REAL ESTATE PLAN

MIAMI-DADE COUNTY BACK BAY COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY

MIAMI-DADE COUNTY, FLORIDA

APPENDIX F

May 2020

U.S. Army Corps
of Engineers
Norfolk District

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1 PURPOSE OF THE REAL ESTATE PLAN

This Real Estate Plan ("REP") has been prepared as a Programmatic REP. The term "programmatic" indicates this is a broad or high-level REP not a site-specific REP. Therefore, during successive phases of the project, additional site-specific REPs (each one would be considered a tiered REP) would be prepared and coordinated and would then comply with all Corps Regulations and policy guidance, including PGL 31. Since Real Estate costs appear to be only a minority of total costs, tiering allows this Project to go forward and recognizes that the entire Project is being tiered and that subsequent tiered REPs can focus on site-specific impacts and issues. This will also align the REP process with the NEPA process as outlined in Section 1.9 of the main report.

Per Condition 1.9 of the main report, only limited design information is available at this time (during the feasibility study only approximately a 10% level of design will be provided), and thus the Endangered Species Act, Section 7 and the Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat consultations would be conducted during the Preconstruction, Engineering, and Design (PED) Phase of the project. During this feasibility phase of the Project, a Programmatic Agreement is being prepared to ensure compliance under Section 106 of the National Historic Preservation Act. Thus this REP can't cover more than what the main report is covering.

Per Condition 1.9 of the main report, during the PED Phase, a wetland jurisdictional determination, detailed environmental surveys, and cultural and historic building surveys and data gathering would be conducted to support the site-specific future tiered NEPA document as each phase progresses. When such site specific Project element is developed, a site specific REP will be developed. The level of detail in this programmatic REP is sufficient to allow an informed decision among planning-level alternatives and to develop broad strategies. Additional, more detailed site-specific REPs would be conducted in future phases of the project. This is an especially relevant and appropriate strategy for this project as some of required real estate may vary considerably over time.

This REP is prepared in accordance with applicable Engineering Regulations and presents preliminary and estimated real estate requirements based on the information and resources available at this time and multiple assumptions, for the Miami-Dade Back Bay Coastal Storm Risk Management Draft Integrated Feasibility Report and Programmatic Environmental Impact Statement ("Study" or "Project" or "CSRM") described below. The non-Federal Sponsor for this study is the County of Miami-Dade County (MDC), Florida ("NFS" or "County").

This report is an interim response to the study authority and will develop and evaluate CSRM measures for Miami-Dade County. Miami-Dade County and its 34 municipalities, with a total of approximately 2.8 million people, lie in a relatively low-lying and flat coastal area. The region is well known for its risks of coastal flooding from hurricanes and tropical storms. Sea level rise (SLR) has increased these risks and will continue to do so in the future. Without plans to reduce coastal flood risk and increase resiliency, threats to life, property, and the economy will continue to increase.

This study will develop and evaluate CSRM measures for Miami-Dade County residents, industries, and businesses, some of which are critical to the regional and national economy. The study seeks not only to reduce coastal storm risk, but to also build resilience by addressing identified stresses and potential shocks on residents and the economy.

This REP is an appendix to the Study and describes the lands, easements, rights of way, relocations, and disposal areas ("LERRD") anticipated, identified or estimated at this time, that appear to be required for construction, operation and maintenance of the proposed Project; including estimated number of parcels, acreage, estates, ownerships, and preliminarily and roughly estimated values and identified assumptions. The REP will also include other relevant information on NFS ownership of land, proposed standard and non-standard estates, existing federal projects and ownership relocations under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (P.L. 91-626, as amended) (the Uniform Act), presence of contaminants, facility/utility relocations, a baseline cost estimate, a schedule for real estate activities, and other issues as required.

ESTIMATES OF LOCATIONS AND FOOTPRINTS OF THE STRUCTURAL MEASURES HAVE BEEN INITIALLY DETERMINED BASED ON THE USACE DERIVED 2079 1% ANNUAL EXCEEDANCE PROBABILITY STILLWATER LEVEL FROM THE FEMA SOUTH FLORIDA STORM SURGE STUDY (INCLUDES STORM SURGE AND USACE HIGH CURVE SEA LEVEL RISE) AND WILL BE FINALIZED DURING THE PRECONSTRUCTION, ENGINEERING, AND DESIGN PHASE OF THE PROJECT WHEN MORE DETAILED SURVEYS AND DATA ARE AVAILABLE.

THIS REP IS WRITTEN IN SUPPORT OF A RECOMMENDED PLAN AT A 10% LEVEL OF ENGINEERING DESIGN. THE REP SHOULD BE CONSIDERED TENTATIVE AND IS TO BE USED FOR PLANNING PURPOSES ONLY. THE FINAL REAL ESTATE ACQUISITION ESTIMATES OF VALUE ARE SUBJECT TO CHANGE EVEN AFTER APPROVAL OF THE REPORT, AND THIS REP MAY BE FURTHER AMENDED ACCORDING TO NEW AND REVISED INFORMATION.

1.1 PROJECT LOCATION

The study area is Miami-Dade County. Portions of the county are Federal lands. The county is bordered by the Atlantic Ocean to the east, Monroe County to the south and west, Collier County to the northwest, and Broward County to the north as shown in Figure 1.

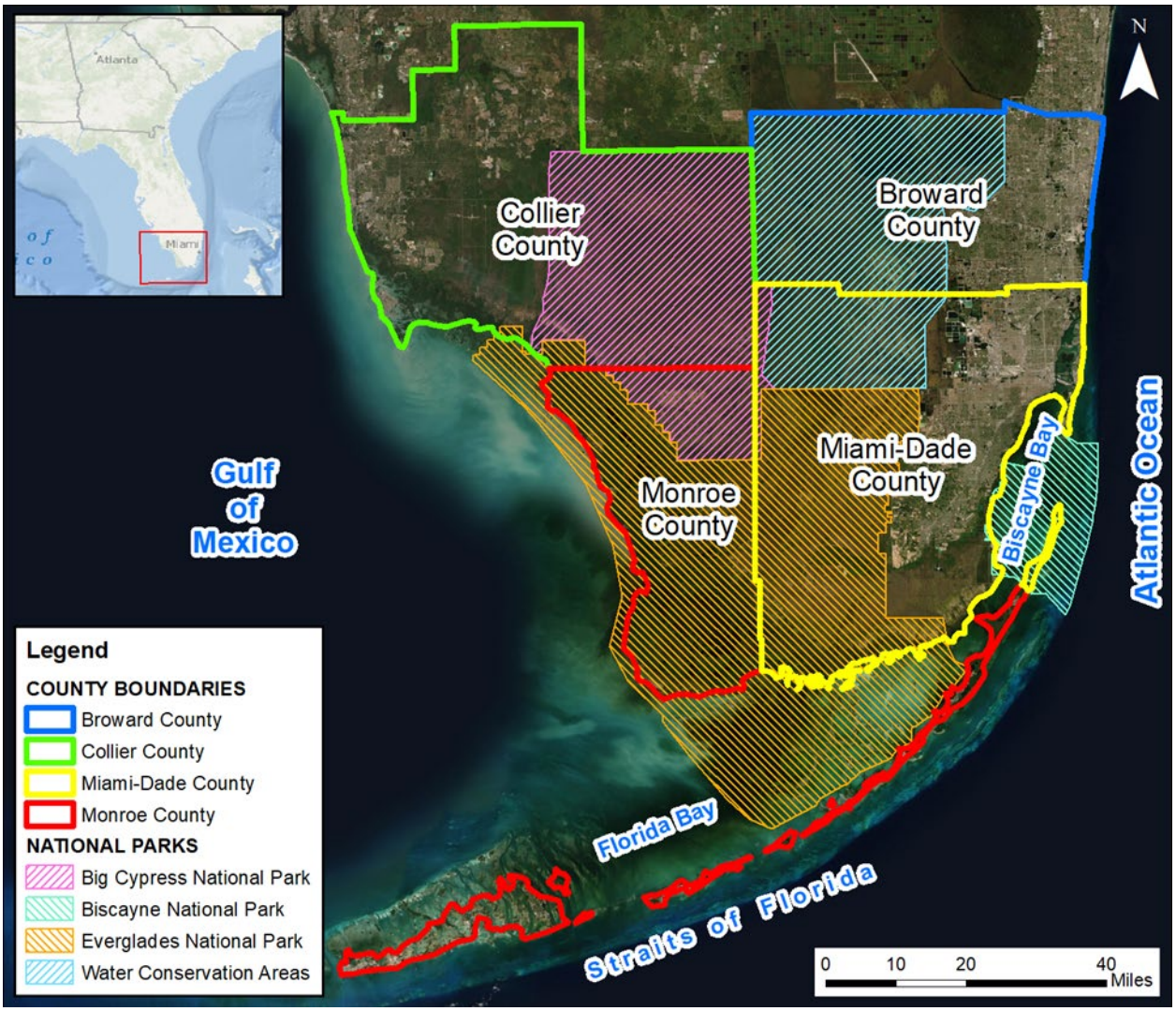


Figure 1. The Project Study area in relation to the State of Florida.

Miami-Dade County has 34 incorporated municipalities and an Unincorporated Municipal Service Area – areas of the County that do not fall within municipal boundaries. Table 1 lists the 34 municipalities, their designation, the year of incorporation, and 2010 census population.

Table 1. Miami-Dade County Municipalities Data

Name	Designation	Year Incorporated	2010 Population
Aventura	City	1995	35,762
Bal Harbour	Village	1947	2,513
Bay Harbor Islands	Town	1947	5,628
Biscayne Park	Village	1933	3,055
Coral Gables	City	1925	46,780
Cutler Bay	Town	2005	40,286
Doral	City	2003	45,704
El Portal	Village	1937	2,325
Florida City	City	1914	11,245
Golden Beach	Town	1929	919
Hialeah	City	1925	224,669
Hialeah Gardens	City	1948	21,744
Homestead	City	1913	60,512
Indian Creek Village	Village	1939	86
Key Biscayne	Village	1991	12,344
Medley	Town	1949	838
Miami	City	1896	399,457
Miami Beach	City	2015	87,779
Miami Gardens	City	2003	107,167
Miami Lakes	Town	2000	29,361
Miami Shores	Village	1932	10,493
Miami Springs	City	1926	13,809
North Bay Village	City	1945	7,137
North Miami	City	1953	58,786
North Miami Beach	City	1927	41,523
Opa-locka	City	1926	15,219
Palmetto Bay	Village	2002	23,410
Pinecrest	Village	1996	18,223
South Miami	City	1927	11,657
Sunny Isles Beach	City	1997	20,832
Surfside	Town	1935	5,744
Sweetwater	City	1941	13,499
Virginia Gardens	Village	1947	2,375
West Miami	City	1947	5,965

The study will concentrate on recommendations for the urbanized portions of the county. This is defined by the urban development boundary shown in Figure 2.

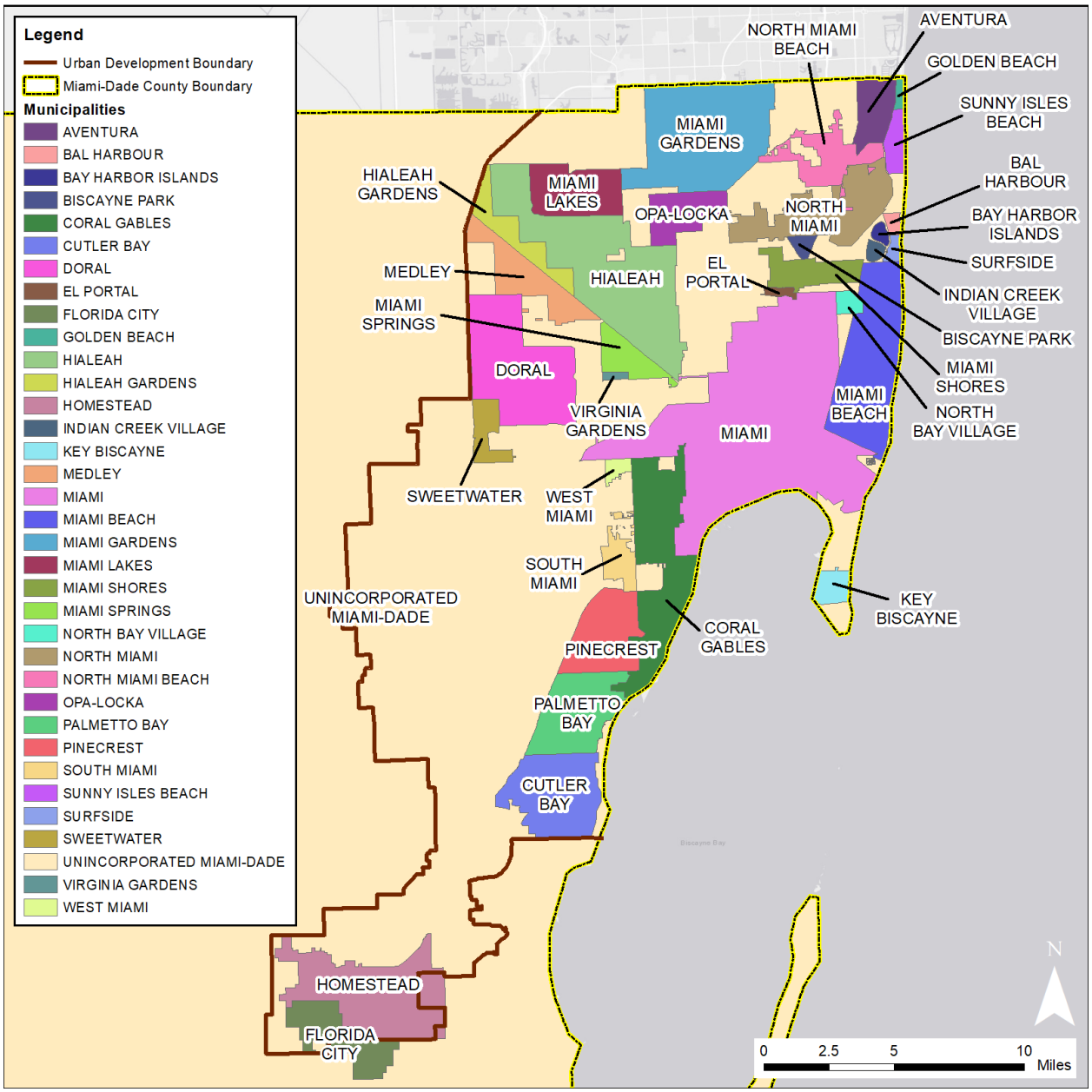


Figure 2. Miami-Dade County Municipalities Map

Due to the large geographic scale of the study and the inability to provide a comprehensive recommendation under this study effort, a process was completed to which identified seven of the most vulnerable areas based on flooding potential and social vulnerability. The process to identify those areas, called refined focus areas, is fully described in Chapter 3 of the main report.

1.2 PROJECT AUTHORIZATION

The study authority is Public Law 84-71, June 15, 1955 which authorizes an examination and survey of the coastal and tidal areas of the eastern and southern United States, with particular reference to areas where severe damages have occurred from hurricane winds and tides.

Notwithstanding Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)), which specifies the cost-sharing requirements generally applicable to feasibility studies,

Title IV, Division B of the Bipartisan Budget Act of 2018, Public Law 115-123, enacted February 9, 2018 (hereinafter "BBA 2018"), authorizes the Government to conduct the Study at full Federal expense to the extent that appropriations provided under the Investigations heading of the BBA 2018 are available and used for such purpose.

2 DESCRIPTION OF THE RECOMMENDED PLAN AND LANDS, EASEMENTS, RIGHTS-OF-WAY, RELOCATIONS AND DISPOSAL SITES (LERRD)

The Tentatively Selected Plan (TSP) includes an array of structural, nonstructural, and critical infrastructure measures. Figure 3 depicts the TSP; including the structural measures, nonstructural focus areas, and risk management areas.

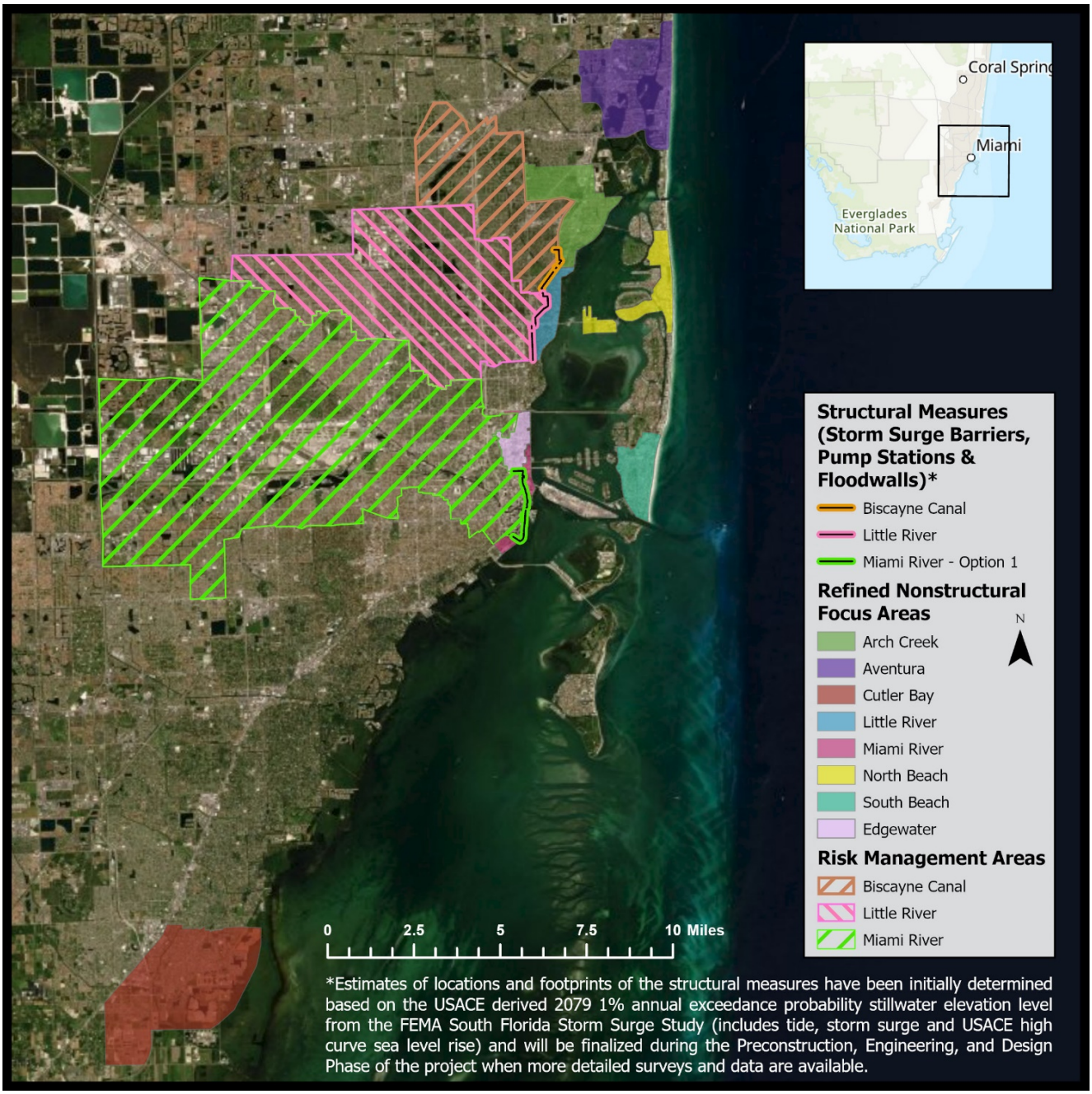


Figure 3. The Tentatively Selected Plan

2.1 STRUCTURAL

Structural coastal storm risk management measures are man-made, constructed engineering solutions to manage flood risk and reduce damage from coastal storms by physically limiting flood water inundation. This includes measures such as flood gates (storm surge barriers, miter gates, sector gates, etc.), levees, and floodwalls that are implemented to protect people and property.

At the time of this writing, moving the Miami River SSB floodwall from Brickell Ave. to a location along the waterfront is under consideration. The potential real estate impacts of such an action will be considered and real estate costs and impacts will be updated once complete.

2.2 NONSTRUCTURAL

The chosen alternative currently includes the following approximate quantities of structures sure to change once groupings and other factors are considered:

- Elevations of private residences: approx. 2300 homes
- Floodproofing commercial and critical infrastructure: approx. 3800
- Acquisition (buy-outs): none currently identified. As the project is optimized, potential structures for acquisition may be identified.

As of this writing, the actual location of these structures along the entire study area have not been released to the Project Delivery Team (PDT) for analysis nor have maps been prepared, therefore this is the extent of the information presently available concerning the LERRD.

3 NON-FEDERAL SPONSOR OWNED LERRD

The City of Miami owns several small parcels of land required for temporary easements for construction. The City will grant an authorization for entry for construction here IAW ER 405-1-12.

The Government does not anticipate the residential structures identified for nonstructural measures to be located on NFS owned lands. However, there may be public buildings identified for floodproofing, or commercial buildings/warehouses located on public property and the NFS will be required to obtain the rights necessary for construction.

4 ESTATES

4.1 STRUCTURAL

The NFS will need to certify availability of the following two standard USACE estates for land planned to erect the structural measures:

<u>FLOOD PROTECTION LEVEE EASEMENT</u>

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.

<u>TEMPORARY WORK AREA EASEMENT (TWAE):</u>

A temporary easement and right-of-way in, on, over and across the land described in Exhibit “A”, for a period not to exceed 3 years, beginning with date possession of the land is granted to the united States, for use by the United states, 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 North Landing Bridge Replacement 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.

4.2 NONSTRUCTURAL

For properties that are eligible for elevation or dry floodproofing, the NFS and the landowner will execute an Agreement to serve as Right-of-Entry permitting the Government to construct, inspect, and perform OMRR&R on the Project. The NFS will record the agreement, as well as any required curative documents, subordination or release agreement(s), in the Miami-Dade County public records prior to commencement of the nonstructural improvements on the property.

During PED, the necessary real estate rights for each of the measures will be determined, and if there is no standard estate applicable to the project, the rights required for construction will be drafted as non-standard estates (rights for residential elevations, dry floodproofing of eligible non-residential structures). The USACE Real Estate District staff will submit the draft estates to CEHQ-RE as a Request for Approval of a Non-Standard Estate.

The standard estates below show the current approved language used for a Right of Entry and the Fee estate to accomplish nonstructural measures.

4.3 ELEVATION AND FLOODPROOFING

<u>RIGHT OF ENTRY FOR SURVEY AND EXPLORATION:</u>

An assignable easement, in, on, over and across the land described in Exhibit "A" for a period of ( ) months beginning with the date possession of the land is granted to the United States, consisting of the right of the United States, its representative, agents, contractors and assigns to enter upon said land to survey, stake out, appraise, make borings; and conduct tests and other exploratory work necessary to the design of a public works project; together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles as required in connection with said work; subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowner(s), their heirs, executors, administrators, successors and assigns, all such right, title, interest and privilege as may be used and enjoyed without interfering with or abridging the rights and easement hereby acquired.

4.4 ACQUISITION

<u>FEE:</u>

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

<u>Non-Standard Estates:</u>

If it is determined that a non-standard estate is needed, the District Real Estate Office will seek waiver of standard estates and approval of non-standard estates or measures through the USACE North Atlantic Division ("NAD") to HQ USACE.

5 EXISTING FEDERAL PROJECTS WITHIN THE LER REQUIRED FOR THE PROJECT

There are numerous Federal projects located within Miami-Dade project study area. However, the Government eliminated any federal structures from consideration in the nonstructural measure data. No structural features will be located within the boundaries of an existing Federal project.

6 FEDERALLY OWNED LANDS WITHIN THE LER REQUIRED FOR THE PROJECTS

None of the structures identified for the structural or nonstructural project features will be located on federally owned lands.

7 NAVIGATION SERVITUDE

The navigation servitude is the dominant right of the Government under the Commerce Clause of the U.S. Constitution to use, control, regulate the navigable waters of the United States, and submerged lands thereunder for various commerce-related purposes. The Government will not assert navigational servitude for any features of this Project because this project authority does not have a nexus to a Navigation purpose; therefore, the Navigation Servitude is not available for this project according to the two-step test referenced in ER 405-1-12, Chapter 12, Section 12-7, b. and c.

8 PROJECT MAPS

See Exhibit "A" for maps of the project area, selected alternative area, and critical infrastructure. The maps under Section 1 Project Location provide an overview of the study area. Maps depicting the locations for nonstructural measures of floodproofing critical infrastructure are not available as of the date of this report nor are the residential properties showing a positive indication for acquisition or elevation.

9 INDUCED FLOODING

There will be no induced flooding due to the implementation of the project. Detailed modeling in the PED Phase will confirm any impacts from the project and, if necessary, add mitigation measures to ensure the implementation of the project will not induce flooding.

10 REAL ESTATE COST ESTIMATES

As of the date of this report, the data needed to analyze the costs beyond what is included below for the nonstructural measures of residential acquisition, residential elevation, and non-residential floodproofing of critical infrastructure was not readily available. Therefore the estimates below represent a per unit cost associated with the needed work based on assumptions made in regards to the Uniform Relocation Act and that the NFS will contract with an acquisition contractor, also known as a "Right of Way agent", as indicated in the NFS Capability Assessment (Exhibit B).

For study purposes, assessed land values in the structural measures data are being utilized to estimate implementation real estate costs. Acquisition appraisals will be performed during the implementation phase pursuant to Federal land acquisition policies and regulatory requirements. Costs of completing the elevations, demolition of acquired homes and floodproofing are construction costs, and are not included as real estate costs. There is no real property interest acquisitions associated with elevating or floodproofing a structure. Only administrative costs were included for these measures. The administrative costs are to provide a Right of Entry to the lands and to serve

as a liaison between the construction contractor and the property owner during construction of the measure. Table 2 displays the baseline cost estimates for real estate.

Baseline Cost Estimate for Real Estate (BCERE)					
Estates	**Acres**	**Lands & Damages**	**NFS Real Estate Admin**	**Federal Real Estate Admin**	**Total LERRD Costs**
TWAE (826 actions)	518	$28,265,000	$14,868,000	$6,608,000	$49,740,000
Perpetual Easements (1169 actions)	518	$324,884,000	$21,042,000	$9,352,000	$355,278,000
Fee Acquisition	0	$0	$0	$0	$0
NFS LERRD Cost Totals		**$353,149,000**	**$35,910,000**	**$15,960,000**	**$405,019,000**

Table 2. Baseline Cost Estimates for Real Estate (BCERE)

11 UNIFORM RELOCATION ASSISTANCE (P.L. 91-646, TITLE II AS AMENDED)

Public Law 91-646 applies to NFS acquisitions, and the NFS will be advised of P.L. 91-646 requirements when determining the NFS capability assessment. At that time, the Government will determine if additional training on the requirements, and will be required. Pursuant to section 21 l (b) of the Act, "No payment or assistance under this title or title III of this Act shall be required to be made to any person or included as a program or Project cost under this section, if such person receives a payment required by Federal, State, or local law which is determined by the head of the Federal agency to have substantially the same purpose and effect as such payment under this section."

11.1 Acquisition (Buyouts)

This measure provides for purchasing a structure at the just compensation amount based on the appraised market value at the time and removing it from vulnerable areas by performing a subsequent demolition, and relocation of the residents. This is because acquisition was found to represent the best alternative to eliminating risks to the property and residents. Relocation benefits, based on a myriad of scenarios and qualifications of the resident's status when owning or occupying the home at the time will apply in accordance with the URA. As of this writing it is estimated no structures are included in this measure, however, additional modeling will be conducted to determine if acquisitions will be required.

11.2 Elevation

The nonstructural measures of elevation will be undertaken solely on a voluntary basis, as such no relocation benefits are paid for voluntary measures as the act of elevating the home is in and of itself considered a benefit. Thus, it appears that no payment under PL 91-646 will be required under this

Act for property owners receiving voluntary benefits under the nonstructural measures of elevation. As of this writing it is estimated 9,100 structures are included in this measure.

However, an exception to paying relocation expenses exists when there is an eligible tenant in the property, and the tenant (rather than the property owner) is displaced to accomplish the voluntary measure benefiting the property owned by a lessor. In this case, such tenants may receive relocation benefits.

For purposes of this study, which is only at a 10% design level, identifying which properties have tenants went beyond the scope. An $18,000 per structure relocation benefit is in the cost estimate based on three month's hotel living expenses. Planners applied this figure to each structure to account for an array of unknowable contingencies as explained further below. Eligible tenants temporarily relocating are reimbursed for the cost of temporary alternate housing, meals and incidentals (such as laundry services), and the fees for disconnection and connection of utilities at the temporary residence. Alternate housing could be hotels or apartments, depending upon availability in the community. All temporary housing costs require advance approval by the NFS after first obtaining the prior written approval of the Government. General Services Administration per diem rates are the basis of allowable hotel reimbursement. Apartment costs are on market rents.

All conditions of temporary relocation must be reasonable. The NFS should return the tenant to his or her previous unit before one year's time. Any residential tenant who temporarily relocated for more than one year must be offered permanent relocation assistance, which may not be reduced by the amount of any temporary relocation assistance previously provided.

At a minimum, tenants shall be provided the following: reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied housing, and any increase in monthly rent or utility costs at such housing. Tenants are entitled to receive relocation advisory services as well, including reasonable advance written notice of the following:

- Address of the suitable decent, safe, and sanitary dwelling to be made available for the temporary period;
- Terms and conditions under which the tenant may lease and occupy a suitable decent, safe and sanitary dwelling in the building/complex upon completion of the project; and
- Provisions of reimbursement for all reasonable out of pocket expenses incurred in connection with the temporary relocation as noted above.
- In addition to relocation advisory services, displaced tenants may be eligible for other relocation assistance including relocation payments for moving expenses and replacement housing payments for the increased costs of renting or purchasing a comparable replacement dwelling.

Another noteworthy exception to the relocation benefit payment for voluntary participants related to elevation occurs when the cost exceeds the value of the property itself. In this case, planners have assumed the property owner would be "bought out" rather than incurring the cost of elevation. If relocations are required, the NFS will proceed in accordance with the P.L.91-646 and will receive LERRD crediting as appropriate. The financial contingency for this scenario, which also will not be known until the execution phase of the project, is accounted for with the $18,000 relocation benefit applied to every structure deemed eligible for elevation. If relocations are required, the NFS will proceed in accordance with the P.L.91-646 and will receive LERRD crediting as appropriate.

11.3 Floodproofing of Non-Residential Structures

Dry floodproofing involves sealing flood prone structures from water with door and window barriers, small-scale rapid deployable floodwalls, or sealants. Floodproofing is limited to non-residential structures, such as commercial buildings and critical infrastructure.

Planers assumed that for this measure no requirements for temporary relocation apply. In the event that relocations are required, in accordance with 49 CFR Part 24 (Subpart A, Section 24.2(a)(9)(ii)(D), property owner/occupants of non-residential structures who willingly participate in the program are not considered displaced, and therefore are not entitled to receive relocations assistance benefits. Additionally, businesses will not receive benefits for temporary loss of operation during construction. Business owners who are tenants of the structure, and who must relocate temporarily during construction, could receive relocation assistance advisory services and moving expenses, in accordance with 49 CFR Part 24.

12 TIMBER/MINERAL/ROW CROP ACTIVITY

Based on current design level, the Government has not identified any future mineral, timber or ROW crop activities or other subsurface minerals within the study area.

13 NON-FEDERAL SPONSOR ASSESSMENT

An assessment of the NFS's legal and professional capability and experience to acquire and provide the LERRD is in the format prescribed in ER 405-1-12, Appendix 12-E, and is attached as Exhibit B.

14 ZONING ORDINANCES

At the 10% design level it is unknown at this time if there will be an application or enactment of zoning ordinances in lieu of, or to facilitate, features of this project. During PED, USACE and the NFS will further review planning and zoning regulations conduct discussions regarding land use regulations. The NFS will be required to coordinate these matters with local planning commissions.

15 ACQUISITION SCHEDULE

The proposed Project is currently in the feasibility stage. USACE Real Estate advises that acquisition phase determinations are preliminary and subject to the capacity of the contractor the NFS ultimately procures if the nonstructural buyout measures are pursued. The NFS will officially initiate real estate acquisition activities after final execution of the Project Partnership Agreement ("PPA"). Generally, the anticipated possession date for the required real property interests will be approximately 12-24 months after the project is funded for real estate acquisition activities. Staff will make schedule revisions as the design progresses.

16 FACILITY/UTILITY RELOCATIONS

Based on the information the PDT had gathered at the 10% design, engineering, and GIS indicates that there is a possibility of facility/utility relocation. At the 10% design stage, there is not enough information to ascertain the facility/utility relocation impacts. This section will be updated as the structural and non-structural measures are refined.

17 HAZARDOUS, TOXIC AND RADIOACTIVE WASTE

Based on current 10% design level, USACE has not identified any hazardous, toxic, and radioactive waste in this Project. Therefore, planners have assumed an "As-Clean" hypothetical condition (meaning there are no significant hazardous materials or contamination present due to previous and or adjacent land uses).

18 LANDOWNER CONCERNS

At this point in the feasibility study, there has been no significant opposition from the public. Public outreach efforts began early in the planning process and was done in compliance with 33 CFR § 385.18. USACE held two Public Meetings to engage the citizens on Alternative selection prior to the TSP milestone. These meetings took place on 19 September 2019 and 16 October 2019. The overall attitude during the public meetings was positive and supportive of the project.

The nonstructural measures with the mandatory buyout measures per USACE policy at the time of this writing are may cause concern amongst the local population.

Public Meeting Held:

19 September 2019

16 October 2019

19 OTHER RELEVANT REAL ESTATE ISSUES

Not Applicable.

This appendix is considered a DRAFT. As previously mentioned throughout the report, this appendix is subject to change as the study is developed further.

Prepared by: _____ _____

Brett Zank
Realty Specialist
Acquisition, Management
And Disposal Section

Date

Approved by: _____ _____

Donna L. Carrier-Tal, Esq.
Chief, Real Estate Office
Real Estate Contracting Officer

Date

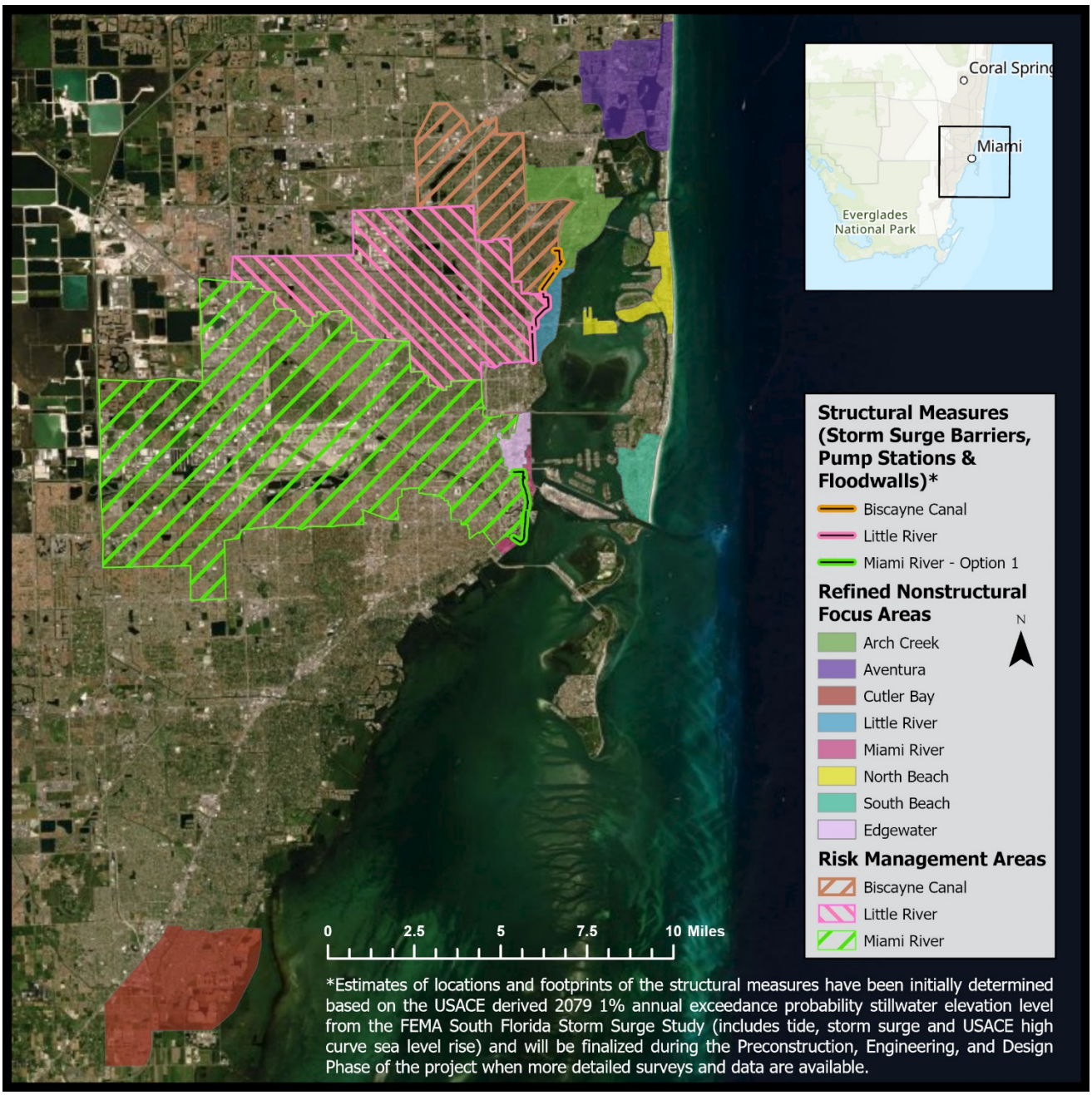
Legal Sufficiency:_____ _____

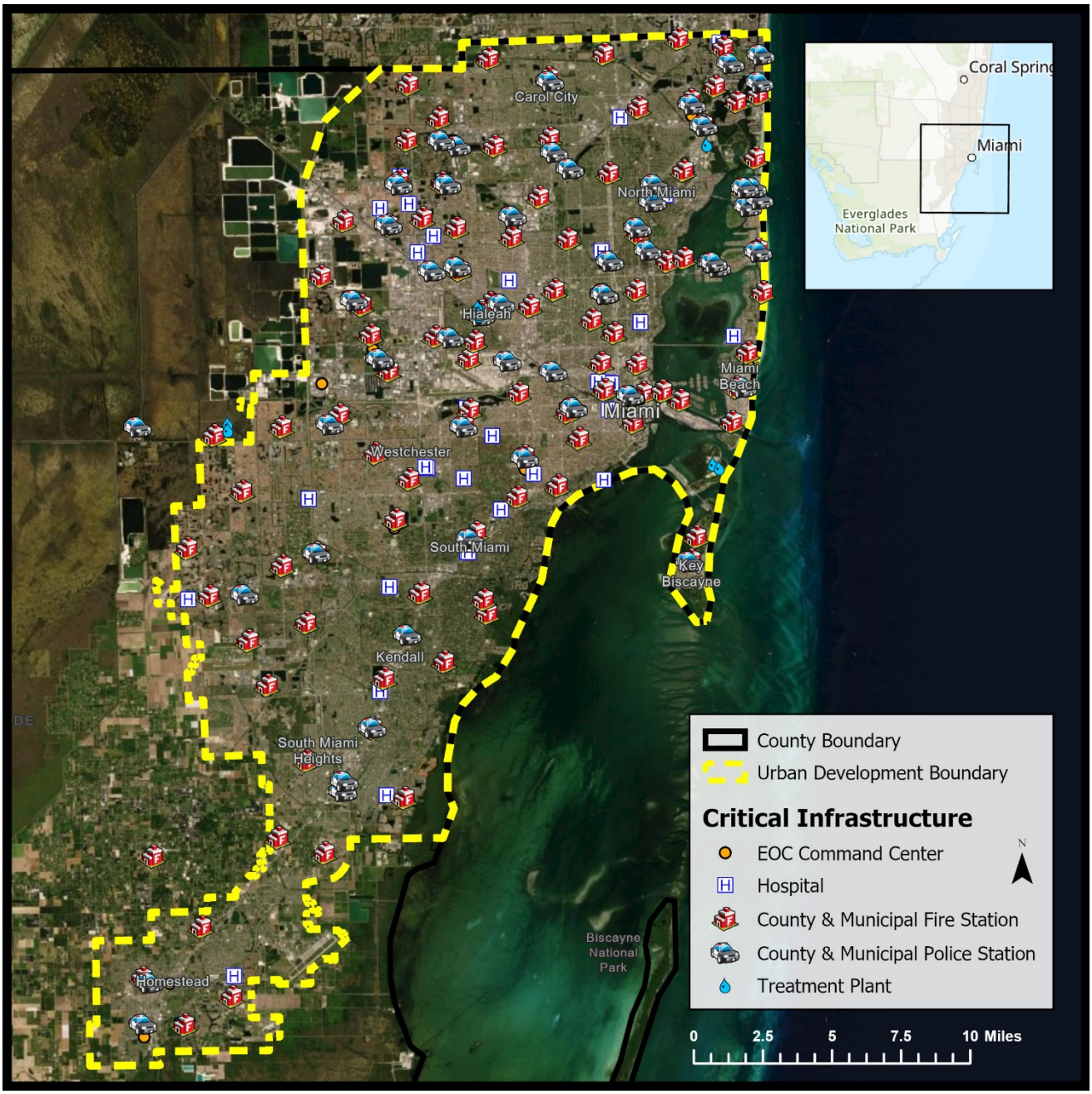
Todd Waldman
Office of Counsel

Date

Exhibit “A” Miami-Dade Project Maps

Structural/Non-Structural/Critical Infrastructure Maps




Coral Spring
Miami
Everglades National Park
Carol City
North Miami
Hialeah
Miami Beach
Miami
Westchester
South Miami
Key Biscayne
Kendall
South Miami Heights
Homestead
Biscayne National Park
County Boundary
Urban Development Boundary
Critical Infrastructure
EOC Command Center
Hospital
County & Municipal Fire Station
County & Municipal Police Station
Treatment Plant
N
0
2.5
5
7.5
10 Miles

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)

Florida Statue 127.01
Chapter 73 provides procedural guidance.

b. Does the sponsor have the power of eminent domain for this project?
(yes/no)

Florida Statue 127.01
Chapter 73 provides procedural guidance.

c. Does the sponsor have "quick-take" authority for this project? (yes/no)

Florida Statue 74.031

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)

A training plan will be developed and implemented prior to beginning real estate acquisitions in support of the project.

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?
(yes/no)

The sponsor has sufficient real estate acquisition experience but will benefit from specific training related to federal relocation guidance, including P.L. 91-646.

d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule?
(yes/no)

Contractor support may be sought to support this project due to high number of potential acquisitions.

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)

The sponsor has performed satisfactorily on USACE projects in the Jacksonville District.

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)

Due to large scope of potential acquisitions, the sponsor may need additional personnel and training to support this Federal project.

Coordination:

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

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