

**Appendix J**  
**Real Estate**

## Appendix J Real Estate

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## Appendix J Real Estate

- 1. The Real Estate Report.** The information and values contained in this report are tentative in nature and are to be used for planning purposes only. Although this report is based on data obtained from Wilmington District, minor modifications to the plan may occur thus changing the final acquisition areas and/or administrative and land cost. The author of this report conducted site visits to the project area during the week of 17-20 February 1998. The Project Sponsor (PS) is Dare County, North Carolina.
- 2. Authorization.** This study was authorized by a resolution adopted August 1, 1990 by the Committee on Public Works and Transportation of the U.S. House of Representatives. Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, that the Secretary of the Army, in accordance with Section 110 of the River and Harbor Act of 1962, is requested to make, under the direction of the Chief of Engineers, studies of the Dare County Beaches, Dare County, North Carolina, in the interest of beach erosion control, hurricane protection, storm damage reduction needs, and related purposes.
- 3. Project Description.** The Dare County beaches study area is located on the northern coast of North Carolina approximately 40 miles south of the North Carolina-Virginia state line. Dare County covers an area of 800 square miles, of which 391 square miles is land. The maximum elevation of Dare County is 11.3 feet with the exception of Jockeys Ridge, the largest natural, living sand dune on the East Coast with an approximate elevation of 140 feet.

The proposed hurricane and storm damage reduction project consists of a 50-foot wide berm with a 13-foot high dune to be constructed along two separate reaches of the oceanfront within the study area. The northern portion of the berm and dune project will protect approximately 4.1 miles of shoreline in the Kitty Hawk and Kill Devil Hills area, while the southern portion of the project would cover approximately 10.1 miles of shoreline in the Nags Head and south Nags Head area. The sand will be from off shore borrow areas that are located approximately 1.5 miles east of the northern reach of the project and approximately 3 miles northeast of the southern reach of the project and are within State controlled waters.

- 4. Real Estate Acquisition.** The requirements for lands, easements, rights-of-way and relocations, and disposal/borrow areas (LERRD's) include the right to construct a dune and berm system along the shoreline of Dare County. The dune and berm system will be constructed in two reaches. The northern reach will begin at Project Station 13,830 and end at Project Station 29,730, and the

southern reach will begin at Project Station 52,160 and end at Project Station 99,650. The total project length without the transition areas is 9 miles in length. The transition areas are 3,000 feet in length on each end of each reach, thereby making the total length of the project area 10.1 miles in length. (See Exhibit "A"). Within the north and south project reaches, there are approximately 969 properties (304 in the northern reach and 665 in the southern reach) that will be impacted by the project. The Project Sponsor will be required to acquire a "Perpetual Beach Storm Damage Reduction Easement" across the properties that are located within the project reaches.

There are improvements that will be affected by proposed project; this includes the acquisition of 8 homes, one swimming pool, and one outbuilding. The homes that are being impacted are seasonal/rental type dwellings and will not receive full relocation benefits. There are six lots that will be impacted by the project that will be too small after the project to allow for any future building on the lot.

5. **Proposed Estates.** The estate that will be used for this proposed project is as follows:

#### **PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT**

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract No. \_\_\_) for use by the (Project Sponsor), its representatives, agents, contractors, and assigns, to construct, preserve; patrol; operate; maintain; rehabilitate; and replace; a public beach [a dune system] and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms [and dunes]; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the (Project Name), together with the right of public use and access; [to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and snow fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas;] to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement (except \_\_\_\_); [reserving, however, to the grantor(s), (his) (her) (their) (heirs), successors and assigns, the right to construct dune overwalk structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and

specifications for such structures is obtained from the (designated representative of the Project Sponsor) and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project; and further reserving to the grantor (s), (his) (her) (its) (their) (heirs), successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

6. **Crediting.** Both the northern and southern reaches of the project will be accessible to the public for its use and enjoyment by allowing access to the beach every one-half mile. The easement language provides for public use within the easement area that is located between the MHW line and the landward easement limit of the project area. The non-Federal Sponsor is entitled to credit against its share of project costs for the value of lands, easements, and rights-of-way it provides and the value of relocations that are required for the project. The value is equal to the fair market value of the real property interest, plus certain incidental costs of acquiring the real estate interest that is required by the Government. There are no prior Federal projects located within the project boundaries that would prohibit the Project Sponsor from receiving credit for lands associated with the subject project.
7. **Existing Projects.** There are no existing projects within the acquisition area.
8. **Government-Owned Property.** The project will not impact any federally owned lands.
9. **Lands Below Mean High Water.** The State of North Carolina requires notification of a project, however the State does not require a permit for placing sand below MHW.
10. **Real Estate Estimate.** The estimated real estate costs include land and improvement values, damages, mineral rights, resettlement cost and federal as well as non-federal administrative costs. Offsetting benefits do apply to the properties that are affected by the Perpetual Storm Damage Reduction Easement. The land cost that is listed is due to the after condition of six improved lots that are being impacted and will be acquired in Fee Simple Interest. Off setting benefits do not apply to the six lots due to the fact that they will be acquired in Fee Simple Interest due to the lot size after construction the lots will be too small to allow for new building construction. A 25% contingency is applied to the estimated total of these items. See Exhibit "C" -- Code of Accounts.

**Dune & Berm System**

A. Lands (6 Ownerships)	\$998,750.00
B. Improvements (8 Dwellings)	\$534,400.00
C. Mineral Rights	\$0.00
D. Damages	\$0.00
E. Utility Relocations	\$0.00
F. P.L. 91-646 Relocation Costs (8 Dwellings)	\$8,400.00
G. Acquisition Cost - Admin ( 969 Ownerships)	\$2,761,650.00
(Federal \$339,150)	
(Non-Federal \$2,422,500)	
Sub-Total	\$4,303,200.00
Contingencies (25%)	\$1,075,800.00
<b>Total Estimated Real Estate Cost</b>	<b>\$5,379,000.00</b>
<b>Rounded</b>	<b>\$5,380,000.00</b>

**11. Utility Relocation.** There will be no utility relocations.

**12. P.L. 91-646 Assistance.** The proposed plan for this project requires P.L. 91-646 assistance. It is the responsibility of the Savannah District Chief of Real Estate to assure that the acquisition process is conducted in compliance with the requirements of P.L. 91-646. The relocations will be conducted by the Project Sponsor and overseen by the Savannah District Real Estate Division. There are eight dwellings that are impacted by this alternative, all of which are seasonal residences, therefore only moving expenses will be payable on these relocations. They have the option of hiring a professional moving service that will be paid on an actual cost basis or moving themselves according to a fixed rate schedule based on the number of rooms of personal property. Prior to the certification of Real Estate, all relocations must be completed.

**13. Mineral Activity.** There are no known mineral activities within the scope of the project.

**14. Environmental Impact.** In the enclosed Environmental Impact Study of this report, there are no HTRW issues identified.

**15. Anticipated Support or Opposition To The Project.** There is no known opposition to the project by landowners that could impact the acquisition process.

**16. Project Sponsor (PS) Responsibilities.** Given that the offshore borrow areas are located within the three mile State water limitation, the Permits for the sand removals from offshore borrow areas will be from appropriate state agencies. In addition, perpetual beach storm damage reduction easements will be required from approximately 969 properties, as well as P.L. 91-646 requirements as

previously discussed. The PS will also be required to execute an Authorization for Entry for Construction and furnish an Attorney's Certificate of Authority. This must transpire prior to the project being advertised. The PS must adhere to the following checklist:

- 17. Acquisition Schedule.** The real estate acquisition will take approximately 30 months from the start of the survey. The start of construction is anticipated to begin November 2003. The Project Sponsor has been notified about the risks associated with acquiring land prior to the execution of the PCA.

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

**III. Other Project Variables:**

- a. Will the sponsor's staff be located within reasonable proximity to the project site? **YES**
- b. Has the sponsor approved the project/real estate schedule/milestones? **NOT AT THIS TIME**

**IV. Overall Assessment:**

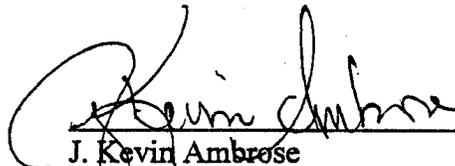
- a. Has the sponsor performed satisfactory on other USACE projects? **N/A**

b. With regard to the project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable.  
**INSUFFICIENTLY CAPABLE -- Sponsor will contract out real estate acquisition services.**

**V. Coordination:**

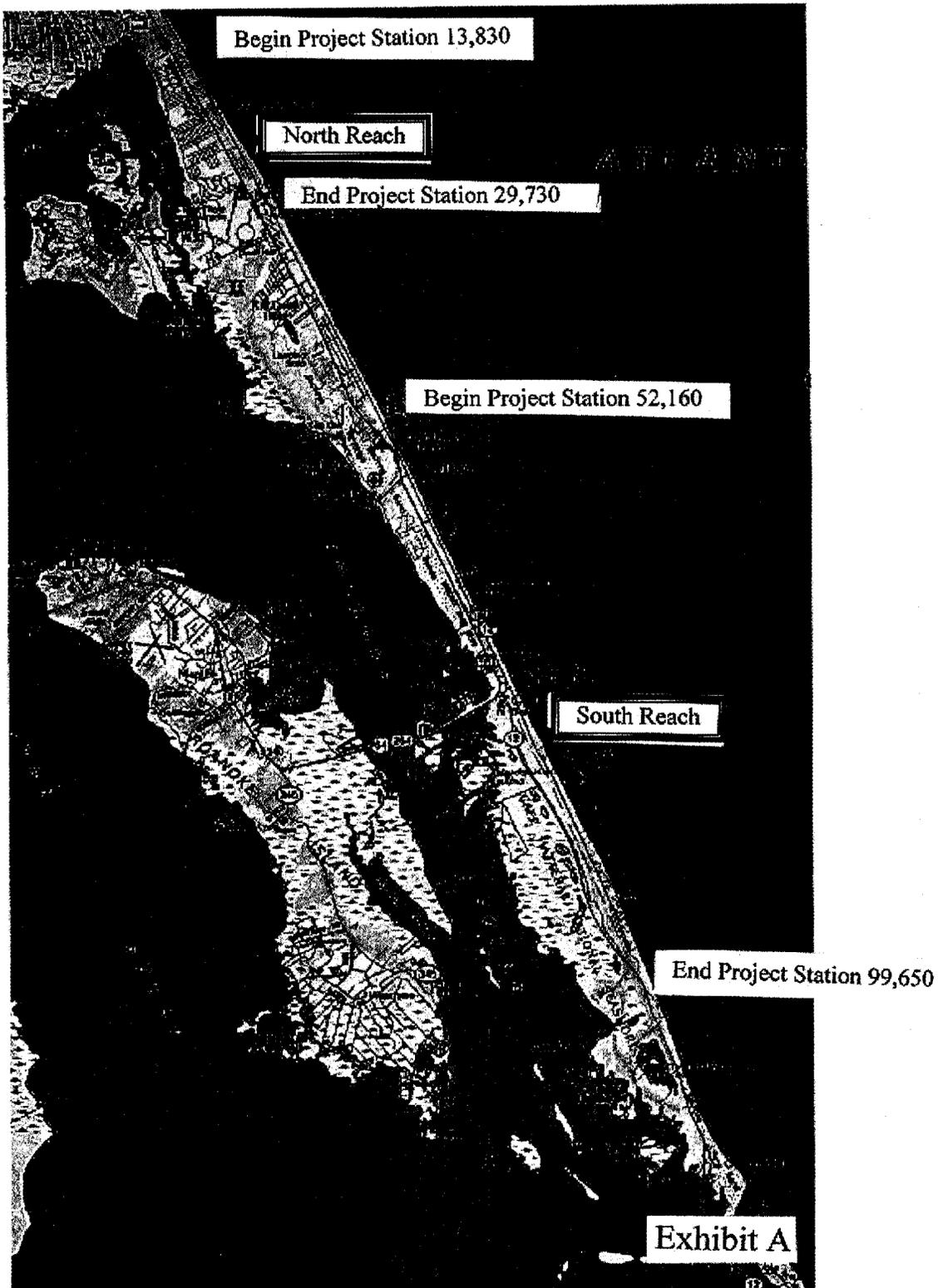
- a. Has this assessment been coordinated with the sponsor? **YES**
- b. Does the sponsor concur with this assessment? **YES**

Prepared by:

  
\_\_\_\_\_  
J. Kevin Ambrose  
Realty Specialist

Reviewed and approved by:

  
\_\_\_\_\_  
Ronald L. Ogden  
Chief, Real Estate Division



APPENDIX 12-F  
AUTHORIZATION FOR ENTRY FOR CONSTRUCTION

I, (name of accountable official), (title) for (name of non-Federal sponsor), do hereby certify that the (name of non-Federal sponsor) has acquired the real property interests required by the Department of the Army, and otherwise is vested with sufficient title and interest in lands, to support construction of (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 Office, (City and State).

WITNESS my signature as (title) for (name of non-Federal sponsor) this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

BY: \_\_\_\_\_  
          (name)  
          \_\_\_\_\_ (title)

ATTORNEY'S CERTIFICATE OF AUTHORITY

I, (name), (title of legal officer) for (name of non-Federal sponsor), certify that (name of non-Federal sponsor) has authority to grant the above 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 (title) for (name of non-Federal sponsor), this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

BY: \_\_\_\_\_  
          (name)  
          \_\_\_\_\_ (title)

**Dare County Beaches, Dare County, NC  
CODE OF ACCOUNTS**

		FEDERAL	NON-FEDERAL	CONTINGENCIES	TOTALS
01A	PROJECT PLANNING				
	Other -		\$ -		
	Project Cooperation Agreement				
01AX	Contingencies (25%)	\$ -	\$ -	\$ -	\$ -
	Subtotal	\$ -	\$ -	\$ -	
01B	LANDS AND DAMAGES				
01B40	Acq/Review of PS	\$ 339,150.00		\$ 84,787.50	\$ 423,937.50
01B20	Acquisition by PS	\$ -	\$ 2,422,500.00	\$ 605,625.00	\$ 3,028,125.00
01BX	Contingencies (25%)	\$ -		\$ -	
	Subtotal	\$ 339,150.00	\$ 2,422,500.00	\$ 690,412.50	\$ 3,452,062.50
01H	AUDIT				
01H10	Real Estate Audit	\$ -	\$ -	\$ -	\$ -
01BX	Contingencies (25%)	\$ -	\$ -	\$ -	\$ -
	Subtotal	\$ -	\$ -	\$ -	\$ -
01R	REAL ESTATE LAND PAYMENTS				
01R1B	Land Payments by PS	\$ -	\$ 1,533,150.00	\$ 383,287.50	\$ 1,916,437.50
01R2B	PL91-646 Ass't Payment by PS	\$ -	\$ 8,400.00	\$ 2,100.00	\$ 10,500.00
01R2D	Review of PS	\$ -	\$ -	\$ -	\$ -
01RX	Contingencies (25%)	\$ -	\$ -	\$ -	\$ -
	Subtotal	\$ -	\$ 1,541,550.00	\$ 385,387.50	\$ 1,926,937.50
	<b>TOTALS</b>	<u>\$ 339,150.00</u>	<u>\$ 3,964,050.00</u>	<u>\$ 1,075,800.00</u>	<u>\$ 5,379,000.00</u>
	<b>ROUNDED TO</b>				<u><u>\$5,380,000</u></u>