

APPENDIX F
REAL ESTATE PLAN

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1.0 STATEMENT OF PURPOSE

This Real Estate Plan is tentative in nature for planning purposes only and both the final real property acquisition lines and the real estate cost estimates provided are subject to change even after approval of this supplement.

A Real Estate Design Memorandum (REDM) was approved in April 1995 for the Modified Water Deliveries to Everglades National Park General Design Memorandum (GDM); however, both the REDM and GDM only addressed a portion of Tamiami Trail.

A Real Estate Supplement (RES) was prepared in 2006, reviewed, revised and resubmitted in April 2007 was conditionally approved regarding certain properties and approval withheld for all other properties pending production of more detailed information regarding each parcel and notification that approval by higher authority will only be granted on a tract by tract basis. The RES addresses the real estate requirements to support the Revised General Re-evaluation Report (RGRR) discussed in the main portion of this report.

2.0 AUTHORIZATION

The Everglades National Park Protection and Expansion Act (PL 101-229, Section 104, 16 U.S.C. Part 410r-5 et seq.) (Act), December 1989, authorized the Secretary of the Army to undertake certain actions to improve water deliveries to Everglades National Park (ENP) to the extent practicable to restore natural hydrologic conditions. This Act provides the underlying authority for this project. The Act directed the U.S. Army Corps of Engineers (USACE) to address restoration of water deliveries and natural hydrological conditions.

The 1992 GDM and its associated Final Environmental Impact Statement (FEIS) called for in the Act was completed in June 1992. The 1992 GDM/FEIS is the authorizing document for structural modifications and additions to deliver water for ecosystem restoration in ENP.

3.0 PROJECT DESCRIPTION

Under the Modified Waters Deliveries to Everglades National Park Project, authorized by the Act, water deliveries to the ENP will be improved as a step to restore natural hydrologic conditions and increased flows to the ENP. Water from Water Conservation Area (WCA) 3B will enter the L-29 Canal, pass under Tamiami Trail and enter the ENP.

The project area is located in the west central portion of Miami-Dade County, Florida. The areas subject to direct impacts from the project are on either side of U.S. Highway 41, Tamiami Trail. The Tamiami Trail, the L-29 Canal and the

L-29 Levee on the north side of the canal form the southern boundary of WCA 3B. The south side of the Tamiami Trail is bounded primarily by ENP.

The limits of the project begin at S-334 slightly more than one mile west of the intersection of Krome Avenue (State Road 997) and the Tamiami Trail and extend westward along the highway approximately 10.7 miles to S-333. The L-29 Canal (Tamiami Canal) runs along the north side of the Tamiami Trail through this area.

The plan is described as raising the stage constraint in the L-29 Canal to 8.5 feet, construction of a one-mile eastern bridge and modification to the existing roadway to mitigate for the effects of higher water elevations.

4.0 REAL ESTATE REQUIREMENTS

There are six privately owned parcels located along the Tamiami Trail that are authorized for acquisition by Department of Interior (DOI) as part of the Act. Current owners of these parcels are identified as: Florida Power and Light, Radio One, Jesse E. and Sally L. Kennon (Coopertown), Stan Carlin and M. A. Carlin (Gator Park), Helen V. Farace (Everglades Safari) and Lincoln Financial Media, formerly Jefferson Pilot Communications. The DOI, National Park Service (NPS), is evaluating through a General Management Plan (GMP), the appropriate use and disposition of the airboat businesses. Specifically, Section 103 (d) of the Act authorizes DOI to “negotiate and enter into concession contracts with the owners of commercial airboat and tour facilities in existence on or before January 1, 1989.” DOI and the landowners may enter into such agreements. The GMP is addressing this issue.

The Airboat Association of Florida was specifically excluded from the boundary of the ENP map at the time Public Law 101-229 was enacted. However, it has been determined that real estate interests are required for the construction, operation and maintenance of the project.

Lands owned by Department of the Interior (ENP), Florida Department of Transportation (FDOT) and South Florida Water Management District (SFWMD) are also required for this project.

The real estate requirements for each project feature are discussed in the following paragraphs.

4.1 Bridge Construction

- a. Florida Power and Light-A very small portion of this 324 acre tract is required for construction of the project. The required acreage consists of

- 0.88acre. A perpetual road easement and a channel easement are required for approximately 0.44 acre and a temporary work area easement is required for approximately 0.44 acre for a period of 60 months. The total estimated value for these rights is \$1,000.
- b. Department of the Interior (DOI)-By the authority granted in the NPS Director's Order Number 87D and Title 23, United States Code, Sections 317 and 107(d), the DOI will consent to the Federal Highway Administration (FHWA) conveyance of a Highway Easement Deed (HED) for the ENP lands required for construction, operation and maintenance of the project to the FDOT. The HED is currently being negotiated by DOI, FHWA, FDOT, SFWMD and USACE. After this easement has been conveyed to FDOT, the USACE will have the right to construct on these lands and the right to flow water under Tamiami Trail by rights granted via a relocation agreement with FDOT.
- c. Florida Department of Transportation-Under the Highway Easement Deed from DOI/NPS/FHWA, FDOT will obtain an easement for use of certain park lands as a highway. This easement, in conjunction with State owned lands that currently make up the existing Tamiami Trail, will comprise the full width of the new Tamiami Trail. Upon conveyance to FDOT of the HED, USACE will request a temporary construction easement from FDOT which may be granted by means of the relocation agreement.

FDOT usually does not grant a temporary easement for project construction. Common practice is to grant a permit for the work to be performed on or alongside a road. A permit is not considered to be an interest in real estate. In the past, FDOT has been very cooperative in modifying permit language to accommodate USACE regulations and legal requirements. The FDOT permit is comparable to a Right of Entry for Construction and is considered adequate to allow for project construction.

- d. South Florida Water Management District-Disposal and borrow areas required for the project are currently owned, or will be owned, and will be provided by SFWMD.

The proposed primary disposal area for this project consists of approximately 15 acres and is located south of Richmond Drive in the Rocky Glades area on lands authorized as part of the Central & Southern Florida (C&SF) C-111 Project. No costs are included in this project for these lands since SFWMD will certify and receive credit as part of the C&SF C-111 Project. SFWMD will be asked to certify these lands prior to advertisement of the construction contract along with any other lands

they may own within the construction footprint. Placement of material on this property is compatible with the operations of the C-111 Project. During design, it may be determined that disposal material is suitable to be placed within the project area and additional sites may be identified.

The borrow area consists of approximately 2.0 acres and is located along L-31 North. No costs are included in this report for these lands since SFWMD certified and received credit as part of the C&SF Project in the past. If the material in this area is insufficient or unsuitable, commercial sources will be used to obtain the necessary material.

- e. Work Areas-The proposed staging/work areas will be located within the existing FDOT right of way, SFWMD lands or on government-owned lands. No land costs are included in this report, only administrative.

4.2 Modifications to Existing Roadway

Modifications to the existing roadway may be required to mitigate for increased water levels. The executed relocation contract will provide the USACE those lands necessary to perform all construction. Temporary work area easements to access the owner's land will be required if modification of the roadway requires a ramp to the owner's property for safe ingress and egress from the roadway. This modification will be conducted as part of the construction contract. Details are discussed in the paragraphs that follow. No land costs are included in this report, only administrative.

- a. Radio One-Access from Tamiami Trail to this property is an unimproved road on lands owned in fee by DOI. The landowner has a non-restrictive road easement. The HED will convey the temporary work area easement for approximately 0.08 acre needed to provide access from the raised road down to the existing drive. Consent to easement may be required from the landowner prior to construction.
- b. Coopertown-A temporary work area easement for 36 months consisting of approximately 0.07 acre will be required to provide access from the raised road down to the existing drive. No real estate value is included in this report as this work will be accomplished as part of the construction contract and compensation for the easement right is considered to be the cost to cure.
- c. Gator Park-A temporary work area easement for 36 months consisting of approximately 0.08 acre will be required to provide access from the raised road down to the existing drive. No real estate value is included in this report as this work will be accomplished as part of the construction

- contract and compensation for the easement right is considered to be the cost to cure.
- d. Airboat Association of Florida-During construction, a temporary work area easement for 36 months consisting of approximately 0.16 acre will be required to provide access from the raised road down to the existing drive. No real estate value is included in this report as this work will be accomplished as part of the construction contract and compensation for the easement right is considered the cost to cure.

For operations, a flowage easement (perpetual and occasional) is the recommended estate due to the impacts of the with-project conditions. A perpetual flowage easement up to elevation 8.5 feet and occasional flowage easement up to elevation 9.5 feet is required over the ten acres due to an increase in water levels. The existing structures on the property appear to be above elevation 8 feet National Geodetic Vertical Datum (NGVD) 29. The estimated value of the required real estate interests is \$1,625,000.

The REDM for the Modified Water Deliveries to Everglades National Park GDM was approved in April 1995. The REDM approved a flowage easement (permanent and occasional) for the Airboat Association of Florida property. The USACE, Jacksonville District has been negotiating with the landowner for several years and has made commitments to acquire a flowage easement, not fee. During preparation of the Real Estate Supplement, USACE, Jacksonville District, and South Atlantic Division (SAD) staff worked very closely to prepare estate language that meets the needs of the landowner and the project. The estate is included in this report under Paragraph 6.B., Non Standard Estates.

- e. Everglades Safari-A temporary work area easement for 36 months consisting of approximately .08 acre will be required to provide access from the raised road down to the existing drive. No real estate value is included in this report as this work will be accomplished as part of the construction contract and compensation for the easement right is considered to be the cost to cure.
- f. Lincoln Financial Media-A temporary work area easement for 36 months consisting of approximately .08 acre will be required to provide access from the raised road down to the existing drive. No real estate value is included in this report as this work will be accomplished as part of the construction contract and compensation for the easement right is considered to be the cost to cure.

- g. Work Areas-The proposed staging/work areas will be located within the existing FDOT right of way, SFWMD lands or on government-owned lands. No costs are included in this report.

4.3 Operations

DOI has the responsibility to acquire any lands within the ENP boundary. The operation of the project can not be implemented until the necessary real estate interests have been acquired.

An analysis was performed by the USACE on each effected tract. It has been determined that project implementation will cause an increase in elevation and duration in the water on lands south of Tamiami Trail, located in the Everglades National Park Expansion Area and on lands owned by the Airboat Association of Florida. The Airboat Association of Florida is discussed earlier in this section.

The conclusion of the analysis is at a minimum perpetual flowage easements up to 8.5 feet NGVD and occasional flowage easements up to 9.5 feet NGVD are required for each property. A cost estimate to acquire the necessary real estate interests is included in this report but is not included in the Real Estate MCACES for this project. The properties included in the estimate are: Florida Power and Light; Radio One, Incorporated; Coopertown; Gator Park; Everglades Safari and Lincoln Financial. The necessary interests in Airboat Association of Florida will be acquired by USACE and is included in total project costs.

To make comparisons between the existing and with-project conditions, a period of record model was run based on simulating observed rainfall data from the years 1965 to 2000. The rainfall data in conjunction with the operating criteria for each alternative produces a distinct stage hydrograph that can be compared. Daily stage duration curves were produced for both model runs (RGRR/SEIS–Appendix D, Annex A, Figure 4). From this analysis 50 percent of the time (or approximately one half of 36 years) the stage for the existing conditions was above 7.2 feet (or below) and for the with-project was 8.0 feet. This does not mean that the stage was this value for 50 percent of the time but rather the stage was either higher or lower than this value. A frequency analysis was also performed with the model output, and based on this analysis, the 100-year daily peak stage for the existing and with project conditions would approximate 8.4 and 9.5 feet, respectively. Anything above elevation 9.5 feet would result in short-term inundation of the majority of the property. Buildings along the south side of Tamiami Trail could remain, but there would be a significant short-term inundation during the 100-year event of the parking lot unless there were major modifications made to the property.

4.3.1 Impacts Due To Operations

Spot elevation survey data was gathered from many sources and used to plot contour maps of Coopertown, Gator Park and Everglades Safari. Preliminary determinations on post-project impacts to the properties were made using many assumptions. The assumptions include: a) any increase in water levels will have impacts to septic systems and wells; 2) landowner would be able to secure permits for any necessary modifications to their existing property including wells and septic systems; permits for fill material to provide access 3) any water elevation over 8.0 feet will require modifications. If the permits could not be obtained to make necessary modifications to the property, fee would be the recommended estate.

New appraisals and better topographic information will be required to verify the appropriate estate prior to acquisition.

- a. Lincoln Financial Media (formerly known as Jefferson Pilot Communications Company of Miami, Inc.)—There is insufficient data to prepare a contour map so the determination is based on spot elevation data. The towers appear to be above flooding levels and therefore a perpetual flowage easement is the recommended estate. Assumption is made that modifications will be required at any elevation above 8.0 feet to existing structures including access roads and possibly to the communication towers and buildings. New appraisals are necessary and could produce significantly diverse values when taking into consideration the larger parcel and/or the cost to cure in the with-project condition.
- b. Everglades Safari—Perpetual flowage easement is the recommended estate due to the with-project water levels. At elevation 8.0 feet, it appears minimal modifications will be required to the property. At elevation 8.5 feet, access to a substantial portion of the parcel is severed. It may be possible to fill some portions to allow access; however, it appears unlikely that the business owner would be able to operate all aspects of the business. Anything above elevation 9.5 feet would result in short-term inundation of the majority of the property. Buildings along the south side of Tamiami Trail could remain but there would be a significant loss of parking without major modifications.
- c. Gator Park—Perpetual flowage easement is the recommended estate due to the impacts of the project. At elevation 8.0 feet, it appears there are minimal impacts to the upland portions of the property. However, there may be impacts to docks along the boundaries of the parcel. At elevation 8.5 feet, impacts to the RV sites located along the western boundary of the property appear to be substantial. At this time, it is unknown if modifications would allow continued use for the RVs. Additional areas on the eastern portion of the property that will be impacted are holding pens,

gas tanks, storage areas and additional docks. Parking areas and the main structure do not appear to be impacted. At elevation 9.0 feet access to a substantial portion of the parcel is severed. The RV sites and all docks are underwater. The main structure and parking lot adjacent to Tamiami Trail would remain intact. There could be an infrequent short-term interruption of access during wet season which is low-season for the business.

- d. Coopertown-Perpetual flowage easement is the recommended estate due to the with-project water levels. At elevation 8.0 feet, it appears minimal modifications would be required to the facility; however, there would be periodic flooding. Parking and all major improvement appear to remain intact. At elevation 8.5 feet, everything south of the main building may experience minimal flooding. Parking and buildings immediately adjacent to Tamiami Trail will remain intact. At elevation 9.0 feet water levels would be in close proximity to the major buildings.
- e. Radio One Communications-There is insufficient data to prepare a contour map so the determination is based on spot elevation data. At this time, perpetual flowage easement is the recommended minimum estate. New appraisals and better topographic information will be required to verify the appropriate estate. Assumption is made that modifications will be required to the existing structures at any elevation above 8.0 feet including access roads and possibly to the communication towers and buildings. New appraisals are necessary and could produce significantly diverse values when taking into consideration the larger parcel and/or the cost to cure in the with-project condition.
- f. Florida Power and Light (FP&L)—At a minimum, a perpetual flowage easement is the recommended estates over the FP&L property from Tamiami Trail to the 8.5 Square Mile Area. As an alternative to acquiring a perpetual flowage easement, DOI is seeking specific legislation to exchange the FP&L lands for lands adjacent to L-31 North.

4.3.2 Costs for Operations

The estimated real estate costs for fee simple interests during operations of the project are shown below.

Lands and Damages		
	Total Lands and Damages	\$16,900,000
	Acquisition/Administrative Costs	
	Federal Administrative	\$300,000
	Public Law 91-646 Payments	\$1,800,000
	Contingencies (25%)	\$508,000
	Sub Total	\$2,538,000
Total Estimates Real Estate Costs		\$19,438,000

For operations of the project, there are five businesses, two potential owner occupied residential structures and approximately 12 tenants located within the project area that appear to be eligible for relocation assistance benefits. Estimates of costs to comply with Public Law 91-646 total \$1,800,000. This estimate includes costs for moving and re-establishment expenses for the affected businesses, and moving and other costs for providing the displaced families with comparable decent, safe and sanitary replacement housing.

The land cost included for two radio tower sites, Lincoln Financial and Radio One, Incorporated, is for land and structures on the existing site. It does not include any relocation assistance payments or the larger parcel. The larger parcel is defined as radio stations or towers that receive transmission from either of these sites. The costs could increase anywhere from \$5,000,000 to \$25,000,000 if these towers are altered in any way.

This estimate is not included in the real estate estimates or total project costs for this report.

4.4 Operation and Maintenance Requirements

Neither the USACE nor the SFWMD currently has any rights to flow water through the 19 culvert sets currently existing under Tamiami Trail. These culverts were installed by the FDOT to discharge waters from the L-29 Canal to the lands now being acquired for the ENP Expansion area and to prevent erosion of the roadbed of Tamiami Trail. These culverts were in place at the time when the L-29 Canal was constructed back in the 1960s.

The construction and replacement of the effected portion of Tamiami Trail will be conducted by means of facility relocation and will require a relocation contract between the FDOT and the USACE. Prior to the execution of this document, FDOT will obtain a HED that will also contain a channel easement and a flowage easement from the Park for those lands that the Park owns in fee within the project area. The latter two easements will be perpetual and assignable easements cited in this supplement. Thereafter, FDOT, as part of the

relocation contract, will grant to the USACE the right to replace the existing facility and will assign their channel and flowage easements to the USACE for our water resources development objective, that being the conveyance of water underneath the roadway and bridges during construction. The USACE will further assign those easements to the SFWMD upon completion of the project construction for the execution of the operation and maintenance phase of the project.

In accordance with the Project Cooperation Agreement, SFWMD has the responsibility to operate and maintain the conveyance features of this project. A vegetation plan has been drafted and DOI and SFWMD are currently negotiating a Land Management Plan that will define the operation and maintenance requirements.

Real estate interests acquired by the USACE on the Airboat Association of Florida property will be transferred to SFWMD since this land was specifically excluded from the boundary of the Park in the Act, hence the Park would not possess the authority to accept those interests.

4.5 Sponsor Owned Lands

4.5.1 Federal

The DOI, through NPS, owns lands south of Tamiami Trail known as ENP.

4.6 Non-Federal

Lands immediately north of the project are owned in fee or controlled by SFWMD. SFWMD also owns the proposed borrow and disposal sites. FDOT owns or controls sufficient interest in the land within the existing roadway.

4.7 Estates

4.7.1 Standard Estates

Fee

The fee simple title to (the land described in Schedule A) 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 (land described in Schedule A), for a period not to exceed (60 months)*, beginning with date

possession of the land is granted to the United States, its representatives, agents and contractors as a work area, including the right to move, store and remove equipment and supplies and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction, together with the right to trim, cut, fell and remove there from 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.

*Note: Timeframe may be adjusted as appropriate to meet project requirements.

Perpetual Borrow/Disposal Area Easement

A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A as a borrow/disposal area, including the right to borrow and/or deposit fill and waste material thereon, move, store and remove equipment and supplies and erect and remove structures on the land and to perform any other work necessary and incident to construction, together with the right to trim, cut, fell and remove there from 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.

Perpetual Road Easement

A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A, for the location, construction, operation, maintenance, alteration, replacement of a road and appurtenances thereto; together with the right to trim, cut, fell and remove there from all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

4.7.2 Non-Standard Estates

Perpetual Channel Easement

A perpetual and assignable right and easement to create, construct, operate and maintain a channel and associated works on, over and across (The land

described in Schedule A) including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions there from; to excavate, dredge, cut away, and remove any and all of said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said works; reserving, however, to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easements hereby acquired.

Note: "subject to" language was deleted to ensure the Government's rights are paramount.

Flowage Easement (Permanent and Occasional Flooding)

The perpetual right, power, privilege and easement in, upon, over and across (the land described in Schedule "A") (Tracts Nos. ____ and ____) for the purposes set forth below:

- a. Permanently to overflow, flood and submerge the land lying below elevation 8.50 feet NGVD 29 in connection with the operation and maintenance of the Modified Water Deliveries to Everglades National Park project for the purposes as authorized by the Act of Congress approved December 13, 1989.
- b. Occasionally to overflow, flood and submerge the land lying above elevation 8.50 feet NGVD 29 and below 9.50 feet NGVD 29 in connection with the operation and maintenance of said project.

Together with all right, title and interest in and to the structures and improvements now situate on the land below elevation 8.5 feet NGVD 29. The above estate is taken subject 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 as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to federal, state and local laws and regulations governing use of said land.

Flowage Easement (Permanent Flooding)

The perpetual and assignable right, power, privilege and easement permanently to overflow, flood and submerge Tract No. ____ in connection with the operation and maintenance of the federal project as authorized; provided that no structures for human habitation shall be constructed or maintained on the land below 9.50 feet NGVD 29; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without

interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired.

4.8 NAVIGATION SERVITUDE

During the preparation of the 1992 GDM/EIS for the Modified Water Deliveries to ENP, the title to the lands within the WCAs (lands north of Tamiami Trail), the L-29 Levee and borrow canal, underlying Tamiami Trail were all investigated. Title to all these lands were derived from the patents issued by the United States of America to the State of Florida pursuant to the Swamp and Overflowed Lands Act of 1850 (codified in Title 43 U.S.C. 981 et seq.). Section 983 of Title 43 put a duty on the Secretary of Interior to make accurate lists and plats of all such lands (*Swamp and Overflowed Lands*), to transmit the lists and plats to the governor of the State and then at the request of the governor to issue patents to the state to convey the land in fee to the state. Under Florida law, Swamp and Overflowed lands were not considered sovereign lands and could be sold to private parties. Most of the lands south of Lake Okeechobee fit into the lands designated by the United States as Swamp and Overflowed lands conveyed to the State and then sold by the state to private developers or private parties.

It was determined that the Secretary of Interior had designated all the lands as Swamp and Overflowed lands.

Based on these laws and the determination of the Secretary of Interior, no land in the project area is subject to the navigation servitude.

4.9 Project Map

Real Estate Planning maps are located at the end of this report along with Miami-Dade County tax maps for each property and elevation survey maps for the privately owned properties.

4.10 Induced Flooding

It has been determined that project implementation will cause an increase in elevation and duration of water on lands south of Tamiami Trail, located in the Everglades National Park Expansion Area and on lands owned by the Airboat Association of Florida.

To make comparisons between the existing and with-project conditions, a period of record model was run based on simulating observed rainfall data from the years 1965 to 2000. The rainfall data in conjunction with the operating criteria for each alternative produces a distinct stage hydrograph that can be compared, in this manner both alternatives (plans) can be compared equally. Daily stage duration curves were produced for both model runs (RGR/SEIS-Appendix D,

Annex A, Figure 4). From this analysis 50 percent of the time (or approximately ½ of 36 years) the stage for the existing conditions was above 7.2 feet (or below) and for the with-project was 8.0 feet. This does not mean that the stage was this value for 50 percent of the time but rather the stage was either higher or lower than this value. A frequency analysis was also performed with the model output, and based on this analysis, the 100-year daily peak stage for the existing and with project conditions would be approximately 8.4 and 9.5 feet, respectively. Since 1963, the highest water level ever recorded was in 1999 with Hurricane Irene where the water levels reached 8.6 feet, the 100 year event pre-project.

Lands subjected to induced flooding have been analyzed to determine if structural solutions consistent with restoration would be more cost effective than real estate acquisition. In any case, the cost of the structural solutions cannot exceed the current fair market value of the property. If the cost exceeds the fair market value, it is in the best interest of the government to acquire the property in fee. Impacts to each parcel are discussed in detail under Paragraph 4, "Real Estate Requirements".

If the government determines after the appraisal and the final costs to cure estimates are received that fee is not the required estate for any of the above cited properties, the government will, contemporaneously with the perpetual flowage easement negotiations, seek a sufficient real estate interest, including but not limited to fee and a temporary work area easement for the road construction, from the owner to allow for the construction of the project.

4.11 Real Estate Baseline Cost Estimate

Real Estate costs include administrative and acquisition costs associated with the construction of Tamiami Trail Modifications. Estimates are included to cover the costs associated with negotiating an agreement with FDOT, costs associated with acquisition of the Airboat Association and the other private lands within the Everglades National Park Expansion Area.

4.11.1 Construction

Lands and Damages:	
Total Lands and Damages:	\$1,626,000
Acquisition/Administrative Costs	
Federal	\$3,084,000
Public Law 91-646 Payments	\$ 0
Contingencies (25%)	\$1,178,000
Total Estimates Real Estate Costs	\$ 5,888,000

Real estate costs for operations are the responsibility of the DOI. The costs identified below are not included in the total project costs for the LRR. These costs are to be used for reference only.

4.12 Relocation Assistance Benefits

There are no relocations required for construction of the proposed project.

4.13 Minerals

No known minerals exist in the project area.

4.14 Non-Federal Sponsor's Authority To Participate

The SFWMD is the non-federal sponsor for this project. The SFWMD was created by virtue of Florida Statutes, Chapter 373, Section 069. The SFWMD was created to further the State policy of flood damage prevention, preserve natural resources of the State including fish and wildlife and to assist in maintaining the navigability of rivers and harbors. (There are other enumerated purposes but they are not directly applicable to this project.) The SFWMD is specifically empowered to

Cooperate with the United States in the manner provided by Congress for flood control, reclamation, conservation, and allied purposes in protecting the inhabitants, the land, and other property within the district from the effects of a surplus or a deficiency of water when the same may be beneficial to the public health, welfare, safety, and utility. (FL Statutes Section 373.103(2))

To carry out the above purposes, the SFWMD is empowered to

...hold, control, and acquire by donation, lease, or purchase, or to condemn any land, public or private, needed for rights-of-way or other purposes, and may remove any building or other obstruction necessary for the construction, maintenance, and operation of the works; and to hold and have full control over the works and rights-of-way of the district.

The term *works of the district* is defined by Section 373.019 to be

...those projects and works, including, but not limited to, structures, impoundments, wells, and other water courses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the governing board of the district as works of the district.

Section 373.139 specifically empowers the SFWMD

... to acquire in fee or less than fee title to real property, easements and other interests or rights therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes. Eminent domain powers may be used only for acquiring real property for flood control and water storage....

4.15 Real Estate Milestones

All lands required construction of the project are needed by October 2008. Lands required for operations are needed prior to initiating operations.

4.16 Relocations of Roads, Bridges, Utilities, Towns and Cemeteries

4.16.1 Roads

A portion of U.S. Highway 41 (Tamiami Trail) will be removed and a one mile bridge will be constructed between Structures S-334 on the east and S-355B on the west. Modification to the existing roadway will be required to mitigate for the effects of higher water elevations. The purpose is to provide increased conveyance of water from WCA 3B and the L-29 Canal to Northeast Shark River Slough.

An Attorneys Opinion of Compensability was prepared and a determination was made that FDOT has compensable interest in the road.

Based on evidence submitted by the FDOT and independent investigation, the FDOT owns fee title to portions of this area, road easements to portions of the area and prescriptive rights to other portions of the area.

As the Modified Water Deliveries to Everglades National Park Project is a federal acquisition and construction program, the responsibility for securing the Relocation Contract will be on the Federal government. Prior to contract advertisement, a fully executed Relocation Contract must be in place.

4.16.2 Bridges

No bridges to be relocated.

4.16.3 Utilities

There are a number of utility companies that have their facilities located in the State owned right of way for U.S. Highway 41 (SR90, Tamiami Trail). These consist of electric, telephone and fiber optic cables, all being located on the south side of Tamiami Trail.

The work on the Tamiami Trail will involve raising the roadbed and the construction of a bridge. The work will impact all the utility facilities in the southern highway right of way necessitating their relocation.

The FDOT has issued permits to the various utilities to allow placement of their facilities within the right-of-way.

Special Use Permits granted by FDOT to these utilities, state, "It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create a property right." The permit further provides: "Whenever it is necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said highway as determined by the Director, Division of Maintenance, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway or reset or relocated thereon as required by the Director, Division of Maintenance, and at the expense of the permittee unless reimbursement is authorized."

The USACE will enter into a relocation agreement with the FDOT; however, FDOT has indicated that since the project is a Federal project and not one paid for or constructed by the State, the cost for relocation of these utilities should be borne by the Federal government, not the utility companies. Therefore, at this time, FDOT does not anticipate that they will revoke the utility permits for this project. The permits themselves specifically state that the utility companies do not possess any interest in real estate and that the lines/pipelines/facilities must be removed by the utility companies, at their own cost, upon the revocation by FDOT; however, that would only apply in the case of a State highway project. The permit does not indicate that the utility companies would receive reimbursement on a Federal project, or for that matter, any other State project other than a State highway project.

Even though the utility companies do not have a real estate interest as indicated by the language of the permit itself, the utility companies' lines/pipelines/facilities currently lie within the project right-of-way. As such, the USACE will be forced to relocate the lines at the government's cost.

Based on guidance provided in EC 405-1-17, Chapter IX, the USACE is requesting authority, through approval of this report by the Chief of Engineers, to pay for the necessary relocations required to construct this project.

The USACE will enter into relocation agreements with AT&T/Bell South for relocation of three existing lines and Florida Power and Light lines extending from the levee to the existing privately owned parcels. It is anticipated that the costs of the relocations will be approximately \$5,000,000.

Florida Power and Light as well as Quest Communications have existing utility lines on Levee 29 (L-29). Those lines are outside of the current project footprint, hence they will not be relocated as part of the modification of the road but they may have to be relocated as part of future CERP projects should the removal of L-29 become necessary.

Construction sequencing will allow adequate time for the utility companies to construct replacement utilities.

4.16.4 Towns or Cemeteries

No towns or cemeteries will be relocated as a result of this project.

4.17 Presence of Contaminants (Hazardous, Toxic and Radioactive Wastes)

A Phase I Hazardous Toxic and Radioactive Waste (HTRW) site assessment of the project area was conducted in late 2006. The assessment area extended the length of the project (between S-333 and S-334/S-356) and from the L-29 Canal to 200 feet south of the centerline of the Tamiami Trail. The area assessed included properties owned by Lincoln Financial Media, Everglades Safari Park, the Airboat Association of Florida, Gator Park, Coopertown Airboat Rides and Restaurant (two adjacent tracts), Radio One Communications, and FP&L.

The site assessments identified four potential contamination sites, all of which are located on private property outside of the construction footprint required for the proposed project. It is anticipated that the federal government will acquire an interest in real estate from the subject private owners since these lands will be impacted not from the project's construction but rather the operation of the project. In a federal acquisition, the cost of remediation of the subject properties would be assessed against the property owner. Prior to a real estate closing, the landowner would be given a choice of conducting the remedial work at his own cost, or the federal government could withhold a sufficient amount of funds necessary for the remediation from the acquisition funds to ensure compliance.

4.18 Attitude of Landowners

The lands impacted by this project are owned by the SFWMD, FDOT and ENP who strongly support the project. Other landowners in the area support the project but are concerned about the impacts to their businesses. There are also some landowners in the area who oppose the project.

4.19 Osceola Camp

Necessary modifications to the existing camp are required to allow for continued use by the Osceola's post-project. DOI has the responsibility to complete this action. Costs associated with this work are covered under the Act. As of March 2008, DOI is negotiating an agreement with the Tribe that will define design requirements mutually agreeable to all parties. After the agreement is fully executed, the USACE, at the request of DOI, will assist with design and construction.

4.20 M-CACES for Construction Only**REAL ESTATE CHART OF ACCOUNTS****ESTIMATED PROJECT REAL ESTATE COSTS**

PROJECT: MWD Tamiami Trail LRR

DATE: 03/24/2008

01	Lands and Damages		
01AA	Project Planning		\$20,000
01B--	Acquisitions		
01B20	Title Contract		\$5,000
01B40	Acq By Govt		\$17,000
	Relo Contracts		\$3,000,000
01C--	Condemnations		
01C20	By Ls		\$0
01C40	By Govt		\$25,000
01E--	Appraisals		
01E30	Contract		\$6,000
01E50	By Govt		
01F--	Pl 91-646 Assistance		
01F20	By Ls		\$0
01F40	By Govt		\$
01G--	Temporary Permits/Licences/Rights-Of-Entry		
01G20	By Ls		\$5,000
01G40	By Govt		\$4,000
01G60	Damage Claims		\$0
01M00	Projected Related Admin		
	Real Estate Review Of PCA		\$2,000
01R--	Real Estate Payments		
01R1	Land Payments		
01R1B	By Govt		\$1,626,000
01R2	Pl 91-646 Assistance Payments		
01R2B	By Govt		\$0
	Total Real Estate Cost Excluding Contingency		\$ 4,710,000
	Real Estate Contingency (25%) Cost		\$1,178,000
	TOTAL PROJECT REAL ESTATE COST		\$5,888,000



Figure F-1 Contour Map of Airboat Association Property



Figure F-2 Contour Map of Coopertown

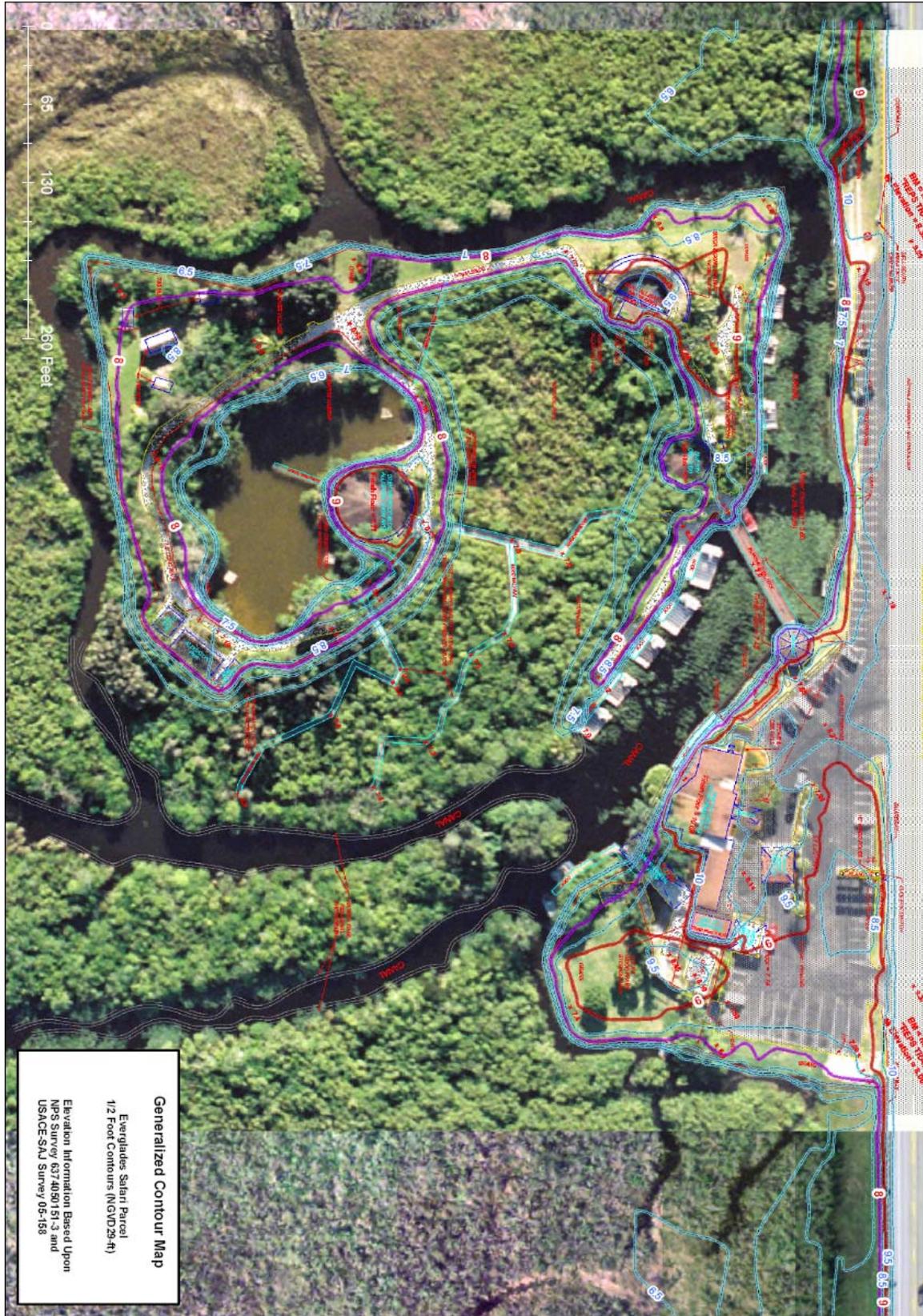


Figure F-3 Contour Map of Everglades Safari Parcel



Figure F-4 Contour Map of One-half Foot Contours

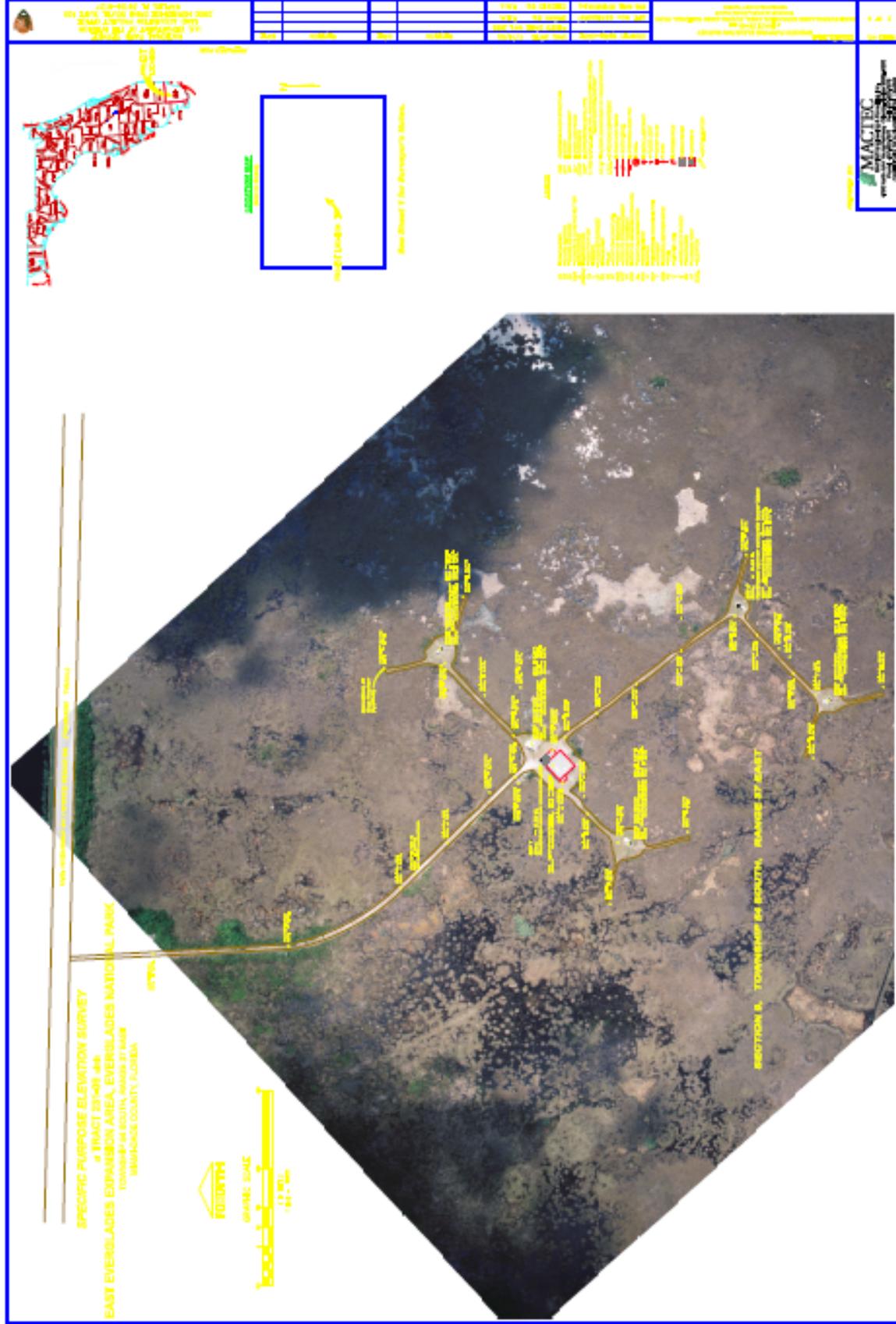


Figure F-5 Lincoln Financial

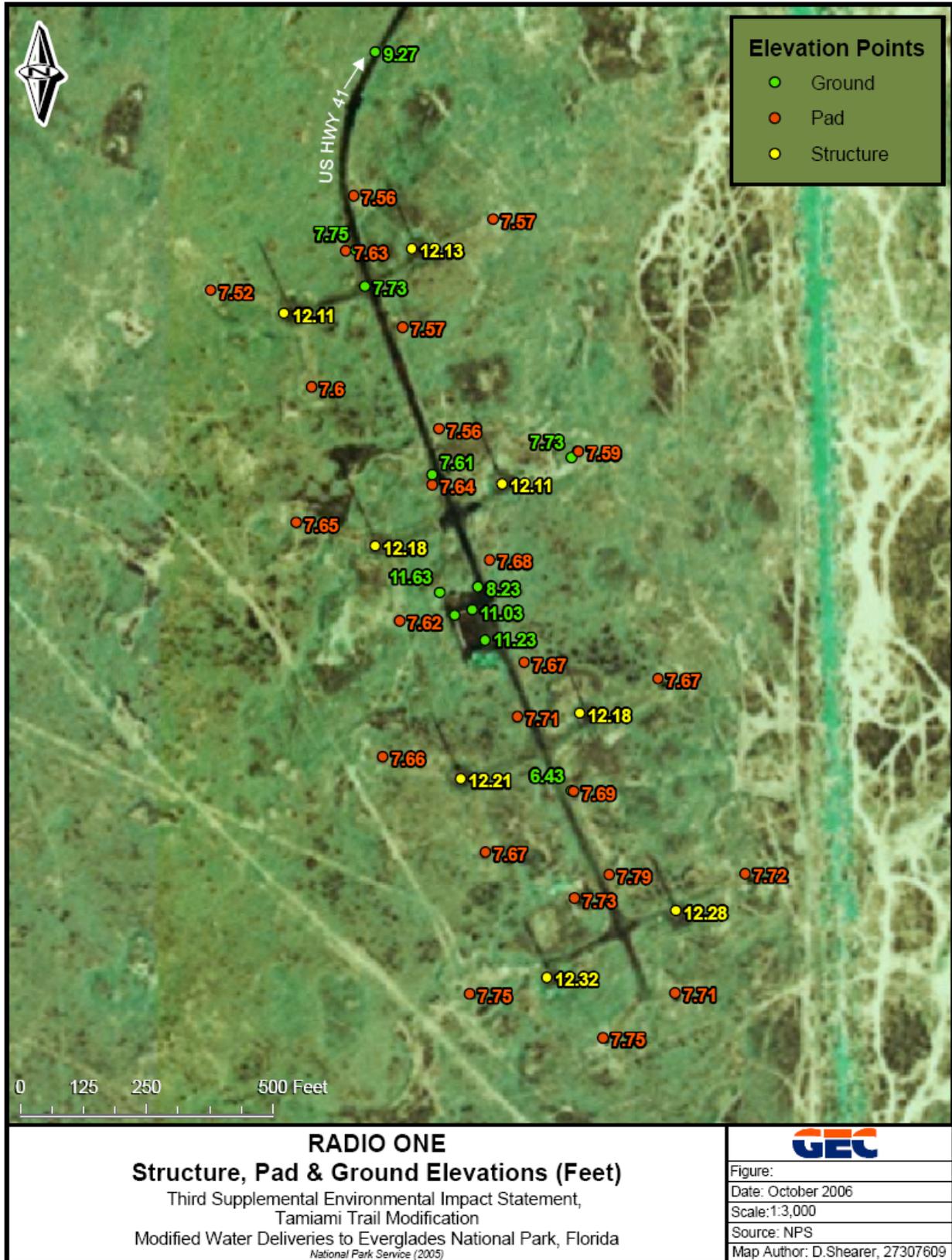


Figure F-6 Radio One Structure, Pad and Ground Elevations

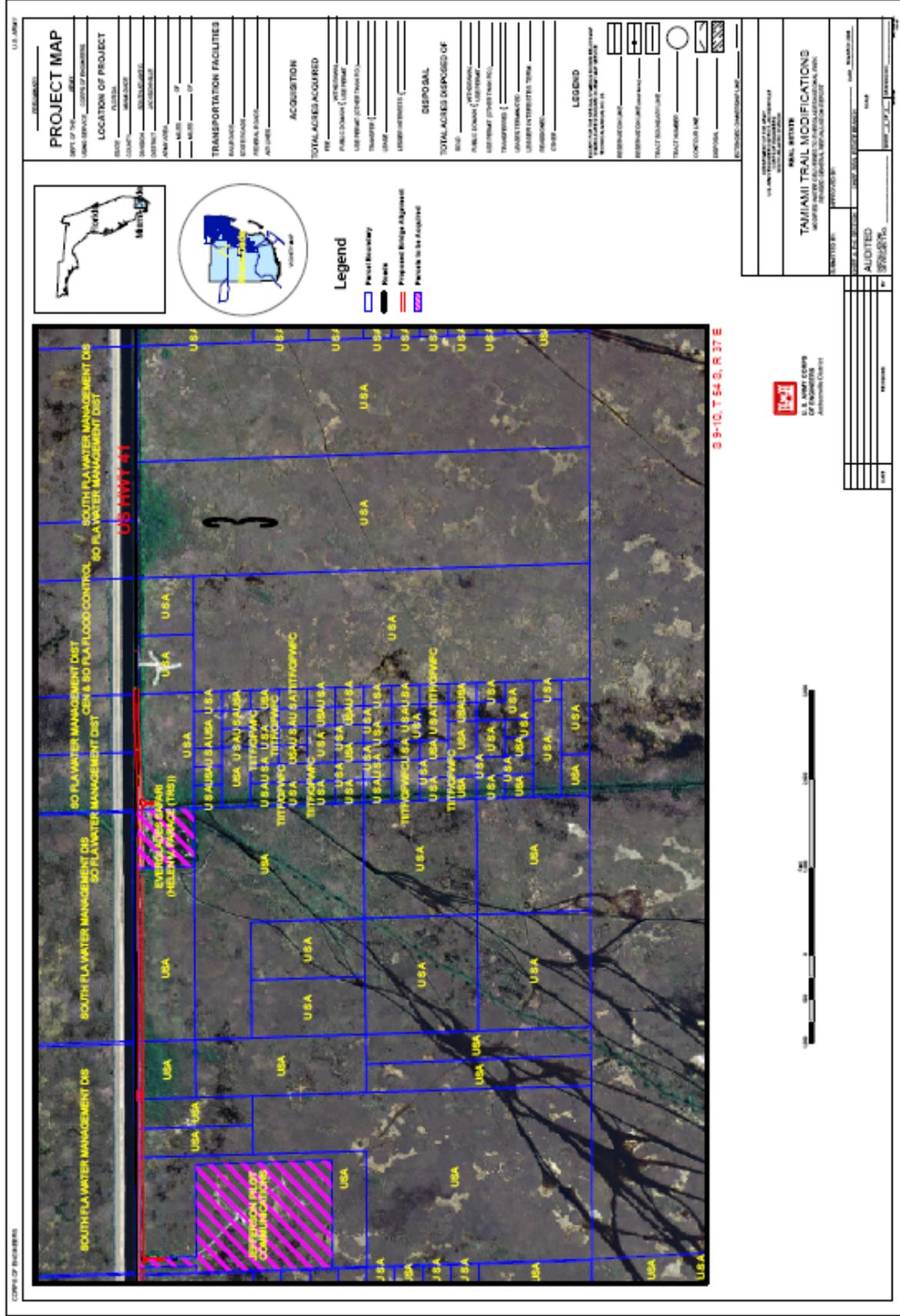


Figure F-7 Land Ownership-North and South of Tamiami Trail-Sheet 1

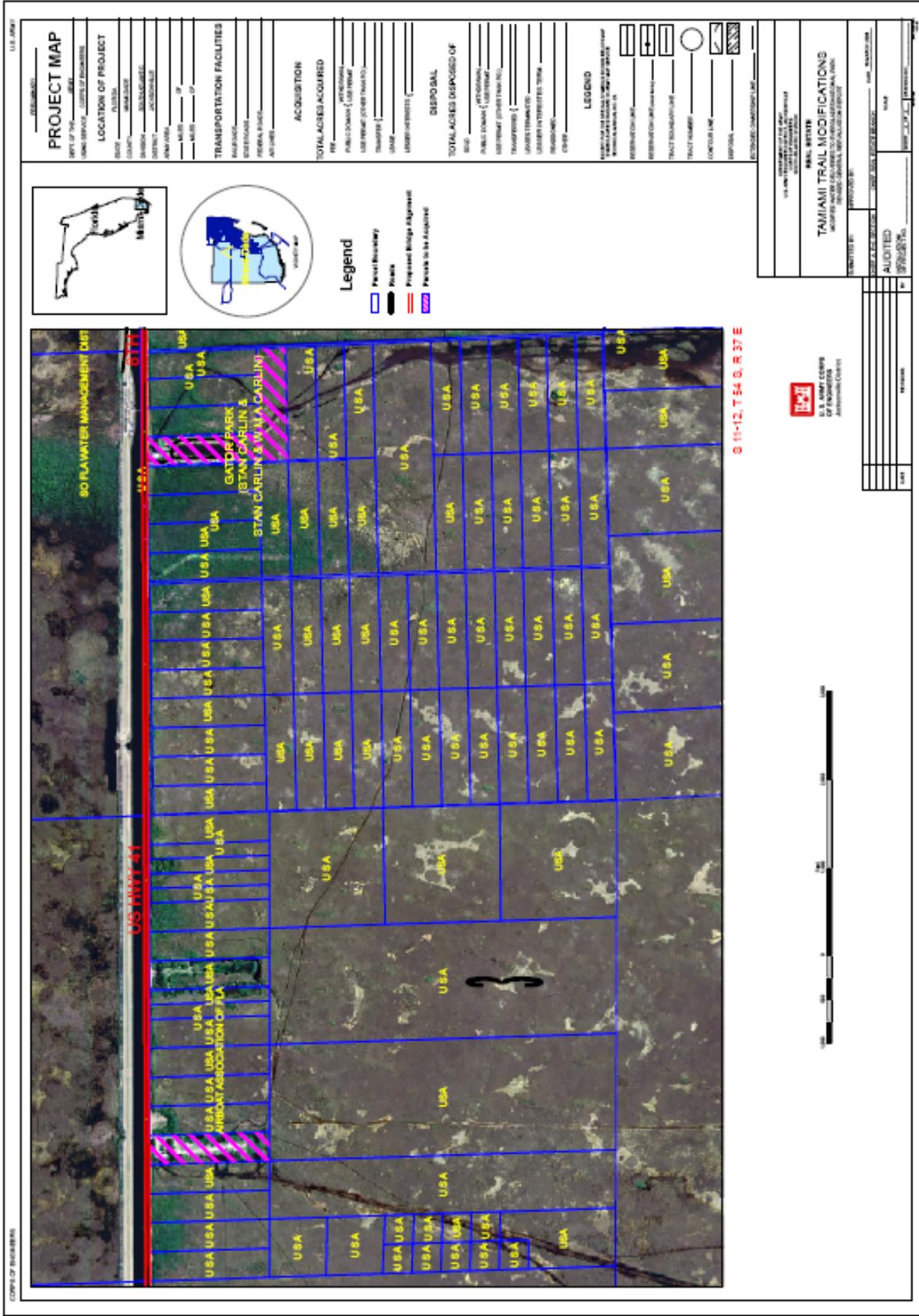


Figure F-8 Land Ownership-North and South of Tamiami Trail-Sheet 2

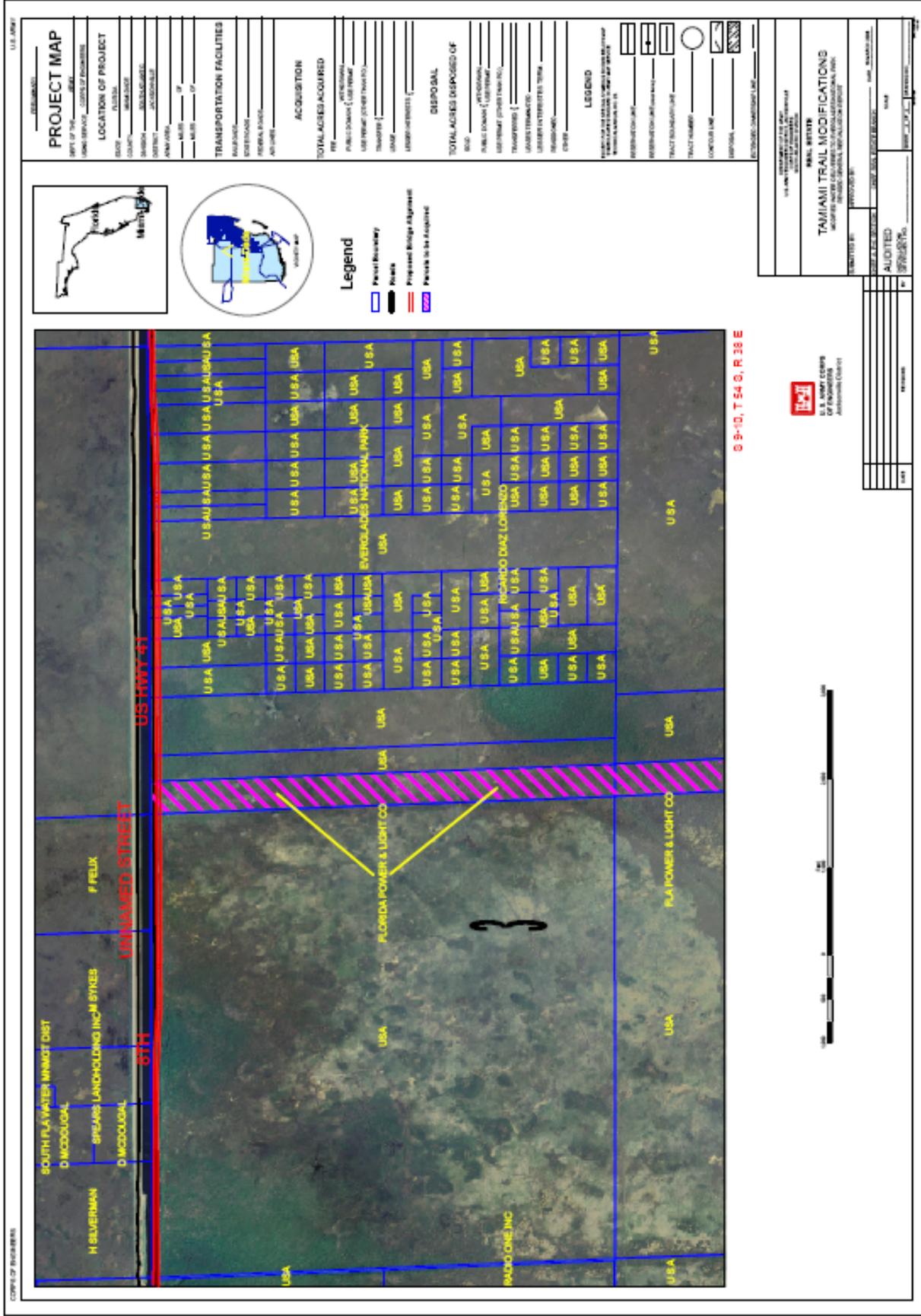


Figure F-10 Land Ownership-North and South of Tamiami Trail-Sheet 4

Final 2008 Tamiami Trail Modifications LRR and EA
Modified Water Deliveries to Everglades National Park

June 2008