

**APPENDIX E**  
**REAL ESTATE PLAN**

MT. SINAI MEDICAL CENTER, CONTINUING  
AUTHORITIES PROGRAM (CAP)  
SECTION 14, PROJECT

DRAFT INTEGRATED FEASIBILITY  
REPORT  
AND ENVIRONMENTAL  
ASSESSMENT

September 2016



**US Army Corps  
of Engineers** <sup>®</sup>  
Jacksonville District

**DRAFT**

**APPENDIX E**

**MOUNT SINAI MEDICAL CENTER  
CONTINUING AUTHORITY PROGRAM (CAP)  
SEC 14 EMERGENCY STREAMBANK PROTECTION  
AND SHORELINE PROTECTION  
MIAMI BEACH, FLORIDA**

**INTEGRATED FEASIBILITY REPORT AND  
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## **APPENDIX E**

### **MOUNT SINAI MEDICAL CENTER CONTINUING AUTHORITY PROGRAM (CAP) SEC 14 EMERGENCY STREAMBANK PROTECTION AND SHORELINE PROTECTION MIAMI BEACH, FLORIDA**

### **INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT**

#### **REAL ESTATE PLAN**

#### **1. STATEMENT OF PURPOSE.**

This Real Estate Plan (REP) is provided in support of Mount Sinai Medical Center Feasibility Study. The purpose of the study is to recommend a plan for streambank and shoreline protection to infrastructure located at the Mount Sinai Medical Center, Miami-Dade County, which is on the shoreline of Biscayne Bay.

This report is preliminary and is intended for planning purposes only. Both the final real property lines and land value estimates are subject to change even after approval of this report. There may be modifications to the plans that occur during Pre-construction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land costs.

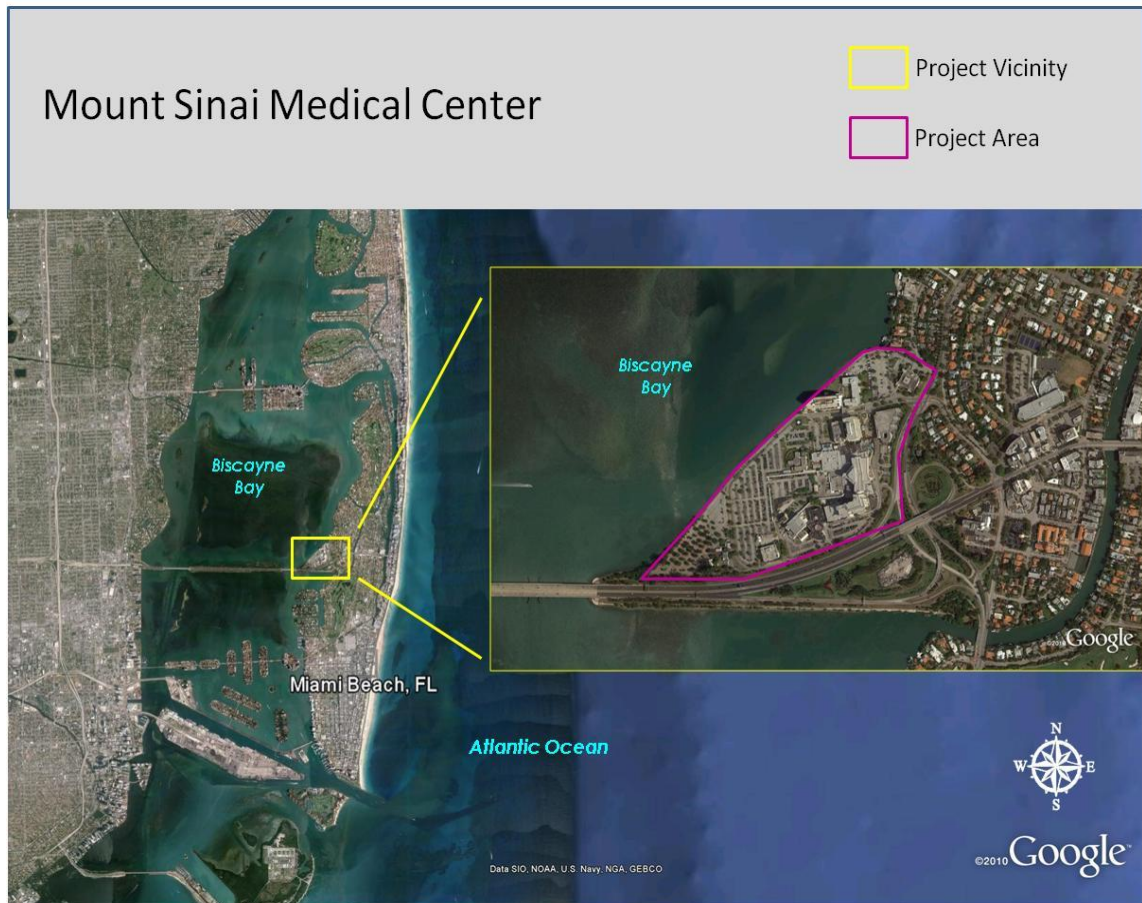
#### **2. PROJECT AND STUDY AUTHORIZATION.**

The Mount Sinai project is eligible under the Continuing Authorities Program (CAP) Section 14, Streambank and Shoreline Erosion Protection of Public Works and Non-Profit Public Services, of the 1946 Flood Control Act, as amended.

Section 14 is designed to implement projects to protect public facilities and facilities owned by non-profit organizations that are used to provide public services that are open to all on equal terms. These facilities must have been properly maintained but be in imminent threat of damage or failure by natural erosion processes on stream banks and shorelines, and are essential and important enough to merit Federal participation in their protection.

### 3. PROJECT LOCATION

The project area is located in the City of Miami Beach, Florida, on a barrier island bordered to the east by the Atlantic Ocean and to the west by Biscayne Bay. The study area is the property of Mount Sinai Medical Center, located directly north of Julia Tuttle Causeway and extending approximately 0.57 miles along the bayside of the island as indicated in Figure 1.



(Figure 1)

### 4. PROJECT DESCRIPTION

The project addresses the existing state of the seawall at Mount Sinai Medical Center of which portions of the seawall are in critical condition and at risk of failure. An evaluation of the current conditions led to a design to reinforce the existing seawall. The recommended plan has three components: a 300-foot T-wall along the northern edge of the property shoreline tied to the existing sea wall and new sheet pile construction; the placement of 3,070 feet of sheet pile along the seaward edge of the existing seawall; and 1.5-foot concrete cap added to 130 linear feet of the newer existing seawall segment.

## 5. REAL ESTATE REQUIREMENTS

Construction is proposed to take place 25% from the water and 75% from the land. Refer to Figure 2. Construction of 3,070 linear feet of sheet pile wall will occur along the northwest shoreline of Mount Sinai Medical Center. The sheet pile wall will tie into a 300-foot T-wall along the northern edge of Mount Sinai Medical Center property line. The non-federal sponsor will certify that lands are available via the flood protection levee easement for construction, operations and maintenance of both the sheet pile wall and the T-wall. A staging area of approximately .95 acre of lands has been identified. The non-federal sponsor will certify the availability of the staging area via a temporary work area easement. Access will be provided via public access roads. Access to the staging area will not require exclusive use of the identified access route. The non-federal sponsor will certify the availability of access via a temporary road easement. An estimated value of the real estate interests required for project construction will be included in the summary of project real estate cost and chart of accounts sections of this appendix. Construction is estimated to take approximately 18 months.

## 6. ESTATE TO BE ACQUIRED.

### A. Flood Protection Levee Easement

A perpetual and assignable right and easement in (the land described in schedule A) (Tract, Nos, \_\_\_\_, \_\_\_\_, and \_\_\_\_) to construct, maintain, repair, operate, patrol and replace a flood protection floodwall including all appendances 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 easements hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipeline.

### B. Temporary Work Area Easement

A temporary easement and right-of-way in, on, and over across (the land described in Schedule A) Tracts Nos \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_), for a period not to exceed \_\_\_\_\_, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agent, and contractors as a work area 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 \_\_\_\_\_ 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 landowner, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridge the rights and easements hereby required; subject however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.



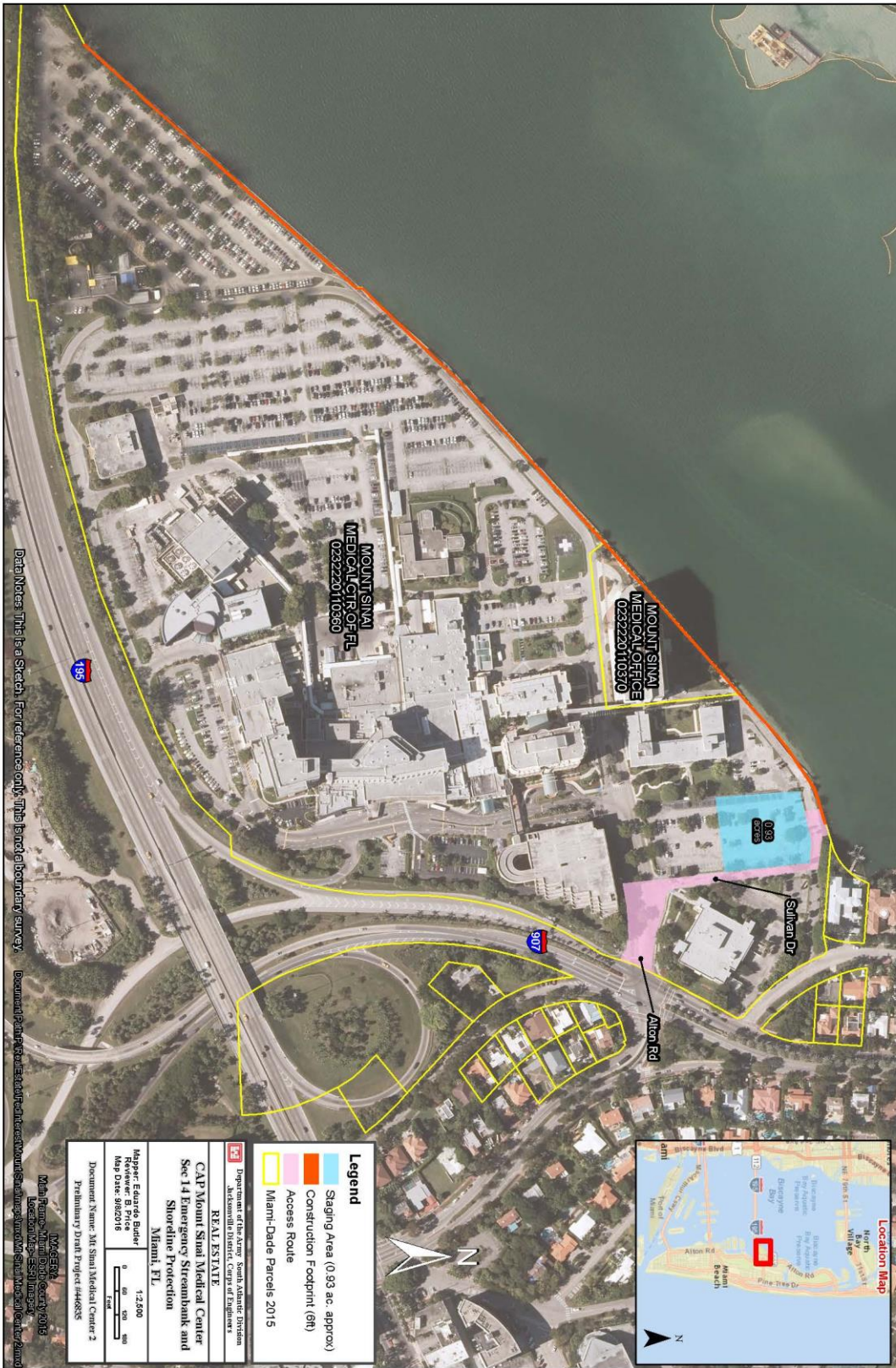


Figure 2



### C. Temporary Road Easement

A non-exclusive and assignable temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles with the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way access to their adjoining land at the locations indicated in Schedule B); subject , however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

#### **7. FEDERALLY-OWNED LAND**

There are no federally owned lands within project limits.

#### **8. NON-FEDERALLY-OWNED LAND**

Mount Sinai Medical Center, a public facility owned by a nonprofit organization owns all lands required to support construction of the proposed project.

#### **9. NON-FEDERAL OPERATION AND MAINTENANCE RESPONSIBILITIES**

Operation and maintenance is a 100% non-federal responsibility.

#### **10. NON-FEDERAL AUTHORITY TO PARTICIPATE IN PROJECT.**

The City of Miami Beach is empowered by Florida Statue, Chapter 161.51 Part III to act as the city beach and shore preservation authority.

#### **11. NAVIGATION SERVITUDE**

Navigation servitude does not apply to this project.

#### **12. ATTITUDE OF OWNERS**

This project was requested by the City of Miami Beach, the non-federal sponsor, in a letter dated 13 January 2014. Mount. Sinai Medical Center, the property owner, fully supports the project. The project has both public support and strong congressional support.

### **13. MINERALS**

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

### **14. HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW).**

No signs of potential HTRW problems were identified and no sites with potential for contamination with HTRW were found.

### **15. INDUCED FLOODING**

There will be no induced flooding directly associated with this project.

### **16. ZONING ORDINANCES**

Applications or enactment of zoning ordinances will not be used in lieu of acquisition.

### **17. RELOCATIONS ASSISTANCE (PUBLIC LAW 91-646 AS AMENDED)**

No persons or businesses will be impacted by the project. There are no benefits anticipated under Public Law 91-646, codified in U.S.C. Title 42 – The Public Health and Welfare, Chapter 61 – Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs which are implemented in the Uniform Regulations contained in 49 Code Of Federal Regulation, Part 24.

### **18. RELOCATIONS, ALTERATIONS, VACATIONS, AND ABANDONMENTS**

No relocations, alterations, vacations or abandonments of utilities, structures, facilities, cemeteries, or towns have been identified within the proposed construction limits of the recommended plan.

### **19. STANDING TIMBER AND VEGETATIVE COVER**

There is no timber or unusual vegetative cover that will be impacted by the project.

### **20. RECREATION RESOURCES**

There are no separable recreational lands identified for the project.

### **21. CULTURAL RESOURCES**

There are no known cultural resources that have been identified as being affected by the project.

## 22. OUTSTANDING RIGHTS

There are no known outstanding rights in the project area.

## 23. MITIGATION

There is no mitigation for the Recommended Plan.

## 24. ACQUISITION/ADMINISTRATIVE COSTS

The estimate of the Federal real estate administrative cost is **\$ 35,340.00**. This figure includes project real estate planning, mapping, review, oversight, monitoring, analysis of real estate requirements and estates. The non-Federal sponsor will receive credit towards its share of real estate administrative project cost incurred for certifications. Non-Federal acquisition/administrative costs are estimated to be **\$ 35,340.00**.

## 25. SUMMARY OF PROJECT REAL ESTATE COSTS.

The following cost figures are subject to change prior to construction.

a. Lands and Damages		\$ 850,500.00
b. Acquisition Administrative cost		\$ 70,680.00
Federal	\$ 35,340.00	
Non-Federal	\$ 35,340.00	
c. Public Law 91-646		\$0
d. Condemnations		\$0
e. Total Estimated Real Estate Cost		\$ 921,180.00
f. Contingency (15%)		\$ 138,177.00
g. Total Real Estate Costs		\$ 1,059,357.00

## 26. REAL ESTATE ACQUISITION SCHEDULE

The City of Miami Beach as the non-federal sponsor is responsible for certifying that lands are available for project advertisement and construction. Lands required for the project fall under one owner, Mount Sinai Medical Center. Mount Sinai Medical Center owns the lands in fee. Acquisition of the required interests in real estate is

not anticipated to take a long time. For scheduling purposes, six months has been established to accomplish real estate acquisition. Once final plans and specs have been completed and the Project Partnership Agreement has been executed. The Project Sponsor, Project Manager and Real Estate Technical Manager will formulate the milestone schedule upon project approval to meet date for advertisement and award of the construction contract.

**27. CHART OF ACCOUNTS FOR PROJECT**

01 - Lands & Damages		\$ 850,500.00
01B-- Acquisitions		\$ 70,680.00
01B20 - Non-Federal	\$35,340.00	
01B40 – Federal	\$35,340.00	
01B10 - By Govt	\$ 0	
01B20 - By Local sponsor	\$ 0	
01E10 - By Govt (In-House)	\$ 0	
01M00 – Contingency (15%)		\$ 138,177.00
<b>Total Estimated Real Estate Cost:</b>		<b>\$ 1,059,357.00</b>



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS  
701 SAN MARCO BLVD  
JACKSONVILLE, FLORIDA 32207-8175

Real Estate Division

Mr. Charles Tear  
Emergency Management Coordinator  
City Of Miami Beach  
1700 Convention Center Drive  
Miami, FL 33133

Dear Mr. Tear:

The intent of this letter is to formally advise the City of Miami Beach, as the non-Federal sponsor for the Mount. Sinai Medical Center Continuing Authority Program (CAP) SEC 14 Emergency Streambank Protection and Shoreline Protection Feasibility Study, of the risks associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-Federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-Federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include, but may not be limited to, the following:

1. Congress may not appropriate funds to construct the proposed project;
2. The proposed project may otherwise not be funded or approved for construction;
3. A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
4. The non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
5. The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
6. The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected

landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and

7. The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA.

We appreciate the County's participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Mr. Jerome Morgan at [jerome.g.morgan@usace.army.mil](mailto:jerome.g.morgan@usace.army.mil) (904) 232-1146.

Sincerely,



Audrey C. Ormerod  
Chief, Real Estate Division



## Exhibit 1

### EXHIBIT 1 REAL ESTATE CAPABILITY ASSESSMENT (DRAFT)

#### ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY

#### FOR Mount Sinai MEDICAL CENTER (SEC 14) EMERGENCY STREAMBANK PROTECTION AND SHORELINE PROTECTION

##### I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **NO**
- 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? **YES**
- d. Are any of the lands/interests 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 technical training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? **YES**
- b. If the answer to IIa. is "yes," has a reasonable plan been developed to provide such training? **YES**
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **YES**
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? **YES**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **YES**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **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? **NO**

##### 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: highly capable/fully.

V. Coordination:

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

Date: September 19, 2016

Prepared by:

Jerome Morgan

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Realty Specialist, Acquisition Branch  
Real Estate Division

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Real Estate Division