

INTERIM REPORT
ON
FLOOD CONTROL AND ECOSYSTEM RESTORATION
FEASIBILITY STUDY
WOODBIDGE RIVER BASIN,
MIDDLESEX COUNTY, NEW JERSEY

APPENDIX F

REAL ESTATE PLAN

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1. GENERAL

This Real Estate Plan (REP) is for the Woodbridge River Basin, Middlesex County, New Jersey, Flood Damage Reduction and Ecosystem Restoration Feasibility Study. The study was authorized by a resolution of the Committee on Transportation and Infrastructure of the U. S. House of Representatives, dated May 6, 1998. As a result of the July, 1999 Reconnaissance Study, which determined a Federal interest for flood protection and ecosystem restoration measures existed, a Feasibility Cost Sharing Agreement was executed on March 14, 2002 between the U. S. Army Corps of Engineers (USACE) and the State of New Jersey, Department of Environmental Protection (NJDEP), the Non-Federal sponsor (NFS) for the study. From the P-7 Milestone report completed in September, 2003, six (6) alternatives for flood damage reduction were identified. Analysis of these alternatives, including the preferred plan, Alternative 6, resulted in a Benefit to Cost Ratio (BCR) of less than 1, and therefore no alternative will be recommended for further study at this time.

The purposes of this study are flood damage reduction and ecosystem restoration. However, no plans or costs for an ecosystem restoration component are included in this study, since concept discussions proved this component as unfeasible and uneconomically justified. The study area, located in Middlesex County, northeastern New Jersey, is approximately 12 miles south of the City of Newark and 25 miles southwest of New York City. Beginning at the headwaters of the Woodbridge River in the northeastern corner of Woodbridge Township near the Carteret/Rahway Township line, and ending at the river's confluence with the Arthur Kill, it encompasses roughly five (5) miles in length and ten (10) square miles in area. This REP will focus on the preferred plan, Alternative 6, which consists of a 50-Year Level of Protection tide gate with a tidal levee system upstream of the Woodbridge Avenue Bridge.

Tide Gate Structure Description: The proposed tide gate would be a pile supported stand-alone structure. The design calls for ten openings with ten 5-foot by 5-foot slide gates and stop logs. The total width of the considered tide gate structure ranges between 50 to 60 feet. The top elevation of the tide gate would be at 12 feet NGVD (height between 4 to 8 feet). To meet environmental and hydraulic concerns the tidal flow that passes beneath the bridge under present conditions would be maintained by the plan of improvement.

Tidal Levee System Description. In addition to the tide gate structure, a levee system must be included to prevent the tide from circumventing the tide gate and flooding developed areas. The footprint of the levee system would be approximately 924 linear feet in length and would range between approximately 50-70 feet in width. The endpoints of the levee system would be connected to higher ground at an elevation of 12 feet NGVD. One endpoint would be in the vicinity of Woodbridge Avenue and New Jersey Turnpike, and the other endpoint in the vicinity of the intersection of Austin and Summit Streets.

2. REAL ESTATE REQUIREMENTS

- a. Description of Land, Easements, Rights-of-Way and Roadway Requirements for Project:

The project will require the following:

Perpetual Flood Protection Levee Easement - for construction, operation, and maintenance purposes, a perpetual flood protection levee easement, ranging between approximately 50' to 70' wide x 924' long, for approximately 1.24 acres total, will be necessary for the full length of the levee with tidal gate structure.

Temporary Work Area Easement - easement interests totaling approximately 0.35 acres will be necessary for a temporary work area. The duration of the TWAE is for three years. This will allow sufficient time for acquisition of real estate interests, construction, contractor mobilization/demobilization, weather delays, etc. Access to the project will be from property of the Township of Woodbridge public street-ends and areas to be acquired for the project as indicated in Exhibit A.2.

b. Standard Estates:

The minimum estates required for this project are Permanent Flood Protection Levee Easement (Estate No. 9) and Temporary Work Area Easement (Estate No. 15).

The standard estate language will be as follows:

FLOOD PROTECTION LEVEE EASEMENT (Estate No. 9) A perpetual and assignable right and easement in the land described in Schedule A, Tract No. _____, to construct, maintain, repair, operate, patrol and replace a flood protection levee, including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however to existing easements for public roads and highways, public utilities, railroads and pipelines.

TEMPORARY WORK AREA EASEMENT (Estate No. 15) A temporary easement and right-of-way in, on, over and across the land described in Schedule A, Tract No. _____, for a period not to exceed three (3) 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 (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon), 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 Woodbridge River Basin, New Jersey, Flood Damage Reduction and Ecosystem Restoration 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.

c. Non-Standard Estates

There are no non-standard estates necessary for this project.

d. Current Ownership

Under Alternative 6, four (4) tracts currently owned by two (2) public owners are impacted by the project. It should be noted that the owner of Block 692/Lot 1.A.1 is the New Jersey Turnpike Authority, with the service area located on this property managed under contract by Host Marriott TLRD. Ownership information is provided in Exhibit B. It should also be noted that, though the mapping included in this REP as Exhibit A.2 depicts project impacts into the right-of-way on Woodbridge Avenue, if at some future date this project were to go to construction, those project limits would be pulled up from Woodbridge Avenue and into Block 704/Lot 100, thus eliminating the need for any permanent and temporary road right-of-way permit.

e. Real Estate Mapping

A location map identifying the study area is attached as Exhibit A.1. Real Estate Project Planning Map, entitled "Woodbridge River Flood Control Feasibility Study, Woodbridge Township, Middlesex County, New Jersey," dated 15 June 2005 is attached as Exhibit A.2.

3. FEDERALLY-OWNED LANDS AND EXISTING FEDERAL PROJECTS

There are no Federally-owned lands nor existing Federal projects in the proposed project area.

4. LANDS OWNED BY THE NON-FEDERAL SPONSOR

There are no lands involved in this project that are owned by the Non-Federal Sponsor.

5. NAVIGATIONAL SERVITUDE

CENAN has determined that the Woodbridge River is a tidal waterway and subject to the Federal Navigational Servitude for this project in support of flood control. Consequently, only those real estate interests above the Mean High Water Line (MHWL) must be acquired for the project. Though the Real Estate Project Planning Map, Exhibit A.2, shows the complete construction footprint of the project, only real estate interests above the MHWL have been included in the total acreage required for the project.

6. INDUCED FLOODING

No induced flooding is anticipated due to the proposed project structural features.

7. BASELINE COST ESTIMATE FOR REAL ESTATE

The total estimated administrative and real estate costs for lands, easements, rights-of-way, relocations, and disposal areas (LERRD), without contingency, are \$81,572. Those totals breakdown as follows:

Administrative Costs	\$ 22,000
LER	\$ 2,572
Utility Relocations	<u>\$ 57,000</u>
SUB-TOTAL:	\$ 81,572
25% Contingency	<u>\$ 20,393</u>
TOTAL:	\$101,965

The cost for utility relocations is a LERRD cost that is required to be included as part of the Real Estate M-CACES. For consistency purposes in the cost estimates for this study, CENAN has requested that a contingency factor of 25% be used by all the technical areas.

8. PUBLIC LAW 91-646 RELOCATIONS

There are no project features or construction that will require relocations of any persons, farms or businesses in the subject area as would be required under Public Law 91-646, as amended. It should be noted that on Exhibit A.2 the “white objects” appearing within the project limits on Block 692/Lot 1.A.1 and Block 704/ Lot 100, are either vehicles or structures (possibly outbuildings), respectively. If and when the project is constructed, surveys will be completed to avoid impacting permanent structures.

9. TIMBER RIGHTS AND MINERAL ACTIVITY

There is no present or anticipated timber harvesting or mineral activity in the vicinity of the project that may affect the operation thereof.

10. ASSESSMENT OF THE NFP’s REAL ESTATE ACQUISITION CAPABILITY

NJDEP, the NFS for this project, has indicated that the required real estate acquisitions would be accomplished with the assistance of Woodbridge Township. It is anticipated that the NFS would enter into a State Aid Agreement with Woodbridge Township, whereby the municipality provides the real estate in order to receive state funding for the project’s construction. The NFS has real estate acquisition, eminent domain, and “quick-take” authorities in the project area. The Assessment of the Non-Federal Sponsor’s Real Estate Acquisition Capability is included in Exhibit D. If at some future time a project meeting the BCR requirement does go forward, an assessment of Woodbridge Township’s Real Estate Acquisition Capability would be required to determine whether the Township is familiar with the requirements of P.L. 91-646, as amended, or whether training will be needed.

11. ZONING

The enactment of zoning ordinances is not proposed to facilitate real estate acquisition for this project.

12. ACQUISITION SCHEDULE

At this time no recommended plan has been identified due to analysis indicating that all currently identified flood control scenarios are not practical due to limited cost-effectiveness for the benefits predicted (i.e., a BCR less than 1), including the preferred plan, Alternative 6.

Consequently, since it is not anticipated that a Project Cooperation Agreement (PCA) will be executed, this REP does not include an acquisition schedule.

13. UTILITY AND FACILITY RELOCATIONS

Mapping of the impacted area obtained by CENAN from Woodbridge Township dates to the 1980's and appears to show one utility. However, the mapping is vague making it uncertain whether the utility(ies) have been relocated since that time, or if there are other existing utilities. Since the plan sheet does show one utility, an estimate developed from similar jobs in the amount of \$57,000 to relocate this utility will be used.

14. ENVIRONMENTAL CONCERNS

A Phase 1 assessment of the project area has not been completed for this study to determine the presence of any HTRW. At present, no hazardous, toxic, and radioactive wastes (HTRW) are known of being on the site. Neither are there sites within or adjacent to the project area that have been identified as known or potential HTRW sites. However, given the industrial character of the area, until a more thorough environmental assessment is conducted, it is not possible to determine if additional costs will be encountered for contaminated soil handling and disposal on the proposed project site location for the preferred plan, Alternative 6. Therefore, this REP cost estimate does not reflect the presence of contamination.

15. ATTITUDES OF THE LANDOWNERS

Both Woodbridge Township and NJDEP have indicated their support to address flooding problems and opportunities for ecosystem restoration in the Woodbridge River Basin. NJDEP has indicated, however, that its support is contingent upon an economically justified project. The attitude of the New Jersey Turnpike Authority is not known at this time. They are, however, on the mailing list and will receive a copy of the Draft Feasibility Report.

16. NOTIFICATION TO NFS OF RISKS PRIOR TO PCA EXECUTION:

The NFS, New Jersey Department of Environmental Protection, has been notified in writing, in a letter dated February 5, 2005, regarding the risks associated with acquisition of land prior to the execution of the PCA.

17. RISK ANALYSIS

If at some future time the preferred plan, Alternative Plan 6, or another alternative plan meeting the BCR requirement is Congressionally authorized and funded, risks include the potential costs to relocate above/underground utilities should a positive determination of compensable interest be found, and any potential costs for HTRW cleanup.

18. COMMENTS

Lacking at this time an economically justified alternative to recommend for project implementation, and with limited funding, this REP does not contain the following real estate items required for a feasibility study:

- a. complete gross appraisal in accordance with the requirements of appraisal standards, including, but not exclusively, an inspection of the properties impacted, detailed mapping, property investigation of zoning, use and affect. Due to the limited information and funding available, the cost estimate prepared for this REP is reflective of a Reconnaissance Cost

Estimate. Land costs were derived using the direct sales comparison approach of comparable land sales for wetland sales and agricultural preservation land sales in Middlesex County to arrive at unit prices. In addition, among the assumptions upon which this limited cost estimate is based are such premises as the following: (1) the perpetual and temporary easements do not cause a diminution in value to the remainder of the property, resulting therefore in no damages; and (2) relocations are not required for the project

b. updated mapping, survey information, and/or conducting borings/test pits to determine if there are additional utilities requiring relocation

c. attorney's opinion(s) of compensability determining whether impacted owners of required utility/facility relocations have a compensable interest

d. assessment of Woodbridge Township's real estate acquisition capability to determine whether the Township is familiar with the requirements of P.L. 91-646, as amended, or whether training will be needed

e. real estate acquisition schedule estimating the time to complete acquisition of the real estate interests required for the selected Alternative Plan or segment thereof

It is emphasized that, should the preferred plan, Alternative Plan 6, or another alternative plan meeting the BCR requirement is implemented at a future date, each of the above real estate items must be completed.