

APPENDIX B
REAL ESTATE

6/96
rev 1/97
rev 7/97
rev 11/97
rev 5/98
rev 7/98
rev 1/99

**REAL ESTATE PLAN FOR PONCE DE LEON INLET, FLORIDA
VOLUSIA COUNTY, NAVIGATION STUDY
FEASIBILITY REPORT**

TABLE OF CONTENTS

Section/Title	Page No.
1. STATEMENT OF PURPOSE.....	1
2. PROJECT AUTHORIZATION.....	1
3. PROJECT LOCATION	1
4. PROJECT DESCRIPTION.....	2
5. GOVERNMENT-OWNED LAND.....	3
6. NON-FEDERALLY-OWNED LAND.....	4
7. REAL ESTATE REQUIREMENTS.....	5
8. NON-FEDERAL OPERATION/MAINTENANCE RESPONSIBILITIES....	5
9. NON-FEDERAL AUTHORITY TO PARTICIPATE IN PROJECT.....	5
10. APPRAISAL INFORMATION	5
11. MINERALS.....	6
12. HAZARDOUS AND TOXIC WASTE (HTW).....	6
13. RELOCATIONS ASSISTANCE (PUBLIC LAW 91-646).....	6
14. TIMBER AND VEGETATIVE COVER.....	6
15. RECREATION LANDS.....	6
16. RELOCATIONS, ALTERATIONS, VACATIONS, AND ABANDONMENT'S (PUBLIC LAW 85-500).....	6

17. CULTURAL RESOURCES..... 6
18. ACQUISITION/ADMINISTRATIVE COSTS..... 6
19. SUMMARY OF REAL ESTATE COSTS..... 7
20. REAL ESTATE ACQUISITION SCHEDULE.....7
21. ESTATES TO BE ACQUIRED..... 7
22. MAPS..... 8
CHART OF ACCOUNTS FOR PROJECT 9

EXHIBITS

VICINITY MAP.....Exhibit 1
REAL ESTATE MAP.....Exhibit 2

**REAL ESTATE PLAN FOR PONCE DE LEON INLET, FLORIDA
VOLUSIA COUNTY, NAVIGATION STUDY
FEASIBILITY REPORT**

1. Statement of Purpose.

a. The purpose of the Ponce De Leon Feasibility Report is to evaluate the stability, maintenance and related navigation problems in the Ponce De Leon Inlet area and provide a solution for the continued inlet stability problems endangering uplands within project areas.

b. This Real Estate Plan is only for planning purposes and both the final real property acquisition lines and estimates of value are subject to change even after approval of this report.

2. Project Authorization.

a. A resolution from the Committee on Public Works and Transportation, United States House of Representatives, dated May 21, 1991, provides the study authority as follows.

"Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on Ponce De Leon Inlet, Florida published as House Document 74, Eighty-ninth Congress, First Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of navigation and other purposes."

b. Approval of the reconnaissance report in December 1993 and receipt of funds in April 1994 enabled the continuation of the study process to determine the feasibility of a Federal navigation improvement for that area.

3. Project Location.

Ponce De Leon Inlet is located on the east coast of Florida approximately 10 miles south of the city of Daytona Beach. The inlet is a natural harbor connecting the Halifax River to the Atlantic Ocean and the Indian River North. Fishing parties, commercial and recreational, bound for New Smyrna Beach or Daytona Beach use the inlet, as well as others entering for

anchorage. In the area of Ponce De Leon Inlet, the Intracoastal Waterway traverses the Halifax River to the north and the Indian River to the south except near the Ponce De Leon Inlet. At the inlet, the waterway follows a cut through the marshes about a mile to the west. The project area is bounded on the north and south by jetties, and is located in Township 16, Range 34 East. The northern limit of the project area is located within Lighthouse Point Park, a state owned spit of land which extends south of Ponce De Leon's north jetty. The southern project limit is the south jetty. See Exhibit "2" Vicinity Map.

4. Project Description.

a. Existing Project

The existing navigation project was authorized in the Rivers and Harbors Act of October 1965. That project consists of an entrance channel which provides access to a northwesterly channel along the Halifax River and a southeasterly channel along the Indian River. Both inner harbor channels connect with the Intracoastal Waterway. The authorized project includes:

1. An entrance channel 15' deep x 200' wide across the ocean bar.
2. A channel 12' deep by 200' wide in the inlet.
3. A channel 12' deep by 100' wide inside the inlet and southward in the Indian River to the Intracoastal Waterway.
4. A channel 7' deep by 100' wide northward in the Halifax River.
5. Ocean Jetties about 4,200' long and about 2,700' long on the north and south sides respectively.
6. A weir in the north jetty with an impoundment basin just to the south for accumulating littoral drift material for transport across the inlet to the south by use of a conventional pipeline dredge.

b. Recommended Plan

The recommended or selected plan was derived from the following alternatives:

1. Plan A - South Jetty Extension. This option calls for the extension of the south jetty 1000' parallel to the north jetty.

2. Plan B - North Jetty Weir Opening. This option calls for the reopening of the north jetty weir, looking at dimensions of 500' to 1500'.

3. Plan C - Channel Realignment. This plan calls for the realigning of the 12' deep by 200' wide engineered channel through the sand spit west of the north jetty. This plan also includes the revetment along the north shoreline of the proposed channel to tie back with the north jetty.

4. Plan D - Groin Field. This plan calls for the placement of a groin field along the north sand spit before it becomes completely eroded away.

5. Plan E - Landward north jetty extension (Maintenance). This option calls for the 800' landward extension of the north jetty.

6. Plan F - Revetment. This plan calls for the placement of a 1500' revetment along the north shore of the breakthrough area, tying into the landward extension of the north jetty extension as described above.

7. Plan G - This plan calls for an extension of the south portion of the Ponce De Leon Inlet Federal channel in the Indian River to about Cut-24 of the IWW. The proposal realigns this Indian River portion to existing deep water and considers deepening the Intercoastal Waterway extension from 12 feet to about 16 feet.

c. The selected plan and the Local Sponsor preferred plan is Plan A.

5. Government-Owned Land.

a. The Federal government has interest in a tentative staging upland site. The government owns the upland site, Smyrna Dunes Park, approximately 250 acres, which it leases to the sponsor. The sponsor has utilized this park for past maintenance to the Ponce De Leon Inlet. This site is located outside of the project construction limits.

b. The Federal government has a perpetual pipeline and stockpile area easement over approximately 240.80 acres. These lands have been previously used in the construction and maintenance of the Ponce De Leon Inlet and are located within the project construction limits.

c. The Federal government has a perpetual right-of-way easement over approximately 388.17 acres. These lands have been previously used in the construction and maintenance of the Ponce De Leon Inlet and are located within the project construction limits.

d. The Federal government has a perpetual pipeline easement over approximately 7.34 acres within the project construction limits. These lands have been previously used in the construction and maintenance of the Ponce De Leon Inlet.

e. The Federal government owns in fee approximately 2.79 acres located outside of the project construction limits. These lands have been previously used in the construction and maintenance of the Ponce De Leon Inlet.

6. Non-Federally-Owned Land.

a. The State of Florida owns Lighthouse Point Park where the revetment, north jetty landward extension and a tentative staging site will be located.

b. The sponsor, Ponce De Leon Inlet Port Authority, currently leases from the State of Florida approximately 60 acres of land located in Lighthouse Point Park. These leased lands comprise the areas where the construction of the revetment, north jetty landward extension and a tentative staging site will occur. The sponsor intends to modify its existing lease with the State to construct the project features affected by State ownership, while retaining sufficient rights to perform operation and maintenance for the life of the project.

c. The sponsor has interests in an additional upland site that may be used as a staging area. The tentative staging site is the former Swoope Power Plant, owned by The City of New Smyrna Beach, with approximately 1.5 acres leased to the sponsor. The sponsor has utilized this site in connection with its Artificial Reef Program.

7. Real Estate Requirements.

a. Lands required for this project include access areas, staging areas and stockpile areas. Access to any staging or stockpile areas will be via barge or public access. Three possible areas containing .25 acre each have been identified for staging and/or stockpile areas. Temporary work area easements are required for the areas not owned by the Federal government. A permit is required for the area owned by the Federal government.

b. Lands needed for the placement of revetment and the landward jetty extension will require a perpetual revetment easement for the area located landward of the mean high water line. For lands below the mean high water line, the government will exercise paramount jurisdiction through navigational servitude.

8. Non-Federal Operation/Maintenance Responsibilities.

The non-Federal sponsor is responsible for a portion of the operation, maintenance, repair, rehabilitation and replacement (OMRR&R) costs for the south jetty extension. The present worth of the non-Federal share of OMRR&R costs for the south jetty extension is estimated to be \$180,000. This amount will be put into an interest-bearing escrow account with funds in the account available for the non-Federal portion of OMRR&R costs associated with the south jetty extension.

9. Non-Federal Authority to Participate in the Project.

The Ponce De Leon Port Authority, a public body, was created by Chapter 65-2363 Laws of Florida, as amended by Chapter 69-1705. Chapter 315.03 empowered port authorities with the rights to acquire by purchase, grant, gift or lease or by the exercise of the right of eminent domain for or in connection with any port facility; to fix and collect rates, rentals, fees and other charges; to borrow money, to issue bonds or other obligations to finance all or any part of such acquisition or construction; to contract with the United States; etc.

10. Appraisal Information.

No appraisal was required based on the alternatives presented. All lands required for the project have been previously provided as an item of local cooperation for a Federal Project. Therefore, the sponsor will receive no credit for the value of the lands.

11. Minerals.

There are no known minerals of value in the proposed project area.

12. Hazardous and Toxic Wastes (HTW).

There are no known hazardous and toxic wastes in the project area.

13. Relocation Assistance Payments (Public Law 91-646).

No persons or businesses will require relocation.

14. Timber and Vegetative Cover.

There will be no timber or vegetative cover affected.

15. Recreation Lands.

There are no separable recreational lands identified for the project.

16. Relocations, Alterations, Vacations, and Abandonment's (Public Law 85-500).

No governmental structures or facilities that come within the purview of Section 111 of the Rivers and Harbors Act of 1958 (PL 85-500) approved 3 July 1958 will be affected by the project.

17. Cultural Resources.

There are no cultural resources identified for the project.

18. Acquisition/Administrative Costs.

a. The estimate of the Federal acquisition/administrative cost is \$10,000. This figure includes project real estate planning, review and monitoring costs.

b. The local sponsor will receive credit towards its share of administrative project costs incurred for providing the estates needed for the project. Non-Federal sponsor administrative costs are estimated to be \$10,000.

19. Summary of Real Estate Costs.

a.	Lands:	0
	Improvements:	0
	Severance Damages:	0
	Minerals:	0
	Total Lands and Damages	0
b.	Acquisition/Administrative	
	Federal	10,000
	Non-Federal	10,000
c.	Public Law 91-646	0
d.	25% Contingency	5,000
e.	Total Real Estate Cost	\$ 25,000

20. Real Estate Acquisition Schedule.

The non-Federal sponsor intends to modify its existing lease with the State of Florida as applicable, to construct the revetment, landward extension of the north jetty, and obtain rights for a tentative staging area as described in this report while retaining sufficient rights to perform operation and maintenance for the life of the project. Administrative time required to prepare and review land certifications is estimated at 180 days.

21. Estates to be Acquired. The following estate descriptions will be used and are as follows:

a. Temporary Work Area Easement.

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. ___ and ___), for a period not to exceed twenty-four months, beginning with date possession of the land is granted to the Project Sponsor, for use by the Project Sponsor, 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 of the Ponce De Leon Navigation Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the

right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

b. Revetment Easement.

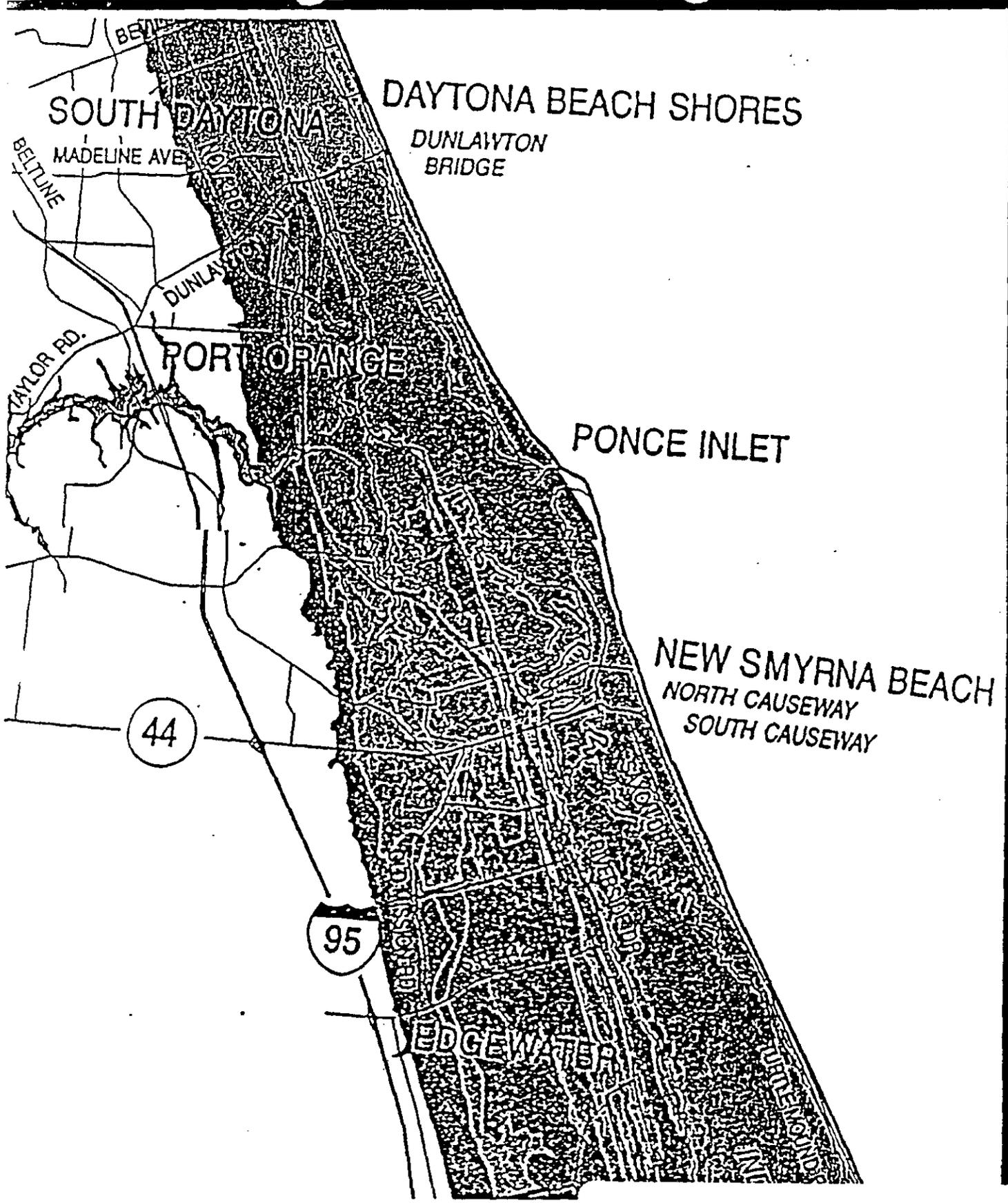
A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos. ____, ____ and ____) to construct, maintain, repair, operate, patrol and replace a revetment, including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

22. Maps.

A vicinity map of the proposed project area and a real estate GIS map are enclosed with this report as Exhibits Nos. 1 and 2 respectively.

**REAL ESTATE CHART OF ACCOUNTS
PONCE DE LEON INLET**

01	LANDS AND DAMAGES		
01A00	PROJECT PLANNING (FEDERAL)	\$	6,000
01B--	ACQUISITIONS		
01B20	BY PROJECT SPONSOR (NON-FEDERAL)	\$	6,000
01B40	REVIEW OF PROJECT SPONSOR (FEDERAL)	\$	4,000
01E--	APPRAISALS		
01E30	BY PROJECT SPONSOR (NON-FEDERAL)	\$	0
01E50	REVIEW OF PROJECT SPONSOR (FEDERAL)	\$	0
01R--	REAL ESTATE PAYMENTS	\$	0
01R10	LAND PAYMENTS		
01R1B	BY PROJECT SPONSOR	\$	0
01M00	Project Related Administration	\$	4,000
TOTAL REAL ESTATE COSTS EXCLUDING CONTINGENCIES			<u>\$20,000</u>
	REAL ESTATE CONTINGENCIES (25%)	\$	5,000
TOTAL PROJECT REAL ESTATE COST (ROUNDED)			<u>\$ 25,000</u>



©COPYRIGHT 1978

EXHIBIT "1"

