

22H - REAL ESTATE ANALYSES

The real estate analyses will include a determination of the lands to be acquired for the project, an appraisal of the costs of lands and damages, and preparation of a plan for acquisition of these lands. Other tasks include an analysis of physical takings, attorney's opinion of compensability, obtaining rights of entry for various field collection activities, and providing input to the Project Cooperation Agreement (PCA) and to the Feasibility Report. This activity includes all written memoranda, opinions, database development reports and other documents provided by Real Estate personnel as required in support of feasibility phase planning efforts.

Obtain Rights of Entry – According to specifications to the contract, the contractor should obtain access/rights-of-entry. However if unsuccessful, notification to real estate by a request for rights of entry by section, township, and range parameters, and permission will be obtained from landowners to temporarily use his/her land for a specified time and purpose. These will be obtained for purposes of environmental investigations, cultural assessments, core sampling, surveys, explorations, etc.

Ownership Information - Upon notification of alternative feature description and location by section, township, and range parameters, the following data for areas under consideration as project features will be obtained:

- Tax maps and public right-of-way maps;
- List of property owners;
- Tax rolls including value, structure, type, etc.;
- Zoning information;
- Last search of records for each parcel;
- Anticipated mineral extraction and determination if such activity is permitted by law;
- Identification of all structures potentially impacted that are occupied and may be removed due to project implementation;
- Identification of all known public utilities located within the proposed project area that may require relocation;
- Identification of sponsor acquisition costs and real estate administrative costs associated with implementation of each alternative; and
- Location maps (city or county) of proposed construction areas including material disposal areas.

Preliminary Real Estate Cost Estimates - Prepare lands, easements, rights-of-ways, relocations and disposal areas (LERRD) preliminary cost estimates for multiple components for the preliminary assessment of project alternatives during the plan formulation stage of the study. This will require a similar method of estimating costs. The preliminary cost estimates along with the aforementioned ownership information will be compiled in the Geographic Information System (GIS) database as polygon attributes for use in the evaluation analyses.

1.1.4 Section Corner Survey

Boundary Survey – Perform a boundary survey of the subject parcel(s) showing all necessary boundary information and a tie to an identifiable land boundary corner, the Section, Township, and Range, and County and basis of bearings. The survey should be registered to the Florida State Plane Coordinate System (NAD 1983/1990 datum and all distances and coordinates delineated using the U.S. Survey foot). All boundary, in digital format (i.e., ArcInfo Coverage or AutoCAD dxf), should accompany the survey. This survey information is required to establish state plane coordinates for sections and townships within the study area for real estate mapping purposes. The survey data will be incorporated into a GIS database and used to map property boundaries and ultimately develop real estate acquisition costs for alternatives.

Real Estate Acquisition Maps - Prepare an initial set of maps and drawings, utilizing the GIS database developed for this task, that delineate the real estate acquisition lines based on technical design drawings developed during the feasibility phase. This activity is dependent upon receipt of the footprint of project features and tax maps followed by a coordination meeting with the planning technical leader to assure all project features are identified including temporary construction areas, road access, borrow/disposal areas, etc. These maps will reflect the minimum real estate required for project purposes.

Physical Takings Analysis - This analysis will result in a written legal opinion as to whether flooding induced by construction, operation or maintenance of the proposed project will result in a taking of an interest in real property for which just compensation must be paid to the owner. The opinion must describe the analysis, to include hydrologic data incorporating depth, frequency, duration, velocity and extent of induced flooding based on economic data, as well as relevant state and Federal law, and present a conclusion on the takings issue.

Relocations Analysis - After a determination through engineering design of what facilities must be relocated including roads, railroads, pipelines, utilities, bridges, and cemeteries, a preliminary legal opinion on whether a substitute facility is required will be documented. The opinion makes findings on whether the owner has a compensable interest, whether the owner has a legal duty to continue to maintain and operate the facility/utility, and whether federal law requires the provision of a substitute facility rather than mere payment of market value for the property acquired. The preliminary legal opinion differs from the final legal opinion only in its acceptance as fact of the owner's statement of its interest in the property, without a search of property records. A baseline cost estimate must be developed for the relocations to include an engineering cost estimate for the performance or construction of the relocation and the value of the land. The Real Estate Plan (REP) will include a statement as to whether the Federal government, the local sponsor, or owner will be responsible for the relocation and acquisition of new rights-of-way, the costs for relocation, and land to be acquired allocated to each entity.

Gross Appraisal - This task includes activities necessary to complete a detailed, supported appraisal of the collective real estate requirements and impacts of the recommended plan as required by *ER 405-1-12*. The Gross Appraisal must be of sufficient detail to provide an accurate cost estimate sufficient for Congressional authorization. Review and approval of the Gross Appraisal Report is accomplished concurrently with the draft Feasibility Report. The Gross Appraisal will be submitted concurrently with the draft Feasibility Report and is dependent upon receipt of the final recommended plan including real estate maps with project features, estates to be appraised, tax and ownership information, zoning and land use maps.

Real Estate Plan (REP) - The REP to the Feasibility Report will outline the minimum real estate requirements for the proposed project as required by *ER 405-1-12*. It will contain a description of the area; the acreage and proposed estates, including non-standard estates, and justification for the use of non-standard estates; a discussion of any land owned by the Federal government, the local sponsor, or any public entity; a discussion of the local sponsor's ability to acquire LERRD; a discussion of mineral activity, if any, and the attitude of landowners; at least a preliminary assessment of facilities/utilities to be relocated; and any other relevant real estate information appropriate for the project.

This activity also includes development of a detailed cost estimate for the recommended plan that will be input for the M-CACES (engineering) cost estimate. This baseline cost estimate will be developed from the Gross Appraisal and will include other costs such as *Public Law 91-646* relocations, administrative costs, and contingencies.

Draft Project Cooperation Agreement (PCA) and Post-Feasibility Phase Input - This activity includes development of data necessary to support other documents pertinent to the project including, but not limited to, the post-Feasibility phase and the draft PCA. For these documents, a detailed schedule of land acquisition will be developed.