

APPENDIX H

REAL ESTATE PLAN

This page intentionally left blank.

APPENDIX H

REAL ESTATE PLAN

DALLAS FLOODWAY FEASIBILITY STUDY

DATE OF REPORT

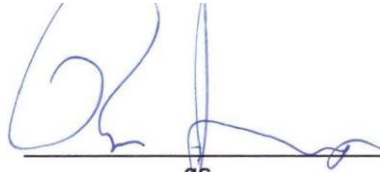
January 31, 2014

PREPARED BY

**REAL ESTATE DIVISION
U.S. ARMY CORPS OF ENGINEERS
FORT WORTH DISTRICT**

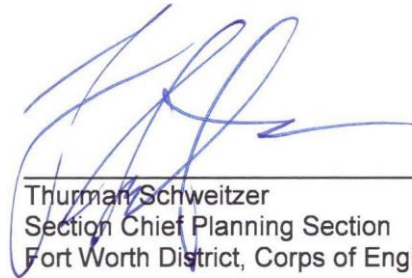
This Real Estate Plan has been prepared in accordance with ER 405-1-12 dated 1 May 1998.

PREPARED BY:

A handwritten signature in blue ink, appearing to read 'Roger Jenning', written over a horizontal line.

Roger Jenning
Chief, Planning & Appraisal Branch
Fort Worth District, Corps of Engineers

RECOMMENDED BY:

A handwritten signature in blue ink, appearing to read 'Thurman Schweitzer', written over a horizontal line.

Thurman Schweitzer
Section Chief Planning Section
Fort Worth District, Corps of Engineers

Table of Contents

1.1	PURPOSE.....	1
1.2	DALLAS FLOODWAY HISTORY	1
1.3	DESCRIPTION OF TENTATIVE SELECTED PLAN (TSP).....	1
1.4	DESCRIPTION OF RECOMMENDED PLAN.....	3
1.5	LAND, EASEMENT, AND RIGHT-OF-WAY FOR THE TSP.....	4
1.5.1	Fee.....	5
1.5.2	Non-Standard Estates.....	5
1.6	EXISTING FEDERAL PROJECT.....	5
1.7	FEDERALLY-OWNED LAND.....	5
1.8	NAVIGATIONAL SERVITUDE.....	5
1.9	PROJECT AREA	5
1.10	FLOODING OF PROJECT AREA	6
1.11	RELOCATION ASSISTANCE PROGRAM PUBLIC LAW 91-646.....	6
1.12	FACILITY OR UTILITY RELOCATIONS	6
1.13	BASELINE COST ESTIMATE.....	7
1.14	MINERAL AND TIMBER ACTIVITY	11
1.15	NON-FEDERAL SPONSOR’S CAPABILITY TO ACQUIRE LERRD	11
1.16	ZONING ORDINANCES	11
1.17	MILESTONES FOR REAL ESTATE ACQUISITION.....	11
1.18	CONTAMINANTS ON REAL ESTATE ACQUISITIONS.....	12
1.19	OPPOSITION BY LANDOWNERS IN PROJECT AREA.....	12
1.20	OTHER REAL ESTATE ISSUES	12

List of Tables

1	BVP and IDP Features and the WRDA Project – TSP	2
2	Lands, Easements, And Rights Of Way Dallas Floodway Levee System City of Dallas’ Interior Drainage Plan Properties.....	5
3	West Levee Interior Drainage Plan (Ineligible for LERRDs).....	8
4	East Levee Interior Drainage Plan (Eligible For LEERDS)	9
5	Combined East Levee Interior Drainage Plan And Utility Relocations (Eligible for LERRDS).....	10
6	Real Estate Milestone Schedule For Dallas Floodway Feasibility Study Flood Risk Management.....	12

This page intentionally left blank

1.1 PURPOSE

This Real Estate Plan has been prepared in support of the feasibility study that describes the lands, easements, rights-of-way, relocation, and disposal material areas (LERRDs) required for the Dallas Floodway Feasibility Study in Dallas County, Dallas, Texas. This plan refers to all the lands needed for the construction, operation and maintenance of the National Economic Development (NED) Flood Risk Management (FRM), the Balanced Vision Plan (BVP) and the Interior Drainage Plan (IDP) referred to as the “Water Resources Development Act (WRDA) 2007” authorized project. Construction of this plan would occur over an approximately 10-year period, beginning in 2015. The WRDA project is a subset of the overall City of Dallas’ BVP and IDP. It includes the pump station and sump improvements part of the East Levee IDP, the NED Plan, side slope flattening, and a subset of the features described in the BVP. In order to construct the project efficiently and to be technically sound, appropriate project phasing is imperative. The Dallas Floodway Levee System is owned by the City of Dallas. The City of Dallas is the non-Federal sponsor and is responsible for acquiring all the LERRDs impacted by the WRDA 2007 authorized project.

1.2 DALLAS FLOODWAY HISTORY

Dallas Floodway is located in the City of Dallas along the Trinity River, upstream from the abandoned Atchison, Topeka and Santa Fe (AT&SF) Railroad Bridge to the confluence of the West Fork and Elm Fork Levee split. The levee splits upstream along the West Fork for approximately 2.2 miles, and upstream about 4 miles along the Elm Fork. Of the 22.6 miles of levees, the East Levee is 11.7 miles in length and the West Levee is 10.9 miles in length. Prior zoning and urban development in the Dallas Floodway Levee System use to include mixed neighborhoods, commercial and industrial businesses. Today’s land use in the Dallas Floodway Levee System is vacant and open space.

Historic flood events such as the 1908, 1935, and 1942 Floods prompted Officials of the City of Dallas to construct the Dallas Floodway Levee System between 1928 and 1931, to reduce flood risk and provide flood protection to the citizens of Dallas. In 1945 and 1950, Congress approved and authorized the Dallas Floodway. After authorization, the United States Army Corps of Engineers (USACE) Fort Worth District performed major upgrades to the levees and constructed upstream reservoirs to reduce flood risk to the citizens and City of Dallas, completing construction in 1958. In 1990, a massive flood resulted in the Mayor and Officials of Dallas authorizing and approving with citizen voter approval, a bond package to fund flood control, transportation and recreation projects within the Dallas Floodway Levee System, also referred to by the City of Dallas as the “Trinity River Corridor Project.” The Dallas Floodway is in partnership with the City of Dallas and USACE. The Trinity River Corridor Project is comprised of the Transportation and Community/Economic Development components of the BVP, as well as Local Feature projects of the City of Dallas. All of these projects require Section 408 submittal packages for review and approval processes by USACE. Ultimately, this requires project cooperation and partnerships with multiple local, state and Federal interests. USACE has the responsibility for all activities within the federally authorized Dallas Floodway Levee System and a small supporting role in the City’s other projects, as an overseer.

1.3 DESCRIPTION OF TENTATIVE SELECTED PLAN (TSP)

The WRDA Project – TSP

Table 1 presents the City of Dallas BVP and IDP project features and the subset WRDA Project – TSP. The WRDA Project – TSP includes the NED Plan (277,000 cubic feet per second levee raise with AT&SF Railroad Bridge modifications and EAP improvements), side slope flattening, the IDP Phase I

(Able, Hampton, and Baker pump stations, and the Nobles Branch sump improvements), the proposed river relocations, and the Corinth Wetlands. Currently, the WRDA Project – TSP assumes the Trinity Parkway would be constructed along the riverside toe of the East Levee.

Table 1. BVP and IDP Features and the WRDA Project – TSP

<i>Category</i>	<i>Description</i>	<i>Proposed BVP and IDP</i>	<i>WRDA Project-TSP</i>
BVP Flood Risk Management			
Levees	Raise to 277,000 cfs Flood Height	✓	✓
AT&SF	Removal of Wood Bridge Segment	✓	✓
	Removal of Concrete Bridge Segment	✓	✓
	Removal of Embankment Segments	✓	✓
Levee Flattening	Flattening the Riverside Levee Side Slopes to 4:1	✓	✓
Non-structural	Emergency Action Plan Improvements	✓	✓
BVP Study Ecosystem and Recreation			
Lakes	West Dallas Lake	✓	
	Urban Lake	✓	
	Natural Lake	✓	
River	Relocation and Modification	✓	✓
Wetlands	Marshlands	✓	
	Hampton and Biofiltration Wetlands	✓	
	Cypress Ponds	✓	
	Corinth Wetlands	✓	✓
Athletic Facilities	Potential Flex Fields	✓	
	Playgrounds	✓	
	River Access Points	✓	
General Features	Parking and Public Roads	✓	
	Lighting	✓	
	Vehicular Access	✓	
	Pedestrian Amenities	✓	
	Restrooms	✓	
Interior Drainage Outfall Extensions	Extend Pump Station Outfalls	✓	✓
	Extend Pressure Sewer Outfalls	✓	✓
Able Sump Ponds	Recreation and Ecosystem Enhancements	✓	
Interior Drainage Plan			
East Levee	Construct New Hampton Pump Station	✓	✓
	Nobles Branch Sump Improvements	✓	✓
	Able Pump Station and Sump Improvement	✓	✓
	Baker Pump Station and Sump Improvement	✓	✓
	East Levee Sump Improvements	✓	✓
West Levee	Demolish Charlie Pump Station	✓	
	Construct New Charlie Pumping Station	✓	
	Rehabilitate Existing Delta Pump Station	✓	
	Construct New Delta Pumping Station	✓	
	Eagle Ford and Trinity-Portland Sump Improvements	✓	
	Construct New Trinity-Portland Pumping Plant	✓	

Dallas Floodway was originally authorized March 2, 1945 by Public Law 14, 79th Congress, first session and then amended in 1950 by Public Law 516, 81st Congress, second session to participate in the reconstruction of the Dallas Floodway levees and flood control works. This feasibility study for the Dallas Floodway Levee System was authorized by Section 5141 of WRDA 2007 as follows:

- (a) *IN GENERAL.* – *The project for flood control, Trinity River and tributaries, Texas, authorized by Section 2 of the Act entitled, “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,” approved March 2, 1945 (59 Stat. 18), is modified to –*
 - (1) *direct the Secretary to review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project;*
 - (2) *direct the Secretary to review the Interior Levee Drainage Study Phase -I report, Dallas, Texas, dated September 2006, prepared by the non-Federal interest; and*
 - (3) *if the Secretary determines that the project is technically sound and environmentally acceptable, authorize the Secretary to construct the project at a total cost of \$459,000,000, with an estimated Federal cost of \$298,000,000 and an estimated non-Federal cost of \$161,000,000.*
- (b) *CREDIT.* –
 - (1) *IN-KIND CONTRIBUTIONS.* – *The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S. Code [U.S.C.] 1962d-5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.*
 - (2) *CASH CONTRIBUTIONS.* – *The Secretary shall accept funds provided by the non-Federal interest for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of the cost of the project.”*

1.4 DESCRIPTION OF RECOMMENDED PLAN

The WRDA Project TSP is the Recommended Plan and consists of the FRM NED component, Trinity River Relocation, Corinth Wetlands and East Levee IDP projects. The borrow material for the FRM NED component is from the footprint of the city’s proposed West Dallas Lake.

Planned work for the NED component involves the abandoned AT&SF Bridge modifications combined with levee height modifications to contain a 277,000 cubic feet per second water flow which will result in levee raises along the low spots of the Dallas Floodway Levee System. These modifications will allow continuous water surface flows through the Trinity River and avoid debris clogging within the Dallas Floodway Levee System. Land requirements for the levee height modifications will be at 3:1 side slopes and include a 16 foot levee crest width. The majority of work will be completed on the river side of the levees. The existing access roads that are on the crest of the levees will require eight inches of levee crest excavated and be removed at any location where a levee raise is proposed. Excavated material will be taken to a disposal site owned by the City of Dallas and land requirements for a borrow pit site is not a consideration since it is proposed as being on land already owned by the City of Dallas. The borrow pit site is located on the West Levee near the Westmoreland/Mockingbird Roads. The borrow pit site does

not touch the levee. For these reasons, no real estate or costs are expected for disposal or borrow pit sites. All planned temporary construction staging areas will be placed on land already owned by the City of Dallas. No land is planned to be acquired outside the existing footprint for this purpose. There are no LERRDs to be acquired for the NED FRM component of the Dallas Floodway Feasibility Study.

Prior to WRDA 2007, the City of Dallas has been the owner and is responsible for the operation and maintenance of the Dallas Floodway Levee System for years. The City owns in fee or easements the tracts of land to the existing Dallas Floodway Levee System. This report identifies the LERRDs needed for the IDP components for the Dallas Floodway Feasibility Study. The previous lands acquired by the City of Dallas for the construction of the Dallas Floodway Levee System will not be counted as a LERRD requirement in this feasibility study as they were part of a prior Federal project and therefore cannot be credited for this project. This feasibility study LERRDs refers to tracts of land to be acquired by the City of Dallas that are located outside of the Dallas Floodway Levee System, comprised of the City's East Levee IDP component. The West Levee IDP was not authorized under WRDA 2007, and LERRDs credit cannot, therefore, be given for the project. The IDP components consist of the City's modifications to their existing and proposed construction pumping stations. The City of Dallas' previous tracts acquired for the Dallas Floodway Levee System will not be credited against the project cost of this Dallas Floodway FRM Feasibility Study.

Pursuant to WRDA 2007, USACE is the overseer for the City's BVP and IDP projects to provide technical soundness and environmental acceptability to the Federal design of the Dallas Floodway Levee System. The City is responsible for the operation, maintenance, repair, rehabilitation, and replacement work in the City's BVP and IDP project features. There are no real estate interests to be acquired for the City's BVP ecosystem restoration and recreational projects. Therefore, no LERRD credit will be granted for the City's proposed BVP projects, except for the utility relocations and adjustments necessitated by the Trinity River Relocation which is included as part of the Recommended Plan.

1.5 LAND, EASEMENT, AND RIGHT-OF-WAY FOR THE TSP

The lands, easements, rights-of-way needed for the East and West Levee Interior Drainage Plans include sixteen tracts of lands that are located outside of the Dallas Floodway Levee System. The sixteen properties are for the IDP component. These tracts are identified in Addendum 3 of this report. The East Levee IDP tracts are authorized in the WRDA 2007 project. They are comprised of eleven properties: (2) abandoned railroad right-of-way properties, (7) industrial properties, (1) retail business and (1) unimproved property and are eligible for LERRDs credit. The West Levee IDP tracts are comprised of five properties: (2) unimproved properties and (3) residential properties with home structures and are ineligible for LERRDs credit. The total acreage needed for the sixteen tracts is approximately 40.11 acres with all the tracts to be acquired as a fee estate. The acreages necessary for the IDP features were determined based on design drawings for the latest submittals of the various features at the time of the draft report. These properties are needed for the City's modification work to their existing pumping stations as well as the construction of a new Able, Baker, Hampton and Trinity Portland pump stations. The proposed new Able pump station will be located next to the existing Able pump stations between the Houston and Jefferson Street Viaducts within the levee system. The proposed new Baker pump station is located on Irving Boulevard. Construction of the new Hampton pump station will be in close proximity to the existing Hampton pump station located between Westmoreland and Inwood Street Viaducts within the levee system. Modifications to the existing Charlie pump station will be located between the Jefferson Street Viaduct and IH-35E on the West Levee. The proposed new Trinity Portland pump station will be constructed near Perimeter Road and the West Fork Levee. Since the West Levee IDP has

not been authorized under WRDA 2007, only the tracts necessary for the construction of the East levee IDP are eligible for LERRDs credit. Of the 16 total tracts for the East and West Levee IDP, 10 tracts are on the East Levee and are eligible for LERRDs credit as part of WRDA 2007, while the remaining 6 tracts on the West Levee are not eligible for any LERRDs credit (Table 2).

The standard estate proposed for the City of Dallas' IDP components of this feasibility study is fee. The estate is numbered as it appears in Chapter 5 of Engineer Regulation 405-1-12.

1.5.1 Fee

The fee simple title to subject; however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Table 2. Lands, Easements, And Rights Of Way Dallas Floodway Levee System City of Dallas' Interior Drainage Plan Properties

<i>Estate</i>	<i>Tracts</i>	<i>Estimated Value</i>
PROJECT PURPOSE: Flood Risk Management		
PROJECT FEATURE: Dallas Floodway Levee System		
West Levee Fee Simple (Ineligible for LERRDs credit, not in WRDA 2007 Project)	6	\$527,794
East Levee Fee Simple (Eligible for LERRDs credit, in WRDA 2007 Project)	10	\$13,082,241

1.5.2 Non-Standard Estates

There are no non-standard estates associated with this Feasibility Study.

1.6 EXISTING FEDERAL PROJECT

There are two federal projects in the floodway. Dallas Floodway Feasibility Study consists of 22 miles of levees, upstream from the abandoned AT&SF Railroad Bridge to the confluence split of the West and Elm Fork Levees. The Dallas Floodway Extension Project is downstream of the AT&SF Railroad Bridge. Dallas Floodway Extension is an on-going construction project for the Upper Chain of Wetlands, Lower Chain of Wetlands and planning phases for the proposed Lamar Levee and modifications to the existing Rochester Levee. The abandoned AT&SF Railroad Bridge is the boundary division between the two projects. No other Federal projects exist within the Dallas Floodway Levee System. This real estate plan addresses only those lands needing to be acquired outside the existing federal project areas.

1.7 FEDERALLY-OWNED LAND

There is no federally owned land associated with this project.

1.8 NAVIGATIONAL SERVITUDE

For purposes of WRDA 2007 authorized project, (FRM and City of Dallas' IDP components), there is no real estate interests to be acquired over or under the Trinity River for this project, which are considered to be navigable water of the United States. Navigational servitude is non-applicable to this Dallas Floodway Feasibility Study.

1.9 PROJECT AREA

Maps depicting the required lands are attached in Addendum 4. Reference Appendix D of the feasibility report, for maps depicting the entire project area.

1.10 FLOODING OF PROJECT AREA

Hydrology and Hydraulics Branch of the Fort Worth District indicated there will be no induced flooding as a result of this project. The Fort Worth District Office of Counsel reviewed the Hydrology and Hydraulics Branch report and examined the Dallas Floodway Feasibility Project Map and offered the following statement:

“Having examined the scope of the proposed project and the statement from hydrology, it is my legal opinion that there is no risk of inverse takings from downstream induced flooding in this case. The government is held liable for induced flooding under the Fifth Amendment, when operation of a flood control project results in either permanent flooding or “intermittent but inevitable recurring overflows.” United States v. Cress, 243 U.S. 316, 328 (1917). Here, the hydrology report demonstrates the project will not cause land to be permanently submerged. As explained in the report, the project’s effect only valley storage and peak water surface elevation (among other factors) impacts a 1% ACE flood event, rather than a recurring overflow. Neither does the project include construction of dams or other water release infrastructure, which could create a foreseeable inundation of water. If additional facts are revealed, or hydrology changes its assessment, please let me know so we can take another look.”

1.11 RELOCATION ASSISTANCE PROGRAM PUBLIC LAW 91-646

The City’s IDP components will require relocation of three residential homes and five businesses that are located outside of the Dallas Floodway Levee System and needed for the City’s interior drainage modification work. For the purpose of this report, \$25,000 (\$22,500 relocation and \$2,500 moving costs) is estimated for each residence. The business relocations are more complex and specialized. A minimum of \$200,000 is estimated for each business relocation.

1.12 FACILITY OR UTILITY RELOCATIONS

The proposed WRDA 2007 project includes project objectives of flood risk management, ecosystem restoration, and recreation. The features included in flood risk management include the NED levee raises and AT&SF Railroad Bridge modification, East Levee IDP, and side slope flattening plan. The ecosystem restoration objective is satisfied by the relocation of the Trinity River. The construction and implementation of these features necessitates utility adjustments and relocations within the Dallas Floodway Levee System. There are seven City owned utilities to be adjusted or relocated as a result of the WRDA 2007 project and nine franchise owned utilities to be adjusted or relocated as part of the Trinity River Relocation. Addendum 1 at the end of the report shows the various utilities to be relocated per project objective. All of the described utilities are included in the WRDA 2007 total project cost.

City-owned utilities as well as the franchise utilities will require preliminary/final attorney’s opinions of compensability prior to the Government making a final determination of the relocations necessary. A preliminary/final attorney’s opinion of compensability has not yet been performed. As such, the PDT provided preliminary rough cost estimates associated with the necessary franchise utilities to include in the overall project cost. Addendum 1 to this report is a chart identifying the known utilities that are proposed as being relocated.

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 LERRDs 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 opinion of compensability for each of the impacted utilities and facilities.

1.13 BASELINE COST ESTIMATE

For purposes of this report the following Baseline Cost Estimate tables show:

Table 3 - Baseline Cost Estimate For Real Estate - West Levee

This table represents Real Estates' cost estimate total of \$884,123.00 for the West Levee IDP LERRDs. However, the West Levee IDP is ineligible for LERRDs credit because the West Levee is not included in the authorization of WRDA 2007 project.

Table 4 - Baseline Cost Estimate For Real Estate - East Levee IDP

This table represents Real Estates' cost estimate total of \$17,166,639.00 for the East Levee IDP acquisitions. The East Levee IDP is included in the authorization of WRDA 2007 project and is eligible for LERRDs credit.

Table 5 - Combined Baseline Cost Estimates For All Real Estate – East Levee IDP and Utility Relocations (WRDA 2007 Project)

This table represents Real Estates' cost estimate combined grand total of \$60,123,124.00 for the East Levee IDP acquisitions and Utility Relocations authorized in WRDA 2007 project. These project features are eligible for LERRDs credit.

The cost estimate in Table 5 includes a line item for the Baker IDP real estate costs. The cost was provided by the City of Dallas as an estimate for sunk costs for their real estate acquisition at Baker of \$2,465,833.00. It has not been subtracted from the real estate cost in Table 5 but has been accounted for spent costs by the City of Dallas in the total project costs and Mii estimate.

Property values included are based on a Cost Estimate dated May 21, 2013 prepared by a Fort Worth District Staff Appraiser. The Fort Worth District Realty Services Branch Staff estimated administrative cost. Contingencies have been added to the estimates as follows:

- 01.23.03.01 Real Estate Planning Documents, 20% based on reasonable cost estimates
- 01.23.03.02 Real Estate Acquisition Documents, 20% based on reasonable certainty
- 01.23.03.03 Real Estate Condemnation Documents, 20% based on the expectation of at least 10% will be condemned
- 01.23.03.05 Real Estate Appraisal Documents, 20% based on reasonable certainty of contract costs
- 01.23.03.06 Real Estate PL 91-646 Asst. Documents, 10% based on reasonable certainty
- 01.23.03.15 Real Estate Payment Documents, based on value estimate and contingencies assigned by the Appraiser in the Gross Appraisal
- 01.23.03.17 Real Estate LERRD Accounting Documents, 20 % based on reasonable certainty regarding accounting requirements

The estimates are presented in the standard Code of Accounts from MCACES Model Database, October 1994.

Baseline Cost Estimate For Real Estate - West Levee IDP**Table 3. West Levee Interior Drainage Plan
(Ineligible for LERRDs)**

<i>Account</i>	<i>Description</i>	<i>Estimate</i>	<i>Contingencies</i>
1	Lands & Damages		
1.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non Federal Sponsor	\$ 600.00	\$ 120.00
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Sponsor	\$ 48,000.00	\$ 9,600.00
	Review of Sponsor	\$ 3,000.00	\$ 600.00
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Sponsor	\$ 45,000.00	\$ 9,000.00
	Review of Sponsor	\$ 750.00	\$ 150.00
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Sponsor	\$ 18,000.00	\$ 3,600.00
	Review of Sponsor	\$ 3,000.00	\$ 600.00
01.23.03.06	Real Estate PL 91-646 Asst. Documents		
	PL 91-646 Asst. by Sponsor	\$ 9,000.00	\$ 900.00
	Review of Sponsor	\$ 1,500.00	\$ 150.00
01.23.03.15	Real Estate Payment Documents		
	Payments by Local Sponsor (Fee)	\$527,794.00	\$105,559.00
	Payments by Sponsor (PL 91-646)	\$ 75,000.00	\$ 15,000.00
	Review of Sponsor	\$ 3,000.00	\$ 600.00
01.23.03.17	Real Estate LERRD Credit Documents	\$ 3,000.00	\$ 600.00
	Total Admin & Payments	\$737,644.00	
	Total Contingencies		\$146,479.00
	TOTAL (Ineligible for LERRDs)	\$884,123.00	

Baseline Cost Estimate For Real Estate - East Levee IDP**Table 4. East Levee Interior Drainage Plan
(Eligible For LEERDS)**

<i>Account</i>	<i>Description</i>	<i>Estimate</i>	<i>Contingencies</i>
1	Lands & Damages		
1.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non Federal Sponsor	\$ 1,000.00	\$ 200.00
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Sponsor	\$ 80,000.00	\$ 16,000.00
	Review of Sponsor	\$ 5,000.00	\$ 1,000.00
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Sponsor	\$ 75,000.00	\$ 15,000.00
	Review of Sponsor	\$ 1,250.00	\$ 250.00
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Sponsor	\$ 30,000.00	\$ 6,000.00
	Review of Sponsor	\$ 5,000.00	\$ 1,000.00
01.23.03.06	Real Estate PL 91-646 Asst. Documents		
	PL 91-646 Asst. by Sponsor	\$ 15,000.00	\$ 1,500.00
	Review of Sponsor	\$ 2,500.00	\$ 250.00
01.23.03.15	Real Estate Payment Documents		
	Payments by Local Sponsor (Fee)	\$13,082,241.00	\$2,616,448.00
	Payments by Sponsor (PL 91-646)	\$ 1,000,000.00	\$ 200,000.00
	Review of Sponsor	\$ 5,000.00	\$ 1,000.00
01.23.03.17	Real Estate LERRD Credit Documents	\$ 5,000.00	\$ 1,000.00
	Total Admin & Payments	\$14,306,991.00	
	Total Contingencies		\$2,859,648.00
	TOTAL (Eligible for LERRDs)	\$17,166,639.00	

Combined Baseline Cost Estimates For All Real Estate - East Levee Interior Drainage Plan and Utility Relocations (WRDA 2007 Project)

**Table 5. Combined East Levee Interior Drainage Plan And Utility Relocations
(Eligible for LERRDS)**

<i>Account</i>	<i>Description</i>	<i>Estimate</i>	<i>Contingencies</i>
1	Lands & Damages		
1.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non Federal Sponsor	\$ 1,600.00	\$ 320.00
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Sponsor	\$ 128,000.00	\$ 25,600.00
	Review of Sponsor	\$ 8,000.00	\$ 1,600.00
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Sponsor	\$ 120,000.00	\$ 24,000.00
	Review of Sponsor	\$ 2,000.00	\$ 400.00
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Sponsor	\$ 48,000.00	\$ 9,600.00
	Review of Sponsor	\$ 8,000.00	\$ 1,600.00
01.23.03.06	Real Estate PL 91-646 Asst. Documents		
	PL 91-646 Asst. by Sponsor	\$ 24,000.00	\$ 2,400.00
	Review of Sponsor	\$ 4,000.00	\$ 400.00
01.23.03.15	Real Estate Payment Documents		
	Payments by Local Sponsor (Fee)	\$13,082,241.00	\$ 2,616,448.00
	Payments by Local Sponsor (Fee) Baker IDP	(\$2,465,833.00)	(\$493,167.00)
	Payments by Sponsor (PL 91-646)	\$ 1,075,000.00	\$ 215,000.00
	Review of Sponsor	\$ 8,000.00	\$ 1,600.00
01.23.03.17	Real Estate LERRD Credit Documents	\$ 8,000.00	\$ 1,600.00
Utility Relocation	City Owned	\$28,415,331.00	
	Franchise	\$ 3,545,255.00	
	Contingency (Utilities)		\$10,745,149.00
	Total Admin & Payments	\$46,477,407.00	
	Total Contingencies		\$13,645,717.00
	GRAND TOTAL (Eligible for LERRDs)	\$60,123,124.00	

1.14 MINERAL AND TIMBER ACTIVITY

There is no significant mineral exploration or production activity proposed in the project area. It is assumed since all lands in the Dallas Floodway Levee System is or will be owned by the City of Dallas, no mineral exploration or production activity is anticipated to be performed due to the City of Dallas' overall BVP projects to be constructed in the levee system.

1.15 NON-FEDERAL SPONSOR'S CAPABILITY TO ACQUIRE LERRD

The City of Dallas has extensive experience and full legal and professional capability to acquire the necessary LERRDs in compliance with the standard Feasibility Cost Share Agreement and Project Management Plan. The Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability Form has been prepared in accordance with Chapter 12 of ER 405-1-12 and is Addendum 2. The City of Dallas has been advised of the requirements of Public Law 91-646, as amended, and the requirements for documenting expenses for credit purposes.

USACE will work with the sponsor throughout the project, to the extent appropriate and allowable, to ensure that there is understanding of the Federal real estate principles. Action will also be taken to address any policy issues that could significantly impact the project.

1.16 ZONING ORDINANCES

There are no special zoning ordinances proposed for enactment with the project.

1.17 MILESTONES FOR REAL ESTATE ACQUISITION

To date, it is unknown the actual construction date schedule. The current feasibility study indicates the Record of Decision is expected to be signed by the Assistant Secretary of the Army on November 24, 2014. The schedule below reflects an approximate reasonable realistic timeframe of 18 months to complete the FRM component. The schedule is as follows:

**Table 6. Real Estate Milestone Schedule For Dallas Floodway Feasibility Study
Flood Risk Management**

<i>Milestones Based on Project Partnership Agreement (PPA) Execution</i>	
Transmittal of ROW drawings and estates	30 days after PPA signed
Obtain Surveys	60 days after transmittal of ROW drawings and estate(s)
Obtain Title Evidence	60 days after obtaining surveys
Obtain Appraisal and Reviews	60 days after obtaining titles
Authorization to Proceed with Offer	10 days after obtaining appraisals and reviews
Conclude Negotiations	90 days after start of negotiations
Conclude Closings	45 days after concluding closings
Conclude Condemnations	240 days after condemnation process starts
Attorney Certify Availability of LERRD	15 days after condemnation concluded
Corps Certifies Availability of LERRD	5 days after Sponsor Attorney Certifies LERRD
Review LERRD Credit Request	45 days after receiving LERRD documentation
Approve or Deny LERRD Credit Requests	5 days after concluding review of LERRD documentation

1.18 CONTAMINANTS ON REAL ESTATE ACQUISITIONS

In 2010 and again in 2013, a Phase I Background Database Search was and a report was prepared. The report listed 34 sites within the study for hazardous materials and wastes. In April and October 2013, qualified USACE personnel visited the sites that were identified in the 2010 and 2013 reports (two historic river discharge sites [4 and 5] and the Superfund site were not visited). It was concluded that there was no evidence of further contamination, and a Phase II investigation of the sites was not warranted. The WRDA project would avoid directly disturbing any known hazardous waste sites. However, as standard practice, before construction of Recommended Plan features, a soil management plan will be developed. The plan will describe the testing to be completed, and include a decision matrix to aid in determining when soils are appropriate for reuse and when soils should be managed as waste.

1.19 OPPOSITION BY LANDOWNERS IN PROJECT AREA

The Dallas Floodway Project is a highly publicized project for the citizens of Dallas that has been in existence for several decades. Most concerned landowners are those in close proximity to the levee system. The City of Dallas in conjunction with USACE has held several public meetings most recently on January 29, 2013 to inform the public of the flood risk management plans for the levee system. Attendance was great at the meeting and only two or three citizens expressed concerns for other project proposals for the City to complete such as having a greater connectivity between East and West Dallas, the construction of a tunnel tollway and park buildings. No landowner present at the meeting expressed opposition for the Dallas Floodway Feasibility Project.

1.20 OTHER REAL ESTATE ISSUES

No other Real Estate issues are known to exist.

Addendum 1**UTILITY RELOCATIONS AND ADJUSTMENTS****(Oct 2013 Price Levels, Contingencies, and Escalation included)**

Project Component	Utility Owner	Utilities	Estimated Construction Cost
Ecosystem Restoration (River Relocation)	City Owned	Bellevue Storm Sewer Outfall	\$2,152,196.13
	City Owned	Dallas Branch Storm Sewer Outfall	\$5,393,814.89
	City Owned	Woodall Rogers Storm Sewer Outfall	\$3,838,682.62
	City Owned	Houston Street Viaduct Water Line	\$5,035,730.07
	City Owned	Hampton Road/Inwood Water Line	\$10,591,548.84
	City Owned	Removal of Misc. Pipelines	\$533,526.90
	City Owned	Able Pump Station Discharge	\$10,423,066.24
	Franchise	Gas Main - 16"	\$637,861.19
	Franchise	Gas Main - 30"	\$571,014.93
	Franchise	Underground Electric	\$1,120,894.67
	Franchise	Underground Electric	\$965,879.95
	Franchise	Aerial 138kV Elec. Transm.	\$52,908.34
	Franchise	Underground Telecomm.	\$930,649.56
	Franchise	Underground Fiber Optics	\$163,858.14
	Franchise	Underground Fiber Optics	\$45,965.65
	Franchise	Jet Fuel Pipeline - 6"	\$248,137.35
Total			\$42,705,735.48

Addendum 2

ER 405-1-12
Change 31
1 May 98

APPENDIX 12-E

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? (~~yes~~/no)
- b. Does the sponsor have the power of eminent domain for this project? (~~yes~~/no)
- c. Does the sponsor have "quick-take" authority for this project? (yes/~~no~~)
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? (~~yes~~/no)
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? (yes/~~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 P.L. 91-646, as amended? (yes/~~no~~)
- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training? (yes/no)
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? (~~yes~~/no)
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? (~~yes~~/no)
- e. Can the sponsor obtain contractor support, if required in a timely fashion? (~~yes~~/no)
- f. Will the sponsor likely request USACE assistance in acquiring real estate? (yes/~~no~~) (If "yes," provide description)

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? (~~yes~~/no)
- b. Has the sponsor approved the project/real estate schedule/milestones? (~~yes~~/no)

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? (~~yes~~/no/not applicable)
- b. With regard to this project, the sponsor is anticipated to be: ~~highly capable~~/fully capable/moderately capable/marginally capable/insufficiently capable. (If sponsor is believed to be "insufficiently capable," provide explanation)

12-E-1


HR 405-1-12
Change 31
1 May 98

APPENDIX 12-E

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? (yes/no)
b. Does the sponsor concur with this assessment? (yes/no) (If "no," provide explanation)

Prepared by:


DIANNE T. HAHN
[typed name]
[title] CHIEF REA/Estate Spec.

Reviewed and approved by:


[typed name] DIANNE T. HAHN
Chief, Real Estate Division

12-E-2

Addendum 3
Dallas Floodway Feasibility Study - IDP Acquisitions

<i>No.</i>	<i>Tract No.</i>	<i>Property Address\ Description</i>	<i>Owner</i>	<i>Improved\ Unimproved</i>
Interior Drainage Plan Locations - Properties Eligible for LERRDs				
Able and Charlie Pump Stations Areas				
1.	TBD	603 S. Riverfront Blvd.	John Fouts	Improved
2.	TBD	701 S. Riverfront Blvd.	Industrial Gold Rush LTD	Unimproved
3.	TBD	909 E. Colorado Blvd.	Beltline Trinity Gateway	Unimproved
Baker Pump Station				
4.	TBD	2323 Irving Blvd.	CMC Concrete Accessor Inc.	Improved
5.	TBD	2327 Irving Blvd.	CMC Concrete Accessor Inc.	Improved
6.	TBD	2425 Irving Blvd.	Wilemon Enterprises LTD	Improved
7.	TBD	2331 Irving Blvd.	City of Dallas	Unimproved
8.	TBD	0.972 acre, Abandoned Rail Corridor, adjacent to and near 2245-2331 Irving Blvd.	Industrial Properties Corp.	Unimproved
West Levee Interior Drainage Plan – Properties Ineligible for LERRDs				
Hampton Pump Station				
9.	TBD	4800 Lakawana St.	Seacal Texas Industrial I	Improved
10.	TBD	2500 Conveyor Ln.	Town of Highland	Unimproved
11.	TBD	Abandoned RR ROW	City of Dallas	Unimproved
Proposed Trinity Portland Pump Station				
12.	TBD	7166 Ingersoll St.	Sterling W. Kenty, Trustee	Unimproved
13.	TBD	1912 E. Shady Grove Rd.	City of Irving	Unimproved
14.	TBD	5051 Mexicana Rd.	Tony Garcia Rogers	Improved
15.	TBD	5047 Mexicana Rd.	Patricia A. Calvillo	Improved
16.	TBD	5043 Mexicana Rd.	Segundo A. Arguetta	Improved
Total 16 Tracts				

Figure 1

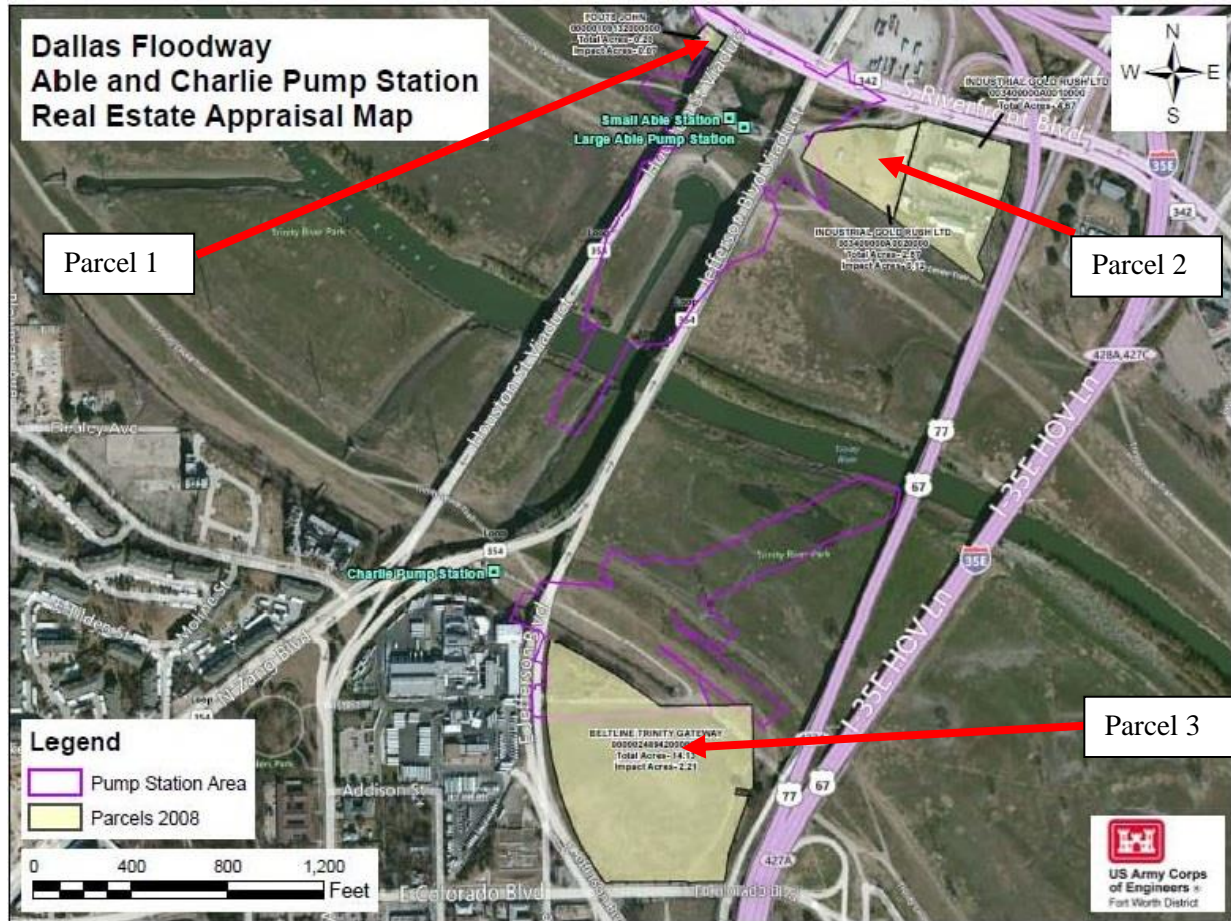


Figure 2

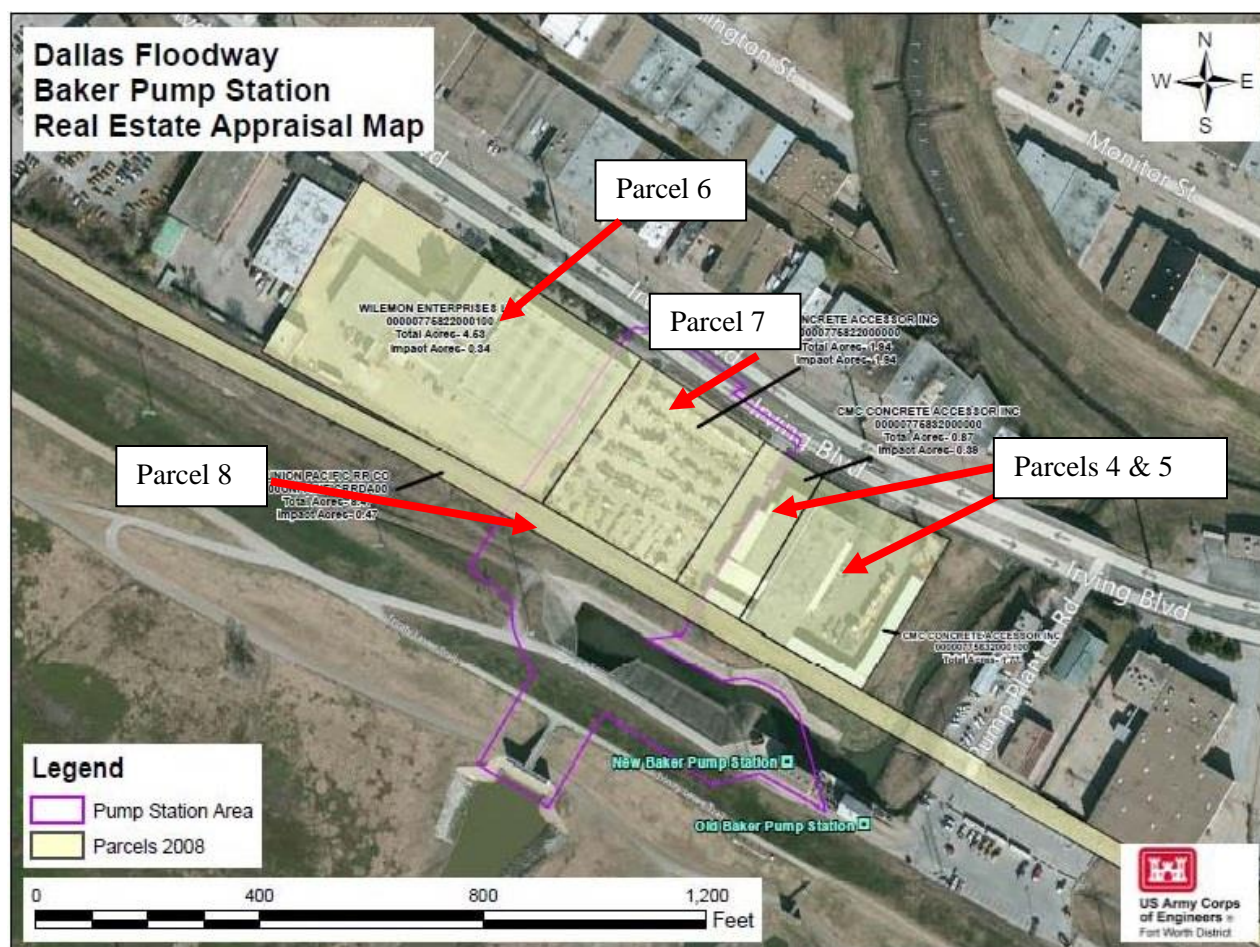


Figure 3

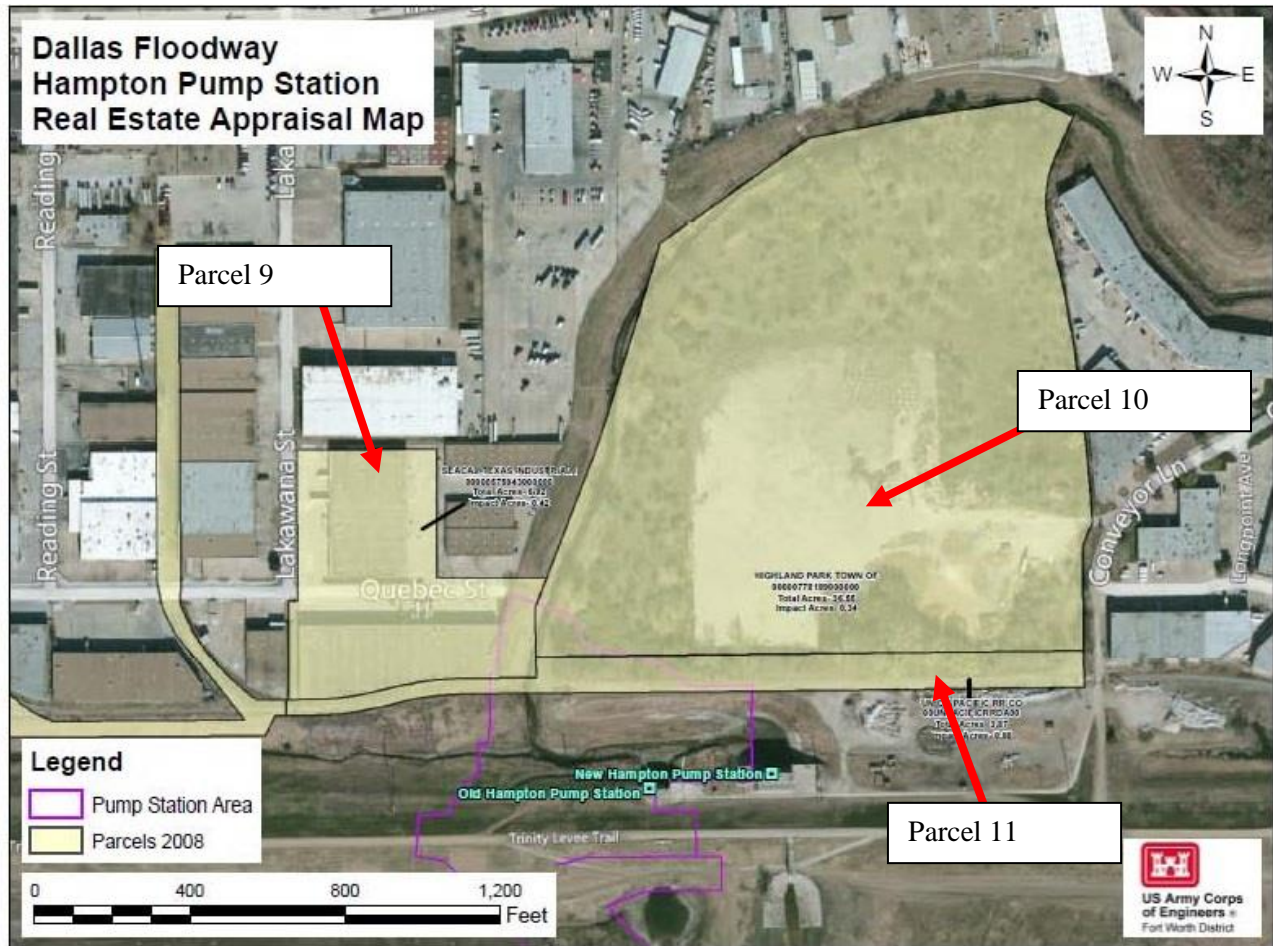


Figure 4

