

**Appendix E –Real Estate Plan  
Upper Rouge River,  
Michigan Avenue to Rotunda Drive,  
Wayne County, Michigan**



**US Army Corps  
of Engineers®**

DETAILED PROJECT REPORT (DPR)  
PROJECT MODIFICATION FOR IMPROVEMENT OF THE ENVIRONMENT  
(SECTION 1135)  
UPPER ROUGE RIVER, WAYNE COUNTY, MICHIGAN

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## **EXHIBIT**

EXHIBIT 1 CAPABILITY ASSESSMENT

EXHIBIT 2 REAL ESTATE DRAWING

## **1. AUTHORITY**

This project is authorized by section 1135 of the Water Resources Development Act of 1986 PL 99-662 (WRDA), as amended and provides the U.S. Army Corps of Engineers, Detroit District, authority to modify, construct, operate, and maintain existing Corps projects for the improvement of the environment. This Real Estate Plan is prepared in support of the Detailed Project Report (DPR) of the Upper Rouge River Section 1135 ecosystem restoration project.

## **2. PURPOSE**

The primary purpose of the proposed project is to restore as much of the former ecological quality and integrity of the river as possible, thereby creating a green space for the surrounding community and native wildlife. This would offer the local community new economic, educational and recreational opportunities, all while preserving the river's cultural heritage and maintaining the existing level of flood protection.

The Real Estate Plan identifies and describes the lands, easements, rights-of-way, relocations, and disposal areas (LERRD) required for construction, operation and maintenance of the Project and the overall real estate requirements and procedures for implementation of the recommended Plan.

### **2.1 Existing Site Conditions**

All land required for this project is described as approximately a total project area of 43.21 acres, which is currently owned by the Non-Federal Sponsor (NFS). All of this land was acquired in Fee by the NFS for the original flood control project in 1976. The current project lies within the previous project foot print and induced flooding area. The current river channel is 180 feet wide and concrete lined with additional concrete pads creating a sloped / flat area for an additional 50 feet on each side of the channel. The project is located in an area that is a mix of urban and industrial usage.

### **2.2 Plan Selection - Alternative 6**

The cost, construction period, and flood protection for all the Alternatives were similar in scope, and cost. This alternative was chosen because over time it will provide the greatest ecological benefits. This is due to the two new wetlands areas that will be created. The bio units receiving the most benefit will be the indigenous fish population. Additionally, this area will be planted with indigenous species in an effort to return the area to its original and native vegetative state.

### 2.3 Description of the Work

This alternative includes removing all the concrete lining from the top of the channel down to the normal surface water elevation. The concrete lining on the north and south sides of the channel will be removed. Two (2) side-stream wetland areas will be constructed by excavating the banks, ranging from 50 to 150 feet landward on the right hand side of channel, to produce a gently sloping soft engineered transitional area to accommodate flows. Basking logs and emergent plantings would be placed along and in the side-stream wetland to provide fishery and riparian habitat and provide in-stream complexity.

The overall linear orientation of the channel would remain as constructed with the previous flood control project. Habitat units would develop over time and increase as the ecosystem reestablishes itself along the river.

### 3. LEERDs REQUIRED FOR CONSTRUCTION, OPERATION AND MAINTENANCE

The Non Federal Sponsor (NFS) for this proposed Section 1135 project is Wayne County, Michigan. The required land for the current project is completely within the 73.46 acres that was acquired in 1976 flood control project in Fee by the NFS and was provided as an item of local cooperation for that federal cost share flood control project. Consequently, there are no anticipated problems with the NFS providing the Bank Protection Easement for the areas – see description below. See Exhibit “B” for affected land on the Real Estate Drawing. The construction site is directly accessible from public roads, so there is no need for access easements. Additionally, the proposed project area is sufficient in size and topography to function as a Temporary Work and Storage area during construction.

A commercial disposal site will be used for the disposal of concrete and excess soil during construction; consequently there is no need for a disposal site.

#### *BANK PROTECTION EASEMENT*

*A perpetual and assignable easement and right-of-way in, on, over and across the land hereinafter described for the location, construction, operation, maintenance, alteration, repair, rehabilitation and replacement of a bank protection works, and for the placement of stone, riprap and other materials for the protection of the bank against erosion; together with the continuing right to trim, cut, fell, remove and dispose therefrom all trees, underbrush, obstructions, and other vegetation; and to remove and dispose of structures or obstructions within the limits of the right-of-way; and to place thereon dredged, excavated or other fill material, to shape and grade said land to desired slopes and contour, and to prevent erosion by structural and vegetative methods and to do any other work necessary and incident to the project; together with the right of ingress and egress for such work; 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.*

**4. LERRDs ALREADY OWNED**

All land required for this project is currently owned in fee by the Non Federal Sponsor.

**5. LEERDs ACQUIRED FOR, OR WITH THE USE OF FUNDS FROM, ANOTHER FEDERAL PROGRAM OR PROJECT**

All land required for this project was acquired in fee for a flood control project in 1976 and provided as a condition of the 1976 project agreement.

**6. NON-STANDARD ESTATES**

The project does not include the requirement to acquire non-standard estates.

**7. EXISTING FEDERAL PROJECTS**

The entire project area required for the current project is continued within the area required for the original federal flood control project and was provided as a condition of the partnering agreement for that project.

**8. FEDERAL LAND**

There is no federally owned land included within the LERRDs required for the project.

**9. NAVIGATIONAL SERVITUDE**

Navigational servitude will not apply to this project.

**10. PROJECT MAP**

Drawings depicting the project area are attached.

**11. INDUCED FLOODING**

By virtue of the type of project this is, a portion of the project area will intermittently flood. However the expected flooding will occur in the same foot print as current project and within the designed embankments. Consequently, no Flowage Easements will need to be addressed or acquired.

**12. BASELINE COST ESTIMATE**

The estimated LEERDs for this project (including any contingencies) is \$20,000.00

REAL ESTATE COST ESTIMATE

|                               |                    |
|-------------------------------|--------------------|
| Federal Administrative costs: | \$ 10,000.00       |
| Non-Federal Sponsor costs:    |                    |
| LERRDs value                  | \$ 0.00            |
| Administrative                | \$ <u>5,000.00</u> |
| Total Non-Federal Sponsor     | \$ 5,000.00        |

Grand Total (Federal and Non-Federal) \$15,000.00

This estimate is only for determining an estimated total project cost for planning purposes.

**13. RELOCATION ASSISTANCE**

The project, as designed, will not require relocation of any residences or businesses.

**14. MINERALS**

No extractable minerals are known to exist within the Project lands. There is no standing timber on the Project lands.

**15. CAPABILITY ASSESSMENT**

Wayne County has the full power, authority and capability to operate and maintain the finished project, and has the legal capability to provide its share of total project costs and comply with the other required assurances. In addition, the county has the capability to complete its portion of the project within the designated time frames. It is capable of providing all required LERRDs necessary for the construction, operation and maintenance of the project as the sponsor is a legally constituted public body with the full power, authority, and capability to perform of the terms of the Project Partnership Agreement (PPA). Requirements of PL 91-646, acquisition policies and procedures, LERRD crediting procedures, and the requirements for land acquisition have not been discussed with the sponsor as there is no acquisition occurring for the project. See Exhibit A

**16. ZONING**

The enactment or modification of zoning ordinances will not be required for this project.

**17. SCHEDULE**

The Non-Federal Sponsor has been given detailed information regarding the requirements for LERRDs necessary for completion of the Project and fully anticipates meeting the current District schedule. The Real Estate Division will monitor and assist the Sponsor with all acquisition activities which will assure that the acquisition process complies with Federal and State laws.

The schedule for land acquisition will be coordinated with the Project Manager (PM) and the non-Federal sponsor. After the project has been authorized, and the PPA is executed, the non-Federal sponsor will be notified to acquire the LEERDs required for the project. At the conclusion of acquisition, the non-Federal sponsor will certify in writing to the Government that all LERRDs have been acquired. Potential dates for Real Estate Certification are expected to be reasonable and conformable with project milestones and requirements.

## **18. FACILITY OR UTILITY RELOCATIONS**

Plans and Specifications do not identify any utilities/facilities that will need to be relocated.

## **19. ENVIRONMENTAL**

All environmental items associated with the project will be addressed by the Environmental Analysis Branch.

## **20. PROJECT SUPPORT**

The non-Federal sponsor is a willing sponsor and fully supportive of this project. The public is also supportive and there is no anticipated opposition to the project.

## **21. RISK NOTIFICATION FOR ADVANCE NOTIFICATION**

Although the non-Federal sponsor currently owns the land required, they were notified in writing about the risks associated with acquiring land before the execution of the PPA, in case the project area needs to change. Requirements of PL 91-646, acquisition policies and procedures, LERRDs crediting procedures, and the requirements for land acquisition have been discussed with the sponsor.

## **22. OTHER RELEVANT REAL ESTATE ISSUES**

- a. There are no special aquatic sites, including wetlands impacted by the acquisition.
- b. There are no cemeteries or public facilities within the Project area requiring relocation.
- c. Plans and specifications do not identify any relocation of public utilities or roadways.

Real Estate Division will further assess real estate requirements for the recommended

plan, as well as, provide detailed information regarding LERRDs identified as necessary for the project. In addition, the Real Estate Division will coordinate, monitor, and assist with all acquisition activities undertaken by the Non-Federal Sponsor. This will assure that the acquisition process complies with Federal and State laws specifically the requirements under the Federal Uniform Relocation and Acquisition Act (P.L. 91-646). The Real Estate Division will also attend District team meetings, review and provide input into draft and final reports prepared by the team, and participate in the internal technical review.

## **Appendix E – Real Estate Plan**

### **Exhibit 1 – Capability Assessment**

**Upper Rouge River,  
Southfield Freeway to Rotunda Drive,  
Wayne County, Michigan**

EXHIBIT "A"

DETROIT DISTRICT REAL ESTATE  
ASSESSMENT OF NON-FEDERAL SPONSOR  
REAL ESTATE ACQUISITION CAPABILITY for  
WAYNE COUNTY, MICHIGAN the NFS

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PROJECT:  
**UPPER ROUGE RIVER SECTION 1135, ECOSYSTEM RESTORATION**  
**Wayne, County, Michigan**

I. LEGAL AUTHORITY

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes

No.

Initials MB Date: 20 June 2010

b. Does the sponsor have the power of eminent domain for this project?

Yes

No.

Initials MB Date: 20 June 2010

c. Does the sponsor have "quicktake" authority for this project?

Yes

No.

Initials MB Date: 20 June 2010

d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary?

Yes

No

Initials MB Date: 20 June 2010

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

Yes

No

Initials MB Date: 20 June 2010

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.L. 91-646, as amended?

Yes

No

Initials MB Date 20 June 2010

b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training?

N/A

Initials MB Date: 20 June 2010

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

N/A.

Initials MB Date: 20 June 2010

d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

Yes See a. above.

No

Initials MB Date: 20 June 2010

e. Can the sponsor obtain contractor support, if required in a timely fashion?

Yes

No

Initials MB Date: 20 June 2010

f. Will the sponsor likely request USACE assistance in acquiring real estate?

Yes

No

Initials MB Date: 20 June 2010

III. OTHER PROJECT VARIABLES

a. Will the sponsor's staff be located within reasonable proximity to the project site?

Yes

No

Initials MB Date: 20 June 2010

b. Has the sponsor approved the project/real estate schedule/milestones?

Yes

No

Initials MB Date: 20 June 2010

c. Has the sponsor performed satisfactorily on other USACE projects?

Yes

No

Initials MB Date : 20 June 2010

d. With regard to this project, the sponsor is anticipated to be: highly capable / capable/moderately capable/marginally capable/insufficiently capable

e. The sponsor has performed successfully on other Corps of Engineers projects and has a full Real Estate Staff performing Real Estate functions.

Yes

No

Initials MB Date: 20 June 2010

Prepared by:

/s/

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MARK BREWER  
Realty Specialist

Reviewed and approved by:

/s/

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VICTOR L. KOTWICKI  
Chief, Real Estate Division,  
Detroit, Buffalo and Chicago Districts

**Appendix E –Real Estate Plan**

**Exhibit 2 – Real Estate Drawing**

**Upper Rouge River,  
Southfield Freeway to Rotunda Drive,  
Wayne County, Michigan**

