

**US Army Corps
of Engineers**

REAL ESTATE PLAN

River Road Aquatic Ecosystem Restoration Project

Date of Report: April 8, 2021

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

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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 aquatic ecosystem restoration feasibility study improvements proposed for River Road portion of the San Antonio River, 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 San Antonio River Authority (SARA), San Antonio, Texas.

Studies on River Road aquatic ecosystem restoration were authorized under the authority of Section 206 of the Water Resources Development Act of 1996, as amended (335 U.S. Code 2011). Under this authority, USACE is authorized to develop aquatic ecosystem restoration projects that improve the quality of the environment.

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

River Road is a small portion of the San Antonio River. The San Antonio River is a major waterway that originates in central Texas in a cluster of springs in midtown San Antonio, about 4 miles north of downtown, and follows a roughly southeastern path through the state. It eventually feeds into the Guadalupe River about 10 miles from San Antonio Bay on the Gulf of Mexico. The river is 240 miles long and crosses five counties: Bexar, Goliad, Karnes, Refugio, and Wilson. Proposed project features are divided into three areas of ecosystem restoration: In-stream Modification (Scale 1A), Avenue A Modification (Scale 2A), and River Road Modification (Scale 3B). Figure 1 will show the overall project footprint as well as each proposed project area.

The In-Stream Modification (Scale 1A) includes the removal of low water crossings (LWC) 1, 2, and 3 and replacement of these crossings with pedestrian bridges. This modification will require five tracts of land for the project, see Figure 1 below. The removal of these structures will allow for open flow of the river, improve sediment transport, decrease erosion, and improve overall aquatic connectivity of the San Antonio River. Pool/riffle run features, such as J-hooks and cross vanes, will be placed throughout the upstream portion of the study area in predetermined locations to restore aquatic habitat for fish and invertebrate species. These are important features to the project because the habitats created by the pools, riffles, and runs improve abiotic conditions (dissolved oxygen, light, temperature, and turbidity) restoring the overall health of the riverine system. A 50-foot riparian zone will be established on both banks of the river with native herbaceous, shrub, and tree species. Riparian species will assist ecosystem restoration in several ways 1) roots of vegetation will hold in the soil and

slow down runoff, decreasing the amount of erosion and effectively decreasing the amount of sedimentation buildup within the river, 2) additional vegetation will provide shade within the river, improving the temperature, 3) increase biodiversity of insects and microorganisms near the river effectively improving foraging opportunities for aquatic and terrestrial wildlife, and 4) the natural form of vegetation provides multiple forms of cover for aquatic and terrestrial wildlife through their various features, such as roots, limbs, etc. This proposed project area will enhance the aquatic ecosystem that encompasses 15.99 acres.

The Avenue A Modification (Scale 2A), includes the road base of Avenue A to be removed and replaced with appropriate soil. This modification will require one tract of land for the project, see Figure 1 below. This modification, along with areas adjacent to Avenue A will be planted with native riparian species. This effort will assist in ecosystem restoration by filtering runoff, improving sedimentation through erosion, increasing shade, and providing diverse habitat for migratory birds and other wildlife. The proposed project area will enhance the aquatic ecosystem that encompasses 4.60 acres.

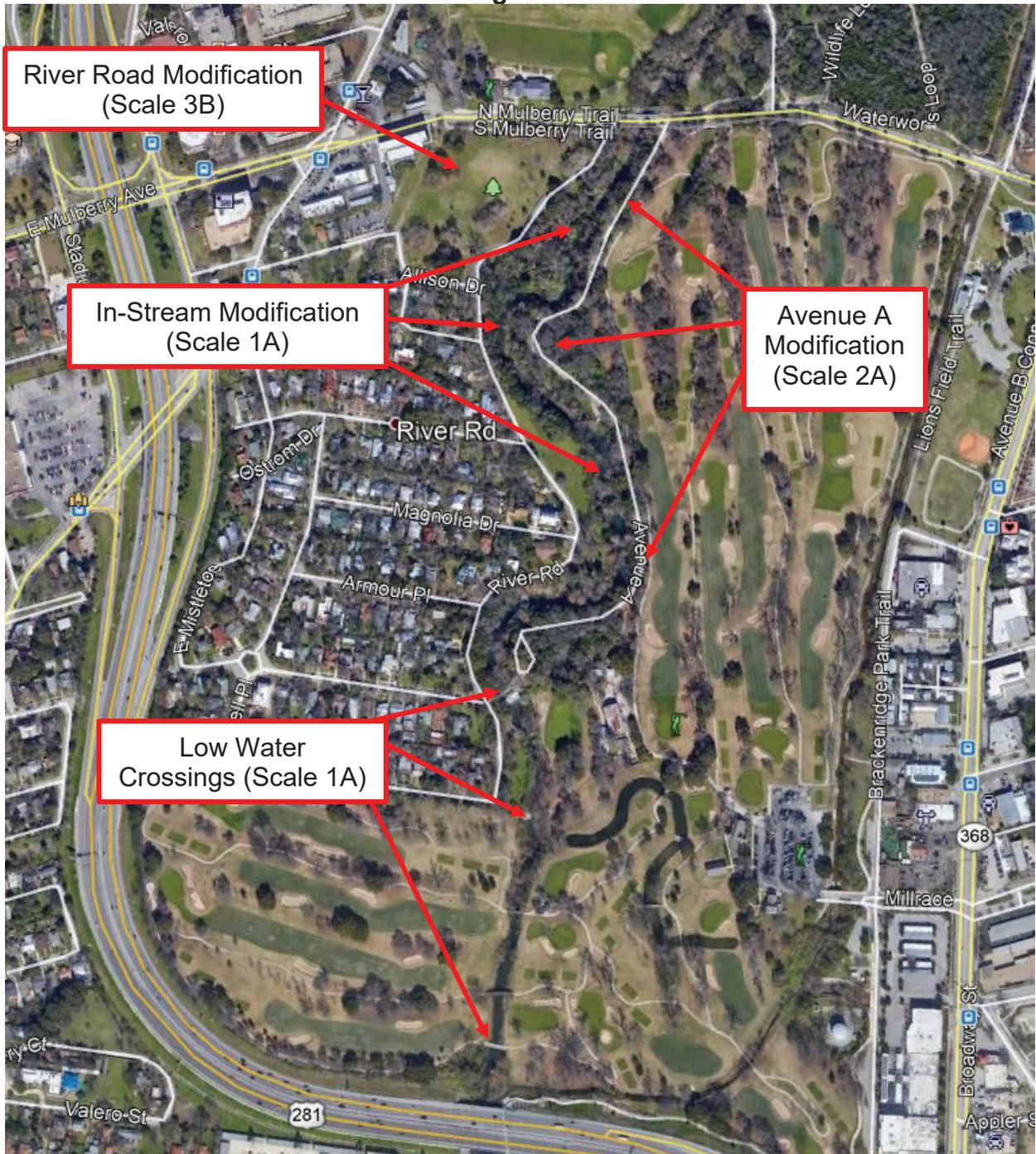
The River Road Modification (Scale 3B), will include the planting of native vegetation and conduct invasive species management within Davis Park. Davis Park is within the northwestern section of the study area, adjacent to River Road and Allison Drive. This modification will require one tract of land for the project, see Figure 1 below. It was chosen for restoration because of its proximity to the river and setting within the floodplain. Planting native riparian species will expand the riparian zone to 600 feet on the western bank of the San Antonio River for 0.15 miles, while also reducing the polluting effects of runoff coming from nearby businesses and US 281. The proposed project area will enhance the aquatic ecosystem that encompasses 4.91 acres.

River Road Aquatic Ecosystem Restoration Project focuses on increasing the diversity of habitat which will increase the diversity of wildlife including birds, amphibians, reptiles, and mammals benefiting from the restoration, improved stream connectivity, improved sediment distribution, decreased erosion impacts, improved water quality, and the ability of the project to address all of the problems associated with the study area. All of the project areas fall within lands owned by the City of San Antonio. The Non-Federal Sponsor, SARA, has coordinated with the City of San Antonio. The Assistant Manager of Park Planning with the City of San Antonio stated in email that they are committed to collaborating with the San Antonio River Authority for the purpose of restoring the San Antonio River in the River Road Reach of Brackenridge Park. The email is attached as Exhibit B. All of the project LERRD is within the 100-year floodplain. As such, all of the project areas are vacant, floodplain, open space properties. The table on the following page quantifies the LERRD requirements for the River Road Aquatic Ecosystem Restoration Project. LERRD crediting will be applied for all project identified real estate needs.

**TABLE 1
LANDS, EASEMENTS AND RIGHTS OF WAY REQUIRED
RIVER ROAD ACQUATIC ECOSYSTEM RESTORATION PROJECT**

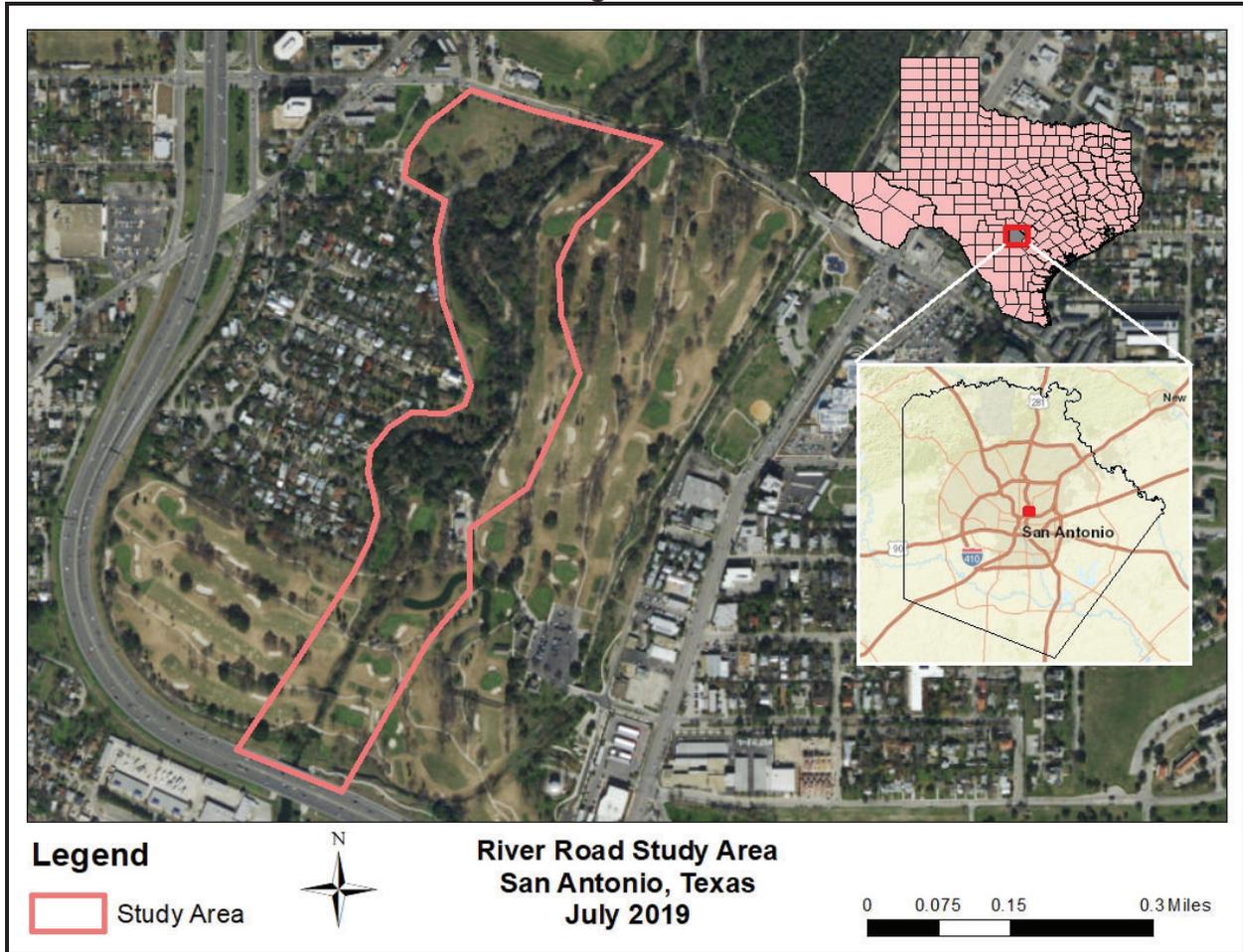
ESTATE	ACRES	TRACTS
IN-STREAM MODIFICATION (Scale 1A)		
Fee	15.99	5
AVENUE A MODIFICATION (Scale 2A)		
Fee	4.60	1
RIVER ROAD MODIFICATION (Scale 3B)		
Fee	4.91	1
Grand Total	25.50	7

Figure 1



General location of the project features represented by the red arrows.

Figure 2



Overall proposed project footprint outlined in red.

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:

Fee Excluding Minerals (With Restriction on Use of the Surface)

The fee simple title to the land, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding all (coal) (oil and gas), in and under said land and all appurtenant rights for the exploration, development, production and removal of said (coal) (oil and gas), but without the right to enter upon or over the surface of said land for the purpose of exploration, development, production and removal therefrom of said (coal) (oil and gas).

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 Bexar 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 at this time.

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.

01.23.03.13. Real Estate Facility/Utility Relocation, 20%, based on experience from past projects. (Removal/Replacement of low water crossing with light duty bridges)

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: River Road Aquatic Ecosystem Restoration						
Location: San Antonio, 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 Non Federal Sponsor				\$0	\$0
	Review of Non Federal Sponsor				\$0	\$0
01.23.03.02	Real Estate Acquisition Documents					
	Acquisitions by Sponsor	\$9,000	\$900			
	Review of Sponsor				\$4,000	\$400
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	\$27,000	\$4,050			
	Review of Sponsor				\$4,500	\$675
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	\$1,372,000	\$274,400			
	Review of Sponsor				\$6,000	\$1,500
01.23.03.15	Real Estate Payment Documents					
	Payment by Sponsor(LERRD)	\$108,180	\$21,636			
	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	\$1,518,680			\$21,500	
	Total contingencies		\$301,486			\$3,975
	Total LERRD + Contingencies	\$1,820,166				
	PROJECT GRAND TOTAL				\$1,845,641	

RELOCATON ASSISTANCE UNDER THE UNIFORM ACT

The City of San Antonio owns all of the project lands. SARA, the non-federal sponsor, is working in conjunction with the City of San Antonio. There will not be a need for relocation assistance for this project.

MINERALS AND TIMBER

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

the proposed project footprint. Furthermore, there is no known surface mineral development within the area. While there is oil & gas development within the region, there is no known development within the project area. Should there be future development of oil & gas extraction within the project area, the restriction on surface rights will still allow for extraction via directional drilling. Therefore, there is no known risk that will affect the project area.

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 San Antonio River Authority 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 San Antonio River Authority will work with the City of San Antonio for their lands required for the project purposes. San Antonio River Authority has authority for eminent domain for private lands.

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. USACE SWF Office of Counsel provided a formal opinion regarding the removal of the low water crossings and replacement with bridges. It is USACE SWF Office of Counsel's opinion that the three low water crossings proposed to be removed and replaced with bridges according to the project plans should be classified as LERRD relocation costs. 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.

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 MITCHELL LAKE ECOSYSTEM RESTORATION PROJECT

NON-FEDERAL SPONSOR: SAN ANTONIO RIVER AUTHORITY, SAN ANTONIO,
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:

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

EXHIBIT A



Legend

 Study Area



**River Road Study Area
San Antonio, Texas
July 2019**

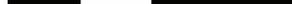
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EXHIBIT B

From: [Aarin Teague](#)
To: [Mendolia, Anthony \(Tony\) CIV USARMY CESWF \(USA\)](#); [Johnston, Andrew I CIV USARMY CESWF \(USA\)](#)
Subject: [Non-DoD Source] Fw: River Road Ecosystem Restoration
Date: Thursday, May 28, 2020 9:34:37 AM

From: Bill Pennell (Parks) <Bill.Pennell@SanAntonio.Gov>
Sent: Thursday, May 28, 2020 9:21 AM
To: Aarin Teague <ateague@sara-tx.org>
Cc: Melinda Cerda (Parks) <Melinda.Cerda@sanantonio.gov>
Subject: River Road Ecosystem Restoration

Aarin,

The City of San Antonio Parks Department is committed to collaborating with the San Antonio River Authority for the purpose of restoring the San Antonio River in the River Road Reach of Brackenridge Park. In order to make this project happen, COSA Parks is prepared to execute a joint use agreement with the River Authority, in order to allow the River Authority to administer and maintain this project. COSA Parks and SARA are exploring options, similar to what was executed for the Mission Reach Project, such as a deed without warranty, for the purpose of the River Road Ecosystem Restoration.

Thanks

Bill Pennell

Assistant Manager - Park Planning

Parks & Recreation Department

City of San Antonio

210.207.4082 / 210.207.2720(Fax)

Bill.Pennell@sanantonio.gov