

**APPENDIX E
REAL ESTATE PLAN**

**ONION CREEK FLOOD DAMAGE REDUCTION
AND
ECO-SYSTEM RESTORATION PROJECT
(YARRABEE BEND, TIMBER CREEK, AND WILLIAMSON CREEK)
CITY OF AUSTIN, CITY OF SUNSET VALLEY, AND TRAVIS COUNTY,
TEXAS**

DATE OF REPORT

JULY 26, 2006

PREPARED BY

**U.S. ARMY CORPS OF ENGINEERS
FORT WORTH DISTRICT**

This Real Estate Plan has been prepared in accordance with ER 405-1-12 dated 1 May 1998.

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PURPOSE

This Real Estate Plan has been prepared in support of the feasibility study that describes the lands, easements, right of way, relocation, and disposal (LERRD) required for the Onion Creek Flood Damage Reduction and Eco-System Restoration Project (Yarrabee Bend, Timber Creek, and Williamson Creek) in the City of Austin, City of Sunset Valley, and Travis County, Texas. The City of Austin, City of Sunset Valley, and Travis County are the local sponsors and will acquire all LERRD. Authority for the project is contained in a resolution by the Committee on Transportation and Infrastructure, United States House of Representatives, adopted May 6, 1998 as quoted below:

“Resolved by the Committee on Transportation and Infrastructure, United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Colorado River, Texas, published as House Document 361, 71st Congress, 2nd Session, and other pertinent reports, with a view to determine if improvements to the Onion Creek watershed in the interest of flood damage reduction, environmental restoration and protection, and other related purposes are advisable at the present time.”

In 1921 the City of Austin and Travis County experienced rainfall events in excess of 19 inches over a 24-hour period of time. Other historic floods occurred in 1869, 1929, and 1941, all of which produced flood flows which probably exceeded 100,000 cubic feet per second (cfs) in the lower portion of Onion Creek. In October 1998, a significant storm event occurred which is now categorized by many, as approximately a 25-year storm event (53,900 cfs).

LAND, EASEMENT, AND RIGHT-OF-WAY FOR THE RECOMMENDED PLAN

The subject property is located within the City of Austin, City of Sunset Valley, and in Travis County, Texas. The recommended plan for the Onion Creek portion (Yarrabee Bend and Timber Creek) of the project is a non-structural buyout involving an estimated 458 properties (254 single family, site-built houses, 130 mobile homes, 26 multi-family units, and 48 tracts of land). Eco-system restoration includes reforestation of riparian woodlands and planting of vegetative buffers.

The recommended plan for the Williamson Creek portion (Bayton, Broken Bow, Heartwood, and Radam Areas) entails a structural alternative consisting of a vegetative bench, starting 2 feet above the channel bottom and the removal of the overbank on one side of the creek on an approximate flat slope for a certain distance and then going to a 3:1 slope until natural grade is attained. An estimated total of 152 properties (1 single family, site-built house, portions of 70 improved tracts, and portions of 81 vacant tracts of land) will be impacted. (An estimated 42 properties will be impacted by both the structure alternative and eco-restoration.) Eco-system restoration includes the removal of invasive species and planting of native species.

Based on information provided by the Project Manager, the cost-share for the project has not been finalized, but at this point is estimated at 65% Federal and 35% local. (The local sponsor is responsible for all LERRD costs which will be credited against their share.)

Table 1A shows the estates, acreages, and estimated values of the lands for Onion Creek (Yarrabee Bend – FDR portion).

TABLE 1A LANDS, EASEMENTS, and RIGHTS OF WAY ONION CREEK (YARRABEE BEND -FDR) FLOOD DAMAGE REDUCTION PROJECT AUSTIN, TEXAS		
ESTATE	ACRES	ESTIMATED VALUE
PROJECT PURPOSE: Flood Damage Reduction		
PROJECT FEATURE: Flood Damage Reduction		
Fee Simple	73.277	\$33,202,920
Channel Improvement Easement	0	\$ - 0 -

Table 1B shows the estates, acreages, and estimated values of the lands for Onion Creek (Yarrabee Bend – ER portion).

TABLE 1B LANDS, EASEMENTS, and RIGHTS OF WAY ONION CREEK (YARRABEE BEND – ER) FLOOD DAMAGE REDUCTION PROJECT AUSTIN, TEXAS		
ESTATE	ACRES	ESTIMATED VALUE
PROJECT PURPOSE: Flood Damage Reduction		
PROJECT FEATURE: Flood Damage Reduction		
Fee Simple	169.991	\$849,954
Channel Improvement Easement	0	\$ - 0 -

Table 1C shows the estates, acreages, and estimated values for Onion Creek (Timber Creek portion).

TABLE 1C LANDS, EASEMENTS, and RIGHTS OF WAY ONION CREEK (TIMBER CREEK) FLOOD DAMAGE REDUCTION PROJECT AUSTIN, TEXAS		
ESTATE	ACRES	ESTIMATED VALUE
PROJECT PURPOSE: Flood Damage Reduction		
PROJECT FEATURE: Flood Damage Reduction		
Fee Simple	23.719	\$3,707,815
Channel Improvement Easement	0	\$ - 0 -

Table 1D shows the estates, acreages, and estimated values of the lands for Williamson Creek (Structural portion).

TABLE 1D LANDS, EASEMENTS, and RIGHTS OF WAY WILLIAMSON CREEK (STRUCTURAL) FLOOD DAMAGE REDUCTION PROJECT AUSTIN, TEXAS		
ESTATE	ACRES	ESTIMATED VALUE
PROJECT PURPOSE: Flood Damage Reduction		
PROJECT FEATURE: Flood Damage Reduction		
Fee Simple	10.688	\$781,547
Channel Improvement Easement	4.271	\$ 327,826

Table 1E shows the estates, acreages, and estimated values of the lands for the Williamson Creek (ER portion).

TABLE 1E LANDS, EASEMENTS, and RIGHTS OF WAY WILLIAMSON CREEK (ER) FLOOD DAMAGE REDUCTION PROJECT AUSTIN, TEXAS		
ESTATE	ACRES	ESTIMATED VALUE
PROJECT PURPOSE: Flood Damage Reduction		
PROJECT FEATURE: Flood Damage Reduction		
Fee Simple	116.395	\$6,303,774
Channel Improvement Easement	0	\$ - 0 -

Table 1F shows the estates, acreages, and estimated values for the Williamson Creek (Mitigation portion).

TABLE 1F LANDS, EASEMENTS, and RIGHTS OF WAY WILLIAMSON CREEK (MITIGATION) FLOOD DAMAGE REDUCTION PROJECT AUSTIN, TEXAS		
ESTATE	ACRES	ESTIMATED VALUE
PROJECT PURPOSE: Flood Damage Reduction		
PROJECT FEATURE: Flood Damage Reduction		
Fee Simple	23.616	\$425,088
Channel Improvement Easement	0	\$ - 0 -

Table 1G shows the combined estates, acreages, and estimated values for the Onion and Williamson Creek Project.

TABLE 1G LANDS, EASEMENTS, and RIGHTS OF WAY ONION and WILLIAMSON CREEK FLOOD DAMAGE REDUCTION PROJECT AUSTIN, TEXAS		
ESTATE	ACRES	ESTIMATED VALUE
PROJECT PURPOSE: Flood Damage Reduction		
PROJECT FEATURE: Flood Damage Reduction		
Fee Simple	417.686	\$45,298,098
Channel Improvement Easement	4.271	\$ 327,826

Fee Simple: The fee simple title to (the land-described in Schedule A) (Tracts Nos. ____, ____, and ____), subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

Channel Improvement Easement: A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over, and across (the land described in Schedule A) (Tracts Nos. ____, ____, and ____) for the purposes as authorized by the Act of Congress approved _____, including the right to clear, cut, fell, remove and dispose of any an all timber, trees, underbrush, buildings, improvements, and/or other obstructions therefrom; to excavate: dredge, cut away, and remove any or all said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the roads and highways, public utilities, railroads, and pipelines.

NON-STANDARD ESTATES

There are no non-standard estates associated with this project.

EXISTING FEDERAL PROJECT

There is no existing Federal project that lies fully or partially within the project area.

FEDERALLY OWNED LAND

There is no federally owned land associated with this project.

NAVIGATIONAL SERVITUDE

Onion Creek is not a navigable stream. Williamson Creek is not a navigable stream. As such, navigation servitude is not applicable to this project.

PROJECT AREA

Maps depicting the project area are attached.

FLOODING OF PROJECT AREA

Hydraulic data provided by the Hydrology and Hydraulics Division of the Fort Worth District, indicates the implementation of this project will result in a 0.2 foot inducement on the area below IH-35 and a 0.3 foot inducement in the area above IH-35. The first floor elevations of the structures in these areas have not been surveyed. As such, it is impossible to tell if they are actually in the FEMA 100-year floodplain. A legal opinion from The Office of Counsel, Fort Worth District stating that while there are occasional consequential damages due to the project, they would not arise to the level of "an inevitable recurrent flood" is on file.

BASELINE COST ESTIMATE FOR REAL ESTATE

Property values included in the cost estimate are based on a Gross Appraisal, dated June 30, 2006, prepared by Thurman Schweitzer of the Real Estate Division of the Fort Worth District. The Fort Worth District, Realty Services Branch, staff estimated administrative cost. Contingencies have been added to the estimates as follows:

- 01.23.03.01 Real Estate Planning Documents, 10% based on reasonable cost estimates
- 01.23.03.02 Real Estate Acquisition Documents, 10% based on reasonable certainty
- 01.23.03.03 Real Estate Condemnation Documents, 25% based on the expectation of at least 6 condemnations
- 01.23.03.05 Real Estate Appraisal Documents, 25% based on reasonable certainty of contract costs
- 01.23.03.06 Real Estate PL 91-646 Asst. Documents, 10% based on reasonable certainty
- 01.23.03.15 Real Estate Payment Documents, based on contingencies (20%) assigned by the Appraiser in the Gross Appraisal
- 01.23.03.17 Real Estate LERRD Accounting Documents, 25% based on reasonable certainty regarding accounting requirements

Cost estimates for Onion Creek are presented in Tables 2A, 2B, and 2C. Cost estimates for Williamson Creek are presented in Tables 2D, 2E, and 2F. Table 2G contains the totals for the Administration, Payments, and Contingencies broken out in Tables 2A through 2F. The estimates are presented in the standard Code of Accounts from MCACES Model Database, October 1994.

**REAL ESTATE COST ESTIMATES - PROJECT IMPLEMENTATION
ONION CREEK (YARRABEE BEND - FLOOD DAMAGE REDUCTION) - TABLE 2A
AUSTIN, TEXAS**

ACCOUNT	DESCRIPTION	ESTIMATE	CONTINGENCIES
01	Lands & Damages		
01.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non Federal Sponsor	\$34,300	\$3,430
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Sponsor	\$3,280,000	\$328,000
	Review of Sponsor	\$205,000	\$20,500
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Sponsor	\$1,640,000	\$410,000
	Review of Sponsor	\$41,000	\$10,250
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Sponsor	\$205,000	\$51,250
	Review of Sponsor	\$82,000	\$20,500
01.23.03.06	Real Estate PL 91-646 Asst. Documents		
	PL 91-646 Asst. by Sponsor	\$615,000	\$61,500
	Review of Sponsor	\$41,000	\$4,100
01.23.03.15	Real Estate Payment Documents		
	Payments by Local Sponsor (Fee)	\$33,202,920	\$6,640,584
	Payments by Sponsor (PL 91-646)	\$9,225,000	\$1,845,000
	Review of Sponsor	\$41,000	\$8,200
01.23.03.17	Real Estate LERRD Credit Documents	\$14,700	\$2,940
	Total Admin & Payments	\$48,626,920	
	Total Contingencies		\$9,406,254
	GRAND TOTAL	\$58,033,174	

**REAL ESTATE COST ESTIMATES – PROJECT IMPLEMENTATION
ONION CREEK (YARRABEE BEND - ECOSYSTEM RESTORATION) – TABLE 2B
AUSTIN, TEXAS**

Account	Description	Estimate	Contingencies
01	Lands & Damages		
01.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non Federal Sponsor	\$4,900	\$490
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Sponsor	\$480,000	\$48,000
	Review of Sponsor	\$30,000	\$3,000
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Sponsor	\$240,000	\$60,000
	Review of Sponsor	\$6,000	\$1,500
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Sponsor	\$150,000	\$37,500
	Review of Sponsor	\$12,000	\$3,000
01.23.03.06	Real Estate PL 91-646 Asst. Documents		
	PL 91-646 Asst. by Sponsor		
	Review of Sponsor		
01.23.03.15	Real Estate Payment Documents		
	Payments by Local Sponsor (Fee)	\$849,954	\$169,991
	Payments by Sponsor (PL 91-646)		
	Review of Sponsor	\$6,000	\$1,200
01.23.03.17	Real Estate LERRD Credit Documents	\$2,100	\$420
	Total Admin & Payments	\$1,780,954	
	Total Contingencies		\$325,101
	GRAND TOTAL	\$2,106,055	

**REAL ESTATE COST ESTIMATES – PROJECT IMPLEMENTATION
ONION CREEK (TIMBER CREEK) - TABLE 2C
AUSTIN, TEXAS**

Account	Description	Estimate	Contingencies
01	Lands & Damages		
01.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non Federal Sponsor	\$7,700	\$770
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Sponsor	\$720,000	\$72,000
	Review of Sponsor	\$45,000	\$4,500
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Sponsor	\$360,000	\$90,000
	Review of Sponsor	\$9,000	\$2,250
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Sponsor	\$225,000	\$56,250
	Review of Sponsor	\$18,000	\$4,500
01.23.03.06	Real Estate PL 91-646 Asst. Documents		
	PL 91-646 Asst. by Sponsor	\$121,500	
	Review of Sponsor	\$8,100	
01.23.03.15	Real Estate Payment Documents		
	Payments by Sponsor (Land)	\$3,707,815	\$741,563
	Payments by Sponsor (PL 91-646)	\$1,822,500	
	Review of Sponsor	\$40,500	\$8,100
01.23.03.17	Real Estate LERRD Credit Documents	\$3,300	\$660
	Total Admin & Payments	\$7,088,415	
	Total Contingencies		\$980,593
	GRAND TOTAL	\$8,069,008	

**REAL ESTATE COST ESTIMATES – PROJECT IMPLEMENTATION
WILLIAMSON CREEK (FLOOD DAMAGE REDUCTION PROJECT) - TABLE 2D
AUSTIN, TEXAS**

Account	Description	Estimate	Contingencies
01	Lands & Damages		
01.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non Federal Sponsor	\$6,300	\$630
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Sponsor	\$576,000	\$57,600
	Review of Sponsor	\$36,000	\$3,600
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Sponsor	\$720,000	\$180,000
	Review of Sponsor	\$18,000	\$4,500
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Sponsor	\$180,000	\$45,000
	Review of Sponsor	\$14,400	\$3,600
01.23.03.06	Real Estate PL 91-646 Asst. Documents		
	PL 91-646 Asst. by Sponsor	\$1,500	\$150
	Review of Sponsor	\$100	\$10
01.23.03.15	Real Estate Payment Documents		
	Payments by Sponsor (Land)	\$1,109,373	\$221,875
	Payments by Sponsor (PL 91-646)	\$22,500	\$4,500
	Review of Sponsor	\$36,000	\$7,200
01.23.03.17	Real Estate LERRD Credit Documents	\$2,700	\$540
	Total Admin & Payments	\$2,722,873	
	Total Contingencies		\$529,205
	GRAND TOTAL	\$3,252,078	

**REAL ESTATE COST ESTIMATES - PROJECT IMPLEMENTATION
WILLIAMSON CREEK (ECOSYSTEM RESTORATION) - TABLE 2E
AUSTIN, TEXAS**

Account	Description	Estimate	Contingencies
01	Lands & Damages		
01.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non Federal Sponsor	\$9,800	\$980
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Sponsor	\$904,000	\$90,400
	Review of Sponsor	\$56,500	\$5,650
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Sponsor	\$1,130,000	\$282,500
	Review of Sponsor	\$28,250	\$7,063
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Sponsor	\$282,500	\$70,625
	Review of Sponsor	\$22,600	\$5,650
01.23.03.06	Real Estate PL 91-646 Asst. Documents		
	PL 91-646 Asst. by Sponsor		
	Review of Sponsor		
01.23.03.15	Real Estate Payment Documents		
	Payments by Sponsor (Land)	\$6,330,774	\$1,266,155
	Payments by Sponsor (PL 91-646)		
	Review of Sponsor	\$56,500	\$11,300
01.23.03.17	Real Estate LERRD Credit Documents	\$4,200	\$840
	Total Admin & Payments	\$8,825,124	
	Total Contingencies		\$1,741,162
	GRAND TOTAL	\$10,566,286	

**REAL ESTATE COST ESTIMATES - PROJECT IMPLEMENTATION
WILLIAMSON CREEK (MITIGATION AREA) – TABLE 2F
AUSTIN, TEXAS**

ACCOUNT	DESCRIPTION	ESTIMATE	CONTINGENCIES
01	Lands & Damages		
01.23	Construction Contract Documents		
01.23.03	Real Estate Analysis Documents		
01.23.03.01	Real Estate Planning Documents		
	Planning by Non Federal Sponsor	\$2,800	\$280
01.23.03.02	Real Estate Acquisition Documents		
	Acquisitions by Sponsor	\$64,000	\$6,400
	Review of Sponsor	\$4,000	\$400
01.23.03.03	Real Estate Condemnation Documents		
	Condemnations by Sponsor	\$80,000	\$20,000
	Review of Sponsor	\$2,000	\$500
01.23.03.05	Real Estate Appraisal Documents		
	Appraisals by Sponsor	\$20,000	\$5,000
	Review of Sponsor	\$1,600	\$400
01.23.03.06	Real Estate PL 91-646 Asst. Documents		
	PL 91-646 Asst. by Sponsor		
	Review of Sponsor		
01.23.03.15	Real Estate Payment Documents		
	Payments by Sponsor (Land)	\$425,088	\$85,018
	Payments by Sponsor (PL 91-646)		
	Review of Sponsor	\$4,000	\$800
01.23.03.17	Real Estate LERRD Credit Documents	\$1,200	\$240
	Total Admin & Payments	\$604,688	
	Total Contingencies		\$119,038
	GRAND TOTAL	\$723,726	

**REAL ESTATE COST ESTIMATES - PROJECT IMPLEMENTATION
ONION CREEK & WILLIAMSON CREEK - TABLE 2G
AUSTIN, TEXAS**

Total Admin & Payments	\$69,464,174	
Total Contingencies		\$13,070,512
GRAND TOTAL	\$82,534,686	

RELOCATION ASSISTANCE PROGRAM P.L. 91-646

Onion Creek will have an estimated 410 residential relocations. For the purposes of this report, the maximum cap of \$22,500 is estimated for each household. Williamson Creek will have an estimated 1 residential relocation. For the purposes of this report, the maximum cap of \$22,500 is estimated. No known business will be relocated in either area.

MINERAL AND TIMBER ACTIVITY

There is no known mineral exploration or extraction activity in the area. Because of the limited potential for production in the area, the value of the mineral estate is considered nominal and is included in the value of the land. Third party minerals will also be acquired to the extent that owners can be identified and located. Where owners cannot be readily identified or located, the non-Federal sponsor, in coordination with the Fort Worth District will fully assess the risks and costs and either obtain the mineral rights through eminent domain or waive the requirement. Approval of this REP will constitute a delegation to the Chief, Real Estate Division, Fort Worth District to approve such waivers based on adequate justification from the sponsor.

NON-FEDERAL SPONSOR'S CAPABILITY TO ACQUIRE LERRD

The local sponsors (City of Austin, City of Sunset Valley, and Travis County) are responsible for acquiring LERRD. A checklist has been prepared in accordance with Chapter 12 of ER 405-1-12 and is attached. The local sponsors are aware of the requirements of PL 91-646, as amended, and the requirements for documenting expenses for credit purposes.

The local sponsors have also been advised of the risks associated with acquiring LERRD before execution of the PCA. The Corps will work with the sponsors throughout the project, to the extent appropriate and allowable; to ensure that there is understanding of the Federal real estate principles. Action will also be taken to address any policy issues that could significantly impact the project.

ZONING ORDINANCES

There are no special Zoning Ordinances proposed for enactment with the project.

MILESTONES FOR REAL ESTATE ACQUISITION

The schedule reflected a realistic implementation timeframe at the time it was developed. The schedule assumes the availability of funds and the availability of Federal funding throughout project implementation. The current schedule is as follows:

**TABLE 3
REAL ESTATE MILESTONE SCHEDULE
FOR
ONION and WILLIAMSON CREEK
FLOOD DAMAGE REDUCTION PROJECT**

ACTIVITY	COE INITIATE	COE COMPLETE	LS INITIATE	LS COMPLETE
Transmittal of ROW drawings to LS with instruction to acquire LERRD – Phase 1	--	1 Sep 2007	--	--
Conduct landowner meeting	--	--	--	15 Oct 2007
Prepare mapping and legal descriptions – Phase 1	--	--	1 Sep 2007	31 Nov 2007
Review mapping and legal descriptions – Phase 1	1 Dec 2007	15 Dec 2007	--	--
Obtain title evidence – Phase 1	--	--	1 Jan 2008	1 Mar 2008
Obtain tract appraisals – Phase 1	--	--	1 Jan 2008	15 Mar 2008
Review tract appraisals – Phase 1	30 Mar 2008	15 Apr 2008	--	--
Conduct negotiations – Phase 1	--	--	15 Apr 2008	30 Jun 2008
Perform closings – Phase 1	--	--	1 May 2008	30 Aug 2008
Perform condemnations – Phase 1	--	--	1 Jun 2008	15 Oct 2008
Certify availability of LERRD – Phase 1	18 Oct 2008	20 Oct 2008	15 Oct 2008	17 Oct 2008
Transmittal of ROW drawings to LS with instruction to acquire LERRD		1 Jan 2008		
Prepare mapping and legal descriptions – Phase 2			1 Jan 2008	30 Apr 2008
Review mapping and legal descriptions – Phase 2	1 May 2008	15 May 2008		
Obtain title evidence – Phase 2			15 May 2008	15 Aug 2008
Obtain tract appraisals – Phase 2			15 May 2008	15 Oct 2008
Review tract appraisals – Phase 2	15 Oct 2008	30 Nov 2008		
Conduct negotiations – Phase 2			1 Dec 2008	30 Mar 2009
Perform closings – Phase 2			1 Jan 2009	30 Apr 2009
Perform condemnations – Phase 2			1 Feb 2009	30 Jul 2009
Certify availability of LERRD – Phase 2	21 Aug 2009	24 Aug 2009	15 Aug 2009	20 Aug 2009
Transmittal of ROW drawings to LS with instruction to acquire LERRD		1 May 2008		
Prepare mapping and legal descriptions – Phase 3			1 May 2008	30 Aug 2008
Review mapping and legal descriptions – Phase 3	1 Sep 2008	15 Oct 2008		
Obtain title evidence – Phase 3			15 Sep 2008	15 Dec 2008
			15 Sep 2008	15 Jan 2009

Obtain tract appraisals – Phase 3				
Review tract appraisals – Phase 3	15 Jan 2009	31 Mar 2009		
Conduct negotiations – Phase 3			1 Apr 2009	30 Jul 2009
Perform closings – Phase 3			1 May 2009	30 Aug 2009
Perform condemnations – Phase 3			1 Jun 2009	30 Sep 2009
Certify availability of LERRD – Phase 3	1 Oct 2009	5 Oct 2009	10 Oct 2009	15 Oct 2009
Complete PL 91-646 benefit assistance	--	--	15 Oct 2009	1 Feb 2011
Review PL 91-646 payments	1 Feb 2011	1 Mar 2011	--	--
Prepare and submit credit requests	--	--	1 Nov 2010	30 Nov 2010
Review credit requests	1 Dec 2010	30 Dec 2010	--	--
Approve or deny credit requests	1 Jan 2011	1 Feb 2011	--	--
Establish value of LERRD credit in accounting records	1 Feb 2011	15 Feb 2011	--	--

FACILITY OR UTILITY RELOCATIONS

Appendix C Civil Design should be referenced, regarding all roads or utility relocations. According to the Attorney's Opinion, prepared by Mark McMurry, Assistant District Counsel, relocation of all utility lines will be the responsibility of the project sponsor. The project sponsor's obligation is set out in 42 USC 4628. As an agent of the federally assisted program, it would have the same rights and remedies when acquiring the lands, easements, and rights of way for the project as required by the cooperation agreement. 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 the Final Attorney's Opinions of Compensability for each of the impacted utilities and facilities. Cost estimates for the relocation of water lines, sanitary sewer lines, gas lines, telephone lines, and electric lines associated with 82 lots can be found in Appendix K Cost/Spec Analysis.

CONTAMINANTS ON REAL ESTATE ACQUISITIONS

Staff from the Planning, Environmental, and Regulatory Division of the Fort Worth District has completed a literature review and site assessment for the area. Based on this evaluation, there are no known or suspected hazardous, toxic, and/or radioactive waste (HTRW) sites requiring remediation. Although none are expected, due diligence requires that actual field testing, conducted during demolition, could reveal that some of the structures contain materials for which special handling and disposal would be required.

OPPOSITION BY LANDOWNERS IN PROJECT AREA

Property owners in the Onion Creek Area (Yarrabee Bend, Timber Creek, and Bear/Onion Confluence), have expressed only minimal opposition to the project at public meetings. Property owners in the Williamson Creek Area are adamantly opposed to the project and have been very vocal about their opposition during public meetings.

DISCUSSION OF EXECUTIVE ORDER

On June 23, 2006, the President issued an Executive Order (EO) titled: Protecting the Property Rights of the American People. The EO is aimed at restricting use of eminent domain for “advancing the economic interests of private parties”, is specific to actions of the Federal Government, and allows takings for public use with just compensation for purposes benefiting the general public. But, it is noted that while many specific purposes are exempted from the restrictions of the EO, flood damage reduction is not. The applicability of the EO to cost-shared projects wherein LERRD is acquired by the non-Federal Sponsor with non-Federal funds is also not clear. Condemnation actions for purposes of clearing title are allowed under the order. The EO states that the Department of Justice is to issue further guidance, but such has not yet been forthcoming. This REP is written under the premise that the non-Federal Sponsor may exercise eminent domain for the flood damage reduction purposes of this project due to failure to reach a reasonable agreement on a negotiated purchase under the normal, long-standing procedures established by the Department of the Army and other Federal agencies.

OTHER REAL ESTATE ISSUES

No other Real Estate issues are known to exist.

CHECKLIST TO ACQUIRE LERRD (City of Austin)

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 of eminent domain for this project? **Yes**
- c. Does the sponsor have "quick-take" authority for this project? **No**
- d. Are any of the lands/interested in land required for the 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 PL 91-646, as amended? **No**
- b. If the answer to II(a) is yes, has a reasonable plan been developed to provide such training? **Not applicable**
- 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 other work load, if any, and the project schedule? **Yes. (The City may retain a consultant to supplement our efforts, if something unforeseen happens.)**
- 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/ **Yes**

IV. Overall Assessment

- a. Has the sponsor performed satisfactorily on other USACE projects? **Yes**
- b. With regard to this project, the sponsor is anticipated to be: **Fully Capable**

V. Coordination

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

Information provided by Ms. Lauraine Rizer (Manager, Public Works-Real Estate Service Division), City of Austin.

Prepared by

G. Blake Bryant
Realty Specialist

Reviewed and approved by:

Hyla J. Head
Chief, Real Estate Division

CHECKLIST TO ACQUIRE LERRD (City of Sunset Valley)

I. Legal Authority

- f. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **Yes**
- g. Does the sponsor have the power of eminent domain for this project? **Yes**
- h. Does the sponsor have "quick-take" authority for this project? **Yes**
- i. Are any of the lands/interested in land required for the project, located outside the sponsor's political boundary? **No**
- j. 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

- g. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including PL 91-646, as amended? **No**
- h. If the answer to II(a) is yes, has a reasonable plan been developed to provide such training? **Not Applicable**
- i. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **No**
- j. Is the sponsor's projected in-house staffing level sufficient considering other work load, if any, and the project schedule? **No**
- k. Can the sponsor obtain contractor support, if required, in a timely fashion? **Yes**
- l. Will the sponsor likely request USACE assistance in acquiring real estate? **No**

III. Other Project Variables

- c. Will the sponsor's staff be located within reasonable proximity to the project site? **Yes**
- d. Has the sponsor approved the project/real estate schedule/milestones/ **Yes**

IV. Overall Assessment

- c. Has the sponsor performed satisfactorily on other USACE projects? **Not Applicable**
- d. With regard to this project, the sponsor is anticipated to be: **Fully Capable with the support of City of Austin or Travis County**

V. Coordination

- c. Has this assessment been coordinated with the sponsor? **Yes**
- d. Does the sponsor concur with this assessment? **Pending**

Information provided by J.Foley, City of Sunset Valley.

Prepared by

G. Blake Bryant
Realty Specialist

Reviewed and approved by:

Hyla J. Head
Chief, Real Estate Division

(Awaiting review by the City of Sunset Valley.)

CHECKLIST TO ACQUIRE LERRD (Travis County)

I. Legal Authority

- k. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **Yes**
- l. Does the sponsor have the power of eminent domain for this project? **Yes**
- m. Does the sponsor have "quick-take" authority for this project? **No**
- n. Are any of the lands/interested in land required for the project, located outside the sponsor's political boundary? **No**
- o. 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

- m. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including PL 91-646, as amended? **No**
- n. If the answer to II(a) is yes, has a reasonable plan been developed to provide such training? **Not applicable**
- o. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **Yes**
- p. Is the sponsor's projected in-house staffing level sufficient considering other work load, if any, and the project schedule? **Yes.**
- q. Can the sponsor obtain contractor support, if required, in a timely fashion? **Yes**
- r. Will the sponsor likely request USACE assistance in acquiring real estate? **No**

III. Other Project Variables

- e. Will the sponsor's staff be located within reasonable proximity to the project site? **Yes**
- f. Has the sponsor approved the project/real estate schedule/milestones/ **Yes**

IV. Overall Assessment

- e. Has the sponsor performed satisfactorily on other USACE projects? **Yes**
- f. With regard to this project, the sponsor is anticipated to be: **Fully Capable**

V. Coordination

- e. Has this assessment been coordinated with the sponsor? **Yes**
- f. Does the sponsor concur with this assessment? **Pending**

Information provided by Stacey Scheffel, Travis County.

Prepared by

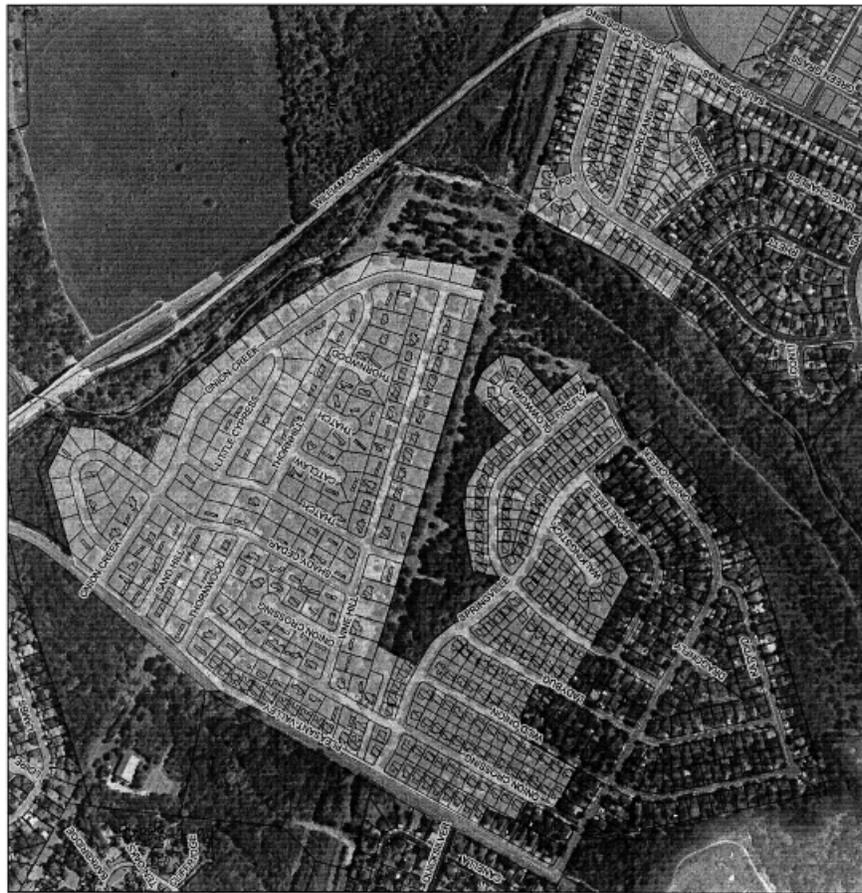
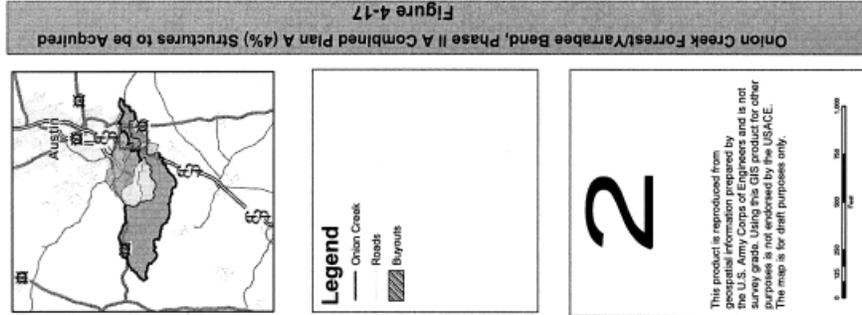
G. Blake Bryant
Realty Specialist

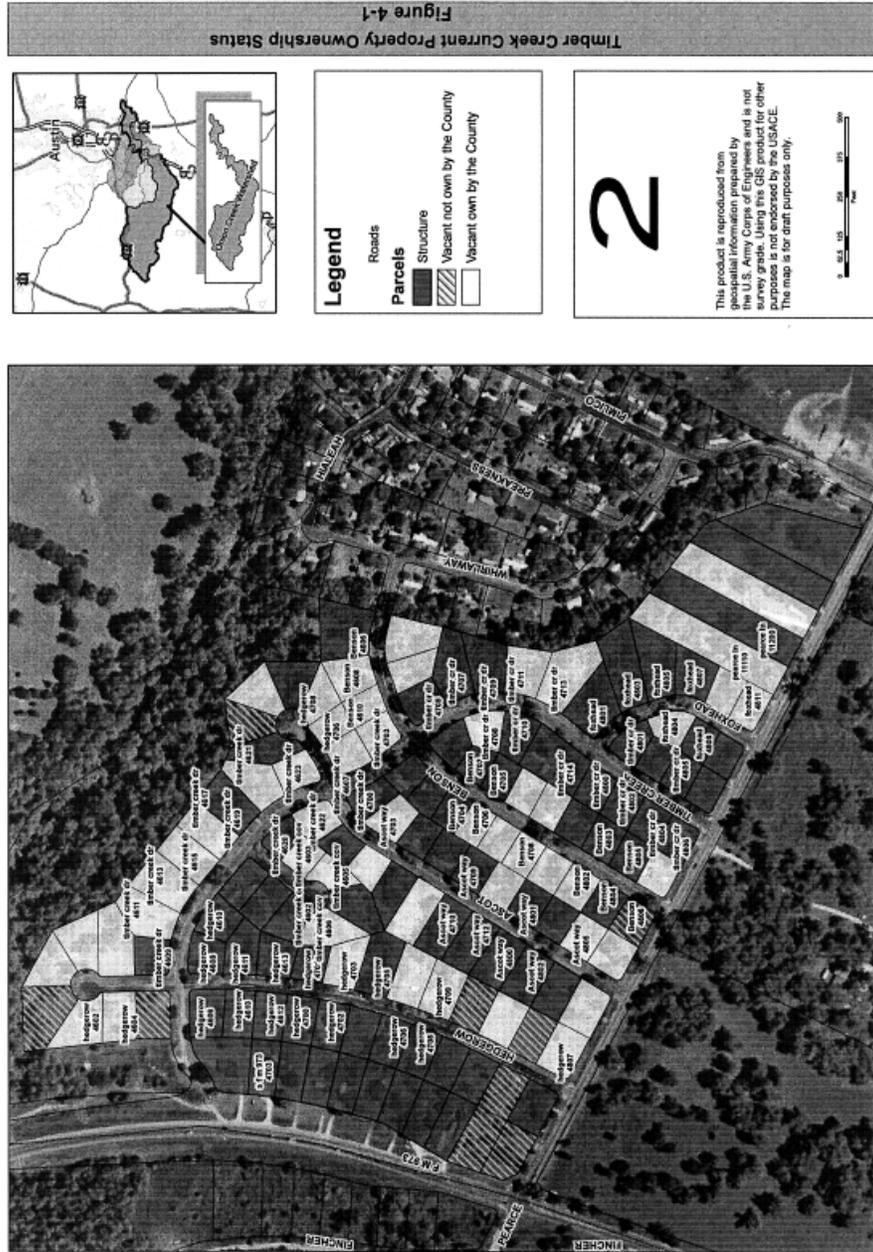
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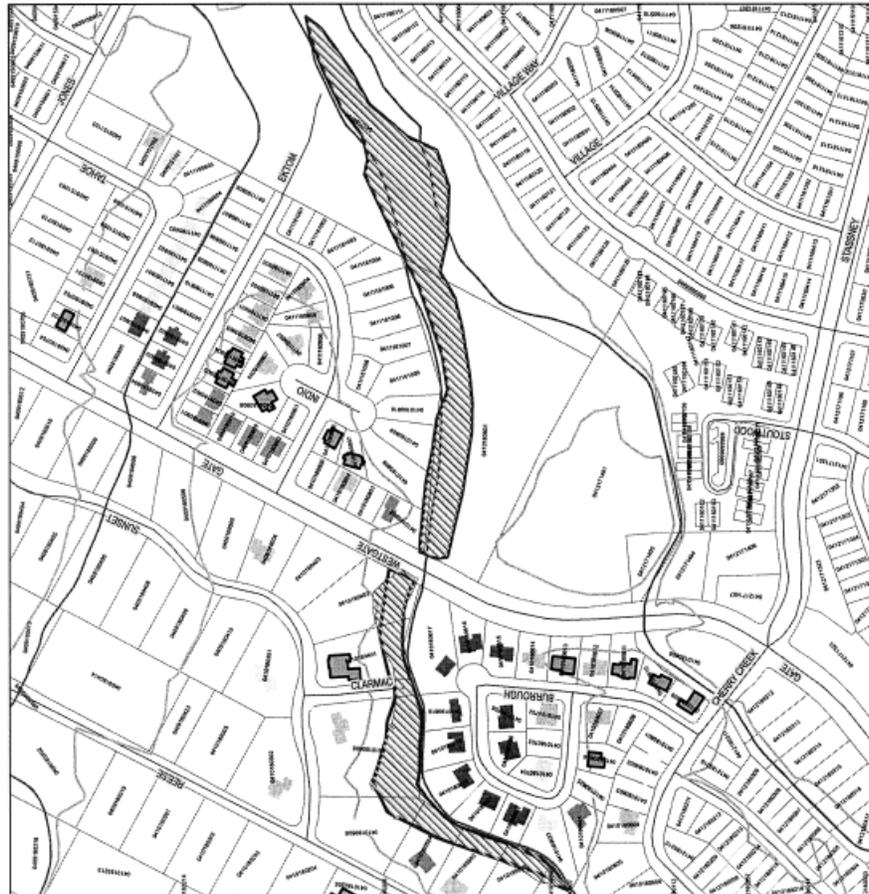
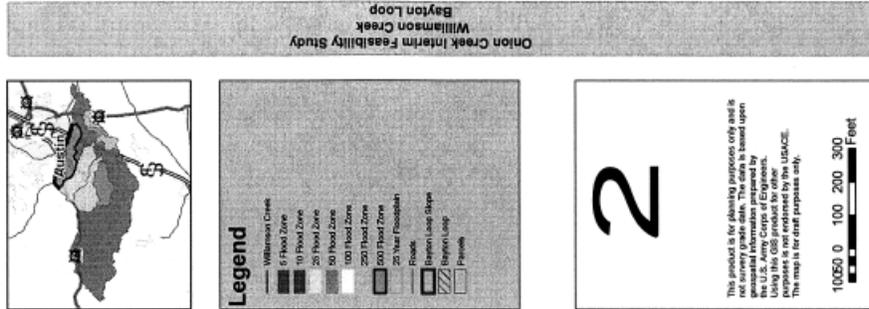
Hyla J. Head
Chief, Real Estate Division

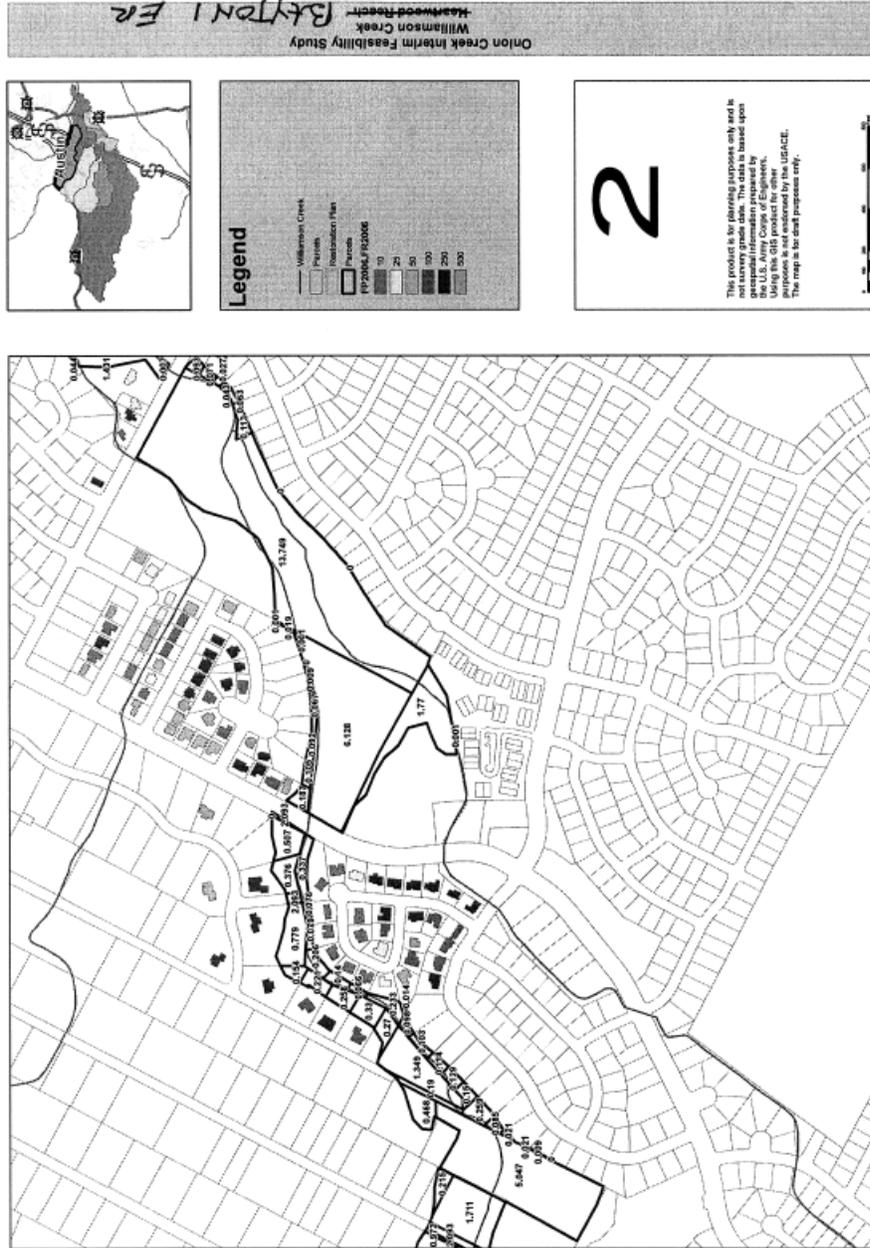
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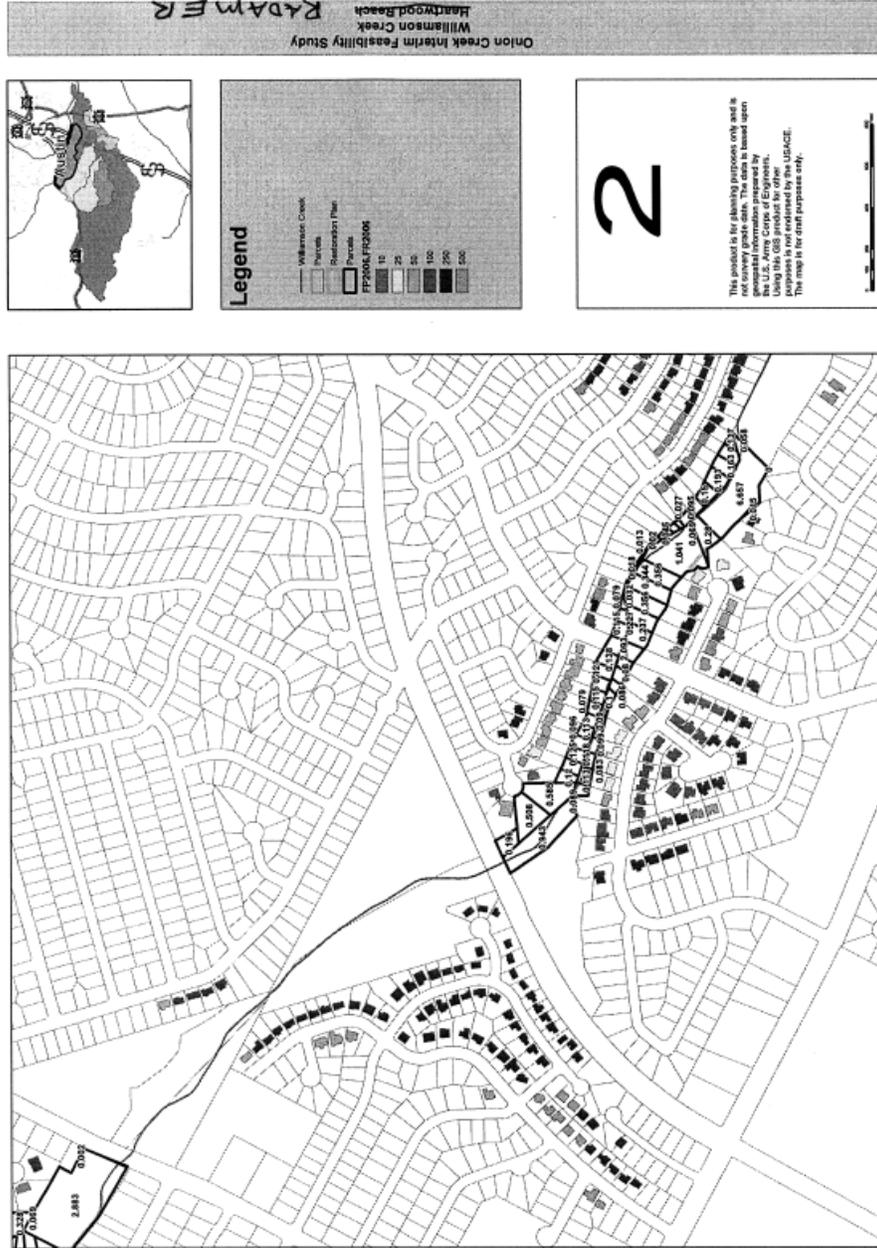
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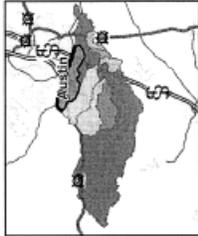








Onion Creek Interim Feasibility Study
Williamson Creek
Headwood Reach
MITIGATION 2



Legend
— Williamson Creek

2

This product is for planning purposes only and is not survey grade data. The data is based upon the U.S. Army Corps of Engineers' existing data. The U.S. Army Corps of Engineers is not responsible for any errors or omissions. This map is for planning purposes only.




Onion Creek: Properties to be Acquired and Owner Relocated

7202	Antoine	7202	Ladybug	6202	Orleans	6905	Thatch Ct
7204	Antoine	7203	Ladybug	6203	Orleans	6800	Thatch Ln
7206	Antoine	7204	Ladybug	6204	Orleans	6808	Thatch Ln
7208	Antoine	7205	Ladybug	6205	Orleans	6903	Thatch Ln
6900	Catclaw	7206	Ladybug	6206	Orleans	6904	Thatch Ln
6902	Catclaw	7208	Ladybug	6208	Orleans	6905	Thatch Ln
6903	Catclaw	7300	Ladybug	6209	Orleans	6906	Thatch Ln
6904	Catclaw	7301	Ladybug	6210	Orleans	6907	Thatch Ln
6906	Catclaw	7302	Ladybug	6211	Orleans	6908	Thatch Ln
7101	Dixie	7303	Ladybug	6212	Orleans	7002	Thatch Ln
7103	Dixie	7304	Ladybug	6213	Orleans	7003	Thatch Ln
7105	Dixie	7305	Ladybug	6901	S Pleasant Valley	5600	Thornhill
7107	Dixie	7306	Ladybug	6903	S Pleasant Valley	5601	Thornhill
7109	Dixie	7307	Ladybug	6905	S Pleasant Valley	5602	Thornhill
7111	Dixie	7308	Ladybug	6907	S Pleasant Valley	5606	Thornhill
7113	Dixie	7309	Ladybug	6909	S Pleasant Valley	5608	Thornhill
7115	Dixie	7310	Ladybug	6911	S Pleasant Valley	5610	Thornhill
7117	Dixie	7311	Ladybug	6913	S Pleasant Valley	5700	Thornhill
7119	Dixie	7201	Lake Charles	6915	S Pleasant Valley	5702	Thornhill
7121	Dixie	7203	Lake Charles	6917	S Pleasant Valley	5703	Thornhill
7123	Dixie	7205	Lake Charles	7001	S Pleasant Valley	5705	Thornhill
7125	Dixie	7207	Lake Charles	7003	S Pleasant Valley	5300	Thornwood Ct
7127	Dixie	7209	Lake Charles	7005	S Pleasant Valley	5400	Thornwood Ct
7129	Dixie	7211	Lake Charles	7007	S Pleasant Valley	5402	Thornwood Ct
7130	Dixie	5503	Little Cypress	7101	S Pleasant Valley	5404	Thornwood Ct
7131	Dixie	5504	Little Cypress	7201	S Pleasant Valley	5405	Thornwood Ct
7132	Dixie	5600	Little Cypress	7203	S Pleasant Valley	5406	Thornwood Ct
7136	Dixie	5601	Little Cypress	7205	S Pleasant Valley	6900	Thornwood Ct
7138	Dixie	6800	Onion Creek	7207	S Pleasant Valley	6901	Thornwood Ct
7140	Dixie	6802	Onion Creek	7209	S Pleasant Valley	6902	Thornwood Ct
7200	Dixie	6803	Onion Creek	7301	S Pleasant Valley	6903	Thornwood Ct
7202	Dixie	6804	Onion Creek	7303	S Pleasant Valley	5400	Vine Hill
7204	Dixie	6805	Onion Creek	7305	S Pleasant Valley	5401	Vine Hill
7206	Dixie	6806	Onion Creek	7307	S Pleasant Valley	5403	Vine Hill
7208	Dixie	6807	Onion Creek	7200	Salt Springs	5405	Vine Hill
7101	Firefly	6830	Onion Creek	7202	Salt Springs	5406	Vine Hill
7102	Firefly	6902	Onion Creek	7204	Salt Springs	5407	Vine Hill
7103	Firefly	6904	Onion Creek	7206	Salt Springs	5501	Vine Hill
7104	Firefly	6901	Onion Crossing	7208	Salt Springs	5506	Vine Hill
7105	Firefly	6902	Onion Crossing	5300	Sand Hill	5507	Vine Hill
7106	Firefly	6903	Onion Crossing	5301	Sand Hill	5508	Vine Hill
7201	Firefly	6904	Onion Crossing	5302	Sand Hill	5509	Vine Hill
7203	Firefly	6905	Onion Crossing	5303	Sand Hill	5510	Vine Hill
7205	Firefly	6906	Onion Crossing	5304	Sand Hill	5511	Vine Hill
7207	Firefly	6907	Onion Crossing	5305	Sand Hill	5600	Vine Hill

7208	Firefly	6908	Onion Crossing	5400	Sand Hill	5601	Vine Hill
7209	Firefly	7100	Onion Crossing	5401	Sand Hill	5602	Vine Hill
7210	Firefly	7101	Onion Crossing	5402	Sand Hill	5603	Vine Hill
7211	Firefly	7200	Onion Crossing	5403	Sand Hill	5604	Vine Hill
7212	Firefly	7201	Onion Crossing	6703	Shady Cedar	5605	Vine Hill
7213	Firefly	7202	Onion Crossing	6704	Shady Cedar	5606	Vine Hill
7214	Firefly	7203	Onion Crossing	6708	Shady Cedar	5607	Vine Hill
7215	Firefly	7204	Onion Crossing	6713	Shady Cedar	5608	Vine Hill
7216	Firefly	7205	Onion Crossing	6807	Shady Cedar	5609	Vine Hill
7217	Firefly	7206	Onion Crossing	6811	Shady Cedar	5700	Vine Hill
7218	Firefly	7207	Onion Crossing	6900	Shady Cedar	5701	Vine Hill
7219	Firefly	7208	Onion Crossing	6902	Shady Cedar	5702	Vine Hill
7220	Firefly	7209	Onion Crossing	6903	Shady Cedar	5703	Vine Hill
7221	Firefly	7300	Onion Crossing	6904	Shady Cedar	5704	Vine Hill
7222	Firefly	7301	Onion Crossing	6905	Shady Cedar	5705	Vine Hill
7223	Firefly	7302	Onion Crossing	6906	Shady Cedar	5707	Vine Hill
7224	Firefly	7303	Onion Crossing	6907	Shady Cedar	7203	Walkingstick
7225	Firefly	7304	Onion Crossing	6908	Shady Cedar	7300	Walkingstick
7226	Firefly	7305	Onion Crossing	6909	Shady Cedar	7301	Walkingstick
7227	Firefly	7306	Onion Crossing	5300	Springville	7302	Walkingstick
7228	Firefly	7307	Onion Crossing	5302	Springville	7303	Walkingstick
7229	Firefly	7308	Onion Crossing	5400	Springville	7304	Walkingstick
7230	Firefly	7309	Onion Crossing	5402	Springville	7305	Walkingstick
7231	Firefly	7310	Onion Crossing	5404	Springville	7306	Walkingstick
7232	Firefly	7311	Onion Crossing	5406	Springville	7307	Walkingstick
7237	Firefly	7313	Onion Crossing	5408	Springville	7308	Walkingstick
7238	Firefly	7401	Onion Crossing	5505	Springville	7309	Walkingstick
7300	Firefly	7403	Onion Crossing	5507	Springville	7311	Walkingstick
7301	Firefly	6900	Onion Crossing Ct	5601	Springville	7200	Wild Onion
7302	Firefly	6901	Onion Crossing Ct	5603	Springville	7201	Wild Onion
7303	Firefly	6902	Onion Crossing Ct	5605	Springville	7202	Wild Onion
7304	Firefly	6903	Onion Crossing Ct	5607	Springville	7203	Wild Onion
7305	Firefly	6904	Onion Crossing Ct	5608	Springville	7204	Wild Onion
7306	Firefly	6905	Onion Crossing Ct	5609	Springville	7205	Wild Onion
7307	Firefly	6906	Onion Crossing Ct	5611	Springville	7206	Wild Onion
7308	Firefly	6907	Onion Crossing Ct	5700	Springville	7207	Wild Onion
7309	Firefly	6908	Onion Crossing Ct	5701	Springville	7208	Wild Onion
7310	Firefly	6909	Onion Crossing Ct	5702	Springville	7209	Wild Onion
7311	Firefly	6910	Onion Crossing Ct	5703	Springville	7300	Wild Onion
7100	Foy Cir	6912	Onion Crossing Ct	5704	Springville	7301	Wild Onion
7101	Foy Cir	7000	Onion Crossing Ct	5706	Springville	7302	Wild Onion
7102	Foy Cir	7002	Onion Crossing Ct	5707	Springville	7303	Wild Onion
7103	Foy Cir	7003	Onion Crossing Ct	5708	Springville	7304	Wild Onion
7100	Glowworm	6101	Orleans	5709	Springville	7305	Wild Onion
7102	Glowworm	6103	Orleans	5710	Springville	7306	Wild Onion
7103	Glowworm	6104	Orleans	5711	Springville	7308	Wild Onion

7104	Glowworm	6105	Orleans	5712	Springville	7310	Wild Onion
7105	Glowworm	6106	Orleans	5713	Springville	7312	Wild Onion
7106	Glowworm	6107	Orleans	5714	Springville	7400	Wild Onion
7107	Glowworm	6108	Orleans	5715	Springville	7402	Wild Onion
7200	Glowworm	6109	Orleans	5716	Springville		
7201	Glowworm	6110	Orleans	5718	Springville		
7202	Glowworm	6111	Orleans	5800	Springville		
7203	Glowworm	6112	Orleans	5802	Springville		
7204	Glowworm	6113	Orleans	5804	Springville		
7205	Glowworm	6114	Orleans	5806	Springville		
5718	Honeybee	6115	Orleans	6901	Thatch Ct		
5720	Honeybee	6117	Orleans	6902	Thatch Ct		
5722	Honeybee	6200	Orleans	6903	Thatch Ct		
7200	Ladybug	6201	Orleans	6904	Thatch Ct		

**Williamson Creek: Property to be
Acquired and Owner Relocated**

1102	Radam Circle
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