

Appendix E

Real Estate

Princeville, North Carolina Flood Risk Management Integrated Feasibility Report and Environmental Assessment

Contents

REAL ESTATE APPENDIX	ERROR! BOOKMARK NOT DEFINED.
Princeville Flood Risk Management Report	Error! Bookmark not defined.

FIGURES II

TABLES II

SECTION 1. THE REAL ESTATE REPORT	1
1.1. Statement of Purpose	1
1.2. Study Authority.....	1
1.3. Project Location	1
1.4. Project Description.....	2
1.4.1 The Selected Plan.....	5
Segment 1	5
Segment 2	9
Segment 3	9
Segment 4	9
Flood Warning and Evacuation Plan	10
Flood Risk Management Education and Communication Plan	10
1.5 Real Estate Requirements.....	17
Segment 1	17
Segment 2	17
Segment 3	18
Segment 4	18
Borrow, Disposal & Staging Areas	19
1.6. Utility/Facility Relocation.....	21
1.7. Existing Projects	22
1.8. Environmental Impacts	22
1.9. Project Sponsor Responsibilities and Capabilities	22
1.10. Government Owned Property	23
1.11. Historical Significance.....	23
1.12. Mineral Rights	23
1.13. Hazardous, Toxic, and Radioactive Waste (HTRW)	23
1.14. Public Law 91-646, Relocation Assistance Benefits.....	23
1.15 Attitude of Property Owners.....	23
1.16 Navigation Servitude.....	23
1.17 Zoning Ordinances.....	23
1.18 Induced flooding.....	23
1.19. Acquisition Schedule	24
1.20. Estates for Proposed Project	24
1.21. Real Estate Estimate	25
1.22. Chart of Accounts	25

EXHIBITS 29

FIGURES

Figure 1.3-1 - Project Vicinity/Location Map.....2
Figure 1.4.-1 – Original Dike Sections4
Figure 1.4.1-1 – Levee Extension Layout for Selected Plan6
Figure 1.4.1-2 - Segment 17
Figure 1.4.1-3 - Segment 1 - Southeast Interior Drainage Features.....8
Figure 1.4.1-4 – Segment 2 11
Figure 1.4.1-5 – Segment 2 - South Interior Drainage Features..... 12
Figure 1.4.1-6 - Segment 2 - Southwest Interior Drainage Features 13
Figure 1.4.1-7 – Segment 3 14
Figure 1.4.1-8 – Segment 4 15
Figure 1.4.1-9 – Interior Drainage Basins..... 16
Figure 1.4.1-10 - Proposed Borrow Area.....20

TABLES

Table 1.5.1-1..... 21
Summary of Real Estate Requirements for the TSP 21
Table 1.21-1..... 26
Real Estate Cost Estimate for TSP 26
Table 1.22-1..... 27
Chart of Accounts..... 27

SECTION 1. THE REAL ESTATE REPORT

1.1. STATEMENT OF PURPOSE

This report is tentative in nature and is to be used for planning purposes only and focuses on the Selected Plan. There may be modifications to the plans that occur during Preconstruction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land cost. The Real Estate Appendix is intended to support the Flood Risk Management Main Report for the feasibility study, and is written to the same level of detail. The author of this report has viewed the project areas. The state of North Carolina is the non-Federal sponsor for the project. Date of this report is October 2013.

1.2. STUDY AUTHORITY

The Princeville study is being conducted pursuant to the Military Construction Appropriations Act of 2001 (Public Law 106-246), dated July 13, 2000, which reads as follows:

"For an additional amount for "General Investigations", \$3,500,000, to remain available until expended, of which **\$1,500,000 shall be for a feasibility study and report of a project to provide flood damage reduction for the town of Princeville, North Carolina**, and of which \$2,000,000 shall be for preconstruction engineering and design of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: Provided, That the entire amount designated by Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

1.3. PROJECT LOCATION

The Town of Princeville is a small community of approximately 1,665 residents, located in the east central area of Edgecombe County. Edgecombe County is a rural County situated approximately one hour's drive east of Raleigh and two hour's drive inland from North Carolina's beaches. Tarboro, the County Seat, offers a downtown Historic District and the historic Town Common. The city limits of Princeville encompass a 1.39 square-mile area in the alluvial floodplain on the left descending bank of the Tar River, immediately across the river from Tarboro, North Carolina. The location is shown in Figure 1.3-1 below. The study area is located in North Carolina's 1st Congressional District. US Highway 64 is the primary east/west access, passing through Rocky Mount, Tarboro and Princeville. The Town of Princeville has the unique historic significance of being the first town chartered by African Americans in the United States. Newly freed slaves originally settled in the area that is now Princeville, shortly after the Civil War, in 1865. In February 1885, the North Carolina General Assembly passed the act to incorporate the town of Princeville, making it the nation's oldest black incorporated town. The Town has suffered repeated and extensive flooding over the years. In 1999, North Carolina received the brunt of Hurricane Floyd's destruction, while just weeks prior to Floyd hitting, Hurricane Dennis brought up to 15 inches of rain to southeastern North Carolina. With the additional rainfall from Hurricane Floyd, Princeville was largely destroyed when waters from the

Tar River rolled around the dike's end and engulfed the Town. Princeville was covered with over 20 feet of floodwater for ten days.

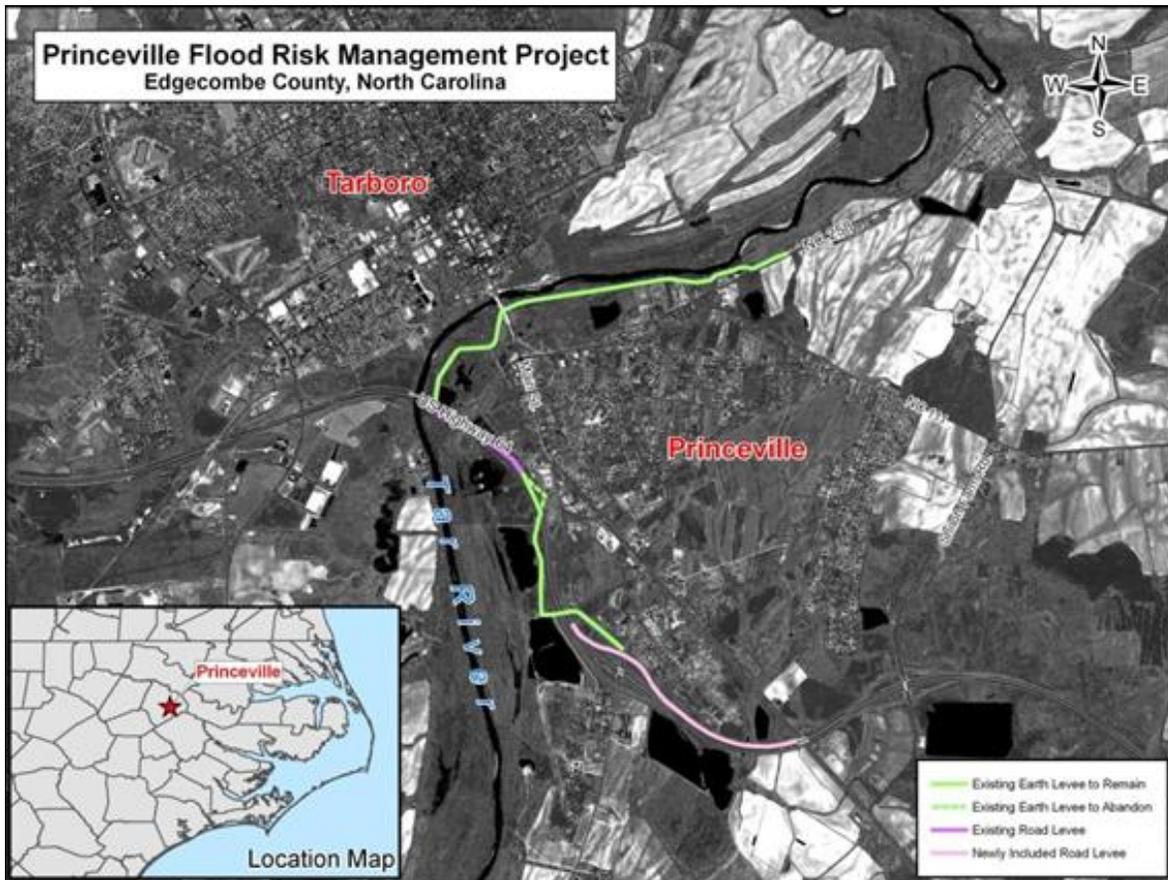


Figure 1.3-1 - Project Vicinity/Location Map

1.4. PROJECT DESCRIPTION

Princeville's location in the wide floodplain of the Tar River has left it vulnerable to multiple flooding over the years. The flood of 1919 remained the flood of record for 80 years up to 1999. The flood of 1958 led to the construction of the existing dike in the town. The dike construction was completed in September 1967 and is shown at Figure 1.4-1. The US Highway 64 bypass is used as a portion of the dike. The last flood from Hurricanes Dennis and Floyd in September 1999 became the new flood of record. At present, should major flooding occur, water could rise over the river banks upstream of the existing dike flow overland, around the dike, and into Princeville before water levels would overtop the dike itself. Floodwaters could also cross a low portion of the US Highway 64 berm south of town, before the main dike is overtopped. Cutoff structures such as berms, floodwalls and levees should be built to head off the existing passages where floodwaters could enter Princeville before the main dike is overtopped. The project proposes to investigate alternate alignments for flood reduction structures, a Flood Warning and Evacuation Plan and a Flood Risk Management Education and Communication Plan.

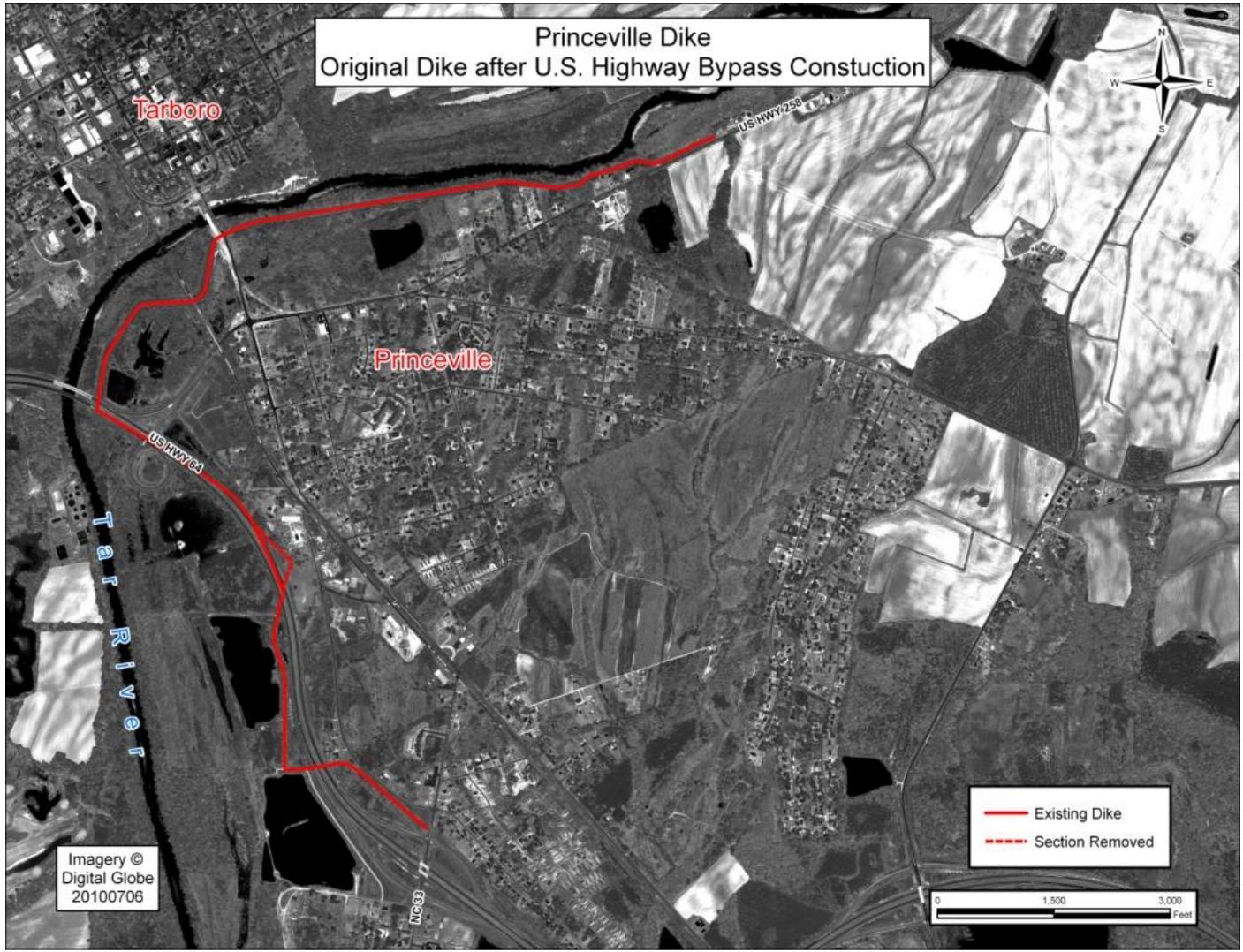


Figure 1.4.-1 – Original Dike Sections

1.4.1 THE SELECTED PLAN

The selected plan will require the addition of flapgates at ungated culverts at eight (8) locations, addressing a low spot in the existing embankment height of U.S. Highway 64, addressing the existing U.S. Highway 33 underpass, through which floodflows can enter Town, and construction of levee segments in specific portions of Hwy 258, NC-111, and Shiloh Farms Road to prevent overtopping. It will also include interior drainage features and non-structural measures to maximize flood risk reduction. All features combined would provide a greater than 95% probability of containing the 1% chance event. An overall view of the plan is shown in Figure 1.4.1-1. Structural and non-structural features are described below.

SEGMENT 1

Segment 1 (1.4.1-2) of the Selected Plan is a new levee segment consisting of an extension (or southern extension) of the existing southern levee downstream to high ground. It begins at the crossing of U.S. Highway 64 and Main Street and extends along U.S. Highway 64 approximately 5,000 linear feet in a northwesterly direction to the location of the on-ramp from N.C. Highway 33 to U.S. Highway 64. Two (2) drainage pipes (Figure 1.4.1-3) within this new levee segment will require installation of backflow prevention devices.

The southern extension will require construction of new levee along the ramp alignment resulting in raising the road surface of the west bound off ramp and its intersection with N.C. Highway 33. The design of vertical curves will be in accordance with the NCDOT Highway Design Manual. The high point is proposed at the intersection in order to provide adequate safe sight distances. It is recommended that the speed limit be reduced from 45 mph to 35 mph along N.C. Highway 33 from Main Street through the U.S. Highway 64 interchange in order to minimize dangers related to drivers approaching the high point with sufficient stopping distance before the intersection. The NCDOT Division Engineer is willing to support the reduction in speed limit due to the residential development in this area.

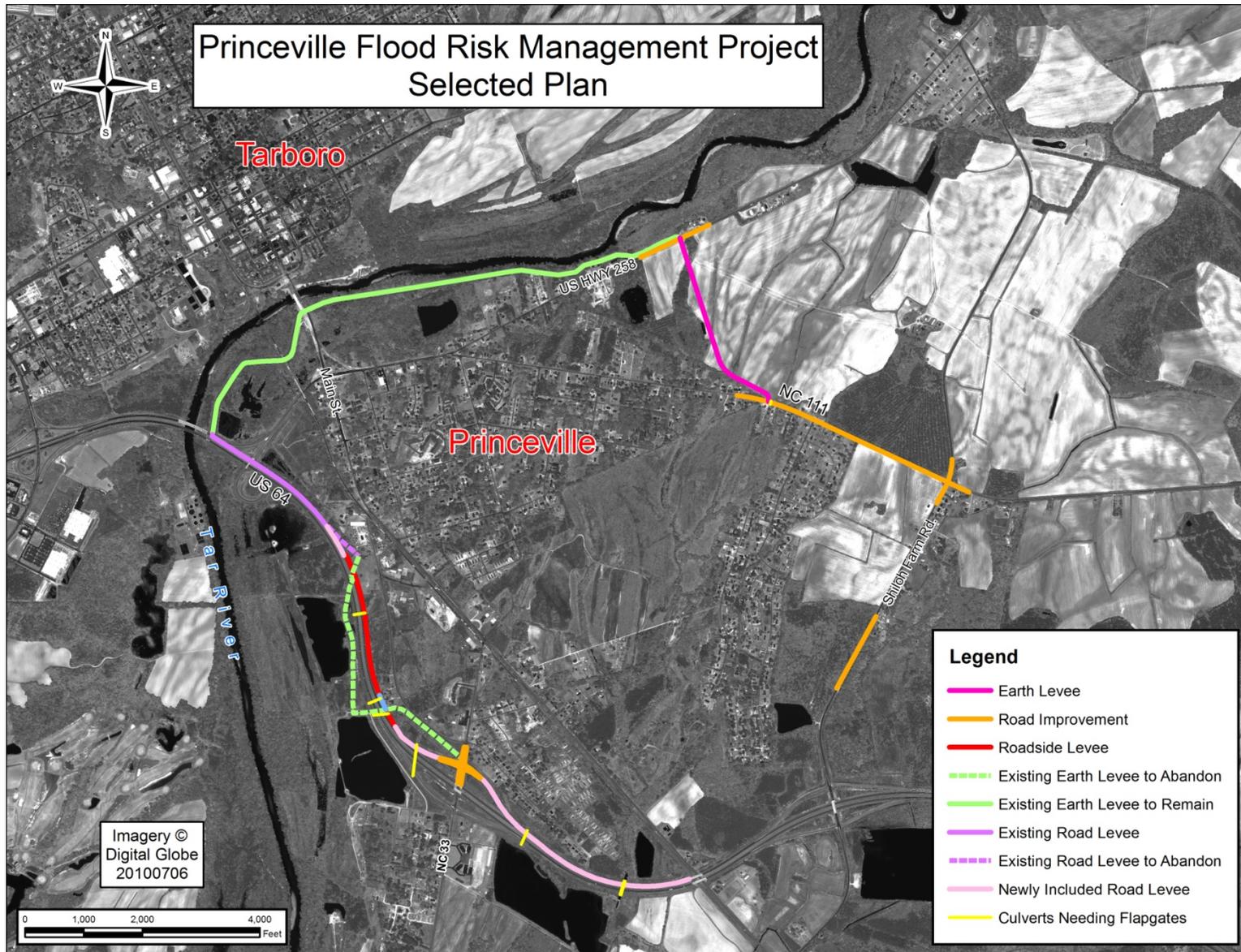


Figure 1.4.1-1 – Levee Extension Layout for Selected Plan

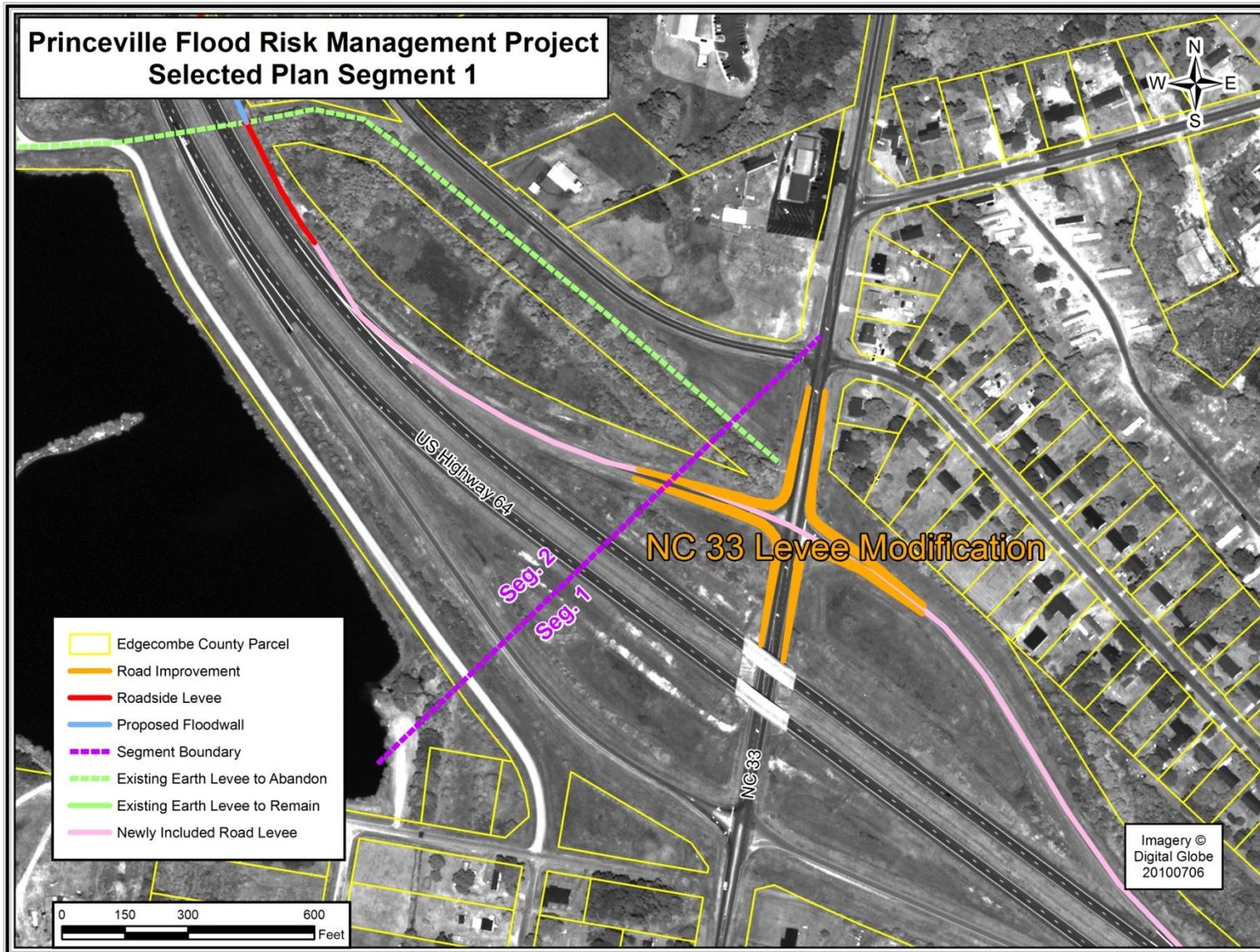


Figure 1.4.1-2 - Segment 1

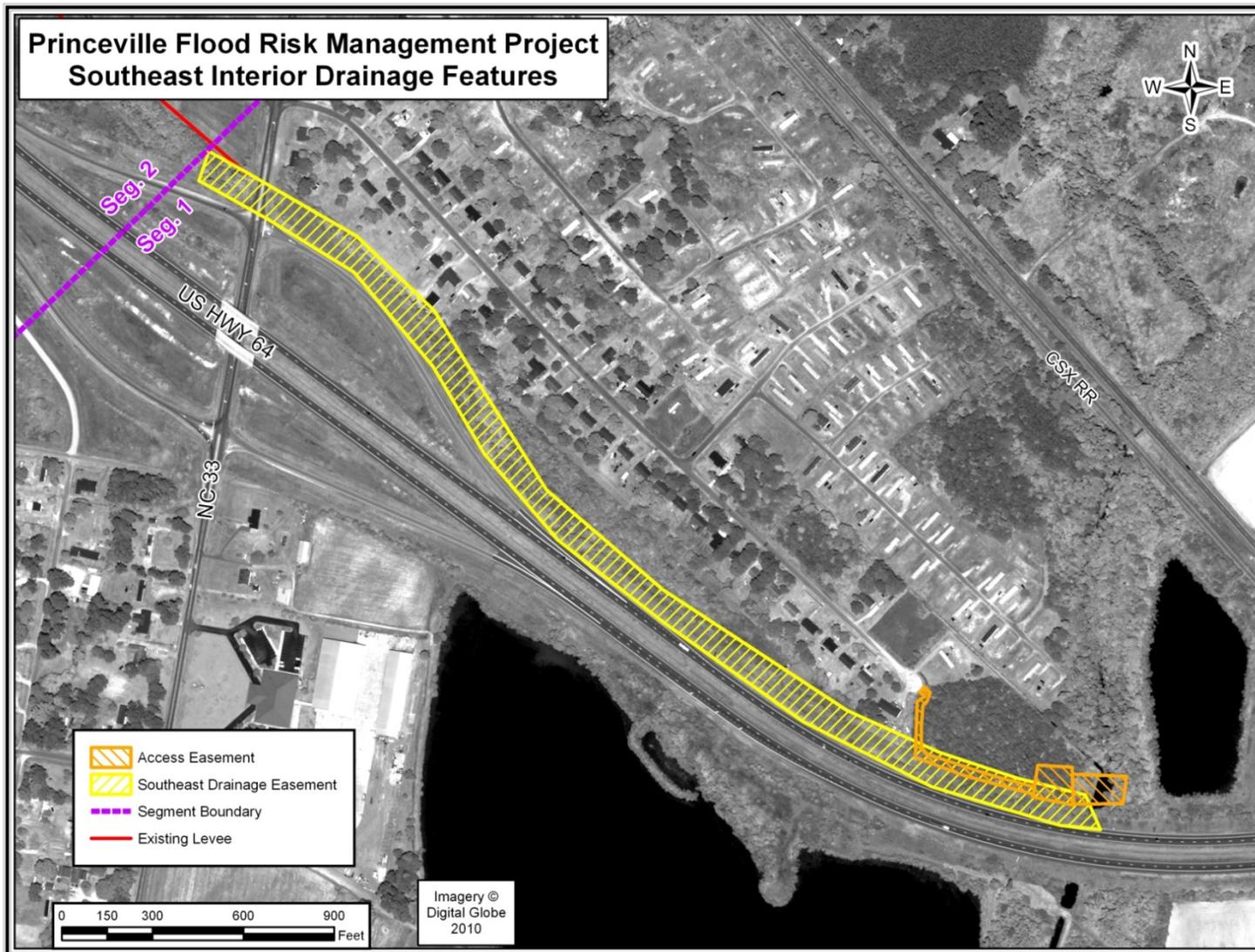


Figure 1.4.1-3 - Segment 1 - Southeast Interior Drainage Features

SEGMENT 2

Segment 2 (Figure 1.4.1-4) includes abandonment of the existing southern levee (previously called “Dike A”), the realignment and extension of the southern portion of the U.S. Highway 64 levee segment. It begins at the end of Segment 1 and extends to the north to the existing northern levee reach near the westbound bridge abutment of U.S. Highway 64 over the Tar River. Four (4) drainage pipes within this realigned levee segment will require installation of backflow prevention devices. Drainage areas are shown in Figures 1.4.1-5 and 1.4.1-6.

The existing levee includes 3,650 linear feet of U.S. Highway 64 extending southeast from the existing northern levee segment. The Selected Plan includes utilizing U.S. Highway 64 for an additional 600 linear feet, construction of a new levee along the eastern shoulder of the highway as discussed below, and constructing approximately 950 linear feet of levee resulting in raising the on ramp road surface from N.C. Highway 33.

Realignment of the levee will require construction of 300 linear feet of flood wall and 2,900 linear feet of new earthen levee along the eastern shoulder of U.S. Highway 64 westbound lanes. The segment will include 3 horizontal to 1 vertical slope, a 10’ top width set at increasing elevation per increment, installation of drainage pipe and structures between the levee and west bound lane, installation of guard rail 10 feet from the existing edge of pavement and construction of a trapezoidal ditch at the landward toe of slope.

SEGMENT 3

Segment 3 (Figure 1.4.1-7) includes the existing northern of levee (previously called “Dike A”) from the west bound lane bridge abutment of U.S. Highway 64 over the Tar River approximately 9,700 linear feet east to the terminus at U.S. Highway 258. A centerline survey of the earth levee revealed minor depressions in the top of levee that must be raised to the adjacent elevations. Additionally, stability analysis indicates an approximately 400’ long, 16’ wide 18” deep stability berm be constructed at the inside toe of the existing levee segment.

SEGMENT 4

Segment 4 (Figure 1.4.1-8) includes extension of the existing levee at the point of its current northern-most terminus along Highway 258, to the east, and then south, to its juncture with the approximate southern terminus of the project.

The initial extension at the northern terminus would consist of a small extension at the height of the existing levee joining the levee to a new raised portion of Highway 258, which would bring all these features up to the same relative height (approx. elevation 49 feet NGVD). A new levee extension of the same height, of approximately 3,300 feet in length, would then extend from Highway 258 southeast and then east southeast, across existing farmland, to a juncture with Highway NC 111. At this point, a new levee section on which NC 111 would be re-constructed would run along the existing roadway right-of-way, approximately 3,350 feet to the intersection of NC 111 and Shiloh Farm Road. At this point a new levee segment, with re-constructed roadway, would run south approximately 400 feet along the existing right-of-way of Shiloh Farm Road to a point at which Shiloh Farm Road rises high enough not to require additional height. One levee/road-raising further south at a low point on Shiloh Farm Road would also be added, at a length of approximately 1,400 feet. Raising the roadway surfaces will require upgrades to meet current design standards. This will include the widening of the paved lanes from 10’ to 12’, widening of the shoulder to include 4’ of paved shoulder and 4 feet of grassed shoulder, and installation of guard rail in accordance with the NCDOT Highway Design Manual.

Two (2) existing drainage culverts will be replaced and will include backflow preventers. A 4’ x 4’ box culvert along U.S. Highway 258 will require construction of new head walls and

installation of guard rail on both sides of the highway. The existing slope encroaches within the Tar River buffer and will require the construction of approximately 730 linear feet of retaining wall to prevent the proposed toe of slope from encroaching further into the buffer. A 48" culvert along Shiloh Farm Road will require a flap gate. Additionally, approximately 135 linear feet of retaining wall will be required to minimize encroachment into the buffer. An approximately 160 linear foot retaining wall will be required to minimize encroachment onto a residential structure along Shiloh Farm Road.

Several residential driveways will be adjusted to accommodate the levee construction and road raise. The driveways are proposed to be constructed at a 10% grade having a minimal 10' vertical curve in lieu of a single break point that could lead to grounding of the vehicle at the top or bottom of the slope.

The three main interior storage areas will be connected to drainage pipes penetrating the levee which will include backflow preventers. The interior drainage plan will be designed so that no structures will be flooded at the interior 1% annual chance exceedance flood event. Drainage basins are shown at Figure 1.4.1-9.

FLOOD WARNING AND EVACUATION PLAN

The existing Edgecombe County Emergency Plan will be modified so that it will work seamlessly with the state emergency plan and provide a better defined warning system and evacuation plan. The existing Tar River Flood warning system, developed by a joint effort of the State of North Carolina and the US Geological Survey includes data and warning systems. It will be used to its maximum extent to provide the earliest and most accurate warning for the people of Princeville in order to reduce the risk of loss of life and damage to personal property.

FLOOD RISK MANAGEMENT EDUCATION AND COMMUNICATION PLAN

A flood risk management education and communication plan will be drafted and used to communicate the risk of living behind a levee and the potential for the levee to fail to the residents of Princeville. The plan will also include an annual program to keep the residents alert to the continued risk.

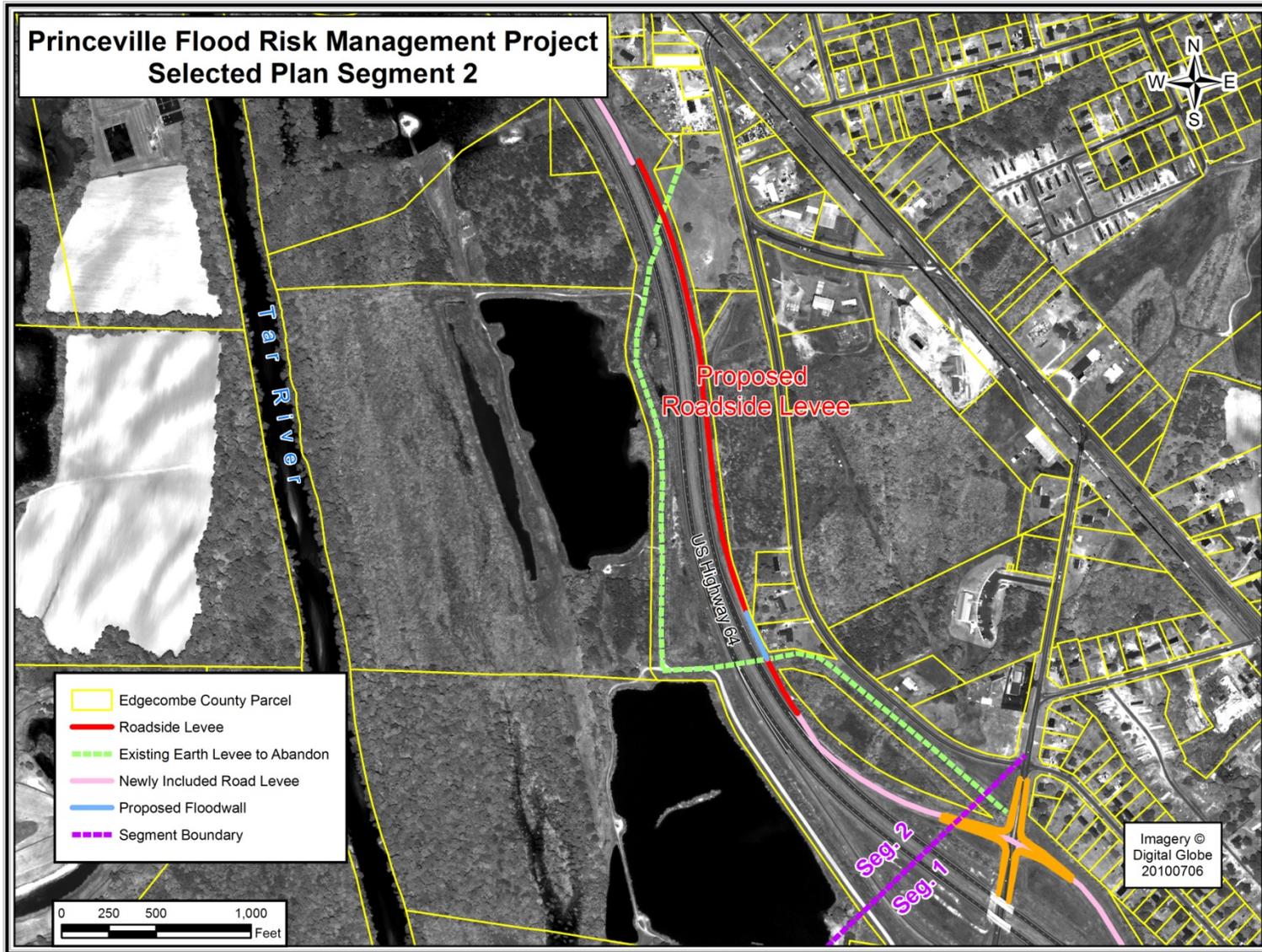


Figure 1.4.1-4 – Segment 2

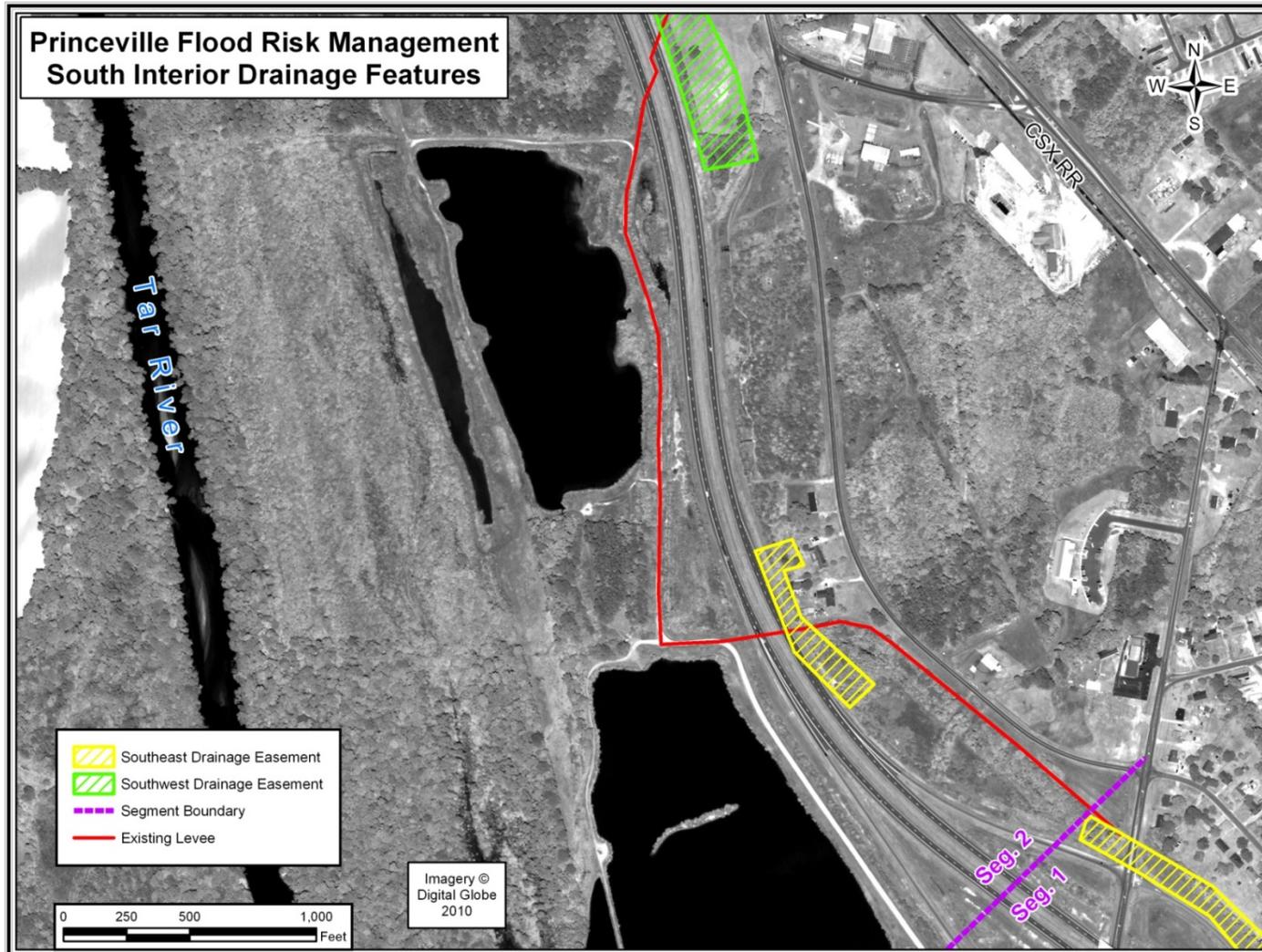


Figure 1.4.1-5 – Segment 2 - South Interior Drainage Features

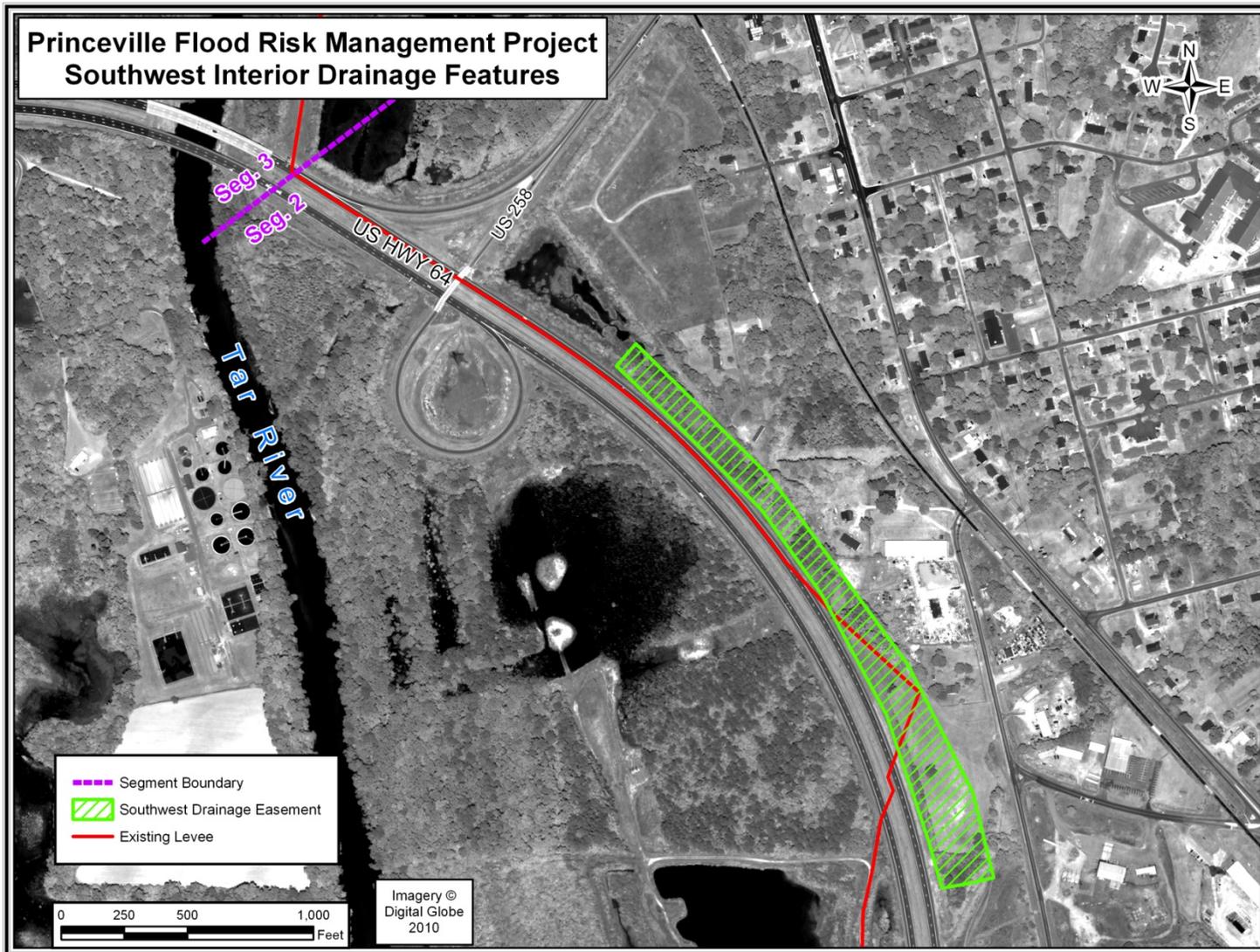


Figure 1.4.1-6 - Segment 2 - Southwest Interior Drainage Features

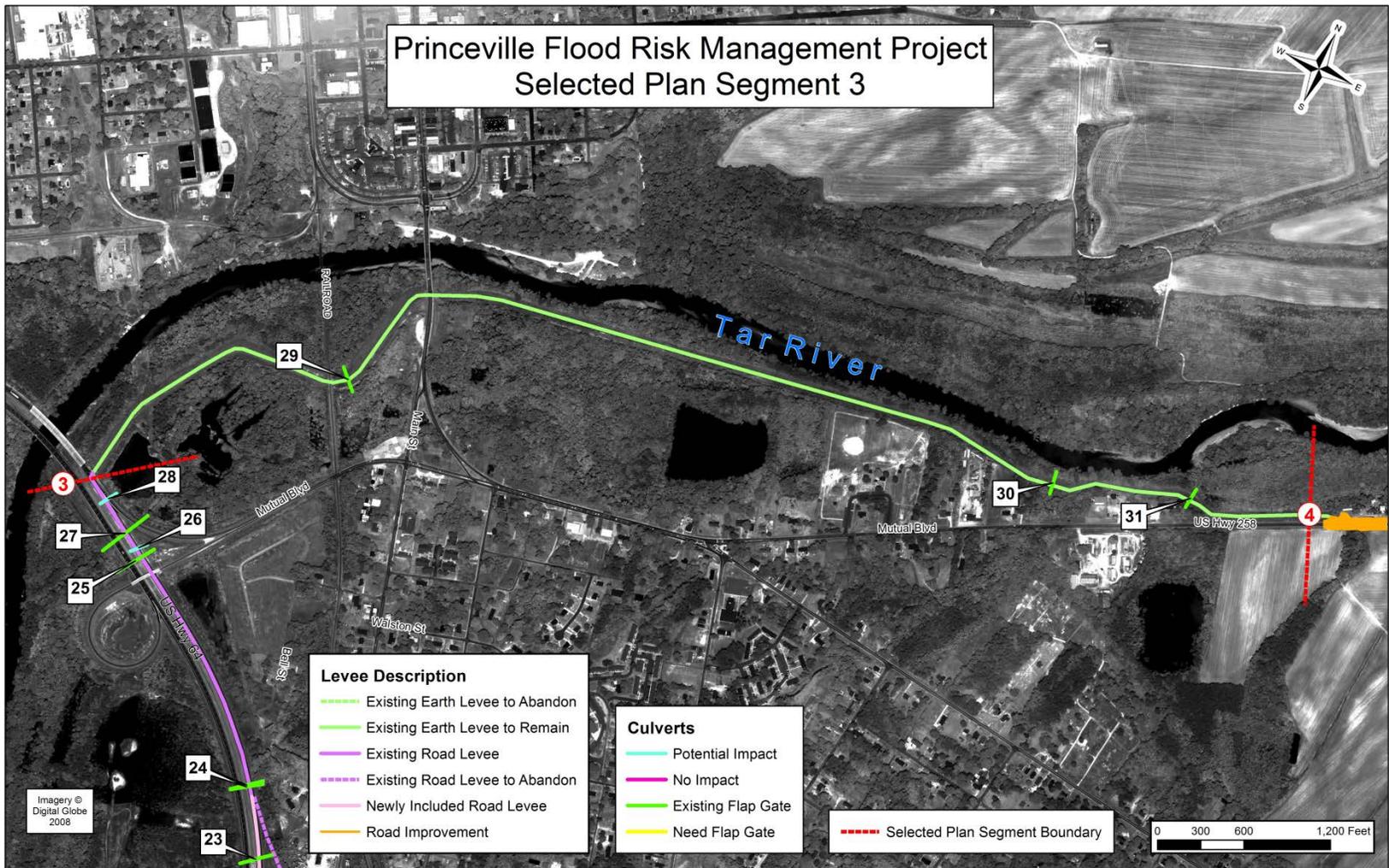


Figure 1.4.1-7 – Segment 3

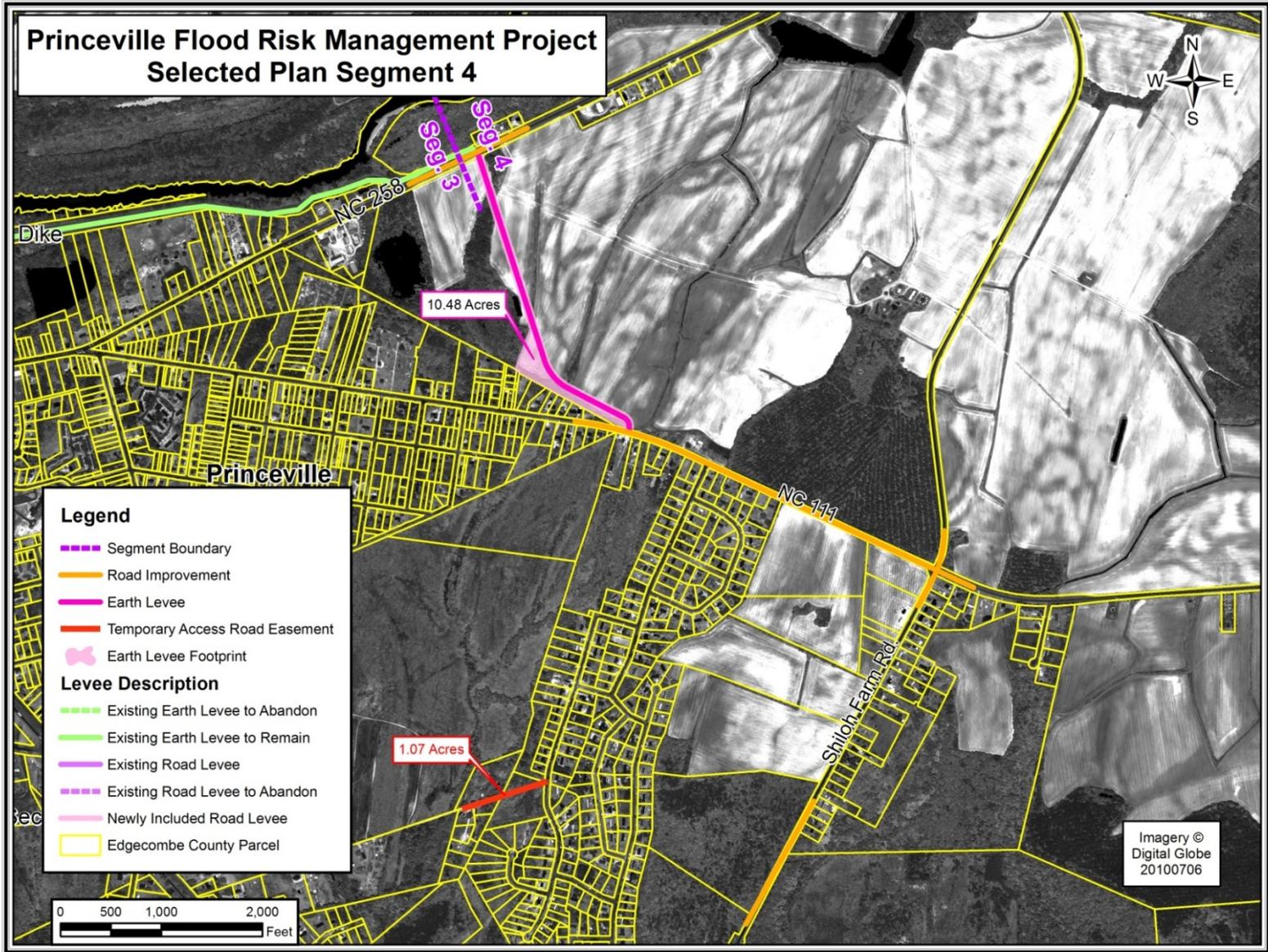


Figure 1.4.1-8 – Segment 4

Princeville, Edgecombe County North Carolina

Flood Risk Management – Real Estate Appendix
October 2013

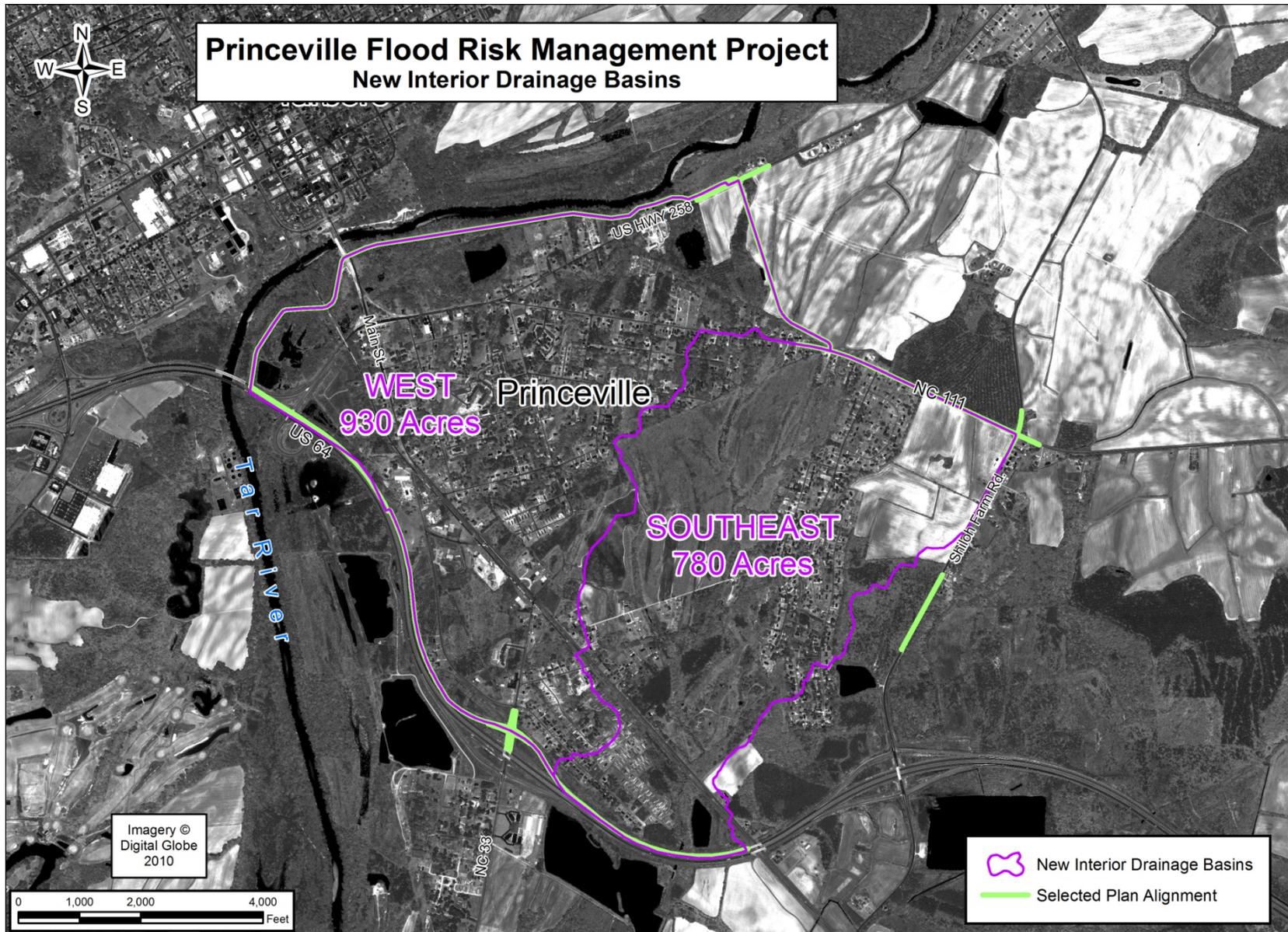


Figure 1.4.1-9 – Interior Drainage Basins

Princeville, Edgecombe County North Carolina

Flood Risk Management – Real Estate Appendix
October 2013

1.5 REAL ESTATE REQUIREMENTS

The requirements for lands, easements, rights-of-way and relocations, and disposal/borrow areas (LERRDs) should include the rights to construct, maintain, repair, operate, patrol and replace a flood protection levee system, floodwall, or gate closure including all appurtenances thereto and drainage easements. All components of the project can be constructed under standard approved easements.

SEGMENT 1

Segment 1 (Figure 1.4.1-2) of the Selected Plan is an extension of the existing southern dike section (or southern extension) downstream to high ground. It begins at the crossing of U.S. Highway 64 and Main Street and extends along U.S. Highway 64 approximately 5,000 linear feet in a northwesterly direction to the location of the on-ramp from N.C. Highway 33 to U.S. Highway 64. The southern extension will require raising the intersection of the west bound off and on ramp of U.S. Highway 64 and N.C. Highway 33 approximately four feet. Three drainage pipes require installation of backflow prevention devices.

Work will take place within the existing rights of way for the two highways. Approximately 2.0 acres will be impacted within the rights of way. A cooperative agreement for the road modifications and an encroachment permit will be obtained from North Carolina Department of Transportation (NC DOT) for the work that will be done within the DOT rights of way. A preliminary assessment has concluded that modifications to US Highway 64 and N.C. Highway 33 as a result of the project are considered to be utility relocations and will be included as a LERRD cost. An Attorney's Opinion of Compensability will be completed during PED. Cost for utility relocations is estimated to be \$328,514. Additionally easements for drainage will be required over approximately 8.76 acres impacting 2 landowners. Easements to allow access will also be required from 2 landowners over approximately 1.03 acres.

SEGMENT 2

Improvements are required to the U.S. Highway 64 and N.C. Highway 33 interchange (Figure 1.4.1-4). These improvements begin at the interchange and extend in a northwesterly direction to the existing northern levee section near the westbound bridge abutment of US Highway 64 over the Tar River.

The existing levee includes 3,650 linear feet of U.S. Highway 64 extending southeast from the existing northern levee section. The Selected Plan includes utilizing U.S. Highway 64 for an additional 600 linear feet, construction of a new shoulder levee along the shoulder of the highway discussed below, and utilizing approximately 950 linear feet of the on ramp from N.C. Highway 33.

Realignment of the levee will require construction of 300 linear feet of flood wall and 2,900 linear feet of new earth levee along the shoulder of U.S. Highway 64 north of the westbound lanes. The section will include 3 horizontal to 1 vertical slopes, a 10' top width set at increasing elevation per increment, installation of drainage pipe and structures between the levee and west bound lane, installation of a guard rail 10 feet from the existing edge of pavement and construction of a trapezoidal ditch at the landward toe of slope.

The real estate involved is approximately 5 acres with 1.5 acres being within existing DOT right of way and approximately 3.5 acres that will be acquired in a two year temporary work area easement. Seven (7) private landowners will be impacted with the construction of this portion of

the project by acquisition of the temporary work area easements. An encroachment permit will be obtained from North Carolina Department of Transportation (NC DOT) for the work that will be done within the DOT right of way. Easements for drainage will be required over approximately 10.44 acres and will impact 10 landowners.

SEGMENT 3

Segment 3 (Figure 1.4.1-7) includes the existing north section of levee (constructed by USACE in 1967) from the west bound lane bridge abutment of U.S. Highway 64 over the Tar River approximately 9,700 linear feet east to the terminus at U.S. Highway 258. A centerline survey of the earth levee revealed minor depressions in the top of dike that must be raised to the adjacent elevations. Easements were acquired by Edgecombe County (Local sponsor for the project) to construct the dike in the mid 1960s. The easements include rights to construct, inspect, maintain, repair and operate the said flood control project. No additional real estate interest is required for repairs to this feature.

SEGMENT 4

Segment 4 (Figure 1.4.1-8) includes extension of the existing levee at the point of its current northern-most terminus along Highway 258, to the east, and then south, to its juncture with the approximate southern terminus of the project.

The initial extension at the northern terminus would consist of a small extension at the height of the existing levee joining the levee to a new raised portion of Highway 258, which would bring all these features up to the same relative height (approx. elevation 49 feet NGVD). A new levee extension of the same height, of approximately 3,300 feet in length, would then extend from Highway 258 southeast and then east southeast, across existing farmland, to a juncture with Highway NC 111. At this point, a new levee section on which NC 111 would be re-constructed, would run along the existing roadway right-of-way, approximately 3,350 feet to the intersection of NC 111 and Shiloh Farm Road. At this point a new levee segment, with re-constructed roadway, would run south approximately 400 feet along the existing right-of-way of Shiloh Farm Road to a point at which Shiloh Farm Road rises high enough not to require additional height. One levee/road-raising further south at a low point on Shiloh Farm Road would also be added, at a length of approximately 1,400 feet. Raising the roadway surfaces will require upgrades to meet current design standards. This will include the widening of the paved lanes from 10' to 12', widening of the shoulder to include 4' of paved shoulder and 4 feet of grassed shoulder, and installation of guard rail in accordance with the NCDOT Highway Design Manual.

Two (2) existing drainage culverts will be replaced and will include backflow preventers. A 4' x 4' box culvert along U.S. Highway 258 will require construction of new head walls and installation of guard rail on both sides of the highway. The existing slope encroaches within the Tar River buffer and will require the construction of approximately 730 linear feet of retaining wall to prevent the proposed toe of slope from encroaching further into the buffer. A 48" culvert along Shiloh Farm Road will require a flap gate. Additionally, approximately 135 linear feet of retaining wall will be required to minimize encroachment into the buffer. An approximately 160 linear foot retaining wall will be required to minimize encroachment onto a residential structure along Shiloh Farm Road.

Several residential driveways will be adjusted to accommodate the levee construction and road raise. The driveways are proposed to be constructed at a 10% grade having a minimal 10' vertical curve in lieu of a single break point that could lead to grounding of the vehicle at the top or bottom of the slope.

The three main interior storage areas will be connected to drainage pipes penetrating the levee which will include backflow preventers. The interior drainage plan will be designed so that no structures will be flooded at the interior 1% annual chance exceedance flood event.

Fifteen residential driveways, three commercial driveways and one subdivision intersection along NC Hwy 111 will be adjusted to accommodate the new levee and road surface raise. Additionally, there will be eight residential driveways along Shiloh Farm Road, four near the intersection and four in the southern part that will be impacted. The real estate required is approximately 14 acres with 13 acres being within existing DOT right of way. One (1) acre outside of the right of way is to be acquired in a two year temporary work area easement. A total of twenty-seven private landowners will be impacted in the raising of driveways for which temporary work area easements will be required. During the construction on NC Hwy 111 a temporary access road will be required for access to the subdivision. The temporary access road as shown on Figure 1.4.1-8 will impact 2 private landowners and 1.1 acres. The proposed levee from Hwy 258 to NC Hwy 111 will impact one landowner and 10.5 acres. A cooperative agreement for the road modifications and an encroachment permit will be obtained from North Carolina Department of Transportation (NC DOT) for the work that will be done within the DOT rights of way. A permit from Edgecombe County will be obtained for work along Shiloh Farm Road. A preliminary assessment has concluded that modifications to US Highway 258, NC Hwy 111 and Shiloh Farm Road as a result of the project are considered to be utility relocations and will be included as a LERRD cost. An Attorney's Opinion of Compensability will be completed during PED. Cost for the utility relocations for Segment 4 is estimated to be \$1,857,836.

BORROW, DISPOSAL & STAGING AREAS

A proposed Borrow Area is located off Chinquapin Road and US Highway 64 (Figure 1.4.1-10). This area is a cultivated upland farm field which is about four miles east of the project area. No waters and/or wetlands are located on this property. No survey has been completed on the site, but data from tax maps indicates that the available acreage is approximately 40 acres. The site will be acquired in perpetual Borrow Easement. One landowner is impacted.

Asphalt debris will be taken to an asphalt recycle center and vegetative debris will be chipped on site. No other significant debris is expected from the project so a disposal site is not being acquired for the project.

Staging is expected to be within the road right of ways and the temporary work areas to be acquired and project access is expected to be by public road and temporary work area easements on private property.

A summary of the real estate requirements for each measure is shown at Table 1.5.1-1. The real estate costs shown are defined in greater detail at Section 1.21 Real Estate Estimate.

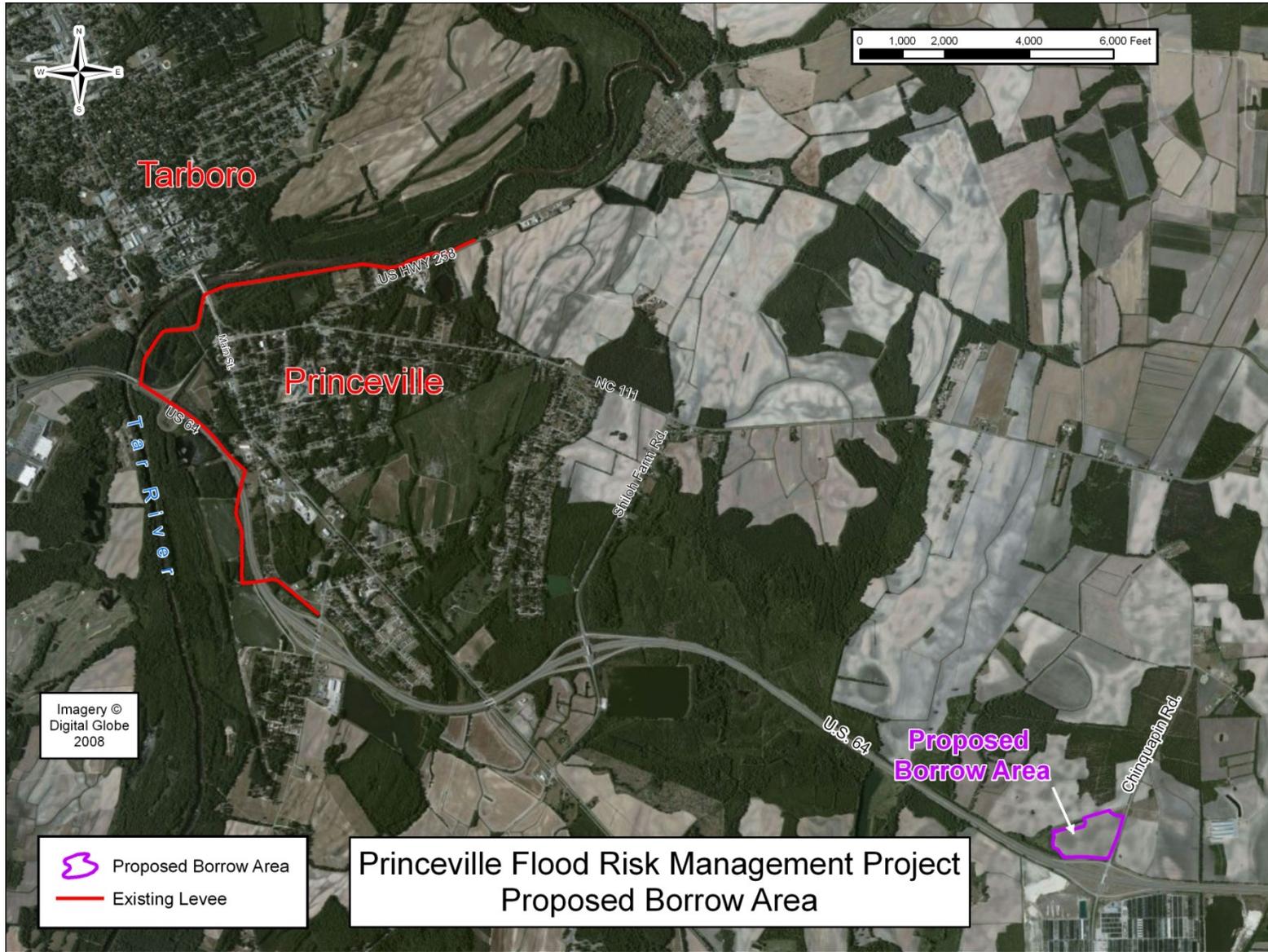


Figure 1.4.1-10 - Proposed Borrow Area

Table 1.5.1-1

Summary of Real Estate Requirements for the Selected Plan

Feature	Private Owners	Borrow Acreage	Temp Work Area Acreage	DOT ROW Acreage	Levee/Berm Acreage	Drainage Acreage	Temp Road Acreage	Permits/Utility Agreements	Utility Relocations	RE Cost
Segment 1	4		1.03	2.00		8.76		2	328,514	523,579
Segment 2	17		3.50	1.50		10.44		1		206,569
Segment 3	0									0
Segment 4	30		2.00	10.60	10.50		1.10	4	1,857,836	2,905,924
Borrow Area	1	40.00								158,625
Total	52	40.00	6.53	14.1	10.5	19.2	1.10	7	2,186,350	3,794,697

1.6. UTILITY/FACILITY RELOCATION

The term "relocation" shall mean providing a functionally equivalent facility to the owner of an existing utility, cemetery, highway or other public facility or town when such action is authorized in accordance with applicable legal principles of just compensation or as otherwise provided by Federal statute or any project report or House or Senate document referenced therein. Providing a functionally equivalent facility may take the form of adjusting, altering, lowering, raising, or replacement and attendant removal of the affected facility or part thereof. It is important to note that relocation assistance under Public Law 91-646 relates specifically to displaced persons, and should be distinguished from the separate concept of facility or utility relocations.

Modifications to US Highway 258, NC Highway 33, NC Highway 11, and Shiloh Farm Road are identified as relocations. A preliminary assessment has been made regarding the relocations but an Attorney's Opinion of Compensability will be prepared during PED to determine whether the owners of the utilities/facilities have a compensable interest in the land. Owners may be required to finance the relocations of some utility/facilities where required by permit or statute. Relocations are estimated at \$2,186,350.

Authority to enter into a relocation agreement resides in either the general project authority to acquire real estate or in a specific statutory authority to do the relocations. The type authority for the relocation determines whether the parties will use a real estate relocation agreement or a cooperative agreement to carry out the relocation. Generally a cooperative agreement is to be used where the agreement is with a State or local government.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

1.7. EXISTING PROJECTS

The existing Princeville Dike, Tar River, Edgecombe County, North Carolina project was completed in September 1967. Construction was authorized February 6, 1964 under Section 205 of the 1948 Flood Control Act, as amended.

1.8. ENVIRONMENTAL IMPACTS

During the study coordination with NC State and Federal environmental agencies has been continuous in an effort to make sure that environmental impacts are minimized. Every effort is being made to alter the dike alignments to avoid impacts to wetlands. None of the alternatives being considered are anticipated to have any significant increase in the flood elevations on the Tar River or increase flood impacts upstream within adjacent communities such as Tarboro, or downstream of the project area. See the Environmental Assessment for more detailed information.

1.9. PROJECT SPONSOR RESPONSIBILITIES AND CAPABILITIES

The State of North Carolina 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 Project Sponsor and will not be conveyed to the United States Government. Prior to 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). A form for the 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 prior to execution of the Project Partnership Agreement (PPA). Should the NFS proceed with acquisition of lands prior to 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. A letter identifying risk of early acquisition (Exhibit "C") was sent to the sponsor in April 2011.

1.10. GOVERNMENT OWNED PROPERTY

There are no known Federally owned lands within the proposed project. Some of the impacted lands (roadways) are owned by the State of North Carolina and the Edgecombe County.

1.11. HISTORICAL SIGNIFICANCE

The Town of Princeville has the unique historical significance of being the first town chartered by African Americans in the United States. Newly freed slaves originally settled in the area that is now Princeville, shortly after the Civil War, in 1865. In February 1885, the North Carolina General Assembly passed the act to incorporate the town of Princeville, making it the nation's oldest black incorporated town.

1.12. MINERAL RIGHTS

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

1.13. 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. See Section 8.8 Hazardous, Toxic, and Radioactive Wastes in the main report for more detailed information.

1.14. 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. There will be no relocations as a result of this project.

1.15 ATTITUDE OF PROPERTY OWNERS

There have been public meetings to explain the project to the local community to include the Town of Tarboro and Edgecombe County. The Town of Princeville is in favor of the project. There is no known opposition to the project.

1.16 NAVIGATION SERVITUDE

Navigation Servitude is not applicable to this project.

1.17 ZONING ORDINANCES

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

1.18 INDUCED FLOODING

The Selected Plan would provide substantially higher flood risk reduction through improvement of the existing dike system and subsequent reduction of the frequency and magnitude of flood inundation in the Town of Princeville. It is not anticipated that the project will cause induced flooding. However if during PED there is any indication of possible induced flooding, a takings analysis will be performed to make a determination if the induced flooding is a taking.

1.19. ACQUISITION SCHEDULE

The project sponsor is responsible for acquiring real estate interests required for the project. However, It is projected that acquisitions will take approximately 18 -24 months, and can begin when final plans and specs 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.

1.20. 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, modifications of driveways and for access purposes. The levee across private property will be constructed using the Flood Protection Levee Easement. The levees to be constructed within the DOT right-of-ways will be constructed under permits. However after design is complete, should any part of the levees or flood walls fall outside the DOT right-of-way and on private property, the Flood Protection Levee Easement will be used. A Temporary Road Easement will be used for construction of the access road to the subdivision off NC Hwy 111. The Utility/Pipeline Easements will be used for the interior drainage features. The Borrow Easement will be used for soil materials required during construction. 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 the State of North Carolina, for use by the State, its 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.

PIPELINE EASEMENT.

A perpetual and assignable 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; repair and patrol of underground drainage pipes; 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 land owners, 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.

BORROW EASEMENT.

A perpetual and assignable right and easement to clear, borrow, excavate and remove soil, dirt, and other materials from (the land described in Schedule A) (Tracts Nos. _____, _____ and _____); 7/ subject, however, 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 in said land as may be used without interfering with or abridging the rights and easement hereby acquired. 7/ The easement estate may be limited as to time, depending upon project requirements.

1.21. REAL ESTATE ESTIMATE

The estimated real estate costs at Table 1.21-1 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 Planning, Engineering and Design (PED).

1.22. 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 utilizing the Microcomputer Aided Cost Engineering System (MCACES) at Table 1.22-1.

Table 1.21-1.

Real Estate Cost Estimate for the Selected Plan

a. Lands and Improvements/Permits			
10.5 ac Earth Berm			20,000
6.53 ac Temp Work Area Easement			17,716
40 ac Borrow Area			110,000
19.20 ac for Drainage			16,320
1.1 ac Temporary Road Easement			1,500
52 owners impacted		subtotal	165,536
b. P.L. 91-646 Relocations			
			0
c. Administrative Cost			
			459,000
	Fed	Non - Fed	Total
Acquisition	78,000	312,000	390,000
Permits	4,000	20,000	24,000
Utility/Facility Relocation Agreements	15,000	30,000	45,000
Total	97,000	362,000	459,000
d. Utility Relocation Costs			
			2,186,350
Sub-Total			
			2,810,886
Contingencies (35%)			
			983,810
TOTAL			
			3,794,696
ROUNDED			
			3,800,000

**Table 1.22-1.
Chart of Accounts**

		FEDERAL	NON-FEDERAL	TOTALS
01B	LANDS AND DAMAGES			
01B20	Acquisition by NFS		312,000	312,000
01B40	Acq/Review of NFS	78,000		78,000
01BX	Contingencies (35%)	27,300	109,200	136,500
	Subtotal	105,300	421,200	526,500
01G	TEMPORARY PERMIT/LICENSE/ROE			
01G20	By NFS	4,000	20,000	24,000
01GX	Contingencies (35%)	1,200	7,000	8,400
	Subtotal	5,200	27,000	32,400
02100	UTILITY RELOCATION			
	Relocation Agreements	15,000	30,000	45,000
	Relocation Costs		2,186,350	2,186,350
02100X	Contingencies (35%)	5,250	775,723	780,973
	Subtotal	20,250	2,992,073	3,012,323
01R	REAL ESTATE LAND PAYMENTS			
01R1B	Land Payments by NFS		165,536	165,536
01R2B	PL91-646 Relocation Payment by NFS			
01R2D	Review of NFS			
01RX	Contingencies (35%)		57,938	57,938
	Subtotal		223,474	223,474
	TOTALS	130,750	3,663,746	3,794,696
	ROUNDED TO			\$3,800,000

REAL ESTATE PLAN CERTIFICATION

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 doe Civil Works Projects.

Prepared By:



Senior Realty Specialist

Reviewed and Approved By:



Ralph J. Werthmann

Chief, Real Estate Division

Cindy B. Turner
Savannah District
Deputy Chief, Real Estate Division
Real Estate Contracting Officer

EXHIBITS

Exhibit "A" - Authorization for Entry for Construction

Exhibit "B" - Assessment of Non Federal Sponsor's Real Estate Acquisition Capability

Exhibit "C" - Risk Letter to Sponsor

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 _____ to construct
(identify tracts)

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

WITNESS my signature as _____ for the
_____(Sponsor Name)_____ this _____ day of _____, 20____.

BY: _____
(Name)

(Title)

ATTORNEY'S CERTIFICATE OF AUTHORITY

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

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? **YES**
- 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? **NO**
- b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training? (yes/no)
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **YES**
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? **YES**
- 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? **YES – Only in an advisory capacity**

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? **YES**

**Exhibit B
1st page**

- b. Has the sponsor approved the project/real estate schedule/milestones? **NO – Project milestone will be developed during PED and will be a joint effort between PM, Realty Specialist and NF Sponsor**

IV. Overall Assessment:

- a. Has the sponsor performed satisfactory on other USACE projects?
YES
- b. With regard to the project, the sponsor is anticipated to be: **Highly Capable**

V. Coordination:

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

Prepared by:


Realty Specialist

Reviewed and approved by:


Cynthia B. Turner
Acting Chief, Real Estate Division

**Exhibit B
2nd page**



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

April 6, 2011

Real Estate Division

Subject: Princeville Flood Risk Management Project – Real Estate Acquisition

Mr. Tom Reeder, Director
North Carolina Division of Water Resources
1611 Mail Service Center
Raleigh, North Carolina 27699-1611

Dear Mr. Reeder:

The intent of this letter is to formally advise the State of North Carolina, 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:

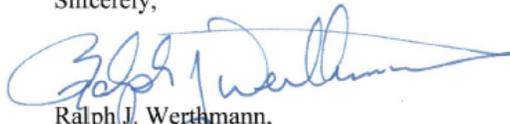
- (1) Congress may not appropriate funds to construct the proposed project;
- (2) The proposed project may otherwise not be funded or approved for construction;
- (3) A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
- (4) The non-Federal sponsor 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;
- (5) 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;
- (6) 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 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

Exhibit "C"

(7) 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 the PPA.

We appreciate the State'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 blue ink, appearing to read "Ralph J. Werthmann", written over a horizontal line.

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