

**APPENDIX A REAL ESTATE
SAVANNAH HARBOR
EXPANSION FEASIBILITY
STUDY**



July 1998

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|--------------------------------------|--------------------------------|--------------|
| Appendix A - Real Estate | | |
| | | Page i of 14 |
| Version: | Final | |
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| Sponsor: | Georgia Ports Authority | |
| Section: The Real Estate Plan | | |
| | | |

TABLE OF CONTENTS

1. THE REAL ESTATE PLAN 1

1.1. Project purpose..... 1

2. REAL ESTATE ACQUISITION 2

2.1. Responsibilities..... 2

2.2. Land Acquisition For Channel Construction Activities 2

2.2.1. Fee 2

2.2.2. Easements 2

2.3. Land Acquisition for Environmental Activities..... 2

2.3.1. Fee 2

2.3.2. Easements 2

2.4. Land Acquisition for Cultural Resource Activities 3

2.4.1. Fee 3

2.4.2. Easement..... 3

3. ACTIVITIES NOT REQUIRING ACQUISITION ACTIONS..... 4

3.1. Utility Relocation..... 4

3.2. The Industrial Company (TIC) Bulkhead 4

3.3. Savannah Marine Services Bulkhead 4

3.4. Disposal Areas..... 4

4. PUBLIC LAW 91-646 RELOCATION 5

5. PROJECT SPONSOR RESPONSIBILITIES 6

5.1. Acquisition responsibilities 6

6. MINERAL RIGHTS..... 6

7. ATTITUDE OF PROPERTY OWNERS..... 7

8. ACQUISITION SCHEDULE..... 8

8.1. Proposed Estates..... 8

8.2. Channel Improvement/Slough Easement Estates..... 8

8.3. Fee Estate 8

8.4. Temporary Work Area Easement 9

8.5. Permanent Road Easement..... 9

| | | |
|--------------------------------------|--------------------------------|----------------------|
| Appendix A - Real Estate | | |
| | | Page ii of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: The Real Estate Plan | | |
| | | |

8.6. Temporary Road Easement 9

9. REAL ESTATE ESTIMATE.....10

10. EXHIBITS 11

10.1. Exhibit A - Vicinity Map..... 11

10.2. Exhibit B - Tract Map..... 11

10.3. Exhibit C - Authorization for Entry for Construction..... 11

10.4. Exhibit D - Attorney’s Certificate of Authority 11

| | | |
|---------------------------------|--------------------------------|---------------------|
| Appendix A - Real Estate | | |
| | | Page 1 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | The Real Estate Plan | |
| | | |

1. THE REAL ESTATE PLAN

This real estate document is prepared to supersede all other real estate data previously furnished pertaining to this Project. The plan is tentative in nature and is to be used for planning purposes only. The real property requirements and the estimate of value are subject to change if changes in design occur during the Continuing Engineering and Design Phase (CED).

1.1. Project purpose

The Feasibility Study for this Project has been initiated under the authority of Section 203 of WRDA96. This authority allows the project sponsor, Georgia Ports Authority (GPA), to submit their own Feasibility Study which must be reviewed by Assistant Secretary of the Army (Civil Works) (ASA/CW) and be submitted for Congressional authorization under WRDA 98. GPA has requested that the Corps Real Estate Division prepare the Real Estate Plan for this study. Exhibit A is a Vicinity Map indicating the Project limits.

| Appendix A - Real Estate | | |
|---------------------------------|--------------------------------|---------------------|
| | | Page 2 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | Real Estate Acquisition | |
| | | |

2. REAL ESTATE ACQUISITION

2.1. Responsibilities

All land acquisition required for the Project will be the responsibility of the Project Sponsor (PS). The navigation servitude is the dominant right of the Federal Government under the Commerce Clause of the U. S. Constitution to control and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce related purposes, including navigation. There are no lands required for the Project anticipated to fall within navigation servitude.

2.2. Land Acquisition For Channel Construction Activities

2.2.1. Fee

None.

2.2.2. Easements

A Channel Improvement/Sloughing Easement or Special Use Permit will be required for the 8 acres of uplands comprised of Tracts 1 and 2 as indicated on Exhibit B, owned by U. S. Fish and Wildlife Service that are a part of the Savannah National Wildlife Refuge.

In addition, there will be approximately 10 acres of lands comprised of Tracts 3, 4, 5, 6, 7, 8, and 9, above mean high water required for the channel improvement/sloughing easements (See Exhibit B). These lands are located predominately in the areas where bend wideners will be constructed. They are located in the inner harbor above Fort Jackson on the north side of the river.

2.3. Land Acquisition for Environmental Activities

2.3.1. Fee

Several plans for mitigation and avoidance impacts were developed to address the cultural and natural resource concerns. The tentatively recommended plan includes features and costs for a Natural Resources Plan which includes purchase in fee of a maximum of 3,000 acres of freshwater wetlands and the creation of 80.5 acres of new wetlands replacing saltwater wetlands. The lands to be acquired will be in the proximity of the Savannah National Wildlife Refuge.

2.3.2. Easements

Current plans are to block Middle River with earthen dam. The area to be filled is approximately 29.5 acres. Materials will be borrowed from Disposal Area 2A to create a fill across Middle River. On 19 February 1965 a deed was executed between Chatham County and the U. S. Fish and Wildlife granting an easement to deposit spoil for a

| | | |
|---------------------------------|--------------------------------|---------------------|
| Appendix A - Real Estate | | |
| | | Page 3 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | Real Estate Acquisition | |
| | | |

period of 20 years. On June 7, 1973, a Special Use Permit was executed between the U. S. Fish and wildlife and the U. S. Army Corps of Engineers, Savannah District, granting permission for the Corps of Engineers with a right of entry for construction of dikes, and for disposal and/or removal of spoil for an indefinite period beginning February 19, 1965. Based on this information, the property rights in Disposal Area 2A are sufficient to allow the withdrawal of material previously placed in the site.

A Perpetual Road Easement will be required from Disposal Area 2A to the earthen dam in order to place and maintain material. A Temporary Road Easement is required for a ramp expansion to haul debris from the dike in Disposal Area 1N to the debris offload site.

2.4. Land Acquisition for Cultural Resource Activities

2.4.1. Fee

None.

2.4.2. Easement

A preliminary determination indicates that the Project may induce bank sloughing along the shoreline of Fort Jackson. A preliminary plan to address this has been developed, however, the PS may need to obtain a Temporary Work Area Easement in order to do any construction work which is not waterbased. Should it be determined that temporary easement will be necessary, the cost would be minimal and can be covered in the contingency for the Project.

| Appendix A - Real Estate | | |
|---------------------------------|---|---------------------|
| | | Page 4 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | Activities Not Requiring Acquisition Actions | |
| | | |

3. ACTIVITIES NOT REQUIRING ACQUISITION ACTIONS

3.1. Utility Relocation

There are utility pipelines crossing the channel at Southern Natural Gas. The initial EN studies indicated these pipes would be impacted by dredging, however, the channel alignment between Stations 52+800 and 49+750 has been shifted toward the Georgia side of the river to avoid relocating any pipelines.

3.2. The Industrial Company (TIC) Bulkhead

The bulkhead located at The Industrial Company (TIC) will be removed; however, it is within the boundaries of an existing Channel Improvement/Sloughing Easement which was obtained by GA DOT and assigned to the U. S. with the 1989 Savannah Harbor Widening Project which states in part “subject to the necessary Regulatory Program Authorization, that the right to construct a bulkhead type structure....”

3.3. Savannah Marine Services Bulkhead

The bulkhead at Savannah Marine will be removed, however, this is covered by the Corps permit under Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. 403. These Section 10 permits authorize the District Engineer to order an owner to remove any structure that interferes with a navigation project or to revoke such permit and order the removal of the structure as an obstruction to navigation. The permit states that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by the result from existing or future operations undertaken by the United States in the public interest.

3.4. Disposal Areas

The existing disposal areas are adequate for this project. No new disposal areas are required. The existing disposal areas were provided by the project sponsor for previous projects. Therefore, crediting will not be allowed except for additional lands that will be acquired for new work.

There is no requirement for staging area(s) for debris disposal. Any staging area needs will be included in the contract documents for the contractor to provide.

The Screven Ferry Road landing site is designated as an off-loading site for debris if marine equipment is used to perform debris removal. Georgia DOT has indicated that they will not require an easement or permit for use of this landing site.

| Appendix A - Real Estate | | |
|---------------------------------|-------------------------------------|---------------------|
| | | Page 5 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | Public Law 91-646 Relocation | |
| | | |

4. PUBLIC LAW 91-646 RELOCATION

There are no known P. L. 91-646 relocation requirements.

| | | |
|---------------------------------|---|---------------------|
| Appendix A - Real Estate | | |
| | | Page 6 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | Project Sponsor Responsibilities | |
| | | |

5. PROJECT SPONSOR RESPONSIBILITIES

5.1. Acquisition responsibilities

The PS, Georgia Ports Authority, has the responsibility to acquire all lands, easements, relocations, and rights-of-way (LERR) required for this Project. If construction contract administration is performed by the USACE Savannah District, then the District of Real Estate shall obtain from the project sponsor an Authorization for Entry onto project lands prior to certifying that lands area available for construction. The Authorization for Entry must include an Attorney's Certificate executed by the attorney for the project sponsor. See Exhibits C and D.

6. MINERAL RIGHTS

There are no known mineral activities within the scope of the proposed Project area.

| | | |
|---------------------------------|------------------------------------|---------------------|
| Appendix A - Real Estate | | |
| | | Page 7 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | ATTITUDE OF PROPERTY OWNERS | |
| | | |

7. ATTITUDE OF PROPERTY OWNERS

Property owners have expressed some skepticism about the Project. Rights-of-Entry for Survey and Exploration were difficult to obtain because of the property owners' skepticism. The river was widened in 1989 and deepened in 1995. The owners are wondering if this will be the last project to widen and deepen the river to accommodate larger ships because some are building improvements and do not know if they will be adversely affected or not in the future.

| | | |
|---------------------------------|--------------------------------|---------------------|
| Appendix A - Real Estate | | |
| | | Page 8 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | ACQUISITION SCHEDULE | |
| | | |

8. ACQUISITION SCHEDULE

The real estate acquisition schedule is to begin in May of 1999 with completion scheduled for March 2000. The upper harbor construction contract, which requires the real estate acquisition, is scheduled to be advertised after the completion of the acquisition in Mary 2000.

8.1. Proposed Estates

Estates are recommended for the Project. These will be incorporated into the conveyance deeds for acquisition of project lands. Conveyance deeds for the following will be required:

- A non-standard Perpetual Channel Improvement/Sloughing Easement (used in the 42 ft. Savannah Harbor Deepening Project).
- A standard Temporary Work Easement Estate which may be required for Fort Jackson
- A standard Perpetual Road Easement Estate for road access to Middle River closure
- A standard Temporary Road Easement Estate for the ramp expansion from dike in 1N to debris offload site
- A standard Fee Estate for mitigation lands

8.2. Channel Improvement/Slough Easement Estates

A perpetual and assignable right and easement to construct, operate, and maintain channel improvement work on, over and across the herein described land in connection with the operation and maintenance of the Savannah Harbor, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate, dredge, cut away, and remove any or all of said land; saturate, erode and slough said land; and to place thereon dredge material; and for such other purposes as may be required in connection with said work or improvement; reserving, however, to the Grantor, its successors 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.

8.3. Fee Estate

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.

| | | |
|---------------------------------|--------------------------------|---------------------|
| Appendix A - Real Estate | | |
| | | Page 9 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | ACQUISITION SCHEDULE | |
| | | |

8.4. 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 the Project Sponsor, for use by the Project Sponsor, its representatives, agents, and contractors as a (work area), including the right to (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 Savannah Harbor Expansion 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.

8.5. Permanent Road Easement

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract Nos. ____, ____ and ____) for the location, construction, operation, maintenance, alteration and 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.

8.6. Temporary Road Easement

A temporary and assignable easement and right-of-way in, on, over and across Tract Nos. ____, _____, _____ and for the location, construction, operation, maintenance, alteration and 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 the right-of-way as access to their adjoining land at the locations indicated in Schedule A; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

| Appendix A - Real Estate | | |
|---------------------------------|--------------------------------|----------------------|
| | | Page 10 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | REAL ESTATE ESTIMATE | |
| | | |

9. REAL ESTATE ESTIMATE

The estimated real estate costs include land and improvement values, damages, mineral rights, relocation cost and federal as well as non-federal administrative costs. A 25% contingency is applied to the estimated total of these items.

| ITEM | COST |
|---|--------------------|
| Channel Improvement/Sloughing Easement (18.38 acres) | \$587,000 |
| Improvement | 0 |
| Fee Acquisition (Mitigation Lands 3,080.5 acres) | \$920,000 |
| Mineral Rights | 0 |
| Damages | 0 |
| Relocations | 0 |
| P.L. 91-646 Relocation Costs | 0 |
| Acquisition Costs - Admin. (10 parcels/owners) | \$134,000 |
| Federal | \$25,000 |
| Non Federal | \$109,000 |
| TOTAL ESTIMATED REAL ESTATE COSTS | \$1,641,000 |

| | | |
|---------------------------------|--------------------------------|----------------------|
| Appendix A - Real Estate | | |
| | | Page 11 of 14 |
| Version: | Final | |
| Revision Date: | 7/24/98 | |
| Sponsor: | Georgia Ports Authority | |
| Section: | EXHIBITS | |
| | | |

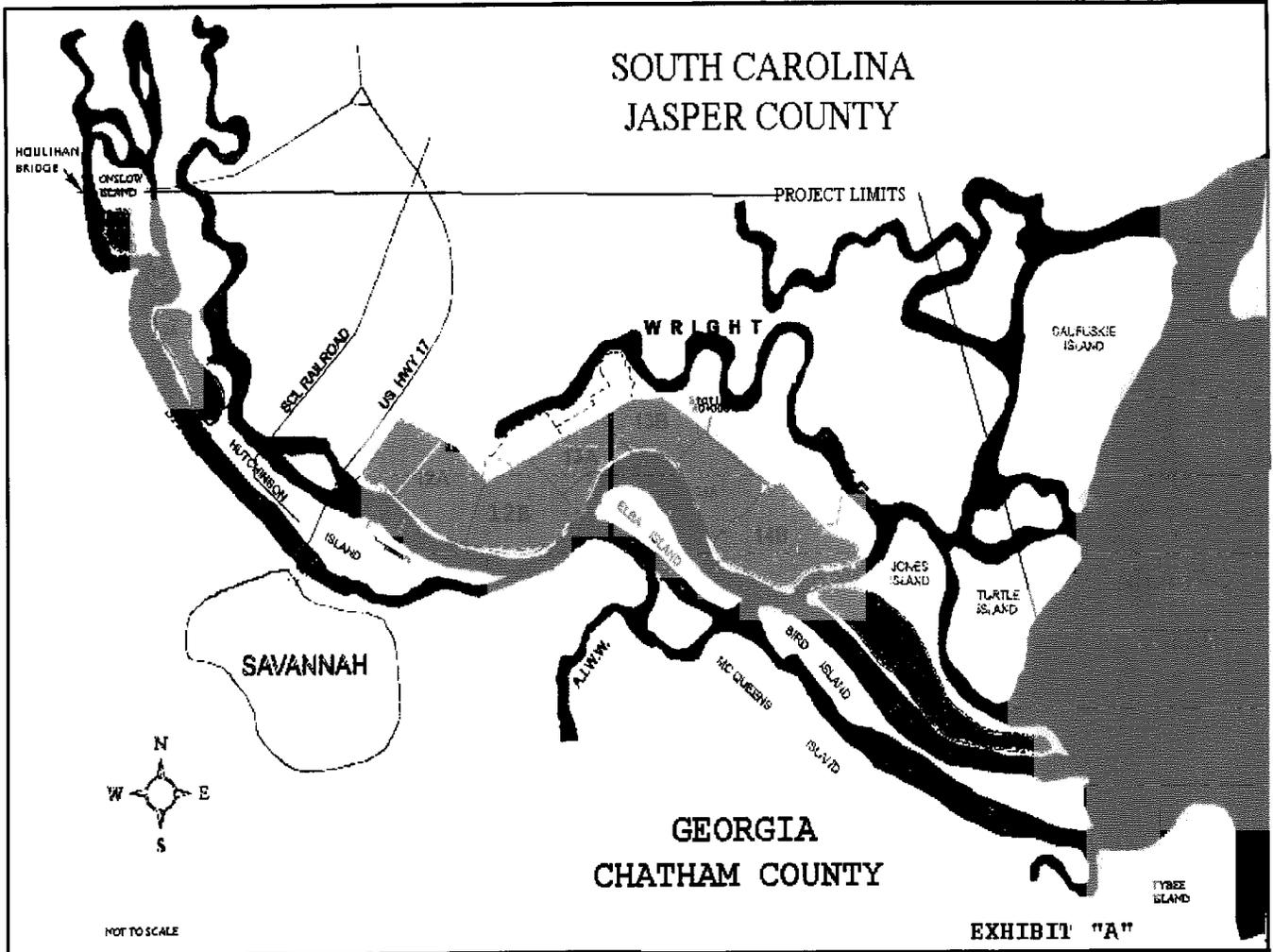
10. EXHIBITS

10.1. Exhibit A - Vicinity Map

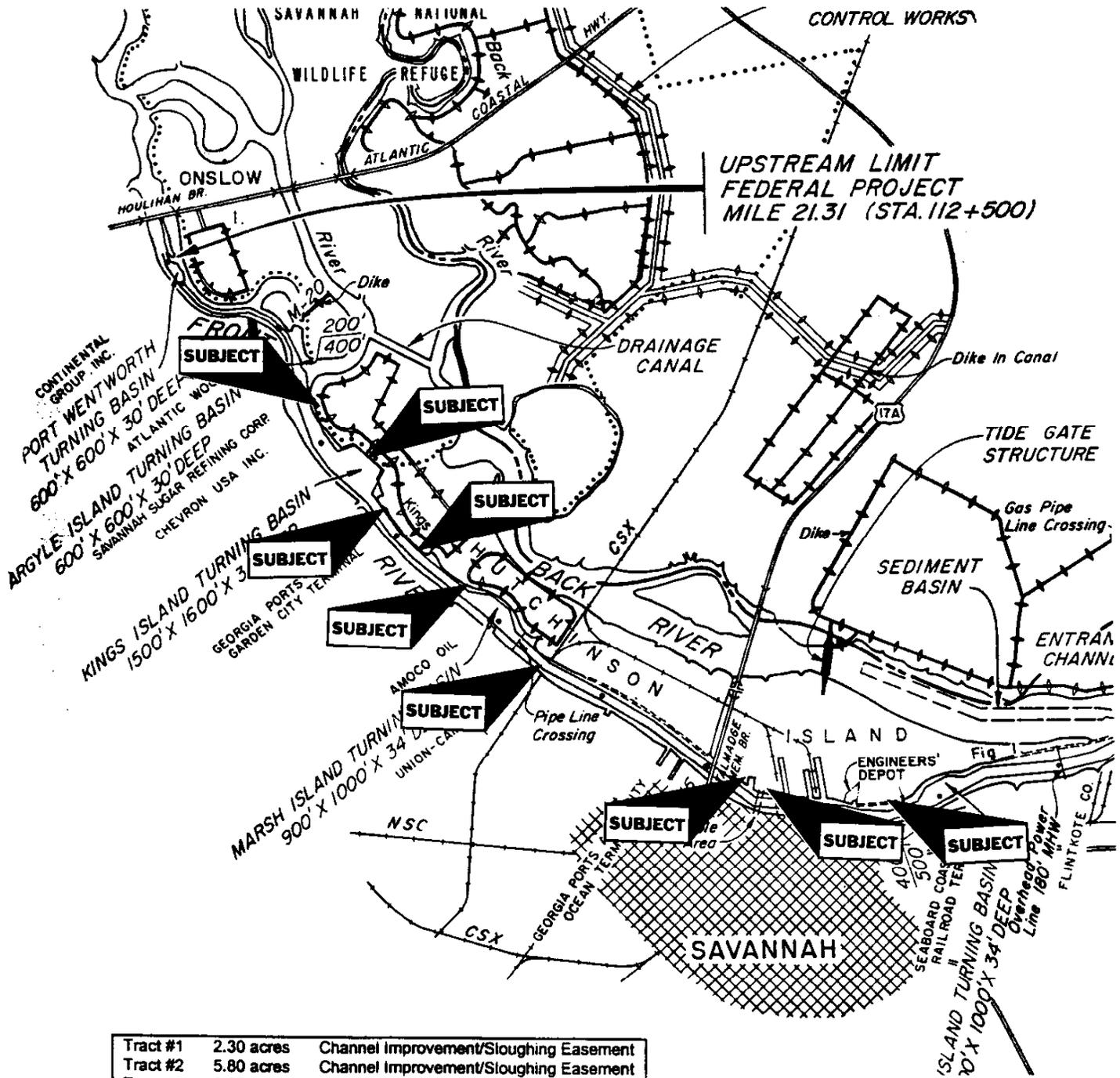
10.2. Exhibit B - Tract Map

10.3. Exhibit C - Authorization for Entry for Construction

10.4. Exhibit D - Attorney's Certificate of Authority



TRACT MAP



| | | |
|----------|-------------|--|
| Tract #1 | 2.30 acres | Channel Improvement/Sloughing Easement |
| Tract #2 | 5.80 acres | Channel Improvement/Sloughing Easement |
| Tract #3 | 0.82 acre | Channel Improvement/Sloughing Easement |
| Tract #4 | 0.40 acre | Channel Improvement/Sloughing Easement |
| Tract #5 | 0.36 acre | Channel Improvement/Sloughing Easement |
| Tract #6 | 2.80 acres | Channel Improvement/Sloughing Easement |
| Tract #7 | 0.70 acre | Channel Improvement/Sloughing Easement |
| Tract #8 | 1.20 acres | Channel Improvement/Sloughing Easement |
| Tract #9 | 4.00 acres | Channel Improvement/Sloughing Easement |
| | 18.38 acres | Channel Improvement/Sloughing Easement |

Exhibit B

AUTHORIZATION FOR ENTRY FOR CONSTRUCTION

SAVANNAH HARBOR EXPANSION PROJECT
Authorization for Entry

I, _____ (name), _____ (title) for Georgia Ports Authority do hereby authorize the United States of America, its agents, employees, and contractors to enter upon Tract _____ (list tracts) for the purpose of implementing the Savannah Harbor Expansion Project as set forth in the plans for the subject project held in the U. S. Army Corps of Engineers District Office, Savannah.

WITNESS my signature as _____ (title) for Georgia Ports Authority this _____ day of _____, 199__.

BY: _____
(Name)

(Title)

ATTORNEY'S CERTIFICATE
CERTIFICATE OF AUTHORITY

I, _____(name), _____(title of legal officer)
for Georgia Ports Authority, certify that Georgia Ports Authority is vested with sufficient
title and interest in the described lands required by the United States of America to
support the construction, operation and maintenance of the Savannah Harbor
Expansion Project; that Georgia Ports Authority has authority to grant the Authorization
for Entry to which this Certificate is appended; that said Authorization for Entry is
executed by the proper duly authorized authority; and the said authorization is in
sufficient form to grant the Authorization for Entry therein stated.

Signed this _____ day of _____, 199__.

(name)

(title)

Exhibit D