

Appendix B

Real Estate Plan

REAL ESTATE PLAN

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

As of
May 1, 2013

Prepared by
Ronald Bridges
Real Estate Division

“ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REAL ESTATE PLAN, OR ELSEWHERE IN THIS PROJECT REPORT, THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY’S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.”

REAL ESTATE PLAN

JORDAN CREEK FRM STUDY

SPRINGFIELD, MISSOURI

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Assessment of Non-Federal Sponsor's Capability

Prepared By: Ronald Bridges

Real Estate Division

Date: May 1, 2013

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 Exhibits A-1 to A-7 show the location of the study area. The City of Springfield, Missouri will be the non-federal or local sponsor (NFS) 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 52.48 acres. The project properties consist of commercial, industrial, and residential properties. There are approximately four (4) ownerships and five (5) parcels affected by the channel alignment of Economic Reach E1 for the recommended plan. Economic Reach E1 covers approximately 10.27 acres of land. The City of Springfield owns approximately 4.10 acres within this reach.

There will be two temporary work area easements required in Economic Reach E1 totaling 1.16 acres in size. A five (5)- year term was considered in estimating the value for the temporary work area easements. The City of Springfield owns the underlying fee land to be encumbered by the two temporary work areas.

Three (3) permanent access road easements will be acquired for access to detention basins B6, B11 and B11C. (See Area Maps - Exhibits "A-3" and "A-6"). The road easement for detention basin B6 will encumber approximately 0.10 acre and one (1) ownership. The two (2) road easements for detention basins B11 and B11C will encumber approximately 0.32 acre and two (2) ownerships.

A permanent utility/pipeline easement area will be required within the right-of-way of East Rockhurst Street and will be approximately 2.05 acres in size. Because drainage and utility construction will occur underneath the existing Rockhurst Street, reconstruction of the street will be required. As of this writing, Bennett Street, situated in Economic Reach E-1, may be modified with a flood diversion structure. The City of Springfield has road easements for both East Rockhurst Street and Bennett Street, and both streets are their operational and financial responsibilities. Both road adjustments are Relocation requirements and the associated real estate Relocation costs have been included in the real estate baseline cost estimate. The City will be required to acquire the permanent utility easement from the underlying fee owner and fund the Relocation portion of the road costs upfront and then submit a request for LERRD credit.

The lands for the channel improvement and temporary work area easements, road and pipeline easements and detention basins are within the corporate limits of the City of Springfield, Missouri.

The five (5) detention basins are situated in residential and multi-family, commercial, and industrial areas of Springfield, Missouri. The detention basins are designated B6 (approximately 7.05 acres in size, encompasses five (5) ownerships and five (5) parcels), B7 (approximately 7.55 acres in size, encompasses one ownership and one (1) parcel, B9B (approximately 6.99 acres in size, encompass five (5) ownerships, and eight (8) parcels), B11 (approximately 10.53 acres, encompasses seven (7) ownerships and eight (8) parcels) and B11C (approximately 6.46 acres, encompasses two (2) ownerships and two (2) parcels). The basins consist in the aggregate approximately 38.58 acres and involve twenty-eight (28) ownerships and thirty-five (35) parcels.

Table 1 - Project Area - NFS Ownership

PROJECT AREA	NON-FEDERAL SPONSOR OWNERSHIP	ACREAGE TO BE ACQUIRED
Reach E1	2.94 acres	7.33 acres
Basin B6		7.05 acres
Basin B7	7.55 acres	
Basin B9B	0.55 acres	6.44 acres
Basin B11		10.53 acres
Basin B11C		6.46 acres
Utility/Pipeline Easement		2.05 acres
Temporary Work Area Easements	1.16 acres	
Access Road Easements		0.42 acre
TOTAL	12.20 acres	40.28 acres

Table 2 - Project Area Ownerships and Parcels

PROJECT AREA	# OWNERSHIPS	# PARCELS
Reach E1	4	5
Basin B6	5	5
Basin B7	1	1
Basin B9B	5	8
Basin B11	7	8
Basin B11C	2	2
Utility/Pipeline Easement	1	1
Temporary Work Area Easements	1	2
Access Road Easements	2	3
TOTAL	28	35

There are approximately 13 facilities that require adjustment/relocation for the recommended project. There are two roads (Bennett and Rockhurst), four (4) utilities for water, sanitary sewer, natural gas, and electrical power that encumber approximately 0.66-acre of Reach E1, and Seven

(7) utilities easements for water sanitary sewer, and natural gas that encumber approximately 0.29-acre of detention basin B7. These facilities are within the corporate city limits of Springfield, Missouri. As part of this project, the non-federal sponsor will acquire the appropriate real estate instruments from the facility owner.

Another required relocation is for the Scenic Drive Bridge Relocation in Reach E1. This is a public road. Modification to Scenic Bridge will likely be required because of channel excavation beneath the bridge. The modification may include installing reinforced piers and a mat foundation. We have included this as a NFS responsibility to negotiate and complete as part of LERRD in this REP. However, depending upon final design and a Final Attorney Opinion of Compensability, this item could later become part of construction costs and be subject to cost-sharing.

Prior to the federal project implementation, the sponsor will remove two pedestrian walkways on Jordan Creek to increase the channel width from approximately 45 to 100 feet. Therefore, we have not included any Real Estate costs associated with the removal of these walkways. The land required for the channel widening is accounted in the channel easement calculations. The walkways are on land owned in fee by the City.

There is also a railroad bridge relocation required by this project. Per Section 3 of the 1946 Flood Control Act, existing railroad bridges and approaches thereto are federal responsibilities. This relocation agreement will be accomplished by SWL real estate and the costs included in total project costs. The baseline real estate cost estimate includes federal labor costs to accomplish this acquisition.

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.

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.

Road 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 and replacement of (a) road(s) and appurtenances thereto; 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 owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); subject, however, to existing easements for public roads and 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.

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 4.10 acres in Economic Reach E1. Of this acreage, approximately 1.16 acres of the Springfield property will be used for temporary work areas. The remaining 2.94 acres of the City of Springfield’s property will be part of the channel improvement easement (see Table 3 – Project Area NFS Ownership, Area Map, Exhibit” A-1”). The NFS has approximately 7.55 acres fee ownership in B7 (see Area Map Exhibit “A-4”), and has approximately 0.55 acre of fee ownership in proposed detention basin B9B (see Area Map, Exhibit “A-5”). However, 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). If the project is approved and funded, the NFS will make available all necessary real estate interests for the project.

Table 3 – Project Area NFS Ownership

PROJECT AREA	NON-FEDERAL SPONSOR OWNERSHIP
Reach E1	2.94 acres
Basin B6	
Basin B7	7.55 acres
Basin B9B	0.55 acre
Basin B11	
Basin B11C	
Temporary Work Area Easements	1.16 acres
TOTAL	12.20 acres

4 Non-Standard Estates

Non-standard estates were not used for this proposed project. Standard estates for fee simple, channel improvement easement, temporary work area, road, pipeline/utility easement are the estates considered for the project. However, because of the degree of damages that would occur on the properties involving the channel improvement easement, the value estimate 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 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 fee simple interest be acquired in detention basin B9B.

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

The US Department of Transportation owns an approximate 0.23-acre land area. This land area is part of the right-of-way for the Chestnut Expressway (see Attachment 1-D, Exhibit A-3). This area is located at the southwest boundary of detention basin B6, is at the northern boundary of the

Chestnut Expressway right-of-way and is southeast of Pythian Street. If the fee parcel for detention basin B6 is not modified during design to exclude the Chestnut Expressway lands, fee will be acquired subject to the existing public roads. Therefore, the Chestnut Expressway will not be affected.

6 Any federally owned land

Nothing other than as described in paragraph 5.

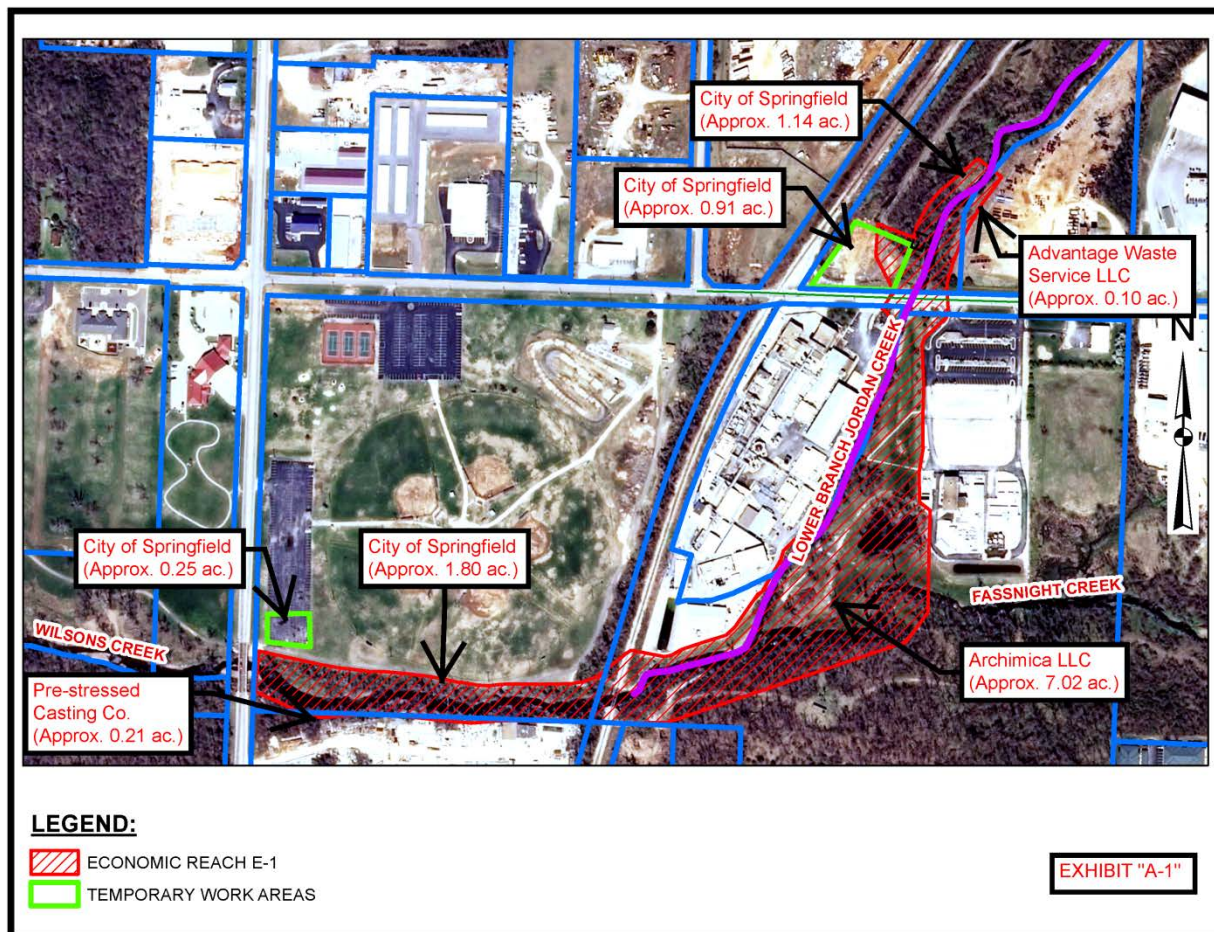
7 LERRD that lies below the ordinary high water mark

Neither Jordan Creek nor Wilson Creek is a navigable stream and is not subject to navigational servitude.

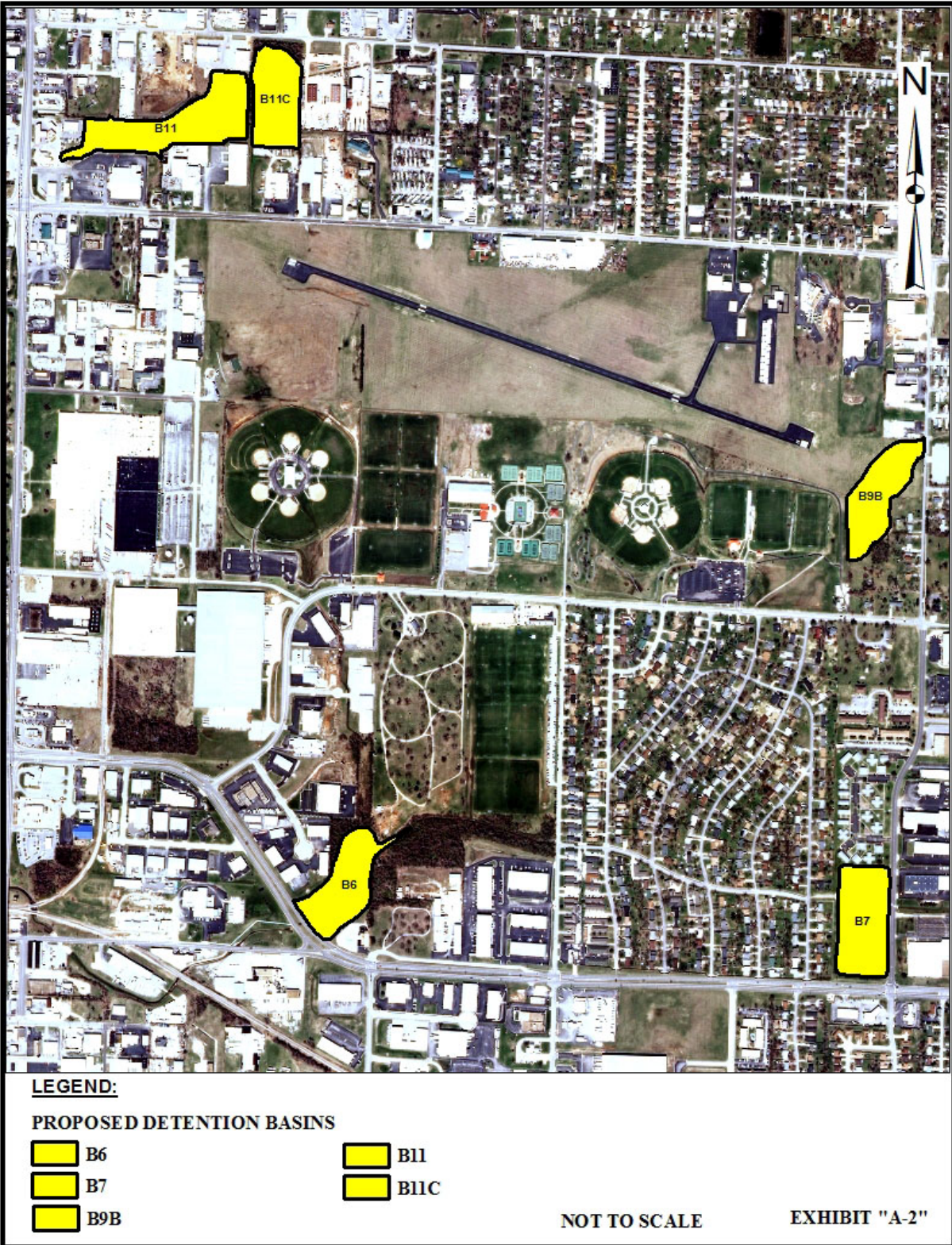
8 Maps depicting project area

The maps depicting the location of Economic Reach E1 and detention basins B6, B7, B9B, B11, and B11C are shown in Area Maps - Exhibits "A-1" to "A-7".

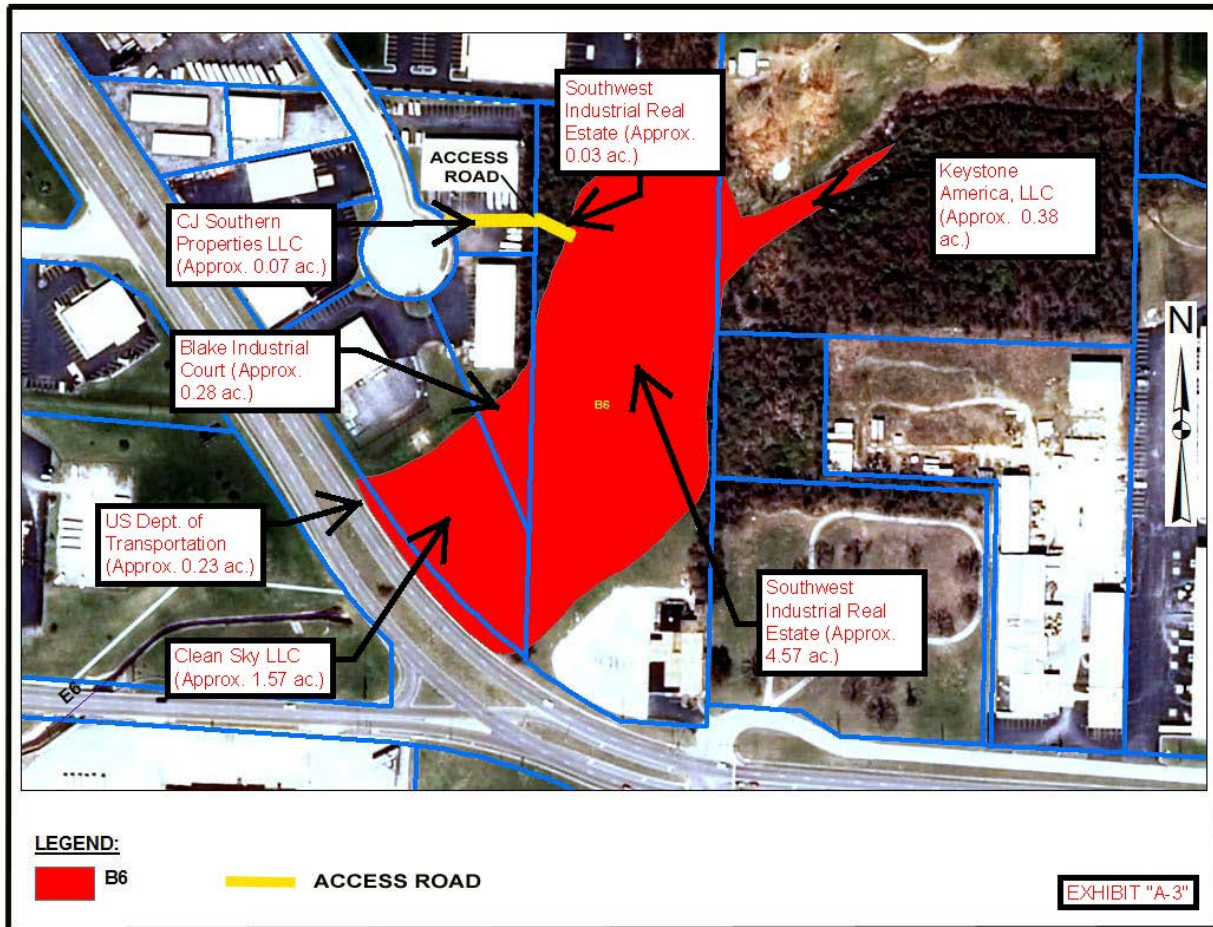
Area Map - Exhibit "A-1"



Area Map - Exhibit "A-2"



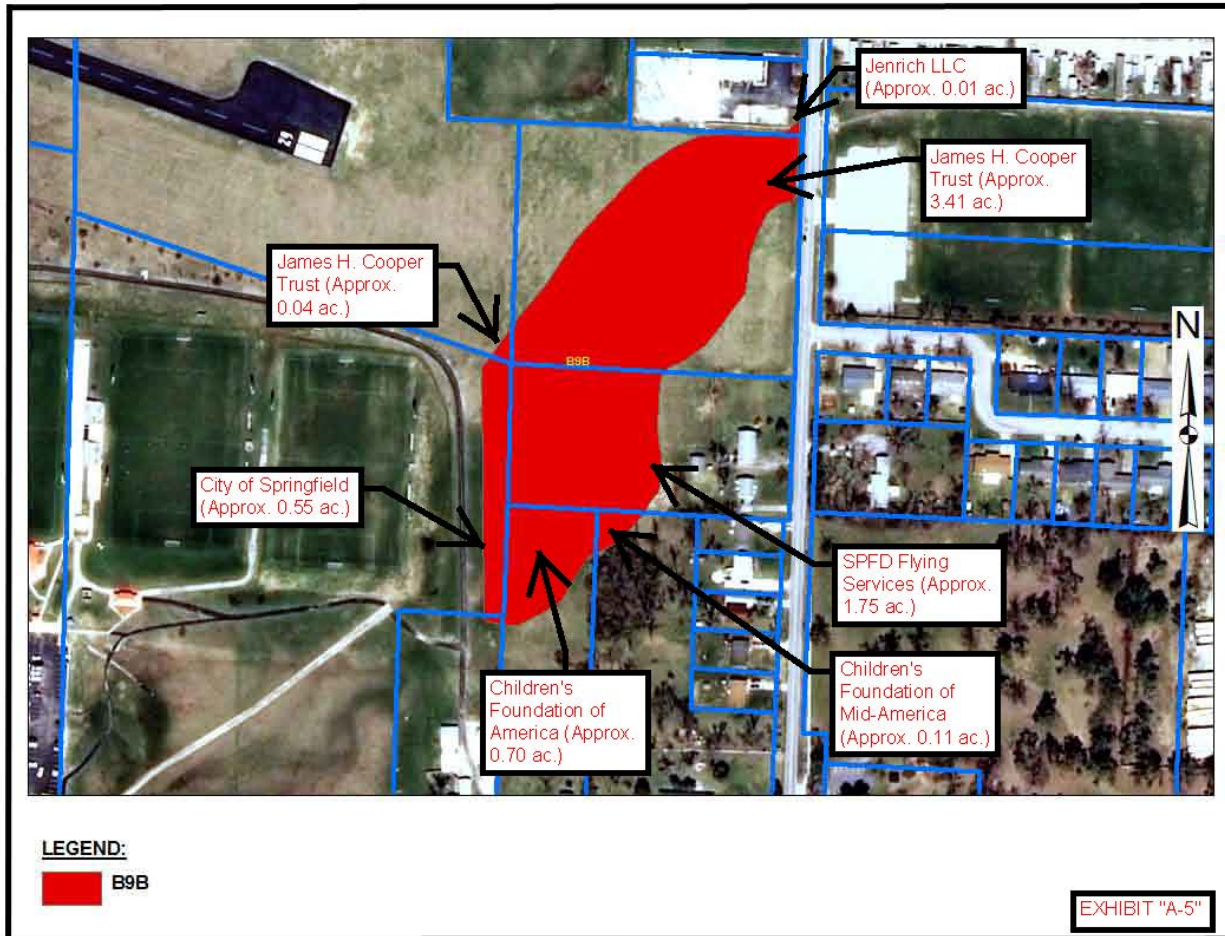
Area Map - Exhibit "A-3"



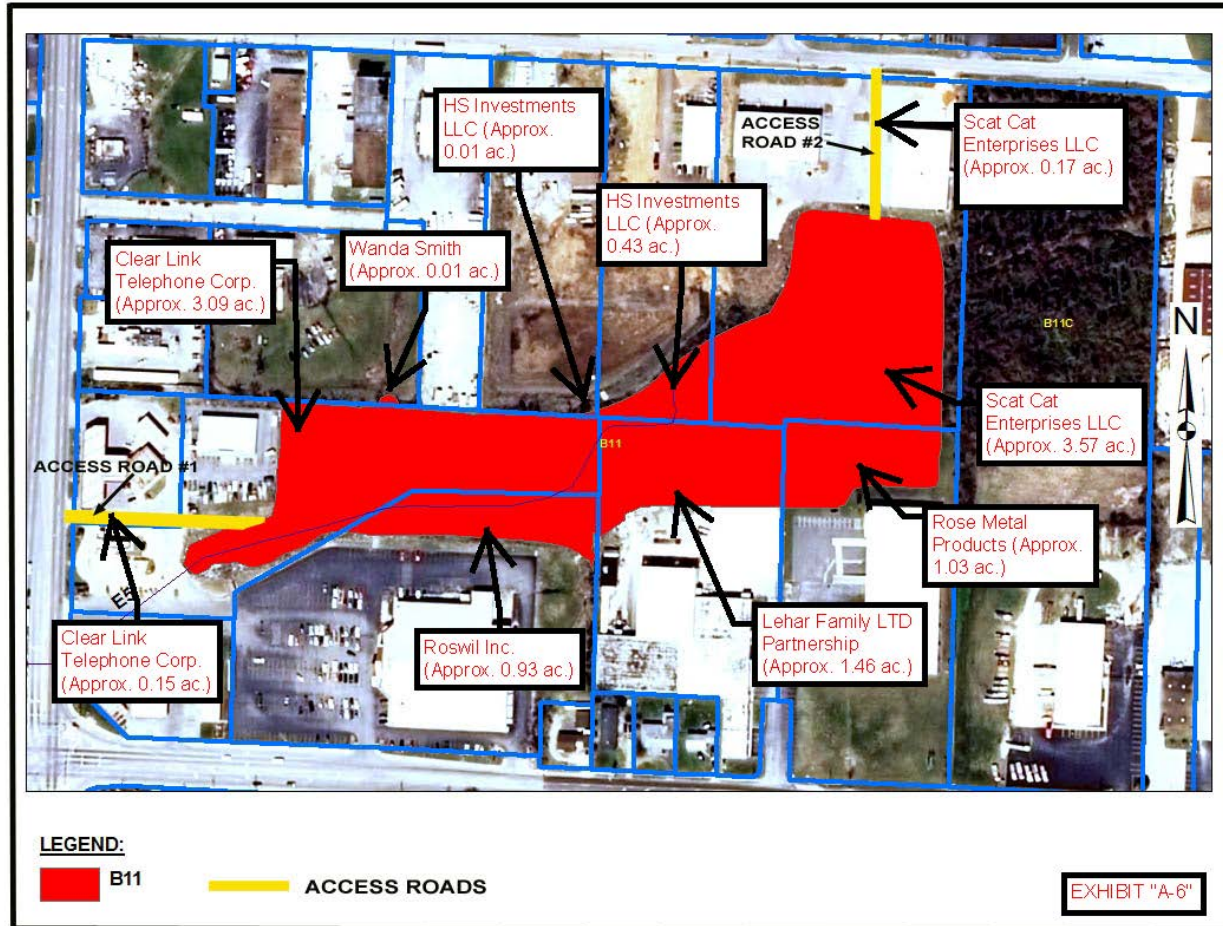
Area Map - Exhibit "A-4"



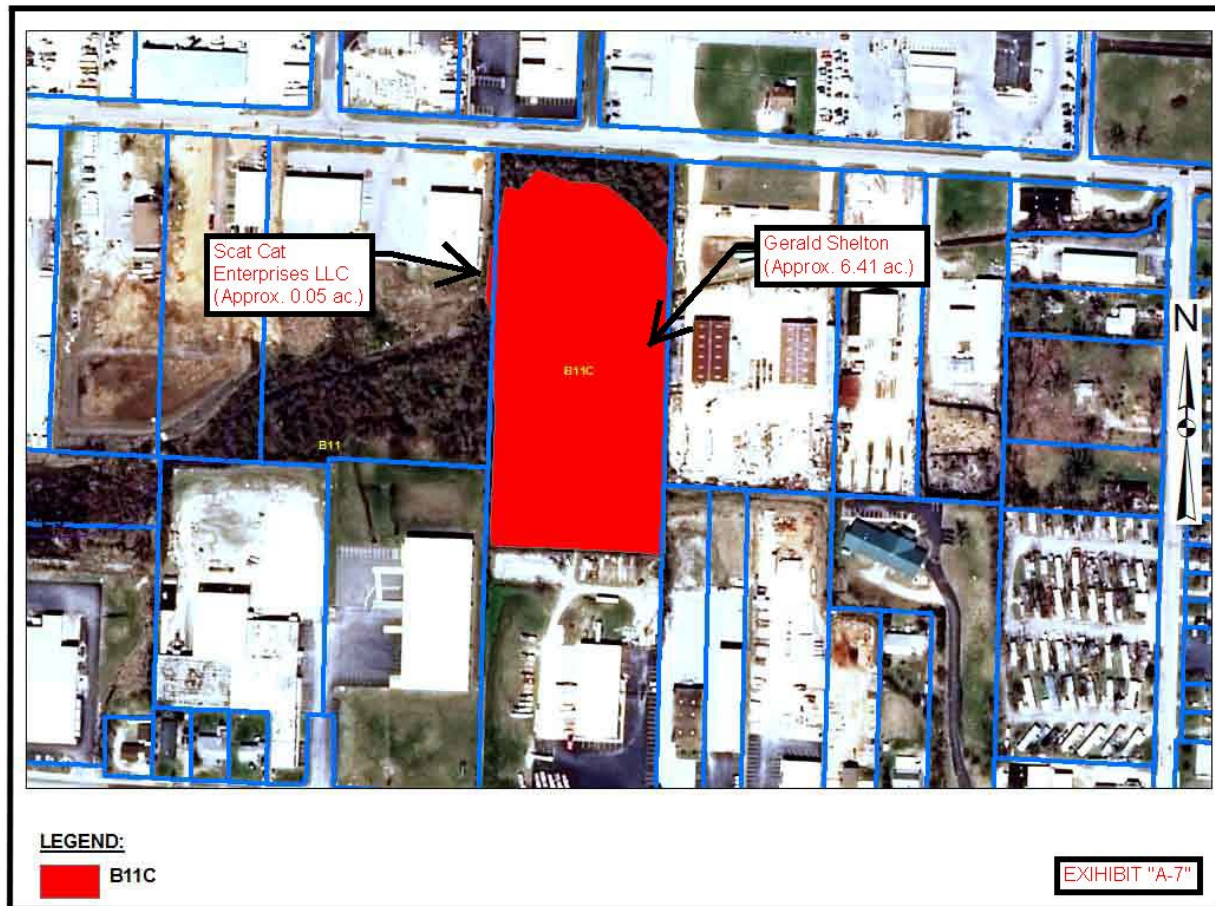
Area Map - Exhibit "A-5"



Area Map - Exhibit "A-6"



Area Map - Exhibit "A-7"



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 cost data and an August 24, 2012 gross appraisal provided by Ronald Bridges, Real Estate Division, US Corps of Engineers, Little Rock District. The

estimated land and administrative cost is \$4,400,760.00 for this proposed project. This estimate consists of \$3,788,760.00 for real estate interests needed for the project, \$569,160.00 in estimated non-federal sponsor administrative costs for the acquisition of the real property and real estate interests for the project, and \$42,840.00 in estimated federal administrative costs for real estate document review. A twenty percent (20%) contingency is included the estimated land and administrative costs. See

Table 4: Real Estate Baseline Cost Estimate for a fuller cost estimate allocation.

Table 4: 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)	\$380,000	20% = \$76,000
	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	\$85,000	20% = \$17,000
	Review of Non-Federal Sponsor	\$22,800	20% = \$4,560
01.23.03.15	Real Estate Payment Documents		
	Payments by Non-Federal Sponsor (Land)	\$3,788,760	
	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

09	Wilson Creek RR Bridge (Federal Labor Real Estate)	\$35,000	
09	Wilson Creek RR Bridge (Federal Land Payment)	\$2,435,126	
02 ¹	NFS Scenic Bridge, Roads And Utility Relocations (Facility replacement payment)	\$2,314,416	
02	NFC Road and Utility Relocations (Labor)	\$121,000	
01	TOTAL ADMIN & PAYMENTS	\$4,298,760	
01	TOTAL CONTINGENCY		\$102,000
01	ESTIMATED TOTAL		\$4,400,760

¹ The construction costs for the Scenic Bridge Relocation (\$454,000) are in the MCACES 09 account. However, the real estate relocation agreement and associated just compensation payment is thought to be a NFS LERR requirement at this writing, so we are including the costs in the 02 account in the REP. This does not in any way alter the total project costs in the MCACES. This item will be finalized after final design and final attorney's opinion in PED.

	FEDERAL	NON-FEDERAL	TOTAL
	COST	COST	
Land and Damages		\$3,788,760.00	\$3,788,760.00
Estimated Administrative Cost	\$42,840.00	\$ 569,160.00	\$ 612,000.00
ESTIMATED TOTAL COSTS	\$42, 840.00	\$4,357,920.00	\$4,400,760.00

11 Relocation Assistance Benefits

As no residences and/or businesses will be displaced by this project, no relocations benefits will be incurred under P.L. 91-646.

12 Mineral Activity

There is no obvious mineral activity occurring within the project areas. All the properties are within City limits and City ordinances severely restrict mineral extraction and drilling. Therefore, there is a very low risk of any third party mineral extraction impacts to the project features.

13 Assessment of Non-Federal Sponsor

See Assessment of the Non-Federal Sponsor's Real Estate Acquisition Capability (Exhibit B). The non-federal sponsor (NFS) has been advised of the requirement for documenting expenses for crediting purposes. The NFS will need some guidance in the real estate acquisition process for the proposed federal project. This guidance can take the form of District real estate acquisition checklists, communications with a member of the District acquisition staff for any pertinent information.

14 Application of Zoning Ordinances

The subject properties for the proposed project are zoned as commercial, industrial, single-family residential, and multifamily residential. No zoning changes for the subject properties will occur with this proposed project.

15 Land Acquisition Milestones

The necessary real estate Acquisition is expected to take twenty-eight months after notice to proceed once the Project Partnership Agreement (PPA) is executed.

16 Facility or Utility Relocations

An existing operating railroad bridge, crossing Wilson Creek in Economic Reach E1, is proposed to be demolished and replaced with another bridge. The estimated demolition and construction cost for the bridge is \$2,470,126.00 (\$54,584.00 for bridge demolition and \$2,415,553 for bridge construction). The SWL Real Estate office will negotiate a relocation agreement with the railroad for the required real estate rights to adjust the bridge in exchange for provision of a functionally equivalent facility. Relocation Agreements are real estate contracts to be signed by the appropriate RECO. Since the costs of this bridge are a federal responsibility by law, they will be part of total project construction costs and cost shared accordingly. They are not part of the LERRD costs or the NFS responsibility.

Water, sanitary sewer, storm water drainage, natural gas, and electrical utilities will be impacted by this proposed project in Economic Reach E1 and the detention basin B7. The trenches would be deepened for the underground utilities such as water, sanitary sewer, and natural gas in their individual rights-of-way. The overhead electrical lines would be elevated and poles repositioned within their rights-of-way. An alteration or modification is proposed for Bennett Street by raising the street surface elevation approximately two feet starting from the lowest area of the street and for approximately 300 linear feet of the street. The estimated construction cost is \$84,000.00 for this alteration to Bennett Street. At Economic Reach E1, one (1) water pipeline, one (1) sanitary sewer pipeline, one (1) natural gas pipeline, one (1) electrical power pole and an approximate 400-foot section of electrical line under the Wilson Creek railroad bridge would be relocated as part of the project. At detention B7, two (2) water pipelines, one (1) storm water drainage pipeline, two (2) sanitary sewer pipelines, and two (2) natural gas pipelines would be relocated as part of the proposed project. The estimated construction cost is \$1,860,416.21 for the storm water drainage, electrical, sanitary sewer, water, and natural gas relocations for this project. See Attachment B – Cost Engineering, Cost Estimate Report, page 1. A non-federal sponsor real estate labor cost is estimated at \$121,000.00 plus a 20% contingency to execute relocation agreements to acquire the necessary property rights in exchange for the functionally equivalent facilities.

In accordance with Real Estate Policy Guidance Letter 31, the total facility relocation costs for this project do not exceed 30% of total project costs. The District has completed a real estate assessment and concluded that the facility owners are generally the type eligible for substitute facilities and has completed some research leading them to believe the owners have compensable property interests. Final Attorney Opinions of Compensability will be completed during the PED Phase and completed prior to any notice to proceed to the NFS or initiation of the federal real estate work on the railroad bridge relocation agreement.

In accordance with Real Estate Policy Guidance Letter 31, the total facility relocation costs for this project do not exceed 30% of total project costs. The District has completed a real estate assessment and concluded that the facility owners are generally the type eligible for substitute facilities and has completed some research leading them to believe the owners have compensable property interests. Final Attorney Opinions of Compensability will be completed during the PED Phase and completed prior to any notice to proceed to the NFS or initiation of the federal real estate work on the railroad bridge relocation agreement.

“ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REAL ESTATE PLAN, OR ELSEWHERE IN THIS PROJECT REPORT, THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD

RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES."

Table 6 - Easements

EASEMENTS	Reach E1	Basin B7
Road	Bennett Street	
Water	1	2
Sanitary Sewer	1	2
Storm Water Drainage		1
Natural Gas	1	2
Electrical	2	
TOTAL #	5	7

17 Known Contaminants

There are three (3) Hazardous, Toxic, or Radioactive Waste (HTRW) areas within the boundary of Economic Reach E1. Two areas, being former landfills, are owned by the City of Springfield. One of the former landfill sites is now Ewing Park. The other HTRW site consists of two parcels owned by Archimica Pharmaceutical Company. According to Section 3.6 Description of the Tentatively Selection Plan, quote "While there is no toxic or radioactive waste known in the project area, estimated remediation costs for cleanup of these properties range from \$67,500 to \$1,340,000..."The sponsor is responsible for cleaning the site to a level suitable for channel widening." Section 4.7 Hazardous, Toxic and Radioactive Wastes in the draft feasibility report and environmental assessment for Jordan Creek, screening of the detention basins indicate a low potential for contaminants and no further environmental assessments were recommended for the five detention basin sites. A further environmental assessment was recommended for the landfill site in Reach E1. Though the three (3) HTRW sites within Reach E1, the actual construction in this reach is to occur within the channels of Jordan and Wilson Creeks where there has been no evidence of HTRW contamination and are away from the HTRW sites within Reach E1.

18 Support or opposition to the project

Response has been generally favorable from the State and Local Agencies. No public comments were received during the public comment period.

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 was notified in writing regarding the risks of acquiring land for this project in advance of the Project Partnership Agreement execution.

20 Other Real Estate Issues

As of this writing, there are discussions about elevating the Bennett Street to act as a flood diversion structure. The discussion centers around if there is a more cost efficient way. Currently, the Bennett Street road raising appears in the cost estimate. Should this diversion structure be built, a non-standard estate would be drafted, submitted to, and approved by USACE. The cost sharing would be adjusted appropriately between the diversion structure (construction cost) and raising the road (LERRD) during design.

Attachment 1

JORDAN CREEK PILOT STUDY
(CITY OF SPRINGFIELD, MISSOURI - NON-FEDERAL SPONSOR)

ASSESSMENT OF 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, except for a narrow strip (.23 acres) of a U.S. Dept. of Transportation easement on the SSW edge of Project Basin B-6.

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? No, will require orientation on process required

(b) If the answer to 2.a is "yes", has a reasonable plan been developed to provide such training?

(c) Does the non-federal sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? No, 2 personnel on staff which may extend the schedule unless others are brought in to assist

(d) Is the non-federal sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? NO

(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?
NO (If "yes", provide description).

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, believe land Acquisition will require 12-18 months, scheduled for 24 months.

4. OVERALL ASSESSMENT:

(a) Has the non-federal sponsor performed satisfactorily on other USACE projects? N/A

(b) With regard to this project, the non-federal sponsor is anticipated to be: ___ Highly capable; ___ Fully capable; X 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? ~~NO~~ YES

(b) Does the non-federal sponsor concur with this assessment? YES (If "No", provide explanation).

Prepared by:

Ralph H. Allen (Signature)
RALPH H. ALLEN
Attorney
Date: 10 April 2013

Reviewed and Approved by:

[Signature] (Signature)
DONALD L. BALCH
Chief, Real Estate Division
Date: 15 April 13