition. The fee simple donated value in a bargain sale may be used to match the purchase of the same tract, or other land purchases and facility construction, similar to lands which are 100% donated.

The appraisal requirements for full purchases also apply to bargain sales. Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the applicant is required to offer the landowner the full appraised value of the land. When the lesser sale price is negotiated the owner must sign a *Waiver of Right to Just Compensation*. A waiver of entitlements under the Act by property owners or displaced person will be approved only in fully documented cases where the reasons for the waiver are explained. The purpose of the Act is to ensure each displaced person and property owner receives a just and equitable settlement through the purchase price and payment of relocation expenses. Few landowners would involuntarily accept an amount less than their entitlement, although in some instances landowners may be willing to accept less than the appraised value for their property. In such cases, the landowner must sign a waiver which includes the following information:

1. That the owner has been fully informed of his or her rights and benefits under P.L. 91-646.
2. That the acquiring agency has provided a written *Statement of Just Compensation and Offer to Purchase* for the appraised property value (state the amount).
3. That the owner is satisfied with the negotiated price, even though it is less the appraised fair market value, and/or
4. That he or she elected to waive entitlement to the relocation benefits (this would include the

dollar amount by category of moving expenses, payments for replacement housing, incidental expenses, etc.).

5. A statement setting forth the reasons for accepting a lesser amount than the appraised value offered by the local agency or for waiving relocation benefits.

RELOCATION ASSISTANCE

K. Relocation Benefits

A resident or residential business or farm property to be acquired may be eligible for relocation assistance. This resident, who can be either a landowner or a tenant, may be reimbursed for expenses incurred in moving from the purchased property to a new dwelling. The purpose of providing relocation benefits is to enable a property resident to move to a new residence or business location without undue personal hardship.

These costs are based on maximum and minimum schedules specified in the law. Relocation costs are to be paid for moving expenses, replacement of business, or housing, search, closing and other costs the occupant may pay related to moving into another dwelling or relocating a business.

Landowners are also entitled to reimbursement of certain incidental expenses incurred in conveying title. These costs may be incurred even though no one was living on the property at the time of purchase.

These costs include:

1. Recording fees, transfer taxes, revenue stamps, notary fees or similar expenses.
2. Penalty costs for prepayment of pre-existing recorded mortgages as may be required to convey a clear title.
3. The pro rate portion of real property taxes which would apply to the period after the date title vests in the government or the effective date of possession by the government, whichever is earlier.

Often these costs are paid by the applicant upon acquisition of the land. Payment of these costs should be documented at the time of the billing. When an applicant determines the land proposed for purchase may involve relocation, the Office of Real Estate should be contacted for brochures, forms, and guidelines for procedures and determining costs. It is essential that landowners be informed of relocation benefits. They must also receive payment unless they voluntarily waive their benefits.

L. Relocation Plan

A relocation plan shall be developed for projects where land acquisition will cause displacement of persons from their dwellings, business, or farm operations. The relocation plan shall be undertaken during the planning phase of the project prior to the initiation of land acquisition negotiations for the project. Based on this plan, the project sponsor should proceed with a project only after it has been determined that within a reasonable period of time prior to displacement, decent, safe and sanitary replacement housing will be available. Then information brochures and forms for claiming costs should be distributed to the persons to be relocated.

A relocation plan needs to include:

1. The number of individuals, families, businesses, farms, and non-profit organizations to be relocated.
2. The availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being relocated.
3. The estimated total cost of payment to displaced persons for all benefits under P.L. 91-646 for replacement housing; and
4. The estimated cost of administering required relocation services to displaced persons. The relocation plan may be coordinated with the Dept. of Housing and Urban Development and other agencies performing relocation in the area. Applicants may contract with a city relocation agency, such as the Community Development Department, or a private firm to handle relocation services. The plan is to be submitted with the project application. Relocation costs should be part of the cost estimates for the project. Payments to relocated persons are eligible to be reimbursed on an 80-20 basis.

M. Appeals

Although technical assistance is available through the IDNR, the project sponsor will be responsible for all negotiations with landowners or tenants concerning relocation benefits. These persons relocated have the right to appeal the determination of the amounts they are eligible to receive and need to be informed in writing of their right to appeal. Formal appeals may be submitted by relocated individuals to the IDNR.

Department staff will review all data concerning the calculation of relocation payments. If the person is still dissatisfied, a hearing will be scheduled with the Director of the Department of Natural Resources.

The appellant shall be given a full opportunity to be heard at the appeal hearing. After the hearing, the result may still be appealed through the judicial review of the Illinois Court System.

N. Waiver of Relocation Benefits

As indicated in the land acquisition section on bargain sales, tenants and landowners may waive their rights to relocation benefits. In such instances a waiver must be signed.

Any land purchased by an applicant is subject to paying relocation benefits. A circumvention of the state land acquisition procedures will jeopardize the eligibility of a future development project at this site.

DEVELOPMENT ON LAND ACQUIRED WITH ASSISTANCE

O. Future Development Conditions

It is not necessary that the future development be carried out with state assistance, or the proposed unassisted development receives prior approvals so long as it is in accord with the purposes for which the acquisition was made. Once the land is acquired with BIKE PATH assistance, it must always be used for public BIKE PATH purposes.

On land where state funds were reimbursed on the acquisition, certain regulations for the

development of facilities must be followed. All facilities must be accessible to persons with disabilities. Permits and approvals may need to be obtained for construction projects.

SUMMARY OF STEPS TO TAKE IN NEGOTIATING WITH LANDOWNERS

P. Purchases and Bargain Sales:

1. Contact the landowner regarding availability of the property and permission to appraise. Obtain information on the owner's and any tenant's eligibility for relocation benefits.
2. Have the land appraised according to the Uniform Standards of Professional Appraisal Practice (USPAP) by a state certified general appraiser. The landowner must be given the opportunity to accompany the appraiser.
3. Submit the appraisal for approval by the Illinois Department of Natural Resources.
4. Offer to purchase the property for the approved appraised value using the *Statement of Just Compensation* and *Offer to Purchase*. Also inform the landowner and any tenants of their eligibility for relocation benefits.
5. Negotiate the selling price.
 - a. If the owner wishes to donate part of the land's value, the acquisition will be a bargain sale and the owner needs to complete the *Waiver of Right to Just Compensation*. Similarly, if a person to be relocated does not want reimbursement for relocation expenses, that person needs to sign a similar waiver for these benefits.
 - b. In cases where the sale price is negotiated higher than the appraised value IDNR will only reimburse for the approved appraised value of the property.
6. An option to purchase may be obtained once the price has been determined for a negotiated purchase.
7. State grant approval must be received by this point.
8. Obtain title insurance or an abstract opinion, and then title to the land. The project sponsor pays for the land, closing and incidental acquisition costs and relocation benefits.
9. A reimbursement request for the share of the acquisition costs may then be submitted to the Illinois Department of Natural Resources.

Q. Donations

1. After the landowner offers to donate the property, obtain permission to appraise and information on the owner's and any tenant's eligibility for relocation benefits.
2. Have the land appraised according to the Uniform Standards of Professional Appraisal Practice (USPAP), with the donor being given the opportunity to accompany the appraiser.
3. Submit the appraisal for IDNR review.

4. Obtain title insurance, the property deed, and pay for closing costs and any relocation benefits.

R. ACQUISITION COST ANALYSIS SCHEDULE

DIRECTIONS

List separately each parcel of land to be acquired and give all the information requested. Parcel identification numbers may be taken from a tax map or may be arbitrary numbers listed in sequence. However, they must correspond with parcel identification listed on maps or other attachments within the application. Relocation costs are the costs incurred when owners or tenants are displaced from their homes, farms, or places of business.

NOTE: Included in the total relocation cost is the actual cost of moving the tenant or owner to a new location. If relocation costs are involved in an acquisition project, contact the Illinois Department of Natural Resources prior to filling out the application, (217) 782-7490.

The BIKE PATH grants do not allow land acquisition through eminent domain (exceptions to this rule might be made by IDNR staff after reviewing the circumstances in extreme situations).

IMPORTANT

Do not purchase any land prior to approval by the Illinois Department of Natural Resources. If any written agreements are made prior to this approval, the acquisition may not be eligible for funding.

NOTE: IDNR will only cost share on the approved appraised value of the parcel of land to be acquired for your project. IDNR WILL NOT cost share on any premium value associated or paid for property.

NOTE: All appraisals must be completed by an IDNR approved appraiser.

VII. PROPERTY RIGHTS FOR CONTROL AND TENURE

A. Adequacy of Title

For lands included in a project, the sponsor must have title or adequate control and tenure of the project area to provide reasonable assurances that a conversion to a use other than public trail use will not occur without approval. Copies of the property titles, leases, easements, or appropriate documents must be submitted as part of a project's documentation.

The most common method of acquiring property is by fee simple title. This is the preferred method of acquisition since it gives the holder an absolute right to the property within limitations imposed by state or federal law.

In some instances, the agency may wish to purchase less than fee simple title, such as easements, rights-of-way and title subject to deed restrictions. This would be permissible when fee simple is excessively expensive and a lesser control of the area will not detract from the recreational use of the land. Title to land may be conveyed by warranty or quit claim deed to the applicant. The project sponsor must submit a description of the character and nature of the title received before requesting reimbursement. This evidence of title must include the recorded property deed and either a written opinion from an attorney on the adequacy of title or a title insurance policy. A survey may be required when there is reasonable doubt about the exact location of the

boundary or of the size of tract being acquired. The project 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 of Natural Resources.

B. RESERVATIONS, ADVERSE RIGHTS, AND DEED RESTRICTIONS

Oil, gas, mineral, or other reservations and rights held by others are permissible only if it is determined the project purposes and the environment would not be adversely affected. Such reservations must be described in the narrative of the project proposal, and how they will be dealt with to avoid impacting recreation and the environment. The acquisition of land which is subject to the reservation of surface rights extending more than 5 years must be justified. Reservations that are incompatible with project purposes will not be accepted.

Often landowners desire to specify restrictions in the property deed. The most frequent example would be that the land can only be used for park purposes. If a deed restriction for park purposes indicates the grantor's intent and does not provide for reversion of title upon failure to comply with the grantor's wishes, the condition may be acceptable. In certain situations, a landowner may retain a life estate, under which he or she retains use of the property while living.

Land which has a reversionary clause in the deed whereby the landowner could repossess the property if it ceased to be used solely for the purpose specified in the deed may make the project ineligible. If a reversionary clause in the deed specifies that the land must be developed for a specific purpose, even though the project includes that type of development, the project may be ineligible. A development project to construct a facility on land with a reversionary clause in the deed may also be ineligible. IDNR approval is required to acquire or develop land with reversionary clauses or outstanding interests in the property deeds. The Office of Grant Management and Assistance should be consulted prior to submitting a project application involving deed clauses and restrictions.

If at some later date the rights to subsurface reservation or other deed restrictions adversely affect recreation use of the land or facilities, the applicant will be responsible for acquiring replacement property of equivalent usefulness, value and location or returning the funds used in the project.

Outstanding property rights may affect the value of the land. Examples include mineral rights, road rights-of-way, utility easements, and other deed restrictions. An appraiser should be fully aware of and take into consideration the legal description of the property and any restrictions to be placed on the rights transferred. An appraisal of a property's value involves full consideration of the rights remaining with the property and, where appropriate, the effect the loss of these rights has on its value.

C. EASEMENTS

In some instances, the applicant will not be able to purchase the property but can acquire an easement. An easement must be held in perpetuity. The easement cannot be revoked at will by the landowner. The land must be retained in public trail use. Provisions stated in the easement cannot be detrimental to the proposed recreational development.

Negotiations for easements must follow general negotiated land purchase regulations including the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

If federal assistance is being requested on the purchase of an easement, the document cannot be transacted until the project has received federal approval.

D. RAILBANKING

If the applicant is planning on developing trail facilities on land involved in the "Rail Banking" process, please contact the Office of Grant Management and Assistance to determine the eligibility of your project proposal. Please have a copy of any agreements involved with this process.

VIII. AVAILABILITY TO USERS

Projects acquired or developed through assistance from the Illinois Bicycle Path Grant Program must be open to the general public for bicycle use including all persons regardless of race, color, religion, creed, gender, national origin, age, or disability. This also applies to any lessee or licensee operating within the project area or providing a service to the public including concessions and accommodations.

A. Use Limitations

Project sponsors may impose reasonable limits, with prior state approval, on the type and extent of use of areas and facilities acquired, developed, maintained, or rehabilitated with BIKE PATH assistance when such a limitation is necessary for maintenance or preservation. It is highly encouraged that trails be operated and maintained to promote multiple trail uses on a year-round basis.

B. Access

The IDNR shall have access to BIKE PATH grant assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with the BIKE PATH guidelines.

All facilities constructed with BIKE PATH assistance must be developed and designed to accommodate full accessibility standards as per the most current "Americans with Disabilities Act" (ADA) guidelines and "Illinois Accessibility Code". If you have any questions or doubts regarding the design standards being proposed for your project, it is strongly encouraged that "working drawings" be submitted to the IDNR for review and approval prior to construction and/or bid solicitations.

C. Concessionaires

Project sponsors may enter into a contract or agreement with responsible concessionaires to operate and/or construct bicycle rental facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency. All concession revenue in excess of the costs of operation and maintenance of Program-assisted bicycle facilities shall be used for the improvement of said facilities or similar public bicycling facilities in nearby areas.

All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the bicycle path facility for the benefit of the general public shall be submitted to the IDNR, upon request, for its approval prior to said sub-lease or license being entered into or granted by the sponsoring agency.

D. Non-Residents

Discrimination on the basis of residence is prohibited.

IX. RESPONSIBILITIES AFTER PROJECT COMPLETION

A. Operation and Maintenance

All areas and facilities acquired, developed, or renovated with BIKE PATH assistance must be adequately operated and maintained by the project sponsor at no cost to the IDNR to insure continuing public use in a safe and sanitary manner and must be open to the general public during reasonable hours of operation to maximize its intended public benefit.

B. Retention

The project sponsor is obligated to maintenance and use of the project as follows:

1. Acquisition

Land acquired with funding from the Illinois Bicycle Path Grant Program shall be operated and maintained in perpetuity for public bicycle path and recreation use, as so stated in the approved grant project agreement. Development and use of the project site for trail purposes, as specified in the approved grant agreement, must commence within three (3) years following the property's acquisition.

2. Development

For projects receiving development grant assistance only, terms of the contractual agreement between the project sponsor and IDNR shall no longer apply after the time period specified below relating to the total amount of grant funds expended on the project:

<u>Total Grant Award</u> <i>0 - \$50,000</i>	<u>Time Period After Final Project Billing Requiring Program Compliance</u> <i>5 Years</i>
<i>for every \$10,000 increment over \$50,000</i>	<i>add 1 year</i>

3. Conversion of Property

Conversion of property acquired or developed through assistance from the Illinois Bicycle Path Grant Program may not be converted to a use which would deny bicycle use as provided by terms of the Project Agreement without prior IDNR approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property equal in fair market value and comparable in outdoor recreation usefulness, quality and location.

C. Penalties

Failure of the project sponsor to comply with any of the provisions of this program shall be considered just cause for the IDNR to debar the project sponsor from all IDNR grant program eligibility for a period of two (2) grant cycles.

D. Termination

The IDNR will unilaterally rescind project agreements at any time prior to the commencement of the project if State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor.

Illinois Bicycle Path Grant Program Application and Implementation Process

1. **APPLICATION SUBMISSION** – The project applicant submits the application to the Illinois Department of Natural Resources (IDNR) through the AmpliFund Grant Management System. IDNR staff reviews the proposal to determine the applicant's and the project's eligibility. The application is also checked for completeness. If it is found to be incomplete or unacceptable, the applicant will be notified.
2. **SITE VISITS AND REVIEW – June 15th through September 1st (approximately)** –All eligible proposals are reviewed by IDNR staff. Site visits will be conducted for all proposed projects. Projects are then scored by the review team. When this process is complete, the IDNR staff present their funding recommendations to the Director of IDNR who then reviews the recommendations for final approval.
3. **RECOMMENDATIONS, APPROVAL AND NOTIFICATION** – Project sponsors are notified in writing of the status of the application(s). ***Project sponsor may not begin the project until a project agreement is executed between IDNR and the project sponsor.*** If the proposal(s) is not selected, the applicant will be notified.
4. **EMAIL/LETTER OF AWARD** – IDNR staff will notify the project sponsor of the award. Notice of State Award (NOSA) will be produced through the GATA system and must be approved prior to the agreement.
5. **AGREEMENT** – An agreement is signed to assure that the applicant will complete the project within 24 months and be eligible to receive up to 50 percent reimbursement. The agreement is between the State IDNR and the project sponsor. After the signing of the agreement, a copy will be sent to the project sponsor.
6. **PROJECT IMPLEMENTATION** – The project sponsor may proceed with project construction after completing any additional steps required. Any change orders +/- \$10,000 that may occur within a contract bid under this BIKE PATH grant must be approved by IDNR prior to executing the change. Reimbursement requests may be made after funds have been expended and project completed.
7. **PROJECT COMPLETION** – The project should be completed within 24 months. A site inspection will be made after the project is complete; IDNR staff may also visit the project at any time during construction. A BIKE PATH acknowledgement sign must be posted in a conspicuous location when the project is complete. The required sign or specifications for its construction will be furnished by the IDNR.

Changes in Project Scope

The IDNR has established a policy that generally prohibits major project scope changes in their grant programs. Occasionally circumstances arise whereby the project sponsor may request authorization to revise the scope of an approved project. Such changes are made at the sole discretion of the IDNR. All requests for project scope changes must be made in writing to the IDNR Office of Grant Management and Assistance.

All proposed grant projects are competitively scored and selected on the basis of merit. Under most circumstances' grantees may not deviate from the scope of an approved project. The scope of an approved project is described in the Project Agreement and is based upon the original grant application. For these reasons, IDNR will avoid the approval of significant changes to approved projects in order to maintain the integrity of the selection process that is centered on the merit of the original proposal.

If a grantee finds it necessary to seek a change in project scope the following will be considered:

- **What factors create a valid need for the proposed project change?**
- **Will the proposed project change solve the problem identified in the purpose and need section of the original project application to the same (or greater) extent as the original proposal?**
- **Is the proposed project change eligible for grant assistance under grant program guidelines/rules?**
- **Does the change involve a different location/site?**
- **Does the proposed change constitute a major or minor revision to the project as originally defined?**
- **Will additional environmental and State Historic Preservation Office review be required? (Additional review will usually be required when considering a new site or different type of development that was not a part of the project's original definition.)**

IDNR policy also prohibits project sponsors from using unspent funds from an approved grant for another unrelated project. Unspent funds will be reallocated into future funding cycles for the respective programs so all potential applicants can compete for these funds.

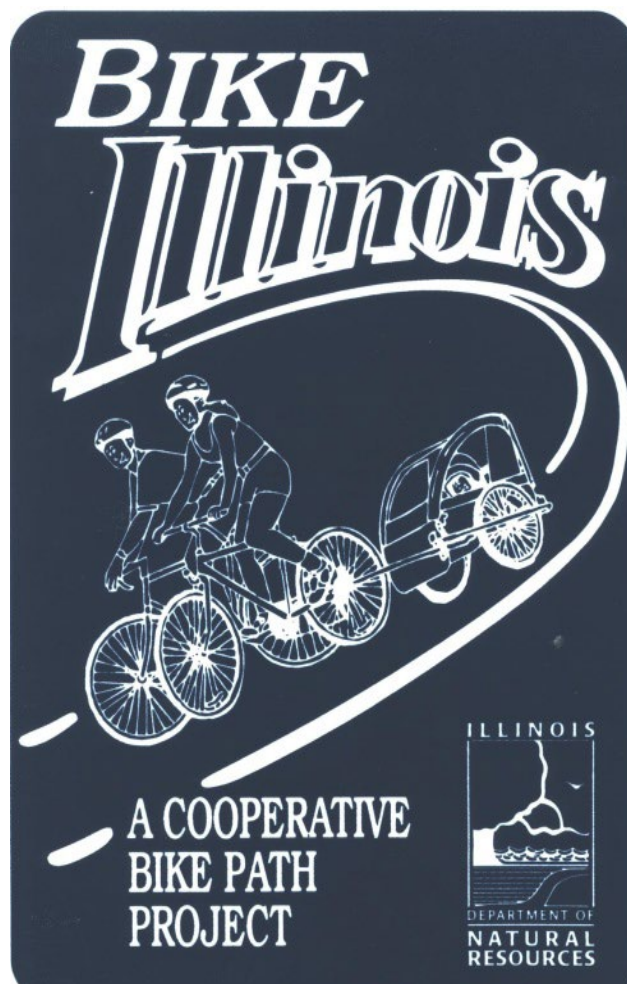
Note: Grantees are strongly encouraged to discuss possible changes in project scope with the IDNR Office of Grant Management and Assistance Grant Manager prior to submitting a formal request.

SIGN REQUIREMENTS

Illinois Bicycle Path Grant Program

An Illinois Bicycle Path Grant Program acknowledgement sign must be permanently placed within the project site and should be located at a trailhead or other highly visible spot. If grant monies are used to fund the purchase of a single trail structure (for example a bridge or restroom) the sign should be placed adjacent to, or on, the structure. An acknowledgement sign is also required for acquisition projects. The sign may be posted at an acquisition project after the acquisition process is complete.

This sign or specifications for its construction will be provided to you by the IDNR.



Application Procedures

Grant applications for funding assistance must be completed and submitted through the AmpliFund Grant Management System by **5:00 PM ON MAY 15, 2023.**

➤ <https://il.amplifund.com/Public/Opportunities/Details/f0178489-d3c1-46d8-b4de-5e5257528dca>

Grants are awarded on a competitive basis and made under the sole authority and directive of the Director of the Illinois Department of Natural Resources after consultation with IDNR staff. The amount of grant funds awarded shall be determined by the IDNR based upon the appropriation level for each particular program in a given fiscal year and demonstrated need.

*PLEASE NOTE: Project costs for which reimbursement is sought cannot be incurred by the project applicant until after IDNR grant agreement execution. Costs incurred prior to IDNR grant execution are **INELIGIBLE** for grant assistance. For Acquisition projects, costs are considered incurred when 1) property deed, lease or other conveyance is accepted by the project sponsor or 2) first payment is made on the project property or to an escrow account/agent for the property. In addition, no purchase agreement, option, etc. or price negotiations shall be entered into prior to IDNR approval. Non-governmental applicants, however, may enter into an option agreement with a property owner prior to grant application submittal. If the project is approved, the cost of the option may be reimbursed through the grant program. Development project costs are considered incurred on the date construction contracts are signed or actual physical work begins on the project site or project materials are delivered.*

NOTE: Application cannot be made in the SAME grant cycle for both land acquisition and trail development assistance on the same site UNLESS the acquisition portion of the proposed project constitutes an eligible land donation that will be used by the project applicant as part or all of the required project grant match.