

Appendix B

Draft Real Estate Plan

REAL ESTATE PLAN

Prepared for
U.S. Army Corps of Engineers
Southwestern Division
Little Rock District

As of
December 3, 2012

Prepared by
Ronald Bridges
Real Estate Division

REAL ESTATE PLAN

JORDAN CREEK FRM STUDY

SPRINGFIELD, MISSOURI

Table of Contents

1	Purpose of the Real Estate Plan	B-4
2	Description of Lands, Easements, Rights-of-Way, Relocations and Disposal / Borrow Areas (LERRD) .	B-4
3	LERRD owned by Non-Federal Sponsor	B-4
4	Non-Standard Estates.....	B-4
5	Any existing federal project that lies fully or partially within the LERRD required for the project.	B-6
6	Any federally owned land	B-6
7	LERRD that lies below the ordinary high water mark	B-6
8	Maps depicting project area	B-6
9	Any possible flooding	B-6
10	Real Estate Cost Estimate.....	B-6
11	Relocation Assistance Benefits.....	B-7
12	Mineral Activity	B-7
13	Assessment of Non-Federal Sponsor	B-8
14	Application of Zoning Ordinances	B-8
15	Land Acquisition Milestones	B-8
16	Facility or Utility Relocations.....	B-8
17	Known Contaminants	B-8
18	Support or opposition to the project	B-8
19	Statement that non-federal sponsor has been notified in writing about the risks associated with acquiring land for this proposed project.....	B-8
20	Other Real Estate Issues.....	B-8

Attachments:

Attachments "A-1", "A-2" Project Area Maps
Attachments B Assessment of Non-Federal Sponsor's Capability

Prepared By: Ronald Bridges

Real Estate Division

Date: 3 December 2012

1 Purpose of the Real Estate Plan

The purpose of this Real Estate Plan is to provide real estate acquisition cost estimates for lands required for the completion of the Jordan Creek Feasibility Study, Springfield, Missouri. The study is to provide recommendations for reducing significant flood damages and ecosystem restoration around Jordan Creek. Project area maps, attached as Exhibit A-1 and A-2 show the location of the study area. The City of Springfield, Missouri will be the non-federal or local sponsor for this proposed project. Real estate costs will be estimates for Economic Reach E1 at the lower branch of Jordan Creek and Wilson Creek and five (5) detention basins.

The Energy and Water Development Appropriations Act, 2002, (Public Law 107-66) and the Federal Water Project Recreation Act of 1965 (Public Law 89-72, as amended), provides the basis for the activities involved in this study along Jordan Creek in Springfield, Missouri.

2 Description of Lands, Easements, Rights-of-Way, Relocations and Disposal / Borrow Areas (LERRD)

The proposed project will cover an aggregate area of approximately 46.08 acres. The project properties consist of commercial, industrial, and residential properties. There are approximately four (4) ownerships within the drainage channel alignment of Economic Reach E1 for the proposed study project. Economic Reach E1 covers approximately 10.27 acres of land of which approximately 1.49 acres are owned by the City of Springfield. There will be two temporary work areas in Economic Reach E1 totaling 1.16 acres. Both temporary work areas are owned by the City of Springfield.

The five (5) detention basins are situated in residential, commercial, and industrial areas of Springfield, Missouri. The detention basins are designated B6 (approximately 6.00 acres), B7 (approximately 6.73 acres), B9B (approximately 5.68 acres), B11 (approximately 8.68 acres) and B11C (approximately 5.51 acres), consisting in the aggregate 32.60 acres, and involve approximately twenty-four ownerships. A utility/pipeline easement will be within the right-of-way of East Rockhurst and will be approximately 2.05 acres in size. All of the lands are within the corporate limits of the City of Springfield, Missouri.

3 LERRD owned by Non-Federal Sponsor

The non-federal sponsor (NFS) has fee ownership in parts of Economic Reach E1 and detention basins B7 and B9B. The non-federal sponsor has a fee ownership of approximately 1.49 acres in Economic Reach E1. The NFS has approximately 6.73 acres fee ownership in B7, and has approximately 0.44 acre of fee ownership in proposed detention basin B9B. The NFS has drainage easement interests of approximately 20.16 acres in B6 (approximately 6.0 acres), B11 (approximately 8.68 acres) and B11C (approximately 5.51 acres). The area for a proposed 2.05-acre utility/pipeline easement is owned by the City of Springfield.

4 Non-Standard Estates

There are no non-standard estates for this proposed project. A fee simple, channel improvement easement, temporary work area, pipeline/utility easement are the estates considered for the project. However, because of degree of damages would occur on the adjoining properties involving the channel improvement easement, it was estimated that the value of the channel improvement easement would be equivalent to the 100% of fee simple.

The NFS has drainage easements encumbering lands used for detention basins B6, B11, and B11C. There is no drainage easement encumbering detention basin B9B. In order to allow for the greatest degree of control of the subject detention basins by the non-federal sponsor, it is recommended that a fee simple be the estate used for the acquisition of the remaining real estate interests in the lands for detention basins B6, B11 and B11C and a fee simple interest be acquired in detention basin B9B.

Fee Simple

The fee simple title to (land described in Schedule A) 1/ (Tract Nos. _____, _____, and _____), subject, however, to existing easements for public roads and highways, public utilities, railroad and pipelines.

4.1.1.1 Channel Improvement Easement

A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____, and _____), for the purposes as authorized by the Act of Congress approved _____, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or obstructions therefrom; to excavate, dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroad and pipelines.

Temporary Work Area Easement

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____, and _____), for a period not to exceed _____, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the _____ Project, together with the right to trim, cut fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads, highways, public utilities, railroads and pipelines.

Utility and/or Pipeline Easement

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____, and _____), for the location, construction, operation, maintenance, alteration; repair and patrol of (overhead) (underground) (specifically name type of utility or pipeline); together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

5 Any existing federal project that lies fully or partially within the LERRD required for the project.

None of the subject properties were acquired with the use of previous obtained federal funds.

6 Any federally owned land

None of the lands are federally owned that lie within this proposed project alignment.

7 LERRD that lies below the ordinary high water mark

A channel improvement easement will be acquired for Economic Reach E1 for construction in this project area. The streambeds of Jordan and Wilson Creeks at Economic Reach E1 are below the ordinary high-water marks of the creeks and will be impacted by the channel construction. Two (2) temporary work area easements will also be acquired for this reach as part of the channel construction. Neither Jordan Creek nor Wilson Creek is a navigable stream. The streams are not subject to navigational servitude.

8 Maps depicting project area

The maps depicting the location of the Economic Reach E1 and detention basins B6, B7, B9B, B11 and B11C are shown in Exhibits "A-1" and "A-2".

9 Any possible flooding

No induced flooding will occur as a result of the construction of the proposed project.

10 Real Estate Cost Estimate

The cost estimate is based upon real estate data and an August 24, 2012 gross appraisal provided by Ronald Bridges, Real Estate Division, US Corps of Engineers, Little Rock District. See Table 1: Real Estate Baseline Cost Estimate for the cost estimate.

Table 1: Real Estate Baseline Cost Estimate

REAL ESTATE BASELINE COST ESTIMATE			
JORDAN CREEK FEASIBILITY STUDY			
SPRINGFIELD, GREENE COUNTY, MISSOURI			
01	Lands & Damages	Administrative & Land Costs	Contingency
01.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non-Federal Sponsor	\$2,400	20% = \$480
	Corps of Engineers Real Estate Plan	\$1,400	20% = \$280
	Review of Non-Federal Sponsor	\$400	20% = \$80
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Non-Federal Sponsor (includes estimated survey costs)	\$365,400	20% = \$73,080
	Review of Non-Federal Sponsor	\$4,000	20% = \$800
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Non-Federal Sponsor	\$4,000	20% = \$800
	Review of Non-Federal Sponsor by Little Rock District Real Estate	\$800	20% = \$160
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Non-Federal Sponsor	\$52,500	20% = \$10,500
	Review of Non-Federal Sponsor	\$21,000	20% = \$4,200
01.23.03.15	Real Estate Payment Documents		
	Payments by Non-Federal Sponsor (Land)	3,289,200	
	Review of Non-Federal Sponsor	\$4,000	20% = \$800
01.23.03.17	Real Estate LERRD Crediting Documents		
	Preparation by Non-Federal Sponsor	\$4,000	20% = \$800
	Review of Non-Federal Sponsor by Little Rock District Real Estate	\$1,200	20% = \$240
	TOTAL ADMIN & PAYMENTS	\$3,750,100	
	TOTAL CONTINGENCY		\$92,220
	ESTIMATED TOTAL		\$3,842,320

11 Relocation Assistance Benefits

No relocations benefits will be incurred with this project.

12 Mineral Activity

There is no obvious mineral activity occurring within the project areas. Title searches of the subject properties are recommended to determine if there any outstanding mineral interests involving the project areas.

13 Assessment of Non-Federal Sponsor

See Assessment of the Non-Federal Sponsor's Capability (Exhibit B). The non-federal sponsor has been advised of the requirement for documenting expenses for crediting purposes.

14 Application of Zoning Ordinances

The subject properties for the proposed project are zoned as commercial, industrial, single-family residential, and multifamily residential.

15 Land Acquisition Milestones

The non-federal sponsor has drainage easements on detention basins B6, B11, and B11C. A fee simple acquisition of approximately on proposed detention basin B9B. Depending on the provisions and conditions of the drainage easement documents, the non-federal sponsor may have to acquire an additional interest in these properties such as fee simple. Barring condemnation, the necessary real estate interest can be acquired within a twenty-four month period from notice to proceed after the signing of the Project Partnership Agreement (PPA).

16 Facility or Utility Relocations

There are no utilities subject to relocation in Economic Reach E1 or detention basins B6, B7, B9B, B11 and B11C. An utility/pipeline easement to be acquired by the non-federal sponsor and will involve the demolition and reconstruction of approximately 2,600 linear feet of the East Rockhurst Street right-of-way as part of detention basin B7.

17 Known Contaminants

There are no known or suspected contaminated sites within the proposed project area.

18 Support or opposition to the project

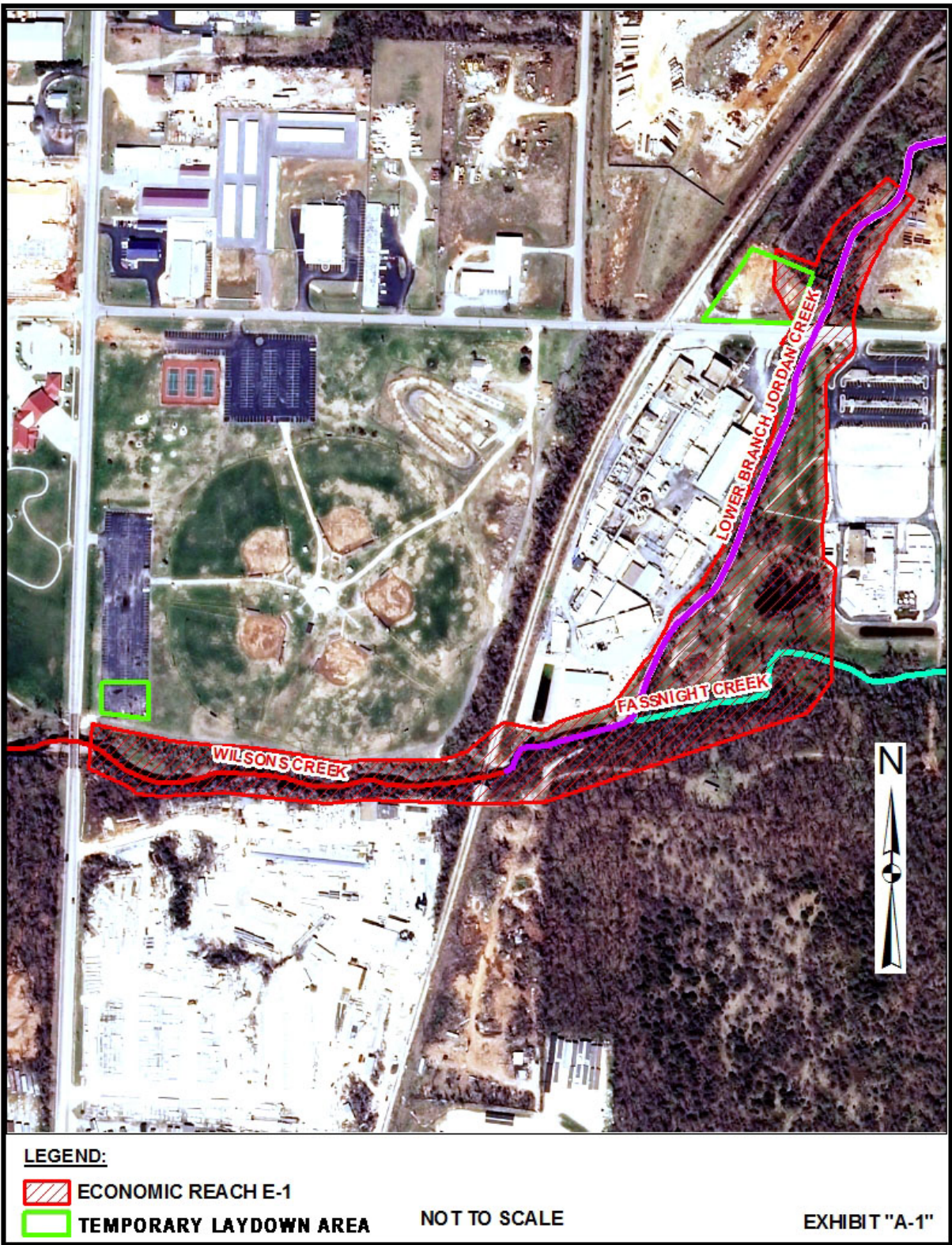
This area is unknown at this time as there has been no public meeting pertaining to this project.

19 Statement that non-federal sponsor has been notified in writing about the risks associated with acquiring land for this proposed project.

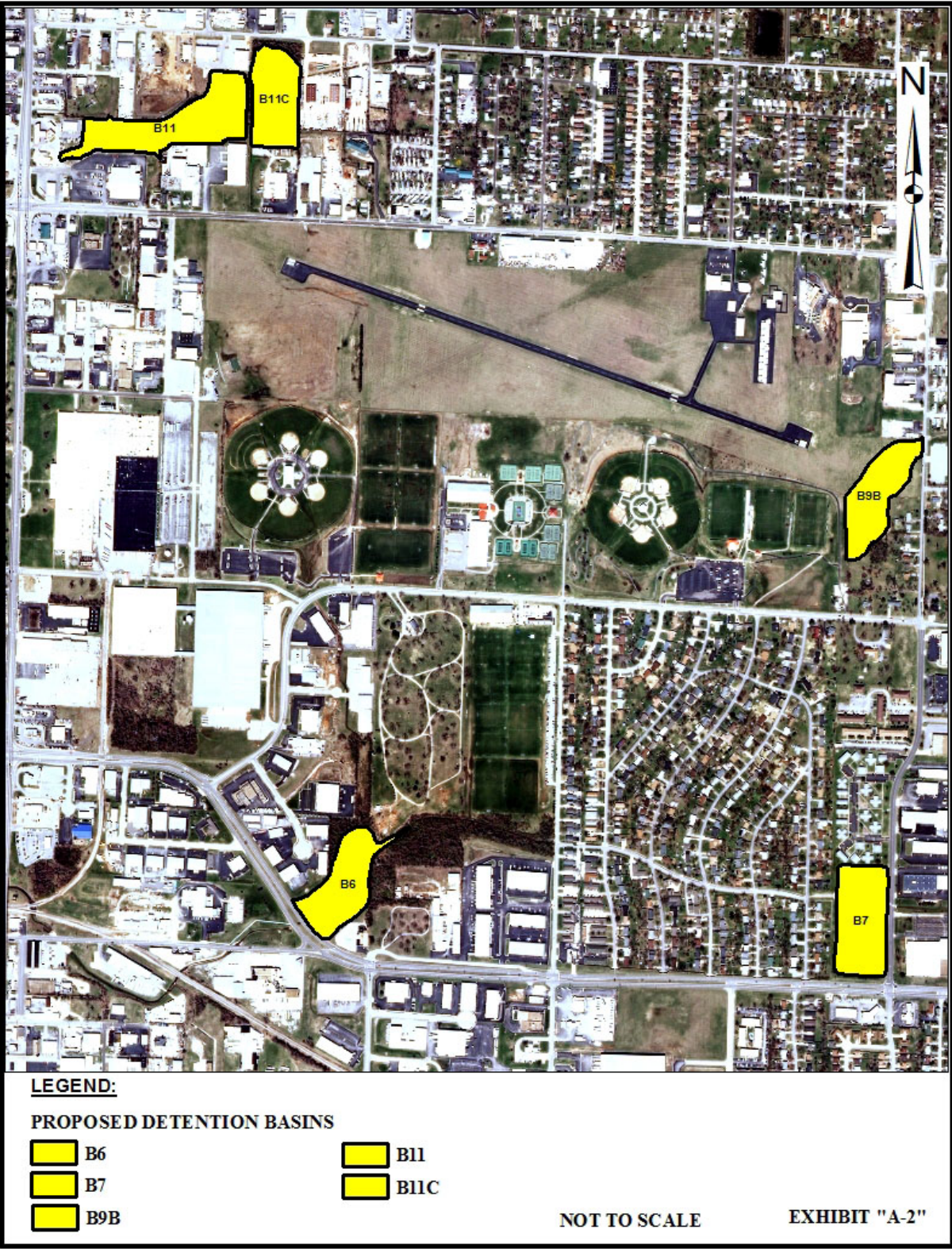
The non-federal sponsor has been notified in writing regarding the risks of acquiring land for this project.

20 Other Real Estate Issues

There are no other issues that need to be considered or addressed relevant to this proposed project.



Attachment 1 A- Area Map



Attachment 1 B - Area Map

Jordan Creek FRM Study, Springfield, MO
Draft Real Estate Plan

**JORDAN CREEK PILOT STUDY
(CITY OF SPRINGFIELD, MISSOURI – NON-FEDERAL SPONSOR)
NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY**

1. LEGAL AUTHORITY:

- (a) Does the non-federal sponsor have legal authority to acquire and hold title to real property for project purposes? Yes
- (b) Does the non-federal sponsor have the power of eminent domain for this project?
Yes
- (c) Does the non-federal sponsor have "quick-take" authority for this project? No
If not, what is the minimum time? 60-days
- (d) Are any of the lands/interests in land required for the project located outside of the non-federal sponsor's political boundary? No
- (e) Any of the lands/interests in land required for the project owned by an entity whose property the non-federal sponsor cannot condemn? No

2. HUMAN RESOURCE REQUIREMENTS:

- (a) Will the non-federal sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? Yes
- (b) If the answer to 2.a is "yes", has a reasonable plan been developed to provide such training? Yes
- (c) Does the non-federal sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? Yes
- (d) Is the non-federal sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? Yes
- (e) Can the non-federal sponsor obtain contractor support, if required, in a timely fashion?
Yes
- (f) Will the non-federal sponsor likely request USACE assistance in acquiring real estate?
Yes (If "yes", provide description).

Exhibit B

Attachment 2 A

Jordan Creek FRM Study, Springfield, MO
Draft Real Estate Plan

3. OTHER PROJECT VARIABLES:

- (a) Will the non-federal sponsor's staff be located within reasonable proximity to the project site? Yes
- (b) Has the non-federal sponsor approved the project/real estate schedule milestones?
Yes

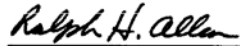
4. OVERALL ASSESSMENT:

- (a) Has the non-federal sponsor performed satisfactorily on other USACE projects?
Yes
- (b) With regard to this project, the non-federal sponsor is anticipated to be: Yes Highly capable; ___ Fully capable; ___ Moderately capable; ___ Marginally capable; ___ Insufficiently capable. (If non-federal sponsor is believed to be? Insufficiently capable?, provide explanation).


5. COORDINATION:

- (a) Has this assessment been coordinated with the non-federal sponsor? Yes
- (b) Does the non-federal sponsor concur with this assessment? Yes (If "No", provide explanation).

Prepared by:

 (Signature)
RALPH H. ALLEN 22 Jan 2013
Attorney

Reviewed and Approved by:

 (Signature)
DONALD L. BALCH 22 Jan 13
Chief, Real Estate ~~Branch~~ ^{Division}

Attachment 2 B