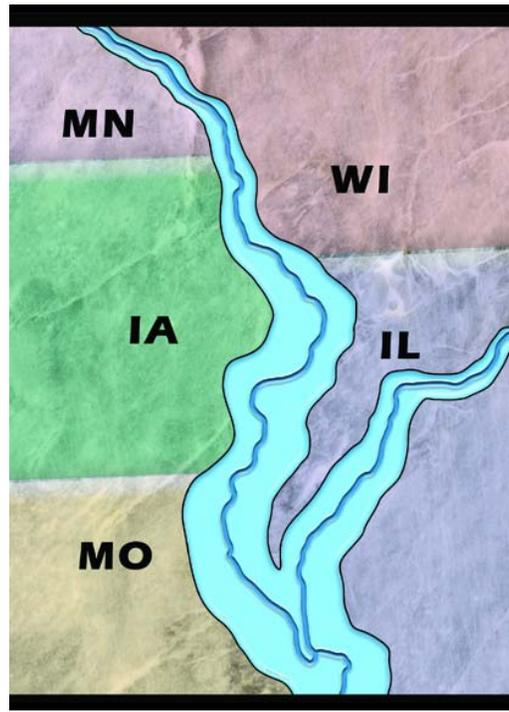


**UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN  
FOR SYSTEMIC FLOOD DAMAGE REDUCTION AND  
ASSOCIATED ENVIRONMENTAL SUSTAINABILITY**

**Draft**



**APPENDIX G**

**REAL ESTATE**

**Prepared by the  
U.S. Army Corps of Engineers  
Rock Island, St. Louis, and St. Paul Districts  
May 2006**



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**APPENDIX G**

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**APPENDIX G**

**REAL ESTATE**

**I. OVERVIEW**

This real estate summary is included as a technical appendix to support the real estate aspects of the Upper Mississippi River Comprehensive Plan (UMRCP) Report. This summary is to be considered tentative in nature and for planning purposes only. Several assumptions were made for report purposes in regards to project limits (lines on the ground) and ownership determination. Both property acquisition lines and cost estimates are subject to change. There have not been any property data searches nor any detailed real estate mapping performed.

Baseline Cost Estimates have been completed for all of the proposed alternatives for each respective Reach. The cost estimates provided are not based on an in-depth analysis of the real property market. A field inspection was not conducted for any of the property involved. Assumptions were made on the highest and best use of the property involved based on past knowledge and information provided. No improvements were specifically identified or considered. Contingencies were included in the cost estimates for allowances such as increases in land value, changes in estates, undefined project limits, unknown improvements, and other unknown facts. The cost estimates will be used to develop a concept level estimate for all of the proposed sites.

Government-owned or privately-owned lands were not specifically mapped out or identified for any of the proposed project alternatives. The appraiser made assumptions on the possible boundaries of the proposed project lands. The Real Estate Divisions of the St. Louis, St. Paul, and Rock Island Districts were asked to provide this information based on latest known communications. It is assumed that future projects that would develop upon approval of the UMRCP would allow Real Estate to adequately provide more detailed and accurate information.

Project sponsors have not yet been identified for this project. Upon approval of the UMRCP, the sponsors and required lands will be more clearly identified in future planning documents, as required.

Depending upon a proposed project footprint that would evolve out of the UMRCP, previous Federal projects may be considered to be lying within the boundaries of the proposed footprint. Implementation of the UMRCP would entail the participation of various federal and non-federal drainage and levee districts, as well as various flood protection levee systems. It is possible that privately-owned lands would also be necessary for the individual projects. As future planning takes place and specific projects are developed, the non-federal and federal sponsorship would be identified. Upon approval of the UMRCP, these lands would be identified and addressed in more detail in individual Real Estate Plans.

## II. PROJECT LOCATION AND DESCRIPTION OF THE LANDS, EASEMENTS, RIGHTS-OF-WAY, RELOCATIONS AND DISPOSAL AREAS (LERRD) REQUIRED FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PROJECT

The project location consists of an area within the St. Paul, St. Louis and Rock Island Districts. It includes portions of Minnesota, Wisconsin, Iowa, Illinois and Missouri, beginning north from Anoka, Minnesota and continuing south to Thebes, Illinois. More specifically, it is defined as the segment or reach of the Mississippi River from St. Paul Minnesota to Lock and Dam 13 (REACH I); from Lock and Dam 13 to Lock and Dam 19 (REACH II); from Lock and Dam 19 to Cairo, IL (confluence with the Missouri River) (REACH III); and approximately 160 miles of the lower Illinois River (REACH IV). For a detailed project description of the proposed alternatives please refer to the main body of this report.

It is assumed that the standard estates required for the proposed project Rights-of-Way (ROW) would consist of a Permanent Levee Easement and a Temporary Work Area Easement for construction (having a term of two years). At this time, no non-standard estates are deemed to be necessary.

## III. BASELINE COST ESTIMATE

The real estate components addressed in this appendix are broken out and identified by each proposed alternative (Plans A, B, D, and E) within each respective Reach and are as follows:

### PLAN A: Confined - 500-Year Urban and Agricultural Protection

Reach	Landside Permanent Levee Easement (acres)	50' Landside Temporary Construction Easement (acres)	Real Estate Costs (Includes Acquisition Expenses and Contingencies)
I	32	67	\$ 60,295,000
II	782	794	\$ 49,942,500
III	9,601	3,526	\$ 69,904,875
IV	3,303	1,583	\$ 28,861,501
<b>TOTAL</b>	<b>13,718</b>	<b>5,970</b>	<b>\$209,003,876</b>

### PLAN B: Unconfined 500-Year Urban and Agricultural Protection

Reach	Landside Permanent Levee Easement (acres)	50' Landside Temporary Construction Easement (acres)	Real Estate Costs (Includes Acquisition Expenses and Contingencies)
I	43	67	\$60,355,000
II	879	866	\$ 56,596,500
III	3,008	1,850	\$ 45,942,600
IV	2,906	1,681	\$ 35,469,590
<b>TOTAL</b>	<b>6,836</b>	<b>4,464</b>	<b>\$ 198,363,600</b>



### **FLOOD PROTECTION LEVEE EASEMENT**

A perpetual and assignable right and easement in (the land described in Schedule A) (Tract Nos.\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, to construct, maintain, repair, operate, patrol and replace a flood protection levee, 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 easement for public roads and highways, public utilities, railroads, and pipelines. 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;"

### **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, excavated material 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.

## **IV. OTHER REAL ESTATE ISSUES RELEVANT TO THE PROJECT**

Where a project footprint would fall within the purview of the navigational servitude, a real estate interest is not required for the United States to implement a project. The geographic area over which the navigation servitude can be applied would require surveys to be conducted on each individually planned project in order to determine where the actual servitude lies. Therefore, the cost estimates provided in this summary do not include the affect of the navigation servitude as such surveys have not yet been conducted. Surveys would be required for each project that would be developed from the UMCRRP, as necessary.

The project sponsors would be responsible for a percentage of the cost of construction of any project carried out. This would include the acquisition of all lands, easements, rights-of-way, relocations, and disposal areas (LERRD) required for the construction, operation, and maintenance of the project. The project sponsors would enter into a Project Cooperation Agreement prior to initiation of land acquisition.

It is anticipated that little or no induced flooding would result from the implementation of any project that would be developed from the UMRCP.

The Relocation Assistance program mandated by Public Law 91-646 would be utilized in the event that any person would be displaced from their home, business, or farm. Relocation benefit costs are separate and in addition to the acquisition payments of real property. Relocation benefits would be reviewed during the study phase for each respective project that may be implemented from the UMRCP.

Project lands would typically be located on flood prone land that is unimproved. It is anticipated that implemented projects that would affect improved lands would not involve a significant number of displacements.

Any known facility or utility relocations would be addressed within each Real Estate Plan for each respective project. A Preliminary and Final Attorneys Opinion of Compensability would be prepared in the event of any facility or utility relocations.

Real Estate Plans developed upon implementation of each respective project would fully discuss and consider the need for or extent of acquisition and/or reservation of mineral interests and timber harvesting.

The UMRCP report is not seeking implementation authority for any specific project at this time. Therefore, no non-Federal or Federal sponsors have been identified for any particular project. As individual projects are submitted for approval, an assessment of sponsor capabilities would be made. Proposed sponsors would be reviewed for their legal and professional capability to acquire the required LERRD.

As required, each respective Real Estate Plan would provide a schedule of land acquisition milestones.

Environmental site assessments would take place prior to the implementation of each respective project and any environmental conditions or contamination issues would be addressed.

In accordance with current laws and regulations, a project sponsor is allowed to receive credit toward its share of project costs for the value of the LERRD provided for project purposes. Environmental management strategies proposed by the UMRCP consist of conservation easements and buyouts. Most conservation programs entail partnerships with others, to include federal agencies, state agencies, or non-governmental offices. The management by many different agencies contributes to the complexity of conservation type programs. A conservation easement can involve landowners conveying a portion of their fee-owned land into a term or permanent easement with a Federal agency and/or a State agency. The landowner is provided a monetary benefit for the purchase of a real estate interest in the form of a conservation easement that allows the use of the specified property for the purpose of fish and wildlife management. Any subsequent action to acquire a real estate interest for

construction of an ecosystem restoration system would require review of the existing easement rights in order to determine if additional rights are available to support the USACE project.

The required estate for fish and wildlife mitigation lands, ecosystem restoration and other environmental purposes is generally fee simple title. The value of proposed project lands encumbered with a pre-existing conservation easement may be affected. In the event that the LERRD required by a proposed project is encumbered with a conservation easement estate, the critical “bundle of sticks” of ownership may not be available to convey to the USACE, such as the right to construct, overflow and inundate the land, etc. In the event that additional rights are available to support the USACE project, beyond the rights already within federal ownership, a LERRD credit may be allowed for those “additional” rights.

Proposed project lands that may already constitute federal involvement will require extensive research and coordination in order to allow USACE involvement (with regard to the property rights required to construct the USACE portion of the project). Each respective project implemented as a result of the UMRCP would be addressed individually, on a case-by-case basis. Where a measurable property right would be apparent, a LERRD credit would be estimated and applied.