U.S. Army Corps of Engineers
New York District

SOUTH SHORE OF STATEN ISLAND
COASTAL STORM RISK MANAGEMENT PROJECT

APPENDIX VII

REAL ESTATE PLAN

JUNE 2015

SOUTH SHORE OF STATEN ISLAND
COASTAL STORM RISK MANAGMENT PROJECT

JUNE 2015 REAL ESTATE PLAN

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Exhibits and Attachments

1. Preamble

a. Project Authorization: A cooperative beach erosion and storm damage reduction study was authorized by a resolution of the U.S. House of Representatives Committee on Public Works and Transportation and adopted 13 May 1993. The resolution states:

> "The Secretary of the Army, acting through the Chief of Engineers, is requested to review the report of the Chief of Engineers, on the Staten Island Coast from Fort Wadsworth to Arthur Kill, New York, published as House Document 181, 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 beach erosion control, storm damage reduction and related purposes on the South Shore of Staten Island, New York, particularly in and adjacent to the communities of New Dorp Beach, Oakwood Beach, and Annadale Beach, New York."

The Disaster Relief Appropriations Act of 2013, Public Law 113-2, enacted on 29 January 2013 (hereinafter "P.L. 113-2") authorizes the Secretary of the Army to utilize funds provided in P.L. 113-2, to complete construction of certain authorized but unconstructed projects, which includes the construction of this project. If authorized, the construction of this project will be cost-shared with the non-Federal Sponsor utilizing funds provided in P.L. 113-2.

Previous authorized studies and Federal projects include:

(1) Federal projects in 1937 provided beachfill, timber and rock groins, and a timber bulkhead along the study area.

(2) A project by the City and State of New York and unknown private entities in 1955 provided beachfill between New Creek and Miller Field.

(3) A cooperative beach erosion control study, in accordance with Section 2 of Public Law 520 (Rivers and Harbor Act of 1930), on 23 March 1959, for the study of the Atlantic Coast of Nassau County, New York, between Jones Inlet and East Rockaway Inlet; Atlantic Coast of New York City, between East Rockaway Inlet and Norton Point; and Staten Island, New York, between Fort Wadsworth and Arthur Kill.

(4) A hurricane study authorized by Public Law 71, 84th Congress, 1st Session on June 15, 1955. A combined report covering the cooperative beach erosion control study and the hurricane survey was approved by the Chief of Engineers on 7 December 1960.

(5) An authorized Federal project under the Flood Control Act of 25 October 1965, spanning from Fort Wadsworth to Arthur Kill, Staten Island, New York. The authorized project was not constructed due to a lack of non-federal financing.

(6) An authorized Federal project under House Document No. 181, 189th Congress, 1st Session for shore and hurricane protection between Fort Wadsworth and Oakwood

Beaches. Preconstruction planning for the project was initiated in January 1966 and was brought 60 percent completion.

(7) A General Design Memorandum for Fort Wadsworth to Oakwood Beach was completed in June 1976. Work was suspended at the request of local authorities and in 1977, the New York State Department of Environmental Conservation defer their decision on local cooperation due to fiscal constraints.

(8) A Reconnaissance Study in June 1995 concluded Federal interest in finding solutions to causative agents of ongoing erosion. Alternative solutions redefined the project area to a 6.5 mile portion of the State Island Shoreline from Fort Wadsworth to Oakwood Beach and Annadale Beach.

(9) Under the Section 103 Continuing Authority Program, the Corps of Engineers constructed flood risk management project in 1999 in the Oakwood Beach area.

b. Official Project Designation: South Shore of Staten Island Coastal Storm Risk Management (hereinafter the "Project").

c. Project Location: The Project extends approximately three square miles from Fort Wadsworth to Oakwood Beach along the northern end of the south shoreline of Staten Island in Richmond County, New York.

d. Non-Federal Partner: The non-Federal partner for this Project is the New York State Department of Environmental Conservation (the "Sponsor" or "NYDEC"), who subsequently entered into a partnering agreement with the New York City Department of Environmental Protection ("NYCDEP") as the local stakeholder.

2. Statement of Purpose

The purpose of this Real Estate Plan (the "REP") is to present the overall plan describing the minimum real estate required for the construction, operation, maintenance, repair and rehabilitation of the proposed Project. This REP is an appendix to the Project's Hurricane Sandy Feasibility Report (the "Feasibility Report").

3. Project Purpose and Features

a. Project Purpose: The purpose of the Project is to provide coastal storm risk management to flood-prone, high risk low-lying residential and commercial structures along the south shore of Staten Island between Oakwood Beach and Fort Wadsworth. This area was devastated by Hurricane Sandy on 29 October 2012 with recorded water surface elevation above sixteen feet National Geodetic Vertical Datum of 1929 (NGVD 1929), (Colleen Fanelli, 2013), and with waves up to six feet in height (Perkins Eastman, BFJ Planning, Louis Berger Group, 2014). The storm caused extensive damage and loss of life along the study area. If approved, the Project will reduce the risk of damages from hurricane and storm surge flooding along the study area, reduce the risk to local resident's life and safety, and would be consistent with and

complementary to the New York City Bluebelt Program. The Bluebelt Program is the City of New York's stormwater management program that preserves natural drainage corridors for conveying, storing, and filtering stormwater.

The Project is currently in the feasibility phase and the Feasibility Report is scheduled for approval by the Assistant Secretary of the Army in April 2016. A Project Partnership Agreement (PPA) is scheduled to be executed in June 2016.

b. Plan of Improvement: The plan of improvement provides for coastal storm risk management in the form of a structural Line of Protection (LOP) consisting of a levee system and interior drainage facilities, which are described below.

I. *Line of Protection*: The Project will include an approximately 2.5-mile LOP, which consists of buried seawall/armored levee (with raised promenade) with an average crest elevation of 20.5 feet NGVD 1929 (hereinafter referred to as "Line of Protection" or "LOP"). The LOP will serve as the first line of defense against severe coastal surge flooding and wave forces. The remainder of the LOP consists of T-Type vertical floodwalls and earthen levees. The LOP also includes a stop log closure structure at Hylan Boulevard, drainage control structures for existing storm water outfalls, tide gate structures, vehicle and pedestrian access structures, and demolition of an existing boardwalk.

II. *Interior Drainage*: The Project will also include interior drainage facilities. The interior drainage plan is segregated by drainage area:

a) Oakwood Beach Interior Drainage Area (Area A)
b) Oakwood Beach Interior Drainage Area (Area B)
c) Midland Beach Interior Drainage Area (Area C)
d) South Beach Interior Drainage Area (Area D)
e) South Beach Interior Drainage Area (Area E)

Minimum Facility Plans for Drainage Areas A, B, and D include tide gates, sluice gates, road raisings, natural storage ponds, and excavated ponds. The plans for Areas C and E include tide gates, sluice gates, road raises, and networks of excavated ponds to a depth of approximately 2 feet NGVD 1929. Where possible, the interior drainage plan has been aligned and overlapped with Bluebelt.

III. *Construction Contracts*: The Project is proposed to be implemented through two separate contracts:

1. Contract 1 consists of Interior Drainage Areas A and B and the LOP beginning at the vicinity of Hyland Blvd and Buffalo Street and ending at the vicinity of New Dorp Lane by Miller Field ("LOP-1"). Contract award is scheduled for December 2016 and the anticipated construction period is from December 2016 to April 2019.

2. Contract 2 consists of Interior Drainage Areas C, D, and E and the LOP beginning at the vicinity of New Dorp Lane and ending at the vicinity of Ayers Road near Fort

Wadsworth ("LOP-2"). Contract award is scheduled for November 2017 and the anticipated construction period is from November 2017 to November 2020.

c. Required Lands, Easements, and Rights-of-Way (LER): The Sponsor has entered into a partnering agreement with NYCDEP, where NYCDEP will acquire the real estate interests needed for the construction of the proposed Project. The Sponsor will obtain the required easements in the form of Access Agreements from NYCDEP containing the required standard estates language and necessary covenants to run with the land therein. Access Agreements are in recordable form and will be required to be recorded with the county.

The following chart provides the approximate aggregated acres required for the Project:

Permanent Easements……..	±345.01 acres
Temporary Easements…….	±62.59 acres
Total:	**±407.40acres**

The Project impacts **666 parcels**, affecting **270 private owners** and **396 public owners** (including two Federal agencies). In some instances, more than one estate is required to be obtained over the lands of the same owner.

I. Flowage Easement (Portions of Land to be Subjected to Permanent Inundation and Portions to be Subjected to Occasional Flooding) (Standard Estate No. 7): Approximately **112.08 acres** are required for the excavation of 10 ponds to provide a greater volume for residual storm water retention during high intensity precipitation storm events. No disposal sites are required to be provided for the Project. The selected contractor will be responsible for the transportation and disposal of the excavated material to an approved disposal site.

II. Flood Protection Levee Easement (Standard Estate No. 9): Approximately **87.62 acres** are required for the construction, operation, and maintenance of the buried seawall/armored levee.

III. Pipeline Easement (Standard Estate No. 13): Approximately **0.09 of an acre** is required for the construction, operation and maintenance of an underground storm water drainage structure. The drainage structure will allow storm water to flow from the open space south of Kissam Avenue into the proposed ponding area located north of Kissam Avenue.

IV. Road Easement (Standard Estate No. 13): Approximately **1.14 acres** are required for the construction of an access road to provide access to sewer manhole that will be raised along the LOP in the vicinity of Interior Drainage Area B.

V. Restrictive Easement (Standard Estate No. 19): Approximately **143.84 acres** are required to protect against future development to preserve open space for flooding, which is essential to the effectiveness of the proposed ponding areas.

VI. Temporary Work Area Easement (Standard Estate No. 15): Approximately **62.62 acres** are required for staging/work area purposes. The required temporary work areas are typically adjacent to land to be acquired for construction of the LOP and typically affect the same ownerships. Temporary work area easements will be required for the duration of the construction contracts identified in paragraph 3.b.III.

VII. LER Summary: A summary of the required LER is provided in Exhibit "C". Impacted parcels and the real estate interested required therein is provided in Exhibit "B". The recommended standard estates are provided in Exhibit "D". The size of the real estate interests required for the Project as identified in this REP are estimates based on available Geographic Information System (GIS) data. The Sponsor will be advised to obtain a survey and legal description for each permanent easement acquired to determine its precise size and boundary limits within it respective parcel. The Sponsor will also be advised to obtain title insurance on all acquiring property to protect against "defects" in title and to identify potential encumbrances that could impact project construction. The Sponsor will be required to record all easements with the county prior to the U.S. Army Corps of Engineers' certification of real estate.

d. Appraisal Information: An appraisal cost estimate was completed in September 2014 and updated in May 2015. The total estimated land value for the required real estate is$25,467,497, effective 18 May 2015.

	Project Area	Permanent Easement	Temporary Easement	Totals
Contract 1	Drainage Area A	$2,229,294	$0	$2,229,294
	Drainage Area B	$3,099,416	$0	$3,099,416
	LOP-1	$3,954,544	$8,405	$3,962,949
Contract 2	Drainage Area C	$5,300,503	$0	$5,300,503
	Drainage Area D	$7,509,986	$0	$7,509,986
	Drainage Area E	$3,028,612	$0	$3,028,612
	LOP-2	$316,392	$20,345	$336,737
	Total Values	**$25,438,747**	**$28,750**	**$25,467,497**

The valuation was completed based upon a hypothetical condition. The subject properties may become encumbered by easements required for the proposed Project creating an easement estate for flood control purposes. The easements did not exist as of the date of the cost estimate. Therefore, an assumption was made that the easements will be executed within a reasonable time not to exceed one year from the effective date of the cost estimate. The cost estimate was completed based on the wetland and upland nature of parcels as provided by GIS data. A full land valuation based on surveyed boundaries would be required to establish a more accurate valuation.

NYCDEP has been acquiring wetland property in fee through the Bluebelt program and compensating property owners at prices approaching upland values. NYCDEP approached the New York District on the LER valuation process and crediting of real estate acquisition costs for wetlands acquired at upland values. It is the District's position that any wetland acquired for the Project would be credited (if entitled) to the Sponsor at a wetland value. CENAN-RE memorandum dated 7 Jan 15, subject: Land Valuation Process for Crediting Real Estate Acquisition Expenses for the South Shore of Staten Island Coastal Risk Management Project, was forward to HQUSACE (CEMP-CR) thru Sandy Coastal Management Division (CENAD-PD-SC and North Atlantic Division (CENAD-PD-RE) requested confirmation on New York District's position on the matter. HQUSACE (Chief Appraiser), in discussion with the North Atlantic Division and the New York District, has indicated concurrence with the New York District's appropriate wetland valuation approach. A formal memorandum on the matter is pending.

4. <u>LER Owned by the Non-Federal Partner</u>

a. The State of New York owns approximately 1.167 acres of land that is required for the Project. The following is a description of the LER required on New York State property:

Project Location	Block_Lot	Acres	Estate Required
Drainage Area B	4130_655	±0.012	Flowage Easement
Drainage Area B	4130_666	±0.228	Flowage Easement
Drainage Area E	3355_2	±0.028	Restrictive Easement
LOP 2	3355_2	±0.899	Temporary Work Area Easement

The State of New York is currently executing the NY Rising Buyout and Acquisition Program for property owners whose homes were substantially damaged by Hurricane Sandy or by other designated storms. The program offers homeowners located in low-lying, high-risk flood areas (as identified by the State of New York) located in Staten Island and Long Island an opportunity to sell their home to the State of New York. The program offers homeowners up to 100% of the property's pre-storm market value, funded in full or in part by Federal funds. The property bought out would be maintained as coastal buffer zones, which provides Federal restrictions for permanent improvements.

The proposed staging area located alongside Tarlton Street adjacent to the sewage treatment plant in Contract 1 area has been identified as eligible for the NY Rising Buyout Program. It is possible all or a portion of this staging area could be owned in fee by the State of New York prior to PPA execution. The Sponsor will not be eligible for crediting of real estate acquisition expenses for properties acquired through the NY Rising Buyout and Acquisition Program utilizing Federal funds.

b. The local stakeholder, NYCDEP, has been actively acquiring properties in fee simple interest within the Project area in support of the Bluebelt program. Certain "Bluebelt properties" are required for the Project's interior drainage. Therefore, the Project is aligned and overlapped

(when possible) with the Bluebelt Program. Bluebelt properties will be available for the Project. Properties identified herein as privately-owned are subject to change based on NYCDEP's progress with Bluebelt acquisitions. This could result in a larger portion of the LER required for the Project to be publicly-owned prior to the execution of the PPA.

Currently, no special crediting or reimbursement is authorized to the Sponsor or NYCDEP for the LER already owned. However, the Sponsor and NYCDEP have inquired on crediting for Bluebelt real estate acquisition expenses incurred prior to the PPA execution (currently scheduled for June 2016). The Sponsor could be eligible for crediting of documented real estate acquisition and incidental expenses incurred prior to the execution of the PPA for those expenses solely attributed to the acquisition of the required easements needed for the Project as identified in the REP. Any expenses incurred by the Sponsor or NYCDEP to obtain fee interest in Bluebelt properties would place those expenses into a category outside the scope of the Project's real estate requirements. If eligible, the Sponsor would be credited acquisition expenses at the fair market value for the minimum real estate interest required for the Project (as identified in the REP) at post-Hurricane Sandy market values. A formal decision on credit eligibility for pre-PPA real estate acquisition and incidental expenses is pending.

5. Non-Standard Estates

There are no non-standard estates recommended for the Project.

6. Existing Federal Projects

There are no known Federal projects that lie either fully or partially within the LER required for the Project.

7. Federally-Owned Land

The Project requires approximately 4.56 acres in permanent easements and approximately 2.61 acres in temporary easements over Federally-owned lands at the following locations:

a. The Project requires approximately 4.35 acres in Flood Protection Levee Easement and approximately 2.609 acres in Temporary Work Area Easement at Miller Field (Block 3930 Lot 90). Miller Field is owned in fee by the Federal Government and managed by the National Parks Service (NPS). It is listed with the National Register of Historic Places and is part of the Staten Island Unit of the Gateway National Recreation Area. Coordination with NPS is ongoing and they are aware of the proposed Project. A Special Use Permit accompanied with a Memorandum of Understanding will be obtained for the construction, operation, and maintenance of a portion of the LOP therein.

b. Block 4130 Lot 500, located within Interior Drainage Area B, is owned in fee by the Federal Government. The managing Federal agency is currently unknown. Available public resources to identify the managing agency provided no information. The Project requires

approximately 0.202 of an acre of land in Flowage Easement and approximately 0.009 of an acre of land in Restrictive Easement therein. Efforts are on-going to identify the managing agency.

The use of Special Use Permits has been typical in obtaining rights in and upon Federally-owned lands managed by other Federal agencies. A Special Use Permit will be utilized for the purposes described above. Most recent, a Special Use Permit was granted by NPS for the construction of a berm on Fire Island National Sea Shore in support of the Fire Island to Moriches Inlet Project.

8. Navigational Servitude

There is no LER required for the Project located below the mean high water line. Navigational Servitude is not applicable to the Project.

9. Maps

The Project's preliminary real estate maps are provided in Attachment "A".

10. Induced Flooding

The Project provides the construction of 10 ponds across Interior Drainage Areas B, C, and E. Changes in flood depth for each of the proposed excavated ponds are identified in Table 10 of the Project's Interior Drainage Analysis (Appendix II), which is provided in Exhibit "I" herein. Further analysis has been requested to determine duration and volume of the ponding areas. Based upon the available data, a Physical Taking Analysis (Exhibit "G") prepared by the District's Office of Counsel concluded that the current Draft Study for the Project does not appear to require use of a standard flowage easement. However, the District's Real Estate Division believes that the standard flowage easement would be appropriate for East Pond located in Interior Drainage Area B and that further analysis and consideration is needed for the ponds in Interior Drainage Areas C and E. Since there is not concurrence on this issue at the time of the release of the Draft Interim Feasibility Report, the Office of Counsel and Real Estate Division will continue to coordinate on this issue and resolve prior to release of the Final Report, which will contain a final Physical Takings Analysis.

While the LOP serves as a defense against severe coastal surge flooding and wave forces, the incidental effect of the LOP causes retention of precipitation from storm events at certain reaches along the levee by preventing the natural seaward drainage of storm water. Flooding in the area is driven by two distinct causes. The greatest risk is from storm surge, which creates widespread flooding with depths reaching 12 feet in some areas. The construction of the proposed armored levee and wall will reduce the storm surge for all but the largest events that would exceed the proposed LOP design. With the reduction of risk from storm surge, however, the risk of flooding from interior drainage becomes more important. Interior drainage features to address the interior flood risk are integral to the Project. As noted in paragraph 6-5, Engineering Manual 1110-2-1413, Hydrologic Analysis of Interior Area, 15 Jan 87:

> "The capability of an interior flood loss reduction system to function over the project life must be assured. This often requires legally binding commitments from the local sponsors of the project to properly operate and maintain the system. Real estate interest required and specifications for operating and maintaining detention storage areas, pumping facilities, and conveyance networks, should be integral to all agreements for implementation of interior system of flood loss mitigation measures."

Based upon the above statement, acquisition of land is an essential part of the natural storage needed for interior drainage behind the proposed LOP.

In discussion with the Project Delivery Team, the Real Estate Division has concluded that the use of flowage and restrictive easements are warranted over the ponds in the interior drainage areas. The levee would prevent the natural seaward flow of storm water and create pooling of water along certain reaches of the LOP. Flowage easements will be utilized for the proposed excavated ponds to contain the increased residual flooding, while restrictive easements would prevent development to preserve open space to ensure land is available for flooding caused by storm events. Development of the open space would result in significant increase flooding caused by storm water runoff and undermine the Project, preventing it from achieving is stated flood reduction benefits.

11. <u>Baseline Cost Estimate for Real Estate (BCERE)</u>

An itemized BCERE is provided in Exhibit "E" in Micro-Computer Aided Cost Estimating System (MCACES) format with estimated real estate costs. The following is a summary of the Project's estimated Lands, Easements, Rights-of-Way, Relocations, and Disposals (LERRD) costs:

Cost Type	Contract 1	Contract 2	Subtotal (rounded)	Contingency (39.3%)	Total
LER.	$10,875,319	$18,952,578	$29,828,000	11,710,000	$41,538,000
Relocations	$1,659,000	$30,567,000	$32,226,000	12,677,00	$44,903,000
Disposals	$0	$0	$0	$0	$0
		Subtotal:	$62,054,000	Total:	$86,441,000

The Project's total estimated 01-Lands & Damages expense is $86,441,000. If approved, the Project will be cost-shared (65% Federal and 35% Non-Federal) utilizing funds provided in P.L. 113-2. The Sponsor will be entitled to LERRD credit toward the final cost of the Project at the cost-shared amount. The contingency is established by the Project's Cost and Schedule Risk Analysis (CSRA) as provided in the Projects Cost Appendix (Appendix IV).

12. Public Law 91-646, Uniform Relocation Assistance

No relocation assistance in accordance with Public Law 91-646 is anticipated to be required for the Project.

13. Minerals and Timber Activity

There are no present or anticipated mineral activities or timber harvesting within the LER required for the Project.

14. Land Acquisition Experience and Capability of the Non-Federal Partner

The Non-Federal Partner's Capability Assessment Checklist is provided in Exhibit "H" herein. The Sponsor maintains the legal and professional capability and experience to acquire the LER for the construction, operation, and maintenance of the Project. The Sponsor has condemnation authority and other applicable authorities that may apply, if necessary, to support acquisition measures. However, it is not anticipated that these actions will be required or used for the Project. Recently, the Sponsor has successfully acquired the real estate for the for the Atlantic Coast of New York City Rockaway Inlet to Norton Point (Sea Gate Area of Coney Island) Shore Protection Project and is currently in the process of acquiring the real estate for the Fire Island Inlet to Moriches Inlet Stabilization Project.

Although not anticipated for the Project, the Sponsor is aware of Public Law 91-646 requirements. The Sponsor is also aware of the requirements to document acquisition and incidental expenses associated with acquiring the LER for the Project for crediting purposes.

15. Zoning

No application or enactment of local zoning ordinances is anticipated in lieu of, or to facilitate, the acquisition of LER in connection with the Project.

16. Schedule of Acquisition

Milestone	Date
PPA Execution	Jun 2016
Sponsor's Notice to Proceed with Acquisition	Jun 2016
Contract 1 Authorization for Entry for Construction	Aug 2016
Contract 1 Certification of Real Estate	Aug 2016
Contract 1 Ready to Advertise for Construction	Sep 2016
Contract 2 Authorization for Entry for Construction	Jul 2017
Contract 2 Certification of Real Estate	Jul 2017
Contract 2 Ready to Advertise for Construction	Aug 2017

17. Relocation of Facilities or Public Utilities

There are four "facility" relocations required for the Project, three road raises and replacement and modification of an existing boardwalk and promenade

a. *Road Raises*: Road raisings will occur at the following locations:

1) Mill Road- to disallow the spillover of floodwater from Interior Drainage Area A to Interior Drainage Area B.

2) Kissam Avenue- to provide vehicle access to the buried seawall/armored levee during storm events where the surrounding roadways will be inundated.

The combine construction cost to raise Mill Road and Kissam Avenue is approximately $1,659,000.

3) Intersection of Seaview Avenue and Father Capodanno Boulevard- to control the spillover of interior water between Interior Drainage Areas C and D. The estimate construction cost to raise the intersection is $1,946,000.

The total estimated cost to raise the abovementioned roads is $3,605,000.

b. Boardwalk and Promenade Modification/Replacement: Along the Project area there is an existing elevated wooden boardwalk (approximately 1.5 miles) and an existing, at grade, paved promenade (approximately 1 mile) (hereinafter collectively referred to as "walkways") owned and maintained by New York City Department of Parks and Recreation. The existing width of the walkways is approximately 40 ft. A project feature (a stone seawall) impacts, and requires the removal of the walkways for construction. The Project proposes the construction of functionally equivalent walkways within its respective right-of-way. The total estimated cost to provide functionally equivalent walkways is $28,621,000.

The Project's total estimated relocation cost is approximately $32,226,000 (without a contingency). These costs are creditable towards the Sponsor cost shared amount for the Project. A Preliminary Attorney's Opinion of Compensability is provided in Exhibit "F".

18. Hazardous, Toxic, and Radioactive Waste (HTRW)

Preliminary investigations indicate possible soil or groundwater contaminants within or surrounding the properties and drainage areas of the Project. At some locations, this conclusion is based on Phase II testing. In other Project locations, additional site testing may be necessary. Furthermore, there has been recent discovery of radiological contamination in a portion of the Great Kills National Park located at the vicinity of Block 4994 lot 1 and Lot 200. Radiological testing at the Great Kills National Park has extended into NYC Parks land. Sections of the Great Kills Park are closed to visitation as a result of contamination.

At all sites where contaminated soil or groundwater might be disturbed, the District would implement a Construction Health and Safety Program (CHASP) and Remedial Action Plan (RAP). In addition, all excavated soil would be handled and managed in accordance with all applicable City, state, and Federal regulations. Any HTRW within the Project area is expected to be removed and remediate prior to Project construction. The Project should not experience any potential significant adverse impacts due to hazardous materials during construction.

19. Project Support

Local officials and residents appear to be supportive of the Project. No opposition has been expressed by public or private persons or organizations on the implementation of the proposed Project. However, NYCDEP had experienced some hesitation from property owners with their land acquisition efforts under the Bluebelt program. In cases where these lands have also been identified to be required for the Project, the interior drainage area will be reassessed in an attempt to avoid acquisition of these parcels. Any modification to the LER required for the Project will be documented with an amendment to this REP.

20. Notification to Non-Federal Partner

Based on its past sponsorship of other Corps of Engineers water resource (Civil Works) projects and ongoing discussions during the Project's Feasibility phase, the Non-Federal Partners aware of the risks of acquiring LER required for the Project prior to the signing of the PPA. However, in accordance with the paragraph 12-31, Engineering Regulation 405-1-12, Real Estate Handbook, Change 31, 1 May 98, (hereinafter "Real Estate Handbook"), a formal written notice identifying the risks associated with acquiring the LER for the Project prior to the full execution of the PPA was provided to the Sponsor through letter dated 6 October 2014.

21. Other Issues

a.) There are currently no mitigation requirements for the Project.

b.) There is one known site listed with the National Register of Historical Places that is located adjacent to the LER required for the Project, a double seaplane hangar at the Miller Army Airfield Historic District. It is not anticipated that this site will hinder the construction, operation and or maintenance of the Project.

c.) There are no other known encumbrances or rights-of-way that would impact the Project.

22. Point of Contacts

The points of contact for this real estate plan is the Real Estate Project Delivery Team member Realty Specialist Carlos E. Gonzalez at (917)790-8465 (email: Carlos.E.Gonzalez@usace.army.mil) or the undersigned at (917)790-8430 (email: Noreen.D.Dresser@usace.army.mil).

23. Recommendations

This report has been prepared in accordance with the Real Estate Handbook. It is recommended that this report be approved.

NOREEN DEAN DRESSOR
Chief, Real Estate Division
Real Estate Contracting Officer

EXHIBIT “A”

REAL ESTATE MAPS

[THE PROJECT'S REAL ESTATE MAPS ARE PROVIDED AS A SEPARATE ATTACHEMENT]

EXHIBIT “B”

PARCEL DATA

EXHIBIT "B"

PARCEL DATA

CONTRACT 1

Project Area	Block_Lot	Property Address	Owner's Name	Lot Size (± acres)	Flowage Easement	Restrictive Easement	Pipeline Easement	Road Easement	Levee Protection Easement	Temp. Work Area Easement
A	4693_9	DUGDALE ST	R CHESEBROUGH	0.069	-	0.069	-	-	-	-
A	4693_11	AMHERST AVE	S BERMAN	0.197	-	0.197	-	-	-	-
A	4693_15	AMHERST AVE	ACKERMAN SYLVIA	0.147	-	0.147	-	-	-	-
A	4693_22	FAIRBANKS AVE	WADSWORTH RICHMOND CO	0.138	-	0.138	-	-	-	-
A	4694_9	DUGDALE ST	FRANK H FEINBERG	0.092	-	0.092	-	-	-	-
A	4694_11	RIGA ST	S BERMAN	0.096	-	0.096	-	-	-	-
A	4694_13	RIGA ST	M BERMAN	0.101	-	0.101	-	-	-	-
A	4694_15	RIGA ST	M BERMAN	0.147	-	0.147	-	-	-	-
A	4694_18	FAIRBANKS AVE	M BERMAN	0.138	-	0.138	-	-	-	-
A	4694_21	FAIRBANKS AVE	MILLER JONAS	0.184	-	0.184	-	-	-	-
A	4694_25	FAIRBANKS AVE	MARY DIMOS TAMSEN	0.138	-	0.138	-	-	-	-
A	4694_28	AMHERST AVE	M BERMAN	0.248	-	0.248	-	-	-	-
A	4694_34	AMHERST AVE	DE VITO JOSEPH	0.096	-	0.096	-	-	-	-
A	4722_1	119 GRAYSON ST	GERLANDO CATENIA	0.160	-	0.160	-	-	-	-
A	4746_48	EMMET AVE	RHEA SLADE	0.112	-	0.112	-	-	-	-
A	4746_49	EMMET AVE	EDWRAD N SLADE	0.423	-	0.423	-	-	-	-
A	4746_54	EMMET AVE	EDWRAD N SLADE	0.162	-	0.162	-	-	-	-
A	4746_58	EMMET AVE	EDWRAD N SLADE	0.057	-	0.057	-	-	-	-
A	4746_59	EMMET AVE	EDWARD N SLADE	0.119	-	0.119	-	-	-	-
A	4746_62	EMMET AVE	EDWARD N SLADE	0.116	-	0.116	-	-	-	-
A	4746_66	RIGA ST	EDWARD N SLADE	0.201	-	0.201	-	-	-	-
A	4746_69	RIGA ST	EDWARD N SLADE	0.064	-	0.064	-	-	-	-
A	4746_70	RIGA ST	EDWARD N SLADE	0.154	-	0.154	-	-	-	-
A	4746_71	RIGA ST	EDWARD N SLADE	0.092	-	0.092	-	-	-	-
A	4746_73	RIGA ST	EDWARD N SLADE	0.092	-	0.092	-	-	-	-
A	4746_75	FAIRBANKS AVE	SPARTAN RAM CORP	0.124	-	0.124	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 1

A	4746_77	FAIRBANKS AVE	EDWARD N SLADE	0.046	-	0.046	-	-	-	-
A	4746_78	FAIRBANKS AVE	EDWARD N SLADE	0.138	-	0.138	-	-	-	-
A	4746_81	FAIRBANKS AVE	EDWARD N SLADE	0.092	-	0.092	-	-	-	-
A	4746_83	FAIRBANKS AVE	HELEN CRANIOTES	0.095	-	0.095	-	-	-	-
A	4693_7	DUGDALE ST	NYC DEP	0.092		0.092	-	-	-	-
A	4693_8	DUGDALE ST	NYC DEP	0.040	-	0.040	-	-	-	-
A	4693_18	FAIRBANKS AVE	NYC DEP	0.184	-	0.184	-	-	-	-
A	4694_1	DUGDALE ST	NYC DEP	0.067	-	0.067	-	-	-	-
A	4694_3	DUGDALE ST	NYC DEP	0.251	-	0.251	-	-	-	-
A	4728_2	GRAYSON ST	NYC DEP	0.042	-	0.042	-	-	-	-
A	4736_1	FAIRBANKS AVE	NYC DEP	0.134	-	0.134	-	-	-	-
A	4736_6	FAIRBANKS AVE	NYC DEP	0.178	-	0.178	-	-	-	-
A	4736_12	BROOK AVE	NYC DEP	0.096	-	0.096	-	-	-	-
A	4736_15	BROOK AVE	NYC DEP	0.107	-	0.107	-	-	-	-
A	4737_1	FAIRBANKS AVE	NYC DEP	0.174	-	0.174	-	-	-	-
A	4737_5	FAIRBANKS AVE	NYC DEP	0.092	-	0.092	-	-	-	-
A	4737_7	FAIRBANKS AVE	NYC DEP	0.092	-	0.092	-	-	-	-
A	4737_9	FAIRBANKS AVE	NYC DEP	0.138	-	0.138	-	-	-	-
A	4737_13	LYNN ST	NYC DEP	0.138	-	0.138	-	-	-	-
A	4737_14	LYNN ST	NYC DEP	0.137	-	0.137	-	-	-	-
A	4737_18	FALCON AVE	NYC DEP	0.137	-	0.137	-	-	-	-
A	4738_1	AMHERST AVE	NYC DEP	0.773	-	0.773	-	-	-	-
A	4739_1	FAIRBANKS AVE	NYC DEP	1.607	-	1.607	-	-	-	-
A	4740_1	BROOK AVE	NYC DEP	0.096	-	0.096	-	-	-	-
A	4740_7	BROOK AVE	NYC DEP	0.050	-	0.050	-	-	-	-
A	4740_9	BROOK AVE	NYC DEP	0.070	-	0.070	-	-	-	-
A	4740_11	BROOK AVE	NYC DEP	0.100	-	0.100	-	-	-	-
A	4740_13	BROOK AVE	NYC DEP	0.064	-	0.064	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 1

A	4740_14	BROOK AVE	NYC DEP	0.077	-	0.077	-	-	-	-
A	4740_15	BROOK AVE	NYC DEP	0.080	-	0.080	-	-	-	-
A	4740_16	BROOK AVE	NYC DEP	0.326	-	0.326	-	-	-	-
A	4740_21	BROOK AVE	NYC DEP	0.160	-	0.160	-	-	-	-
A	4740_24	BROOK AVE	NYC DEP	0.483	-	0.483	-	-	-	-
A	4740_33	BROOK AVE	NYC DEP	0.112	-	0.112	-	-	-	-
A	4740_35	BROOK AVE	NYC DEP	0.057	-	0.057	-	-	-	-
A	4740_36	BROOK AVE	NYC DEP	0.057	-	0.057	-	-	-	-
A	4740_37	BROOK AVE	NYC DEP	0.231	-	0.231	-	-	-	-
A	4740_41	BROOK AVE	NYC DEP	0.115	-	0.115	-	-	-	-
A	4740_43	BROOK AVE	NYC DEP	0.176	-	0.176	-	-	-	-
A	4740_46	BROOK AVE	NYC DEP	0.115	-	0.115	-	-	-	-
A	4994_1	MARINE PARK	NYC PARKS	21.579	-	0.759	-	-	1.703	1.850
B	4108_1	ROMA AVE	TREVETT HOLDINGS LLC	0.084	-	0.082	-	-	-	-
B	4108_3	ROMA AVE	TREVETT HOLDINGS LLC	0.253	-	0.235	-	-	-	-
B	4108_9	ROMA AVE	TREVETT HOLDINGS LLC	0.103	-	0.098	-	-	-	-
B	4108_12	ROMA AVE	TREVETT HOLDINGS LLC	0.103	-	0.092	-	-	-	-
B	4130_1	CEDAR GROVE AVE	JMS 118 LLC	3.353	1.303	0.301	-	-	1.749	-
B	4130_70	AGDA ST	JMS 118 LLC	3.996	3.996	-	-	-	-	-
B	4160_11	69 KISSAM AVE	HOUSING TRUST FUND CO	0.094	0.044	0.050	-	-	-	-
B	4160_13	67 KISSAM AVE	HOUSING TRUST FUND CO	0.094	0.044	0.050	-	-	-	-
B	4160_16	KISSAM AVE	TORTORELLA NANCY D	0.094	0.044	0.050	-	-	-	-
B	4160_18	55 KISSAM AVE	TORTORELLA, FRANK D	0.094	0.044	0.050	-	-	-	-
B	4160_20	51 KISSAM AVE	HOUSING TRUST FUND CO	0.094	0.050	0.044	-	-	-	-
B	4160_23	KISSAM AVE	HOUSING TRUST FUND CO	0.094	0.050	0.044	-	-	-	-
B	4160_26	45 KISSAM AVE	HOUSING TRUST FUND CO	0.094	0.052	0.042	-	-	-	-
B	4160_37	31 KISSAM AVE	HOUSING TRUST FUND CO	0.047	0.016	0.031	-	-	-	-
B	4160_38	27 KISSAM AVE	VEJSELOVSKI, ARUN	0.094	-	0.099	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 1

B	4160_48	11 KISSAM AVE	RICHARD ONETO	0.141	-	0.151	-	-	-	-
B	4160_51	7 KISSAM AVE	HOUSING TRUST FUND CO	0.046	-	0.051	-	-	-	-
B	4160_52	3 KISSAM AVE	HOUSING TRUST FUND CO	0.056	-	0.053	-	-	-	-
B	4160_54	472 MILL ROAD	HOUSING TRUST FUND CO	0.068	-	0.066	-	-	-	-
B	4160_339	121 KISSAM AVE	HOUSING TRUST FUND CO	0.094	0.020	0.074	-	-	-	-
B	4160_341	115 KISSAM AVE	HOUSING TRUST FUND CO	0.094	0.025	0.069	-	-	-	-
B	4160_349	103 KISSAM AVE	HOUSING TRUST FUND CO	0.282	0.080	0.202	-	-	-	-
B	4160_352	99 KISSAM AVE	HOUSING TRUST FUND CO	0.094	0.029	0.065	-	-	-	-
B	4160_355	95 KISSAM AVE	HOUSING TRUST FUND CO	0.094	0.031	0.063	-	-	-	-
B	4160_358	93 KISSAM AVE	HOUSING TRUST FUND CO	0.047	0.015	0.032	-	-	-	-
B	4160_359	91 KISSAM AVE	ELDERS MANAGEMENT COR	0.047	0.017	0.030	-	-	-	-
B	4160_360	KISSAM AVE	ELDERTS MANAGEMENT CO	0.047	0.018	0.029	-	-	-	-
B	4754_45	460 STONEHAM ST	HOUSING TRUST FUND CO	0.111	-	0.113	-	-	-	-
B	4754_47	MILL ROAD	HOUSING TRUST FUND CO	0.083	-	0.090	-	-	-	-
B	4754_49	8 KISSAM AVE	HOUSING TRUST FUND CO	0.047	-	0.053	-	-	-	-
B	4754_50	10 KISSAM AVE	SZALKIEWICZ, JOSEPH	0.047	-	0.045	-	-	-	-
B	4754_51	12 KISSAM AVE	SZALKIEWICZ, JOSEPH	0.047	-	0.048	-	-	-	-
B	4754_53	14 KISSAM AVE	COSTA, FRANCA T	0.047	-	0.052	-	-	-	-
B	4754_54	16 KISSAM AVE	HOUSING TRUST FUND CO	0.047	-	0.051	-	-	-	-
B	4754_55	18 KISSAM AVE	HOUSING TRUST FUND CO	0.047	-	0.048	-	-	-	-
B	4754_57	20 KISSAM AVE	HOUSING TRUST FUND CO	0.047	-	0.049	-	-	-	-
B	4754_58	22 KISSAM AVE	KOLPAK, CZESLAW	0.047	-	0.049	-	-	-	-
B	4754_59	24 KISSAM AVE	HOUSING TRUST FUND CO	0.047	-	0.051	-	-	-	-
B	4754_60	26 KISSAM AVE	HOUSING TRUST FUND CO	0.047	-	0.049	-	-	-	-
B	4754_62	38 KISSAM AVE	DUNGAN, JONATHAN	0.047	-	0.053	-	-	-	-
B	4754_63	32 KISSAM AVE	HIUSING TRUST FUND CO	0.095	-	0.099	-	-	-	-
B	4768_46	70 KISSAM AVE	HOUSING TRUST FUND CO	0.094	-	0.087	-	-	-	-
B	4768_48	72 KISSAM AVE	HOUSING TRUST FUND CO	0.047	-	0.046	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 1

B	4768_50	KISSAM AVE	HOUSING TRUST FUND CO	0.047	-	0.044	-	-	-	-
B	4768_71	108 KISSAM AVE	HOUSING TRUST FUND CO	0.047	-	0.043	-	-	-	-
B	4768_75	114 KISSAM AVE	HOUSING TRUST FUND CO	0.094	-	0.087	-	-	-	-
B	4768_82	126 KISSAM AVE	ERIC NELSON AND NANCY	0.094	-	0.105	-	-	-	-
B	4768_89	KISSAM AVE	ZYGMUNT MASLOWSKI	0.188	-	0.082	0.049	-	0.026	0.031
B	4772_1	PROMENADE AVE	PROL PROPERTIES CORPO	0.950	0.899	-	-	-	-	-
B	4105_50	126 CEDAR GROVE AVE	NYC PARKS	332.622	-	6.295	-	0.209	9.508	4.896
B	4108_45	70 CEDAR GROVE AVE	NYC PARKS	24.334	4.302	23.695	-	-	0.639	-
B	4130_200	ROMA AVE	NYC PARKS	13.000	10.493	2.507	-	-	-	-
B	4130_500	ROMA AVE	UNITED STATES	0.211	0.202	0.009	-	-	-	-
B	4130_655	ROMA AVE	STATE OF NEW YORK	0.115	0.012	-	-	-	-	-
B	4130_666	ROMA AVE	STATE OF NEW YORK	0.537	0.228	-	-	-	-	-
B	4160_1	KISSAM AVE	NYC PARKS	0.329	0.130	0.200	-	-	-	-
B	4160_10	KISSAM AVE	NYC PARKS	0.047	0.020	0.029	-	-	-	-
B	4160_29	KISSAM AVE	NYC PARKS	0.094	0.050	0.044	-	-	-	-
B	4160_31	KISSAM AVE	NYC PARKS	0.094	0.051	0.043	-	-	-	-
B	4160_34	KISSAM AVE	NYC PARKS	0.094	0.053	0.044	-	-	-	-
B	4160_41	KISSAM AVE	NYC PARKS	0.094	-	0.096	-	-	-	-
B	4160_44	KISSAM AVE	NYC PARKS	0.047	-	0.051	-	-	-	-
B	4160_45	KISSAM AVE	NYC PARKS	0.094	-	0.097	-	-	-	-
B	4160_59	MILL ROAD	NYC PARKS	7.881	5.829	1.362	-	0.163	0.527	
B	4160_70	MILL ROAD	NYC PARKS	19.618	15.437	1.925	-	0.397	1.680	0.179
B	4160_100	MILL ROAD	NYC PARKS	6.000	4.138	1.462	-	-	0.400	-
B	4160_318	MILL ROAD	NYC PARKS	0.006	-	-	-	0.006	-	-
B	4160_329	KISSAM AVE	NYC PARKS	0.188	0.011	0.109	0.041	-	0.027	-
B	4160_334	KISSAM AVE	NYC PARKS	0.094	0.019	0.075	-	-	-	-
B	4160_337	KISSAM AVE	NYC PARKS	0.094	0.020	0.076	-	-	-	-
LOP 1	4130_1	CEDAR GROVE AVE	JMS 118 LLC	3.353	1.303	0.301	-	-	1.749	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 1

LOP 1	4722_1	119 GRAYSON ST	GERLANDO CATENIA	0.160	-	-	-	-	-	0.009
LOP 1	4768_89	KISSAM AVE	ZYGMUNT MASLOWSKI	0.188	-	0.082	0.049	-	0.026	0.031
LOP 1	4781_47	96 FOX LANE	HOUSING TRUST FUND CO	0.103	-	-	-	-	-	0.004
LOP 1	4782_25	PROMENADE AVE	Z MASLOWSKI-M WANZIE	0.314	-	-	-	0.036	0.225	0.032
LOP 1	4782_38	KISSAM AVE	Z MASLOWSKI-M WANZIE	0.047	-	-	-	-	0.047	-
LOP 1	4782_39	KISSAM AVE	Z MASLOWSKI-M WANZIE	0.047	-	-	-	-	0.052	-
LOP 1	4782_41	KISSAM AVE	Z MASLOWSKI-M WANZIE	0.100	-	-	-	0.040	0.060	-
LOP 1	4785_1	PROMENADE AVE	CUM, MARIA CHRISTINA	0.665	-	-	-	0.083	0.495	0.087
LOP 1	4791_61	633 CEDAR GROVE AVE	HOUSING TRUST FUND CO	0.129	-	-	-	-	0.129	-
LOP 1	4791_66	71 FOX BEACH AVE	GREGORY EPSHTEYN	0.074	-	-	-	-	0.017	0.057
LOP 1	4791_71	80 FOX LANE	SHEYNFELD, ZINOVIY	0.087	-	-	-	-	0.055	0.032
LOP 1	4791_73	627 CEDAR GROVE AVE	HOUSING TRUST FUND CO	0.090	-	-	-	-	0.090	-
LOP 1	4792_201	74 FOX BEACH AVE	HOUSING TRUST FUND CO	1.630	-	-	-	-	0.055	0.081
LOP 1	4792_204	72 FOX BEACH AVE	HOUSING TRUST FUND CO	1.630	-	-	-	-	1.630	-
LOP 1	4792_206	66 FOX BEACH AVE	HOUSING TRUST FUND CO	0.070	-	-	-	-	0.070	-
LOP 1	4792_208	641 CEDAR GROVE AVE	HOUSING TRUST FUND CO	0.041	-	-	-	0.001	0.040	-
LOP 1	4792_209	645 CEDAR GROVE AVE	HOUSING TRUST FUND CO	0.041	-	-	-	-	0.041	-
LOP 1	4792_210	117 TARLTON ST	HOUSING TRUST FUND CO	0.039	-	-	-	-	0.039	-
LOP 1	4793_50	76 TARLTON ST	HOUSING TRUST FUND CO	0.092	-	-	-	-	-	0.092
LOP 1	4793_53	82 TARLTON ST	HOUSING TRUST FUND CO	0.092	-	-	-	-	-	0.092
LOP 1	4793_54	84 TARLTON ST	ROBERT PALUMBO	0.046	-	-	-	-	-	0.046
LOP 1	4793_55	86 TARLTON ST	HOUSING TRUST FUND CO	0.092	-	-	-	-	-	0.092
LOP 1	4793_57	90 TARLTON ST	ANNE M RUSSELL	0.046	-	-	-	-	-	0.046
LOP 1	4793_58	92 TARLTON ST	HOUSING TRUST FUND CO	0.046	-	-	-	-	-	0.046
LOP 1	4793_59	TARLTON ST	GORDON LANE	0.092	-	-	-	-	-	0.092
LOP 1	4793_62	TARLTON ST	GORDON LANE	0.046	-	-	-	-	-	0.046
LOP 1	4793_64	102 TARLTON ST	GORDON G LANE	0.138	-	-	-	-	-	0.138
LOP 1	4793_67	106 TARLTON ST	THOMAS G SCHAEFER	0.046	-	-	-	-	-	0.046

EXHIBIT "B"

PARCEL DATA

CONTRACT 1

LOP 1	4793_68	108 TARLTON ST	HOUSING TRUST FUND CO	0.046	-	-	-	-	-	0.046
LOP 1	4793_70	110 TARLTON ST	HOUSING TRUST FUND CO	0.092	-	-	-	-	0.032	0.060
LOP 1	4793_72	TARLTON ST	HOUSING TRUST FUND CO	0.092	-	-	-	-	0.092	-
LOP 1	4793_74	118 TARLTON ST	HOUSING TRUST FUND CO	0.046	-	-	-	-	0.046	-
LOP 1	4793_75	TARLTON ST	HOUSING TRUST FUND CO	0.036	-	-	-	-	0.036	-
LOP 1	4793_80	DELWIT AVE	I COHEN	0.317	-	-	-	-	-	0.317
LOP 1	4793_88	DELWIT AVE	I COHEN	0.162	-	-	-	-	-	0.162
LOP 1	4793_92	DELWIT AVE	I COHEN	0.081	-	-	-	-	-	0.081
LOP 1	4793_94	DELWIT AVE	I COHEN	0.081	-	-	-	-	-	0.081
LOP 1	4793_96	DELWIT AVE	I COHEN	0.081	-	-	-	-	-	0.081
LOP 1	4793_98	DELWIT AVE	I COHEN	0.081	-	-	-	-	-	0.081
LOP 1	4793_100	DELWIT AVE	I COHEN	0.081	-	-	-	-	-	0.081
LOP 1	4105_50	126 CEDAR GROVE AVE	NYC PARKS	332.622	-	6.295	-	0.209	9.508	4.896
LOP 1	4108_45	70 CEDAR GROVE AVE	NYC PARKS	24.334	4.302	23.695	-	-	0.639	-
LOP 1	4160_59	MILL ROAD	NYC PARKS	7.881	5.829	1.362	-	0.163	0.527	
LOP 1	4160_70	MILL ROAD	NYC PARKS	19.618	17.186	0.176	-	0.397	1.680	0.179
LOP 1	4160_100	MILL ROAD	NYC PARKS	6.000	4.138	1.462	-	-	0.400	-
LOP 1	4160_321	KISSAM AVE	NYC PARKS	0.141	-	-	-	0.074	0.067	-
LOP 1	4160_325	KISSAM AVE	NYC PARKS	0.047	-	-	-	-	0.047	-
LOP 1	4160_327	KISSAM AVE	NYC PARKS	0.047	-	-	-	-	0.047	-
LOP 1	4160_328	KISSAM AVE	NYC PARKS	0.047	-	-	-	-	0.047	-
LOP 1	4160_329	KISSAM AVE	NYC PARKS	0.188	-	-	0.041	-	0.027	-
LOP 1	4782_40	KISSAM AVE	NYC DEP	0.047	-	-	-	-	0.047	-
LOP 1	4788_11	CEDAR GROVE AVE	NYC PARKS	0.569	-	-	-	0.006	0.424	0.081
LOP 1	4788_105	CEDAR GROVE AVE	NYC PARKS	0.286	-	-	-	0.010	0.199	0.036
LOP 1	4788_200	CEDAR GROVE AVE	NYC PARKS	0.285	-	-	-	0.018	0.228	0.019
LOP 1	4788_290	CEDAR GROVE AVE	NYC PARKS	0.347	-	-	-	0.025	0.238	0.043
LOP 1	4788_375	CEDAR GROVE AVE	NYC PARKS	0.869	-	-	-	0.079	0.645	0.113

EXHIBIT "B"

PARCEL DATA

CONTRACT 1

LOP 1	4793_76	DELWIT AVE	NYC DCAS	0.037	-	-	-	-	0.037	-
LOP 1	4793_77	DELWIT AVE	CITY OF NEW YORK	0.081	-	-	-	-	0.076	0.005
LOP 1	4793_78	DELWIT AVE	CITY OF NEW YORK	0.166	-	-	-	-	0.036	0.130
LOP 1	4803_112	DELWIT AVE	NYC PARKS	0.242	-	-	-	-	0.028	0.029
LOP 1	4805_400	CEDAR GROVE AVE	NYC PARKS	0.877	-	-	-	-	0.122	0.195
LOP 1	4805_404	CEDAR GROVE AVE	NYC PARKS	0.126	-	-	-	-	0.059	0.006
LOP 1	4805_407	CEDAR GROVE AVE	NYC PARKS	0.036	-	-	-	-	0.036	-
LOP 1	4805_412	CEDAR GROVE AVE	NYC PARKS	0.054	-	-	-	-	0.054	-
LOP 1	4994_1	MARINE PARK	NYC PARKS	21.579	-	0.759	-	-	1.703	1.850
LOP 1	4994_200	EMMET AVE	NYC PARKS	26.446	-	-	-	-	2.699	1.138
LOP 1	5067_1	3650 HYLAN BLVD	NYC DEP	411.000	-	-	-	-	1.356	1.624
LOP 1	5067_500	751 MILL ROAD	NYC DEP	1.273	-	-	-	-	1.847	2.260

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

Project Area	Block_Lot	Property Address	Owner's Name	Lot Size (± acres)	Flowage Easement	Restrictive Easement	Pipeline Easement	Road Easement	Levee Protection Easement	Temp. Work Area Easement
C	3542_26	NAUGHTON AVE	MARIAN T. CARACCIOLO	0.098	0.002	0.096	-	-	-	-
C	3551_116	1919 HYLAN BLVD	HYLAN SEAVER MALL INC	1.007	0.041	0.966	-	-	-	-
C	3748_1	DONGAN HILLS AVE	LAISERIN M & FIRESTON	0.218	0.084	0.134	-	-	-	-
C	3748_6	OLYMPIA BLVD	LAISERIN M & FIRESTON	0.180	0.097	0.083	-	-	-	-
C	3748_10	BUEL AVE	LAISERIN M & FIRESTON	1.601	0.007	-	-	-	-	-
C	3748_20	BUEL AVE	LAISERIN M & FIRESTON	0.693	0.643	0.050	-	-	-	-
C	3748_35	PATTERSON AVE	LAISERIN M & FIRESTON	0.270	0.270	-	-	-	-	-
C	3748_43	PATTERSON AVE	LAISERIN M & FIRESTON	0.084	0.028	0.056	-	-	-	-
C	3748_45	PATTERSON AVE	LAISERIN M & FIRESTON	0.069	-	0.069	-	-	-	-
C	3748_48	DONGAN HILLS AVE	LAISERIN M & FIRESTON	0.238	0.064	0.174	-	-	-	-
C	3748_53	DONGAN HILLS AVE	LAISERIN M & FIRESTON	0.106	0.031	0.075	-	-	-	-
C	3748_55	DONGAN HILLS AVE	LAISERIN M & FIRESTON	0.113	0.039	0.074	-	-	-	-
C	3748_57	DONGAN HILLS AVE	LAISERIN M & FIRESTON	0.181	0.073	0.108	-	-	-	-
C	3748_60	DONGAN HILLS AVE	LAISERIN M & FIRESTON	0.129	0.063	0.066	-	-	-	-
C	3748_62	DONGAN HILLS AVE	LAISERIN M & FIRESTON	0.205	0.115	0.090	-	-	-	-
C	3748_65	DONGAN HILLS AVE	LAISERIN M & FIRESTON	0.452	0.296	0.156	-	-	-	-
C	3751_1	PATTERSON AVE	M QABAZAND	0.037	0.019	0.018	-	-	-	-
C	3751_2	PATTERSON AVE	HAMEED QABAZARD	2.683	1.951	0.732	-	-	-	-
C	3753_24	DONGAN HILLS AVE	J FIRESTONE	0.254	0.037	0.217	-	-	-	-
C	3753_35	NAUGHTON AVE	J FIRESTONE	0.113	0.005	0.108	-	-	-	-
C	3753_36	NAUGHTON AVE	J FIRESTONE	0.092	-	0.092	-	-	-	-
C	3755_25	SLATER BLVD	SHARP HOLDINGS, LLC,	0.052	-	0.052	-	-	-	-
C	3755_26	SLATER BLVD	SHARP HOLDINGS, LLC,	0.103	-	0.103	-	-	-	-
C	3755_28	SLATER BLVD	SHARP HOLDINGS, LLC,	0.052	-	0.052	-	-	-	-
C	3755_29	SLATER BLVD	SHARP HOLDINGS, LLC,	0.052	-	0.052	-	-	-	-
C	3755_30	SLATER BLVD	SHARP HOLDINGS, LLC,	0.052	-	0.052	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3755_31	SLATER BLVD	HUIE LAI S	0.103	-	0.103	-	-	-	-
C	3755_33	SLATER BLVD	HUIE LAI S	0.103	-	0.103	-	-	-	-
C	3755_35	SLATER BLVD	ESTATE OF ARTHUR MIL	0.052	-	0.052	-	-	-	-
C	3755_36	SLATER BLVD	ESTATE OF ARTHUR MIL	0.046	-	0.046	-	-	-	-
C	3755_37	SLATER BLVD	ESTATE OF ARTHUR MIL	0.046	-	0.046	-	-	-	-
C	3755_38	SLATER BLVD	ESTATE OF ARTHUR MIL	0.103	-	0.103	-	-	-	-
C	3755_42	PATTERSON AVE	ALVIN I HALPER	0.140	0.125	0.015	-	-	-	-
C	3755_44	SEAVER AVE	HUIE LAI S	0.133	0.133	-	-	-	-	-
C	3755_47	SEAVER AVE	HUIE LAI S	0.207	0.179	0.028	-	-	-	-
C	3755_51	SEAVER AVE	HUIE LAI S	0.103	0.065	0.038	-	-	-	-
C	3755_53	SEAVER AVE	HUIE LAI S	0.052	0.026	0.026	-	-	-	-
C	3755_54	SEAVER AVE	HUIE LAI S	0.052	0.019	0.033	-	-	-	-
C	3755_55	SEAVER AVE	HUIE LAI S	0.052	0.012	0.040	-	-	-	-
C	3755_56	SEAVER AVE	HUIE LAI S	0.052	0.007	0.045	-	-	-	-
C	3755_57	SEAVER AVE	HUIE LAI S	0.052	0.002	0.050	-	-	-	-
C	3755_58	SEAVER AVE	HUIE LAI S	0.155	-	0.155	-	-	-	-
C	3755_61	SEAVER AVE	HUIE LAI S	0.103	-	0.103	-	-	-	-
C	3755_63	SEAVER AVE	FRANCINE LISTA (TRUST)	0.054	-	0.054	-	-	-	-
C	3756_23	NAUGHTON AVE	JEWISH COMMUNITY CENT	0.127	-	0.127	-	-	-	-
C	3756_35	SLATER BLVD	JEWISH COMMUNITY CENT	0.214	-	0.214	-	-	-	-
C	3757_7	SLATER BLVD	A FINK	0.082	0.034	0.048	-	-	-	-
C	3757_21	SEAVER AVE	PETER J FEARON	0.190	0.190	-	-	-	-	-
C	3761_1	SEAVER AVE	OLE KJ CONSTRUCTION C	0.085	0.037	0.048	-	-	-	-
C	3761_3	SEAVER AVE	OLE KJ CONSTRUCTION C	0.038	0.025	0.013	-	-	-	-
C	3761_4	SEAVER AVE	OLE KJ CONSTRUCTION C	0.195	0.136	0.059	-	-	-	-
C	3761_19	COLONY AVE	M KARP	0.091	0.025	0.066	-	-	-	-
C	3761_21	COLONY AVE	M KARP	0.135	-	0.135	-	-	-	-
C	3762_1	SEAVER AVE	RHEA SLADE	0.212	0.212	-	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3762_6	SEAVER AVE	RHEA SLADE	0.085	0.085	-	-	-	-	-
C	3762_8	SEAVER AVE	RHEA SLADE	0.094	0.094	-	-	-	-	-
C	3762_10	BADEN PLACE	RHEA SLADE	0.087	0.087	-	-	-	-	-
C	3762_12	BADEN PLACE	RHEA SLADE	0.044	0.044	-	-	-	-	-
C	3762_13	BADEN PLACE	RHEA SLADE	0.087	0.087	-	-	-	-	-
C	3762_15	BADEN PLACE	RHEA SLADE	0.087	0.087	-	-	-	-	-
C	3762_17	BADEN PLACE	RHEA SLADE	0.262	0.178	0.084	-	-	-	-
C	3762_23	BADEN PLACE	RHEA SLADE	0.087	-	0.087	-	-	-	-
C	3762_39	121 COLONY AVE	AVA VENDING, LLC	0.103	-	0.103	-	-	-	-
C	3762_42	COLONY AVE	RESLADE, L.P.	0.044	-	0.044	-	-	-	-
C	3762_43	COLONY AVE	RESLADE, L.P.	0.087	-	0.087	-	-	-	-
C	3762_45	COLONY AVE	RESLADE, L.P.	0.654	0.321	0.333	-	-	-	-
C	3762_60	COLONY AVE	RHEA SLADE	0.131	0.131	-	-	-	-	-
C	3763_39	GRAHAM BLVD	SIDNEY BERMAN	0.103	0.075	0.028	-	-	-	-
C	3763_42	BADEN PLACE	SIDNEY BERMAN	0.916	0.902	0.014	-	-	-	-
C	3767_11	OLYMPIA BLVD	BENJAMIN GOLDSTEIN	0.082	0.075	0.007	-	-	-	-
C	3767_13	OLYMPIA BLVD	BENJAMIN GOLDSTEIN	0.041	0.013	0.028	-	-	-	-
C	3767_33	COLONY AVE	BENJAMIN GOLDSTEIN	0.082	0.006	-	-	-	-	-
C	3767_35	COLONY AVE	MARY PANTANO	0.082	0.082	-	-	-	-	-
C	3767_37	COLONY AVE	FEGARIONOS D	0.041	0.041	-	-	-	-	-
C	3792_29	OLYMPIA BLVD	GRAHAM SLATER	0.082	0.041	0.041	-	-	-	-
C	3793_34	JEFFERSON AVE	RHEA SLADE	0.044	0.044	-	-	-	-	-
C	3793_35	JEFFERSON AVE	RUSSO LYDIA	0.231	0.231	-	-	-	-	-
C	3794_16	BADEN PLACE	JEWISH COMMUNITY CENT	0.131	0.014	0.117	-	-	-	-
C	3794_19	BADEN PLACE	JEWISH COMMUNITY CENT	0.044	0.021	0.023	-	-	-	-
C	3794_20	BADEN PLACE	JEWISH COMMUNITY CENT	0.044	0.023	0.021	-	-	-	-
C	3794_21	BADEN PLACE	JEWISH COMMUNITY CENT	0.308	0.279	0.029	-	-	-	-
C	3794_28	BADEN PLACE	DOLLE KENNEDY	0.027	0.027	-	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3794_31	JEFFERSON AVE	ASSET HLDG CP	0.107	0.107	-	-	-	-	-
C	3794_33	JEFFERSON AVE	JOEL S BERSON	0.133	0.071	0.062	-	-	-	-
C	3794_53	PATTERSON AVE	EDWIN JAQUES	0.131	0.125	0.006	-	-	-	-
C	3824_12	SLATER BLVD	AZZARA, GIOVANNA	0.041	-	0.041	-	-	-	-
C	3834_51	FR CAPODANNO BLVD	SHARP HOLDINGS, LLC,	0.140	-	0.140	-	-	-	-
C	3835_1	FR CAPODANNO BLVD	SHARP HOLDINGS, LLC,	0.195	-	0.195	-	-	-	-
C	3842_1	SEAVER AVE	LEO A BARRILE	0.098	0.096	-	-	-	-	-
C	3842_8	SEAVER AVE	GLADYS MADOVOY/TTEE	1.312	0.437	0.875	-	-	-	-
C	3842_27	GRAHAM BLVD	GLADYS MADOVOY/TTEE	0.137	-	0.137	-	-	-	-
C	3842_29	GRAHAM BLVD	GLADYS MADOVOY/TTEE	0.092	-	0.092	-	-	-	-
C	3842_37	GRAHAM BLVD	GLADYS MADOVOY/TTEE	0.121	-	0.121	-	-	-	-
C	3856_7	JAY ST	L HALL	0.082	0.014	0.068	-	-	-	-
C	3856_17	637 JEFFERSON AVE	ANDREI KARPOV	0.040	-	0.040	-	-	-	-
C	3856_19	JEFFERSON AVE	DOLLE KENNEDY	0.064	-	0.064	-	-	-	-
C	3860_31	JEFFERSON AVE	JEAN H BOTT	0.162	-	0.162	-	-	-	-
C	3861_1	PATTERSON AVE	GAIL K. BYRNES F/K/A	0.222	0.180	0.042	-	-	-	-
C	3861_14	PATTERSON AVE	GAIL K. BYRNES F/K/A	0.669	0.641	0.028	-	-	-	-
C	3861_19	PATTERSON AVE	FREDA SHAMMAH	0.025	0.002	0.023	-	-	-	-
C	3861_24	JEFFERSON AVE	GAIL BYRNES	0.041	0.032	0.009	-	-	-	-
C	3861_27	JEFFERSON AVE	ABID SHOMAN	0.084	0.067	0.017	-	-	-	-
C	3861_39	JAY ST	G SLATER CO	0.092	0.083	0.009	-	-	-	-
C	3861_41	JAY ST	J ENDERVELT	0.046	0.013	0.033	-	-	-	-
C	3861_42	JAY ST	J ENDERVELT	0.075	0.001	0.074	-	-	-	-
C	3864_12	FR CAPODANNO BLVD	ADRIENNE FERRETT	0.047	-	0.047	-	-	-	-
C	3864_13	FR CAPODANNO BLVD	ADRIENNE FERRETT	0.038	-	0.038	-	-	-	-
C	3864_14	FR CAPODANNO BLVD	ADRIENNE FERRETT	0.036	-	0.036	-	-	-	-
C	3864_15	FR CAPODANNO BLVD	ADRIENNE FERRETT	0.034	-	0.034	-	-	-	-
C	3864_16	FR CAPODANNO BLVD	ADRIENNE FERRETT	0.032	-	0.032	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3864_17	OCEANSIDE AVE	MICHAEL STEVEN TANNEN	0.035	-	0.035	-	-	-	-
C	3864_18	FR CAPODANNO BLVD	HUB DEVELOPMENT CORP	0.282	-	0.282	-	-	-	-
C	3864_103	JAY ST	STEVEN GUTERMAN	0.085	0.052	0.033	-	-	-	-
C	3864_107	JAY ST	STEVEN GUTERMAN	0.046	0.007	0.039	-	-	-	-
C	3864_108	JAY ST	STEVEN GUTERMAN	0.095	-	0.095	-	-	-	-
C	3864_110	JAY ST	STEVEN GUTERMAN	0.049	-	0.049	-	-	-	-
C	3864_111	JAY ST	STEVEN GUTERMAN	0.090	-	0.092	-	-	-	-
C	3541_1	SEAVER AVE	NYC PARKS	0.106	0.106	-	-	-	-	-
C	3541_3	SEAVER AVE	NYC PARKS	0.184	0.184	-	-	-	-	-
C	3541_7	SEAVER AVE	NYC PARKS	0.093	0.062	0.031	-	-	-	-
C	3541_9	SEAVER AVE	NYC PARKS	0.095	-	0.095	-	-	-	-
C	3541_12	ZOE ST	NYC PARKS	0.092	0.045	0.047	-	-	-	-
C	3541_14	ZOE ST	NYC PARKS	0.092	0.043	0.049	-	-	-	-
C	3541_16	ZOE ST	NYC PARKS	0.092	0.045	0.047	-	-	-	-
C	3541_18	ZOE ST	NYC PARKS	0.046	0.022	0.024	-	-	-	-
C	3541_19	ZOE ST	NYC PARKS	0.184	0.075	0.109	-	-	-	-
C	3541_24	NAUGHTON ST	NYC PARKS	0.098	-	0.098	-	-	-	-
C	3541_26	NAUGHTON ST	NYC PARKS	0.306	0.197	0.109	-	-	-	-
C	3541_32	CLETUS ST	NYC PARKS	0.106	0.103	0.003	-	-	-	-
C	3541_36	CLETUS ST	NYC PARKS	0.138	0.138	-	-	-	-	-
C	3541_39	CLETUS ST	NYC PARKS	0.138	0.138	-	-	-	-	-
C	3541_42	CLETUS ST	NYC DCAS	0.092	0.092	-	-	-	-	-
C	3541_44	CLETUS ST	NYC PARKS	0.138	0.138	-	-	-	-	-
C	3542_1	SEAVER AVE	NYC PARKS	0.091	0.005	0.086	-	-	-	-
C	3542_3	SEAVER AVE	NYC PARKS	0.145	0.035	0.110	-	-	-	-
C	3542_6	SEAVER AVE	NYC PARKS	0.131	0.108	0.023	-	-	-	-
C	3542_9	SEAVER AVE	NYC PARKS	0.081	0.081	-	-	-	-	-
C	3542_12	CLETUS ST	NYC PARKS	0.230	0.119	0.111	-	-	-	-
C	3542_17	CLETUS ST	NYC DEP	0.092	0.030	0.062	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3542_19	CLETUS ST	NYC PARKS	0.138	0.032	0.106	-	-	-	-
C	3542_22	CLETUS ST	NYC PARKS	0.092	0.007	0.085	-	-	-	-
C	3542_28	NAUGHTON AVE	NYC PARKS	0.108	-	0.108	-	-	-	-
C	3542_30	NAUGHTON AVE	NYC PARKS	0.111	-	0.111	-	-	-	-
C	3542_32	NAUGHTON AVE	NYC PARKS	0.430	-	0.430	-	-	-	-
C	3542_43	HUSSON ST	NYC PARKS	0.321	-	0.321	-	-	-	-
C	3544_1	ZOE ST	NYC DEP	2.066	0.707	1.359	-	-	-	-
C	3545_1	CLETUS ST	NYC DEP	1.309	1.060	0.249	-	-	-	-
C	3545_26	CLETUS ST	NYC DEP	0.062	0.062	-	-	-	-	-
C	3545_29	CLETUS ST	NYC DEP	0.125	0.125	-	-	-	-	-
C	3545_30	SEAVER AVE	NYC DCAS	0.107	0.107	-	-	-	-	-
C	3545_33	SEAVER AVE	NYC DEP	0.207	0.207	-	-	-	-	-
C	3545_38	SEAVER AVE	NYC PARKS	0.092	0.092	-	-	-	-	-
C	3545_41	HUSSON ST	NYC DEP	0.092	0.092	-	-	-	-	-
C	3545_43	HUSSON ST	NYC DCAS	0.092	0.092	-	-	-	-	-
C	3545_45	HUSSON ST	NYC DCAS	0.103	0.103	-	-	-	-	-
C	3550_1	STOBE AVE	NYC DEP	2.145	1.422	0.723	-	-	-	-
C	3551_6	STOBE AVE	NYC DEP	0.109	-	0.109	-	-	-	-
C	3551_8	STOBE AVE	NYC DEP	2.014	0.581	1.433	-	-	-	-
C	3658_1	HYLAN BLVD	NYC DEP	1.662	0.722	0.940	-	-	-	-
C	3661_1	LACONIA AVE	NYC DEP	1.022	-	1.022	-	-	-	-
C	3662_1	BERMUDA PLACE	NYC DEP	0.175	0.155	0.020	-	-	-	-
C	3663_1	BOUNDARY AVE	NYC DEP	0.581	0.355	0.226	-	-	-	-
C	3664_4	HYLAN BLVD	NYC DEP	0.059	-	0.059	-	-	-	-
C	3664_5	HYLAN BLVD	NYC DEP	0.059	0.009	0.050	-	-	-	-
C	3664_6	HYLAN BLVD	NYC DEP	0.058	0.034	0.024	-	-	-	-
C	3664_7	HYLAN BLVD	NYC DEP	0.058	0.048	0.010	-	-	-	-
C	3664_8	HYLAN BLVD	NYC DEP	0.115	0.109	0.006	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3664_10	BERMUDA PLACE	NYC DEP	0.155	0.068	0.087	-	-	-	-
C	3665_1	BOUNDARY AVE	NYC DEP	1.222	-	1.222	-	-	-	-
C	3680_1	MASON AVE	NYC DEP	2.302	-	2.302	-	-	-	-
C	3680_31	ROWAN AVE	NYC DEP	0.096	-	0.096	-	-	-	-
C	3696_1	LINCOLN AVE	NYC PARKS	3.115	0.823	2.292	-	-	-	-
C	3696_30	MIDLAND AVE	NYC PARKS	0.347	0.229	0.118	-	-	-	-
C	3696_35	BOUNDARY AVE	NYC PARKS	2.765	1.961	0.804	-	-	-	-
C	3696_100	333 MIDLAND AVE	CITY OF NEW YORK	6.171	-	0.125	-	-	-	-
C	3708_35	BUEL AVE	CITY OF NEW YORK	0.132	-	0.132	-	-	-	-
C	3708_43	DONGAN HILLS AVE	CITY OF NEW YORK	0.083	-	0.083	-	-	-	-
C	3714_1	MASON AVE	NYC DEP	2.870	1.962	0.908	-	-	-	-
C	3715_1	MASON AVE	NYC DEP	2.874	2.747	0.127	-	-	-	-
C	3716_14	ROWAN AVE	NYC DEP	1.171	-	1.171	-	-	-	-
C	3721_99	MASON AVE	NYC DEP	1.274	-	1.274	-	-	-	-
C	3722_1	HUNTER AVE	NYC DEP	0.113	-	0.113	-	-	-	-
C	3722_4	HUNTER AVE	NYC DEP	0.045	-	0.045	-	-	-	-
C	3722_11	HUNTER AVE	NYC DEP	0.002	-	0.002	-	-	-	-
C	3722_15	HUNTER AVE	NYC DEP	0.011	-	0.011	-	-	-	-
C	3722_20	HUNTER AVE	NYC DEP	0.006	-	0.006	-	-	-	-
C	3722_24	439 HUNTER AVE	NYC DEP	0.023	-	0.023	-	-	-	-
C	3722_27	HUNTER AVE	NYC DEP	0.402	-	0.402	-	-	-	-
C	3723_3	HUNTER AVE	NYC DEP	1.088	-	1.088	-	-	-	-
C	3723_22	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3723_23	GRIMSBY ST	NYC DEP	0.196	-	0.196	-	-	-	-
C	3723_45	NUGENT AVE	NYC DEP	0.129	-	0.129	-	-	-	-
C	3723_48	NUGENT AVE	NYC DEP	0.174	-	0.174	-	-	-	-
C	3723_52	JEFFERSON AVE	NYC DEP	0.170	-	0.170	-	-	-	-
C	3723_56	JEFFERSON AVE	NYC DEP	0.224	-	0.224	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3732_51	MIDLAND AVE	NYC PARKS	3.640	-	1.489	-	-	-	-
C	3732_75	MIDLAND AVE	NYC DOE	0.661	-	0.124	-	-	-	-
C	3751_10	PATTERSON AVE	NYC DEP	0.083	-	0.083	-	-	-	-
C	3752_1	PATTERSON AVE	NYC DEP	2.909	2.195	0.714	-	-	-	-
C	3757_1	PATTERSON AVE	NYC DEP	0.366	0.185	0.181	-	-	-	-
C	3757_9	SLATER BLVD	NYC DEP	0.081	0.043	0.038	-	-	-	-
C	3757_11	SLATER BLVD	NYC DEP	0.079	0.052	0.027	-	-	-	-
C	3757_13	SLATER BLVD	CITY OF NEW YORK	0.052	0.033	0.019	-	-	-	-
C	3757_20	SEAVER AVE	CITY OF NEW YORK	0.107	0.107	-	-	-	-	-
C	3758_1	SEAVER AVE	NYC DEP	2.748	1.830	0.918	-	-	-	-
C	3759_1	SEAVER AVE	NYC DEP	0.091	-	0.091	-	-	-	-
C	3759_3	SEAVER AVE	NYC DEP	0.211	0.002	0.209	-	-	-	-
C	3759_8	SEAVER AVE	NYC DEP	0.075	0.027	0.048	-	-	-	-
C	3759_11	FREEBORN ST	NYC DEP	0.174	0.167	0.007	-	-	-	-
C	3759_15	FREEBORN ST	NYC DEP	0.218	0.218	-	-	-	-	-
C	3759_20	FREEBORN ST	NYC DEP	0.131	0.131	-	-	-	-	-
C	3759_23	FREEBORN ST	NYC DEP	0.087	0.087	-	-	-	-	-
C	3759_25	FREEBORN ST	NYC DEP	0.131	0.131	-	-	-	-	-
C	3759_28	FREEBORN ST	NYC DEP	0.087	0.087	-	-	-	-	-
C	3759_30	FREEBORN ST	NYC DEP	0.044	0.044	-	-	-	-	-
C	3759_33	GRAHAM BLVD	NYC DEP	0.098	0.025	0.073	-	-	-	-
C	3759_34	GRAHAM BLVD	NYC DEP	0.131	0.064	0.067	-	-	-	-
C	3759_37	GRAHAM BLVD	NYC DEP	0.087	0.011	0.076	-	-	-	-
C	3759_39	GRAHAM BLVD	NYC DEP	0.098	-	0.098	-	-	-	-
C	3759_42	GRIMSBY ST	NYC DEP	0.131	0.101	0.030	-	-	-	-
C	3759_45	GRIMSBY ST	NYC DEP	0.131	0.131	-	-	-	-	-
C	3759_48	GRIMSBY ST	NYC DEP	0.218	0.218	-	-	-	-	-
C	3759_53	GRIMSBY ST	NYC DEP	0.218	0.218	-	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3759_58	GRIMSBY ST	NYC DEP	0.174	0.118	0.056	-	-	-	-
C	3760_1	SEAVER AVE	NYC DEP	0.179	0.021	0.158	-	-	-	-
C	3760_5	SEAVER AVE	NYC DEP	0.141	-	0.141	-	-	-	-
C	3760_9	OLYMPIA BLVD	NYC DEP	0.143	0.117	0.026	-	-	-	-
C	3760_13	OLYMPIA BLVD	NYC DEP	0.184	0.184	-	-	-	-	-
C	3760_18	OLYMPIA BLVD	NYC DEP	0.037	0.037	-	-	-	-	-
C	3760_19	OLYMPIA BLVD	NYC DEP	0.037	0.037	-	-	-	-	-
C	3760_20	OLYMPIA BLVD	NYC DEP	0.038	0.035	0.003	-	-	-	-
C	3760_21	OLYMPIA BLVD	NYC DEP	0.154	0.102	0.052	-	-	-	-
C	3760_25	OLYMPIA BLVD	NYC DEP	0.078	0.005	0.073	-	-	-	-
C	3760_27	OLYMPIA BLVD	NYC DEP	0.079	-	0.079	-	-	-	-
C	3760_36	GRAHAM BLVD	NYC DEP	0.046	-	0.046	-	-	-	-
C	3760_37	GRAHAM BLVD	NYC DEP	0.092	-	0.092	-	-	-	-
C	3760_40	FREEBORN ST	NYC DEP	0.079	0.027	0.052	-	-	-	-
C	3760_42	FREEBORN ST	NYC DEP	0.078	0.071	0.007	-	-	-	-
C	3760_44	FREEBORN ST	NYC DEP	0.077	0.077	-	-	-	-	-
C	3760_46	FREEBORN ST	NYC DEP	0.076	0.076	-	-	-	-	-
C	3760_48	FREEBORN ST	NYC DEP	0.075	0.075	-	-	-	-	-
C	3760_50	FREEBORN ST	NYC DEP	0.223	0.223	-	-	-	-	-
C	3760_56	FREEBORN ST	NYC DEP	0.072	0.072	-	-	-	-	-
C	3760_58	FREEBORN ST	NYC DEP	0.071	0.071	-	-	-	-	-
C	3761_9	COLONY AVE	NYC DEP	0.092	0.074	0.018	-	-	-	-
C	3761_11	COLONY AVE	NYC DEP	0.287	0.287	-	-	-	-	-
C	3761_17	COLONY AVE	NYC DEP	0.092	0.096	-	-	-	-	-
C	3761_24	COLONY AVE	NYC DEP	0.133	-	0.133	-	-	-	-
C	3761_27	COLONY AVE	NYC DEP	0.128	-	0.128	-	-	-	-
C	3761_30	COLONY AVE	NYC DEP	0.084	-	0.084	-	-	-	-
C	3761_32	GRAHAM BLVD	NYC DEP	0.090	-	0.090	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3761_34	GRAHAM BLVD	NYC DEP	0.092	-	0.092	-	-	-	-
C	3761_36	GRAHAM BLVD	NYC DEP	0.092	-	0.092	-	-	-	-
C	3761_38	GRAHAM BLVD	NYC DEP	0.046	-	0.046	-	-	-	-
C	3761_42	OLYMPIA BLVD	NYC DEP	0.084	-	0.084	-	-	-	-
C	3761_44	OLYMPIA BLVD	NYC DEP	0.085	-	0.085	-	-	-	-
C	3761_46	OLYMPIA BLVD	NYC DEP	0.086	-	0.086	-	-	-	-
C	3761_48	OLYMPIA BLVD	NYC DEP	0.133	-	0.133	-	-	-	-
C	3761_51	OLYMPIA BLVD	NYC DEP	0.135	-	0.135	-	-	-	-
C	3761_54	OLYMPIA BLVD	NYC DEP	0.092	0.017	0.075	-	-	-	-
C	3761_56	OLYMPIA BLVD	NYC DEP	0.046	0.044	0.002	-	-	-	-
C	3761_57	OLYMPIA BLVD	NYC DEP	0.093	0.091	0.002	-	-	-	-
C	3761_59	OLYMPIA BLVD	NYC DEP	0.191	0.183	0.008	-	-	-	-
C	3763_1	SEAVER AVE	CITY OF NEW YORK	0.147	0.147	-	-	-	-	-
C	3763_4	SEAVER AVE	CITY OF NEW YORK	0.135	0.135	-	-	-	-	-
C	3763_7	SEAVER AVE	CITY OF NEW YORK	0.146	0.146	-	-	-	-	-
C	3763_10	PATTERSON AVE	CITY OF NEW YORK	0.087	0.087	-	-	-	-	-
C	3763_12	PATTERSON AVE	CITY OF NEW YORK	0.087	0.087	-	-	-	-	-
C	3763_14	PATTERSON AVE	CITY OF NEW YORK	0.087	0.087	-	-	-	-	-
C	3763_17	PATTERSON AVE	CITY OF NEW YORK	0.131	0.131	-	-	-	-	-
C	3763_19	PATTERSON AVE	CITY OF NEW YORK	0.044	0.044	-	-	-	-	-
C	3763_20	PATTERSON AVE	CITY OF NEW YORK	0.065	0.065	-	-	-	-	-
C	3763_22	PATTERSON AVE	CITY OF NEW YORK	0.065	0.064	-	-	-	-	-
C	3763_23	PATTERSON AVE	CITY OF NEW YORK	0.044	0.042	0.002	-	-	-	-
C	3763_24	PATTERSON AVE	CITY OF NEW YORK	0.131	0.093	0.038	-	-	-	-
C	3763_27	PATTERSON AVE	NYC DEP	0.181	0.131	0.050	-	-	-	-
C	3763_32	GRAHAM BLVD	NYC DEP	0.103	0.046	0.057	-	-	-	-
C	3763_34	GRAHAM BLVD	NYC DEP	0.046	0.046	-	-	-	-	-
C	3763_35	GRAHAM BLVD	CITY OF NEW YORK	0.092	0.090	0.002	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3763_37	GRAHAM BLVD	CITY OF NEW YORK	0.092	0.092	0.000	-	-	-	-
C	3764_1	JEFFERSON AVE	NYC DEP	0.124	-	0.124	-	-	-	-
C	3764_4	JEFFERSON AVE	NYC DEP	0.156	-	0.156	-	-	-	-
C	3764_8	JEFFERSON AVE	NYC DEP	0.092	-	0.092	-	-	-	-
C	3764_38	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3764_39	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3764_40	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3765_1	JEFFERSON AVE	NYC DEP	0.115	-	0.115	-	-	-	-
C	3765_4	JEFFERSON AVE	NYC DEP	0.073	-	0.073	-	-	-	-
C	3765_6	JEFFERSON AVE	NYC DEP	0.037	-	0.037	-	-	-	-
C	3765_7	JEFFERSON AVE	NYC DEP	0.122	-	0.122	-	-	-	-
C	3765_11	GRIMSBY ST	NYC DEP	0.087	-	0.087	-	-	-	-
C	3765_13	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3765_37	FREEBORN ST	NYC DEP	0.046	-	0.046	-	-	-	-
C	3765_38	FREEBORN ST	NYC DEP	0.092	-	0.092	-	-	-	-
C	3766_1	JEFFERSON AVE	NYC DEP	0.083	-	0.083	-	-	-	-
C	3766_3	JEFFERSON AVE	NYC DEP	0.084	-	0.084	-	-	-	-
C	3766_5	JEFFERSON AVE	NYC DEP	0.127	-	0.127	-	-	-	-
C	3766_8	JEFFERSON AVE	NYC DEP	0.087	-	0.087	-	-	-	-
C	3766_11	FREEBORN ST	NYC DEP	0.083	-	0.083	-	-	-	-
C	3766_35	OLYMPIA BLVD	NYC DEP	0.041	-	0.041	-	-	-	-
C	3766_36	OLYMPIA BLVD	NYC DEP	0.083	-	0.083	-	-	-	-
C	3767_1	JEFFERSON AVE	CITY OF NEW YORK	0.074	0.074	-	-	-	-	-
C	3767_3	JEFFERSON AVE	CITY OF NEW YORK	0.078	0.078	-	-	-	-	-
C	3767_5	JEFFERSON AVE	CITY OF NEW YORK	0.197	0.197	-	-	-	-	-
C	3768_1	JEFFERSON AVE	CITY OF NEW YORK	0.082	0.082	-	-	-	-	-
C	3768_3	JEFFERSON AVE	CITY OF NEW YORK	0.036	0.036	-	-	-	-	-
C	3768_4	JEFFERSON AVE	NYC DEP	0.603	0.348	0.255	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3768_8	JEFFERSON AVE	CITY OF NEW YORK	0.082	0.082	-	-	-	-	-
C	3769_1	JEFFERSON AVE	NYC DEP	0.138	0.003	0.135	-	-	-	-
C	3769_4	JEFFERSON AVE	CITY OF NEW YORK	0.170	0.163	0.007	-	-	-	-
C	3769_8	JEFFERSON AVE	CITY OF NEW YORK	0.095	0.095	-	-	-	-	-
C	3769_11	BADEN PLACE	CITY OF NEW YORK	0.131	0.130	0.001	-	-	-	-
C	3769_14	BADEN PLACE	NYC DEP	0.404	0.215	0.189	-	-	-	-
C	3769_19	GRAHAM BLVD	CITY OF NEW YORK	0.149	0.041	0.108	-	-	-	-
C	3769_22	GRAHAM BLVD	CITY OF NEW YORK	0.046	0.037	0.009	-	-	-	-
C	3769_23	GRAHAM BLVD	CITY OF NEW YORK	0.138	0.082	0.056	-	-	-	-
C	3769_26	GRAHAM BLVD	NYC DEP	0.103	-	0.103	-	-	-	-
C	3769_29	PATTERSON AVE	NYC DEP	0.087	0.034	0.053	-	-	-	-
C	3790_12	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_13	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_14	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_15	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_16	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_17	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_18	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_19	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_20	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_21	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_22	GRIMSBY ST	NYC DEP	0.044	-	0.044	-	-	-	-
C	3790_23	GRIMSBY ST	NYC DEP	0.120	-	0.120	-	-	-	-
C	3790_31	JEFFERSON AVE	NYC DEP	0.479	-	0.479	-	-	-	-
C	3790_45	FREEBORN ST	NYC DEP	0.109	-	0.109	-	-	-	-
C	3791_22	FREEBORN ST	NYC DEP	0.109	-	0.109	-	-	-	-
C	3791_31	JEFFERSON AVE	NYC DEP	0.373	-	0.373	-	-	-	-
C	3792_21	OLYMPIA BLVD	NYC DEP	0.123	-	0.123	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3792_27	OLYMPIA BLVD	NYC DEP	0.088	-	0.088	-	-	-	-
C	3792_31	JEFFERSON AVE	NYC DEP	0.079	0.074	0.005	-	-	-	-
C	3792_33	JEFFERSON AVE	CITY OF NEW YORK	0.163	0.163	-	-	-	-	-
C	3792_37	JEFFERSON AVE	NYC DEP	0.120	0.120	-	-	-	-	-
C	3792_41	COLONY AVE	NYC DEP	0.123	0.087	0.036	-	-	-	-
C	3792_44	COLONY AVE	NYC DEP	0.056	-	0.056	-	-	-	-
C	3792_47	COLONY AVE	NYC DEP	0.147	-	0.147	-	-	-	-
C	3792_50	COLONY AVE	NYC DEP	0.043	-	0.043	-	-	-	-
C	3793_27	COLONY AVE	NYC DEP	0.435	0.402	0.033	-	-	-	-
C	3793_28	COLONY AVE	NYC DEP	0.087	0.087	-	-	-	-	-
C	3793_31	JEFFERSON AVE	NYC DEP	0.100	0.100	-	-	-	-	-
C	3793_33	JEFFERSON AVE	NYC DEP	0.043	0.043	-	-	-	-	-
C	3793_47	BADEN PLACE	NYC DEP	0.063	0.041	0.022	-	-	-	-
C	3794_30	BADEN PLACE	NYC DEP	0.060	0.060	-	-	-	-	-
C	3794_56	PATTERSON AVE	NYC DEP	0.131	0.131	-	-	-	-	-
C	3794_59	PATTERSON AVE	NYC DEP	0.044	0.044	-	-	-	-	-
C	3794_60	PATTERSON AVE	NYC DEP	0.044	0.044	-	-	-	-	-
C	3794_61	PATTERSON AVE	NYC DEP	0.218	0.155	0.063	-	-	-	-
C	3823_1	CANOE PLACE	NYC DEP	0.577	-	0.577	-	-	-	-
C	3824_6	SLATER BLVD	NYC DEP	0.130	-	0.130	-	-	-	-
C	3825_1	CANOE PLACE	CITY OF NEW YORK	0.088	0.005	0.083	-	-	-	-
C	3825_4	CANOE PLACE	CITY OF NEW YORK	0.039	-	0.039	-	-	-	-
C	3826_1	CANOE PLACE	NYC DEP	0.285	-	0.285	-	-	-	-
C	3829_100	OCEAN RD	NYC DOT	2.045	-	2.045	-	-	-	-
C	3836_1	QUINCY AVE	NYC DEP	0.033	-	0.033	-	-	-	-
C	3842_3	SEAVER AVE	CITY OF NEW YORK	0.096	0.098	-	-	-	-	-
C	3842_5	SEAVER AVE	CITY OF NEW YORK	0.276	0.196	0.080	-	-	-	-
C	3845_1	SIOUX ST	NYC DEP	0.114	-	0.114	-	-	-	-

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

C	3846_1	GRAHAM BLVD	NYC DEP	0.303	-	0.303	-	-	-	-
C	3856_16	JEFFERSON AVE	NYC DEP	0.033	-	0.033	-	-	-	-
C	3856_23	JEFFERSON AVE	NYC DEP	0.128	0.015	0.113	-	-	-	-
C	3856_28	PATTERSON AVE	NYC DEP	0.092	-	0.092	-	-	-	-
C	3859_1	GRAHAM BLVD	NYC DEP	0.175	-	0.175	-	-	-	-
C	3861_25	JEFFERSON AVE	NYC DEP	0.083	0.067	0.016	-	-	-	-
C	3861_29	JAY ST	NYC DEP	0.092	0.092	-	-	-	-	-
C	3861_31	JAY ST	NYC DEP	0.046	0.046	-	-	-	-	-
C	3861_32	JAY ST	NYC DEP	0.046	0.046	-	-	-	-	-
C	3861_33	JAY ST	NYC DCAS	0.092	0.092	-	-	-	-	-
C	3861_35	JAY ST	NYC DEP	0.184	0.184	-	-	-	-	-
C	3864_10	OCEANSIDE AVE	NYC DEP	0.065	-	0.065	-	-	-	-
C	3864_100	JAY ST	NYC DEP	0.149	0.106	0.043	-	-	-	-
C	3864_105	JAY ST	NYC DEP	0.089	0.028	0.061	-	-	-	-
D	3355_1	777 SEAVIEW AVE	NYC PARKS	76.089	-	2.712	-	-	-	-
D	3355_2	MASON AVE	STATE OF NEW YORK	16.258	-	0.028	-	-	-	-
D	3355_70	625 FR CAPODANNO BLVD	NYC PARKS	117.712	-	27.542	-	-	-	-
LOP 2	3125_116	20 FR CAPODANNO BLVD	CONCORD SEASIDE HOUSI	4.419	-	-	-	-	0.119	0.271
LOP 2	3125_2	FR CAPODANNO BLVD	NYC PARKS	91.312	-	-	-	-	3.659	1.265
LOP 2	3125_3	FR CAPODANNO BLVD	NYC PARKS	13.598	-	-	-	-	2.210	2.048
LOP 2	3355_2	MASON AVE	STATE OF NEW YORK	16.258	-	-	-	-	-	0.899
LOP 2	3525_200	300 FR CAPODANNO BLVD	NYC PARKS	245.561	-	-	-	-	12.635	10.194
LOP 2	3833_1	FR CAPODANNO BLVD	NYC PARKS	4.800	-	-	-	-	0.408	1.640
LOP 2	3833_2	FR CAPODANNO BLVD	NYC PARKS	0.419	-	-	-	-	0.029	0.051
LOP 2	3833_3	FR CAPODANNO BLVD	NYC PARKS	0.110	-	-	-	-	1.111	0.575
LOP 2	3833_15	FR CAPODANNO BLVD	NYC PARKS	0.051	-	-	-	-	-	0.027
LOP 2	3833_30	FR CAPODANNO BLVD	NYC PARKS	0.595	-	-	-	-	0.147	0.435
LOP 2	3833_100	700 FR CAPODANNO BLVD	NYC PARKS	6.543	-	-	-	-	1.923	0.848

EXHIBIT "B"

PARCEL DATA

CONTRACT 2

LOP 2	3833_500	FR CAPODANNO BLVD	NYC PARKS	141.350	-	-	-	-	0.404	0.308
LOP 2	3851_1	FR CAPODANNO BLVD	NYC PARKS	8.330	-	-	-	-	0.030	0.115
LOP 2	3851_40	FR CAPODANNO BLVD	NYC PARKS	0.180	-	-	-	-	0.012	0.023
LOP 2	3851_50	FR CAPODANNO BLVD	NYC PARKS	21.667	-	-	-	-	2.066	0.918
LOP 2	3868_1	FR CAPODANNO BLVD	NYC PARKS	17.729	-	-	-	-	0.121	2.820
LOP 2	3868_2	FR CAPODANNO BLVD	NYC PARKS	3.237	-	-	-	-	0.849	0.257
LOP 2	3868_60	FR CAPODANNO BLVD	NYC PARKS	4.913	-	-	-	-	1.138	0.557
LOP 2	3879_1	2231 FR CAPODANNO BLVD	NYC PARKS	27.711	-	-	-	-	2.841	7.264
LOP 2	3879_2	FR CAPODANNO BLVD	NYC PARKS	8.077	-	-	-	-	0.715	0.470
LOP 2	3893_1	660 LINCOLN AVE	NYC PARKS	46.069	-	-	-	-	2.185	1.766
LOP 2	3930_90	455 NEW DORP LANE	NPS	206.376	-	-	-	-	4.350	2.604

EXHIBIT "C"

LERRD SUMMARY TABLE

EXHIBIT "C"

LERRD SUMMARY TABLE

		CONTRACT 1			CONTRACT 2				
	Contract Area	A	B	LOP-1	C	D	E	LOP-2	**Totals**
Number of Parcels	Privately-Owned	30	50	41	117	0	36	1	275
	Publicly-Owned (Non-Fed)	37	20	28	260	3	32	20	400
	Federally-Owned	-	1	-	-	-	-	1	2
	Total Impacted Parcels	67	71	69	377	3	68	22	677[1]
Permanent Easements	Flowage Easement	-	±47.77 ac	-	±39.69 ac	-	±24.62 ac	-	±112.08 ac
	Restrictive Easement	±11.64 ac	±41.62 ac	-	±47.00 ac	±30.28 ac	±13.30 ac	-	±143.84 ac
	Flood Protection Levee Easement	-	-	±50.67ac	-	-	-	±36.95 ac	±87.62 ac
	Pipeline Easement	-	±0.09 ac	-	-	-	-	-	±0.09 ac
	Road Easement	-	-	±1.14ac	-	-	-	-	±1.14 ac
Temporary Easements	Temporary Work Area Easement	-	-	±27.27 ac	-	-	-	±35.36 ac	±62.62 ac
	Total Project Acres	±11.64ac	±89.48 ac	±79.08 ac	±86.69 ac	±30.28 ac	±37.91 ac	±72.31 ac	±407.40 ac
LERRD Costs	LER	$2,657,314	$3,748,396	$4,469,609	$7,459,183	$7,624,666	$3,429,352	$439,377	$29,827,897
	Relocation (Road Raises)	$0	$1,659,000	$0	$1,946,000	$0	$0	$0	$3,605,000
	Relocation (Boardwalk)	$0	$0	$0	$0	$0	$0	$28,621,000	$28,621,000
	Disposals	$0	$0	$0	$0	$0	$0	$0	$0
	Total 01-Lands & Damages	$2,657,314	$5,407,396	$4,469,609	$9,405,183	$7,624,666	$3,429,352	$29,060,377	$62,053,897[2]

[1] The Project only impacts 666 parcels as identified in paragraph 3.c. The 677 parcels provided in this table account for occurrences where more than one easement is required over the same parcel, i.e. where a parcel is impacted by the Interior Drainage (requiring a flowage easement) and the LOP (requiring a levee protection easement) proposals.

[2] The total 01-Land & Damages does not include the contingency. With contingency, total costs is $86,441,000 (rounded) (see paragraph 11).

EXHIBIT "D"

STANDARD ESTATES

EXHIBIT "D"

STANDARD ESTATES

1. FLOWAGE EASEMENT (Portions of Land to be Subjected to Permanent Inundation and Portions to be Subjected to Occasional Flooding) (Standard Estate No. 7)

The perpetual right, power, privilege and easement in, upon, over and across Tracts Nos. _____ for the purposes set forth below:

a. Permanently to overflow, flood and submerge the land lying below elevation _____ in connection with the operation and maintenance of the project for the purposes as authorized by the Act of Congress approved _____, together with all right, title and interest in and to the timber and the continuing right to clear and remove any brush, debris and natural obstructions which, in the opinion of the representative of the United States in charge of the project may be detrimental to the project.

b. Occasionally to overflow, flood and submerge the land lying above elevation _____ 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, except fencing above elevation _____ *(and also excepting _____, (here identify those structures not designed for human habitation which the District Engineer determines may remain on the land))* [3] provided that no structures for human habitation shall be constructed or maintained on the land [4], that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; [5] 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 and State laws with respect to pollution.

[3] Any structures existing in areas that will be allowed to remain must be evaluated using the same criteria that would be used to grant permission for a new structure to be placed in the easement, in coordination with the operational office.

[4] Where substantial residential structures exist in areas subject to very infrequent flooding, and will not interfere with project operations, the following clause may be substituted: "however, leaving these structures in place must be evaluated using the same criteria that would be used to grant permission for a new residential structure to be placed in the easement (and also excepting the structure(s) now existing on the land, described as _____, which may be maintained on the land provided that portion of the structure(s) located below elevation _____ feet, mean sea level, shall be utilized for human habitation to the extent that sleeping accommodations will be maintained therein)". The next clause would then be modified to read "provided that no other structures for . . ."

[5] If sand and gravel or other quarriable material is in the easement area and the excavation thereof will not interfere with the operation of the project, the following clause will be added: "excepting that excavation for the purpose of quarrying (sand) (gravel) (etc.) shall be permitted, subject only to such approval as to the placement of overburden, if any, in connection with such excavation;"

EXHIBIT "D"

STANDARD ESTATES

2. FLOOD PROTECTION LEVEE EASEMENT (Standard Estate No. 9)

A perpetual and assignable right and easement in the land described in Schedule A to construct, maintain, repair, operate, patrol and replace a flood protection levee and floodwall, including all appurtenances thereto; reserving, however, to the landowners, 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.

3. PIPELINE EASEMENT (Standard Estate No. 13)

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; repair and patrol of an underground storm water drainage pipeline; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and 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.

4. ROAD EASEMENT (Standard Estate No. 11)

A perpetual exclusive 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 therefrom 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.

5. TEMPORARY WORK AREA EASEMENT (Standard Estate No. 15)

A temporary easement and right-of-way in, on, over and across the lands described in Schedule A, for a period not to exceed two years beginning with date possession of the land is granted to the United States, for use by 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 of the Raritan Bay and Sandy Hook Bay, Union Beach Hurricane & Storm Damage Reduction 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.

EXHIBIT "D"

STANDARD ESTATES

6. RESTRICTIVE EASEMENT (Standard Estate No. 16)

A perpetual and assignable easement for the establishment, maintenance, operation and use for a restrictive area in, on, over and across the land described in Schedule A consisting of the right to prohibit human habitation; the right to remove buildings presently or hereafter being used for human habitation; the right to prohibit gatherings of more than twenty-five (25) persons; the right to post signs indicating the nature and extent of the Government's control; and the right of ingress and egress over and across said land for the purpose of exercising the rights set forth herein; subject, however, 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 without interfering with or abridging the rights and easement hereby acquired.

EXHIBIT "E"

BASELINE COST ESTATE FOR REAL ESTATE

EXHIBIT "E"

BASELINE COST ESTATE FOR REAL ESTATE

SOUTH SHORE OF STATEN ISLAND COASTAL STORM RISK MANAGEMENT				
	TOTAL PROJECT REAL ESTATE COSTS (Cost-Shared 65%-35%)	**Non-Federal**	**Federal**	**Project Cost**
	Cost Summary:			
	Incidental Costs (01A)	$3,385,000	$975,400	$4,360,400
	Real Estate Acquisition Costs (01B)	$57,693,497	$0	$57,693,497
	Subtotal:	$61,078,497	$975,400	$62,053,897
	39.3% Contingency, Less Land Payments (01B1)	$24,003,849	$383,332	$24,387,182
01	**LANDS AND DAMAGES**	$85,082,346	$1,358,732	**$86,441,079**[6]
01A	**INCIDENTAL COSTS**	**$3,385,000**	**$975,400**	**$4,360,400**
01A1	**Acquisition (Admin Costs)**	**$175,000**	**$77,000**	
01A1A	By Government (Gov't)		$77,000	
01A1B	By Non-Federal Sponsor (NFS)	$175,000		
01A1C	By Gov't on behalf of NFS			
01A2	**Survey**	**$350,000**	**$140,000**	
01A2A	By Gov't (In-house)			
01A2B	By Gov't (Contract)			
01A2C	By NFS	$350,000		
01A2D	By Gov't on behalf of NFS			
01A2E	Review of NFS		$140,000	
01A3	**Appraisal**	**$1,400,000**	**$350,000**	
01A3A	By Gov't (In-house)			
01A3B	By Gov't (Contract)			
01A3C	By NFS	$1,400,000		
01A3D	By Gov't on behalf of NFS			
01A3E	Review of NFS		$350,000	
01A4	**Title Services**	**$1,460,000**	**$58,400**	
01A4A	By Gov't (Contract)			
01A4B	By NFS	$1,460,000		
01A4C	By Gov't on behalf of NFS			
01A4D	Review of NFS		$58,400	
01A5	**Other Professional Services**	**$0**	**$0**	
01A5A	By the Gov't			
01A5B	By the NFS			
01A5C	By Gov't on behalf of NFS			
01A5D	Review of NFS			

[6] The Project's total reported 01-Lands & Damages is $86,441,000 (rounded).

EXHIBIT "E"

BASELINE COST ESTATE FOR REAL ESTATE

01A6	**Closing Cost (4% of Land Payments-01C1)**	**$0**	**$0**	
01A6A	By Gov't			
01A6B	By NFS			
01A6C	By Gov't on behalf of NFS			
01A7	**PL 91-646 Assistance**	**$0**	**$0**	
01A7A	By Government			
01A7B	By NFS			
01A7C	By Gov't on behalf of NFS			
01A7D	Review of NFS			
01A8	**Audit**	**$0**	**$350,000**	
01A8A	By Gov't		$350,000	
01A9B	By NFS			
01B	**REAL ESTATE ACQUISITION COSTS**	**$57,693,497**	**$0**	**$57,693,497**
01B1	**Land Payments**	**$25,467,497**	**$0**	
01B1A	By Government			
01B1B	By NFS	$25,467,497		
01B1C	By Gov't on behalf of NFS			
01B2	**Damage Payments**	**$0**	**$0**	
01B2A	By Government			
01C2B	By NFS			
01C2C	By Gov't on behalf of NFS			
01B3	**PL 91-646 Payment**	**$0**	**$0**	
01B3A	By Government			
01B3B	By NFS			
01B3C	By Gov't on behalf of NFS			
01B4	**Condemnation**	**$0**	**$0**	
01B4A	By NFS			
01B5	**Facility / Utility Relocations**	**$32,226,000**	**$0**	
01B5A	By NFS	$32,226,000		
01B5B	By Government			
01B6	**Disposals**	**$0**	**$0**	
01B6A	By Government			
01B6B	By NFS			
01B6C	By Gov't on behalf of NFS			

EXHIBIT "F"

PRELIMINARY ATTORNEY'S OPINION OF COMPENSABILITY

EXHIBIT "F"

PRELIMINARY ATTORNEY'S OPINION OF COMPENSABILITY

PRELIMINARY ATTORNEY'S OPINION AS TO COMPENSABILITY
SOUTH SHORE OF STATEN ISLAND, NEW YORK
COASTAL STORM RISK MANAGEMENT PROJECT ("The Project")

The following is protected as attorney-client privileged, attorney work-product information; do not copy, forward, or release under the Freedom of Information Act ("FOIA").

I. Introduction and Background

This Preliminary Opinion as to Compensability (hereinafter "Opinion") is undertaken to provide real estate recommendations connected with the possible relocation and road raising of three (3) roads as well as the removal and relocation of a physical structure. For purposes of this Opinion, relocations can be defined as "the alteration, modification, lowering or raising in place, and/or new construction related to but not limited to, existing railroads, highways, highway bridges, buildings . . . and other facilities, structures, and improvements determined by the Government to be necessary for the construction, operation and maintenance of the project." *Corps of Engineers Policy Guidance Letter No. 16* (24 May 1989), *See e.g.* ER 405-1-12. The area of the Project, and associated study, is along the south shore of Staten Island and between Oakwood Beach and Fort Wadsworth (hereinafter "the Project Area").

The Project Area was devastated by Hurricane Sandy on 29 October 2012 with recorded water surface elevation above sixteen (16) feet, and waves rising up to six (6) feet in height. In formulating protective measures, the Project details include an approximately 2.5-mile line of protection ("LOP"), consisting of buried seawall/armored levee (with raised promenade) for an average crest elevation of 20.5 feet. The LOP will serve as the first line of defense against severe coastal surge flooding and wave forces. The remainder of the LOP consists of T-Type vertical floodwalls and earthen levees. The LOP also includes a stop- log closure structure at Hylan Boulevard, drainage control structures for existing storm water outfalls, tide -gate

structures, vehicle and pedestrian access structures, and demolition of an existing boardwalk. A full description of the Project is outlined in the related Planning documents, including therein, the draft Real Estate Plan.

As stated in the draft Real Estate Plan, a cooperative beach erosion and storm damage reduction study was, originally, authorized by a resolution of the U.S. House of Representatives Committee on Public Works and Transportation and adopted 13 May 1993. The resolution states that:

> *"The Secretary of the Army, acting through the Chief of Engineers, is requested to review the report of the Chief of Engineers, on the Staten Island Coast from Fort Wadsworth to Arthur Kill, New York, published as House Document 181, 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 beach erosion control, storm damage reduction and related purposes on the South Shore of Staten Island, New York, particularly in and adjacent to the communities of New Dorp Beach, Oakwood Beach, and Annadale Beach, New York."*

Furthermore, as addressed in the related draft Real Estate Plan, the Disaster Relief Appropriations Act of 2013, Public Law 113-2, enacted on 29 January 2013 (hereinafter "P.L. 113-2") authorizes the Secretary of the Army to utilize funds provided in P.L. 113-2, in order to complete construction of certain authorized but unconstructed projects, including the construct of this Project.

II. Restrictions of Scope and Subject Matter

This Opinion is restricted in its review given the lack of title information provided. This Opinion does not cover other possible compensable interests involved in the Project. In addition, it is understood that this Opinion is preliminary in nature and will be contingent upon the execution of a final agreements as may be entered into between Corps of Engineers, New York District ("NAN") and the Project sponsor, as well as the provision of satisfactory title evidence,

and the completion of the final plans and specifications of the Project design. The Opinion herein is not to be construed as a Final Opinion as to Compensability.

III. Road Raisings

The Project planning documents recommend the raising of three (3) roads, Seaview Avenue (at Father Capodanno), Kissam Avenue, and Mill Road. Seaview Avenue is to be raised to control any natural spillover of interior water between current interior drainage areas, as may be identified in the Planning documents. A portion of road, Father Capodanno at Seaview Avenue, is to be raised to meet the new crest elevation associated with Seaview. The raising of Mill Road will assist in stemming any spillover of floodwater from subject interior drainage areas (up to a 100-year event as used in the interim feasibility study). The raising of Kissam Avenue is intended to provide vehicle access to the buried seawall and armored levee, as such would be needed during storm events (in particular, where the surrounding roadways will be inundated). Along with the raising of Kissam Avenue, additional drainage culverts to convey natural waterflow to the related tide gates.

III. Boardwalk

As referenced in the draft Real Estate Plan, an existing, 40-foot wide, elevated wooden boardwalk and an at-grade paved promenade, will be removed at certain locations within the LOP for the construction of the levee. The existing boardwalk is approximately 1.5 miles in length, and the at-grade promenade is approximately one mile. The feature of the Project, concerning a stone seawall, would require the removal of the walkways. Discussions are ongoing regarding the removal of said boardwalk and its reconstruction. As further referenced in the draft Real Estate Plan, the Project will provide functionally-equivalent structures. The total estimated cost to provide functionally-equivalent structures is estimated to be $33,944,560.

IV. Compensability Analysis

When addressing any sort of analysis as to compensability, the general principle is to put the owner in as good a position as if the property had not been acquired or taken. *Olson v. United States*, 292 U.S. 246, 54 S.Ct. 704 (1934). Courts follow an objective standard, evaluating the fair market value, in order to determine any loss to a property owner. *United States v. Miller*, 317 U.S. 369 (1943). The standard is to enable the appropriate conclusion of what a willing buyer would pay to a willing seller. *Id.*

Nevertheless, there are some occasions wherein a fair market value determination, as compensation, is inadequate, in order to make the property owner whole. Typically, and in particular concerning publicly-owned facilities (such as roadways and other related facilities), there may be the need to provide substitute facilities, in place, in order for the property owner, as a public entity, to be considered made whole. *United States v. 564-54 Acres of Land*, 441 U.S. 506 (1979). In other words, the fair market value test, given that the nature of the property is the type not bought or sold on the open market (and for a profit, for that matter), would not provide an adequate ability to put the property owner in as good a position if the property hadn't been acquired or taken. *Brown v. United States*, 263 U.S. 78 (1923). In order to appropriately provide for public entities, in conjunction with property to be acquired or taken, courts have developed the "substitute facilities doctrine" as an alternative method to providing fair market value monetary compensation. *Id.*

In the present case, both the roads, in question, and boardwalk, will require appropriate temporary or permanent relocation. Furthermore, such roads and the boardwalk are the type of structure or facility not considered to be publicly traded (and, therefore, subject to the allocation of a fair market value). In addition, and related to such relocations, as further defined by the

Engineering Regulations therein (ER 405-1-12, et. seq.), the provision of a functionally equivalent, substitute facility, will require the alteration, raising, or replacement thereof (for such facilities). *See e.g.* ER 405-1-12. The subject roads and the boardwalk will require such relocations (in part, in the alteration, the raising, or the replacement thereof). *See e.g.* ER 405-1-12. Therefore, it is appropriate to consider the "substitute facility doctrine" and provision of substitute facilities, accordingly, in allowing for the publicly-owned facilities and the public, for that matter, to be made whole.

V. Conclusion

It is recommended that further review of the title and individual, relevant title documents needs to occur. Nevertheless, regarding the structures, facilities thereon, it is appropriate to analyze the road raisings, in question, and the boardwalk relocation, under the substitute facility doctrine. Substitute facilities, as required by the Project, should be allocated in order to make the publicly-owned property and, therein, the public, whole, in order to meet the goals of the Project.

Dated: 6/17/15

C. William Johnson
Assistant District Counsel
USACE, New York District

EXHIBIT "G"

PHYSICAL TAKINGS ANALYSIS

PHYSICAL TAKINGS ANALYSIS
SOUTH SHORE OF STATEN ISLAND, NEW YORK
COASTAL STORM RISK MANAGEMENT PROJECT ("The Project")

The following is protected as attorney-client privileged, attorney work-product information; do not copy, forward, or release under the Freedom of Information Act ("FOIA").

I. Introduction and Background

The South Shore of Staten Island Coastal Storm Risk Management Project (hereinafter the "Project") is a group of 549 properties located on the south shore of Staten Island in five (5) drainage areas containing 535.01 acres situated in the Borough of Staten Island, Richmond County, New York. The Project extends approximately three (3) linear miles from Fort Wadsworth to Oakwood Beach along the northern end of the south shoreline of Staten Island (hereinafter the "Project Area"). The purpose of the Project is to provide coastal flood risk management to flood-prone, high-risk, low-lying residential and commercial structures along the south shore of Staten Island. The vast majority of the privately-owned parcels are located with residential zoning districts. Based on design of the project, the areas directly affected will consist primarily of unimproved beach areas and vacant and improved residential property that fall within the interior drainage areas. The engineering solution is a plan that provides for coastal risk management in the form of a structural Line of Protection (LOP) consisting of levees, floodwalls and a buried seawall/armored levee and interior drainage area.

The Project Area was devastated by Hurricane Sandy on 29 October 2012 with recorded water surface elevation above sixteen (16) feet, and waves rising up to six (6) feet in height. In formulating protective measures, the Project details include an approximately 2.5-mile line of protection ("LOP"), consisting of buried seawall/armored levee (with raised promenade) for an average crest elevation of 20.5 feet. The LOP will serve as the first line of defense against

severe coastal surge flooding and wave forces. The remainder of the LOP consists of T-Type vertical floodwalls and earthen levees. The LOP also includes a stop-log closure structure at Hylan Boulevard, drainage control structures for existing storm water outfalls, tide-gate structures, vehicle and pedestrian access structures, and demolition of an existing boardwalk with the replacement of a functionally-equivalent one. A full description of the Project is outlined in the related Planning documents, including therein, the draft Real Estate Plan.

As stated in the draft Real Estate Plan, a cooperative beach erosion and storm damage reduction study was, originally, authorized by a resolution of the U.S. House of Representatives Committee on Public Works and Transportation and adopted 13 May 1993. The resolution states that:

> *"The Secretary of the Army, acting through the Chief of Engineers, is requested to review the report of the Chief of Engineers, on the Staten Island Coast from Fort Wadsworth to Arthur Kill, New York, published as House Document 181, 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 beach erosion control, storm damage reduction and related purposes on the South Shore of Staten Island, New York, particularly in and adjacent to the communities of New Dorp Beach, Oakwood Beach, and Annadale Beach, New York."*

Furthermore, as addressed in the related draft Real Estate Plan, the Disaster Relief Appropriations Act of 2013, Public Law 113-2, enacted on 29 January 2013 (hereinafter "P.L. 113-2") authorizes the Secretary of the Army to utilize funds provided in P.L. 113-2, in order to complete construction of certain authorized but unconstructed projects, including the construction of this Project.

II. Restrictions of Scope and Subject Matter

The Analysis, herein, is restricted in its review given the lack of title information provided as well as limitations associated with the draft Interim Interior Drainage Report. This Analysis does not cover other possible compensable interests involved in the Project. In

addition, it is understood that this Analysis is preliminary in nature and will be contingent upon the execution of a final agreement as may be entered into between Corps of Engineers, New York District ("NAN") and the Project, non-Federal sponsor, as well as the provision of satisfactory title evidence, and the completion of the final plans and specifications of the Project design, inclusive of any related hydrology issues to be addressed.

III. Interior Drainage Areas

As part of the Project, a certain number of parcels include natural, interior drainage, inclusive of natural storage, channels, and other naturally-occurring drainage and related drainage facilities. These existing interior drainage facilities lie landward or upland of the beach dunes, levee and elevated road beds that run along Staten Island's south shore. One portion of the existing drainage facilities includes a tide-gate structure and, additionally, a levee system, crossing along the east branch of Oakwood Creek near the Oakwood Beach Waste Water Treatment Plant. Typically, operations of the tide gate would involve the gate opening under normal conditions and closing under storm conditions, wherein the ocean water level is higher than the mean high-water mark. A draft Interim Feasibility Study has been developed, analyzing the interior drainage issues, and delineating design plans in order to address storm-surge conditions. The draft Interim Feasibility Study delineates drainage areas, accordingly, in an effort to plan for future storm-surge risks. Various risk-assessments have been provided through the referenced Interim Feasibility Study, including therein, hypothetical storm-surge data. A full review of the draft Interim Feasibility Study is warranted, in the context of this Analysis.

IV. Draft Interior Drainage Appendix – Flooding

A draft Interim Feasibility Study (Fort Wasworth to Oakwood Beach), dated October, 2014, has been prepared, regarding the Project (hereinafter "the Draft Study"). Within the Draft Study, areas of drainage (hereinafter "Drainage Areas") have been identified, as Drainage Areas

A, B, C, and D. Also, the Draft Study addresses "minimum facility alternatives" and compares the various recommended designs, analyzing alternative plans. In conjunction with the Draft Study, any procedures for "formulating and evaluating flood loss reduction measure for interior drainage areas are similar to planning procedures used in other types of investigations . . . ." *See*, *Draft Interim Interior Drainage Report*, at page 21 (hereinafter "Draft Study"); *See also*, EM 1110-2-1413. In addition, the Draft Study identifies certain interior drainage facilities wherein residual flooding precipitation-runoff in the interior drainage areas occurs. An interior drainage area is defined as "a distinct area which drains to one primary outlet location landward of the tentatively selected plan alignment." *Draft Study* at page 7. The "tentatively selected plan alignment will be located significantly landward of the levees and landforms that make up the existing coastal barrier; therefore the post-project sub-basin storage volume will be less than the existing conditions." *Draft Study* at page 8.

It should be emphasized that the Draft Study, and underlying regulations, at ER 1105-2-101, require only that the risk analysis for a flood protection project should quantify the performance of the plan, evaluating the risk and consequences of exceeding the capacity of the project (inclusive of annual exceedance probability, long-term risk of exceedance, and conditional non-exceedance probability). *See*, ER 1105-2-101, *Risk Analysis for Flood Damage Reduction Studies*; *See also*, *Draft Study*, at page 56. In other words, the Draft Study correlates the risk of natural-occurring floods with the risk of exceedance of any protective measures that the Project formulates. *Id.* Therefore, in summary, the main goals of the Draft Study are to design protective mechanisms that will not exceed capacity, while maintaining a Project which will also not induce flooding. *Id.*

As stated in the Draft Study, any interior drainage measures to be implemented, concerning the Project, "are to be implemented as to ensure that the project does not induce

flooding . . . ." *See*, *Draft Study*, at page 58. Additionally, any interior drainage plan, "must demonstrate that . . . the local storm drainage system functions essentially as it would without the Engineering and Design Plan in place (EM 1110-2-1413)." *See*, *Draft Study*, page 5. *See also*, EM 1110-2-1413. Thus, the engineering plan and design must not disturb the function of the present drainage system, allowing that system to function as it would, apart from the engineering design. *Id.*

At present, as described in the Draft Study, flooding "can result from either high storm surges from the [Upper Raritan] Bay or interior precipitation runoff that cannot be conveyed to the [Upper Raritan] Bay through the existing interior drainage system." *Draft Study*, page 4. Existing landforms provide relief from any surge levels occurring with storm events and, with higher surge levels, low-lying portions become inundated, creating extensive risks of property damage and loss of life. *Id.* However, the "relationship between rainfall/runoff . . . and storm surge is highly uncertain and may have a significant impact on interior stages." *Id.* at page 6. As stated in the Draft Study, the "frequency of inland inundation will continue and increase as sea level is projected to rise." *Id.* at page 4. For that matter, the extent of interior flooding along the Project area may be impacted by continued development, fill placement in the floodplain, reducing any storage for interior runoff, while also, exacerbating interior flooding conditions, especially during high rainfall. *Id.* Flooding may occur as it relates to other, external factors, aside from the Project. *Id.* In other words, flooding will continue to occur, naturally, in the Project area, without a causative relationship to the Project.

V. Compensability Analysis – Background

The undersigned has been requested to put together this Analysis, in addressing the question of whether the Project creates flooding, precipitating the need for a flowage easement. In short, the question is whether the Project will create a taking of an interest in property,

through "flooding induced by the construction or the operation and maintenance of the project"? *See* ER 405-1-12, paragraph 12-16c(9). Therefore, the following has been prepared in conjunction therewith.

As background, both the Federal and the New York Constitutions require the payment of such just compensation to a party who has their property taken. *See e.g., United States Constitution, Amendment V; New York State Constitution, Article I,* §7(a) saying that "[p]rivate property shall not be taken for public use without just compensation." Both on the Federal and on the State level, the "Takings Clause" prevents government actors from depriving private persons of vested property rights except for a public use and upon payment of just compensation. *Empire General Holdings v. The Governor of the State of New York*, 967 N.Y.S.2d 919 (N.Y. Supp., 2013). The determination of whether a property interest exists to support a taking claim is typically the threshold inquiry. *Gazza v. New York State Dept. of Envtl. Conservation*, 89 N.Y.2d 603, 614, 657 N.Y.S.2d 555, 679 N.E.2d 1035 (1997); *Preble Aggregate Inc. v. Town of Preble*, 263 A.D.2d 849, 694 N.Y.S.2d 788 (3d Dept. 1999). Furthermore, it is well established that the Government may not acquire or take an easement without the appropriate payment of fair market value of that easement, as just compensation. *United States v. Dickinson*, 331 U.S. 745, 67 S.Ct. 1382, 91 L.Ed. 1789 (1947) (concluding that a taking of an easement occurs when Government act, in building a dam, raised the water level of a river, causing permanent flooding, erosion, and intermittent flooding of abutting land); See also, *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987).

If it is determined that there is a compensable taking then the question becomes what are the requisite damages to the party subject to the taking? The dominant question "always remains the same: what compensation is 'just' both to an owner whose property is taken and to the public that must pay the bill?" *United States v. Commodities Trading Corp.*, 339 U.S. 123 (1950). If

there is a partial taking, the "before and after" rule is applied in measuring damages as the difference between the fair market value of the whole property before the taking and the fair market value of the remainder of the property after the taking. *See e.g.*, *Lerner Pavlick Realty v. State of New York*, 98 A.D.3d 567, 949 N.Y.S.2d 480 (N.Y. Supp. 2012); *McDonald v. State of New York*, 42 N.Y.2d 900, 397 N.Y.S.2d 990, 366 N.E.2d 1344 (1977); *Acme Theatres v. State of New York*, 26 N.Y.2d 385, 310 N.Y.S.2d 496, 258 N.E.2d 912 (1970). In New York, as in most states, the value of any arguable benefits of the project cannot be used to reduce the direct damages for land that has been taken. *Lerner Pavlick Realty v. State of New York*, 98 A.D.3d 567, 949 N.Y.S.2d 480 (N.Y. Supp. 2012). However, general and special benefits are considered in any property valuation. *Id.* The New York rule, regarding just compensation and the payment thereof, relative to a taking, may be stated, simply, as the value of the land taken (damages to the remainder) minus the general and special benefits derived thereof. *Chiesa v. New York*, 36 N.Y.2d 21, 324 N.E.2d 329, 364 N.Y.S.2d 848 (1974). It is likely that the aforementioned approach may be difficult to estimate, and such property comparables difficult to find, for land sales which would be considered, as encumbered by a flowage easement.

VI. Interior Drainage – Takings Analysis

A. Brief History – Takings by Government Flooding

The Supreme Court established the potential for Governmental "takings" when property is flooded by Governmental action, by and through *Pumpelly v. Green Bay Co.*, 380 U.S. 166 (1871). The Supreme Court, in *Pumpelly*, focused on the permanent inundation of property and whether a taking had occurred. Subsequently, the Supreme Court determined that a taking can occur, resulting in the inverse condemnation of a flowage easement, from frequent overflows caused by a dam constructed by the Government (an "inevitable recurrence" of flooding attributable to the Government action). *United States v. Cress*, 243 U.S. 316 (1917).

Furthermore, the Supreme Court concluded a taking of a flowage easement does not occur when the flooding is not the direct, natural result of the Government act, it is not reasonably anticipated by the Government, and it is not permanent. *Sanguinetti v. United States*, 264 U.S. 146 (1924).

Up until 2012, the Supreme Court continued with the determination that temporary actions, by the Government, causing flooding or flood-related damage, caused by the Government, were not considered to be takings (but instead were actions, defined in tort). *Arkansas Game & Fish Comm'n v. United States*, 133 S. Ct. 511 (2012). However, the Supreme Court in *Arkansas Game & Fish Comm'n v. United States* changed course, concluding that an action, by the Government, causing temporary flooding, can give rise to a takings claim of a temporary taking. *Id.* Nevertheless, a taking by flooding, requiring the inverse condemnation of a flowage easement, still necessitates a causative element, that the flooding was a result of or was caused by the Government action.

B. Flooding – Project Specific

From the Draft Study, it is unclear as to whether additional flooding or otherwise, would occur, as may be generated, by the Project. The Draft Study does not necessarily address the current water levels and, wherein, those levels will rise, as may be due to the Project. In order to propose a flowage easement, there must still be some form of additional flooding, as concluded by the Project design; in effect, a showing that there is additional flooding, greater than what exists prior to the Project. The Draft Study does not provide that documentation as to any additional flooding, beyond the interior drainage water levels, in the current state, as wetlands. Therefore, a standard flowage easement wouldn't seem applicable, given the lack of additional flooding.

In fact, a number of parcels within the Project area have been identified, as wetlands, and therefore also, deficient for development purposes. These properties are considered to be

existing wetlands, located in the Staten Island neighborhoods of Oakwood Beach, Midland Beach, and South Beach. In particular, the referenced properties appear to be located in regulated wetland areas, thus requiring the issuance of certain permits for development (e.g. New York State Department of Environmental Conservation). It is presumed doubtful as to the likelihood of property owners obtaining the necessary permits for development. Quite frankly, many of the parcels, within much of the Drainage Areas have not been developed, because the properties are located within areas concluded to be wetlands.

Furthermore, to constitute a taking there must be some sort of actual physical taking, by flooding or otherwise; or, some Federal statute, regulation, or other directive that limits the property owner's rights with respect to the use of their property. No such limitation is currently proposed, relative to the Project, other than a standard flowage easement which, for the reasons herein, isn't applicable. It may be likely that a non-standard form of easement, restricting future development, as may be necessary, in the Project area, would be worthy of further discussion. Certainly, courts have concluded that intermittent flooding does not need to create a permanent or exclusive occupation by the Government, to provide for a flowage easement, in certain circumstances. *See e.g., Arkansas Game & Fish Comm'n v. United States*, 133 S. Ct. 511 (2012). It may be recommended that an easement restricting development be used in certain circumstances where appropriate. Such an easement, restricting development, would still require the appropriate payment of fair market value as just compensation for the easement interest acquired. Of course, "it [the Government] wants an easement . . . it must pay for it." *Nolan*, at page 842. In the alternative, the local governmental entities can look to restrict development, through zoning, or other mechanism, as of yet, not proposed. The actions of the State and/or local officials in voluntarily implementing zoning restrictions, on development, affecting a landowner's property, do not become takings by the Government. *Stueve Bros. Farms, LLC and*

Mill Creek Farming Associates, Inc., 737 F.3d 750 (Fed. Cir. 2013); *See also*, Mesa *Ranch Partnership v. United States*, 222 Ct. Cl. 622 (1980).

VII. Conclusion

The facts presented, as derived by the current Draft Study, do not appear to require use of a standard flowage easement, as applied. There appears to be a lack of causation, relative to any Government action, and any additional flooding, permanently occurring or otherwise. As mentioned above, it may be necessary to consider a non-standard easement, instead of a flowage easement, restricting potential development, in order to address the Project needs.

Dated: _____

_____
C. William Johnson
Assistant District Counsel
USACE, New York District

EXHIBIT “H”

NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT CHECKLIST

EXHIBIT "H"

NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT CHECKLIST

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

SOUTH SHORE OF STATEN ISLAND COASTAL STORM RISK MANAGEMENT PROJECT

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.L. 91-646, as amended? No

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

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 workload, 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

EXHIBIT "H"

NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT CHECKLIST

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? Yes

b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. If sponsor is believed to be "insufficiently capable," provide explanation. Highly Capable.

V. Coordination.

a. Has this assessment been coordinated with the sponsor? Yes

b. Does the sponsor concur with this assessment? Yes

NOREEN DEAN DRESSER
Chief, Real Estate Division,
Real Estate Contracting Officer

EXHIBIT “I”

PONDING AREA FLOOD DEPTH CHANGES

EXHIBIT "I"

PONDING AREA FLOOD DEPTH CHANGES

			2 yr Storm Event		10 yr Storm Event		50 yr Storm Event		100 yr Storm Event		
Interior Area	**Pond Name**	**Pond Area (± acres)**	**Existing Flood Depth**	**With Project Flood Depth**	**Existing Flood Depth**	**With Project Flood Depth**	**Existing Flood Depth**	**With Project Flood Depth**	**Existing Flood Depth**	**With Project Flood Depth**	**Maximum Increased Flood Depth**
B	East	45.85	0.0	1.9	0.5	2.8	1.0	3.3	1.2	3.5	**2.3**
C	Pond 1	15.69	0.2	0.5	1.4	1.3	2.3	2.2	2.4	2.5	**0.3**
	Pond 2	12.01	0.2	0.5	1.4	1.3	2.3	2.2	2.4	2.5	**0.3**
	Pond 3	16.39	0.2	0.5	1.4	1.3	2.3	2.2	2.4	2.5	**0.3**
	Pond 4	20.46	0.2	0.5	1.4	1.3	2.3	2.2	2.4	2.5	**0.3**
	Pond 7	12.08	0.0	0.5	0.4	1.3	1.3	2.2	1.4	2.5	**1.2**
	Last Chance	18.14	0.0	0.5	0.0	1.3	0.3	2.2	0.4	2.5	**2.2**
	Midland Pond	5.74	0.0	0.5	0.0	1.3	0.0	2.2	0.0	2.5	**2.5**
E	Pond 1	15.64	0	1.1	0.6	2.5	1.16	3.4	1.4	3.8	**2.4**
	Pond 2	18.7	0.99	1.1	1.6	2.5	2.16	3.4	2.4	3.8	**1.4**

*Table is obtained from the Project's Interior Drainage Analysis (Appendix II).