

APPENDIX H

Real Estate Cost

APPENDIX H

REAL ESTATE PLAN

Corte Madera Creek Flood Risk Management
General Reevaluation Investigation
Corte Madera, California

PREPARED FOR THE
SAN FRANCISCO DISTRICT
SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS

October 2018

PREPARED
BY THE
SACRAMENTO DISTRICT
REAL ESTATE DIVISION
SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS

Corte Madera Creek Flood Risk Management General Reevaluation Study

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Corte Madera Creek Flood Risk Management
General Reevaluation Investigation Study, Sonoma County, California

REAL ESTATE PLAN

1. Introduction

The Corte Madera Flood Risk Management General Reevaluation Study (the Study) successfully completed the Tentatively Selective Plan (TSP) Milestone in August 2017. The Real Estate Plan (REP) is an appendix to the General Reevaluation Report. This REP is tentative in nature, focuses on the Tentatively Selected Plan (TSP), and is to be used for planning purposes only. There may be modifications to the plans that occur during Pre-construction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land costs.

In response to numerous flood events in the Corte Madera Creek watershed, including a flood in 1942 that caused major damage to surrounding communities, Congress directed the USACE to evaluate possible solutions to flooding in the vicinity of Corte Madera Creek under Section 11 of the Flood Control Act of 1944. The USACE completed a preliminary examination report in 1946. Following another major flood event in 1951, the California Legislature created the District through the Marin County Flood Control and Water Conservation District Act of 1953, which consisted of all the territory lying within the exterior boundaries of Marin County. Major additional flooding events occurred and following a study, Congress authorized the Corte Madera Creek Flood Control Project (CMCFCP) with the Flood Control Act of 1962:

“The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated and subject to the conditions set forth therein: Provided that the necessary plans, specifications, and preliminary work may be prosecuted on any project authorized in this title with funds from appropriations hereafter made for flood control so as to be ready for rapid inaugurations of a construction program:

San Francisco Bay Area

... The project for Corte Madera Creek, Marin County, California, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army and the Chief of Engineers in House Document Numbered 545, Eighty-seventh Congress, at an estimated cost of \$5,534,000: Provided that local interests shall contribute in cash 3 per centum of the Federal construction of the Rose [sic] Valley Unit with a contribution presently estimated at \$158,000.”

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Following the numerous flood events, there is a high risk of economic flood damage, including critical infrastructure, in the Town of Ross, unincorporated community of Kentfield, and other surrounding unincorporated lands. There is also risk to human life and safety in these communities and commercial areas. The Project is being formulated to reduce the risk of flooding to commercial, residential, and public infrastructure along the creek, consistent with protecting the nation's environment, pursuant to national environmental statutes, with applicable executive orders and with other federal planning requirements.

The purpose of the Study, a feasibility-level investigation, is to determine if there is a continued federal interest in providing flood risk management improvements along Corte Madera Creek. The scope is to formulate effective, efficient, and environmentally acceptable plans with a focus on completing Unit 4 in accordance with the existing project authorization.

The non-federal sponsor (NFS) for the project is the Marin County Flood Control and Water Conservation District (MCFCWCD). A new Feasibility Cost Sharing Agreement, at 50% Federal and 50% non-federal, was executed by USACE and MCFCWCD in February 2014.

2. Project Authority

Congress authorized the evaluation of possible solutions to flooding along Corte Madera Creek under Section 11 of the Flood Control Act of 1944. The CMCFCP was authorized by Congress in the Flood Control Act of 1962 (Public Law [PL] 87-874, Section 203), and amended by Section 204 of PL 89-789, and the WRDA in response to numerous flooding events in the Corte Madera Creek watershed in Marin County, California. The Study extends from San Francisco Bay upstream to the intersection of Corte Madera Creek and Sir Francis Drake Boulevard in the Town of Ross, California. The USACE, San Francisco District and the non-federal sponsor, the District, began the project in 1962, and completed three flood control study units by 1971 (Units 1, 2, and 3).

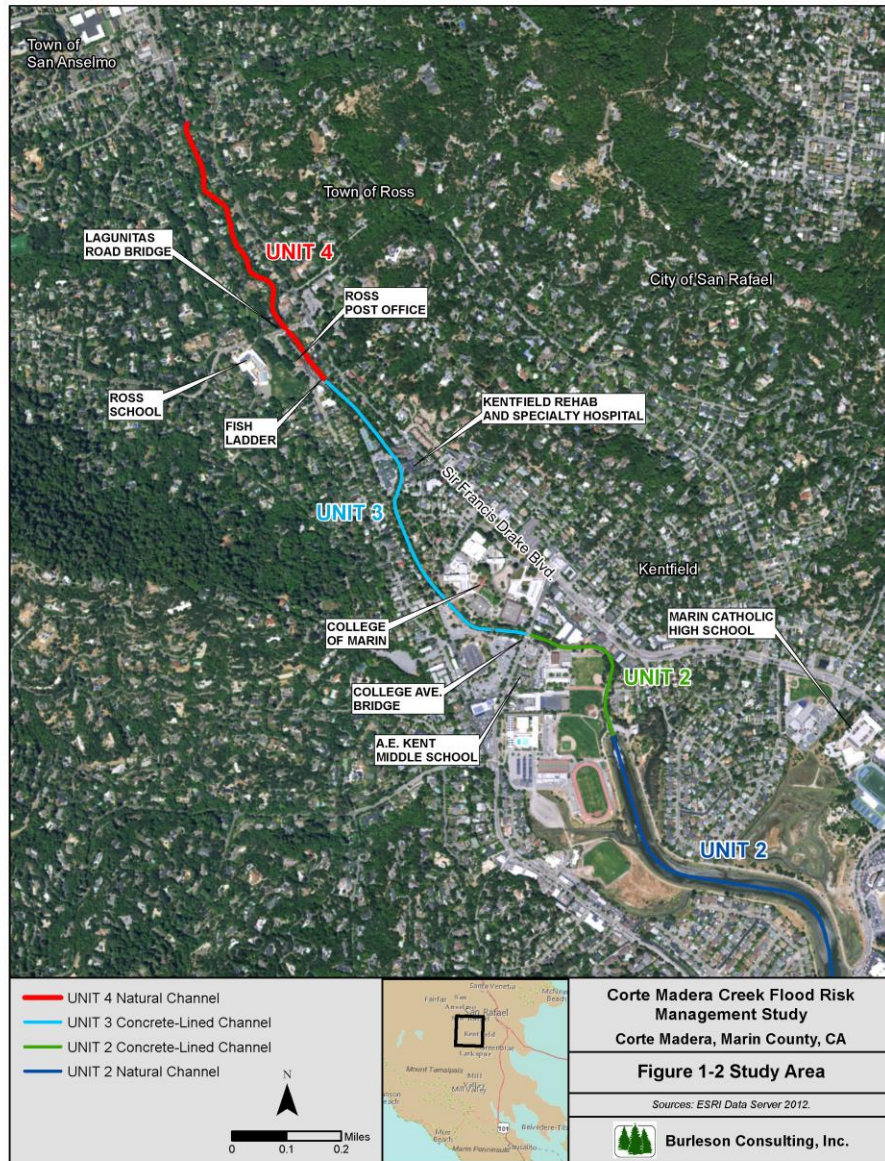
3. Project Description

The Study area consists of Units 3 and 4 and concrete-lined portion of Unit 2, along approximately 1.4 miles of Corte Madera Creek (see Figure 1). Unit 4 of Corte Madera Creek extends approximately 0.4-mile downstream from Sir Francis Drake Boulevard and continues approximately 600 feet downstream of the Lagunitas Road Bridge before terminating at the Denil fish ladder. Unit 3 begins at the Denil fish ladder and continues for approximately 0.67 mile to the College Avenue Bridge. The upper portion of Unit 2 consists of a concrete channel that extends approximately 0.33 mile downstream to 450 feet downstream of Stadium Avenue. The lower portion of Unit 2 is an earthen channel that then extends another 0.67 mile to the Bon Air Road Bridge. The natural channel continues through to Unit 1 where the creek joins Larkspur and Tamalpais Creeks. Unit 1 extends from the Bon Air Road Bridge into San Francisco Bay, entering at the Corte Madera Marsh State Marine Park.

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The Project Area is located in Marin County, which is situated in the 2nd Congressional District of California, Representative Jared Huffman.

Figure 1. Project area. The project area is in the vicinity of Marin County.



There were a total of 5 alternatives considered to meet the project goals and objectives to reduce flood risks. The TSP and NED plan is Alternative J 4% AEP that meets the Study objectives at the lowest costs. Alternative J 4% AEP is in alignment with the District’s Ross Valley Flood Protection and Watershed Program’s overall flood risk reduction strategy for the Ross Valley Watershed.

Alternative J, the 4% annual exceedance probability (AEP) option is presented in the draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) as both the TSP and

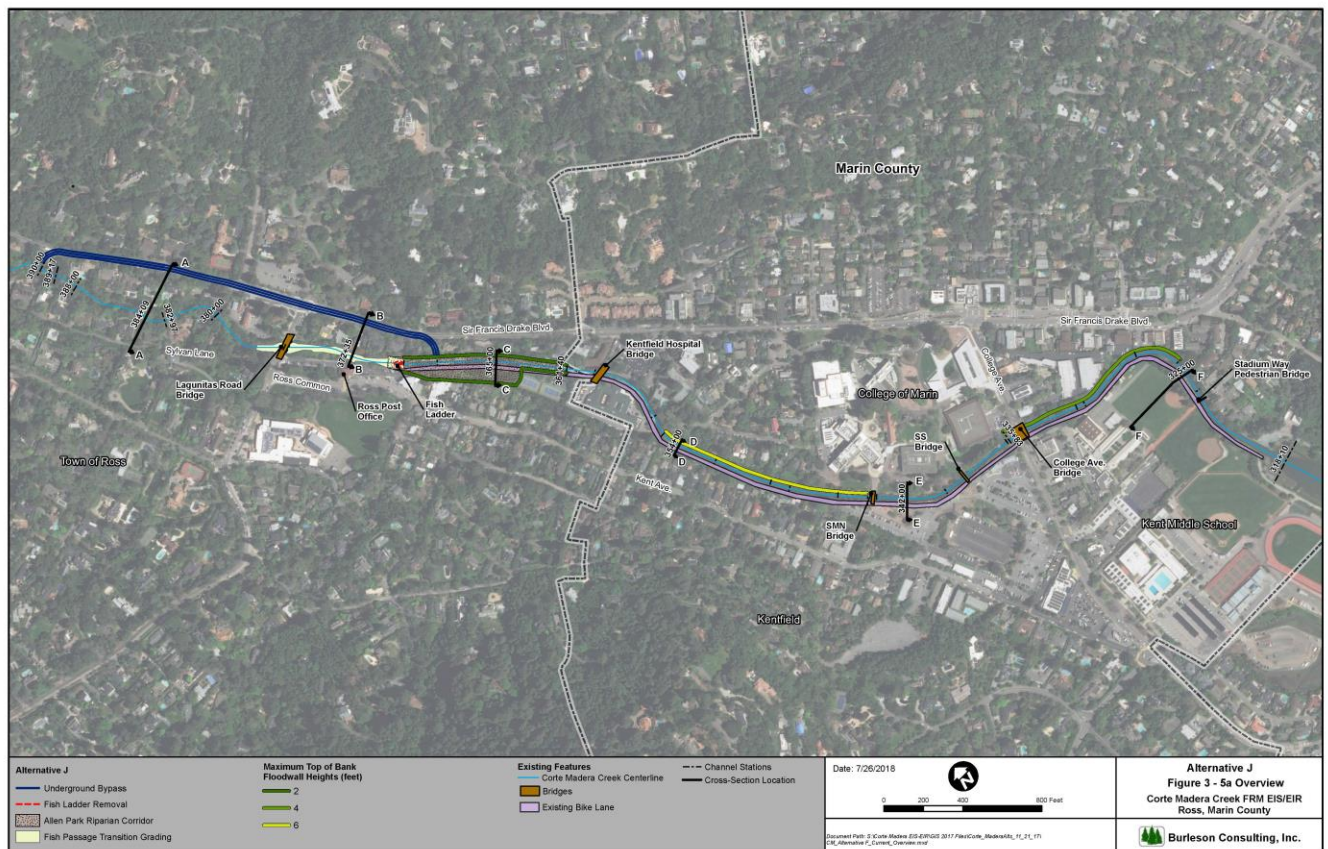
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the Preferred Plan. The TSP consists of a combination of floodwalls, an underground bypass (along Sir Francis Drake Blvd.), and the creation of Frederick S. Allen Park (Allen Park) Floodplain Riparian Corridor. The underground bypass would alleviate the need to construct any floodwalls in Unit 4, allowing the creek within Unit 4 to remain a natural channel.

4. Description of Land, Easements, Rights-Of-Way, Relocation, and Disposal Areas (LERRDs)

The project is situated within the north bay of San Francisco, California. All land uses in the project and study area are highly developed suburban property (residential, commercial, public uses). Other than the creek bed itself, there are no undeveloped or open space land, farmland, or agricultural uses that would be potentially impacted by the project.

Figure 2: Corte Madera Flood Risk Management Project TSP features



Unit 4 Bypass

An underground bypass, starting on the left bank near the Corte Madera Creek and Ross Creek confluence in Unit 4, would mostly run under Sir Francis Drake Boulevard and re-enter the stream channel at Allen Park Riparian Corridor (Unit 3). The bypass would be constructed using 2 parallel box culverts, each 12-feet wide by 7-feet high with a length of approximately 2,200 feet. Construction activities would include trenching portions of Sir Francis Drake Boulevard up to 20 feet deep by 30 feet wide for installation of the prefabricated box culverts.

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Although site preparation work would still be necessary, Alternative J would require minimal riparian vegetation removal because the majority of work would occur along an existing roadway.

Fish Ladder Removal and New Transition

The Denil fish ladder, located at the downstream end of Unit 4, approximately 580 feet downstream of Lagunitas Road Bridge, would be removed and replaced with a smooth transition. The Denil fish ladder would be replaced with a combination of natural bed material and biotechnical bank stabilization or stone protection treatments to create a smooth transition to avoid or minimize adverse impacts to Endangered Species Act (ESA) listed steelhead and coho salmon.

As a result of removing the fish ladder, channel modifications would be necessary to accommodate the change in flow dynamics, and also create the need to modify and lower the channel floor elevations to allow for a smooth transition and geomorphologically sustainable channel bed. The channel bed modification would extend from the existing fish ladder to approximately 110 feet upstream of Lagunitas Road Bridge. A portion of the natural channel in Unit 4, extending a length of approximately 115 feet, within the reach between Lagunitas Road Bridge and the fish ladder, would be widened to increase hydraulic conveyance capacity. The existing concrete channel downstream of the existing fish ladder, at the beginning of Unit 3, would be demolished and removed with approximately 750 feet of downstream improvements including realigned natural gravel creek bed and the lowering of the southwest side of the new creek channel in Allen Park to restore a historic floodplain and to increase flow capacity. At the downstream end of Allen Park, Corte Madera Creek would enter a new smooth transition to guide flow into the remaining existing concrete channel upstream of the Kentfield Rehabilitation Hospital.

Allen Park Riparian Corridor

Allen Park Floodplain Riparian Corridor, would extend a length of approximately 900 feet and encompass approximately 2 acres. The floodplain riparian corridor would include a widened, native substrate channel that allows higher flows to spread over a larger area and include floodwalls on both streambanks to a maximum height of 2 feet. The floodwall at this location would be constructed at the left limit of the existing concrete channel.

Granton Park Floodwall

A floodwall would be constructed along the left bank of the creek near the Granton Park neighborhood and extend approximately 1,050 feet terminating at the SMN Bridge on the western boundary of the College of Marin campus. The height of the Granton Park floodwall would vary. At its upstream end, the wall would be about 2 feet high and gradually increase to a height of about 6 feet downstream. The new floodwall would be installed as a separate wall offset from the existing concrete wall.

College of Marin Floodwall

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Alternative J would also construct a short top-of-bank floodwall upstream of College Avenue Bridge, and a longer floodwall downstream of College Avenue Bridge extending approximately 950 feet. Floodwalls near the College Avenue Bridge would be angled to funnel flow under the bridge (known as a wingwall). The College Avenue floodwall would be constructed along the left bank and at its upstream limit have a maximum height of 4 feet and gradually taper down to a height of 2 feet downstream at its terminus.

Based on the description above, the cadastral maps and tract register dated May 2018 is based on Alternative J and will require an estimated 8.72 acres from 66 parcels, 40 landowners, (Exhibit A).

An estimated 3.87 acres is required for temporary work area easement for the purposes of staging and construction.

An estimated 0.35 acres of a permanent road easement will be required.

An estimated 0.91 acres for flowage easement will be required at Allen Park.

An estimated 0.73 acres for flood protection easement will be required for the proposed floodwall at Granton Park, the College of Marin and Allen Park.

An estimated 1.43 acres for channel improvement easement will be required to modify/improve the existing channel and the removal of the fish ladder.

An estimated 1.43 acre for a utility easement will be required for the proposed Unit 4 Bypass.

The non-Federal sponsors will acquire the minimum interests in real estate to support the construction and subsequent operation and maintenance of the future USACE project.

Once the project partnership agreement (PPA) process is complete, the San Francisco District Engineering Branch will prepare the final design for advertisement and construction. During this process the tract register and tract maps will be updated to reflect any modifications to include final staging areas, access requirements, construction haul routes, and recreation features. This information will be used for future LERRDs crediting purposes pursuant to the terms of the PPA.

5. LERRDs Owned by the Non-Federal Sponsor and Crediting

Although there are areas of the project where the MCFCWCD has real estate interest, they will also need to acquire lands necessary for the project. Credit will only be applied to LERRDs owned and/or held by the sponsors that fall within the "project footprint," namely the LERRDs required for the TSP. Lands outside of the project requirements and that may be acquired for the sponsor's own purposes which do not support the minimum interests necessary to construct, operate and maintain the Project would not be creditable LERRDs. Only land

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deemed necessary to construct, operate and maintain the plan would be creditable. The value of potentially creditable lands owned by the sponsors is included in the TSP's cost estimate.

6. Standard Federal Estates and Non-Standard Estates

Real estate requirements for the proposed Tentatively Selected Plan includes approximately 8.72 acres of temporary work area easements and permanent easements for the project.

The non-Federal sponsor will be required to acquire the minimum interest in real estate that will support the construction and subsequent operation and maintenance of the proposed USACE project.

The following standard estates (with definitions) are identified as required for the project:

Temporary Work Area Easement (TWAE): 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 MCFWCWD, for use by the United States, MCFWCWD, its representatives, non-Federal sponsors, 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, and 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 and highways, public utilities, railroads and pipelines.

Road Easement: A (perpetual [exclusive] [non-exclusive] and assignable) (temporary) 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 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.

FLOWAGE EASEMENT (Occasional Flooding).

The perpetual right, power, privilege and easement occasionally to overflow, flood and submerge (the land described in Schedule A) (Tracts Nos. ____, ____, and ____). (and to maintain mosquito control) in connection with the operation and maintenance of the project as authorized by the Act of Congress approved _____, together with all right, title and interest in and to the structure; and improvements now situate on the land, except fencing ¹(and also excepting _____ (here identify those structures not designed for human habitation which the District Engineer determines may remain on the land)) ²; provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall

¹ Any structures existing in areas that will be allowed to remain must be evaluated using the same criteria that would be used to grant permission for a new structure to be placed in the easement, in coordination with the operational office..

² Where substantial residential structures exist in areas subject to very infrequent flooding, and will not interfere with project operations, the following clause may be substituted, however, leaving these structures in place must be evaluated using the same criteria that would be used to grant permission for a new residential structure to be placed in the easement. See EC 405-1-80: "(and also excepting the structure(s) now existing on the land, described as _____, which may be maintained on the land provided that portion of the structure(s) located below elevation _____ feet, mean sea level, shall be utilized for human habitation to the extent that sleeping accommodations will be maintained therein)". The next clause would then be modified to read "provided that no other structures for"

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be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; ³ the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

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 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, railroads 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 other 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, railroads and pipelines.

9. FLOOD PROTECTION LEVEE EASEMENT. A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos, ____, ____, and ____) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land 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.

7. Description of any Existing Federal Projects in or Partially in the Proposed Project

There are no existing Federal projects in or partially in the proposed project area.

8. Description of any Federally owned Land Needed for the Project

³ If sand and gravel or other quarriable material is in the easement area and the excavation thereof will not interfere with the operation of the project, the following clause will be added: "excepting that excavation for the purpose of quarrying (sand) (gravel) (etc.) shall be permitted, subject only to such approval as to the placement of overburden, if any, in connection with such excavation;"

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No Federal lands will be required.

9. Application of Navigation Servitude to the LERRDs Requirement

Navigation servitude is not necessary for this project.

10. Project Maps

See Exhibit A.

11. Anticipated Increased Flooding and Impacts

Based on the current information, it is not anticipated the project will result in induced flooding.

12. Cost Estimate

The Real Estate Cost Estimate below in Table 1 includes costs provided by an appraiser dated June 2018 using 2017 values.

TABLE 1. Real Estate Costs.

USACE Recommended Plan Lands and Damages rounded (01 Account) 64 parcels/43 landowners, approximately 143 acres	\$11,526,981
Incremental RE Costs rounded (30-55% contingency of lands & damages) (01 Account)	\$5,105,283
Non Federal Administrative Costs rounded (includes 5% contingency) (01 Account)	\$1,600,000
Federal Administrative Costs*** rounded (includes 5% contingency) (including crediting) (01 Account)	\$1,000,000
Total LERRDs plus Administrative Costs rounded (01 Account)	\$19,232,264
Cost Estimate for Utility/Facility Relocations rounded includes a 28% contingency (Cost provided by Engineering)	\$5.7M
Relocation Cost Contingency (27%) (02 Account) rounded	N/A
Relocation Escalation costs rounded (1.5%) (02 Account)	N/A
Total LERRDs (rounded)	\$19,643,591

13. Relocation Assistance Benefits.

The non-Federal sponsors must comply with the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601 *et seq.* (P.L. 91-646, “the Uniform Act”) and provide relocation assistance to qualifying residences and businesses within the project area that are displaced, as defined in the Uniform Act, as a consequence of USACE project implementation. No displacements will be required for this Alternative.

The sponsor has also been advised of PL 91-646 requirements to pay Fair Market Value for property as part of the acquisition necessary for the project and the requirements for documenting expenses for credit purposes.

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14. Mineral / Timber Activity.

There are no valuable minerals impacted by this project.

15. Non-Federal Sponsor's Ability to Acquire.

The Non-Federal Sponsor has provided input on the ability to acquire, see Exhibit D.

16. Zoning Anticipated in Lieu of Acquisition.

There is no zoning in lieu of acquisition planned in connection with the project.

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17. Real Estate Acquisition Schedule. **(DRAFT Ongoing pending PM & NFS coordination)**

REAL ESTATE ACQUISITION SCHEDULE				
Project Name: Corte Madera FRM	USACE Start	USACE Finish	NFS Start	NFS Finish
Receipt of preliminary drawings from Engineering/PM (Conceptual, 10%, 30% Designs)			N/A	N/A
Receipt of final drawings from Engineering/PM (60% & 100% Designs)			N/A	N/A
Execution of PPA			N/A	N/A
Formal transmittal of final drawings & instruction to acquire LERRDS ("Take Letter")			N/A	N/A
Conduct landowner meetings (if applicable, NFS responsibility)	N/A	N/A		
Prepare/review mapping & legal descriptions	N/A	N/A		
Obtain/review title evidence	N/A	N/A		
Obtain/review tract appraisals	N/A	N/A		
Prepare ROW Documents	N/A	N/A		
Conduct negotiations	N/A	N/A		
Perform closing	N/A	N/A		
Certify all necessary LERRDS are available for construction (
Prepare and submit credit requests (3 months)				
Review/approve or deny credit requests (3 months)				
Establish value for creditable LERRDS in F&A cost accounting system				

COE – Corps of Engineers
 NFS – Non-Federal Sponsor
 *Pending Section 221 MOU for in-kind services approval between NFS and USACE

18. Description of Facility and Utility Relocations.

For cost-shared projects, the MCFCWCD has the responsibility to perform or assure the performance of relocations. The term "relocation" as defined in applicable law and regulations, generally means providing a functionally equivalent facility to the owner of an existing utility, cemetery, highway, or other eligible public facility, and railroad (excluding existing railroad bridges and approaches thereto) when such action is authorized in accordance with applicable legal principles of just compensation. Providing a functionally equivalent facility may take the form of alteration, lowering, raising, protecting in place or replacement (and attendant removal) of the affected facility or part thereof. Project features that require lands on railroad property may cause potential delays in acquisition based on recent current events on other USACE projects.

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Consistent with requirements of Real Estate Policy Guidance Letter No. 31 – Real Estate Support to Civil Works Planning Paradigm (3x3x3) the preparation of a real estate assessment is appropriate for this feasibility study because the estimated total cost to modify all project utility/facility relocations identified in Exhibit B, Utility/Facility Inventory (including the value of any additional lands that may be required for perform the relocations) do not exceed 30 percent of estimated total project costs. The utility relocations are estimated at \$5.7M.

The real estate assessment discussed herein is based upon the following assumptions to assist in preliminarily analyzing and determining compensability for planning and budgeting purposes during the feasibility phase:

If an impacted utility/facility is likely supported by a permit that has been issued to the utility/facility owner by the underlying property owner, and the terms of the permit include conditional language stating the utility/facility owner must relocate the impacted utility/facility at its own expense at request of the underlying fee or easement owner, the relocation was categorized as a non-compensable relocation, the costs of which are borne by the utility/facility owner and/or the non-Federal sponsor, and not included in the total project cost estimate.

If the owner of the impacted utility/facility likely has an easement or real property interest in the underlying land, and the utility/facility so impacted preliminarily appears to meet the criteria for the provision of a substitute and/or replacement facility under the substitute facilities doctrine, the relocation was categorized as a compensable relocation, the costs of which are borne by the non-Federal sponsor and included in the total project cost estimate.

The proposed relocation of the PG&E's gas and electrical line, Marin Municipal Water District's water line, AT&T's cable line, Comcast's cable line, Ross Valley Sanitary District's sewer line, and a storm drain that drains into the creek are utilities preliminarily assumed to be compensable since the utility/facility owners likely have a compensable interest in the underlying land; however, for feasibility purposes, it is presently assumed that compensation will take the form of the provision of a substitute facility, the cost of which will be borne by the non-Federal sponsor and is included in the total project cost estimate.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD'S 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.

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19. STATEMENT NON-FEDERAL SPONSOR NOTIFICATION

The non-Federal sponsors were notified in writing about the risks associated with acquiring land for the proposed project on September 2018, see Exhibit C.

20. Hazardous, Toxic, and Radiological Waste (HTRW).

There are no HTRW conditions that could impact construction activities have been identified within the project.

21. Attitude of Landowners.

The MCFCWCD has been actively engaging landowners to implement the project. Although our project meets project objectives to reduce flood risk management, a substantial amount of the lands required for the TSP is located on private and public properties. Based on the PDT's stakeholder engagement activities, it is clear the property owners most impacted by the project footprint have concerns about various measures and it is likely that any alternative that requires floodwalls will meet opposition the community.

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EXHIBIT A
PROJECT MAPS

DRAFT

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EXHIBIT B
UTILITY/FACILITY INVENTORY

DRAFT

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EXHIBIT C
NFS Notification of Risks prior to notification & P.L. 91-646

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EXHIBIT D
ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
Corte Madera Creek Flood Risk Management GRR

I. Legal Authority:

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes. The Marin County Flood Control and Water Conservation District's (District) right to acquire and hold property is found in California Water Code Appendix Chapter 68-5.

b. Does the sponsor have the power of eminent domain for this project?

Yes. As a public agency, the District, derives its power of eminent domain from California Water Code Appendix Chapter 68-5 Subsections 4 & 13.

c. Does the sponsor have "quick-take" authority for this project?

Yes, the District has the right under California eminent domain law to obtain an "Order of Immediate Possession" (quick-take) from California Code of Civil Procedure Section 1255.410, et seq.

d. Are any of the lands/interests in land required for the project located outside of the sponsor's political boundary?

No, all of the property rights to be acquired are located within the District's political boundary.

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

No, all property rights identified for the project are vested in private and public entities.

II. Human Resource Requirements:

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including PL 91-646, as amended?

No, District staff is familiar with Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act".

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

N/A

Corte Madera Creek Flood Risk Management General Reevaluation Study Real Estate Plan

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

Yes, District staff has sufficient real estate experience.

d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

Yes. In addition to District staff, the District has developed a list of qualified real estate appraisal consultants to provide additional support as necessary.

e. Can the sponsor obtain contractor support, if required, in a timely fashion

Yes, as stated in the previous question, the District has developed a list of qualified consultants for appraisal services.

f. Will the sponsor likely request USACE assistance in acquiring real estate?

No

III. Other Project Variables:

a. Will the sponsor's staff be located within reasonable proximity to the project site?

Yes. District's office is located 6 miles from Corte Madera Creek.

b. Has the sponsor approved the project/real estate schedule/milestones?

The sponsors are aware of the schedule. RE schedule/milestones have estimated durations and subject to change.

IV. Overall Assessment:

a. Has the sponsor performed satisfactorily on other USACE projects?

Yes.

*Corte Madera Creek Flood Risk Management General Reevaluation Study
Real Estate Plan*

b. With regard to this project, the sponsor is anticipated to be: (Capable – Highly Capable – Not capable, etc.)

The sponsor is anticipated to be Highly Capable.

V. Coordination:

a. Has this assessment been coordinated with the sponsor?

Assessment completed by Sponsor.

b. Does the sponsor concur with this assessment?

Yes

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