



**US Army Corps
of Engineers®**
New York District

WESTCHESTER COUNTY STREAMS, BYRAM RIVER BASIN FLOOD RISK MANAGEMENT FEASIBILITY STUDY

**FAIRFIELD COUNTY, CONNECTICUT AND WESTCHESTER COUNTY,
NEW YORK**

**FINAL INTEGRATED FEASIBILITY REPORT &
ENVIRONMENTAL IMPACT STATEMENT**

APPENDIX E: Real Estate Plan

**WESTCHESTER COUNTY STREAMS, BYRAM RIVER BASIN
FLOOD RISK MANAGEMENT
FAIRFIELD COUNTY, CT AND WESTCHESTER COUNTY, NEW YORK**

MARCH 2020 REAL ESTATE PLAN

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Exhibits and Attachments

- Exhibit “A” – Real Estate Map
- Exhibit “B” – Parcel Data
- Exhibit “C” – Standard Estates
- Exhibit “D” – Baseline Cost Estimate for Real Estate
- Exhibit “E” – Non-Federal Partner’s Capability Assessment
- Exhibit “F” – Sponsor’s Authorization for Entry

1. Preamble

Study Authorization: The Byram River Basin study was authorized by a resolution of the Committee on Transportation and Infrastructure, Docket 2779, dated May 2, 2007. The resolution covers the Westchester County Streams study area, which includes the basins of the Byram River, the Mamaroneck and Sheldrake Rivers, the Hutchinson River, the Blind Brook, the Bronx River, and the Saw Mill River. The Westchester County Streams Section 905(b) Reconnaissance Report, which recommended feasibility studies for all six river basins and for coastal flooding from Long Island Sound, was approved in 2009. A Feasibility Cost Sharing Agreement (FCSA) for the Byram River Basin was signed with the Town of Greenwich in 2012 for just under \$3 million to conduct a Flood Risk Management Study. A previous study was performed by the United States Army Corps of Engineers (“USACE” or “Corps”) in 1977.

a) Official Study Designation: Westchester County Streams, Byram River Basin Flood Risk Management Fairfield County, CT and Westchester County, NY (the “Study”).

b) Study Location: The study area is in the Town of Greenwich, Fairfield County, Connecticut and the Village of Port Chester, Westchester County, New York.

The Byram River is approximately 13.5 miles long, with a watershed of approximately 12,000 acres; approximately 5,360 acres of which are located within the Town of Greenwich, CT. The river flows from north to south through five towns in both Connecticut (Town of Greenwich) and New York (Towns of Rye, North Castle, New Castle, and Bedford). The lower portion of the river for a length of 1.3 miles is tidal. The watershed is primarily a mixture of urban and dense suburban residential land use plus commercial areas. The study area extends from just north of Bailiwick Road to south of West Putnam Avenue (U.S. Route 1 northbound), as shown in Figure 1.

Non-Federal Partner: The non-Federal Partner for the feasibility study is the Town of Greenwich, CT (the “Sponsor”).

Construction authority is required for the Study. The Town of Greenwich and the New York State Department of Transportation (NYSDOT) have indicated their support for the Study’s Recommended Plan (further defined in paragraph 3(b)). The Town of Greenwich has indicated its willingness to sign a Project Partnership Agreement (PPA) with the Department of the Army (the “Government”), and serve as the non-Federal partner for the implementation of the Recommended Plan. As the non-Federal partner, the Town of Greenwich will be responsible for performing or ensuring the performance of the Lands, Easements, Right-of-Ways, Relocation and Disposal Area (LERRD) requirements for the Recommended Plan as described in this Real Estate Plan (REP), and in accordance with the PPA, which is scheduled to be executed in May 2020. Since the Recommended Plan requires work to be performed in the State of New York, thus outside the jurisdiction of the Town of Greenwich, the NYSDOT has indicated its willingness to be a “non-Federal party” to the PPA and enter into a local agreement with the Town of Greenwich to fulfill the project’s New York State real estate requirements.

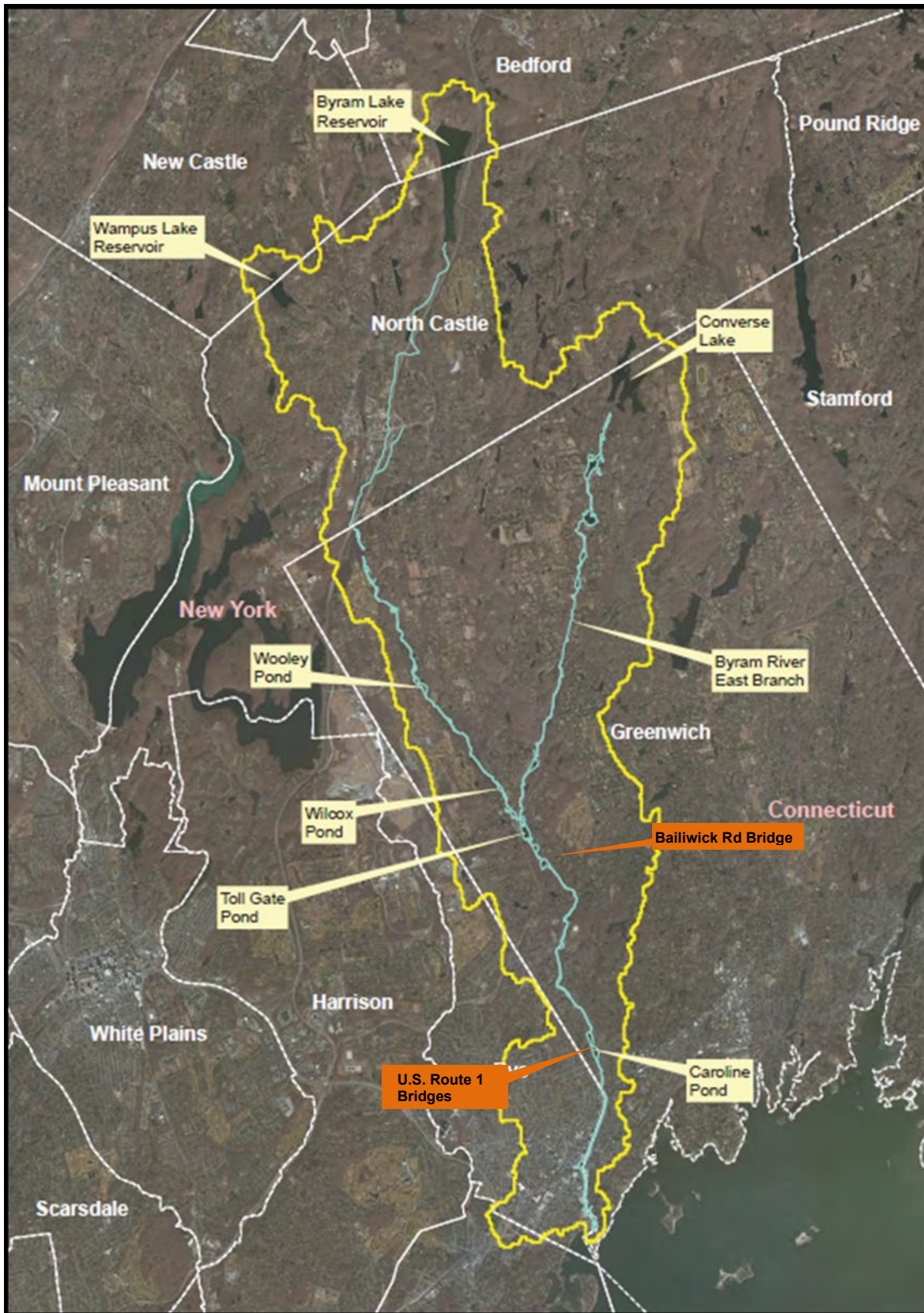


Figure 1: Byram River Flood Risk Management Study Area

2. Statement of Purpose

The purpose of this REP is to describe the minimum LERRD requirements for the construction, operation, and maintenance of the Recommended Plan. This REP describes the estimated Land, Easements and Right-of-Ways (LER) values, cost to acquire the LER, the types of real estate interests required, property information, and other pertinent information relative to the real estate acquisition process and schedule. Further, this report identifies and describes the facility and or utility relocations that are necessary for construction. This REP is the first prepared for the Study and is an appendix to its Integrated Feasibility Report and Environmental Impact Statement (the “main report”).

Since this REP was prepared during a feasibility level study, the size of the required real estate interests presented herein are preliminary estimates based only on existing, readily available Geographic Information System (GIS) data. The LER requirements are subject to change with optimization during the Recommended Plan’s Pre-construction, Engineering, and Design (PED) phase when final plans, specifications, and detailed drawings are prepared.

3. Study Purpose and Features

a) Study Purpose: The increase in impervious area and the changes in the Byram river channel has caused the river to experience an increase in water collection and movement. As a result, the area has been identified by the Town of Greenwich as a high priority area with immediate needs for drainage improvements to alleviate flooding. The purpose of the Study is to identify a flood risk management solution in the Town of Greenwich.

Through an iterative plan formulation process, potential flood control measures were identified, evaluated, and compared to mitigate flooding within the town boundaries during a storm event. A Tentatively Selected Plan (TSP) was identified that aimed to reduce the frequency and or severity of flooding caused by a 100-year flood event to lessen damages to personal and public property, including commercial structures, upstream of the U.S. Route 1 bridges over the Byram River. The TSP is the Recommend Plan for the Study and the National Economic Development Plan, which is the plan that achieves the greatest net benefits when considering the resources required to achieve the Study objective.

b) Recommended Plan: The Recommended Plan consists of removing and replacing the U.S. Route 1 North (Hillside Avenue) and South (Putnam Avenue) bridges over the Byram River with new single-span bridges elevated to 2.4 Feet to 4.0 Feet higher than the existing bridges without center bridge piers impeding flow. The bridges extends from the State of New York by way of Hillside Ave (U.S Route 1 North) and N. Main Street (U.S. Route 1 South) over the Byram River and into the State of Connecticut by way of West Putnam Ave (U.S Route 1 North and South merge). See **Exhibit “A”** for reference.

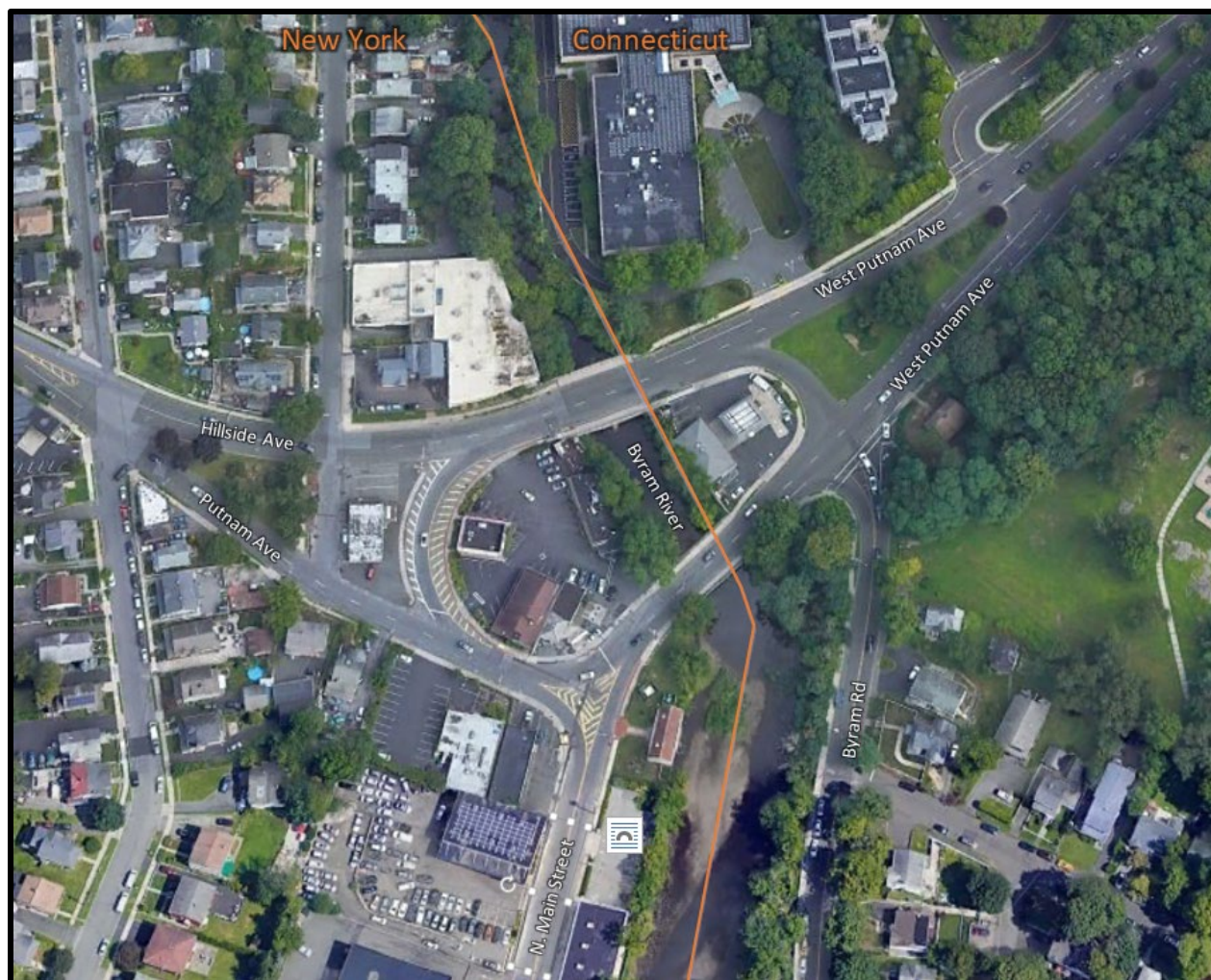


Figure 2: Route 1 Byram River Bridge

The existing bridge decks currently cause water flow from the Byram River to back up and exacerbate flooding upstream. Therefore, raising the elevation of the bridge decks and removing the existing abutments and center pier would lower the water surface by two to four feet during the 100-year flood event. The bridge replacement requires regrading of the landscape to accommodate the new bridges.

c) Required Lands, Easements, and Right-of-Ways (LER): In accordance with the PPA, the Sponsor will be responsible for acquiring or ensuring the acquisition of all the LER required for the construction, operation, and maintenance of the Recommended Plan. Approximately 3.174 acres needs to be acquired for the implementation of the Recommended Plan. A list of the properties and real property interests required therein is provided in **Exhibit “B”**. Table-1 offers a summary of the real estate required:

Table-1: LER Summary

	NY	CT	Total
Permanent Easements Acres	±1.684	±0.013	±1.697
Temporary Easements Acres	±1.084	±0.393	±1.477
<i>Total Acres</i>	<i>±2.768</i>	<i>±0.406</i>	<i>±3.174</i>

	NY	CT	Total
No. of Publicly-Owned Tax Parcels	0	3	3
No. of Privately-Owned Tax Parcels	13	3	16
<i>Total No. of Tax Parcels</i>	<i>13</i>	<i>6</i>	<i>19</i>

As indicated in Table-1, while there are no publicly-owned parcels (i.e. a lot with a designated section, block, and lot number) required for the Recommended Plan, there is a requirement to obtain a permanent easement within the NYS-owned bridge right-of-way. Under the custody and accountability of the NYSDOT, NYS maintains ownership of the U.S. Route 1 Bridge structure and surrounding lands within its immediate right-of-way. NYS also maintains ownership of a portion of the lands within the Byram River right-of-way that are also required.

The Sponsor, as a Connecticut municipality, will be responsible for acquiring all the LER required for the Recommended Plan that are located within its state. Since the Sponsor does not have the legal authority to acquire and provide the real estate outside its political boundary, participation from the State of New York is required to provide the required real estate located within its state. The NYSDOT and Town of Greenwich, CT have indicated their support for the Recommended Plan and agree to be jointly and severally responsible for all local cooperation requirements for the Recommended Plan.

The following details the minimum interest in real property required to support the construction, operation, and maintenance of the Recommended Plan:

I. Road Easement (USACE Standard Estate No. 11): Approximately 1.697 acres are required to replace the U.S. Route 1 North and South bridges. Approximately 1.684 acres are under the ownership of the State of New York and Connecticut, which consists of the bridge structure and lands within its right-of-way. Approximately 0.013 of an acre are privately owned, which span across two parcels located in the State of Connecticut.

II. Temporary Work Area Easement (TWAE) (USACE Standard Estate No. 15): Approximately 1.477 acres are required for staging and work area purposes, as well as to regrade certain areas of the landscape to accommodate the new bridges. The term is for approximately two years. Including lands within New York and Connecticut-owned right-of-ways, there are 20 parcels impacted by this easement – 6 publicly-owned, 14

privately-owned. There is no requirement to obtain temporary easements for borrowing purposes or excavated material disposal sites.

Easement agreements acquired by the Sponsor must contain the USACE-approved standard estate language, as written herein (see **Exhibit “C”** for the estate language), and the necessary covenant to run with the land. After the PPA is fully executed and once the final design of the Recommended Plan is complete, a general written description of the final LER (with supporting real estate maps) and facility/utility relocations required will be provided to the Sponsor in their formal written *Notice to Proceed with Real Estate Acquisition* letter (hereinafter, the “NTP”). Once the Sponsor receives the NTP from USACE, the Sponsor will commence real estate acquisition activities.

To delineate the precise boundary of the required estate and to mitigate against potential boundary disputes, a boundary land survey with a corresponding legal description for each required estate will be completed by the Sponsor. Further, the Sponsor is advised to obtain a chain of title and title insurance on all acquired property to identify potential encumbrances and to protect against “defects”¹ in title. To ensure easements acquired remain in effect in the event of foreclosures, Subordination of Mortgage are necessary for properties with existing mortgages. The Sponsor must work with the property owners and their mortgage lenders to execute the appropriate agreement that allows the mortgage to be subordinate to the easement. USACE will remain in close coordination with the Sponsor throughout the real estate acquisition process for support and guidance.

After the Sponsor completes its acquisition efforts and prior to USACE’s issuance of the solicitation for construction contract(s), the Sponsor must provide USACE with copies of all real estate conveyance agreements recorded with their respective county and a signed *Authorization for Entry* (with an attorney’s Certificate of Authority) (See **Exhibit “F”**) for all the LER USACE identified in the NTP for that construction contract. USACE will examine and evaluate all records received to ensure sufficient real property interests are available to support construction. USACE will then certify in writing to the appropriate USACE District elements that the real estate for the Recommended Plan has been obtained and the solicitation for construction contract(s) may commence.

a) Appraisal Information: : In accordance with USACE Real Estate Policy Guidance Letter No. 31, CEMP-CR, 11 Jan 19, subject: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning (hereinafter referred to as “PGL 31”), a land appraisal cost estimate, or a “rough order of magnitude” estimate, was completed for the Recommended Plan since the value of real estate (land, improvements and severance damages) was not expected to exceed ten percent of the total costs of the Recommended Plan. A cost estimate is not a full appraisal. To establish a more accurate land valuation for the required real estate, a full land appraisal based on surveyed boundaries of the Recommended Plan’s final design plans is required.

¹ A defective title is when real property has a publicly-recorded encumbrance, such as a lien, mortgage, or judgment, where title ownership cannot be legally transferred to another party free and clear.

The appraisal cost estimate represents the estimated market value of the real estate required for the Recommended Plan. It also serves to identify the estimated compensation amount paid to land owners for the purchase of the required real estate. The appraisal cost estimate does not include the incidental costs (e.g., appraisals, surveys, title, attorney fees, etc.) that would be incurred to facilitate real estate acquisition. The appraisal cost estimate is incorporated into the Base Line Cost Estimate for Real Estate (BCERE) under “Land Payments” and “Land Payments under PL 91-646” and is an item of the Recommended Plan’s 01-Lands & Damages cost account. See paragraph 11 for the BCERE and the Recommended Plan’s overall estimated real estate costs.

An appraisal cost estimate was completed by a licensed USACE staff appraiser who concluded, as of November 21, 2016, the total estimated market value for the Recommended Plan’s required real estate is approximately \$687,000. Table-2 provides a summary of the estimated market value for the real estate required.

Table-2: Estimate Market Value of LER

Real Estate Interest Type	Estimated Market Value
Road Easement	\$650,000
Temporary Work Area Easement	\$37,000
<i>Total Estimated Market Value of LER:</i>	<i>\$687,000</i>

The following Assignment Conditions were included in the appraisal cost estimate:

Assignment Condition #1 – The Appraiser did not receive a title report for the parcels impacted by the Recommended Plan. The cost estimate was predicated on the extraordinary assumptions that, as of the effective date of the cost estimate, the parcels impacted by the Recommended Plan: (1) did not begin condemnation proceedings; and (2) had marketable title without restrictions or encumbrances impacting cost.

Assignment Condition #2 – The cost estimate invoked the Jurisdictional Exception of the Uniform Standards of Professional Appraisal Practice (USPAP). “If any part of these standards is contrary to the law or public policy of any jurisdiction, only that part shall be void and of no force or effect in that jurisdiction.” USPAP 2014-2015 Edition, The Appraisal Foundation, Washington, DC, 2014, p. U-3.

The cost estimate was prepared for the internal use of the USACE. Though not complying with all provisions of USPAP, the document does conform to the USACE regulations. For purposes of the estimate, the Appraiser was advised that the USACE operates under the Jurisdictional Exception provision of USPAP. Standards #1 in part and #2 had not been complied within the cost estimate. A cost estimate is not an appraisal as defined by USPAP. An appraisal is the process of developing an opinion of value. Cost is an estimate of fact, not an opinion of value, based upon land planning and engineering design parameters at a specific level of detail. As the design parameters are refined, the engineering and land planning facts may change necessitating a change in

the cost estimate. The cost estimate report is not required to be in compliance with USPAP, i.e., since the Jurisdictional Exception is authorized.

Assignment Condition #3 – The Appraiser was provided with the Recommended Plan's preliminary real estate maps and spreadsheet data. The cost estimate was predicated on the extraordinary assumption that, as of the effective date of the cost estimate, the preliminary real estate maps and spreadsheet data accurately portrayed the location of the defined estates in land based upon the land use planning and engineering designs. The maps and spreadsheet parameters are frequently amended due to project planning reasons. Cost estimates change as project planning analysis changes the planning parameters.

Assignment Condition #4 – The Appraiser was provided with the Recommended Plan's preliminary real estate maps and spreadsheet data indicating areas for the permanent and temporary easements. The data was applied in the cost estimate. The cost estimate is predicated on the extraordinary assumption that, as of the effective date of the cost estimate, the Recommended Plan's parcel areas were consistent with the parameters of the Recommended Plan.

Assignment Condition #5 – The Temporary Work Area Easements were assumed to encumber the real property areas for a period of 2 years. The cost estimate was predicated on the extraordinary assumption that, as of the effective date of the cost estimate, the two year encumbrances were consistent with the parameters of the Recommended Plan.

Assignment Condition #6 – The cost estimate was predicated on the extraordinary assumption that, as of the effective date of the cost estimate: (1) there were no zoning bulk area requirement violations on any of the properties required for the Recommended Plan; (2) all properties were conforming uses; and (3) all properties were permitted uses under the zoning code. It was assumed that the existing land uses comply with current zoning requirements and did not impact the cost estimate conclusion.

Assignment Condition #7 – The cost estimate was based upon a superficial level of detail. The data provided for the analyst was based upon a preliminary design and did not provide specifics on each parcel. Superficial, in the context of the analysis, is defined as "the property data is concerned only with what is obvious or apparent, not thorough or complete at this point in the land planning process" as directed by PGL 31. If the design parameters change, the cost estimate may change.

4. LER Owned by the Non-Federal Partner

The Town of Greenwich maintains fee ownership over approximately 0.352 of an acre of land required for the Recommended Plan.

Table-3: Sponsor-owned Lands

Block_Lot	Road Easement (ac)	TWAE (ac)
03_4544/S	0	±0.015
04_4525/S	0	±0.052
04_4512	0	±0.044
Road Right-of-Way	0	±0.241

The estate and real property interests owned by the Sponsor are sufficient and available for the Recommended Plan. As an item of cooperation, Sponsor-owned lands are expected to be made available as a donation. The Sponsor will provide to USACE the necessary Authorization for Entry, as certified by its legal counsel, over their lands for the construction of the Recommended Plan. No special value considerations or crediting principals will be applied to existing Sponsor-owned lands.

5. Non-Standard Estates

As of this report, there are no non-standard estates proposed for the Recommended Plan. Non-standard estates are necessary only when there is no corresponding USACE approved standard estate for the real property interest required, or when changes to a corresponding standard estate (or previously approved non-standard estate) are desired. In such situations, a non-standard estate will be drafted with coordination and consultation with the Sponsor, then approved by the District Chief of Real Estate or Headquarters USACE, as appropriate.

6. Existing Federal Projects

There are no known existing or proposed Federal projects that lie either partially or fully within the LER required for the Recommended Plan.

7. Federally-Owned Land

The Recommended Plan includes no Federally-owned lands as part of its LER requirements.

8. Navigational Servitude

Navigational servitude is not applicable to the Recommended Plan.

9. Real Estate Map

A real estate map is provided in **Exhibit “A”**. The NYS GIS tax parcel data depicted in the map was obtained from Westchester County, with a last update occurring on March 24, 2015. The data was compiled from 26 different tax map jurisdictions year and was the currently published parcel composite at the time the maps were prepared. As shown in the map, the provider acknowledges overlaps and gaps between the municipalities’

map data. Further research is required to definitively identify NY and CT state boundaries within the project area.

The parcel data set retrieved is not intended for use as a tax map. The lot boundaries delineated in the real estate map does not represent legal boundaries and should not be used to provide a legal determination of land ownership. The parcels boundaries are not survey data and should not be used as such. There may be boundary discrepancies between what is shown on the real estate map and the property's actual deeded boundary. The GIS tax parcel data obtained is intended for planning purposes only to provide a reasonable representation of parcel boundaries and the real property interest required for the Recommended Plan. Surveys of the Recommended Plan's final design are needed to determine the precise location of easements based on a property's deeded legal description.

10. Induced Flooding

The Recommended Plan does not induce flooding.

11. Baseline Cost Estimate for Real Estate (BCERE)

a) The BCERE (provided in **Exhibit "D"**) establishes the estimated financial costs (for both the Government and Sponsor) that are attributed to the Recommended Plan's real estate requirements. It is recorded in the project's 01-Lands & Damages cost account. Itemized under "Incidental" and "Acquisition" categories, the BCERE provides a list of work activities/items with its associated estimated cost. The Recommended Plan's total estimated real estate cost is **\$1,433,250**. Table-4 provides a summary of the BCERE.

Table-4: 01-Lands & Damages Cost

Cost Category	Estimated Costs
Incidental Costs	\$415,500
Acquisition Costs	\$687,000
30% Contingency	\$330,750
<i>Total 01-Lands & Damages:</i>	<i>\$1,433,250</i>

b) For civil works projects that are cost-shared between the Federal government and a non-Federal interest, the Water Resources Development Act of 1986 ("WRDA 86") assigns the non-Federal partner the responsibility of providing the LER, performing the facility/utility relocations, and fulfilling any disposal area requirements (i.e., "LERRD") for the project. All LERRD must be acquired in accordance with the project's PPA, WRDA 86, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (Public Law 91-646).

LERRD costs represent a non-Federal partner's estimated upfront direct and indirect financial costs in fulfilling its real estate responsibilities. The non-Federal partner receives credit for their actual associated costs if found to be reasonable, allowable, and allocable. They must document all their LERRD expenses (e.g., receipts, invoices, official certified timesheets, etc.) and submit to USACE for review and approval as part of their claim for credit. LERRD cost are calculated by adding the non-Federal costs in a project's 01-Lands & Damages cost account with the cost in the project's 02-Relocations (facility/utility) cost account (See paragraph 17 for 02-Relocation costs). LERRD cost do not include Federal costs. Table-5 shows the Sponsor's estimated LERRD Costs.

Table-5: Sponsor's LERRD Costs

LERRD	Costs
Lands, Easements & ROWs	±\$1,230,450
Relocations (02 Project Cost Account)	±\$19,152,088
Disposals	±\$0
<i>Total LERRD:</i>	<i>±20,382,528</i>

According to Engineering Regulation (ER) 405-1-12, Chapter 12 and ER 1105-2-100, the non-Federal Partner is responsible for the value of LERRD, which for the Recommended Plan, includes temporary and permanent easements as well as removing and replacing the bridges. 33 U.S.C. § 2213 (a) states the non-Federal share shall not exceed 50 percent of the cost of the project assigned to flood control. In accordance with the cited engineering regulations, the non-Federal partner must perform the relocations or pay the costs of such relocations before work can begin. The non-Federal partner would then be reimbursed any amount over the 50 percent maximum specified in 33 U.S.C. § 2213 (a).

The Sponsor is required to pay the LERRDS that consist of the non-Federal portion of the 01-Lands and Damages and 02-Relocations project cost accounts. The total project cost share is 50% Federal and 50% non-Federal. However, since the Sponsor is responsible for LERRDS, the Sponsor would have an initial cost of approximately \$23 million and would be due a reimbursement of approximately \$8 million². The Town of Greenwich has indicated their willingness to act as the non-Federal partner, and NYSDOT has indicated their willingness to act as the non-Federal party [to the PPA], for construction of the Recommended Plan. The Town of Greenwich, in conjunction with NYSDOT, agrees to be responsible for all LERRD and local cooperation requirements.

12. Public Law 91-646, Uniform Relocation Assistance

Public Law 91-646 provides uniform equitable treatment of persons and businesses displaced by a Federal or Federally-assisted project. Along with the PPA, it requires the

² USACE will be pursuing a budgetary policy exception such that the entire federal share of the project, to include the reimbursement, could be provided prior to project implementation.

non-Federal partner to provide assistance and certain benefits be paid to all persons and businesses that are displaced and must be relocated from their residence or place of business due to a Federally-funded project. The cost incurred by the non-Federal partner to provide relocation assistance is part of its LERRD responsibilities.

No relocation of persons or businesses have been identified to be required for the Recommended Plan. Nonetheless, the Sponsor is aware of Public Law 91-646 and its requirement to provide relocation assistance to tenants, residential owners, and business owners impacted by the Recommended Plan who are determined eligible for such assistance, and to do so in accordance with all applicable law.

13. Mineral and Timber Activity

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

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

A Non-Federal Partner's Capability Assessment outlining the legal and professional capability and experience to acquire and provide the LER for the Recommended Plan is provided in **Exhibit "E"** for the Sponsor and NYSDOT (as a non-Federal party to the PPA with responsibilities).

15. Land Use Zoning

No application or enactment of local zoning ordinances is anticipated in lieu of, or to facilitate, the acquisition of the LER required for the Recommended Plan.

16. Schedule of Real Estate Acquisition

Table 6: Real Estate Acquisition Schedule

Milestone	Date
PPA executed between USACE and the Sponsor.	May 2020
USACE issues its formal written notice to the Sponsor to commence with real estate acquisition.	May 2020
Sponsor notifies NYSDOT to commence with New York state real estate acquisition.	May 2020
NYSDOT completes all New York state real estate acquisition and provides its Authorization for Entry to the Sponsor.	Jul 2021
Sponsor certifies to USACE all real estate required for the project is acquired with its, and the NYSDOT, Authorization for Entry.	Jul 2021
USACE certifies all real estate required for the project is acquired by the Sponsor and NYSDOT.	Aug 2021
USACE commences with the solicitation for the project's first construction contract(s).	Aug 2021

17. Relocation of Facilities or Public Utilities

The total estimated facility/utility relocation costs is **\$19,152,088**. As an item of their LERRD responsibility, the Sponsor is responsible for the upfront costs in performing the facility and utility relocations described herein as discussed in paragraph 11(b).

a) The Recommended Plan entails removal of the existing U.S. Route 1 bridges (one at the southbound Hillside Avenue and one at the northbound Putnam Avenue) and construction of new bridges over the Byram River. The cost to demolish and remove the two existing bridges and the cost to build the two new proposed bridges is a relocation expense. The construction of the new bridges would occur immediately after the removal of each of the U.S. Route 1 bridges in sequence; one bridge will be removed and replaced per construction season, to be accomplished over two seasons.

b) On N. Main Street resides a Gulf gas station and auto maintenance shop (located on Block 64 Lot 1028) that is impacted by the construction of the new proposed bridges. Due to the increased elevation of the proposed bridge, regrading of the surface is necessary. Regrading will extend into the gas station and maintenance shop, which will cause the raising of two aboveground gas station pump units.

c) There are catch basins (10), a hydrant (1), valves (10), manholes (10), and utility poles (3) that will need to be relocated as part of the bridge replacement. There may also be unknown underground utilities that could require relocation to construct the Recommended Plan. The precise location of any underground utilities and required relocation will be known during PED when surveys are completed.

The above referenced facilities/utilities are generally of the type eligible for compensation under the substitute facilities. The substitute facilities doctrine provides an alternate means of just compensation to property owners affected by an acquisition or taking of property in order to place them in as good a position as if the property had not been acquired or taken. The measurement of just compensation – as it relates to the substitute facilities doctrine – has been required only when fair market value has been too difficult to establish or when its application would result in manifest injustice to the owner or the public. In such cases, the cost of constructing a substitute facility may be used as the measure of just compensation paid to the facility/utility owner where a substitute facility/utility is necessary. The substitute facilities doctrine is the foundation for the concept of “relocation” as applied to the implementation of water resources projects by the USACE. Engineering Regulation 405-1-12, Real Estate Handbook, Change 31, 1 May 98, defines the term “relocation” as generally meaning:

To provide a functionally equivalent facility to the owner of an existing utility, cemetery, highway, or other eligible public facility and railroad when such action is authorized in accordance with applicable legal principles of just compensation. Providing a functionally equivalent facility may take the form of

alteration, lowering, raising, or replacement (and attendant removal) of the affected facility or part thereof.

As a result of the Recommended Plan's impact to the above described facilities/utilities, there is a requirement to perform such relocation and provide functionally equivalent substitute facilities, in-place or moved, as just compensation for the property owners. A Preliminary Attorney's Opinion of Compensability (the "preliminary opinion"), with amendments, was prepared in January 2019. The preparation of an Attorney's Opinion of Compensability is the principal process for determining the extent of the Government's or Sponsor's legal obligation to relocate a utility or public facility that will be impacted by construction or operation of the Recommended Plan. It is prepared and used for the purpose of completing the feasibility study. The preliminary opinion concluded:

[T]he set-up for the removal of the bridges, inclusive of mobilization, demobilization, site preparations, traffic control, excavation and disposal, as well as the bridge removal, itself, is to be considered a project cost to be cost-shared, accordingly. The construction of the new bridges, that will be additionally raised, will be considered a relocation, and therefore, will solely be the non-Federal sponsor's responsibility as part of its LERRD responsibilities. In effect, the new and raised bridges are the 'substitute facilities' that will be the subject relocation. The substitute facility and relocation will 'provide a functionally equivalent facility to the owner of an existing utility, cemetery, highway, or eligible public facility...[p]roviding a functionally equivalent facility may take the form of alteration, lowering, raising, or replacement (and attendant removal) of the affected facility or part thereof.

Currently, there is no need to acquire additional real estate to perform any of the facility/utility relocations. The cost to relocate the facilities/utilities are part of the Sponsor's LERRD expense and are creditable toward their cost-shared amount. Any conclusion or categorization contained in this REP that an item is a utility or facility relocation to be performed by the Sponsor as part of its LERRD responsibilities is preliminary only. The USACE will make a final determination of the relocations necessary for the construction, operation or maintenance of the Recommended Plan after further analysis and completion and approval of a Final Attorney's Opinion of Compensability for each of the impacted utilities and facilities. A Final Attorney's Opinion of Compensability and final relocation determination will occur during PED and prior to the execution of the PPA.

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

The State of Connecticut Department of Energy & Environmental Protection Hazardous Waste List of Contaminated or Potentially Contaminated Sites (CT DEEP, 2018) lists 49 sites within $\frac{3}{4}$ of a mile from the Recommended Plan area. Of the 49 listed sites, two are located within or adjacent to the LER required for the Recommended Plan.

However, those sites have achieved Connecticut guidelines for remediation and have been documented and now closed. The two sites listed are:

- (1) Within Block 9 Lot 1634, the Greenwich Sunoco Gas Station (former Exxon Station 3-7848); and
- (2) Adjacent to Block 9 Lot 21228/S, the Pumberwick Apartments at 2 Homestead Lane.

Additionally, according to the Environmental Protection Agency (EPA) Superfund Site online search tool (EPA, 2013), there are no hazardous, toxic, or radioactive waste sites located within $\frac{3}{4}$ of a mile of the Recommended Plan area. There are no other known HTRW or suspected presence of contaminants that are in, on, under, or adjacent to the LER required for the Recommended Plan.

19. Project Support

The Sponsor and local stakeholders support the Recommended Plan. Several public meetings were held – January 2013, February 2014, May 2015, November 2017 (National Environmental Policy Act scoping), and July 2018 (during 45 comment period of Draft Integrated Feasibility Report and Environmental Impact Statement) – that drew support from local residents and business owners on the need to address local flooding to reduce the risk of property damage during storm events. There are no known local concerns that could adversely impact the real estate acquisition schedule.

20. Risk Notification to Non-Federal Partner

By letter dated May 16, 2018, a formal written notice was provided to the Sponsor on the risks associated with acquiring the real estate for the Recommended Plan in advance of signing a PPA. Those risks include, but may not be limited to, the following:

- 1) Congress may not appropriate funds to construct the Recommended Plan;
- 2) The Recommended Plan may otherwise not be funded or approved for construction;
- 3) A PPA mutually agreeable to the Sponsor and the Federal Government may not be executed and implemented;
- 4) The Sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended;

- 5) The Sponsor may acquire interests or estates that are later determined by USACE to be inappropriate, insufficient, or otherwise not required for the Recommended Plan;
- 6) The Sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and USACE's notice to commence acquisition and performance of LERRD; and
- 7) The Sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and USACE's NTP Letter which may not be creditable under the provisions of Public Law 99-662 (the Water Resources Development Act of 1986) or the PPA.

21. Point of Contact

The point of contacts for this real estate plan is the Real Estate Project Delivery Team member Carlos E. Gonzalez at (917)790-8465 (email: Carlos.E.Gonzalez@usace.army.mil).

Carlos E. Gonzalez
Realty Specialist

Lydia H. Williams
Chief, Real Estate Division
New York District

EXHIBIT “A”
REAL ESTATE MAP

EXHIBIT "A" REAL ESTATE MAP

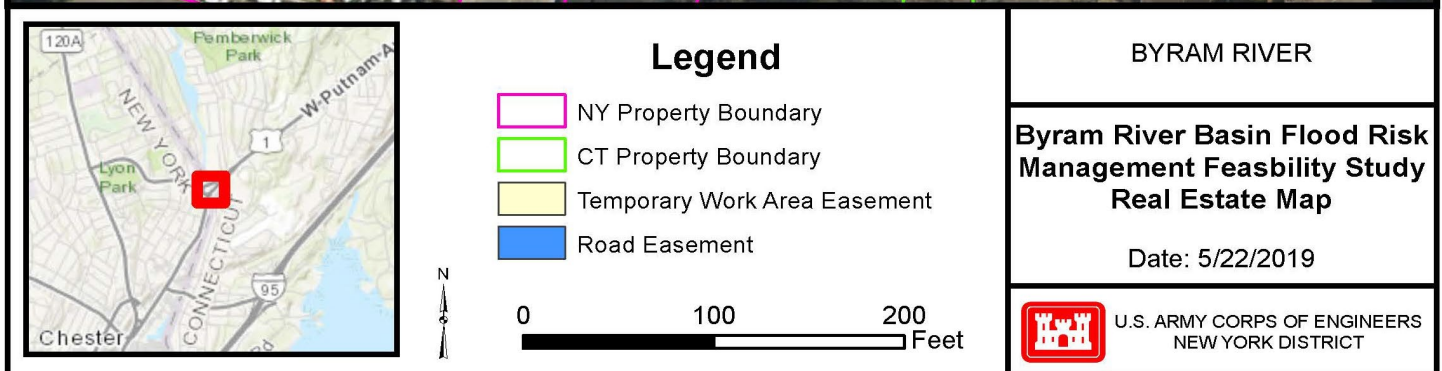


EXHIBIT “B”
PARCEL DATA

**EXHIBIT “B”
PARCEL DATA**

STATE	MUN	BLOCK_LOT	LOCATION	OWNER	TEMPORARY WORK AREA EASEMENT (ac)	ROAD EASEMENT (ac)
NY	1360	56_105	Putnam Ave	Private Owner	±0.0286	-
NY	1360	56_1049	13 Riverdale Ave	Private Owner	±0.0052	-
NY	1360	64_1021	11 Hillside Ave	Private Owner	±0.0310	-
NY	1360	64_1025	1 Putnam Ave	Private Owner	±0.0184	-
NY	1360	64_1022	604 N. Main St	Private Owner	±0.0060	-
NY	1360	64_1023	604 N. Main St	Private Owner	±0.0012	-
NY	1360	64_1028	602 N. Main St	Private Owner	±0.0236	-
NY	1360	64_1029	780 Putnam Ave	Private Owner	±0.0373	-
NY	1360	64_1042	4 Putnam Ave	Private Owner	±0.0013	-
NY	1360	64_1041	2 Putnam Ave	Private Owner	±0.0796	-
NY	1360	64_104	600 N. Main St	Private Owner	±0.0411	-
NY	1360	64_1061	601 N. Main St	Private Owner	±0.0105	-
NY	1360	64_103	N. Main St	Private Owner	±0.1009	-
NY	-	River ROW	Byram River	State of New York	±0.1834	-
NY	-	Street ROW	Hillside & Putnam Ave	State of New York	±0.5157	-
NY	-	Bridge ROW	Route 1	State of New York	-	±1.6842
CT	2200	09_2129/S	777 West Putnam Ave	Private Owner	-	±0.0071
CT	2200	09_2128/S	777 West Putnam Ave	Private Owner	-	±0.0056
CT	122303	04_4525/S	West Putnam Avenue	Town of Greenwich	±0.0521	-
CT	2210	03_4544/S	Western Junior Highway	Town of Greenwich	±0.0146	-
CT	2710	04_4512	0 West Putnam Avenue	Town of Greenwich	±0.0435	-
CT	2200	09_1634	West Putnam Avenue	Private Owner	±0.0418	-
CT	-	CT ROW	Hillside & Putnam Ave	State of Connecticut	±0.2411	-

**EXHIBIT “C”
ESTATES**

EXHIBIT “C”
ESTATES

1) ROAD EASEMENT (USACE Standard Estate No. 11)

A perpetual non-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; reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

2) TEMPORARY WORK AREA EASEMENT (USACE 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 Byram River Connecticut and New York Flood Risk Management 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”
BASELINE COST ESTATE FOR REAL ESTATE

BASELINE COST ESTIMATE FOR REAL ESTATE BYRAM RIVER BASIN FLOOD RISK MANAGEMENT STUDY FAIRFIELD COUNTY, CONNECTICUT AND WESTCHESTER COUNTY, NEW YORK				
	COST CATEGORY	NON-FED	FEDERAL	TOTAL COSTS
01A	INCIDENTAL COSTS	\$259,500	\$156,000	\$415,500
01A1	Administrative	\$157,500	\$52,500	\$210,000
01A1A	By the Non-Federal Sponsor	\$157,500		
01A1B	By Government (Gov't) on behalf of NFS			
01A1C	By Gov't		\$52,500	
01A2	Land Survey	\$25,500	\$12,750	\$38,250
01A2A	By NFS	\$25,500		
01A2B	By Gov't on behalf of NFS			
01A2C	Review of NFS		\$12,750	
01A3	Appraisal	\$42,500	\$25,500	\$68,000
01A3A	By NFS	\$42,500		
01A3B	By Gov't on behalf of NFS			
01A3C	Review of NFS		\$25,500	
01A4	Title Services & Closing	\$34,000	\$12,750	\$46,750
01A4A	By NFS	\$34,000		
01A4B	By Gov't on behalf of NFS			
01A4C	Review of NFS		\$12,750	
01A5	Other Professional Services	\$0	\$0	\$0
01A5A	By NFS			
01A5B	By Gov't on behalf of NFS			
01A5C	Review of NFS			
01A6	Public Law 91-646 Uniform Relocation Assistance	\$0	\$0	\$0
01A6A	By NFS			
01A6B	By Gov't on behalf of NFS			
01A6C	Review of NFS			
01A7	Audit for NFS Credit	\$0	\$52,500	\$52,500
01A7A	By NFS			
01A7B	By Gov't		\$52,500	
01B	ACQUISITION COSTS	\$687,000	\$0	\$687,000
01B1	Land Payments	\$687,000	\$0	\$687,000
01B1A	By NFS	\$687,000		
01B1B	By Gov't on behalf of NFS			
01B2	Damage Payments	\$0	\$0	\$0
01B2A	By NFS			
01B2B	By Gov't on behalf of NFS			
01B3	Public Law 91-646 Land Payments	\$0	\$0	\$0
01B3A	By NFS			
01B3B	By Gov't on behalf of NFS			
01B4	Condemnation	\$0	\$0	\$0
01B4A	By NFS			
01B4B	By Gov't on behalf of NFS			
01B5	Disposal Areas	\$0	\$0	\$0
01B5A	By Government			
01B5B	By NFS			
01B5C	By Gov't on behalf of NFS			
	Subtotal Lands & Damages (01A & 01B)	\$946,500	\$156,000	\$1,102,500
	Contingency (30%)	\$283,950	\$46,800	\$330,750
01	TOTAL LANDS & DAMAGES	\$1,230,450	\$202,800	\$1,433,250
02	TOTAL RELOCATIONS (Facility / Utility)	\$19,152,088	\$0	\$19,152,088

EXHIBIT “E”
NON-FEDERAL PARTNER’S CAPABILITY ASSESSMENT

NON-FEDERAL PARTNER’S CAPABILITY ASSESSMENT CHECKLIST

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

BYRAM RIVER BASIN FLOOD RISK MANAGEMENT STUDY
FAIRFIELD COUNTY, CT AND WESTCHESTER COUNTY, NY

I. LEGAL AUTHORITY

- a) Des the Sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes. The Town of Greenwich (the “Town”) is the study Sponsor and they have the right to acquire and hold title to real property under Sections 157 to 163 of the Greenwich Town Charter.

- b) Does the Sponsor have the power of eminent domain for this project?

Yes. The Sponsor has the power of eminent domain under Sections 157 to 163 of the Greenwich Town Charter.

- c) Does the Sponsors have “quick-take” authority for this project?

Yes. The Sponsor has quick-take authority, and is available, if needed, for the project.

- d) Are any of the lands/interests in land required for the project located outside the Sponsor’s political boundary?

Yes. Permanent and temporary easements are required in the State of New York.

The project proposes the demolition and replacement of the Route 1 Bridges, which crosses the New York-Connecticut state boundary and is under the custody and accountability of the New York State Department of Transportation. Coordination is ongoing between the Sponsor, both state’s Dept. of Transportation and the New York Dept. of Environmental Conservation to identify the best approach and legal mechanism for making the New York State real estate available for the project.

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

Yes. The Sponsor cannot condemn lands located in the State of New York. See question I(d).

NON-FEDERAL PARTNER’S CAPABILITY ASSESSMENT CHECKLIST

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

BYRAM RIVER BASIN FLOOD RISK MANAGEMENT STUDY
FAIRFIELD COUNTY, CT AND WESTCHESTER COUNTY, NY

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. The Sponsor’s in-house staff does not require training to become familiar with the real estate requirements of Federal projects, including P.L. 91-646.

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

Not applicable.

- c) Does the Sponsor’s in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

Yes. The Sponsor’s in-house staff has sufficient real estate acquisition experience to meet its responsibilities for the project.

- d) Are the Sponsors’ projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

Yes. The Sponsor’s in-house staff level are sufficient considering its other workload.

- e) Can the Sponsors obtain contractor support, if required in a timely fashion?

Yes. The Sponsor can, if needed, obtain contracting services from a real estate services firm for real estate acquisition.

- f) Will the Sponsors likely request U.S. Army Corps of Engineers (USACE) assistance in acquiring real estate?

No. It is unlikely the Sponsor will request USACE assistance in acquiring the real estate for the project. The Sponsor meets the professional capability to secure the real estate required for the project and can reasonably obtain, if needed, contracting services from sources other than the Federal government. The Sponsor also has sufficient general and legal acquisition authority, including quick-take authority, to acquire all the real estate needed for the project.

NON-FEDERAL PARTNER'S CAPABILITY ASSESSMENT CHECKLIST

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITYBYRAM RIVER BASIN FLOOD RISK MANAGEMENT STUDY
FAIRFIELD COUNTY, CT AND WESTCHESTER COUNTY, NY**III. OTHER PROJECT VARIABLES**

- a) Will the Sponsor's staff be located within reasonable proximity to the project site?

Yes. The Sponsors' staff will be located within reasonable proximity to the project site.

- b) Has the Sponsor approved the project/real estate schedule/milestones?

Yes. The Sponsor has approved the current real estate acquisition milestone as identified below.

Milestone	Date
PPA Execution	Feb 2020
Sponsor's Notice to Proceed with Acquisition	Feb 2020
Authorization for Entry for Construction	Apr 2021
Certification of Real Estate	May 2021
Ready to Advertise for Construction	Jun 2021

IV. OVERALL ASSESSMENT

- a. Has the Sponsors performed satisfactorily on other USACE projects?

The Sponsor has never partnered with USACE on a construction project. However, the Sponsor has performed successfully on over 15 bridge replacement projects in the Town of Greenwich over the last 10 years along with numerous roadway and drainage control projects. The Town's DPW completes approximately \$20 Million in Capital Projects on an annual basis and has partnered with the Connecticut Department of Transportation on numerous other projects.

- b. With regard to this project, the Sponsors are anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. If the Sponsors are believed to be "insufficiently capable," provide explanation.

While the Sponsor has never performed on a USACE project before, their experience on similar construction projects, as noted above, makes them fully capable of performing or ensuring the performance of its real estate acquisition responsibilities for the project.

NON-FEDERAL PARTNER'S CAPABILITY ASSESSMENT CHECKLIST

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

BYRAM RIVER BASIN FLOOD RISK MANAGEMENT STUDY
FAIRFIELD COUNTY, CT AND WESTCHESTER COUNTY, NY

V. COORDINATION

- a. Has this assessment been coordinated with the Sponsors?

Yes. This assessment has been coordinated with the Sponsors.

- b. Does the Sponsor concur with this assessment?

Yes. The Sponsor concurs with this assessment.


Deborah Gates
Chief, Real Estate Division



James Michel
Deputy Commissioner of Public Works
Town of Greenwich, Connecticut

EXHIBIT “F”
SPONSOR’S AUTHORIZATION FOR ENTRY

EXHIBIT "F"

SPONSOR'S AUTHORIZATION FOR ENTRY

Department of the Army
U.S. Army Corps of Engineers District, New York

Westchester County Streams,
Byram River Basin Flood Risk Management
Fairfield County, CT and Westchester County, NY

AUTHORIZATION FOR ENTRY FOR CONSTRUCTION, OPERATION, AND MAINTENANCE

I, [Name and title of certifying official] for the [Name of Sponsor agency/department/organization], do hereby certify that [Name of Sponsor agency/department/organization] has obtained the real property interests required by the Department of the Army, and otherwise vested with sufficient title and interest in lands, to support the construction of Westchester County Streams, Byram River Basin Flood Risk Management Fairfield County, CT and Westchester County, NY. Further, I hereby authorize the Department of the Army, its agents, employees, and contractors to enter upon said lands to construct and inspect the Project, as set forth in the plans and specifications held in the U.S. Army Corps of Engineers' New York District Office, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278.

WITNESS my signature as [Name and title of Sponsor's certifying official] for the [Name of Sponsor agency/department/organization], this _____ day of _____, 20__.

By:

Title:

ATTORNEY'S CERTIFICATE OF AUTHORITY

I, [Name and title of Sponsor's legal certifying official] for the [Name of Sponsor agency/department/organization] certify that the [Name of Sponsor agency/department/organization] has authority to grant this Authorization for Entry; that said Authorization for Entry is executed by the proper duly authorized officer; and that the Authorization for Entry is in sufficient form to grant the authorization therein stated.

WITNESS my signature as [Title of Sponsor's legal certifying official] for the [Name of Sponsor agency/department/organization], this _____ day of _____, 20__.

By:

Title: