

APPENDIX V

REAL ESTATE PLAN

NORTHWEST TENNESSEE REGIONAL HARBOR REAL ESTATE PLAN

17 Dec 2004

1. Purpose of Real Estate Plan

This Real Estate Plan (REP) is prepared in support of the Detailed Project Report, a feasibility level study of the Northwest Tennessee Regional Harbor Project at Cates Landing. The U. S. Army Corps of Engineers, Memphis District, conducted the study under the authority of the Chief of Engineers to develop and construct small navigational projects that have not been specifically authorized by Congress. The project was authorized under Section 107 of the River and Harbor Act of 1960.

2. Description of Feature

The Northwest Tennessee Regional Harbor Project is a feasibility level study based on locating an inland harbor in Lake County about 4 miles north of Tiptonville, Tennessee. The Memphis District, U.S. Army Corps of Engineers, has proposed the following feature.

Recommended Plan - The recommended plan for locating a harbor at Cates Landing is Alternative 5 With Bottom Width Transition. The harbor's General Navigation Feature (GNF) will require about 420 acres. The sponsor will need to purchase about 356 acres of land in fee. The disposal area will initially need a total of about 222 acres with 66 acres located on the riverside of the Mississippi River's Main Line Levee and 156 acres located on the landside of the levee. Disposal material will be placed against the levee. An additional 134 acres of frequently flooded agricultural lands will be needed for the mitigation of the disposal and harbor sites. The specific location of these mitigation lands is currently unidentified. The project will also require about 64 acres of the existing harbor, which meets the criteria for navigational servitude.

Future Disposal Area - In addition to the land needed for project construction, the operation and maintenance (O&M) of the harbor may require additional land for future disposal of dredged material. In accordance with ER 1105-2-100, 22 Apr 2000, Paragraph 3-2b.(8) a Dredged Material Management Plan (DMMP) is included as Appendix X to this report. The DMMP will ensure that maintenance-dredging activities are performed in an environmentally acceptable manner, use sound engineering techniques, are economically warranted, and that sufficient confined disposal areas are available for at least the next 20 years. The Corps will update the DMMP periodically to identify any potentially changed conditions and will inform the sponsor of the need for any additional dredge disposal areas.

The amount of land needed for future disposal for this project has been estimated at about 39 acres every 5-years for as long as the project is authorized. The disposal area (156 acres) cost for the first 20-years of the project has been estimated for LERR and is shown on page 2 of the Real Estate Plan. The sponsor must purchase the land in fee and provide all lands needed for the disposal area to the Government before initial dredging can begin. In addition, the sponsor is responsible for acquiring land in fee for disposal areas for the subsequent periods of construction. The estimated disposal area costs for the subsequent periods of construction were annualized and included in the average annual cost estimate for the project. In accordance with Article IV of the PCA, lands provided during the period of construction are eligible for LERR crediting when the sponsor provides the Government with authorization for entry to the disposal area.

Northwest Tennessee Regional Harbor – Section 107

Estates and Acres

Lake County, TN

Harbor Disposal Area Riverside of Levee (Fee)	
Agriculture Land	
Private Parties	66.0 Acres
Harbor Disposal Area Landside of Levee (Fee) 1/	
Agriculture Land	
Private Parties	156.0 Acres
Mitigation (Fee)	
Agriculture Lands (Flooded)	
Private Parties	134.0 Acres
Mississippi River – (Navigational Servitude)	
River Channel	
Federal Government	<u>64.0 Acres</u>
TOTAL ACRES	420.0 Acres

Ownership and Tracts: Twelve tracts will be involved. Twelve tracts are privately owned, and navigation servitude is used for the river channel.

Estimated costs for Lands & Damages	\$ 715,000
Estimated costs for Acquisition & Administrative	96,000
Navigational Servitude	0
P. L. 91-646 Benefits	<u>0</u>
TOTAL PROJECT REAL ESTATE COST	\$ 811,000

Allocation of Costs

Non-Federal Sponsor	\$ 787,000 2/
Federal	\$ 24,000

1/ Future disposal area will require about 39 acres every 5th year for a total of 156 acres during the first 20-year period. (Note: The estimated disposal area costs for the subsequent periods of construction were annualized and included in the average annual cost estimate for the project.) These lands are eligible for LERR crediting to the Non-Federal Sponsor when the sponsor provides the Government with authorization for entry to the disposal area.

2/ LERR credit has exceeded the second 10% of total GNF costs. (See Table 5 – Allocation of Project First Costs in the beginning of the main report.) Unused past and future LERR credits will be credited against the second 10% for GNF construction of dredged disposal dikes/structures during the subsequent periods of construction.

3. Sponsor-Owned Real Estate Rights

The non-Federal sponsor is the Northwest Tennessee Port Authority. The sponsor has no real estate at the proposed site.

4. Proposed Estates

No non-standard estates are proposed for project acquisition. Right-of-way for this project will be acquired through the use of the following estate: Fee Simple. Under the requirements of ER 405-1-12, Change 31, 1 May 98, section 12-9 b. (7), the appropriate real estate interest for projects related to disposal areas and inland harbors are in fee title. Mitigation lands will also be in fee title. Description of this estate is referenced in ER 405-1-12, Change 7, 8 Feb 79, Figure 6, paragraph 1, page 5-235. The sponsor will need to get a permit or license from the Levee Board to place disposal material against the Mississippi River's Main Line Levee at Cates Landing.

5. Existing Federal Projects

There are no existing Federal projects at Cates Landing.

6. Existing Federal Lands

No project lands are presently owned by the Federal Government. It should be noted that the Federal Government turned over the Corps casting field lands that were located at the end of the existing harbor channel and east of the project right-of way, to the Lake County government on December 15, 1992.

7. Navigational Servitude

The Mississippi River is considered to be navigable waters of the United States. Real estate rights are needed for dredging about 64 acres of the existing harbor channel and some of the land next to the channel that is located below the ordinary high water mark. Since this is a navigation project, and because the project feature serves a purpose, which is in aid of commerce, the navigational servitude is available for the harbor project. As navigable waters that are presently used, or have been used in the past, the Federal Government has a perpetual easement right to the real estate below the ordinary high water mark. (33 CFR 329)

8. Maps

A map of the overall project with the disposal sites are shown in Plate 2 of the main report. The tracts to be acquired will be finalized in plans and specs. The tracts to be acquired will be the responsibility of the project sponsor.

9. Induced Flooding

No induced flooding outside the feature boundaries is expected to be caused by the construction, operation, or maintenance of the project.

10. Baseline Cost Estimate for Real Estate

A Baseline Cost Estimate for Real Estate is attached.

11. PL 91-646 Residence/Business Relocations

There are no known Public Law 91-646 relocations necessary for the project. No person, farms, or business will be displaced as a result of the project. The Cronanville Cemetery, which is located about 3/4 miles south of the project right-of-way, will not be impacted.

12. Timber and Minerals

Surface and subsurface mineral activity in the vicinity is not present. No commercial timber is present in the project area.

13. Non-Federal Sponsor's Acquisition Capability

The non-Federal sponsor is the Northwest Tennessee Port Authority. The newly formed Port Authority will receive help from Lake County, and they have the experience in acquiring lands for the construction, operation, and maintenance of the project. The sponsor has been notified of their responsibilities in regards to P.L. 91-646 actions. The booklets developed by the Federal Highway Administration have been provided to the sponsor. The non-Federal Sponsor has been told of the importance of keeping accurate records of their time and costs for the project and of reasonable items of administration.

The non-Federal sponsor will provide all lands, easements, and right-of-way necessary for the construction and maintenance of the project. The Acquisition Capability Checklist is included as an attachment.

14. Zoning Ordinances

Lands located within the project area are classified as agricultural lands. The land may be zoned commercial or industrial with the project.

15. Acquisition Schedule

Acquisitions will not be initiated until after the Project Cooperation Agreement is signed. No condemnation is anticipated, and the following schedule is based on the premise that no condemnation will be required. A deviation from any of these assumptions will affect the schedule. This schedule shows the duration of each event, as well as the cumulative duration from the beginning of real estate activities.

1) Request right-of-entry from non-Federal sponsor	Begin real estate activities
2) Non-Federal sponsor obtains title information	½ month (½ month total)
3) Non-Federal sponsor obtains mapping information	1 month (1½ months total)
4) Non-Federal sponsor obtains appraisals	1 month (2½ months total)
5) Non-Federal sponsor issues right-of-entry	2 months (4½ months total)
6) If condemnation is necessary, the non-Federal sponsor issues right-of-entry	1½ months (6 months total)

16. Facility/Utility Relocations

A review of the construction plans and field inspection of the project area revealed that no relocations of public facilities or utilities are needed for this project. Since there are no relocations, no attorney's report is needed regarding compensable interest.

17. Hazardous, Toxic, and Radioactive Wastes

No evidence of existing or potential HTRW sites was noted during an inspection of the project right-of-way. Based upon information gathered during the Corps of Engineers assessment, it is reasonable to assume that no HTRW will be encountered within or near the project. There should be no impact to real estate by HTRW.

18. Support or Opposition by Landowners

Landowners in the area support the concept of locating a harbor at Cates Landing.

19. Notice to Sponsor

The non-Federal sponsor has been notified about the risks associated with acquiring land before the execution of the PCA.

20. Other Issues

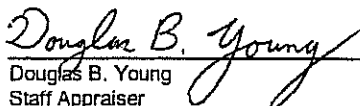
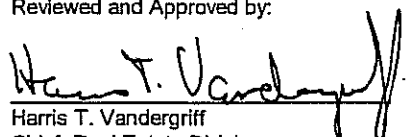
There are no other issues to be discussed.

BASELINE COST ESTIMATE FOR REAL ESTATE

Project Name: Northwest Tennessee Regional Harbor				
Project Activity: Real Estate Lands				
Work Category Codes	Estimated Number of Owners:	12		
	Contingency Percentage		25%	
01	LANDS AND DAMAGES	PROJECT COST	CONTINGENCY	TOTAL
01A	PROJECT PLANNING			
01A10	REAL ESTATE SUPPLEMENT/PLAN	\$ -	\$ -	\$ -
01A20	PRELIMINARY RE ACQUISITION MAPS	\$ 2,400	\$ 600	\$ 3,000
01A30	PHYSICAL TAKINGS ANALYSIS	\$ -	\$ -	\$ -
01A40	PRELIMINARY ATTORNEY'S OPINION OF COMPENSABILITY	\$ -	\$ -	\$ -
01A50	ALL OTHER REAL ESTATE ANALYSES/DOCUMENTS	\$ -	\$ -	\$ -
01B	ACQUISITIONS			
01B10	BY GOVERNMENT	\$ -	\$ -	\$ -
01B20	BY LOCAL SPONSOR (LS)	\$ 12,000	\$ 3,000	\$ 15,000
01B30	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01B40	REVIEW OF LOCAL SPONSOR	\$ 2,400	\$ 600	\$ 3,000
01C	CONDEMNATIONS			
01C10	BY GOVERNMENT	\$ -	\$ -	\$ -
01C20	BY LOCAL SPONSOR (LS)	\$ -	\$ -	\$ -
01C30	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01C40	REVIEW OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01D	INLEASING			
01D10	BY GOVERNMENT	\$ -	\$ -	\$ -
01D20	BY LOCAL SPONSOR (LS)	\$ -	\$ -	\$ -
01D30	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01D40	REVIEW OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01E	APPRAISAL			
01E10	BY GOVERNMENT (IN HOUSE)	\$ -	\$ -	\$ -
01E20	BY GOVERNMENT (CONTRACT)	\$ -	\$ -	\$ -
01E30	BY LOCAL SPONSOR (LS)	\$ 7,200	\$ 1,800	\$ 9,000
01E40	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01E50	REVIEW OF LOCAL SPONSOR	\$ 2,400	\$ 600	\$ 3,000
01F	PL 91-646 ASSISTANCE			
01F10	BY GOVERNMENT	\$ -	\$ -	\$ -
01F20	BY LOCAL SPONSOR (LS)	\$ -	\$ -	\$ -
01F30	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01F40	REVIEW OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01G	TEMPORARY PERMITS/LICENSES/RIGHTS-OF-ENTRY			
01G10	BY GOVERNMENT	\$ -	\$ -	\$ -
01G20	BY LOCAL SPONSOR (LS)	\$ 7,200	\$ 1,800	\$ 9,000
01G30	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01G40	REVIEW OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01G50	OTHER	\$ -	\$ -	\$ -
01G60	DAMAGE CLAIMS	\$ -	\$ -	\$ -
01H	AUDITS			
01H10	BY GOVERNMENT	\$ -	\$ -	\$ -
01H20	BY LOCAL SPONSOR (LS)	\$ 7,200	\$ 1,800	\$ 9,000
01H30	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01H40	REVIEW OF LOCAL SPONSOR	\$ 2,400	\$ 600	\$ 3,000

BASELINE COST ESTIMATE FOR REAL ESTATE

Project Activity: Real Estate Lands		PROJECT COST	CONTINGENCY	TOTAL
01J	ENCROACHMENTS AND TRESPASS			
01J10	BY GOVERNMENT	\$ -	\$ -	\$ -
01J20	BY LOCAL SPONSOR (LS)	\$ -	\$ -	\$ -
01J30	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01J40	REVIEW OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01K	DISPOSALS			
01K10	BY GOVERNMENT	\$ -	\$ -	\$ -
01K20	BY LOCAL SPONSOR (LS)	\$ -	\$ -	\$ -
01K30	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01K40	REVIEW OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01L00	REAL PROPERTY ACCOUNTABILITY	\$ -	\$ -	\$ -
01M00	PROJECT RELATED ADMINISTRATION	\$ 12,000	\$ 3,000	\$ 15,000
01N00	FACILITY/UTILITY RELOCATIONS	\$ -	\$ -	\$ -
01P00	WITHDRAWALS (PUBLIC DOMAIN LAND)	\$ -	\$ -	\$ -
01Q00	RESERVED FOR FUTURE HQUSACE USE	\$ -	\$ -	\$ -
01R	REAL ESTATE PAYMENTS			
01R1	LAND PAYMENTS			
01R1A	BY GOVERNMENT	\$ -	\$ -	\$ -
01R1B	BY LOCAL SPONSOR (LS)	\$ 572,000	\$ 143,000	\$ 715,000
01R1C	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01R1D	REVIEW OF LOCAL SPONSOR	\$ 2,400	\$ 600	\$ 3,000
01R2	PL 91-646 ASSISTANCE PAYMENTS			
01R2A	BY GOVERNMENT	\$ -	\$ -	\$ -
01R2B	BY LOCAL SPONSOR (LS)	\$ -	N/A	\$ -
01R2C	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01R2D	REVIEW OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01R3	DAMAGE PAYMENTS			
01R3A	BY GOVERNMENT	\$ -	\$ -	\$ -
01R3B	BY LOCAL SPONSOR (LS)	\$ -	\$ -	\$ -
01R3C	BY GOVERNMENT ON BEHALF OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01R3D	REVIEW OF LOCAL SPONSOR	\$ -	\$ -	\$ -
01R9	OTHER	\$ -	\$ -	\$ -
01S	DISPOSAL RECEIPTS			
01S10	DISPOSAL RECEIPTS - REIMBURSEMENTS (CR) - LANDS	\$ -	\$ -	\$ -
01S20	DISPOSAL RECEIPTS - GENERAL FUND (CR) - LANDS	\$ -	\$ -	\$ -
01T	LERR CREDITING			
01T10	LAND PAYMENTS	\$ -	\$ -	\$ -
01T20	ADMINISTRATIVE COSTS	\$ 12,000	\$ 3,000	\$ 15,000
01T30	PL 91-646 ASSISTANCE	\$ -	\$ -	\$ -
01T40	ALL OTHER	\$ 7,200	\$ 1,800	\$ 9,000
Total Project Cost:		\$ 648,800	\$ 162,200	\$ 811,000
Total Federal:		\$ 19,200	\$ 4,800	\$ 24,000
Total Non-Federal:		\$ 629,600	\$ 157,400	\$ 787,000

ACQUISITION CAPABILITY CHECKLIST			Yes	No
I. <u>Legal Authority:</u>				
a.	Does the sponsor have legal authority to acquire and hold title to real property for project purposes?		X	
b.	Does the sponsor have the power of eminent domain for this project?		X	
c.	Does the sponsor have "quick-take" authority for this project?		X	
d.	Are any of the lands/interests in the land required for the project located outside of the sponsor's political boundary?			X
e.	Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor can not condemn?			X
II. <u>Human Resource Requirements:</u>				
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?			X
b.	If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training?			
c.	Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?		X	
d.	Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?		X	
e.	Can the sponsor obtain contractor support, if required, in a timely fashion?		X	
f.	Will the sponsor likely request USACE assistance in acquiring real estate? If "yes", provide description			X
III. <u>Other Project Variables:</u>				
a.	Will the sponsor's staff be located within reasonable proximity to the project site?		X	
b.	Has the sponsor approved the project/real estate schedule/milestones?		X	
IV. <u>Overall Assessment:</u>				
a.	Has the sponsor performed satisfactorily on other USACE projects?			X
b.	With regard to this project, the sponsor is anticipated to be:			
	Highly capable			
	Fully capable		X	
	Moderately capable			
	Marginally capable			
	Insufficiently capable (provide explanation)			
V. <u>Coordination:</u>				
a.	Has this assessment been coordinated with the sponsor?		X	
b.	Does the sponsor concur with this assessment? If "No", provide explanation		X	
Prepared by:			Reviewed and Approved by:	
 Douglas B. Young Staff Appraiser February 20, 2004			 Harris T. Vandergriff Chief, Real Estate Division February 20, 2004	