

APPENDIX C
REAL ESTATE APPENDIX

Augusta Rocky Creek, Georgia
Flood Risk Management
Section 205 Feasibility Study
Augusta-Richmond County, Georgia

REAL ESTATE APPENDIX

**Rocky Creek, Augusta Georgia, Flood Risk Management,
Section 205 Feasibility Study**

REAL ESTATE SUMMARY

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THE REAL ESTATE REPORT

1. Statement of Purpose

This report, for planning purposes only, focuses on the Tentatively Selected Plan (TSP). There may be modifications to the plans that occur during the Design/Implementation (D/I) phase which change the final acquisition area(s) and/or administrative and land cost. The Real Estate Appendix is intended to support the Feasibility Report for the Augusta, Georgia, Rocky Creek, Section 205 Flood Risk Management project. The author of this report is familiar with the Project area. Augusta-Richmond County is the non-Federal (NFS) sponsor for the project. Date of this report is February 2016.

2. Study Authority

Section 205, 1948 FCA (P.L. 80-858), as amended provided authority for this study.

3. Project Location

Augusta is situated in the east central section of the state and is approximately 150 miles east of Atlanta on Interstate 20. The Savannah River serves as the boundary between Augusta and Aiken County, South Carolina. Augusta forms part of the Augusta-Aiken Metropolitan Statistical Area (MSA), consisting of the five counties of Columbia, McDuffie and Richmond in Georgia and Aiken and Edgefield in South Carolina. In the 2005 census, this MSA had a population of 520,700. The projected population for 2020 is 596,500.

The MSA has an extensive base of manufacturers, a core of technology based employers, and an expanding service sector. The diverse industrial base includes production of medical products, pharmaceuticals, golf carts, chemicals, industrial tools, and textiles among others.

Health care employs more than 25,000 medical professionals. The Medical College of Georgia (MCG) ranks as one of the top 20 medical schools in the nation and is Georgia's Health Sciences University. MCG has schools of dentistry, allied health sciences, nursing and graduate studies, as well as medicine. More than a dozen other major medical facilities are located in the region.

The U.S. Army Signal Center and Fort Gordon, the largest communications electronics training center in the world, rounds out Augusta's technology based economy. At the center of the technology based employers is the Savannah River Site (SRS), a U.S. Department of Energy (DOE) facility. SRS comprises a majority of the MSA's economy with more than 13,000 employees.

The Rocky Creek Basin encompasses the central portion of the City of Augusta, mostly south of Gordon Highway (U.S. Route 78) and north of Bobby Jones Expressway (Interstate 520). Rocky Creek drains about 17 square miles and is about nine miles long from its headwaters north of Gordon Highway, to its mouth at Phinizy Swamp, where it joins the Augusta Canal. The project location is shown at Figure 3-1.

Rosedale dam is located between Milledgeville Road and Gordon Highway upstream of North Leg Road in Augusta.

Vicinity Map

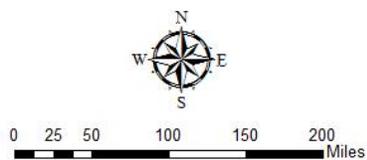
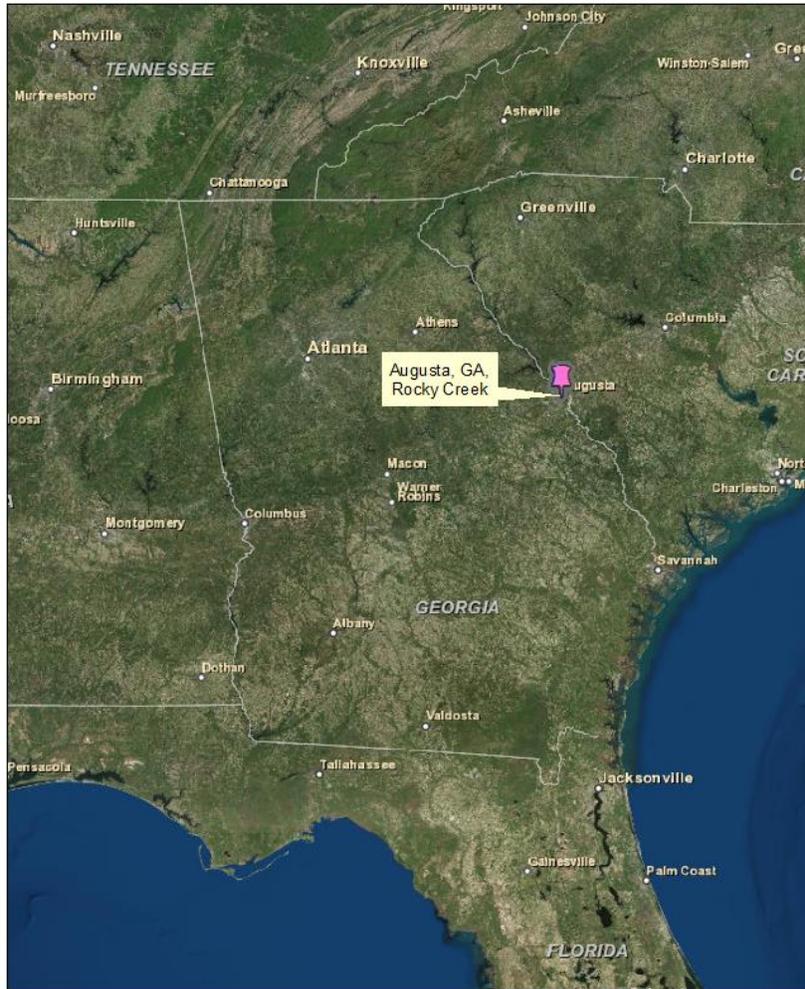


Figure 3-1 - Project Vicinity/Location Map

4. Project Description

Rosedale Dam is a pre-existing earthen dam that was breached at the creek channel more than 30 years ago. The original construction date of Rosedale Dam is unknown. A Phase I Inspection by the Savannah District determined the dam was unsafe due to an inadequate spillway. Because the dam was privately owned, the owner chose to breach the structure rather than modify it to comply with dam safety requirements. The dam crest elevation is approximately 240 feet mean sea level (MSL) with approximate maximum 1V on 2H ratio upstream and downstream slopes. The remaining portions of the dam are currently overgrown with large trees and shrubs.

The TSP is to rehabilitate the earthen berm remaining from the Rosedale Dam breach and use the area for storm water detention. The proposed modifications include placing a reinforced concrete box culvert through the breach in the creek bed for normal flow conditions. The breach will then be filled to elevation 232.0 to form a notch for all flows beyond the 10-year flood event. The crest and downstream slope at the notch will be covered with articulated concrete blocks (ACB) slope protection or some other type of erosion protection revetment material. The entire structure will require clearing, grubbing, reshaping of the earthen embankments, and establishment of vegetative cover. The box culvert will allow the upstream area to remain dry under normal weather conditions, with only the creek flow passing through. The project area is shown in Figure 4-1.

A nonstructural feature is also proposed for Rocky Creek at Kissingbower, near the Regency Mall. This feature would consist of purchasing five privately owned parcels and demolishing three structures. Two of the parcels remain vacant. Once cleared, those parcels will form a recreation area.

5. Real Estate Requirements

The requirements for lands, easements, rights-of-way and relocations, and disposal/borrow areas (LERR) will include the right to construct, maintain, repair, operate, patrol and replace a flood protection levee and weir, including all appurtenances. The requirements also cover the location, construction, operation, maintenance, alteration/ replacement of a road and appurtenances. Real Estate requirements are summarized at Table 5-1.

Five parcels that lie within the flood plain in the Kissingbower area will be purchased in fee. The Rosedale Detention area is shown at Figures 5-1 and 5-2.

The proposed modifications include placing a reinforced concrete box culvert through the breach in the earthen embankment for normal flow conditions. The breach will then be filled to elevation 232.0 to form a notch for all flows beyond the 25-year flood event. The crest and downstream slope at the notch will be covered with articulated concrete blocks (ACB) slope protection or some other type of erosion protection revetment material. The entire structure will require clearing, grubbing, reshaping of the earthen embankments, and establishment of vegetative cover. The box culvert will allow the

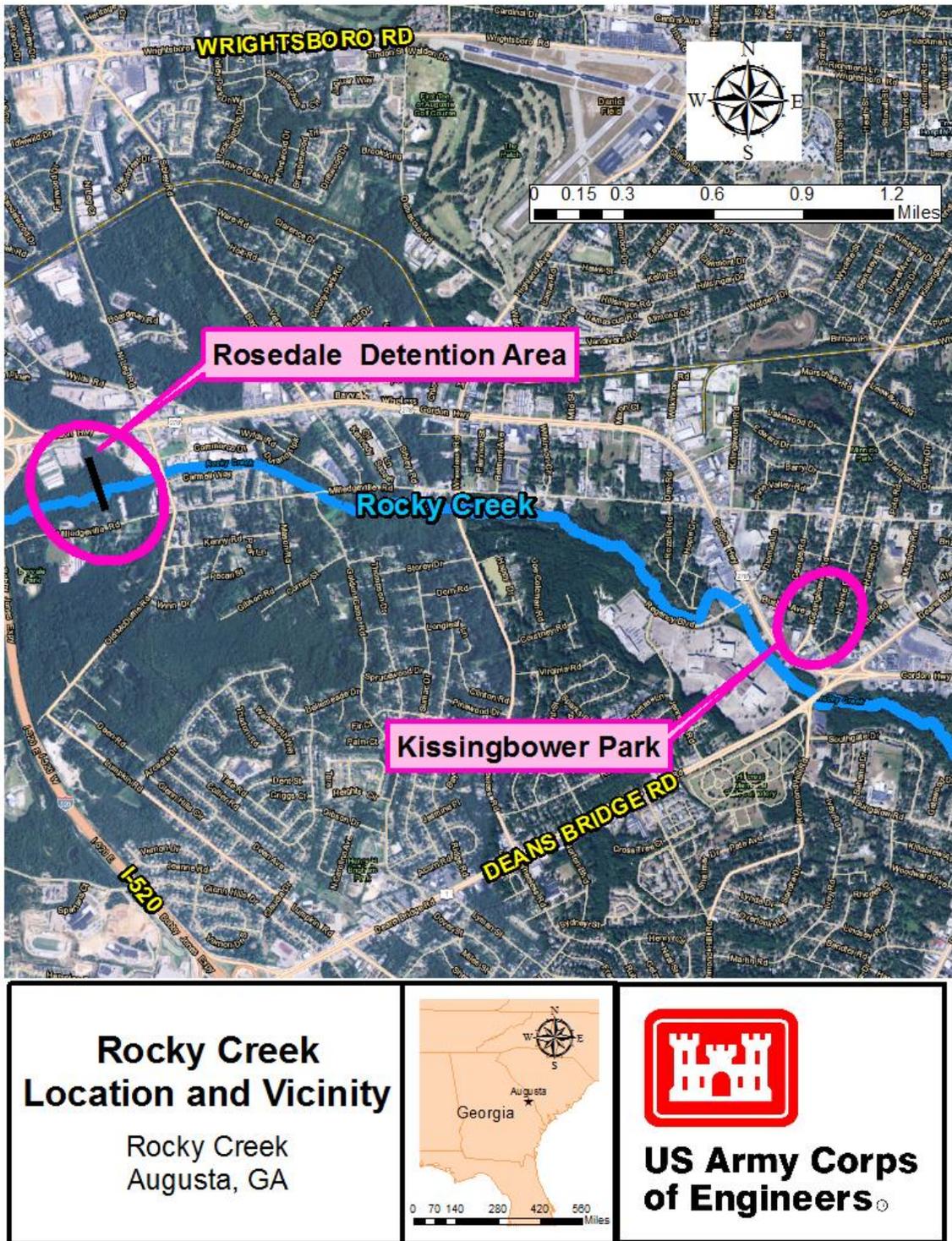


Figure 4-1 - Project Map

upstream area to remain dry under normal weather conditions, with only the creek flow passing through. The flowage easement for occasional flooding (approximately 17.19 acres) will be used for the detention area and the flood protection levee easement (approximately 1.80 acres) will be used for the berm/levee. The temporary work area easement (approximately 2.20 acres) will be used for staging area and a perpetual road easement (approximately 0.3 acres) will be used for the access road to the levee. Two areas have been mapped for staging, but the preferred location is the 2.2 acre site so that is used for planning purposes. Five parcels are impacted in the Rosedale detention area. A takings analysis determined whether the acquisition of flowage easements is required for the Rosedale detention area.

Proposed modifications to the Rosedale detention area are projected to increase the frequency and depth of flood inundation behind the dam. The resulting increased flooding will cover the parcels identified in the report both more frequently and with deeper flood water than currently occurs. The increased inundation would invade the property interests protected by the Takings Clause of the Fifth Amendment to the Constitution, and the increased flooding would clearly be “the direct, natural, or probable result of” the project’s modification to the Rosedale detention area. The induced flooding behind the dam, while intermittent, will be inevitably recurring after the project’s construction. Intermittent, but inevitably recurring, induced flooding can rise to a taking. This is especially true where, as in this case, benefits in reduced flooding on the property concerned do not offset increased flooding. In this case, a taking will likely occur as the natural and probable result of the project construction will cause intermittent but inevitably recurring flooding without providing any flood protection benefits to the property.

Based upon the facts presented above, the legal opinion is that the proposed modifications to the Rosedale detention area would create a taking of property rights protected by the Takings Clause. As such, the government should undertake such steps necessary to acquire the appropriate estates in the property identified in the feasibility study before initiating project construction.

The buyouts of five privately owned parcels (approximately 1.32 acres) on Kissingbower Road and Haynie Drive are located in the area of Gordon Highway and Kissingbower Road (Figure 5-3). These parcels are situated within a flood plain. After acquisition of the property and relocation of the owner/tenants, the parcels will be cleared with plans to construct a public recreation area. The fee estate will be used for acquisition of the properties. Two of the parcels are vacant and three of the properties have structures. Of those one appears to be owner occupied and the other two are assumed to be tenant occupied. Relocation assistance is discussed at Section 18.

A commercial landfill will be used for disposal of debris. Cost analysis supports use of a landfill as more cost effective than the purchase of a disposal area. A borrow site has not been identified. A commercial borrow site will likely be used for borrow required for construction in the detention area. A cost analysis will be completed by Cost Engineering during D/I Phase to determine whether is it more cost effective to use a commercial source for fill or purchase a borrow area.

In summary, the project impacts nine landowners, 10 parcels and 22.81 acres with a total estimated land value of \$191,000. Easement value is estimated at \$71,000 and fee value at \$120,000. Total Real Estate cost with administrative costs included: \$613,200.

Real Estate Requirements

Table 5-1

Private Owners Impacted	Parcels Impacted	Temp Work Area Acreage	Levee/Berm Acreage	Flowage Easement	Perpetual Road Acreage	Total Easement Acreage	Buyouts	Land Cost	
4	5			17.19				32,200	
			1.80					4,300	
					0.30			13,500	
		2.20						21,000	
4	5	2.2	1.8	17.19	0.3	21.49		71,000	Easement subtotal
5	5						120,000	120,000	Fee subtotal
						Fee Acreage 1.32		191,000	TOTAL

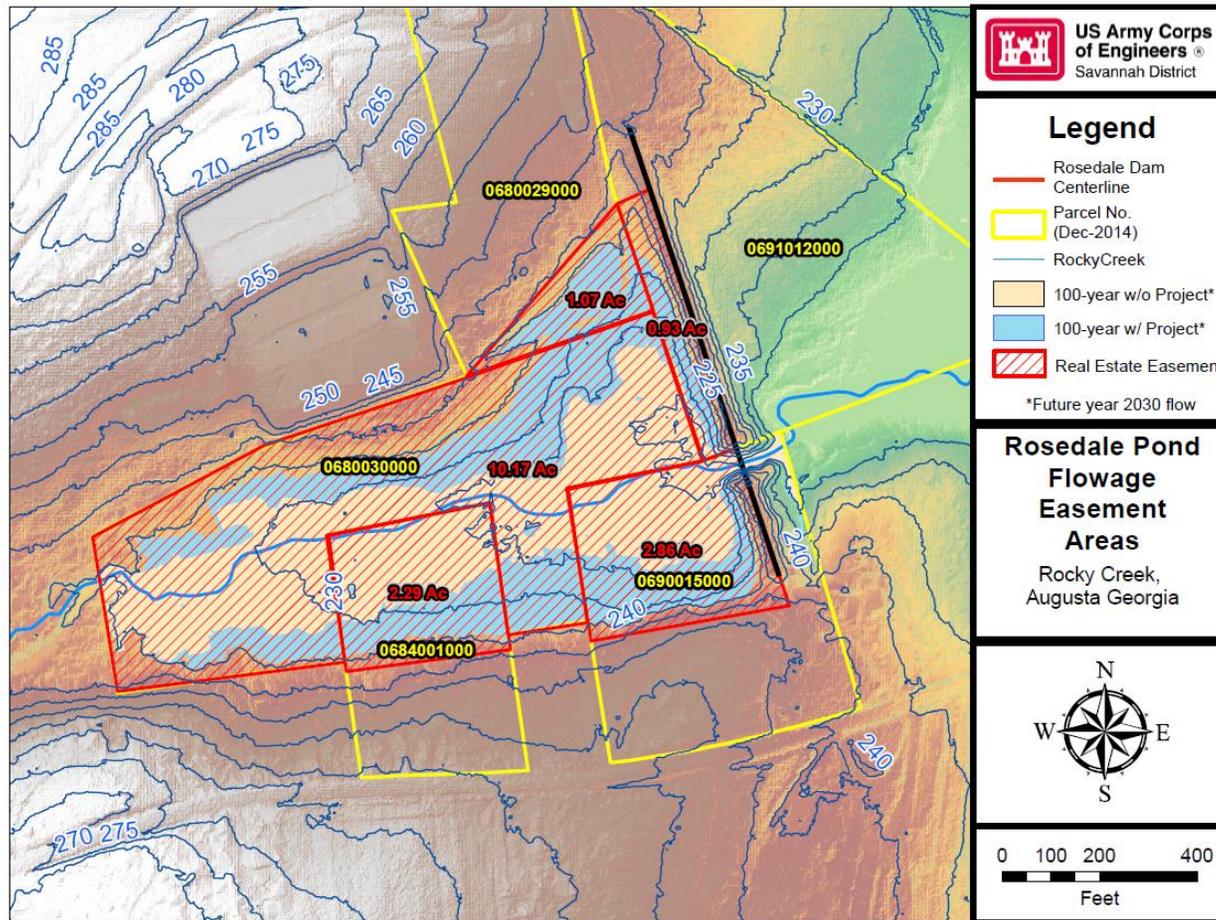


Figure 5-1 – Rosedale Detention Area – Flowage Easement Areas

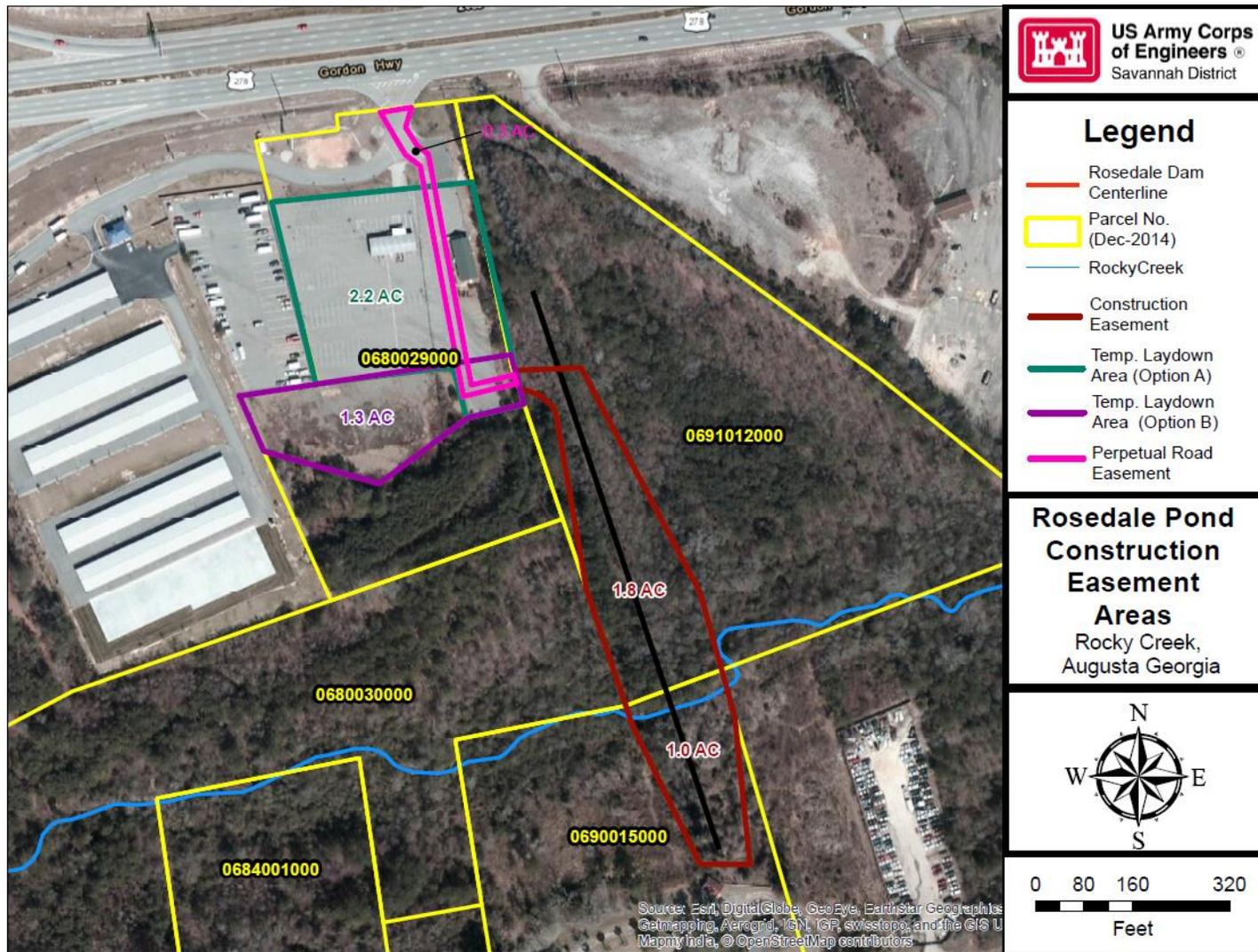


Figure 5-2 – Access for Staging, Temporary Work Area and Access

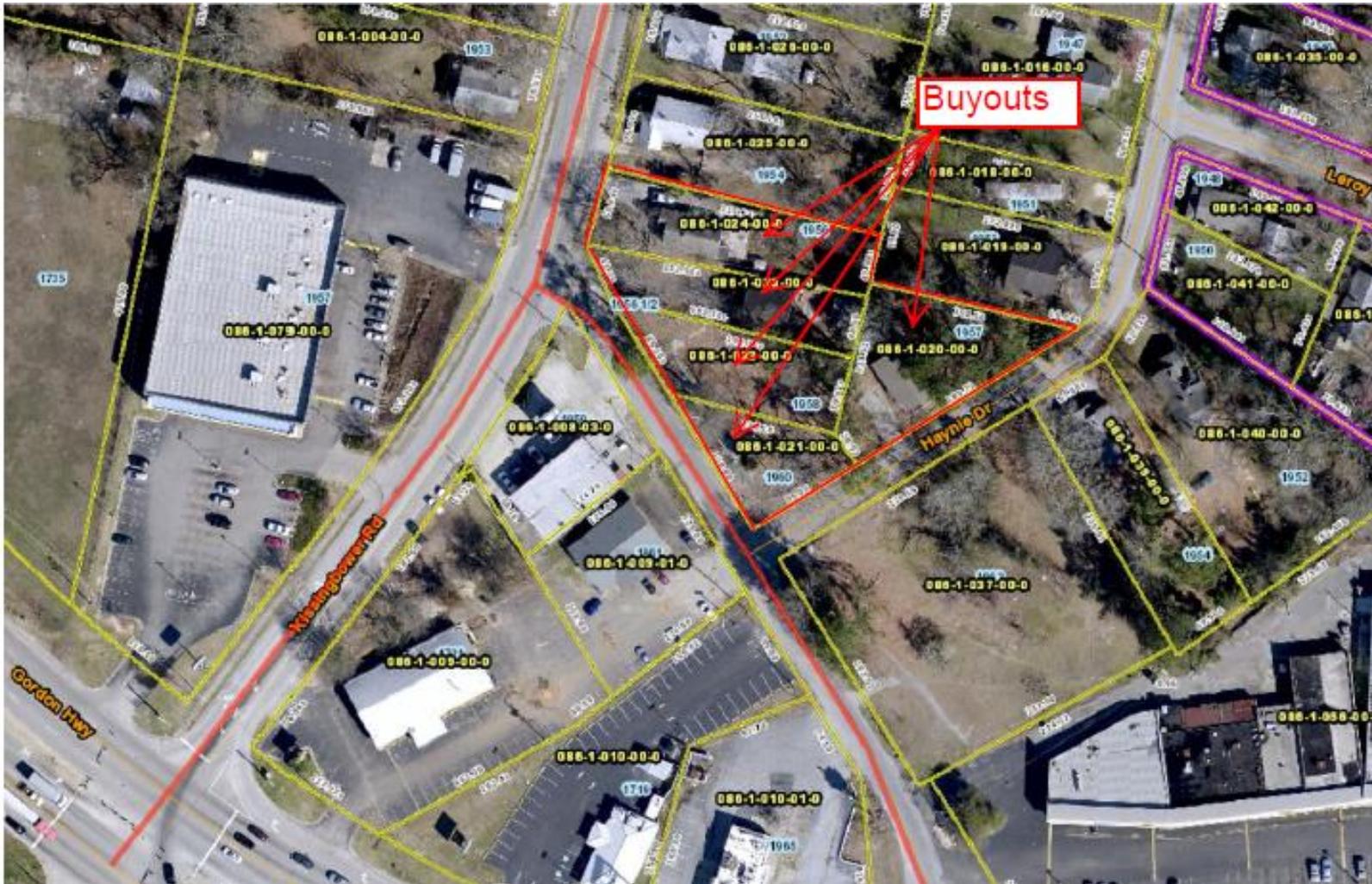


Figure 5-3 – Five Buyouts in Kissingbower Area

6. Utility/Facility Relocation

No utility/facility relocations are required for construction of this project.

7. Existing Projects

No existing Federal projects exist within the project area.

8. Environmental Impacts

No substantial adverse impacts to the environment are anticipated to result from construction of this project.

9. Project Sponsor Responsibilities and Capabilities

Augusta-Richmond County will be the non-federal project sponsor (NFS). The NFS has the responsibility to acquire all real estate interests required for the project. The NFS shall accomplish all alterations and relocations of facilities, structures and improvements determined by the government to be necessary for construction of the project. The sponsor will have operation and maintenance responsibility for the project after construction is completed.

Title to any acquired real estate will be retained by the NFS and will not be conveyed to the United States government. Before advertisement of any construction contract, the NFS shall furnish to the government an Authorization for Entry for Construction (Exhibit "A" to the Real Estate Appendix) to all lands, easements and rights-of-way, as necessary. The NFS will also furnish to the government evidence supporting their legal authority to grant rights-of-way to such lands. The NFS shall comply with applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, approved 2 January 1971, and amended by Title IV of the Surface Transportation Uniform Relocation Assistance Act of 1987, Public Law 100-17, effective 2 April 1989, in acquiring real estate interests for the project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act(s). An Assessment of the non-federal sponsor's capability to acquire real estate is at Exhibit "B" to the Real Estate Appendix

The non-federal sponsor is entitled to receive credit against its share of project costs for the value of lands it provides and the value of the relocations that are required for the project. Generally, for the purpose of determining the amount of credit to be afforded, the value of the LER is the fair market value of the real property interest, plus certain incidental costs of acquiring those interests, that the non-federal sponsor provided for the project as required by the government.

The NFS should not acquire lands required for the project before execution of the Project Partnership Agreement (PPA). Should the NFS proceed with acquisition of lands before execution of the PPA, it is at the risk of not receiving credit or reimbursement for any costs incurred in the connection with the acquisition process should the PPA not be signed. There is also risk in acquiring lands either not needed for the project or not acquired in compliance with requirements for crediting purposes in

accordance with 49 CFR Part 24, dated March 2, 1989. S letter dated October 12, 2015 at Exhibit C, was sent to the NFS to identify the risks of early acquisition.

10. Government Owned Property

No Federally owned land lies within the area proposed for construction of the project.

11. Land Owned by the Non-Federal Sponsor

No lands owned by the non-federal sponsor lie within the proposed project area.

12. Historical Significance

There are no known historic sites in the areas proposed for project construction.

13. Mineral Rights

There are no mineral activities noted in the area and no rights to be acquired within the scope of the proposed project.

14. Hazardous, Toxic, and Radioactive Waste (HTRW)

No hazardous or toxic waste sites are known to occur in the project area, nor will any toxic substances be introduced as a part of this project

15. Navigation Servitude

Navigation Servitude is not applicable to this project.

16. Zoning Ordinances

Zoning ordinances are not of issue with this project. Application or enactment of zoning ordinances are not to be used in lieu of acquisition.

17. Induced Flooding

Construction, operation and maintenance of the project will induce. A takings analysis was performed that determines the level of induced flooding rises to the level of takings and supports the requirement for flowage easements.

18. Public Law 91-646, Relocation Assistance Benefits

Public Law 91-646, Uniform Relocation Assistance provides entitlement for various payments associated with federal participation in acquisition of real property. Title II makes provision for relocation expenses for displaced persons, and Title III provides for reimbursement of certain expenses incidental to transfer of property.

Five properties are proposed for buyout, two of which are vacant lots. Of the remaining three, it appears that two are rentals and the third is owner occupied. Replacement

housing and rental assistance payments are estimated at \$46,000 and fixed moving payments are estimated at \$9,000 for a total of \$55,000. Administrative cost for relocation assistance is estimated at \$42,000 for a total relocation cost of \$97,000.

19. Attitude of Property Owners

The project is fully supported. There are no known objections to the project from landowners within the project area.

20. Acquisition Schedule

The project sponsor is responsible for acquiring real estate interests required for the project. It is projected that acquisitions will take approximately 12 months, and can begin when final plans and specifications have been completed and the PPA has been executed. The project sponsor, project manager and real estate technical manager will formulate the milestone schedule upon project approval to meet dates for advertisement and award of a construction contract. An example of a milestone schedule that identifies the action items in the acquisition process and the party responsible for each action is included as Exhibit D.

21. Estates for Proposed Project

The following standard estates are suggested for use in the project. The temporary work area easement will be used for staging areas and for access purposes. The flood protection levee easement will be used for the Rosedale berm. The perpetual flowage easement will be acquired over the Rosedale detention area where induced flooding is expected. A temporary road easement will be used for construction of the access road to the Rosedale berm area. The fee estate will be used for the buyouts of the Kissingbower properties. No non-standard estates are required for the project.

FLOOD PROTECTION LEVEE EASEMENT.

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos, _____, _____ and _____) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), 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 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) (Tracts Nos. _____, _____ and _____), for a period not to exceed _____, beginning with date possession of the land is granted to Augusta Richmond County, for use by the United States of America, the State, their representatives, agents, and contractors as a work area, including the right to deposit fill

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 Princeville Flood Risk Management 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.

ROAD EASEMENT.

A (perpetual [exclusive] [non-exclusive] and assignable) (temporary) easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

FLOWAGE EASEMENT (Occasional Flooding).

The perpetual right, power, privilege and easement occasionally to overflow, flood and submerge (the land described in Schedule A) (Tracts Nos. _____, _____ and _____). (and to maintain mosquito control) in connection with the operation and maintenance of the project as authorized by the Act of Congress approved _____, together with all right, title and interest in and to the structure; and improvements now situate on the land, except fencing (and also excepting _____ (here identify those structures not designed for human habitation which the District Engineer determines may remain on the land)); provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

FEE.

The fee simple title to (the land described in Schedule A) (Tracts Nos. _____ , _____ and _____), Subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

22. Real Estate Estimate

A gross appraisal was performed in March 2015 to determine land costs and cost of buyouts. The estimated real estate costs include the land cost for acquisition of land, relocation costs, and federal and non-federal administrative costs. Administrative costs are those costs incurred for verifying ownership of lands, certification of those lands required for project purposes, legal opinions, analysis or other requirements that may be necessary during (D/I). A 25 percent contingency is applied to the estimated total for these items. Table 22-1 is a summary of the real estate cost by measure.

Table 22-1.

Real Estate Estimate

a. Lands and Improvements/Permits			
17.19 ac Flowage Easement			32,200
1.80 ac Earthen Berm			4,300
2.20 ac Temp Work Area Easement			21,000
0.30 ac Perpetual Road Easement			13,500
Buyouts			120,000
9 owners impacted		subtotal	191,000
b. P.L. 91-646 Relocations			
Replacement Housing Payments (1)			31,000
Rental Assistance Payments (2)			15,000
Fixed Moving Payments (3)			9,000
		subtotal	55,000
c. Administrative Cost			
	Fed	Non - Fed	Total
Acquisition	22,500	180,000	202,500
Relocation Assistance	6,000	36,000	42,000
Total	28,500	216,000	244,500
		subtotal	244,500
Sub-Total			490,500
Contingencies (25%)			122,625
TOTAL			613,125
ROUNDED			613,200

23. Chart of Accounts

The cost estimate for all Federal and non-Federal real estate activities necessary for implementation of the project after completion of the feasibility study for land acquisition, construction, LERRD, and other items are coded as delineated in the Cost Work Breakdown Structure (CWBS). This real estate cost estimate is then incorporated into the total current working estimate using the Microcomputer Aided Cost Engineering System (MCACES).

Table 23-1.
Chart of Accounts

		FEDERAL	NON-FEDERAL	TOTALS
01B	LANDS AND DAMAGES			
01B20	Acquisition by NFS		216,000	216,000
01B40	Acq/Review of NFS	28,500		28,500
01BX	Contingencies (25%)	7,125	54,000	61,125
	Subtotal	35,625	270,000	305,625
	TEMPORARY PERMIT/LICENSE/ROE			
01G	PERMIT/LICENSE/ROE			
01G20	By NFS			
01GX	Contingencies (25%)			
	Subtotal			
02100	UTILITY RELOCATION			
	Relocation Agreements			
	Relocation Costs			
02100X	Contingencies (25%)			
	Subtotal			
01R	REAL ESTATE LAND PAYMENTS			
01R1B	Land Payments by NFS		191,000	191,000
	PL91-646 Relocation Assistance			
01R2B	Payments		55,000	55,000
01R2D	Review of NFS			
01RX	Contingencies (25%)		61,500	61,500
	Subtotal		307,500	307,500
	TOTALS	35,625	577,500	613,125
	ROUNDED TO			\$613,200

This Real Estate Appendix has been prepared in accordance with policy and guidance set forth in ER 405-1-12, Chapter 12, Real Estate Planning and Acquisition Responsibilities for Civil Works Projects.

Prepared by:



Realty Specialist

Reviewed and approved by:



Ralph J. Werthmann
Chief, Real Estate Division

Exhibits

Exhibit A - Authorization For Entry For Construction

Exhibit B – Assessment of Non-Federal Sponsor’s Real Estate Acquisition Capability

Exhibit C – Risk of Early Acquisition Letter to Sponsor

Exhibit D – Milestone Schedule

AUTHORIZATION FOR ENTRY FOR CONSTRUCTION

I _____, _____ for the
(Name of accountable official) (Title)

(Sponsor Name), do hereby certify that the (Sponsor Name) has acquired the real property interest required by the Department of the Army, and otherwise is vested with sufficient title and interest in lands to support construction for (Project Name, Specifically identified project features, etc.). Further, I hereby authorize the Department of the Army, its agents, employees and contractors, to enter upon _____
(Identify tracts)

to construct (Project Name, Specifically identified project features, etc.) as set forth in the plans and specifications held in the U. S. Army Corps of Engineers' (district, city, state)

WITNESS my signature as _____ for the
(Title)

(Sponsor Name) this _____ day of _____, 20_____.

BY: _____
(Name)

(Title)

ATTORNEY'S CERTIFICATE OF AUTHORITY

I, _____, _____ for the
(Name) (Title of legal officer)

(Sponsor Name), certify that _____ has
(Name of accountable official)

authority to grant Authorization for Entry; that said Authorization for Entry is executed by the proper duly authorized officer; and that the Authorization for Entry is in sufficient form to grant the authorization therein stated.

WITNESS my signature as _____ for the
(Title)

(Sponsor Name), this _____ day of _____, 20_____.

BY: _____
(Name)

(Title)

Exhibit A

**Assessment of Non-Federal Sponsor's
Real Estate Acquisition Capability
Rocky Creek, Flood Risk Management Section 205**

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? (yes/no) YES
- b. Does the sponsor have the power to eminent domain for this project? (yes/no) YES
- c. Does the sponsor have "quick-take" authority for this project? (yes/no) YES
- d. Are any of the land/interests in the land required for this project located outside the sponsor's political boundary? (yes/no) 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) 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) NO [although not completed projects with USACE but worked with GDOT and FHA on numerous projects]
- b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training? (yes/no) NA
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? (yes/no) YES
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? (yes/no) YES
- e. Can the sponsor obtain contractor support, if required in a timely fashion? (yes/no) YES
- f. Will the sponsor likely request USACE assistance in acquiring real estate? (yes/no) NO

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? (yes/no) YES
- b. Has the sponsor approved the project/real estate schedule/milestones? (yes/no) NO Schedule will be developed at completion of design work

Exhibit B

IV. Overall Assessment:

- a. Has the sponsor performed satisfactory on other USACE projects?
(yes/no/not applicable) NA
- b. With regard to the project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. Highly Capable

V. Coordination:

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

Prepared by:



11/10/11

Hameed Malik, Assist. Director Engineering
City of Augusta

Prepared by:



Belinda S. Estabrook
Senior Realty Specialist

Reviewed and approved by:



Ralph J. Werthmann
Savannah District
Chief, Real Estate Division
Real Estate Contracting Officer



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3640

REPLY TO
ATTENTION OF:

October 13, 2015

Real Estate Division

SUBJECT: Rocky Creek- Augusta, Georgia Flood Risk Management Section 205
Feasibility Study

Ms. Janice Jackson, Administrator
City of Augusta
535 Telfair Street, Suite 910
Augusta, Georgia 30901

Dear Ms. Jackson:

The intent of this letter is to formally advise the City of Augusta, as the potential non-Federal sponsor for the proposed project, of the risks associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-Federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-Federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include, but may not be limited to, the following:

- a. Congress may not appropriate funds to construct the proposed project;
- b. The proposed project may otherwise not be funded or approved for construction;
- c. A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
- d. The non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
- e. The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
- f. The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market

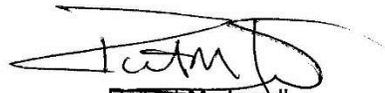
Exhibit C

value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and

- g. The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or PPA.

We appreciate the City's participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Ms. Belinda Estabrook at (912) 652-5667.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Jewell", with a long horizontal flourish extending to the left.

Robert M. Jewell
Acting Chief, Real Estate Division
Savannah District

Real Estate Milestones

_____, 2016

PROJECT: Augusta Rocky Creek, Flood Risk Management Section 205

REQUIREMENTS: Acquisition of Real Estate Interests from 9 Landowners. Estimated acquisition time is 12 months

DATE		REQUIREMENT	RESPONSIBLE PARTY
Projected	Actual		
		Plans & Specs Provided to Sponsor	CESAS-PM
		Sponsor Notified of Risks for RE Acquisition Prior to Execution of PPA	CESAS-RE
		PPA Executed	CESAS & Sponsor
		Final ROW drawings to Sponsor	CESAS-PM
		Estates provided to Sponsor	CESAS-RE
		Surveys Initiated	Sponsor
		Surveys Complete	Sponsor
		Survey Maps Submitted to SAS-RE for Review and Approval	Sponsor
		Maps Reviewed and Approved	CESAS-RE
		Title Evidence Initiated	Sponsor
		Title Evidence Complete	Sponsor
		Title Evidence Submitted to CESAS-RE for Review	Sponsor
		Title Evidence Reviewed	CESAS-RE

Exhibit D
Page 1 of 2

	Appraiser's Resume' Submitted for Approval	Sponsor
	Appraiser Approved	CESAS-RE
	Appraisals Initiated	Sponsor
	Appraisals Submitted to CESAS-RE for Review and Approval	Sponsor
	Appraisals Approved	CESAS-RE
	Initiate Negotiations for Acquisition	Sponsor
	Complete Acquisitions	Sponsor
	Submit LERRDs for Review	Sponsor
	Review LERRDs	CESAS-RE
	Initiate Condemnations if Required	Sponsor
	Review Condemnations	CESAS-RE
	Complete Condemnations (Obtain Possession)	Sponsor
	Complete PL 91-646 Assistance	Sponsor
	Review PL 91-646 Payments	CESAS-RE
	Review & Certify Real Estate	CESAS-RE
	Advertise for Construction	CESAS-PM
	Submit Credit Request	Sponsor
	Review Credit Request	CESAS-RE
	Approve Crediting	CESAS-RE

Schedule will be completed as soon as PPA is executed. Realty Specialist, Project Manager and Sponsor will develop schedule to allow adequate time to obtain real estate and to meet schedule set for advertisement for construction.

Exhibit D
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