

**US Army Corps
of Engineers**

REAL ESTATE PLAN

Waco Regional Treatment Plant –Stream Bank Repair

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Prepared By: Anthony Mendolia

Realty Specialist/Appraiser Trainee
US Army Corps of Engineers
Fort Worth District
819 Taylor Street
Fort Worth, TX 76102

This Real Estate Plan has been prepared in accordance with ER 405-1-12 dated 1 May 1998.

PREPARED BY:

Anthony Mendolia

Anthony Mendolia
Realty Specialist
Fort Worth District, Corps of Engineers

RECOMMENDED BY:

Emily Cecil

Emily Cecil
Branch Chief, Planning and Appraisal Branch
Fort Worth District, Corps of Engineers

APPROVED BY:

Rocky D. Lee
Chief, Real Estate Division
Fort Worth District, Corps of Engineers

PURPOSE

This Real Estate Plan (REP) identifies and describes the Lands, Easements, Rights-of-way, Relocations and Disposal areas (LERRD) required for the construction, operation and maintenance of the bank erosion repair feasibility study proposed along the Brazos River bank in the area adjacent to the Waco Regional Treatment Plant, including those required for mitigation of adverse impacts to fish and wildlife habitats, relocations of utilities and facilities, and disposal of excess excavated material. It also includes an estimate of LERRD value, costs for relocations of persons and businesses, together with the estimated administrative and incidental costs attributable to providing project LERRD. Finally it outlines the proposed acquisition process with roles, responsibilities and schedules for the acquisition, the types of ownerships, and the non-Federal sponsor's ability to acquire LERRD that is required to support project implementation. The non-Federal sponsor is the city of Waco, Texas.

Studies on Waco Regional Treatment Plant Embankment were authorized under the authority of Section 14 of the Flood Control Act of 1946; Public Law (PL) 79-526 as amended. Under this authority, USACE is authorized to plan, design, and construct small scale projects. The project is limited to a federal cost of not more than \$5 million, including all project-related costs for feasibility studies, planning, engineering, design, and construction.

DESCRIPTION OF LANDS, EASEMENTS AND RIGHTS OF WAY (LERRD)

The Waco Regional Treatment Plan embankment is a small portion of the Brazos River. The Brazos proper begins at the confluence of the Salt Fork and Double Mountain Fork, two tributaries of the Upper Brazos that rise on the high plains of the Llano Estacado, flowing 840 miles southeast through the center of Texas. Another major tributary of the Upper Brazos is the Clear Fork Brazos River, which passes by Abilene and joins the main river near Graham. Important tributaries of the Lower Brazos include the Paluxy River, the Bosque River, the Little River, Yegua Creek, the Nolan River, the Leon River, the San Gabriel River, the Lampasas River, and the Navasota River. Initially running east towards Dallas-Fort Worth, the Brazos turns south, passing through Waco and the Baylor University campus, further south to near Calvert, Texas then past Bryan and College Station, then through Richmond, Texas in Fort Bend County, and empties into the Gulf of Mexico in the marshes just south of Freeport. The main stem of the Brazos is dammed in three places, all north of Waco, forming Possum Kingdom Lake, Lake Granbury, and Lake Whitney.

The feasibility study is the first phase of the two-phased U.S. Army Corps of Engineers planning process. The purpose of the Study is to evaluate all reasonable solutions for the bank erosion identified by the Non Federal Sponsor within the study footprint. The Feasibility Report (Report) will provide the basis for the project construction decision.

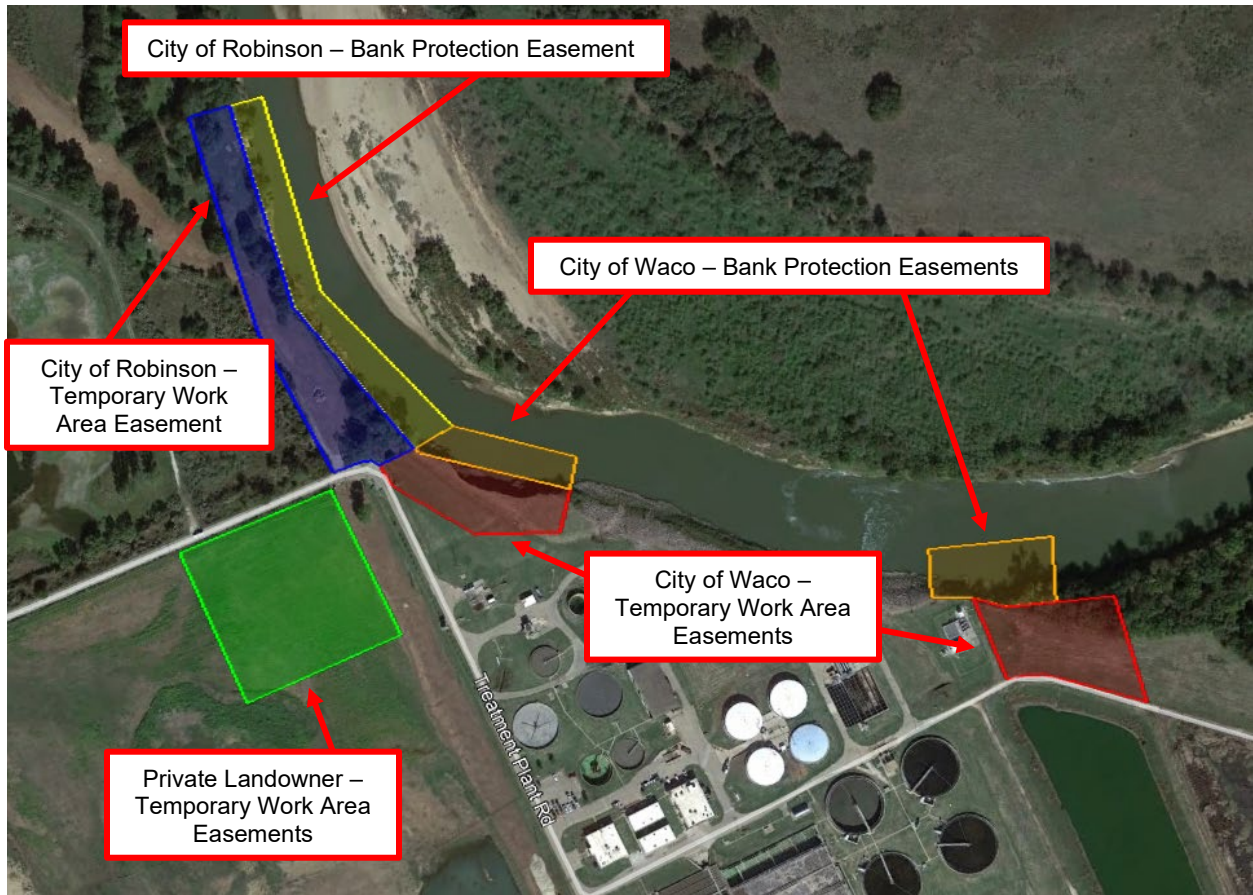
In addition to a Non Action Alternative, which serves as the baseline for evaluating alternatives, the Study will consider the following structural measures:

- Longitudinal Peaked Stone Dike and Tie Back
- Stone Riprap Toe Protection
- Longitudinal Peaked Stone Toe Protection with Bendway Weirs

The three alternatives being evaluated for this study all encompass the same real estate footprint. Not all of the project footprint falls within lands already owned by the Non-Federal Sponsor, City of Waco. The project will require the acquisition of a bank protection easement and temporary work area easement from the City of Robinson. The City of Robinson is onboard with the project as their water intake structure is just upstream from the stream bank erosion issue. The City of Robinson has agreed to donate the required real property interest needs for the project. The City of Waco is coordinating with the private landowner to acquire the additional temporary work area easement needed for the stock piling of material and equipment storage. USACE Realty Specialist, Anthony Mendolia, has spoken to Brazos River Authority Real Estate regarding the project footprint within the Brazos River. The Brazos River Authority real estate staff indicated that they do not own the real property area from bank to bank. The City of Waco will need to coordinate with the General Land Office of Texas to obtain the bank protection easements within the Brazos River. All the project LERRD is within the 100-year floodplain. As such, all of the project areas are vacant, floodplain, open space properties. The following table quantifies the LERRD requirements for the Waco Treatment Plant Stream Bank Repair Project. LERRD crediting will be applied for all project identified real estate needs.

TABLE 1 LANDS, EASEMENTS AND RIGHTS OF WAY REQUIRED WACO TREATMENT PLANT STREAM BANK REPAIR PROJECT		
ESTATE	ACRES	TRACTS
Waco Treatment Plant Area 1		
Bank Protection Easement	0.63	1
Waco Treatment Plant Area 2		
Bank Protection Easement	0.95	1
Waco Treatment Plant Area 3		
Temporary Work Area Easement	1.24	1
Waco Treatment Plant Area 4		
Temporary Work Area Easement	1.47	1
City of Robinson Area 1		
Bank Protection Easement	1.77	1
City of Robinson Area 2		
Temporary Work Area Easement	2.57	1
Private Landowner Area		
Temporary Work Area Easement	3.5	1
Grand Total	12.13	7

Figure 1



General locations of the proposed project features.

Figure 2



Waco Waste Water Treatment Plant Aerial taken in the early to mid-1990s.

Figure 3



Looking upstream from the Waco Waste Water Treatment Plant, shows the embankment damage as of February 20, 2020.

PROJECT IMPACTS OUTSIDE THE PROJECT AREA

The project is not expected to cause any impacts outside of the project area.

ESTATES

There are no non-standard estates proposed. The following estates will be utilized:

Bank Protection Easement

A perpetual and assignable easement and right-of-way in, on, over and across the land hereinafter described for the location, construction, operation, maintenance, alteration, repair, rehabilitation and replacement of a bank protection works, and for the placement of stone, riprap and other materials for the protection of the bank against erosion; together with the continuing right to

trim, cut, fell, remove and dispose therefrom all trees, underbrush, obstructions, and other vegetation; and to remove and dispose of structures or obstructions within the limits of the right-of-way; and to place thereon dredged, excavated or other fill material, to shape and grade said land to desired slopes and contour, and to prevent erosion by structural and vegetative methods and to do any other work necessary and incident to the project; together with the right of ingress and egress for such work; 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.

Temporary Work Area Easement

A temporary easement and right-of-way in, on, over, and across (the land described in Schedule A) (Tract Nos. __, __, and __), for a period not to exceed _____, beginning with date possession of 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, 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.

EXISTING FEDERAL INTERESTS

There is no Federally-owned land included within the LERRD required for the project and there is no existing Federal flood control project involved. There is no navigational servitude within the project LERRD.

BASELINE COST ESTIMATE FOR REAL ESTATE

Property values included in the cost estimate are based on a McLennan County Appraisal District Data. All land values were predicated on the assumption that the lands are free of hazardous, toxic or radiological wastes. Contingencies have been added to the cost estimate as follows:

01.23.03.01. Real Estate Planning Documents, 10%, based on reasonable certainty of these start-up costs.

01.23.03.02. Real Estate Acquisition Documents, 10%, based on experience from past projects.

01.23.03.03. Real Estate Condemnation Documents, 25%, no known condemnation needs currently.

01.23.03.05. Real Estate Appraisal Documents, 15%, based on the potential need for multiple appraisals on some tracts.

01.23.03.06. Real Estate PL 91-646 Asst. Documents, 10%, based on reasonable certainty of the costs associated with processing relocation benefits.

01.23.03.15. Real Estate Payment Documents, 20% contingency, based on the cost estimate being calculated on Appraisal District Data.

01.23.03.17. Real Estate LERRD Crediting Documents, 20%, based on potential requirement for substantial coordination with the sponsor on crediting.

Costs are presented in Table 2. Estimates are presented in the standard Code of Accounts from the MCACES Models Database, October 1994.

TABLE 2						
Real Estate Cost Estimates						
Project: Waco Emergency Embankment Repair						
Location: Waco, Texas						
ACCOUNT	DESCRIPTION	LERRD	CONT.		NON-LERRD	CONT.
1	Land & Damages					
1.23	Construction Contracts Documents					
01.23.03	Real Estate Analysis Documents					
01.23.03.01	Real Estate Planning Documents					
	Planning by Government				\$9,000	\$2,250
	Review of Non Federal Sponsor				\$0	\$0
01.23.03.02	Real Estate Acquisition Documents					
	Acquisitions by Sponsor	\$9,000	\$900			
	Review of Sponsor				\$2,500	\$250
01.23.03.03	Real Estate Condemnation Documents					
	Condemnation by Sponsor	\$0	\$0			
	Review of Sponsor				\$0	\$0
01.23.03.05	Real Estate Appraisal Documents					
	Appraisal by Sponsor	\$22,000	\$3,300			
	Review of Sponsor				\$3,500	\$525
01.23.03.06	Real Estate PL 91-646 Asst Documents					
	PL 91-646 Asst by Sponsor	\$0	\$0			
	Review of Sponsor				\$0	\$0
01.23.03.13	Real Estate Facility/Utility Relocation					
	Payment by Sponsor	\$0	\$0			
	Review of Sponsor				\$0	\$0
01.23.03.15	Real Estate Payment Documents					
	Payment by Sponsor(LERRD)	\$53,578	\$10,716			
	Payment by Sponsor (PL 91-646)	\$0	\$0			
	Review of Sponsor				\$3,500	\$700
01.23.03.17	Real Estate LERRD Credit Documents	\$2,500	\$500		\$3,500	\$700
	Total Admin & payment	\$87,078			\$22,000	
	Total contingencies		\$15,416			\$4,425
	Total LERRD + Contingencies	\$102,494				
	PROJECT GRAND TOTAL				\$128,919	

RELOCATON ASSISTANCE UNDER THE UNIFORM ACT

The City of Waco and City of Robinson owns a majority of the project lands. The City of Waco, the non-federal sponsor, is working in conjunction with the city of Robinson. Therefore, no relocation assistance will be provided for this project.

MINERALS AND TIMBER

An initial review of the Texas Railroad Commission's GIS Viewer of oil and gas wells in McLennan County did not reveal any activity, abandoned or permitted well locations within the proposed project footprint.

A preliminary analysis by the Fort Worth District Forester indicates that some merchantable timber may be located on the subject properties, but not of sufficient quantity to be economically harvested.

NON-FEDERAL SPONSOR'S CAPABILITY

The City of Waco is considered to be capable of accomplishing the required real estate tasks associated with this project. A capability assessment checklist has been drafted and is included at the end of this REP. The city has been advised of the Uniform Act requirements and the requirements for documenting expenses for credit purposes. It is not anticipated that the Corps of Engineers will be requested to perform any LERRD acquisition unless eminent domain involving an entity such as a railroad company proves necessary.

ZONING

No zoning ordinances are proposed in lieu of, or to facilitate, acquisition in connection with the project.

REAL ESTATE MILESTONE SCHEDULE

The project will be sequenced and to the extent these various segments are accomplished through separate contracts, the real estate acquisition can be sequenced, as well. As the project schedule and contracting strategy is more fully developed the acquisition schedule will likewise be formulated in coordination with the sponsor. Since an anticipated Project Partnership Agreement Execution Date has not been determined, the below schedule Day 1 will be the date the design has reached 65% after the PPA has been signed.

- | | |
|---------------------------------|---|
| • Transmittal of ROW drawings | 30 days after PPA signed |
| • Obtain title evidence | 60 days after transmittal of ROW drawings |
| • Obtain appraisals & review | 45 days after obtaining title evidence |
| • Start negotiations | 30 days after obtaining appraisals & review |
| • Conclude negotiations | 90 days after start of negotiations |
| • Conclude closings | 45 days after concluding negotiations |
| • Conclude condemnations | 180 days after condemnation process started |
| • Certify availability of LERRD | 20 days after condemnations concluded |
| • Review LERRD credit request | 10 days after receiving LERRD certification |
| • Approve LERRD credit | 45 days after receiving all LERRD documentation |

UTILITY AND FACILITY RELOCATIONS

The Civil Design Appendix should be referenced, regarding all roads or utility relocations. No facility or utility relocations are anticipated; however, 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 the Final Attorney's Opinions of Compensability for each of the impacted utilities and facilities. Cost estimates for the relocation of water lines, sanitary lines, gas lines, telephone lines, and electric lines can be found in the Cost/Spec Analysis Appendix. There does not appear to be any relocation of utility and facilities at this time.

HAZARDOUS, TOXIC AND RADIOLOGICAL WASTE (HTRW)

Feasibility level HTRW evaluation for River Road, report was completed following the rules and guidance of ER 1165-2-132: *HTRW Guidance for Civil Works Projects*, and ASTM E1527-13: *Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process*. No sites were found that had recognized environmental conditions. Refer to HTRW Appendix for the full report.

PROPERTY OWNER ATTITUDES

No opposition to the project has been raised during public meetings.

OTHER REAL ESTATE ISSUES

No other real estate issues known at this time.

APPENDIX A

ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY WACO REGIONAL TREATMENT PLANT – STREAM BANK REPAIR PROJECT

NON-FEDERAL SPONSOR: CITY OF WACO, WACO, TEXAS

I. Legal Authority:

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

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

c. Does the sponsor have “quick-take” authority for this project? There is no “quick-take” authority under Texas law, however, possession of property can be obtained without undue delay.

d. Are any of the lands/interests in land required for the project located outside the sponsor’s political boundary? Yes, however the sponsor has authority to acquire and hold title outside its city limits.

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? No

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 the Uniform Act? No

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

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

d. Is the sponsor’s projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? The sponsor has designated enough personnel to handle the sponsor’s workload for this project.

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

f. Will the sponsor likely request USACE assistance in acquiring real estate? No.
Sponsor personnel is fully capable and experienced for the purposes of the project requirements.

III. Other Project Variables:

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

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

IV. Overall Assessment:

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

b. With regard to this project, the sponsor is anticipated to be: Capable

V. Coordination:

a. Has this assessment been coordinated with the sponsor? Yes

b. Does the sponsor concur with this assessment? Yes

Prepared by:

Anthony Mendolia

Anthony Mendolia
Realty Specialist
Fort Worth District

Reviewed and approved by:

Rocky D. Lee
Chief, Real Estate Division
Fort Worth District