

U.S. Army Corps of Engineers  
New York District

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# **PASSAIC RIVER TIDAL PROTECTION AREA, NEW JERSEY, STORM RISK MANAGEMENT FEASIBILITY STUDY**

## **APPENDIX I DRAFT REAL ESTATE PLAN**

**JANUARY 2019**

**PASSAIC RIVER TIDAL PROTECTION AREA, NEW JERSEY,  
STORM RISK MANAGEMENT FEASIBILITY STUDY**

**JANUARY 2019 DRAFT REAL ESTATE PLAN**

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## **1. Preamble**

a) Project Authorization: The Passaic Tidal area is part of the larger Passaic River Main Stem project, which was authorized for construction by Section 101(a)(18) of the Water Resources Development Act (WRDA) of 1990, as amended by Section 101(a)(18)(ii) of WRDA 1992, Section 102(p) of WRDA 1992, and Section 327(i) of WRDA 2000.

Pre-engineering design work was underway until the Non-Federal Sponsor, the New Jersey Department of Environmental Protection (NJDEP), withdrew support for the overall project in 1995 due to objections over the tunnel feature. Work was halted until March 2011, when NJDEP requested a reevaluation of the Passaic River Main Stem project. A Feasibility Cost Sharing Agreement between the U.S. Army Corps of Engineers (USACE) and NJDEP was entered into in June 2012.

The reevaluation study was underway when Hurricane Sandy severely impacted the study area in October 2012. The storm surge from Hurricane Sandy impacted the southern portion of the Main Stem project area. The Tidal Protection Area was included in the Second Interim Report to Congress in response to the Disaster Relief Appropriations Act of 2013 (P.L. 113-2), listing it as eligible to be managed as its own separate project. The reevaluation study is funded for completion under P.L. 113-2.

b) Official Project Designation: Passaic River Tidal Protection Area, New Jersey, Storm Risk Management Feasibility Study (hereinafter the “Project” or “Passaic Tidal Project”).

c) Project Location: The study area includes the tidally-influenced and surge-prone areas in the Passaic Valley and Newark Bay areas in Essex County, New Jersey.

d) Non-Federal Partner: The non-Federal partner is the New Jersey Department of Environmental Protection (NJDEP) (the “Sponsor”) who will be responsible for acquiring the Lands, Easements, and Rights-of-Ways (LER) for the Project. If approved, the Project will be cost-shared (65% Federal and 35% Non-Federal)

## **2. Statement of Purpose**

The purpose of this Real Estate Plan (the “REP”) is to present the overall plan describing the minimum real estate required for the construction, operation and maintenance of the proposed Project. This REP is an appendix to the Project’s September 2017 Interim Hurricane Sandy General Reevaluation Report (HSGRR).

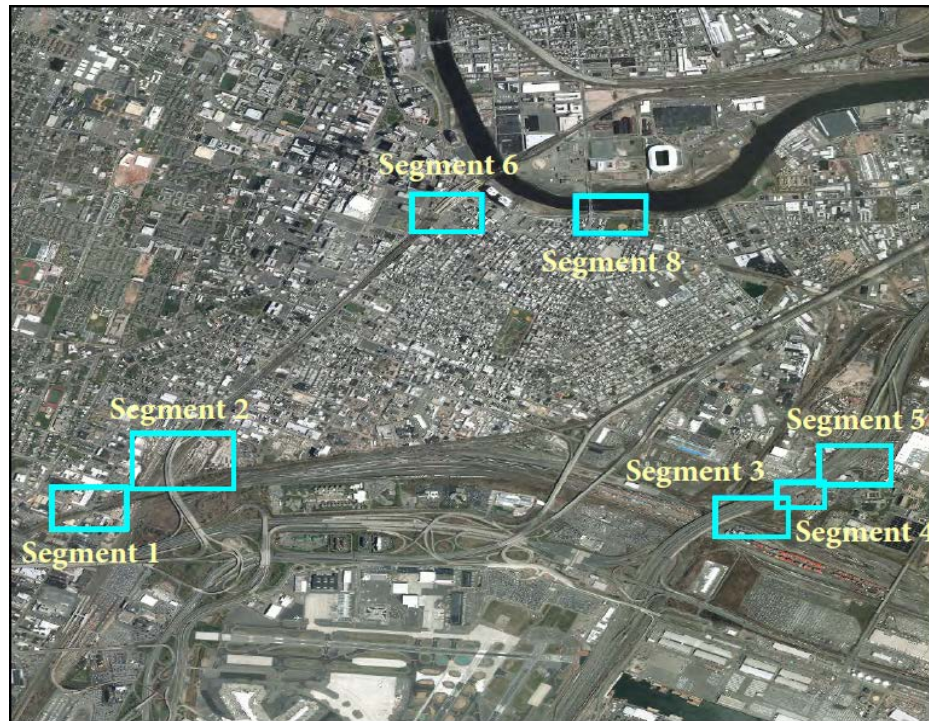


### 3. Project Purpose and Features

a) Project Purpose: The Project is the Locally Preferred Plan (LPP) and is the Recommended Plan that will offer flood risk management along portions of the Passaic River, including parts of Newark Bay in New Jersey.

The waterfront areas of Newark, Kearny, and Harrison were severely impacted by Hurricane Sandy in October 2012. The storm surge inundated an extensive area that damaged or destroyed hundreds of homes and businesses, including two known fatalities in the study area. The transportation infrastructure of highly-utilized urban transit systems of the PATH, NJ Transit, and Amtrak, which operate in the area, were also severely impacted and received extensive damage from the storm surge. The Project aims to reduce the risk of flood prone areas in the City of Newark to reduce the economic costs and risks associated with large-scale flood and storm events like Hurricane Sandy.

b) Plan of Improvement: The Project consists of the construction and operation of a series of floodwalls, a levee, and closure gates with integrated interior drainage systems. A total of six floodwall segments and one levee segment would be constructed within low lying areas of the City of Newark. The Project would be designed to preform to an elevation of 14 feet North American Vertical Datum of 1988 (NAVD88). The seven segments total a length of approximately 4,850 linear feet (lf) (see Engineering and Design Appendix J for more information):



*Figure 1: Passaic Tidal Project Reaches*



*Segment 1* consists of 170 lf of floodwall with one closure gate and a 140 lf gate across the intersection of Frelinghuysen Avenue and East Peddie Street. The gate would be approximately 4.0 feet high. The floodwall height above ground would range from approximately 2.6 to 4.0 feet and tie into an adjacent railroad embankment.

*Segment 2A (western part of Segment 2)* consist of 1,990 lf of floodwall located between the main rail line to Newark Penn Station and the southern tie-off of the alignment. Segment 2A ties into the railroad embankments on each end of the wall. The Segment 2A alignment accommodates the proposed PATH railway extension from Newark Penn Station to the Newark Liberty Airport transit hub.

*Segment 2B (eastern part of Segment 2)* consists of 1,450 lf of floodwall from the tie-in at the NJ Transit/Amtrak railroad to the southern alignment tie-in. This segment includes a gate at New Jersey Railroad (NJRR) Avenue and the southern rail line. Floodwall and gate height above ground along this segment would vary from 4.8 to 8.2 feet.

*Segment 3* consists of 135 lf of levee with a culvert, headwalls, sluice gate, backflow prevention. The levee crosses an unnamed tidal creek just east of the New Jersey Turnpike. The levee height above ground will be a maximum of approximately 9.4 feet.

*Segment 4* consists of 190 lf of floodwall across Delancy Street just east of the New Jersey Turnpike. The closure gate across Delancy Street would be approximately 70 lf and the floodwall height would range from approximately 4.1 to 4.8 feet above ground.

*Segment 5* consists of 240 lf of floodwall across Wilson Avenue just east of the New Jersey Turnpike. The closure gate across Wilson Ave would be approximately 85 lf and the floodwall height would range from approximately 3.1 to 3.2 feet above ground.

*Segment 6* consists of 330 lf of floodwall along Edison Place and NJRR Avenue, and crossing NJRR Avenue to tie into the railroad embankment. The closure gate across NJRR Avenue would be approximately 40 lf and the height of the floodwall would range from approximately 0.9 to 3.1 feet above ground.

*Segment 8* consists of 150 lf of floodwall along the side of the off ramp from Raymond Boulevard to Jackson Street. This segment borders the sidewalk adjacent to Riverfront Park and would have a height ranging from approximately 1.3 to 3.4 feet above ground.

Required Lands, Easements, and Rights-of-Way (LER): The Sponsor is responsible for acquiring the real estate interests needed for the construction, operation and maintenance of the proposed Project. They will obtain the appropriate real estate agreement containing the required standard estate language and necessary covenants to run with the land therein. Easements will be



recorded with the county prior to the Corps' certification of real estate. The following is a summary of the Project's real estate requirements, which include streets and right-of-way areas:

Permanent Easements.....	±4.37 acres
Temporary Easements.....	±3.40 acres
<b>Total:</b>	<b>±7.77 acres</b>

No. of Private Parcels.....	29
No. of Public Parcels.....	6
<b>Total:</b>	<b>35</b>

The Project impacts **35 parcels**, as well as impacts to streets and right-of-ways. In some instances, more than one estate is required to be obtained over the lands of the same owner. The following is the required estates and acreage (which includes acres over streets and right-of-ways) needed to support the construction, operation, and maintenance of the Project:

*I. (Permanent) Flood Protection Levee Easement (Standard Estate No. 9):*  
Approximately **4.37 acres** are required for the construction of floodwalls and gate closures. There are 30 parcels impacted by this easement – 25 privately-owned (two parcels whose owner is unknown and classified as private for the purpose of this report) and 5 publicly-owned. Of the 4.37 acres required, approximately 1.34 acres are over streets and or highway right-of-ways.

*II. Temporary Work Area Easement (Standard Estate No. 15):* Approximately **3.40 acres** are required for providing work areas along the proposed floodwall and gate closure construction for a two year period. All 35 parcels are impacted by this easement. Of the 3.40 acres required, approximately 0.72 of an acre is required over streets and or highway right-of-ways.

The real estate requirements for staging/work areas and access routes have not been yet been identified. Once known, this report will be updated to account for those required lands.

There are no temporary easements required for borrowing or disposal purposes.

Exhibit “B” provides a summary of the real estate requirements for the Project as well as the list of impacted parcels. The recommended estates are provided in Exhibit “C” herein. The size of the real estate interests required for the Project as identified in this report are estimations based on available Geographic Information System (GIS) data. Since the Project is at a feasibility level study, the precise size and location of required easements will be identified at the Project's pre-construction, engineering and design (PED) phase. The Sponsor will be advised to obtain a land survey and legal descriptions for all lands acquired to identify precise size and boundary limits and to obtain title insurance on all acquired property to protect against “defects” in title and to identify potential encumbrances.



a) Appraisal Information: In accordance with Corps Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3), dated January 10, 2013 (PGL 31), an appraisal cost estimate (or “rough order of magnitude”) was completed for the Project since the value of real estate (land, improvements and severance damages) were not expected to exceed ten percent of the total project costs. To establish a more accurate land valuation, a full appraisal based on surveyed boundaries of the Project’s final plans is required. This cost estimate does not include the incidental costs that would be incurred to acquire the real estate and should not be interpreted as the Project’s total real estate costs. See paragraph 11 for the Project’s overall estimated real estate costs.

The total estimated land value for the Project’s preliminary real estate requirement is \$1,661,000, effective October 2, 2018, , which reflects the estimated payments to land owners for the required real estate interests for the project.

	Estimated Land Value
Permanent Easement	\$1,083,000
Temporary Easement	\$578,000
<i>Total</i>	<i>\$1,661,000</i>

The appraisal cost estimate included the following assignment conditions:

Assignment Condition #1 – The appraiser has not received a title report for the Project parcels. The cost estimate is predicated on the extraordinary assumptions that, as of the effective date of the cost estimate, the Project parcels: (1) have not begun condemnation proceedings; and (2) have marketable title without restrictions or encumbrances impacting cost.

Assignment Condition #2 – The cost estimate invokes the Jurisdictional Exception of 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.” Uniform Standards of Professional Appraisal Practice (USPAP) 2016-2017 Edition, The Appraisal Foundation, Washington, DC, 2016.

The Cost Estimate was prepared for the internal use of the U.S. Army Corps of Engineers. Though not complying with all provisions of the Uniform Standards of Professional Appraisal Practice, the document does conform to USACE regulations. For purposes of the estimate, the appraiser had been advised that the U.S. Army Corps of Engineers operates under the Jurisdictional Exception provision of USPAP. Standards #1 in part and #2 have not been complied with in 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. Uniform Standards of Professional Appraisal Practice (USPAP) 2014-2015 Edition, The Appraisal Foundation, Washington, DC, 2014, p. U-1. 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 had been provided with a project spreadsheet for the Cost Estimate. This cost estimate is predicated on the extraordinary assumption that, as of the effective date of this cost estimate, the project spreadsheet data accurately portrayed the properties based upon the land use planning and engineering designs. Project 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 had been provided with spreadsheet data for the Cost Estimate. The data has been applied in the Cost Estimate. This cost estimate buyout is predicated on the extraordinary assumption that, as of the effective date of the cost estimate, the Project parcels are primarily industrial in nature and vacant land consistent with the Project List data.

Assignment Condition #5 – The cost estimate is predicated on the extraordinary assumption that, as of the effective date of the cost estimate, there are: (1) no zoning bulk area requirement violations on any of the project properties; (2) all properties are conforming uses; and (3) all properties are permitted uses under the zoning code. It was assumed that the existing land uses comply with current zoning requirements and do not impact the Cost Estimate conclusion.

Assignment Condition #6 – The cost estimate is based upon a superficial level of detail. The data provided to the analyst was based upon a preliminary design and did not provide specifics on each parcel's physical, legal or economic characteristics. Superficial in the context of this 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 the Memorandum dated 10 January 2013 and titled “Real Estate Policy Guidance Letter No. 31- Real Estate Support to Civil Works Planning Paradigm (3x3x3).” If the design parameters change, the cost estimate may change.

#### **4. LER Owned by the Non-Federal Partner**

The State of New Jersey is the fee owner of approximately 0.4886 of an acre required for the project ( $\pm 0.3178$  of an acre for a Flood Protection Levee Easement and  $\pm 0.1708$  for a Temporary Work Area Easement) at Block 2780 Lot 62 located in Segment 2. The ownership estate is sufficient and available for the Project. There are no special land value considerations or crediting principals that would be applied Sponsor-owned lands.

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

There are no proposed non-standard estates required for the Project. However, the Project requires a right to construct floodwalls within railroad-owned (Conrail) property. There are 16



parcels owned by Conrail. Approximately 2.58 acres are required for the Project, with  $\pm 1.32$  acres required in permanent easements and  $\pm 1.26$  acres required in temporary easements.

Coordination is on-going with Conrail to assess the Project's impact to railroad operations while also seeking to identify the pathway and legal mechanism that would allow Project construction on railroad property. There are likely several Surface Transportation Board regulations, as well as the Interstate Commission Termination Act, that would apply. Consequently, it may be determined that a non-standard estate is required over railroad-owned property.

## **6. Existing Federal Projects**

There is one existing Federal project that lies partially within the LER required for the Project, the Joseph G. Minish Passaic River Waterfront Park and Historic Area Project (Minish Project)

The Minish Project is a partially constructed project that was authorized in the Water Resources Development Act (WRDA) of 1990 (Public Law 101-640, Section 101(18)) as an element of the Passaic River Flood Damage Reduction Project, which was authorized on 28 November 1990. It was later modified in WRDA 1992 (Public Law 102-580, Section 102(p)) and WRDA 1996 (Public Law 104-303, Section 301 (b)(10)). A Project Partnership Agreement (PPA) was executed in June 2017 with NJDEP as the non-Federal Sponsor to complete the remaining construction.

A section of the Minish Project requires a (permanent) Bank Protection and Temporary Work Area Easements for the placement of riprap and other soil protection measures to stabilize and prevent erosion of the riverbank. Three parcels within this section of the Minish Project are also required for the Passaic Tidal Project at Segment 8. The Passaic River Project requires a (permanent) Flood Protection Levee and Temporary Work Area Easements for purposes previously described. All three parcels are owned in fee by the City of Newark or Essex County. Easements on these parcels have not yet been acquired for the Minish Project.

Figure 2 shows the Minish Project Real Estate Map with the Passaic Tidal Project, Segment 8, LER requirement encircled. The subsequent table provides parcel information.



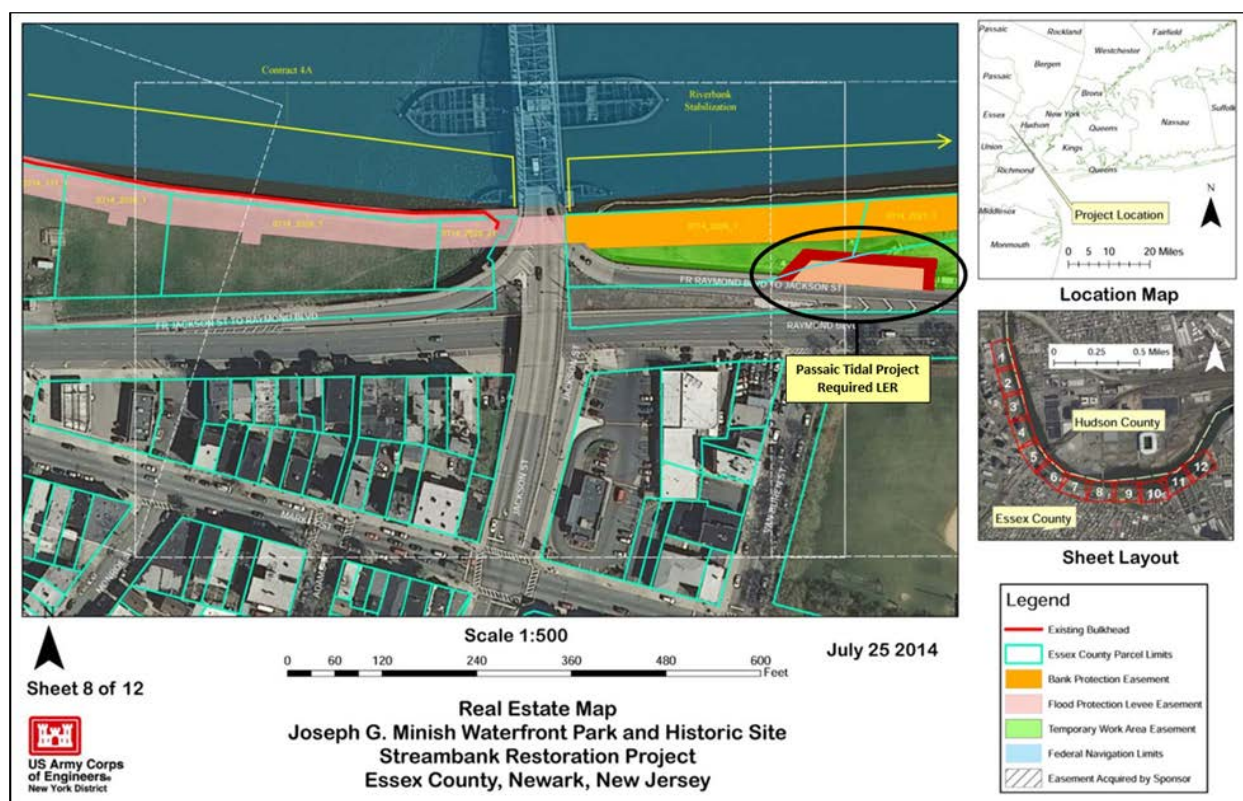


Figure 2- Minish Project Real Estate Map with the Passaic Tidal Project LER

Block_Lot	2027_1	2027_2	2028_1
Owner	Essex County	City of Newark	City of Newark
Minish LER Requirements			
Permanent Easements	±0.9903 ac	±0.0393 ac	±0.3939 ac
Temporary Easements	±0.3297 ac	±1.6551 ac	±0.2229 ac
Passaic Tidal LER Requirements			
Permanent Easements	0.00 ac	±0.0741 ac	±0.0080 ac
Temporary Easements	±0.0062 ac	±0.0433 ac	±0.0327 ac

Although surveys have yet to be completed for either project to determine the precise location of easements on respective parcels, there appears to be no overlap of the permanent easements requirements. However, both projects overlap at areas requiring a Temporary Work Area Easement. The NJDEP is the non-Federal Sponsor for the Minish and Passaic Tidal projects, who is also in partnership with the local Municipality for the completion of both



projects. The NJDEP and the local municipality are supportive of the projects (including Essex County) and it's anticipated that the LER required for both projects will be available.

## **7. Federally-Owned Land**

There are no Federally-owned lands included within the LER required for the Project.

## **8. Navigational Servitude**

Navigational servitude is not applicable to the Project.

## **9. Maps**

Real estate maps are provided in Exhibit A.

## **10. Induced Flooding**

The Project does not induce flooding.

## **11. Baseline Cost Estimate for Real Estate (BCERE)**

a) An itemized BCERE is provided in Exhibit "D" in Micro-Computer Aided Cost Estimating System (MCACES) format. The Project's total estimated Federal and non-Federal real estate cost is **\$3,624,750**. The costs is captured in the Project's 01-Lands & Damages cost account.

Since the Project's real estate requirements for staging/work areas and access routes are unknown and the pathway for acquiring railroad-owned lands for the project is still in coordination (See paragraph 14 and Exhibit E – "Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability" for further details), a 50% contingency was allocated to the 01-Lands & Damages cost account.

b) The Sponsor's estimated Lands, Easements, Right-of-Ways, Relocations and Disposals (LERRD) costs are \$3,813,750.

<b>LERRD</b>	<b>Total</b>
LER	\$3,204,750
Relocations	\$1,429,000
Disposals	\$0
<b><i>Total LERRD:</i></b>	<b><i>\$4,633,750</i></b>



The LERRD costs represent the Sponsor's estimated upfront (non-Federal) direct and indirect costs for obtaining all the necessary real estate interests, relocations and disposal/borrow areas required for the construction, operation and maintenance of the Project. The Sponsor is eligible to receive credit towards their overall cost-shared amount for the Project for all LERRD costs incurred that are found to be reasonable, allowable and allocable. To receive credit, the Sponsor must provide adequate documentation for all costs incurred. At which time, USACE will conduct an audit review for credit approval.

## **12. Public Law 91-646, Uniform Relocation Assistance**

Relocation assistance in accordance with Public Law 91-646 is not anticipated to be required for the Project.

## **13. Minerals and Timber Activity**

There are no present or anticipated mineral extraction or timber harvesting activities within the proposed Project footprint.

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

A final Non-Federal Partner's Capability Assessment Checklist (Exhibit "E") with the Sponsor's concurrence is pending. The Sponsor is highly capable in acquiring the real estate for the Project. The Sponsor maintains the legal and professional capability and experience to acquire the LER for the construction, operation, and maintenance of the Project and has condemnation authority and other applicable authorities that may apply, if necessary, to support acquisition measures. Although not anticipated for the Project, the Sponsor is aware of Public Law 91-646 requirements, when applicable, as well as the requirement to document acquisition and incidental expenses associated with acquiring the LER for the Project for crediting purposes. The Sponsor has completed real estate acquisitions for the Minish Project; the Raritan and Sandy Hook Bay, New Jersey Hurricane Storm Damage Reduction Project Port Monmouth; Greenbrook Flood Control Project; and other similar Federal flood control, cost-shared projects.

There are lands, however, the Sponsor may not be able to condemn if needed. As discussed in Paragraph 5, permanent easements are required over lands owned by a railroad company (Conrail), which are actively used for railroad operations. The Sponsor may not be able to acquire the necessary easements if the Project interferes with railroad operations and the railroads object to the offered plan. There are likely several Surface Transportation Board regulations (under Title 49, Chapter X), as well as the Interstate Commerce Commission Termination Act, that would apply. Not only would any easement required for the Project require the railroad's permission, but may also involve, upon an application, the Surface Transportation Board's approval. The enactment of state legislation to make railroad-owned property available for the Project may also be required.



## **15. Zoning**

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

## **16. Schedule of Acquisition**

<u>Milestone</u>	<u>Date</u>
PPA Execution.....	Dec 2020
Sponsor's Notice to Proceed with Acquisition.....	Jan 2021
Authorization for Entry for Construction.....	Aug 2021
Certification of Real Estate.....	Aug 2021
Ready to Advertise for Construction.....	Sep 2021

The coordination and assessment for the Project's real estate acquisition – in particular, the pathway to secure the necessary real estate interests on railroad-owned properties that would be sufficient for the Project purpose – continues. A two-year timeframe for real estate acquisition has been requested by the NFS. The schedule for real estate acquisition will be assessed and adjusted early in the Project's PED Phase to depict a more accurate schedule.

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

There are no proposed relocations of existing aboveground facilities or public utilities. As of this report, there is insufficient data to estimate the scope and cost for any potential underground utility relocation(s) and/or protections for features passing through the line of protection. Based on the proposed Project scope, an engineering assessment was made that determined any utility impacts were likely minor due to the relatively small segments of floodwalls/gates and their locations. A contingency cost of \$50,000 was allocated to each segment to account for potential relocations, with a contingency percentage of 74% added due to the lack of detailed utility data. Detailed utility data will be obtained during PED. The amount allocated for any potential relocations needed is \$609,000, which is captured in the Project's 02-Relocation cost account.

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

While the Project is situated in a highly developed commercial and industrial section of Newark, New Jersey where known Superfund remedial investigation areas regulated under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA) and the Known Contaminated Sites List of New Jersey (KCSNJ) regulated under N.J.A.C. 7:26E-1.8, there are no known HTRW located in, on, under or adjacent to the LER required for the Project.



## **19. Project Support**

As of this report, public meetings have not yet been scheduled. The Non-Federal Sponsor will first conduct meetings with the local municipalities to gain an understanding of the level of support for the project. The U.S. Army Corps of Engineers will then schedule public meetings after feedback from the local municipalities is gathered. Any modification to the LER required for the Project will be documented with an amendment to this REP.

## **20. Notification to Non-Federal Partner**

Based on its past sponsorship of other Corps of Engineers water resource (Civil Works) projects and ongoing discussions during the Project's feasibility phase, the Sponsor is aware of the risks of acquiring the LER required for the Project in advance of signing the PPA. However, in accordance with the Real Estate Handbook, a formal written notice by letter dated November 6, 2017 has been provided to the Sponsor.

## **21. Additional Information**

a) Approximately 0.38 of an acre consisting of wetlands and watercourses will be permanently impacted by the Project. Compensatory mitigation in the form of a wetland bank would be provided to offset minor adverse impacts to wetlands and watercourses. Currently, there is no requirement to acquire lands for mitigation purposes.

b) There are 2 known parcels – Block 2028 Lot 1 and Block 2027 Lot 2 - that are part of the LER required for the Project that are protected under New Jersey's Green Acres Program. Administered by the New Jersey Department of Environmental Protection, the Green Acres Program was enacted by state legislation to preserve open space for conservation and recreational purposes. Lands protected under Green Acres maintain restrictions on constructing improvements therein. Since the Project proposes a low wall located on the sidewalk off the Jackson Street onramp, which is expected to have no impact to the park or its access, there is no anticipation for a need to obtain approvals or waiver from Green Acres to construct.

## **22. Point of Contact**

The points of contact for this real estate plan is the Real Estate Project Delivery Team member Realty Specialist Carlos Gonzalez at (917)790-8461 (email: [Carlos.E.Gonzalez@usace.army.mil](mailto:Carlos.E.Gonzalez@usace.army.mil)) or the undersigned at (917)790-8430 (email: [Susan.L.Goding@usace.army.mil](mailto:Susan.L.Goding@usace.army.mil)).

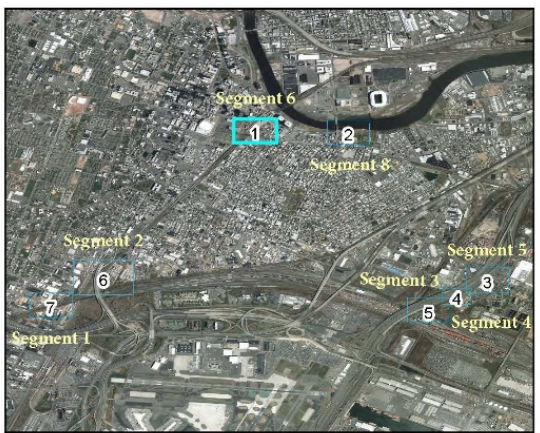


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SUSAN L. GODING  
Acting Chief, Real Estate Division  
Real Estate Contracting Officer








**EXHIBIT “A”**  
**REAL ESTATE MAPS**



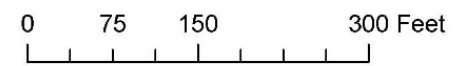
**Passaic River  
Tidal Protection Area, NJ  
Coastal Storm Risk Management  
Feasibility Study Real Estate Maps  
(Segment 6)**

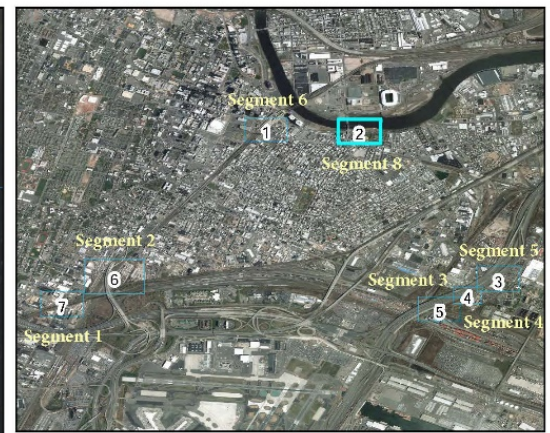
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-  Grid Index
-  Municipal Boundaries
-  Tax Parcel Boundary
-  Flood Protection Levee Easement
-  Temporary Work Area Easement

Sheet 1 of 7

Date: 08/01/2018





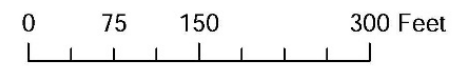
Passaic River  
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Feasibility Study Real Estate Maps  
(Segment 8)

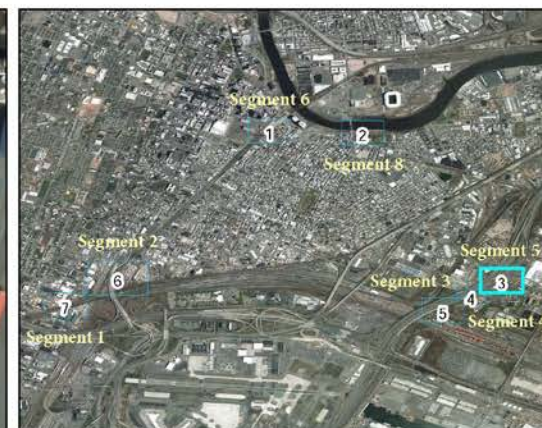
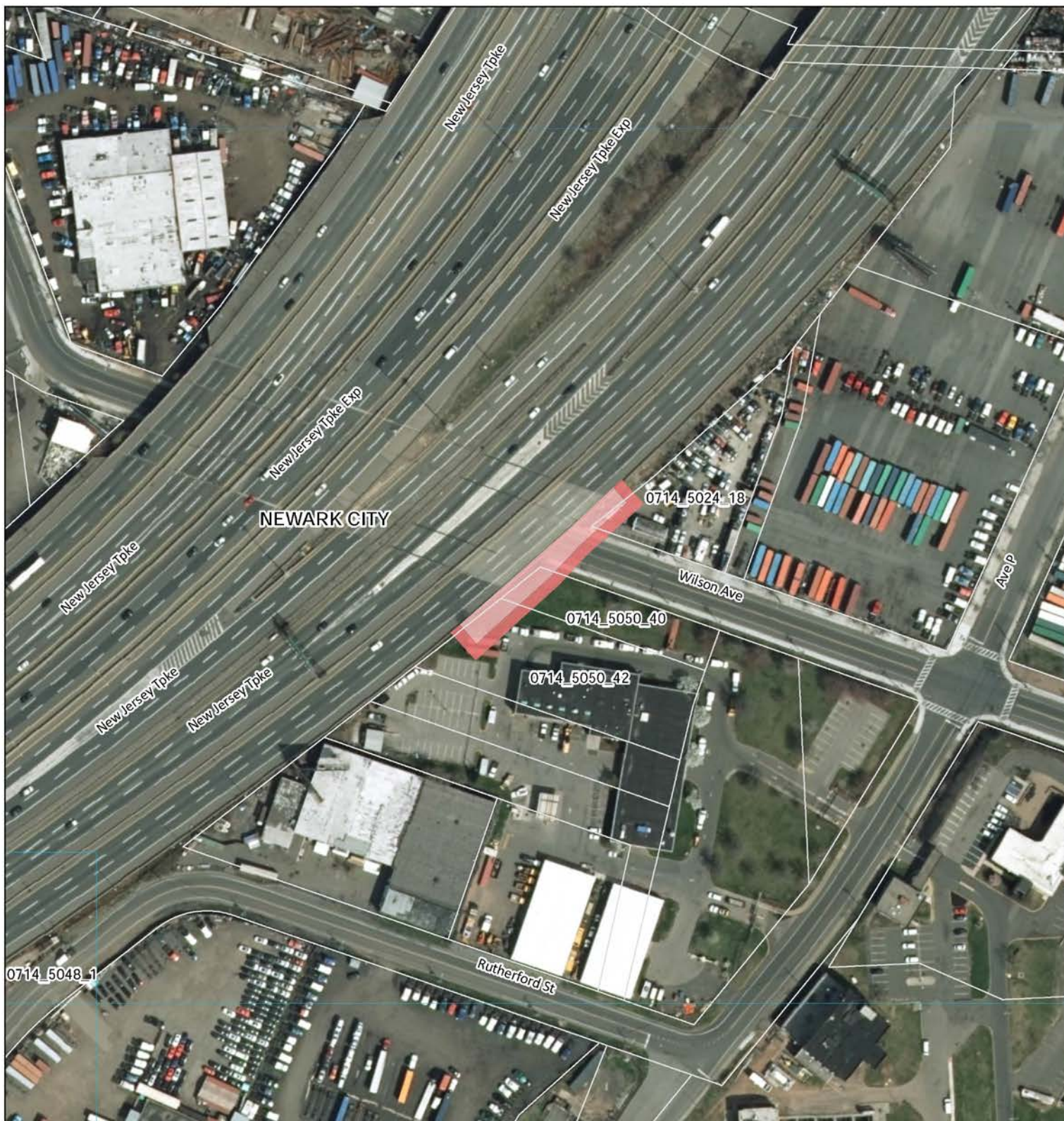
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- Tax Parcel Boundary
- Flood Protection Levee Easement
- Temporary Work Area Easement

Sheet 2 of 7

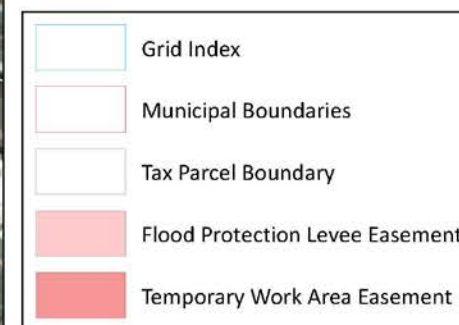
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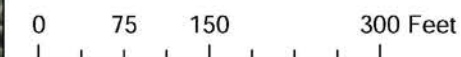
Passaic River  
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Feasibility Study Real Estate Maps  
**(Segment 5)**

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Sheet 3 of 7

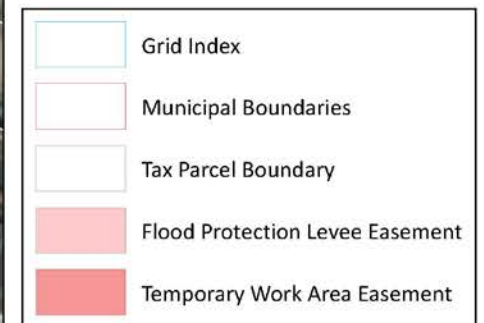
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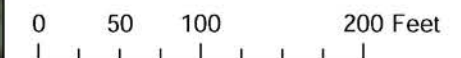
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Coastal Storm Risk Management  
Feasibility Study Real Estate Maps  
(Segment 4)

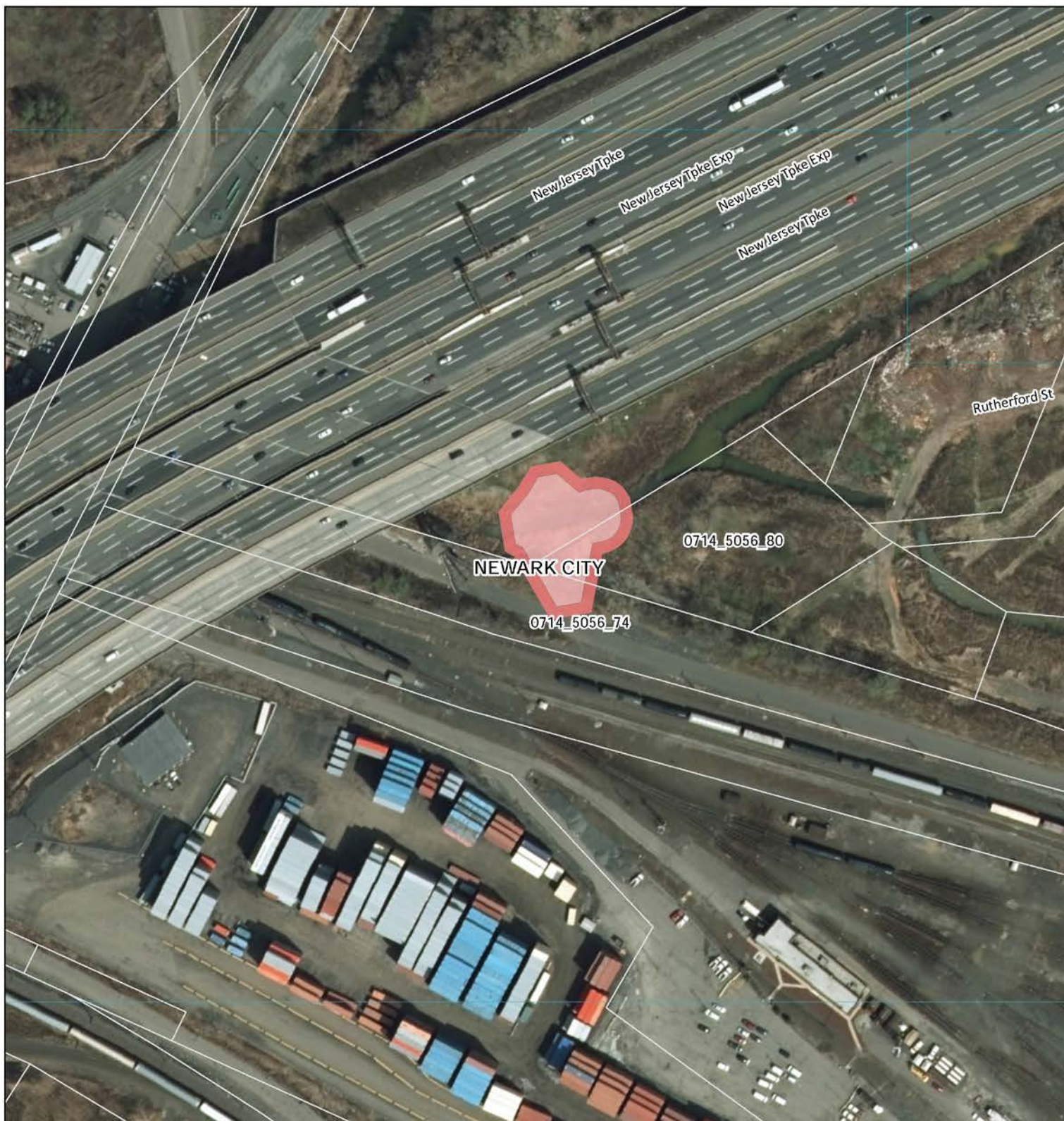
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Sheet 4 of 7

Date: 08/01/2018





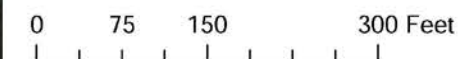
Passaic River  
Tidal Protection Area, NJ  
Coastal Storm Risk Management  
Feasibility Study Real Estate Maps  
(Segment 3)

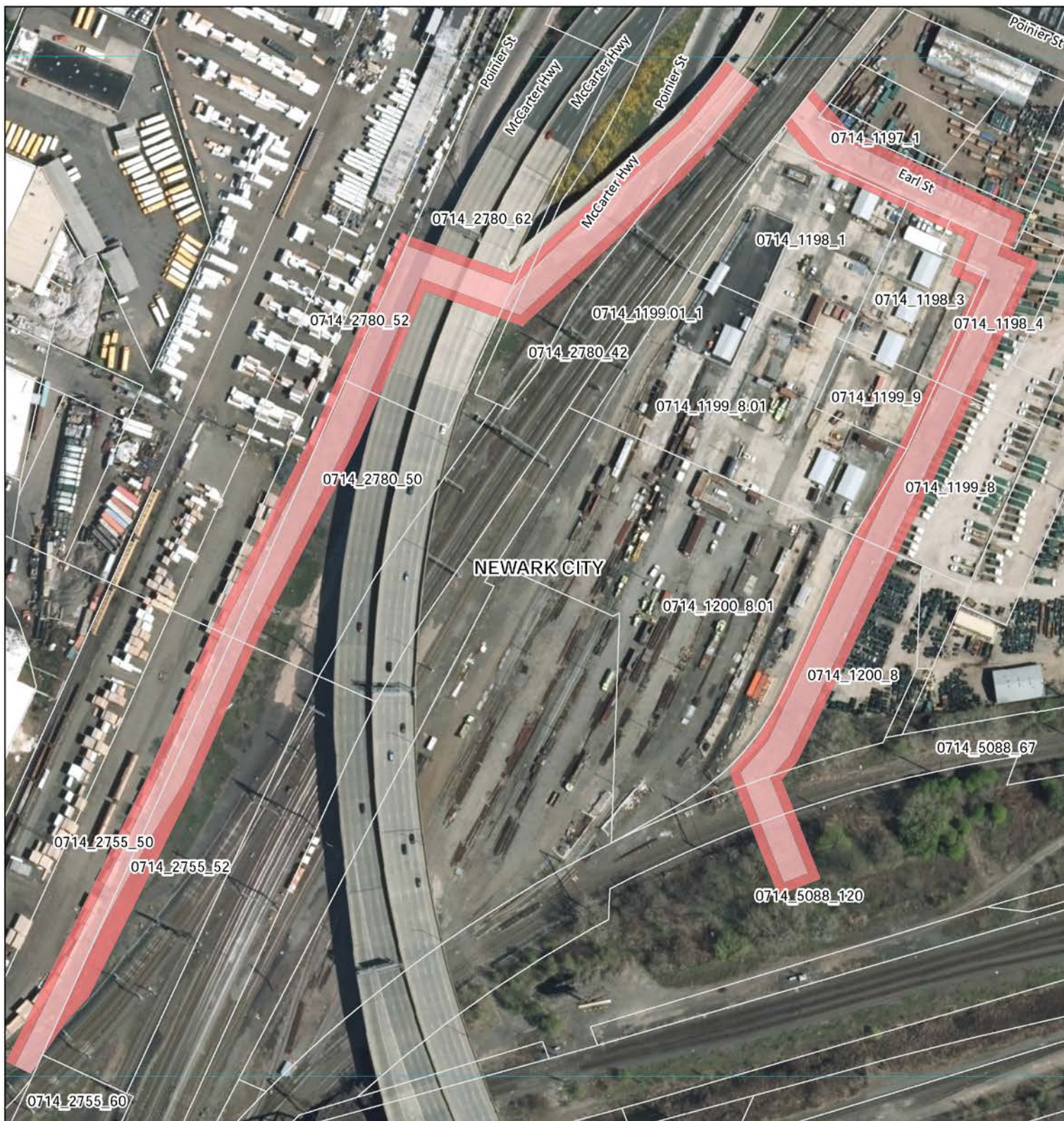
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	Grid Index
	Municipal Boundaries
	Tax Parcel Boundary
	Flood Protection Levee Easement
	Temporary Work Area Easement

Sheet 5 of 7

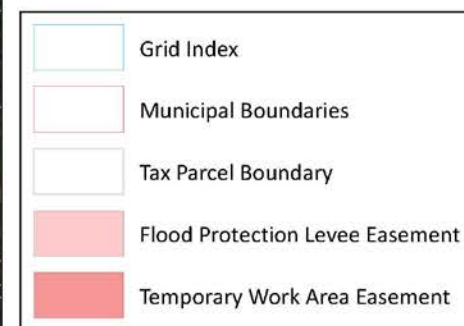
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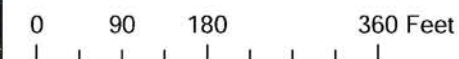
Passaic River  
Tidal Protection Area, NJ  
Coastal Storm Risk Management  
Feasibility Study Real Estate Maps  
(Segment 2)

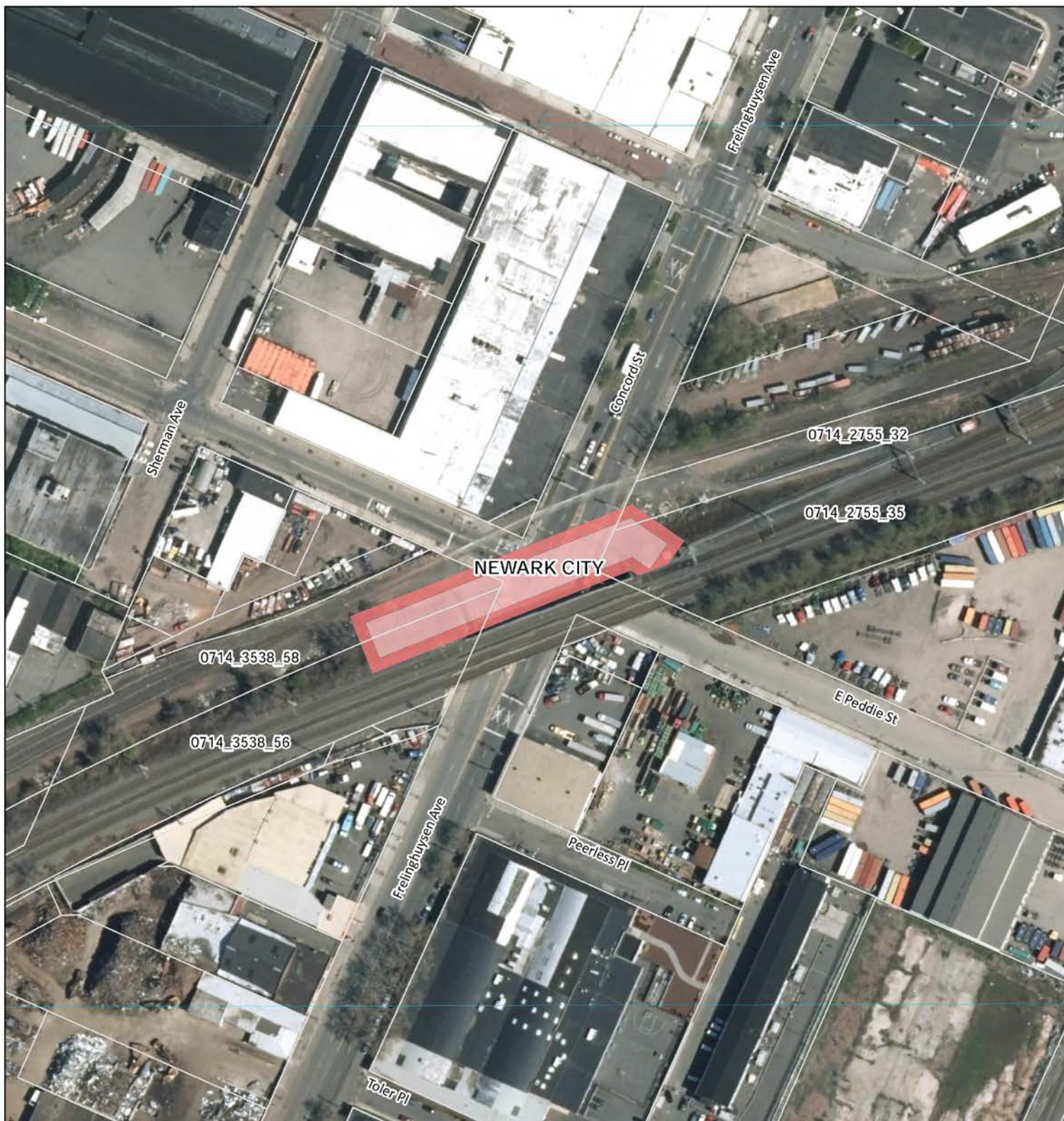
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Sheet 6 of 7

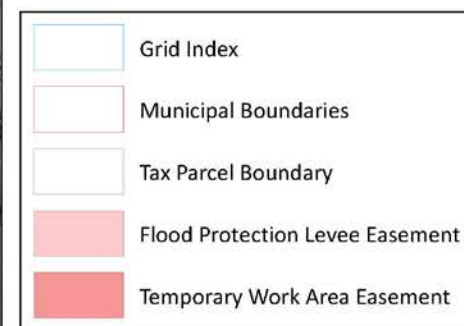
Date: 08/01/2018





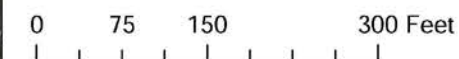
Passaic River  
Tidal Protection Area, NJ  
Coastal Storm Risk Management  
Feasibility Study Real Estate Maps  
**(Segment 1)**

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Sheet 7 of 7

Date: 08/01/2018



**EXHIBIT “B”**  
**PARCEL DATA**

**Exhibit “B”****Parcel Data**

<b>Segment</b>	<b>Section_Block_Lot</b>	<b>Property Location</b>	<b>Owner’s Name</b>	<b>Flood Protection Levee Easement (acres)</b>	<b>Temporary Work Area Easement (acres)</b>
2	0714_1197_1	525-531 New Jersey Railroad Ave	Conrail	±0.0011	±0.0110
2	0714_1198_1	153-163 E. Alpine St	Conrail	-	±0.0356
2	0714_1198_3	153-163 E. Alpine St	Conrail	±0.0068	±0.0688
2	0714_1198_4	At Avenue A	Waste Management, Inc.	±0.2397	±0.1527
2	0714_1199_8	At Avenue A	Waste Management, Inc.	±0.2329	±0.1284
2	0714_1199_8.01	153-163 E. Alpine St	Conrail	-	±0.0211
2	0714_1199_9	154-164 E. Alpine St	Conrail	-	±0.0296
2	0714_1200_8	At Avenue A	Waste Management, Inc.	±0.3575	±0.2614
2	0714_1200_8.01	153-163 E. ALPINE ST	Conrail	-	±0.0117
6	0714_157_1	144-150 Edison Pl	Newark Penn Station Assoc. Prop & Dev	±0.0064	±0.0049
6	0714_182_1	27-35 New Jersey Railroad Ave	Edison Place Properties, LLC	±0.1238	±0.1115
6	0714_182_31	37-39 New Jersey Railroad Ave	Edison Place Properties, LLC	±0.0014	±0.0123
8	0714_2027_1	699-785 Raymond Blvd	Essex County Park Commission	-	±0.0062
8	0714_2027_2	703-785 Raymond Blvd	City of Newark	±0.0741	±0.0433
8	0714_2028_1	787-815 Raymond Blvd Rear	City of Newark	±0.0080	±0.0327
8	0714_2028_2	787-809 Raymond Blvd	City of Newark	±0.0355	±0.0043
1	0714_2755_32	262-264 Frelinghuysen Ave	Conrail	±0.0049	±0.0121
1	0714_2755_35	266-268 Frelinghuysen Ave	Conrail	±0.0677	±0.0493
2	0714_2755_50	112-118 Poinier St	Conrail	±0.3421	±0.2478
2	0714_2755_52	120-122 Poinier St Rear	Conrail	±0.1852	±0.3130
2	0714_2780_42	94-172 Frelinghuysen Ave	Conrail	±0.0346	±0.0622
2	0714_2780_50	120-122 Poinier St R	Conrail	±0.3263	±0.1662
2	0714_2780_52	Off McCarter Highway	Conrail	±0.0678	±0.2167
2	0714_2780_62	120-122 Poinier St	State of New Jersey	±0.3178	±0.1708
1	0714_3538_56	269-279 Frelinghuysen Ave	Conrail	±0.0928	±0.0618
1	0714_3538_58	66-72 E Peddie St	Conrail	±0.0841	±0.0662
5	0714_5024_18	551-565 Wilson Ave	WAPA	±0.0070	±0.0217
4	0714_5048_1	66-90 Rutherford St	Metro Materials, LLC	±0.0083	±0.0181
5	0714_5050_40	Off of New Jersey Turnpike	Unknown	±0.0264	±0.0207
5	0714_5050_42	Off of New Jersey Turnpike	Unknown	±0.0341	±0.0398
4	0714_5056.01_24	92-106 Rutherford St	Lion Extruding Corp.	±0.0687	±0.0533
3	0714_5056_74	765-828 Doremus Ave	Conrail	±0.0379	±0.0484
3	0714_5056_80	Foot of Rutherford St	Passaic Valley Sewerage Commission	±0.0742	±0.0399
2	0714_5088_120	Haynes Ave Rear	Conrail	±0.0857	±0.0897

**Exhibit “B”  
Parcel Data**

<b>Segment</b>	<b>Section_Block_Lot</b>	<b>Property Location</b>	<b>Owner’s Name</b>	<b>Flood Protection Levee Easement (acres)</b>	<b>Temporary Work Area Easement (acres)</b>
2	0714_5088_67	Bay Ave	Conrail	±0.0543	±0.0437
1	Right-of-Way	Concord St & E Peddie St	City of Newark	±0.1589	±0.1206
2	Right-of-Way	Earl St	City of Newark	±0.3278	±0.1744
2	Right-of-Way	McCarter Highway	City of Newark	±0.3891	±0.2407
3	Right-of-Way	New Jersey Turnpike	City of Newark	±0.2013	±0.0959
4	Right-of-Way	NJ Turnpike & Delancey St	City of Newark	±0.0629	±0.0311
5	Right-of-Way	NJ Turnpike & Wilson Ave	City of Newark	±0.1040	±0.0363
6	Right-of-Way	NJ Railroad Ave & Edison Pl	City of Newark	±0.0945	±0.0215

**EXHIBIT “C”**  
**ESTATES**

**EXHIBIT “C”**  
**ESTATES**

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

A perpetual and assignable right and easement in the land described in Schedule A to construct, maintain, repair, operate, patrol and replace a flood protection [*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.

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

A temporary easement and right-of-way in, on, over and across the lands described in Schedule A, for a period not to exceed two years beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a work area, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Passaic River Tidal Protection Area, New Jersey, 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 ESTATE FOR REAL ESTATE**

**BASELINE COST ESTIMATE FOR REAL ESTATE**

**PASSAIC RIVER TIDAL PROTECTION AREA, NEW JERSEY**

**COASTAL STORM RISK MANAGEMENT GENERAL REEVALUATION STUDY**

	TOTAL PROJECT REAL ESTATE COSTS	NON-FEDERAL	FEDERAL	TOTAL COSTS
<b>01A</b>	<b>INCIDENTAL COSTS</b>	<b>\$475,500</b>	<b>\$280,000</b>	<b>\$755,500</b>
<b>01A1</b>	<b>Acquisition (Admin Costs)</b>	<b>\$277,500</b>	<b>\$92,500</b>	<b>\$370,000</b>
01A1A	By the Non-Federal Sponsor	\$277,500		
01A1B	By Government (Gov't) on behalf of NFS			
01A1C	By Gov't		\$92,500	
<b>01A2</b>	<b>Survey</b>	<b>\$49,500</b>	<b>\$33,000</b>	<b>\$82,500</b>
01A2A	By NFS	\$49,500		
01A2B	By Gov't on behalf of NFS			
01A2C	Review of NFS		\$33,000	
<b>01A3</b>	<b>Appraisal</b>	<b>\$82,500</b>	<b>\$66,000</b>	<b>\$148,500</b>
01A3A	By NFS	\$82,500		
01A3B	By Gov't on behalf of NFS			
01A3C	Review of NFS		\$66,000	
<b>01A4</b>	<b>Title Services &amp; Closing</b>	<b>\$66,000</b>	<b>\$33,000</b>	<b>\$99,000</b>
01A4A	By NFS	\$66,000		
01A4B	By Gov't on behalf of NFS			
01A4C	Review of NFS		\$33,000	
<b>01A5</b>	<b>Other Professional Services</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01A5A	By NFS			
01A5B	By Gov't on behalf of NFS			
01A5C	Review of NFS			
<b>01A6</b>	<b>PL 91-646 Assistance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01A6A	By NFS			
01A6B	By Gov't on behalf of NFS			
01A6C	Review of NFS			
<b>01A8</b>	<b>Audit</b>	<b>\$0</b>	<b>\$55,500</b>	<b>\$55,500</b>
01A8A	By NFS			
01A9B	By Gov't		\$55,500	
	<b>TOTAL PROJECT REAL ESATE COSTS</b>	<b>NON-FEDERAL</b>	<b>FEDERAL</b>	<b>TOTAL COSTS</b>
<b>01B</b>	<b>ACQUISITION COSTS</b>	<b>\$1,661,000</b>	<b>\$0</b>	<b>\$1,661,000</b>
<b>01B1</b>	<b>Land Payments</b>	<b>\$1,661,000</b>	<b>\$0</b>	<b>\$1,661,000</b>
01B1A	By NFS	\$1,661,000		
01B1B	By Gov't on behalf of NFS			
<b>01B2</b>	<b>Damage Payments</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B2A	By NFS			
01C2B	By Gov't on behalf of NFS			
<b>01B3</b>	<b>PL 91-646 Payment</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B3A	By NFS			
01B3B	By Gov't on behalf of NFS			
<b>01B4</b>	<b>Condemnation</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B4A	By NFS			
01B4B	By Gov't on behalf of NFS			
<b>01B5</b>	<b>Disposals</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B5A	By Government			
01B5B	By NFS			
01B5C	By Gov't on behalf of NFS			
	Subtotal Lands & Damages (01A & 01B)	\$2,136,500	\$280,000	\$2,416,500
	Contingency (50%)	\$1,068,250	\$140,000	\$1,208,250
<b>01</b>	<b>TOTAL LANDS &amp; DAMAGES</b>	<b>\$3,204,750</b>	<b>\$420,000</b>	<b>\$3,624,750</b>

**EXHIBIT “E”**

**NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT CHECKLIST**

EXHIBIT “E”

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

**PASSAIC RIVER TIDAL PROTECTION AREA, NEW JERSEY,  
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 Sponsor 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?

Yes. The Sponsor does have quick-take authority.

- 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 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?

Possibly. The project requires the acquisition of railroad-owned lands. The Sponsor may not be able to acquire the necessary easements if the Project interferes with railroad operations and the railroads object to the offered plan. There are likely several Surface Transportation Board regulations (under Title 49, Chapter X), as well as the Interstate Commerce Commission Termination Act, that would apply. Not only would any easement required for the Project require the railroad’s permission, but may also involve, upon an application, the Surface Transportation Board’s approval. The enactment of state legislation to make railroad-owned property available for the Project may also be required.

## EXHIBIT “E”

### **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 has been a non-Federal partner, and has performed successfully its real estate acquisition responsibilities, for several U.S. Army Corps of Engineers (USACE) constructed projects.

- 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 has sufficient real estate acquisition experience to meet its responsibilities for the project. It has acquired or overseen the real estate acquisition for the Port Monmouth, Minish, and Greenbrook projects.

- 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 share the real estate acquisition responsibilities and workload.

- 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?

No. It is unlikely that the Sponsor will request USACE assistance in acquiring the real estate. The Sponsor maintains the professional capability to acquire the real estate required for the project and can reasonably obtain, if needed, contracting services from sources other than the Government. The Sponsor also has sufficient general and legal acquisition authority to acquire all the real estate required for the project. And, while the Sponsor lacks quick-take authority, the Project’s two year acquisition schedule, which was coordinated with the Sponsor, allots sufficient time for real estate acquisition by the Sponsor.

## EXHIBIT “E”

### **III. Other Project Variables.**

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

Yes. The Sponsor is located within a reasonable proximity to the project site. Additionally, the Sponsor will partnered with the local municipality to share and assist with the project’s real estate acquisition responsibilities, whose staff will be within a close proximity to the Project.

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

Yes. The Sponsor has requested a two-year period to acquire the real estate for USACE cost-shared projects.

### **IV. Overall Assessment.**

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

Yes. The Sponsor has performed satisfactorily on the Port Monmouth, Greenbrook, Minish and Union Beach projects, which are currently in the construction phase, as well as other projects that are currently in a feasibility study.

- 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 to perform all its real estate responsibilities for the project.

### **V. Coordination.**

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

Yes. A copy of this assessment has been provided to the Sponsor.

- b. Does the Sponsor concur with this assessment?

As of this report, the Sponsor has neither provided their concurrence nor has commented on this assessment. USACE will continue to coordinate with the Sponsor to obtain their comments on this assessment.

EXHIBIT "E"

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Susan L. Goding  
Acting Chief, Real Estate Division  
Real Estate Contracting Officer

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[Type name]  
[Type title]  
State of New Jersey,  
Dept. of Environmental Protection

