

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Feasibility Study

Appendix E  
Real Estate Plan

**RAHWAY RIVER BASIN, NEW JERSEY  
COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY  
MARCH 2020 FINAL REAL ESTATE PLAN**

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Exhibits and Attachments

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



## 1. Preamble

a) Study Authorization: The U.S. Army Corps of Engineers (“USACE” or “Corps”) has been authorized to conduct a feasibility study to evaluate Federal participation in coastal storm risk management in the Rahway River Basin, New Jersey. The study is conducted under the Corps’ General Investigations (GI) Program and was authorized in a resolution of the Committee on Transportation and Infrastructure of the U.S. House of Representatives dated 24 March 1998.

The Disaster Relief Appropriations Act of 2013 was passed by Congress and signed into law on January 29, 2013 as Public Law 113-2 (“PL 113-2”). The legislation provides supplemental appropriations to address damages caused by Hurricane Sandy; to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities; and reduce the economic costs and risks associated with large-scale flood and storm events. As a result of PL 113-2 and the determination by the Corps that fluvial and tidal flooding are distinct from one another, the coastal storm risk management study in the Rahway River Basin was separated from the existing and ongoing fluvial flood risk management study for the Rahway River Basin.

b) Official Study Designation: Rahway River Basin Coastal Storm Risk Management Feasibility Study (the “Study”).

c) Study Location: The Rahway River Basin is located in northeastern New Jersey. It lies within the metropolitan area of Greater New York City and occupies approximately 15 percent of Essex County, 35 percent of Union County, and 10 percent of Middlesex County. The basin is 83.3 square miles (53,300 acres) in area and is roughly crescent-shaped.

The Rahway River system consists of the Rahway River and four branches: (1) West; (2) East; (3) Robinson; and (4) South. The West Branch flows south from West Orange through South Mountain Reservation and downtown Millburn. The East Branch originates in West Orange and Montclair and travels through South Orange and Maplewood. These two branches converge near Route 78 in Springfield to form the main stem of the Rahway River. The Rahway River flows through the municipalities of Springfield, Union, Cranford and Clark before traveling through the City of Rahway. The Rahway River receives the waters of the Robinsons Branch and the South Branch in the City of Rahway before it enters the city limits of Linden and Carteret. The Rahway River then flows into the Arthur Kill (a tidal strait), which connects Newark Bay with the Raritan and Lower Bays of the New York and New Jersey Harbor.

The focus of the coastal storm risk management study is the area within the Rahway River Basin affected by coastal storm surge. It encompasses portions of the Cities of Linden and Rahway in Union County and the Borough of Carteret and Woodbridge Township in Middlesex County. The study area is a developed region that contains residential, commercial and industrial structures within the floodplain. It is largely suburban and urban with little available open space.

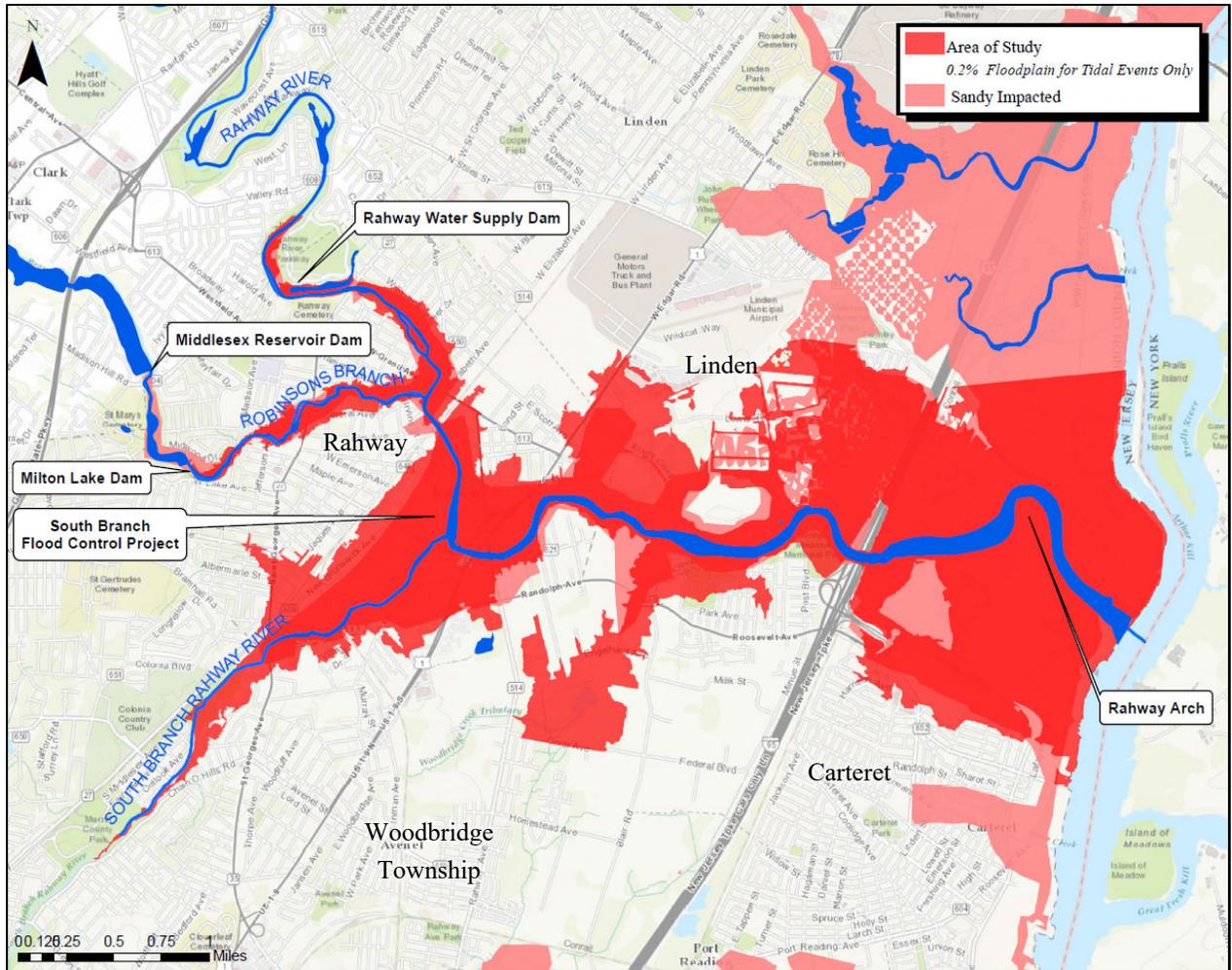


Figure 1- Study Area

d) Non-Federal Sponsor: The non-Federal partner for the Study is the New Jersey Department of Environmental Protection (NJDEP) (the “Sponsor”). The NJDEP will also serve as the non-Federal sponsor for the construction of the Study’s Recommended Plan (defined in paragraph 3(b)) at a 65% (Federal) and 35% (non-Federal) cost-share. In accordance with the Project Partnership Agreement (PPA) between the NJDEP and the Department of the Army (the “Government”), which is scheduled to be executed in December 2021, the NJDEP will be responsible for performing or ensuring the performance of the Lands, Easements, Right-of-Ways, Relocation, and Disposal Area (LERRD) requirements for the Study’s Recommended Plan as outlined in this Real Estate Plan (REP).

## 2. Statement of Purpose

The purpose of this REP is to describe the minimum LERRD requirements for the construction, operation, and maintenance of the Study’s Recommended Plan. This REP describes the estimated

Land, Easements, and Right-of-Ways (LER) values, cost to acquire the LER, the types of real property interests (i.e., “estates”) 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 utility relocations that may be necessary to complete prior to constructing the Recommend Plan. 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”).

### **3. Project Purpose and Features**

a) Study Purpose: The purpose of the Study is to identify measures to reduce the risk of storm damage within the Rahway River Basin. The primary problem encountered in the study area is flooding from elevated water levels associated with coastal storm surge on the Rahway River and tributaries within the study area. A number of storms, tropical storms, northeasters, and hurricanes have caused coastal storm surge inundation and damage in recent decades. The most significant to this study are Tropical Storm Irene (Aug. 2011) and Hurricane Sandy (Oct. 2012).

With a maximum sustained winds of 75 miles per hour, Tropical Storm Irene made its United States landfall near the Little Egg Inlet, New Jersey on August 28, 2011. Within an approximate 16-hour period, Tropical Storm Irene produced roughly 3 to 13 inches of rain on the watershed within USACE’s New York District’s civil works boundary in northern New Jersey and southern New York. An estimated 10 inches of rainfall occurred within the Rahway River basin. Irene generated a storm surge of 4 to 6 feet along the New Jersey coast and a surge of 3 to 6 feet in the New York City and Long Island areas.

Hurricane Sandy was a catastrophic storm that struck the Atlantic coastline in late October 2012. Municipalities within the lower portion of the Rahway River Basin and general area suffered coastal storm surge induced flood damage from Hurricane Sandy. Hundreds of structures were damaged or destroyed, to include a Woodbridge PSE&G power plant (destroyed) and bulk fuel tanks (its damage resulted in fuel flowing into the Arthur Kill Tidal Strait). The storm also temporarily shut down oil refineries in the study area, which led to the shortage of fuel in northern New Jersey. While no deaths have been linked to Hurricane Sandy within the study area, the estimated damage caused by the storm exceeded \$81 million across the City of Rahway, Borough of Carteret and Woodbridge Township.

With the expected rise of the sea level, higher probabilities of extreme weather events, and other impacts of climate change are likely to increase the risk of damage to infrastructure, businesses, and private residences in the region, including the risk of injury and loss of life. In response to these problems, plan formulation activities considered a range of structural and nonstructural measures aimed to reduce the severity of coastal flooding. Through an iterative planning process, potential coastal storm risk management measures were identified, evaluated and screened. Those remaining were developed into numbered flood risk management alternatives. The alternative that offered the highest net benefits was identified as the Tentatively Selected Plan (TSP). USACE then began a detailed feasibility analysis of the TSP to identify

project dimensions that would maximize net benefits, for what is known as the National Economic Development (NED) Plan. The TSP is the NED Plan, and the Recommended Plan for the Study.

b) Recommended Plan: The Recommended Plan includes the construction of a levee and floodwall segment, one road raising, nonstructural flood risk management measures, and environmental mitigation requirements.

- *Levee and Floodwall*- The levee and floodwall segment measures approximately 2,520 linear feet (ft) and 1,968 linear ft long, respectively. The levee/floodwall segment will contain a 12-foot top width with one vertical to three horizontal (1:3) side slopes. The average height is approximately 10.2 ft North American Vertical Datum of 1988 (NAVD 88). The levee/floodwall is located next to the southern bank of the Rahway River, approximately 1.2 miles downstream of the confluence with the South Branch. The upstream end is located in the vicinity of the Rahway sewage facility, continuing downstream to and through the Joseph Medwick Park before ending at Hermann Street.

- *Road Raising*- Approximately 1,350 linear feet of Engelhard Avenue will be elevated to a height of 14.2 ft NAVD 88. The banks of Engelhard Avenue will be sloped to meet the grade of Cragwood Road at its intersection and driveway entry points at adjacent properties. The Engelhard Avenue elevation will serve as a barrier to flood waters originating from Woodbridge Creek located to its south.

- *Nonstructural Flood Risk Management Measures*- Nonstructural flood risk management measures are techniques for reducing accountable flood damage to existing structures within a floodplain. These techniques consists of treatment to dry-proof, wet-proof, or raise/elevate structures. Dry-proofing consists of constructing or installing features designed to allow flood waters to reach a structure, but diminish the flood threat by preventing flood waters from entering a structure (e.g., attaching watertight sealants on basement windows of a residential property). Wet-proofing consists of constructing or installing features designed to allow water to flow in and out of a structure, but prevent the contact of water to essential utilities or mechanicals of the structure (e.g., filling a basement or elevating or protecting the HVAC system). Elevations involve raising the lowest finished floor of a building to a height that is above the flood level (i.e., raising a home). In situations where dry/wet-proofing or elevating a structure would provide inadequate protection because flood levels could still rise to a height that would pose a safety risk of injury or loss of life, a buyout of the property would occur to eliminate the risk.

One hundred ten structures have been identified for the nonstructural flood risk management plan, with 10 of those structures proposed for buyouts. Flood-proofing or elevating structures are not an integral component to the function of the proposed levee/floodwall. If flood-proofing or elevating structures do not occur, the levee/floodwall will continue to function as intended. Therefore, flood-proofing and elevating structures will be offered to property owners on a voluntary basis and implemented only with the property owner's consent. While flood-proofing and elevating structures are part of the Recommended Plan, since it will only be completed at the owner's discretion, they are not considered to be a real estate requirement to

implement the Recommended Plan. Since buyouts, however, are intended to remove the risk of injury or loss of life during extreme flood events, buyouts have been identified as a requirement for the Recommended Plan.

- *Environmental Mitigation*- As a result of unavoidable adverse environmental impacts caused by the Recommended Plan, mitigation is required. Mitigation is planned to occur onsite at existing wetlands of the Middlesex County Joseph Medwick Park. Currently, the wetlands of the Joseph Medwick Park are comprised of invasive plant species. Mitigation will improve the existing wetlands by restoring the native wetland habitat through removal of invasive species, topographical modifications to improve hydrology to support native vegetation, and re-planting the area with native wetland species.

c) Required Lands, Easements, Right-of-Ways (LER): In accordance with the executed 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. Table-1 offers a summary of the required real estate to implement the Recommended Plan. Table-2 identifies the number of Rights-of-Entry required to perform the nonstructural flood risk management measures. A list of the impacted properties and real property interests required therein is provided in **Exhibit “B”**.

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

Table-1: LER Summary

Municipality	Required Acres				No. of Impacted Parcels		
	Fee	FPLE	TWAE	Total	Private	Public	Total
Borough of Carteret	±3.88	±4.62	±1.91	±10.41	3	9	12
Woodbridge Township	0	±2.09	±3.44	±5.52	8	4	12
City of Rahway	±1.25	0	0	±1.25	8	0	8
City of Linden	±0.13	0	0	±0.13	1	0	1
<i>Total Acres:</i>	<i>±5.26</i>	<i>±6.71</i>	<i>±5.35</i>	<i>±17.31</i>	<i>20</i>	<i>13</i>	<i>33</i>

Table-2: Rights-of-Entry Summary

Municipality	No. of Parcels Requiring an ROE		
	Private	Public	Total
Borough of Carteret	20	0	20
City of Linden	24	4	28
City of Rahway	50	2	52
<i>Totals ROEs:</i>	<i>94</i>	<i>6</i>	<i>100</i>

The following details the minimum interest in real property required for the Recommended Plan. In some instances, more than one estate may be required over the lands of the same owner.

(1) Fee (USACE Standard Estate No. 1)- In total, approximately 5.26 acres are required to be obtained in fee. Approximately 3.76 acres are required for environmental mitigation, which impacts 6 publicly-owned tax parcels (no privately-owned parcels). Approximately 1.50 acres are required to implement the buyouts under the non-structural flood risk management plan, which impacts 10 privately-owned tax parcels (no publicly-owned parcels).

(2) [Permanent] Flood Protection Levee Easement (FPLE) (USACE Standard Estate No. 9)- Approximately 6.71 acres are required for permanent FPLE to construct, operate, and maintain the levee and floodwall. Along with the public street right-of-ways and a “paper” street<sup>1</sup> (identified as Areas A thru F on Exhibit “A” and “B”), there are 17 tax parcels (6 privately-owned and 11 publicly-owned) impacted by this easement.

(3) Temporary Work Area Easement (TWAE) (USACE Standard Estate No. 15)- Approximately 5.35 acres are required in TWAEs for work and staging purposes. Of the approximate 5.35 acres required, approximately 1.58 acres are required to facilitate the construction of the Engelhard Avenue road raising. The term of the easement will range from 1 month to 64 months depending on work performed at the specific site. Along with the same public street right-of-ways impacted by the FPLE, there are 21 tax parcels (10 privately-owned and 11 publicly-owned) impacted by this easement.

There are no temporary easements required for the borrowing or disposal of dredged or excavated material. Any excavated material requiring disposal will be the responsibility of the selected construction contractor to dispose of at an authorized disposal site.

(4) Right-of-Entry for Construction (ROE): Up to 100 ROE agreements may be necessary if all property owners elect to have the flood-proofing or elevations performed on their structure. Along with the ROE agreement, a flood-proofing agreement will be executed between

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<sup>1</sup> A paper street is a road that appears on a map, such as a tax map, but has not been built. Paper streets generally occur when city planners or subdivision developers lay out and dedicate streets that were never built.

the property owner and the Sponsor. The flood-proofing agreement will outline the flood risk management treatment that will be performed on their structure and provide the means for such work to occur. It will also identify specific actions the property owner is required to take or abstain from to ensure the long-term performance of the flood risk management treatment. The flood-proofing agreement will contain a covenant to run with the land so that in the event of a transfer of ownership of the real property, future owners will be bound to the same conditions. See paragraph 5 for additional information.

As previously stated, flood-proofing and elevating structures is not an integral component to the function of the proposed levee/floodwall. It will be offered to property owners on a voluntary basis. If a property owner elects not to have the nonstructural flood risk management treatment performed on their structure and an ROE is not obtained, eminent domain will not be pursued. While still part of the Recommended Plan, acquiring ROEs are not considered to be a real estate requirement to implement the Recommended Plan. If ROEs are not obtained by the Sponsor, USACE can still “certify” the real estate for the levee/floodwall (as long as all the real estate required to construct the levee/floodwall is acquired by the Sponsor) and commence with advertising for the first construction contract.

Deed and easement agreements for the lands 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 corresponding 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”<sup>2</sup> in title. To ensure easements acquired remain in effect in the event of a foreclosure, a Subordination of Mortgage is necessary for properties with an existing mortgage(s). 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 contracts, the Sponsor must provide USACE with copies of all real estate conveyance agreements recorded in their respective county and a signed *Authorization for*

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<sup>2</sup> 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.

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.

d) 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.

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 and complete the acquisition of real estate. The appraisal cost estimate is an item of the Recommended Plan’s 01-Lands & Damages cost account. It is incorporated into the Base Line Cost Estimate for Real Estate (BCERE) under the “Land Payments” and “Land Payments under PL 91-646” line items. 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 October 25, 2018, the market value (i.e., property owner’s compensation amount) for the Recommended Plan’s required real estate is approximately **\$5,189,000**. Table-3 provides a summary of the estimated market value for the real estate required.

Table-3: Estimated Market Value of the Required Real Estate

Estate Type	Estimated Market Value
Fee	\$3,450,000
Permanent Easements	\$1,631,000
Temporary Easements	\$108,000
<i>Total:</i>	<i>\$5,189,000</i>

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

*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 parcel 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 parcel data accurately portrayed the location of the defined estates in land based upon the land use planning and engineering designs. The maps and spreadsheet parcel data 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 parcel data indicating areas for fee acquisition, and 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 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 64 months. The cost estimate was predicated on the extraordinary assumption that, as of the effective date of the cost estimate, the 64-month 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 appraiser was based upon a preliminary design and did not provide specifics for 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 Sponsor**

The NJDEP owns no LER required for the Recommended Plan.

#### **5. Non-Standard Estates**

Currently, there are no proposed non-standard estates 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 in collaboration with the Sponsor, then distributed for approval by the District Chief of Real Estate or Headquarters USACE, as appropriate.

While a flood-proofing agreement is not considered an estate that constitutes an interest in real property, it will have conditions the owner must agree to and comply with to ensure the long-term effectiveness of the flood-proofing treatment performed on their structure. Prior to executing flood-proofing agreements with property owners, the New York District USACE and the Sponsor will collaborate to draft an agreement for implementation. A final draft will be forwarded to Headquarters USACE for approval prior to the execution of the PPA.

#### **6. Existing Federal Projects**

There are no other known existing or planned 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**

The application of Navigational Servitude is not available for the Recommended Plan. Navigational Servitude is the dominant right of the Federal government under the Commerce

Clause of the U.S. Constitution (Article 1, Section 8, Clause 3) to use, control, and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce-related purposes, including navigation and flood control. Generally, the Federal government does not acquire interests in real property that it already possesses or over which its use or control is or can be legally exercised. If navigational servitude is found to be available, then the Federal Government will generally exercise its right thereunder and, to the extent of such rights, will not acquire a real property interest in the land to which the navigational servitude applies.

**9. Real Estate Maps**

Real estate maps are provided in **Exhibit “A”**. The GIS tax parcel data and ownership was obtained from the New Jersey Office of GIS in November 2019, with their last update occurring in August 2019. The tax parcel boundaries depicted on the maps are for the 2017 tax year and was the currently published statewide parcel composite at the time the maps were prepared. The parcel data set retrieved are not intended for use as tax maps. The lot boundaries delineated in the real estate maps do 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 maps 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 project features. Surveys of the Recommended Plan’s final design are needed to determine the levee/floodwall’s precise location on properties based on the 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 01-Lands & Damages project cost account. Itemized under “Incidental” and “Acquisition” cost 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 **\$9,059,820**. Table-4 provides a summary of the BCERE.

Table-4: BCERE Summary

BCERE Categories	Estimated Costs
Incidental Costs	\$1,282,300
Acquisition Costs	\$5,189,000
Contingency (40%)	\$2,588,520
<i>Total 01-Lands &amp; Damages:</i>	<i>\$9,059,820</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” or “Public Law 99-662”) assigns the non-Federal sponsor the responsibility of providing the LER, performing the facility/utility relocations, and fulfilling any disposal area requirements (collectively referred to as “LERRD”) for the project. All LERRD requirements must be performed in accordance with the project’s PPA, WRDA 86, and Public Law 91-646 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) as amended.

LERRD costs represent a non-Federal sponsor’s estimated upfront direct and indirect financial costs in fulfilling its real estate responsibilities. The non-Federal sponsor receives credit for their actual associated costs if found to be reasonable, allowable, and allocable. They must document all their LERRD expenses (i.e., 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 costs do not include Federal costs.

The Sponsor’s estimated LERRD costs is **\$10,549,607**, which represents their approximate upfront financial obligation in fulfilling their real estate responsibilities to implement the Recommended Plan. The Sponsor is aware of its requirement to document all LERRD expenses for its claim for credit. Table-5 shows the Sponsor’s itemized LERRD costs.

Table-5: Sponsor’s Estimated LERRD Costs

LERRD Category	Costs
Lands, Easements, and Right-of-Ways	\$8,695,820
Relocations (Facilities/Utilities)	\$1,853,787
Disposal Areas	\$0
<i>Sponsor’s Total LERRD:</i>	<i>\$10,549,607</i>

**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 non-Federal sponsor to provide assistance and certain benefits to 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 sponsor to provide relocation assistance is part of its LERRD responsibilities.

Residential and business relocation assistance benefits are expected to be paid for the 10 buyouts proposed under the non-structural plan. The buyouts would result in a displaced person<sup>3</sup> qualified for relocation assistance benefits under Public Law 91-646. Table-6 identifies the total estimated relocation assistance benefits to be paid to displaced persons at each location.

**Table-6: Estimated Uniform Relocation Assistance Benefits**

Block_Lot	Property Address	Municipality	Type of Property (# of units)	Business Reestablishment	Business Move	Residential Replacement Housing	Residential Move	Total Estimated Benefits
161_19	1657 & 1659 Irving St	Rahway	Retail (2) & Residential (2)	\$50,000	\$80,000	\$14,400	\$2,300	\$146,700
161_16	209-19 W. Main St	Rahway	Retail (2) & Residential (1)	\$50,000	\$80,000	\$7,200	\$1,300	\$138,500
321_2	111-113 Monroe St	Rahway	Multi-Family (4)	-	-	\$28,800	\$4,900	\$33,700
321_11	166 Lafayette St	Rahway	Residential (1)	-	-	\$31,000	\$1,300	\$32,300
332_1	1475 Lawrence St	Rahway	Residential (1)	-	-	\$31,000	\$1,300	\$32,300
332_2	1481 Lawrence St	Rahway	Residential (1)	-	-	\$31,000	\$1,400	\$32,400
332_4	1499 Lawrence St	Rahway	Residential (1)	-	-	\$31,000	\$1,400	\$32,400
334_10	1558 Montgomery St	Rahway	Residential (1)	-	-	\$31,000	\$1,150	\$32,150
575_7	222 Madison St	Linden	Residential (1)	-	-	\$31,000	\$1,000	\$32,000
5404_6	67 Charles St	Carteret	Residential (1)	-	-	\$31,000	\$850	\$31,850
<i>Total Benefits</i>				<i>\$100,000</i>	<i>\$160,000</i>	<i>\$267,000</i>	<i>\$16,900</i>	<i>\$544,300</i>

Approximately **\$544,300** may be paid for residential and business relocation assistance payments to qualified displaced persons. The cost is incorporated into the 01-Lands & Damages project cost account and is shown in the BCERE under line item “PL 91-646 Uniform Assistance Benefits.” Certain assumptions were made to estimate financial benefits, such as the number of rooms in a dwelling to calculate the approximate residential move expense. Further coordination with displaced persons are required to determine proper eligibility and financial benefits. Relocation assistant benefits were estimated based on known Public Law 91-646 policies at the time of this report. Relocation assistance benefits are subject to change based on amended laws, regulations, or policies governing such benefits. The Sponsor is aware of Public Law 91-646 requirements.

### **13. Mineral and Timber Activity**

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

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<sup>3</sup> A displaced person, for the purpose of identifying eligibility for relocation assistance benefits in this report, is any individual, family, partnership, corporation, or association who moves from real property or moves personal property from real property as a direct result of the acquisition of their real property for the Recommended Plan.

#### **14. Land Acquisition Experience and Capability of the Non-Federal Sponsors**

The Sponsor’s assessment of their real estate acquisition capabilities is provided in **Exhibit “E”**. The Sponsor has been identified as highly capable of performing or ensuring the performance of its real estate responsibilities. They possess the professional capability to acquire the real estate for the Recommended Plan and have sufficient general and legal authority to do so. The Sponsor intends to enter into a partnership agreement with local municipalities to assist with real estate acquisition, and if necessary, can obtain outside contracting services for further assistance. The Sponsor has been advised of Public Law 91-646 requirements and the requirements for documenting expenses for credit purposes. The Sponsor has successfully acquired real estate for similar USACE cost-share projects, such as projects located at Elberon to Loch Arbor, Newark, Greenbrook, and Port Monmouth, among others.

#### **15. Land Use Zoning**

No application or enactment of local zoning ordinances is anticipated in lieu of or to facilitate the Recommended Plan’s LERRD requirements.

#### **16. Schedule of Real Estate Acquisition**

Table-7: Forecasted Real Estate Acquisition Schedule

Milestone	Date
Execution of Project Partnership Agreement with Sponsor	December 2021
Notice to Proceed with Real Estate Acquisition furnished to Sponsor	December 2021
USACE receives Authorization for Entry from Sponsor	January 2024
USACE Certifies the Real Estate for the Recommended Plan	February 2024
USACE commences with Advertising for Construction Contracts	March 2024

#### **17. Relocation of Facilities or Public Utilities**

For flood control projects, the Sponsor is required to relocate affected facilities and utilities necessary for the construction, operation, and maintenance of a project. A relocation may take the form of an alteration, lowering, raising, or replacement (and attendant removal) of the affected facility/utility or part thereof. The cost to relocate a facility/utility is captured in the 02-Relocations project cost account and is included as part of the Sponsor’s LERRD responsibilities. The following Table-8 identifies the Recommended Plan’s required relocations and approximate costs:

Table-8: Facility/Utility Relocations

Facility/Utility	Relocation Type	Cost
Engelhard Avenue	Raise	\$560,178
Englehard Ave Demo & Reconstruct	Raise	\$509,101
11 Utility Poles	Remove and replace	\$40,527
2 Manholes	Raise	\$8,530
1 Fire Hydrant	Remove and replace	\$2,020
Joseph Medwick Park Path	Alter & raise	\$483,200
Joseph Medwick Park Observation Deck	Alter & raise	\$329,798
	35% Contingency:	\$480,611
	<i>Total Relocation Costs:</i>	<i>\$1,853,787</i>

The total relocation costs for the Recommended Plan is approximately **\$1,853,787**. There may be additional underground utilities that could require relocation. To the extent that any underground utility may require relocation will be determined during PED when utility surveys are completed. All relocations must be completed prior to constructing the Recommended Plan.

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 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 relocations and provide functionally equivalent substitute facilities, in-place or moved, as just compensation to the owners. As directed by PGL 31, this real estate assessment on the relocation of facilities and public utilities was established in lieu of a Preliminary Attorney’s Opinion of Compensability because the estimated cost to relocate the

facilities and public utilities is less than 30% of the overall costs of the Recommended Plan. A Final Attorney's Opinion of Compensability and final relocation determination will occur during PED and prior to the execution of the PPA. Any conclusion or categorization contained in this report that an item is a utility or facility relocation to be performed by the Sponsor as part of its LERRD responsibilities is preliminary only. USACE will make a final determination of the relocations necessary for the construction, operation, or maintenance of the Recommended Plan after further analysis and the completion and approval of a Final Attorney's Opinions of Compensability for each of the impacted utilities and facilities.

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

Based upon the review of NJDEP's existing databases, none of the sites on the Known Contaminated Sites list or the Superfund site are located within or adjacent to the LER required for the Recommended Plan. No elevation or flood-proofing will occur to structures with asbestos and/or asbestos-containing materials if the proposed actions may affect the asbestos and/or asbestos-containing material. Prior to any actions being conducted, the asbestos and/or asbestos containing material that may be disturbed by the elevation or flood-proofing activity must be removed by the property owner at their sole cost and expense and do so in compliance with all applicable local, state, and federal laws and regulations. Asbestos and asbestos-containing materials that would not be affected when carrying out the nonstructural flood risk management treatment would not need to be removed prior to commencing such work. See section 6.9 of the main report for additional information.

## **19. Project Support**

The Recommended Plan was announced to the public in June 2017 where the Sponsor, local stakeholders, and partners voiced their support. There have been no known opposition expressed by public or private persons, or organizations that could hinder real estate acquisition. Although, sentiment of owners on their proposed buyout is unknown.

## **20. Risk Notification to the Non-Federal Sponsor**

By letter dated January 31, 2020, 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 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;

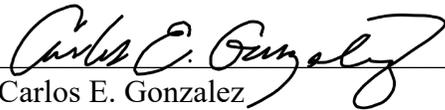
5) The Sponsor may acquire interests or estates that are later determined by USACE to be inappropriate, insufficient, or otherwise not required for the Recommended Plan;

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 NTP; 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 or the PPA.

## **21. Point of Contact**

This Real Estate Plan was prepared by Real Estate Project Delivery Team member Carlos E. Gonzalez who may be reached at (917)790-8465 (email: [Carlos.E.Gonzalez@usace.army.mil](mailto: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 MAPS**



EXHIBIT "A"



**LEGEND**

-  Park Observation Deck Relocation
-  Flood Protection Levee Easement
-  Temporary Work Area Easement
-  Parcel Boundary

Sources  
 Imagery Background:  
 Esri, DigitalGlobe, GeoEye, Earthstar  
 Geographics, CNES/Airbus DS, USDA, USGS,  
 AeroGRID, IGN, and the GIS User Community

Reference Map:  
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0 100 200 400 Feet

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**Rahway River Basin, NJ,  
 CSRM Feasibility Study**

**Real Estate Map**

Date: 1/23/2020 Page 1 of 12



EXHIBIT "A"



**LEGEND**

- Park Observation Deck Relocation
- Park Path Relocation
- Flood Protection Levee Easement
- Temporary Work Area Easement
- Parcel Boundary
- Fee (Mitigation)

Sources  
 Imagery Background: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Reference Map:  
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**Rahway River Basin, NJ, CSRM Feasibility Study**

**Real Estate Map**

Date: 1/23/2020 Page 2 of 12



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EXHIBIT "A"



**LEGEND**

- Temporary Work Area Easement
- Parcel Boundary

Sources

Imagery Background:  
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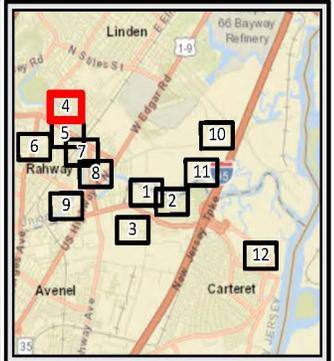
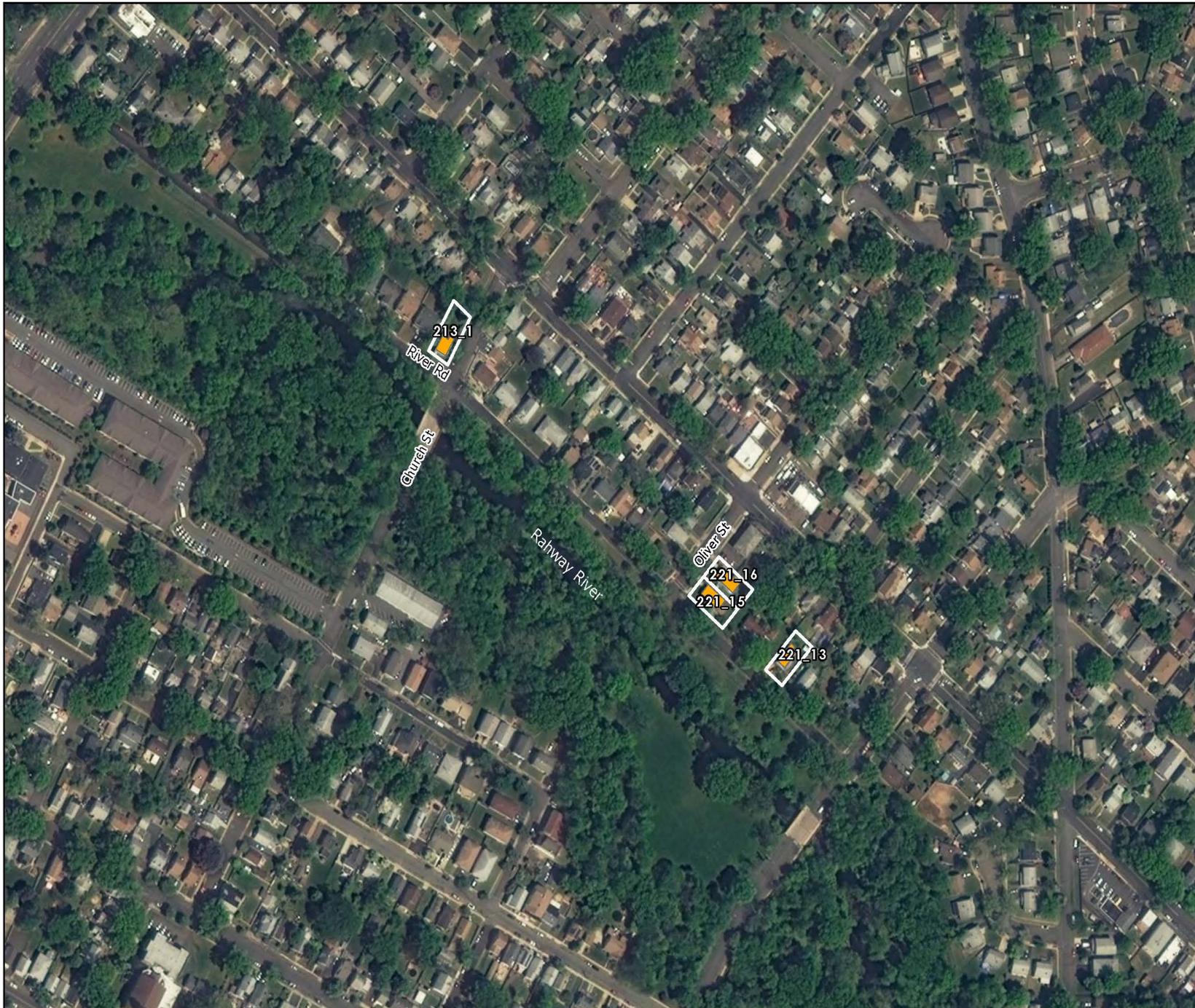
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 CSRM Feasibility Study**

**Real Estate Map**

Date: 1/23/2020 Page 3 of 12



EXHIBIT "A"



**LEGEND**

-  Parcel Boundary
-  Right-of-Entry (Nonstructural Plan - Floodproofing)

Sources

Imagery Background:  
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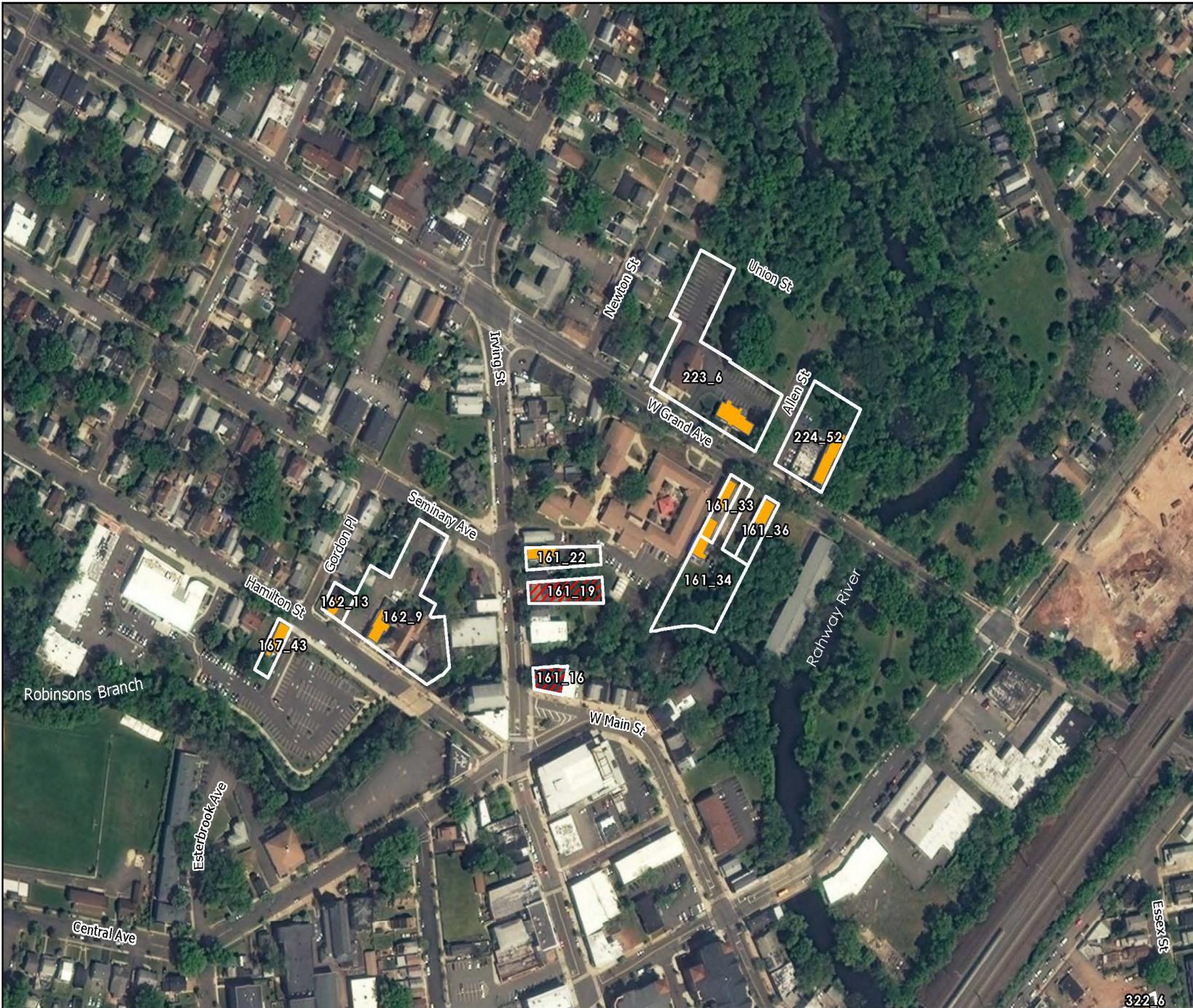
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**Real Estate Map**

Date: 1/23/2020 Page 4 of 12



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**LEGEND**

-  Fee (Nonstructural Plan - Buyout)
-  Parcel Boundary
-  Right-of-Entry (Nonstructural Plan - Floodproofing)

Sources:

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**Rahway River Basin, NJ,  
 CSRM Feasibility Study**

**Real Estate Map**

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EXHIBIT "A"



**LEGEND**

-  Parcel Boundary
-  Right-of-Entry (Nonstructural Plan - Floodproofing)

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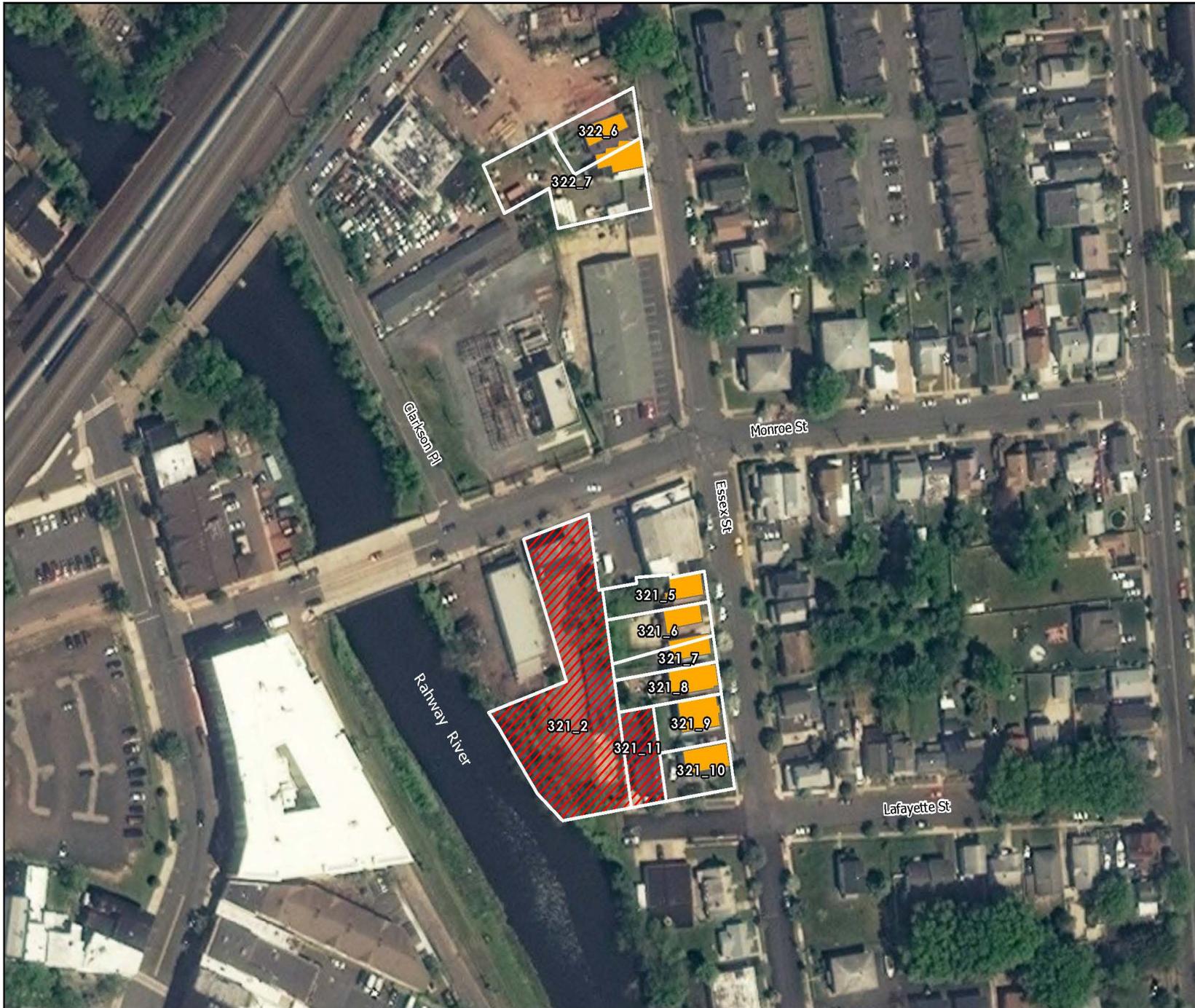
**Rahway River Basin, NJ,  
 CSRM Feasibility Study**

**Real Estate Map**

Date: 1/23/2020 Page 6 of 12



EXHIBIT "A"



**LEGEND**

-  Fee (Nonstructural Plan - Buyout)
-  Parcel Boundary
-  Right-of-Entry (Nonstructural Plan - Floodproofing)

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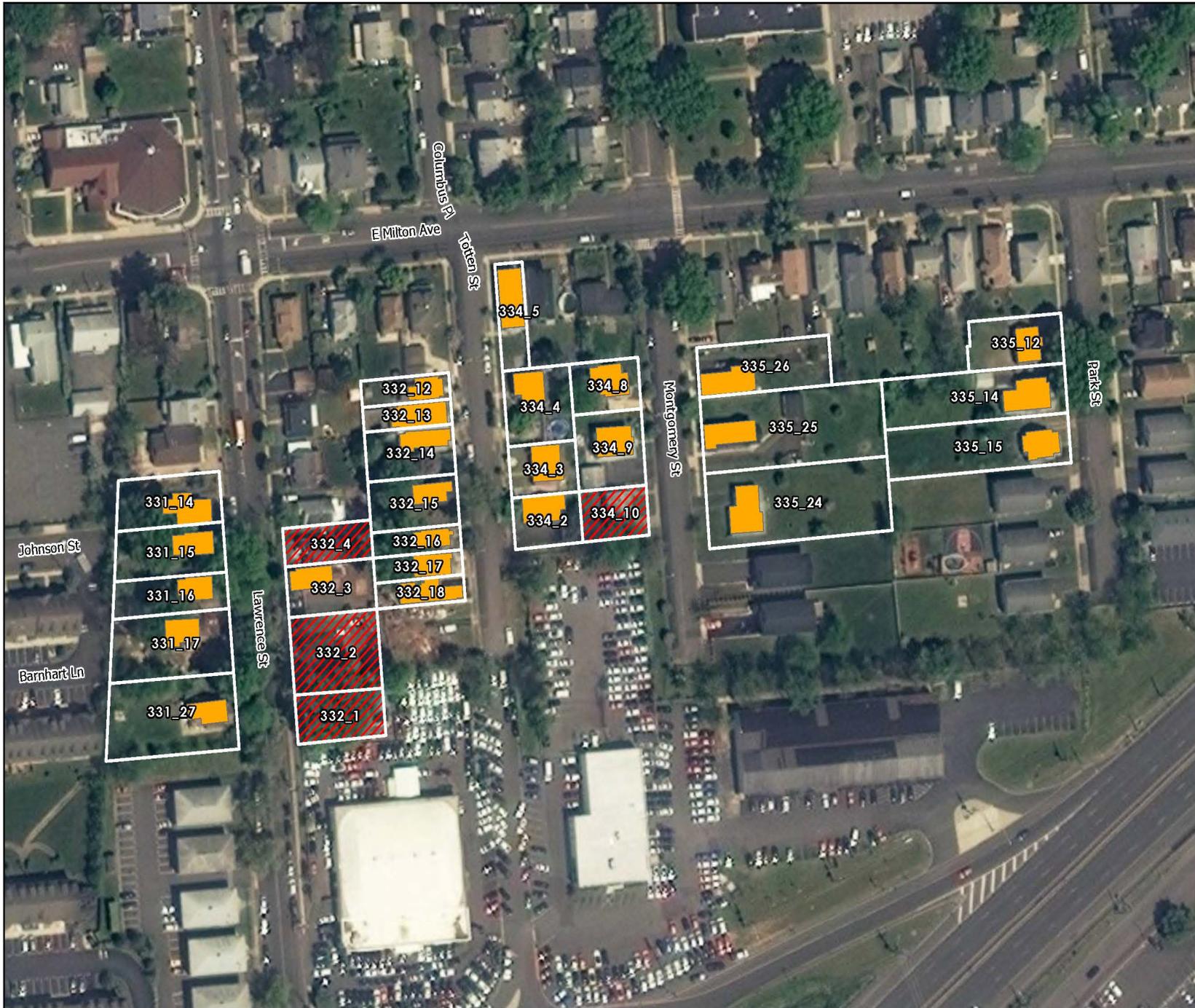
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 CSRM Feasibility Study**

**Real Estate Map**

Date: 1/23/2020 Page 7 of 12



EXHIBIT "A"



**LEGEND**

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**Real Estate Map**

Date: 1/23/2020 Page 8 of 12

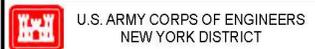


EXHIBIT "A"



**LEGEND**

-  Parcel Boundary
-  Right-of-Entry (Nonstructural Plan - Floodproofing)

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**Rahway River Basin, NJ,  
 CSRM Feasibility Study**

**Real Estate Map**

Date: 1/23/2020 Page 9 of 12



EXHIBIT "A"



**LEGEND**

-  Fee (Nonstructural Plan - Buyout)
-  Parcel Boundary
-  Right-of-Entry (Nonstructural Plan - Floodproofing)

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 CSRSM Feasibility Study**

**Real Estate Map**

Date: 1/23/2020 Page 10 of 12





**LEGEND**

-  Parcel Boundary
-  Right-of-Entry (Nonstructural Plan - Floodproofing)

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 CSRM Feasibility Study**

**Real Estate Map**

Date: 1/23/2020 Page 11 of 12

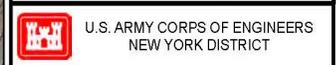
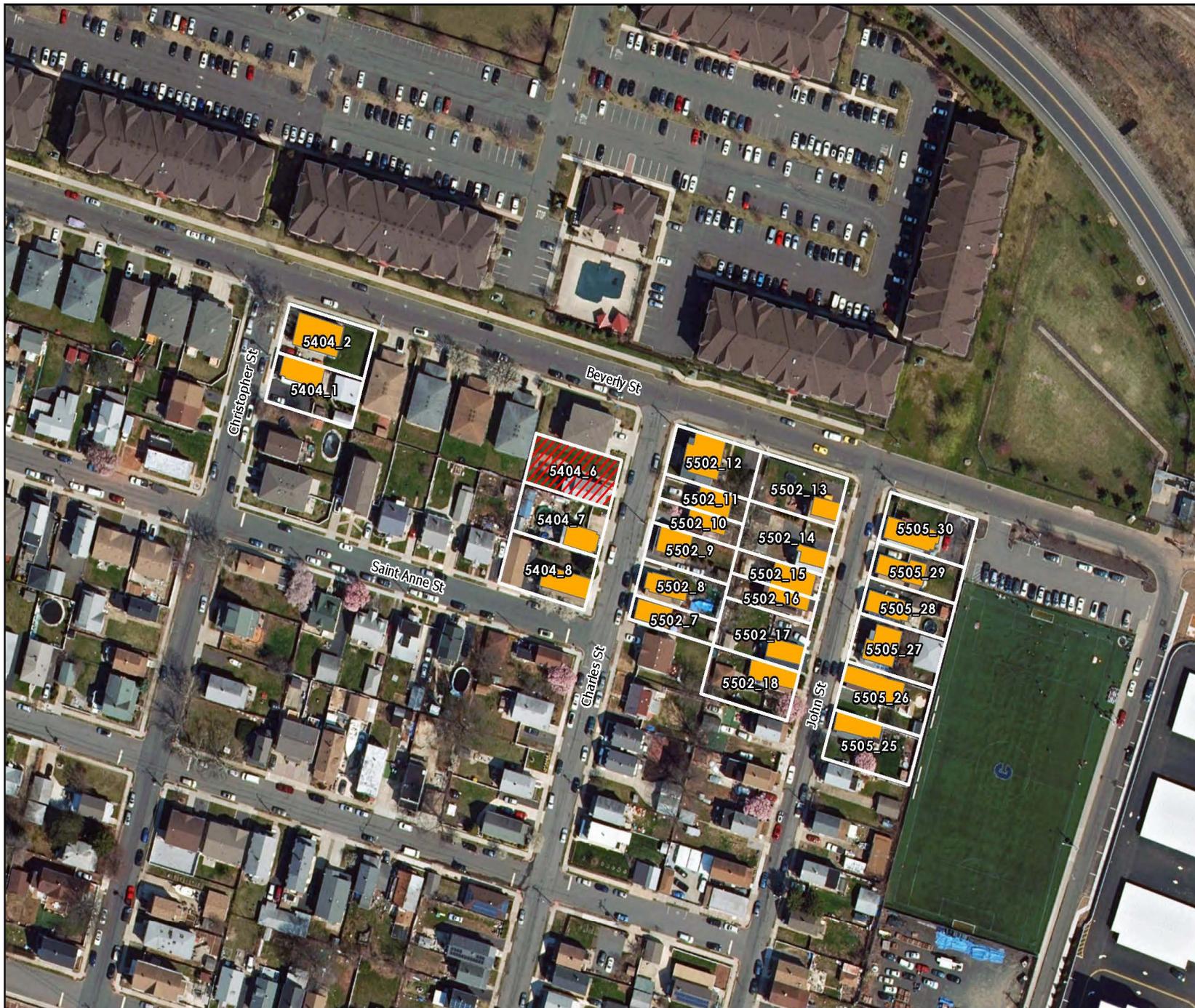


EXHIBIT "A"



**LEGEND**

-  Fee (Nonstructural Plan - Buyout)
-  Parcel Boundary
-  Right-of-Entry (Nonstructural Plan - Floodproofing)

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**Rahway River Basin, NJ,  
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**Real Estate Map**

Date: 1/23/2020 Page 12 of 12



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 NEW YORK DISTRICT

**EXHIBIT “B”  
PARCEL DATA**

**EXHIBIT “B”**

Area	Block	Lot	Owner’s Name	Property Address	Municipality	Fee (ac)	FPLE (ac)	TWAE (ac)
-	1503	3	Private Owner	22 Dorothy Street	Carteret	-	0.000	0.002
-	1503	4	County of Middlesex	Joseph Medwick Park	Carteret	-	0.528	0.122
-	1503	5	Private Owner	23 Frederick Street	Carteret	-	0.010	0.023
-	1504	7	County of Middlesex	Joseph Medwick Park	Carteret	-	0.394	0.054
-	1504	8	Private Owner	17 Hermann Street	Carteret	-	0.078	0.037
-	1801	6	County of Middlesex	Joseph Medwick Park	Carteret	0.369	0.211	0.089
-	1802	7	County of Middlesex	Joseph Medwick Park	Carteret	0.914	0.403	0.185
-	1803	8	County of Middlesex	Joseph Medwick Park	Carteret	-	0.086	0.051
-	1804	1	County of Middlesex	Joseph Medwick Park	Carteret	0.584	-	-
	1805	1	County of Middlesex	Joseph Medwick Park	Carteret	0.406	-	-
-	1806	1	County of Middlesex	Joseph Medwick Park	Carteret	0.028	0.571	0.188
-	1902	1	County of Middlesex	Joseph Medwick Park	Carteret	1.437	1.456	0.653
	5404	6	Private Owner	67 Charles Street	Carteret	0.115	-	-
A	-	-	Borough of Carteret	Paper Street Right-of-Way	Carteret	-	0.347	0.244
B	-	-	Borough of Carteret	Caseys Creek Right-of-Way	Carteret	-	0.016	0.029
C	-	-	Borough of Carteret	William Street Right-of-Way	Carteret	0.025	0.166	0.031
D	-	-	Borough of Carteret	Dorothy Street Right-of-Way	Carteret	-	0.187	0.056
E	-	-	Borough of Carteret	Frederick Street Right-of-Way	Carteret	-	0.142	0.104
F	-	-	Borough of Carteret	Hermann Street Right-of-Way	Carteret	-	0.026	0.044
-	912	7	Private Owner	433 Blair Road	Woodbridge	-	-	0.105
-	912	23	Private Owner	21 Engelhard Avenue	Woodbridge	-	-	0.215
-	912	25.01	Private Owner	33 Engelhard Avenue	Woodbridge	-	-	0.066
-	912.10	14.03	Private Owner	10 Engelhard Avenue	Woodbridge	-	-	0.180
-	918.01	1	Rahway Valley Sewage Authority	1050 E. Hazelwood Avenue	Woodbridge	-	0.176	0.146
-	919.05	1.01	Private Owner	87 Randolph Avenue	Woodbridge	-	0.886	0.605
-	919.05	9	Private Owner	42 Mileed Way	Woodbridge	-	0.050	0.064
-	921.01	1	Township of Woodbridge	Ardmore Avenue	Woodbridge	-	0.002	0.010
-	921.01	2	Private Owner	Ardmore Avenue	Woodbridge	-	0.171	0.130

\*All acres are approximates.

**EXHIBIT “B”**

Area	Block	Lot	Owner’s Name	Property Address	Municipality	Fee (ac)	FPLE (ac)	TWAE (ac)
-	921.01	3	County of Middlesex	Lawn Avenue	Woodbridge	-	0.254	0.156
-	921.01	4	Township of Woodbridge	Ardmore Avenue	Woodbridge	-	0.288	0.093
-	921.01	6	Private Owner	Ardmore Avenue	Woodbridge	-	0.262	0.084
G	-	-	Township of Woodbridge	Engelhard Ave Right-of-Way	Woodbridge	-	-	1.583
-	161	19	Private Owner	1657 & 1659 Irving Street	Rahway	0.153	-	-
-	161	16	Private Owner	209-19 W. Main Street	Rahway	0.053	-	-
-	321	2	Private Owner	111-113 Monroe Street	Rahway	0.494	-	-
-	321	11	Private Owner	166 Lafayette Street	Rahway	0.087	-	-
-	332	1	Private Owner	1475 Lawrence Street	Rahway	0.115	-	-
-	332	2	Private Owner	1481 Lawrence Street	Rahway	0.172	-	-
-	332	4	Private Owner	1499 Lawrence Street	Rahway	0.085	-	-
-	334	10	Private Owner	1558 Montgomery Street	Rahway	0.086	-	-
-	575	7	Private Owner	222 Madison Street	Linden	0.129	-	-

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\*All acres are approximates.

## EXHIBIT “B”

### Properties Requiring a Rights-of-Entry for Construction for the Non-Structural Flood Risk Management Measures

Block	Lot	Owner’s Name	Property Address	Municipality
143	9	Private Owner	1155 St Georges Avenue	Rahway
161	22	Private Owner	1667 Irving Street	Rahway
161	33	Private Owner	206 W Grand Avenue	Rahway
161	36	Private Owner	188 W Grand Avenue	Rahway
161	34	Private Owner	204 W Grand Avenue	Rahway
162	13	Private Owner	309 Hamilton Street	Rahway
162	9	Private Owner	277 Hamilton Street	Rahway
167	43	Private Owner	318-20 Hamilton Street	Rahway
168	19	Private Owner	1219 St Georges Avenue	Rahway
213	1	Private Owner	629 River Road	Rahway
221	15	Private Owner	2001 Oliver Street	Rahway
221	13	Private Owner	433 River Road	Rahway
221	16	Private Owner	2011 Oliver Street	Rahway
223	6	Private Owner	211 W Grand Avenue	Rahway
224	52	Private Owner	175 W Grand Avenue	Rahway
292	8	City of Rahway Parking Authority	804 Leesville Avenue	Rahway
298	3	Private Owner	962 Leesville Avenue	Rahway
298	4	Private Owner	946 Leesville Avenue	Rahway
298	5	Private Owner	930 Leesville Avenue	Rahway
321	5	Private Owner	1652 Essex Street	Rahway
321	6	Private Owner	1648 Essex Street	Rahway
321	7	NJDEP Green Acres Program	1644 Essex Street	Rahway
321	8	Private Owner	1640 Essex Street	Rahway
321	9	Private Owner	1636 Essex Street	Rahway
321	10	Private Owner	1630 Essex Street	Rahway
322	6	Private Owner	1714 Essex Street	Rahway
322	7	Private Owner	1708 Essex Street	Rahway
331	14	Private Owner	1496 Lawrence Street	Rahway
331	15	Private Owner	1492 Lawrence Street	Rahway

**EXHIBIT “B”**

Block	Lot	Owner’s Name	Property Address	Municipality
331	16	Private Owner	1484 Lawrence Street	Rahway
331	17	Private Owner	1478 Lawrence Street	Rahway
331	27	Private Owner	1466 Lawrence Street	Rahway
332	3	Private Owner	1493 Lawrence Street	Rahway
332	18	Private Owner	1520 Totten Street	Rahway
332	17	Private Owner	1524 Totten Street	Rahway
332	16	Private Owner	1528 Totten Street	Rahway
332	15	Private Owner	1534 Totten Street	Rahway
332	12	Private Owner	1548 Totten Street	Rahway
332	13	Private Owner	1544 Totten Street	Rahway
332	14	Private Owner	1540 Totten Street	Rahway
334	9	Private Owner	1568 Montgomery Street	Rahway
334	8	Private Owner	1576 Montgomery Street	Rahway
334	5	Private Owner	457 E Milton Avenue	Rahway
334	4	Private Owner	1557 Totten Street	Rahway
334	3	Private Owner	1545 Totten Street	Rahway
334	2	Private Owner	1539 Totten Street	Rahway
335	24	Private Owner	1565 Montgomery Street	Rahway
335	25	Private Owner	1577 Montgomery Street	Rahway
335	12	Private Owner	1642 Park Street	Rahway
335	14	Private Owner	1636 Park Street	Rahway
335	15	Private Owner	1628 Park Street	Rahway
335	26	Private Owner	1583 Montgomery Street	Rahway
574	13	Private Owner	216 Buchanan Street	Linden
575	10	Private Owner	217 Buchanan Street	Linden
575	9.02	Private Owner	221 Buchanan Street	Linden
575	9.01	Private Owner	225 Buchanan Street	Linden
575	8	Private Owner	226 Madison Street	Linden
579	1	Private Owner	2702 Parkway Avenue	Linden
579	2	Private Owner	2706 Parkway Avenue	Linden
579	10	NJ DEP Green Acres Program	321 Madison Street	Linden
579	9	NJ DEP Green Acres Program	327 Madison Street	Linden

**EXHIBIT “B”**

Block	Lot	Owner’s Name	Property Address	Municipality
582	2	Private Owner	2604 Parkway Avenue	Linden
582	5	Private Owner	2616 Parkway Avenue	Linden
582	3	Private Owner	2608 Parkway Avenue	Linden
582	6	Private Owner	310 Madison Street	Linden
582	7	Private Owner	314 Madison Street	Linden
582	8	Private Owner	318 Madison Street	Linden
582	10	Private Owner	330 Madison Street	Linden
582	11	NJ DEP Green Acres Program	332 Madison Street	Linden
582	18.01	NJ DEP Green Acres Program	235 Main Street	Linden
582	18.02	Private Owner	233 Main Street	Linden
582	30	Private Owner	226 Arthur Street	Linden
582	31	Private Owner	230 Arthur Street	Linden
582	33	Private Owner	235 Arthur Street	Linden
582	34	Private Owner	231 Arthur Street	Linden
582	45	Private Owner	214 Irene Street	Linden
582	53	Private Owner	219 Irene Street	Linden
582	54	Private Owner	215 Irene Street	Linden
582	55	Private Owner	209 Irene Street	Linden
582	68	Private Owner	2651 Marshes Dock Road	Linden
5404	7	Private Owner	63 Charles Street	Carteret
5404	8	Private Owner	59 Charles Street	Carteret
5404	1	Private Owner	66 Christopher Street	Carteret
5404	2	Private Owner	68 Christopher Street	Carteret
5502	13	Private Owner	83 John Street	Carteret
5502	14	Private Owner	79 John Street	Carteret
5502	15	Private Owner	75 John Street	Carteret
5502	17	Private Owner	71 John Street	Carteret
5502	18	Private Owner	69 John Street	Carteret
5502	7	Private Owner	70 Charles Street	Carteret
5502	8	Private Owner	72 Charles Street	Carteret
5502	9	Private Owner	74 Charles Street	Carteret
5502	11	Private Owner	78 Charles Street	Carteret

**EXHIBIT "B"**

Block	Lot	Owner's Name	Property Address	Municipality
5502	12	Private Owner	80-82 Charles Street	Carteret
5505	25	Private Owner	70 John Street	Carteret
5505	26	Private Owner	74 John Street	Carteret
5505	27	Private Owner	76 John Street	Carteret
5505	28	Private Owner	80 John Street	Carteret
5505	29	Private Owner	84 John Street	Carteret
5505	30	Private Owner	88 John Street	Carteret

**EXHIBIT “C”**  
**STANDARD ESTATES**

EXHIBIT "C"

1) FEE (USACE Standard Estate No. 1)

The fee simple title to the land is described in Schedule A, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

2) FLOOD PROTECTION LEVEE EASEMENT (USACE 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] [floodwall] [gate closure]; 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) TEMPORARY WORK AREA EASEMENT (USACE Standard Estate No. 15)

A temporary easement and right-of-way in, on, over and across the land described in Schedule A, for a period not to exceed \_\_\_\_\_, 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 Rahway River Basin Coastal Storm 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 ESTIMATE FOR REAL ESTATE**

**EXHIBIT “D”**

<b>BASELINE COST ESTIMATE FOR REAL ESTATE RAHWAY RIVER BASIN COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY</b>				
	<b>COST CATEGORY</b>	<b>NON-FEDERAL</b>	<b>FEDERAL</b>	<b>TOTAL COSTS</b>
<b>01A</b>	<b>INCIDENTAL COSTS</b>	<b>\$1,022,300</b>	<b>\$260,000</b>	<b>\$1,282,300</b>
<b>01A1</b>	<b>Administrative</b>	<b>\$240,000</b>	<b>\$134,000</b>	<b>\$374,000</b>
01A1A	By the Non-Federal Sponsor	\$240,000		
01A1B	By Government (Gov't) on behalf of NFS		\$0	
01A1C	By Gov't		\$134,000	
<b>01A2</b>	<b>Land Surveys</b>	<b>\$70,000</b>	<b>\$28,000</b>	<b>\$98,000</b>
01A2A	By NFS	\$70,000		
01A2B	By Gov't on behalf of NFS		\$0	
01A2C	Review of NFS		\$28,000	
<b>01A3</b>	<b>Land Appraisals</b>	<b>\$56,000</b>	<b>\$42,000</b>	<b>\$98,000</b>
01A3A	By NFS	\$56,000		
01A3B	By Gov't on behalf of NFS		\$0	
01A3C	Review of NFS		\$42,000	
<b>01A4</b>	<b>Title Services &amp; Closing</b>	<b>\$70,000</b>	<b>\$14,000</b>	<b>\$84,000</b>
01A4A	By NFS	\$70,000		
01A4B	By Gov't on behalf of NFS		\$0	
01A4C	Review of NFS		\$14,000	
<b>01A5</b>	<b>Other Professional Services</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01A5A	By NFS	\$0		
01A5B	By Gov't on behalf of NFS		\$0	
01A5C	Review of NFS		\$0	
<b>01A6</b>	<b>PL 91-646 Uniform Relocation Assistance Benefits</b>	<b>\$544,300</b>	<b>\$0</b>	<b>\$544,300</b>
01A6A	By NFS	\$544,300		
01A6B	By Gov't on behalf of NFS		\$0	
<b>01A7</b>	<b>Audit for Sponsor's Credit Approval</b>	<b>\$42,000</b>	<b>\$42,000</b>	<b>\$84,000</b>
01A7A	By NFS	\$42,000		
01A7B	By Gov't		\$42,000	
<b>01B</b>	<b>ACQUISITION COSTS</b>	<b>\$5,189,000</b>	<b>\$0</b>	<b>\$5,189,000</b>
<b>01B1</b>	<b>Land Payments</b>	<b>\$1,739,000</b>	<b>\$0</b>	<b>\$1,739,000</b>
01B1A	By NFS	\$1,739,000		
01B1B	By Gov't on behalf of NFS		\$0	
<b>01B2</b>	<b>Damage Payments</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B2A	By NFS			
01B2B	By Gov't on behalf of NFS		\$0	
<b>01B3</b>	<b>Land Payments under PL 91-646</b>	<b>\$3,450,000</b>	<b>\$0</b>	<b>\$3,450,000</b>
01B3A	By NFS	\$3,450,000		
01B3B	By Gov't on behalf of NFS		\$0	
<b>01B4</b>	<b>Condemnation</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B4A	By NFS	\$0		
01B4B	By Gov't on behalf of NFS		\$0	
<b>01B5</b>	<b>Disposals</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B5A	By Government	\$0		
01B5B	By NFS	\$0		
01B5C	By Gov't on behalf of NFS		\$0	
	Subtotal Lands & Damages (01A + 01B)	\$6,211,300	\$260,000	\$6,471,300
	Contingency (40%)	\$2,484,520	\$104,000	\$2,588,520
<b>01</b>	<b>TOTAL LANDS &amp; DAMAGES</b>	<b>\$8,695,820</b>	<b>\$364,000</b>	<b>\$9,059,820</b>
<b>02</b>	<b>TOTAL RELOCATIONS (Utilities / Facilities)</b>	<b>\$1,853,787</b>	<b>\$0</b>	<b>\$1,853,787</b>

**EXHIBIT “E”**  
**NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT CHECKLIST**

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

**RAHWAY RIVER BASIN, NEW JERSEY  
COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY**

**I. Legal Authority.**

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

Yes. Through N.J.S.A. § 58:16A-5, the State of New Jersey, as the non-Federal Partner for a Federal Civil Works project, has the legal authority to acquire and hold title to real property for project purposes.

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

Yes. The Sponsor has the power of eminent domain under the authority of the Eminent Domain Act, N.J.S.A. § 20:3-1 et seq.

- c. Does the Sponsor have "quick-take" authority for this project?

No, the Sponsor does not have quick-take authority. Through the New Jersey Eminent Domain Act, a property can be acquired prior to an adjudication of compensation following the ensuing process: (1) the property must be appraised; (2) the parties must conclude good faith negotiations; and (3) the State deposits compensation based on its determination of value into court.

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

No. All lands required for the project are located within the Sponsor's political boundary.

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

No. The Sponsor has the legal authority to condemn, if necessary, any of the lands or interest in lands required for the project.

**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 Public Law 91-646 as amended?

Yes. As a result of recent hiring of new staff members, the Sponsor has inquired to USACE on obtaining training on the subject matter.

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

**RAHWAY RIVER BASIN, NEW JERSEY  
COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY**

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

No, not as of the time this assessment. USACE will coordinate with the Sponsor to develop a training plan.

- 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 real estate acquisition experience for Federal and non-Federal construction projects and can meet its responsibilities for the project.

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

Yes. The Sponsor's in-house staff level is sufficient considering its other workload. Additionally, the Sponsor will enter into a partnership agreement with the local municipality to assist with real estate acquisition.

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

Yes. If necessary, the Sponsor can obtain contract support in a timely fashion to assist with real estate acquisition for the project.

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

As of this assessment, the Sponsor has not requested USACE assistance to acquire the real estate on their behalf. It is unlikely USACE would acquire the real estate on behalf of the Sponsor since the Sponsor: (1) possesses the professional capability to acquire the real estate needed for the project; (2) can reasonably obtain, if necessary, real estate acquisition contracting services from sources other than the Federal Government; (3) have sufficient general and legal acquisition authority to acquire all the real estate required for the project; and (4) intend on entering into a partnership agreement with the local municipality to assist with real estate acquisition activities. However, since the standard project partnership agreement offers the Sponsor the opportunity to request USACE assistance with real estate acquisition, the option remains open to the Sponsor for further discussion.

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

**RAHWAY RIVER BASIN, NEW JERSEY  
COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY**

**III. Other Project Variables.**

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

Yes. The sponsor's staff is located within a reasonable proximity to the project site. Additionally, its partnership with the local municipality offers representatives within the immediate area.

- b. Has the sponsor concurred with the project/real estate schedule/milestones?

Yes. The current project real estate acquisition schedule allots two years for the acquisition of real estate. USACE and the sponsor will continue to assess real estate acquisition requirements and processes, including experiences from other partnered civil works projects, to adjust the schedule if needed.

**IV. Overall Assessment.**

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

Yes. The Sponsor has performed satisfactorily on other completed and on-going USACE projects, including but not limited to civil works projects located at Elberon to Loch Arbor, Newark (Minish), Greenbrook, Union Beach, and Port Monmouth.

- 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.

The sponsor is highly capable of performing its real estate acquisition responsibilities for the project.

**V. Coordination.**

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

Yes. This assessment has been coordinated with the Sponsor.

- b. Does the sponsor concur with this assessment?

Yes. The Sponsor concurs with this assessment.

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

**RAHWAY RIVER BASIN, NEW JERSEY  
COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY**



\_\_\_\_\_  
John H. Moyle  
Director, Division of Dam Safety  
and Flood Engineering  
Climate and Flood Resilience  
Department of Environmental Protection  
State of New Jersey

1/23/20  
Date

\_\_\_\_\_  
Lydia W. Williams  
Chief, Real Estate  
New York District  
U.S. Army Corps of Engineers

\_\_\_\_\_  
Date

EXHIBIT “E”

EXHIBIT “F”

NON-FEDERAL SPONSOR’S  
AUTHORIZATION FOR ENTRY

**EXHIBIT "F"**

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

Rahway River Basin, New Jersey  
Coastal Storm Risk Management Project

**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 Rahway River Basin, New Jersey Coastal Storm Risk Management Project. 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: