

**2. \_\_\_\_ REAL ESTATE.** The non-Federal sponsor, Bernalillo County (County), prepared an approved gross real estate appraisal based on preliminary project routing information. Although the project has evolved into a slightly smaller route, unit value information provided by the appraisal is considered valid and appropriate. Information related to types of property, numbers of owners and estimated values was used by the Corps to prepare a Real Estate Plan (REP) as shown in Appendix C and forms the basis of more detailed real estate oriented cost estimates. Basically, the project will primarily modify and use existing irrigation conveyance and drainage channels owned by another frequent non-Federal sponsor on other projects, the Middle Rio Grande Conservancy District (MRGCD). Current litigation is attempting to resolve actual ownership of the right-of-way between MRGCD and the Bureau of Reclamation (BOR). The Corps of Engineers is taking a neutral position in this matter. Joint approval of use of this right-of-way is in process and will be completed prior to construction. Additional real estate will need to be acquired for three new channels and one retention pond.

## APPENDIX C

### REAL ESTATE PLAN

Southwest Valley Flood Damage Reduction Feasibility Study  
Albuquerque, New Mexico

**PURPOSE:** This Real Estate Plan (REP) was prepared under the general guidelines of ER 405-1-12, Chapter 2 and Chapter 12, and is for planning purposes in support of a Feasibility Study. This is next in sequence to the approved Flood Reduction Plan. Final real property lines and estimate of value are subject to change after approval of this document. This report addresses the Government's need for project lands located in Albuquerque and adjacent Bernalillo County, New Mexico.

**AUTHORIZATION:** This planning report is prepared under the authority of the Flood Control Act of 1941, Public Law 228, as amended.

**PROJECT LOCATION AND DESCRIPTION:** We are preparing a feasibility study for the Southwest Valley of Bernalillo County including portions of suburban Albuquerque, New Mexico. It includes an area bounded by Central Avenue on the North, the Rio Grande on the East, Don Felipe Road on the South, and Coors Boulevard on the West. It is designed to capture excess water flowing from the West Mesa that would overwhelm the existing system of irrigation canals, laterals, acequias, and drains in the area. The drains presently exist with lower than desired capacity through existing channels on right of way fee ownership by the Middle Rio Grande Conservancy District (MRGCD). Current litigation is attempting to resolve actual ownership of the right-of-way between MRGCD and the Bureau of Reclamation (BOR). The Corps of Engineers is taking a neutral position in this matter. Joint approval of use of this right-of-way is in process and will be completed prior to construction. The Preferred Alternative project description is to generally widen existing Isleta, Armijo, and Los Padillas Drains to 100-foot-wide channels in all areas where the existing right of way is adequate. Other alternatives would have used varying additional amounts of the drains at no additional LERRD cost. Eight existing road-crossings would also require rehabilitation. MRGCD has committed to providing shared usage of their properties at no cost, to accommodate the project. This shared access will take the form of standard estate Channel Improvement Easements as described in Engineering Regulation 405-1-12, Chapter 5, Paragraph 8. The plan also requires acquisition of a new pond area and three new flood flowage channels. Rights to the pond area will take the form of standard Flowage Easements (Occasional Flooding) as described in Engineering Regulation 405-1-12, Chapter 5. The new channels will be standard Channel Improvement Easements. Each new project real estate requirement is described as follows moving in a southerly direction:

<u>Tract</u>	<u>Type</u>	<u>Description</u>	<u>Area (SF)</u>
A	Channel	A new channel located on vacant land north of residential development on the north side of Ramirez Road connecting the Arenal Canal to the Isleta Drain. Includes passage through an improved residential lot that would require acquisition and relocation activity. +/-2,400' x100' channel easement plus fee acquisition of an older home and barns due to channel alignment. Relocation would be required. One Fee Simple owner for the home and barns. Three Fee Simple owners for the proposed easement area.	240,000 SF

1	Pond	An flow diversion area behind (South) of Rio Grande High School. Plans are to direct flows through surface channel by easement around two residential structures, +/- 750' x 100' or 75,000 SF channel easement and 6.81 acres of Flowage Easement (Occasional Flooding). Two Fee Simple Owners of the proposed surface channel easement area and one Fee Simple owner of the Flowage Easement area. This is appurtenant to a larger retention pond area South of Don Andres Road. The property is currently used for livestock production and is also improved with residential structures near the northeast corner. Plans are to acquire a Flowage Easement (Occasional Flooding) over the unimproved area. Two Fee Simple Owners of the proposed surface channel easement and two Fee Simple owners of the proposed flowage easement areas. ( Combined Total 32.68 Acres)	1,423,580 SF
B	Channel	A new channel located on vacant land north of residential development on the north side of the extensions of Harris Road. +/-4,300'x150' One Fee Simple Owner of proposed Channel Improvement Easement area.	645,000 SF
C	Channel	A new concrete lined channel to be located on land improved high-voltage, overhead electric transmission lines that would remain in-place. Three Fee Simple Owners of proposed 3,800' x 80' easement area.	304,000 SF

**LER ALREADY OWNED BY THE NON-FEDERAL SPONSOR:** The non-Federal sponsor does not own any of the real estate required for the proposed project. Portions of MRGCD/BOR irrigation conveyance channels will be enlarged to provide the dual functions of conveyance and floodwater drainage, upon emergency conditions. MRGCD has received extensive project coordination and is very agreeable to providing the necessary real estate interests. Current litigation is attempting to resolve actual ownership of the right-of-way between MRGCD and the Bureau of Reclamation. The Corps of Engineers is taking a neutral position in this matter. Joint approval of use of this right-of-way is in process and will be completed prior to construction.

**PROPOSED ESTATES:** All proposed estates conform to the standard estates recited in ER 405-1-12, Chapter 5.

**EXISTING FEDERAL PROJECTS:** There are no existing federal projects that lie fully or partially within the LER required for this project.

**FEDERALLY OWNED LAND:** There is no Federally-owned land or interest therein, included within the LER required for the project.

**NAVIGATION SERVITUDE:** No LER required for this project is within a navigable watercourse.

**MAP:** A map shown as Figure 5.3C is included showing location of the project areas. The MRGCD/BOR channels to be used are highlighted in light green. The proposed new land requirements are shown as dark green. The configuration of the tracts that comprise the lands to be acquired or provided will be shown in greater detail by plans and specifications, in the process of development.

**INDUCED FLOODING:** Construction and operation of this project will induce flooding in the two areas referred to as interim flowage inversion and the detention basin. Proposed rights acquisition for these areas will compensate the owners for this action. In both cases, the owners will be able to continue existing use of the land with occasional flowage being present on the sites.

**BASELINE COST ESTIMATE FOR REAL ESTATE:** Real Estate costs estimates are based on the values contained in the Gross Appraisal Report, South Valley Drainage Project, Albuquerque, NM, dated March 31, 2003, prepared by Albert L. McNeil, Bernalillo County Review Appraiser, and Fernando Vigil, Bernalillo County Right of Way Agent. The report was reviewed and approved for Corps of Engineers use by W. Michael Howell, COE Review Appraiser, 25 April 2003, with copies maintained in the Real Estate Division, COE Albuquerque District, Albuquerque, NM. Although the project's configuration has changed and/or reduced since the preparation of that report, the approved values per unit (square feet, improved property, etc...) are still considered reasonable and appropriate for this Real Estate Plan (REP). The bulk of this project is to use existing MRGCD/BOR-owned channels that are currently used for irrigation conveyance and drains. Those channels would continue their present use but be improved to the point of meeting the infrequent floodwater diversion requirements. Proscribed valuation of the use of those channels would typically involve comparison of the fair market value before the project with the fair market value as changed by the project. Since there is no change in the area or highest and best use, it is concluded that any change in value would be at best nominal and speculative. Neither the non-federal sponsor nor the property owner is seeking credit for the use of the MRGCD/BOR-owned channels. All of the studied alternatives use of various amounts of the MRGCD/BOR channels, for which no credit is anticipated. However, all of the alternatives also involve new acquisition of several other real estate interests for which credit would be appropriate. One item is acquisition of three additional channel easements. Channel Improvements Easements are estimated to have 80% of Fee Simple value due to their intensive use of the surface. Homesite acquisition would be required for a portion of Tract A that is proposed to pass through home and barn improvements. The flow diversion Area and Retention Pond land is estimated to have 75% of Fee Simple value due to the continued availability of the land for agricultural purposes except during occasional flowage. In this area, approximately 37,500 SF of channel easement would be required to connect the Isleta Drain to the flow diversion Area at 75% of Fee Simple Value. Two manufactured residences are located on the Retention Pond land. Additional improvements such as corrals, sheds, fencing and cross fencing were also valued. These improvements would need to be restored after construction to continue utility of the land to the owner. The Baseline Cost Estimates include a 10% contingency adjustment. Please note that estimated real estate costs are the same for all studied alternatives. The differences in the alternatives are the use of varying amounts of MRGCD/BOR channels for which no credit is appropriate.

<b>Tract</b>	<b>Type</b>	<b>Area</b>	<b>Unit\$</b>	<b>Extended</b>
A	New Channel	210,000 SF	\$1.02	\$214,200
“	Home site, Including Improvements			195,000
Pond 187	Interim Flowage Inversion Area	6.81 Acres	\$28,500	194,085
“	Connecting Channel Easement	75,000 SF	\$1.02	76,500
“	Retention Pond	25.01 Acres	\$23,700	592,737
“	Manufactured Residences	2 each	\$60,000	120,000
“	Rural Improvements			30,000
B	New Channel	645,000 SF	\$1.08	696,000
C	New Channel	304,000 SF	\$0.70	212,800
	Sub-Total – Land & Improvements			\$2,331,322
	Estimated Contingencies		10%	233,132
	Relocations	3 each	\$70,000	210,000
	Government Administration:			
	Real Estate Mapping Support			5,000
	Coordination & Monitoring			15,000
	Total			2,794,454
	<b>Rounded to</b>			<b>\$2,800,000</b>

**RELOCATION ASSISTANCE BENEFITS:** One anticipated relocation is a rural homesite associated with New Channel A. The proposed configuration of the channel would run through the southern portion of the improvements. Two other anticipated relocations are manufactured homes located in the proposed retention pond area. An average benefit expense of \$70,000 each was estimated by Bernalillo County based on their past experience.

**MINERAL ACTIVITY:** There is no present or anticipated mineral activity in the vicinity of the proposed project.

**NON-FEDERAL SPONSOR’S CAPABILITY:** The non-Federal sponsor is Bernalillo County. They have legal and professional capability and experience to acquire and provide the LER for the construction, operation and maintenance of the project, including condemnation authority and quick-take capability. Although the County has not been the non-Federal sponsor on other Corps projects, they do have experience in participation with other Federal Agencies. They have a thorough knowledge of federal real estate requirements. An Assessment of Non-Federal Sponsor’s Real Estate Acquisition Capability as shown in ER 405-1-12 is shown as an attachment to this REP.

**ZONING ORDINANCES:** There are no zoning ordinances proposed in lieu or, or to facilitate, acquisition in connection with the project.

**REAL ESTATE ACQUISITION SCHEDULE:** The following table is shown below with Real Estate to begin in Fiscal Year-2004.

<u>Acquisition Tasks</u>	<u>Time</u>
Coordination with County Acquisition Agents	During Plans & Specs
Sponsor Commences Acquisition	After Receipt of Plans & Specs
Sponsor Completes Acquisition	160 Days
Real Estate Certificate of Sufficiency	30 Days
Begin construction	190 Days after Plans & Specs

**FACILITY OR UTILITY RELOCATIONS:** There are no known facility or utility relocations proposed in conjunction with this project.

**CONTAMINANTS:** The District has completed its HTRW examination and did not discover known or suspected contaminants that would affect construction, operation or maintenance of the project.

**LANDOWNER SUPPORT/OPPOSITION:** There is no known or anticipated support for or opposition to, the project by landowners in the project area.

**NON-FEDERAL SPONSOR NOTIFICATION:** Bernalillo County has been advised in writing about the risks associated with acquiring land before the execution of the PCA and the Government's formal notice to proceed with acquisition.

Prepared by:

Reviewed and Approved by:

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

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? 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 training to become familiar with the real estate requirements of Federal projects including P.O. 91-646, as amended? No
- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training? N/A
- 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? Yes

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? N/A
- 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

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