

**US Army Corps
of Engineers®**

Papillion Creek and Tributaries Lakes, Nebraska

General Reevaluation Report

Real Estate Plan



June 2021

**Omaha District
Northwestern Division**

REAL ESTATE PLAN
PAPILLION CREEK AND TRIBUTARIES LAKES, NEBRASKA
GENERAL REEVALUATION REPORT (GRR)

Prepared for
US Army Corps of Engineers
Northwestern Division
Omaha District

As of
Revised June 2021

Prepared by
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Civil Branch

REAL ESTATE PLAN
PAPILLION CREEK AND TRIBUTARIES LAKES, NEBRASKA
GENERAL REEVALUATION REPORT (GRR)

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1. PROJECT PURPOSE: This Real Estate Plan (REP) has been prepared, in accordance with Chapter 12 of ER 405-1-12. The purpose of this Real Estate Plan is to support the General Reevaluation Report for the Papillion Creek and Tributaries Lakes, Nebraska, dated 25 January 2021 (Papio GRR). It will identify and describe all lands, easements, relocations, rights-of way, and disposals (LERRDs) for the construction, operation, and maintenance of each of the three composite project areas that make up the overall study area. Those project areas are the Little Papillion Creek from Cass Street to Saddle Creek and two proposed reservoirs, Dam Site #10 Dry (DS10) and Dam Site #19 Wet (DS19). The three project areas are located in Washington, Douglas, and Sarpy counties in Nebraska. The Real Estate Plan is tentative in nature; it is for planning purposes only and both the final real property acquisition lines and the real estate cost estimates provided are subject to change even after approval of the Feasibility Study. The project will serve multiple purposes, including addressing flood risk issues in the Papillion Creek Basin and reducing the risk of economic damages and to life safety, as well as restoring degraded habitat and increasing recreation opportunities in the Papillion Creek watershed.

The local Non-Federal Sponsor (NFS) for this project is the Papio-Missouri River Natural Resources District (Papio-NRD).

AUTHORITY:

The Papillion Creek and Tributaries Lakes, Nebraska project was authorized by Public Law 90-483, the Flood Control Act of 1968, in accordance with the recommendations of the Chief of Engineers in House Document No. 349. The authorized project consisted of a system of 21 dams and reservoirs, located on tributaries upstream from Metropolitan Omaha. Only 4 of the original 21 dams were constructed as part of the Federal project. The plan was updated in the 1980s to substitute some channel improvements and levees to address localized risks in specific reaches.

The Energy and Water Development Appropriation Act, 1982 (public law 97-88) House Report No. 97-177 authorized a reevaluation of the Papillion Creek and Tributaries Lakes, Nebraska Report. The General Reevaluation Study began September 2018.

2. PROJECT DESCRIPTION AND REQUIRED LERRD: The study area footprint comprises an area encompassing the entire Papillion Creek Watershed in the Omaha, Nebraska, greater metropolitan area. The watershed covers most of Douglas County, Nebraska and parts of Washington and Sarpy Counties, Nebraska. Papillion Creek drains an area of approximately 400 square miles. The main streams draining the watershed are the Big Papillion Creek, the Little Papillion Creek, and the West Papillion Creek. A study area map of the original footprint is attached as Exhibit "A" and a map showing the final recommended preferred alternative sites is attached as Exhibit "B". The three project areas selected as preferred alternatives are listed below and their real estate requirements are explained further under each project.

a) New Levee/Floodwall for Areas along the Little Papio Creek (LP5 – LP8)

A new levee and floodwall are being proposed from Western Avenue to Saddle Creek along the Little Papio Creek within the Omaha city limits. The length of this run is approximately 3.67 miles (right bank) and 2.98 miles (left bank). The real estate interest for the new levee/floodwall will consist of approximately 3.54 acres of fee and 26.69 acres of levee/floodwall easements from 95 property owners. The 100 + 3 feet label reflects a 1% AEP energy grade line elevation

with an additional 3 feet of elevation. This was the optimized height for the recommended plan. Environmental impacts to riparian forest habitats along the corridor of the new levee/floodwall will require mitigation on an additional 2 acres of fee which will be located on fee lands to be acquired by the NFS in the DS19 alternative footprint.

b) DS10

A new dry dam is being proposed that will be located to the northwest of the intersection of Highway 36 and Highway 133 in Douglas and Washington Counties. The real estate interest for the dry dam will consist of approximately 48.48 acres in fee for the dam and spillway structures and 336.09 acres in permanent flowage easements from 40 property owners. Environmental impacts to wetlands and riparian forest habitats in the footprint of the dam and spillway will require mitigation on an additional 6.6 acres of fee lands as shown on Exhibit “C-2”. There are no utilities located in the footprints of the dam or spillway.

c) DS19

A new multipurpose wet dam is being proposed that will be located to the southwest of the intersection of 192nd Street and Giles Road in Sarpy County. The real estate interest for the multipurpose wet dam will consist of approximately 214.61 acres in fee which includes 41.8 acres for the dam and spill way structures, and 187.17 for the permanent multipurpose reservoir pool and 59.96 acres in permanent flowage easements from 32 property owners. Environmental impacts to wetlands and riparian forest habitats in the footprint of the dam and in creation of a multipurpose reservoir will require mitigation within the lands to be acquired in fee for the reservoir flood control pool and on an additional 7.51 acres of fee lands acquired outside of the flood control pool, as shown on Exhibit “C-3”. There are no utilities located in the footprints of the dam or spillway. There will be two recreational areas at this alternative. The south access area includes a concrete lot with 20 boat trailer and 30 vehicle parking stalls, two-lane, concrete boat ramp, extending to below normal pool (slope varies, with maximum of 13 percent), with a removable boat access dock mounted on rails between lanes of boat ramp, picnic shelter and tables, vault restroom, and photocell solar lighting. The Giles Road access area includes a concrete lot with 6 kayak trailer and 15 vehicle parking stalls, vault restroom, and photocell solar lighting. There have been no designs for these recreation areas so the land descriptions are unavailable, but any land acquired for recreation must be acquired in fee. Both recreation areas will be constructed within the DS 19 footprint. There are four bridges that could be partially submerged during the 100 yr flood + 3 feet event. The potential negative impact of flows on these bridges in the study area needs further analysis both for current and future design load scenarios and for the significant potential relocation risks and associated LERRD costs. The current design does not require relocation of any bridges; however, if the final design indicates that relocation of any of the bridges are necessary, there is a potential for significant facility relocation costs for the sponsor. There is 13,067 LF of proposed new trail with an estimated construction cost of \$1,364,335. Assuming the trail is built entirely on fee land, there will be no additional LERRD cost.

Maps of the three project areas and their mitigation areas are attached as Exhibits “C-1” to “C-3” and the LERRD totals are summarized under **10. Baseline Cost Estimate** below.

d) Nonstructural

Nonstructural features including 71 basement fills, 59 elevations of residential structures and 256 dry floodproofing of commercial/industrial/municipal structures along Big Papillion Creek, Cole Creek, Papillion Creek, Saddle Creek, South Papillion Creek, and West Papillion Creek. The sponsor will be required to enter into floodproofing agreements with the owner of these structures and will be responsible for implementing these measures and address the permitting and inspection process to prohibit alterations to the nonstructural measures. The sponsor can recover incidental costs associated with nonstructural transactions as LERRD costs. These incidental costs have not been estimated and are not included in the Baseline Cost Estimate.

RECOMMENDED ESTATES: The language for the potential recommended estates are as follows:

FEE.

The fee simple title to (the land described in _____ Schedule A) (Tracts Nos. _____, _____ and _____), Subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

A fee estate will be required for the permanent dam features (embankment and spillway), permanent ponding areas, mitigation areas, and real estate parcels that will need to be acquired for design purposes.

FLOWAGE EASEMENT (Permanent Flooding).

The perpetual right, power, privilege and easement permanently to overflow, flood and submerge (the land described in Schedule A) Tracts Nos. _____, _____ and _____), (and to maintain mosquito control) in connection with the operation maintenance of the project as authorized by the Act of Congress approved _____, and the continuing right to clear and remove and brush, debris and natural obstructions which, in the opinion of the representative of the United States in charge of the project, may be detrimental to the project, together with all right, title and interest in and to the timber, structures and improvements situate on the land ¹ (excepting _____, (here identify those structures not designed for human habitation which the District Engineer determines may remain on the land)); provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of. landfill; ² the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

Permanent flowage easements will be required for the DS10 dry dam pool and DS19 wet dam pool above 1185.40 ft.

FLOWAGE EASEMENT (Occasional Flooding).

The perpetual right, power, privilege and easement occasionally to overflow, flood and submerge (the land described in Schedule A) (Tracts Nos. ____, ____ and ____). (and to maintain mosquito control) in connection with the operation and maintenance of the project as authorized by the Act of Congress approved _____, together with all right, title and interest in and to the structure; and improvements now situate on the land, except fencing ³(and also excepting _____ (here identify those structures not designed for human habitation which the District Engineer determines may remain on the land)) ⁴; provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; ⁵ the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

Flowage easements (occasional flooding), if necessary, will be determined during the design phase.

FLOOD PROTECTION LEVEE EASEMENT.

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos, ____, ____ and ____) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Flood protection levee easements will be required for the majority of the areas required for the levee and floodwall features proposed for LP5 – LP8. The exact amount and location of the easements will be determined during the design phase.

TEMPORARY WORK AREA EASEMENT.

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), 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 (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (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 _____ 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.

The exact amount and location of temporary work easements will be determined during the design stage.

RIGHT OF ENTRY FOR SURVEY AND EXPLORATION.

An assignable easement, in, on, over and across the land described in Exhibit "A" for a period of () months beginning with the date possession of the land is granted to the United States, consisting of the right of the United States, its representative, agents, contractors and assigns to enter upon said land to survey, stake out, appraise, make borings; and conduct tests and other exploratory work necessary to the design of a public works project; together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles as required in connection with said work; subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowner(s), their heirs, executors, administrators, successors and assigns, all such right, title, interest and privilege as may be used and enjoyed without interfering with or abridging the rights and easement hereby acquired.

The requirements for Rights of Entries for survey and exploration will be determined during the design stage.

UTILITY AND/OR PIPELINE EASEMENT.

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for the location, construction, operation, maintenance, alteration; repair and patrol of (overhead) (underground) (specifically name type of utility or pipeline); together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and

privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

The requirement for Utility and Pipeline easements will be determined during the design stage.

The USACE and NRD will coordinate on the acquisition estates required and process for documentation necessary for this project.

Table 2.1: Papio-Missouri River Natural Resources District (NRD)

Project Summary			
	Parcels	Acreage	Value
<u>Dam Site 10</u>			
Fee	13	47.15	\$2,143,990
Flowage Easement	34	359.26	\$3,262,626
Mitigation (Fee)	5	6.58	\$121,020
DS10 TOTAL	40*	412.99	\$5,527,636
<u>Dam Site 19</u>			
Fee	23	217.48	\$3,811,460
Flowage Easement	28	82.26	\$788,610
Mitigation (Fee)	7	7.51	\$63,490
DS19 TOTAL	32*	307.25	\$4,663,560
<u>LP5 through LP8</u>			
Fee	6	3.54	\$6,368,130
Levee/Floodwall Easement	89	26.69	\$4,667,901
LP5 to LP8 TOTAL	95*	30.23	\$11,036,031
Total Fee	42	268.17	\$12,323,580
Total Flowage Easement	62	441.52	\$4,051,236
Total Levee/Floodwall Easement	89	26.69	\$4,667,901
Total Mitigation	12	14.09	\$184,510
PROJECT SUBTOTAL	167*	750.47	\$21,227,227
Incidental Costs	10%		\$2,122,723
PROJECT TOTAL (ROUNDED)			\$23,350,000
*Care was taken not to double count parcels that had fee and/or easement and/or mitigation impacts on the same parcel. The totals only count each affected parcel once, while the categories report how many parcels are affected by each type of property rights.			

The acreage discrepancies between the above table and the map exhibits are due to the fact changes in the layout and design were still occurring during the completion of this report. Some

of these changes have been incorporated into the valuation and description but do not show clearly on mapping, and others were not finalized in time to be included in this report. These variances are considered in the incremental costs. This is considered a nominal risk to the overall cost of the real estate to be acquired by the Non-Federal Sponsor.

Table 2.1 and the Baseline Cost Estimate are summaries derived from the Gross Brief Appraisal Report dated December 31, 2020, prepared by a Review Appraiser CENWP-RE and reviewed and approved by the Northwestern Division Chief Appraiser.

- 3. SPONSOR OWNED LANDS:** The NRD owns approximately 3.3 acres of real estate in the Papillion Creek beds and adjacent right of ways. These lands are available for the project but are not sufficient to cover all improvements, so additional acquisition is necessary.
- 4. NON-STANDARD ESTATES:** Nonstandard estates have not been determined necessary for project construction.
- 5. EXISTING FEDERAL PROJECTS:** No Federal projects are known to exist within the project footprint.
- 6. FEDERALLY OWNED LANDS:** No Federally owned lands exist within the project footprint.
- 7. NAVIGATION SERVITUDE:** Navigation Servitude is not applicable and will not be exercised for this project. All lands required for the project are located above ordinary mean high-water mark.
- 8. PROJECT LOCATION:** Maps of the project areas are attached as Exhibits “C-1” – “C-3”. The actual number of tracts with the acreage for each fee and/or easement required for the project will be determined during the Design and Implantation Phase.
- 9. INDUCED FLOODING:** The Flood Risk Management (FRM) features will be designed to minimize or prevent induced stages. Any minimal induced flooding impacts will be mitigated, therefore, no additional LER is identified at this time as a necessary acquisition for completion of the project as a result of induced flooding. The PDT identified some potential design issues with the spillway discharge areas for DS10 and DS19 - IAW ER 1110-2-1451. This could impact costs associated with DS10 and DS19 but is contemplated in the Incremental Costs added to the Base Line Cost Estimate. There is no known impact to flood frequency at the feasibility study level.
- 10. BASELINE COST ESTIMATE:** A baseline cost estimate is listed below.

<u>Account</u>	<u>LERRD Category</u>	<u>Cost</u>
01	Lands and Easements	\$21,227,227
01	Incremental RE Costs	\$2,122,723
01	Relocation Assistance Program (P.L. 91-646)	\$995,635
01	Relocation Assistance Program (P.L. 91-646) 20% Contingency	\$199,127
02	Facility/Utility Relocations ¹	\$2,382,331
	Subtotal LERRDs:	\$26,927,043
01	Non-Federal Administrative Costs ²	\$1,723,200
	Total Non-Federal LERRDs:	\$28,650,243
01	Federal Administrative Costs at 2% ³	\$687,605
	Total Real Estate Costs:	\$29,337,848

¹ As described in the Facility/Utility Relocation paragraph, construction engineering provided a cost for the total construction costs (demolition of old utility and new installation) for the utilities identified in Exhibit D. This number also includes the LP5 – LP8 potential trail relocations that involve 13,305 LF of existing trail to be demolished and rebuilt with an estimated construction cost of \$1,793,988.

² The Non-Federal Administrative Costs include estimates for title, appraisal, negotiations, and acquisitions, and LERRD crediting. The total includes a 20% contingency cost.

³ The Federal Administrative Costs are calculated at a percentage of the total real estate costs and cover GIS tract and mapping work, appraisal scope of work and review of appraiser and appraisals, administrative costs to review land acquisition documents to review NFS administrative expenses for LERRD crediting. The total includes a 20% contingency cost.

11. PUBLIC LAW 91-646: It is anticipated there will be displaced persons, residences, farms or businesses entitled to relocation assistance as defined in the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (P.L. 91-646) required for this project. DS10 has seven residences that will need to be displaced. DS19 has five residences and one business that will need to be replaced. Housing studies have been completed for each of the project areas and the estimated relocation costs are included in the base cost estimate. The housing study projects that there is adequate replacement housing available. In the event comparable replacement housing is unavailable, the displaced resident may pursue an administrative procedure, Last Resort Housing, to receive replacement housing payments in excess of the statutory maximum. The contingency cost shown above takes into consideration additional costs that might be incurred if Last Resort Housing is required.

12. MINERALS: There are no known existing third-party mineral rights or interest including oil, gas, timber, or any other outstanding rights that may need to be resolved for the construction, operation, and maintenance of the project.

13. ASSESSMENT OF LOCAL SPONSOR: An Assessment of Non-Federal Sponsor’s Real Estate Acquisition Capability checklist is attached as Exhibit “E”.

14. PLANNING AND ZONING: No application or enactment of zoning ordinances will be required nor utilized for the proposed project.

15. ACQUISITION SCHEDULE: An acquisition schedule for the Sponsor will be assembled during the Pre-construction engineering and design stage. The acquisition schedule will include the estimated time periods for NFS notice, hearing, and board approval, finalizing tract maps,

NTP, Initiation, Negotiation and Completion of Acquisition, Certification, Contract Award, and Project Construction. The Feasibility Study estimated this schedule to be completed in phases and to require a five-year period to complete. This schedule estimate was confirmed by the sponsor as appropriate given their history of timelines for previous projects.

Real Estate Acquisition Schedule	
Project Partnership Agreement Signed	
Mapping and Tract Descriptions	60 Days (2 Months)
Appraisal	180 Days (6 Months)
Appraisal Review	60 Days (2 Months)
Title	Concurrent with Appraisal
Negotiations	210 Days (7 Months)
Closing and Recording	180 Days (6 Months)
Condemnation (if required)	365 Days (12 Months)
Utility/Facility Relocations	180 Days (6 Months)
Authorization for Entry	60 Days (2 Months)
LERRD Certification	60 Days (2 Months)
Total	1355 Days (45 Months)

16. FACILITY/UTILITY RELOCATION: Based on the design available at this time, there are no utilities or facilities within the current footprints of DS10 or DS19 that will require relocation. There are some facility/utility and trail relocations that may be required in order to install the floodwall and levee features required for the LP5 – LP8 alternative. The potential utility relocations identified by the design team are shown in the attached Exhibit “D” and final relocation decisions will be made during the design phase after actual field surveys are conducted and exact locations are known. The anticipated relocation costs for these utilities have been captured in the economics and construction portion of the cost estimate for the Feasibility Study at a cost of \$588,343 but this total does not include any real estate costs for the relocations. As the anticipated real estate costs for relocating these utilities is not expected to exceed 30% of the total project costs, a Real Estate Risk Assessment was completed in lieu of a Preliminary Attorney’s Opinion of Compensability as described in USACE Real Estate Policy Guidance Letter No. 31 dated January 11, 2019. Preliminary assessment indicates that the utilities that would need to be relocated are the type of facilities eligible for relocation under the substitute facilities doctrine and that the owners would have a compensable interest in the utilities that have been identified. The NFS will be advised that the inclusion of substitute facilities costs in this report or other use feasibility study estimates is for planning and budgeting purposes only and does not constitute a preliminary or final determination of compensability by USACE. A Final Attorney’s Opinion of Compensability will be completed by the Omaha District Office of Counsel prior to the PPA being signed. The sponsor has been advised that relocating utilities is their expense and can add significant cost to the project. The potential trail relocations involve 13,305 LF of existing trail to be demolished and rebuilt with an estimated construction cost of \$1,793,988, which is the sponsors responsibility. It has not been determined if the sponsor has a compensable right in any of the existing or relocated trail areas and a Final Attorney’s Opinion of Compensability will be completed by the Omaha District Office of Counsel prior to the signing of the Project Partnership Agreement (PPA).

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REAL ESTATE PLAN, OR ELSEWHERE IN THIS PROJECT REPORT, THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY’S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

17. HTRW: Environmental engineering shall perform HTRW investigation in the design phase. For all sites in the Recommended Plan, a hazardous substance environmental site assessment, also known as an Environmental Condition of Property survey or a Phase 1 survey, was conducted during feasibility. Contaminants found at an ER property would be evaluated to determine whether redesign excluding the contaminated area were a feasible solution for that property. Or, if contamination were extensive within a site, the entire site would be considered for remediation as 100% NFS responsibility, or the site could be omitted from the project, within the terms of the Project Partnership Agreement. Impacts on the real estate acquisition process and the LER value estimate due to known or suspected presence of contaminants that are located in, on, under, or adjacent to the LER required for the construction, operation, or maintenance of the project is unknown as the HTRW investigation is currently in progress. The historical use of the land that would be acquired for DS10 and DS19 has been rural and agriculture and the amount of real estate required for the LP5 – LP8 run is de minimis so the HTRW risk is considered to be very low.

18. OPPOSITION/SUPPORT OF PROJECT BY LOCAL LANDOWNERS: Landowners in Washington County are generally opposed to the building of DS10 and voiced their opposition at the December 3, 2019 public meeting. Because of the opposition, the NFS has decided to only support a dry dam instead of a wet dam. The landowners continued to voice their opposition to the DS10 portion of the project at the public meeting held via Webex on February 3, 2021.

19. ACQUISITION PRIOR TO PPA EXECUTION: The sponsor has been advised to not acquire any LER prior to approval of the project and signing a PPA.

20. RECOMMENDATIONS/COMMENTS: Omaha District’s Real Estate Division recommends this project for approval.

Prepared by:

Robert C. Daisley

**Robert C. (Bob) Daisley
Senior Realty Specialist
Real Estate Division**

Reviewed by:

Rick L. Noel

**Rick L. Noel
Deputy Chief, Real Estate Division
Real Estate Contracting Officer**

Approved by:

SIMPSON.AMA Digitally signed by
NDA.M.138490 SIMPSON.AMANDA.M.1384
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Date: 2021.07.26 23:07:20
-05'00'

**Amanda Simpson
Acting Chief, Real Estate Division
Real Estate Contracting Officer**

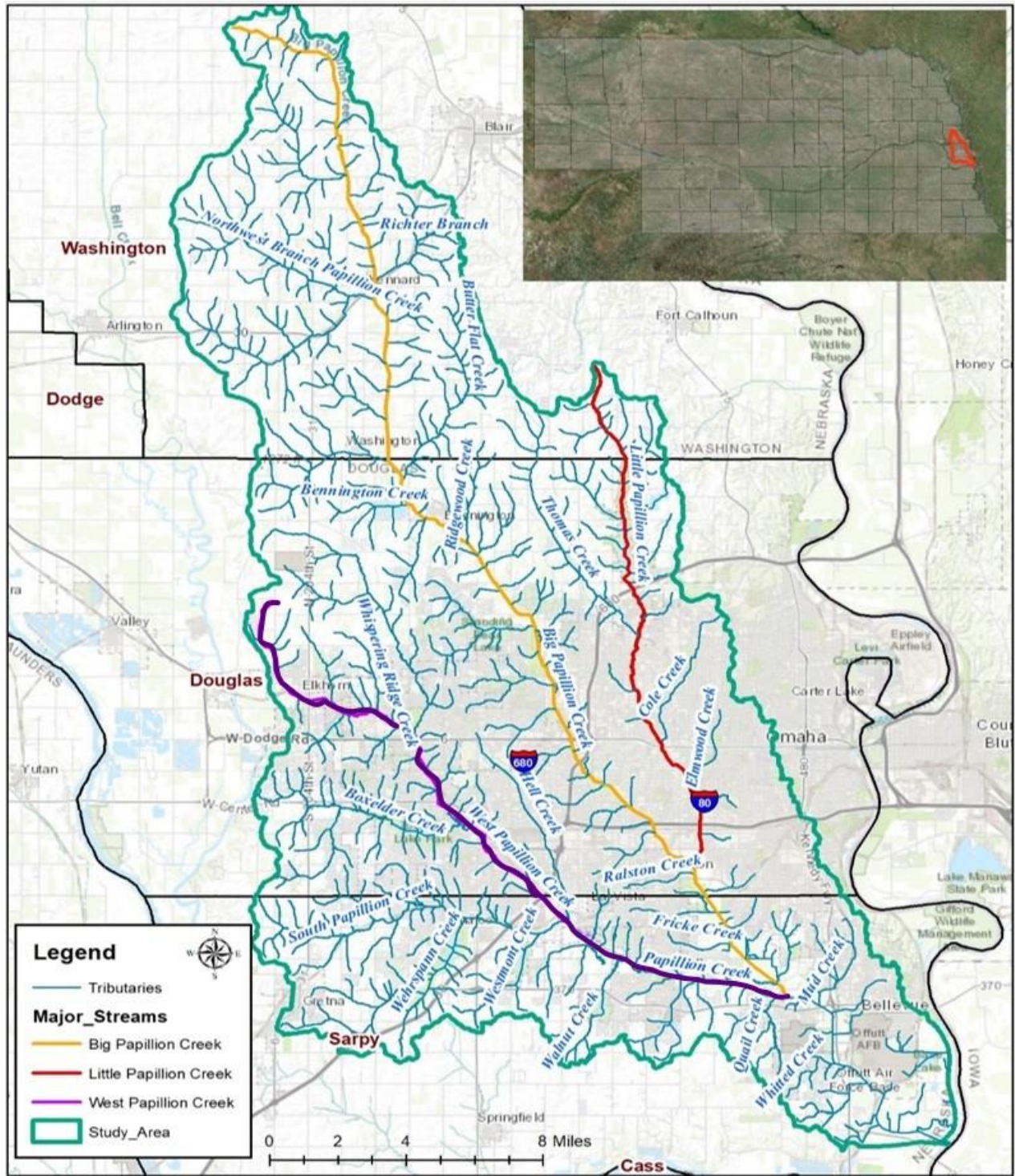
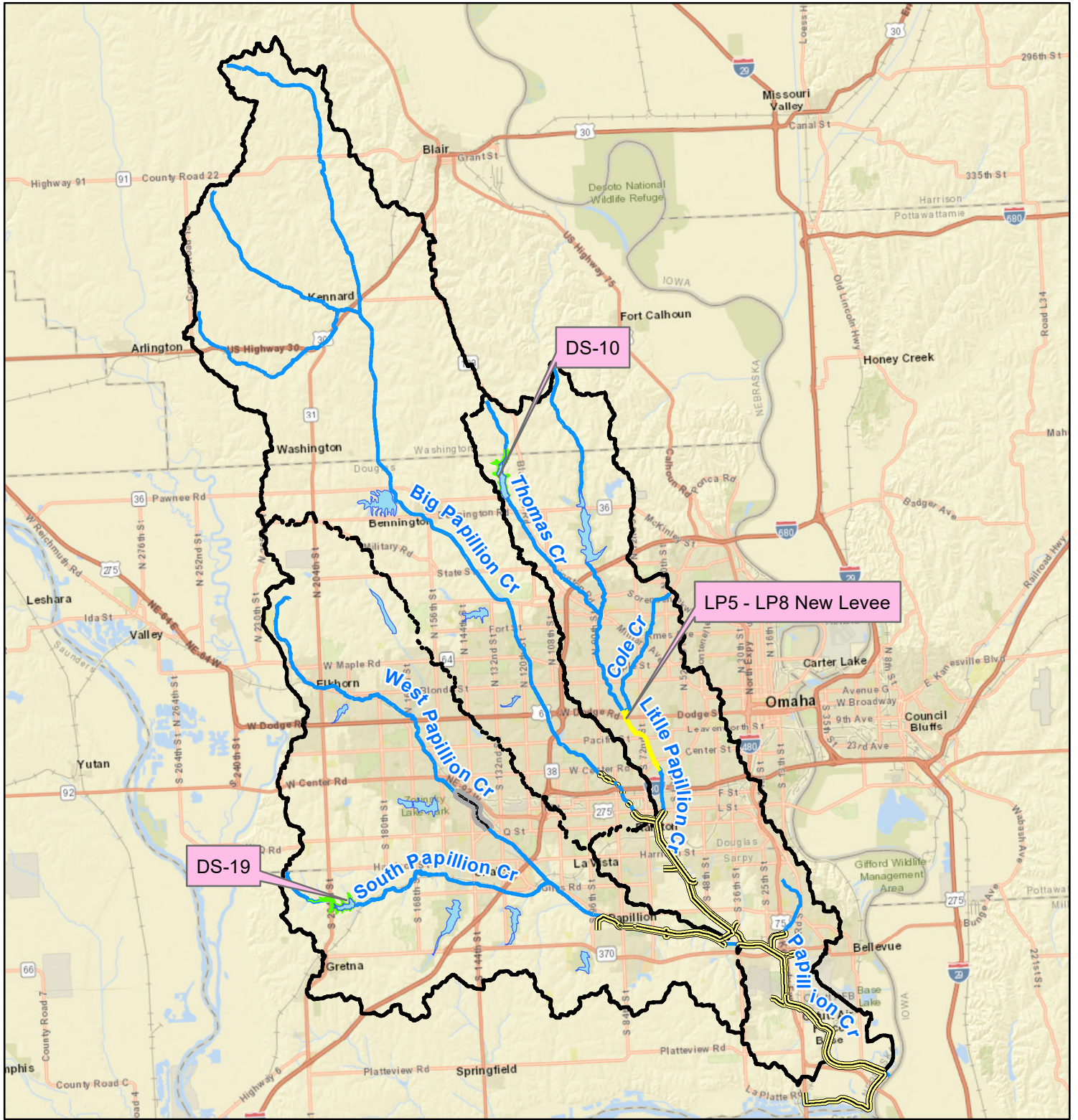


Exhibit "A"



Papillion Creek Preferred Alternatives




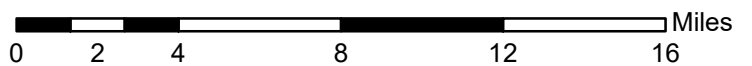
-  Existing Levees
-  Watershed
-  Existing Dams & Lakes



Exhibit "B"

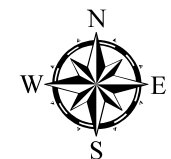


Little Papillion Creek 1% AEP + 3 ft Alternative LP 5 Western Ave. to Cass St. Douglas County, NE



Legend

- 1% AEP + 3 ft Alternative New Floodwalls
- 1% AEP + 3 ft Alternative Real Estate Boundaries
- 1% AEP + 3 ft Alternative Affected Parcels
- Major Highways
- Highways
- Major Roads
- Local Streets
- Railroads



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Real Estate CENWO-RES	
Produced By: Mary LaMagna Reiter	 US Army Corps of Engineers Omaha District
Production Date: 16 September 2020	
Revised By: Mary LaMagna Reiter	
Revision Date: 21 December 2020	
File Location: T:\re\Papio_GRR\FY20_Mapping\Little_Papio\Maps\LP5_Western_to_Cass.mxd	

Little Papillion Creek

1% AEP + 3 ft Alternative

LP 5

Cass St. to Dodge St.

Douglas County, NE




Legend

- 1% AEP + 3 ft Alternative New Floodwalls
- 1% AEP + 3 ft Alternative Real Estate Boundaries
- 1% AEP + 3 ft Alternative Affected Parcels
- Major Highways
- Highways
- Major Roads
- Local Streets
- Railroads



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Real Estate CENWO-RES	
Produced By: Mary LaMagna Reiter	 US Army Corps of Engineers Omaha District
Production Date: 08 September 2020	
Revised By: Mary LaMagna Reiter	
Revision Date: 21 December 2020	
File Location: T:\rePapio_GRR\FY20_Mapping\Little_Papio\Maps\LP5_Cass_to_Dodge.mxd	

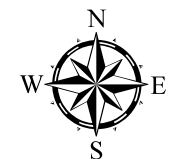
Little Papillion Creek 1% AEP + 3 ft Alternative

LP 6 Dodge St. to 72nd St. Douglas County, NE



Legend

- 1% AEP + 3 ft Alternative New Floodwalls
- 1% AEP + 3 ft Alternative Real Estate Boundaries
- 1% AEP + 3 ft Alternative Affected Parcels
- Major Highways
- Highways
- Major Roads
- Local Streets
- Railroads



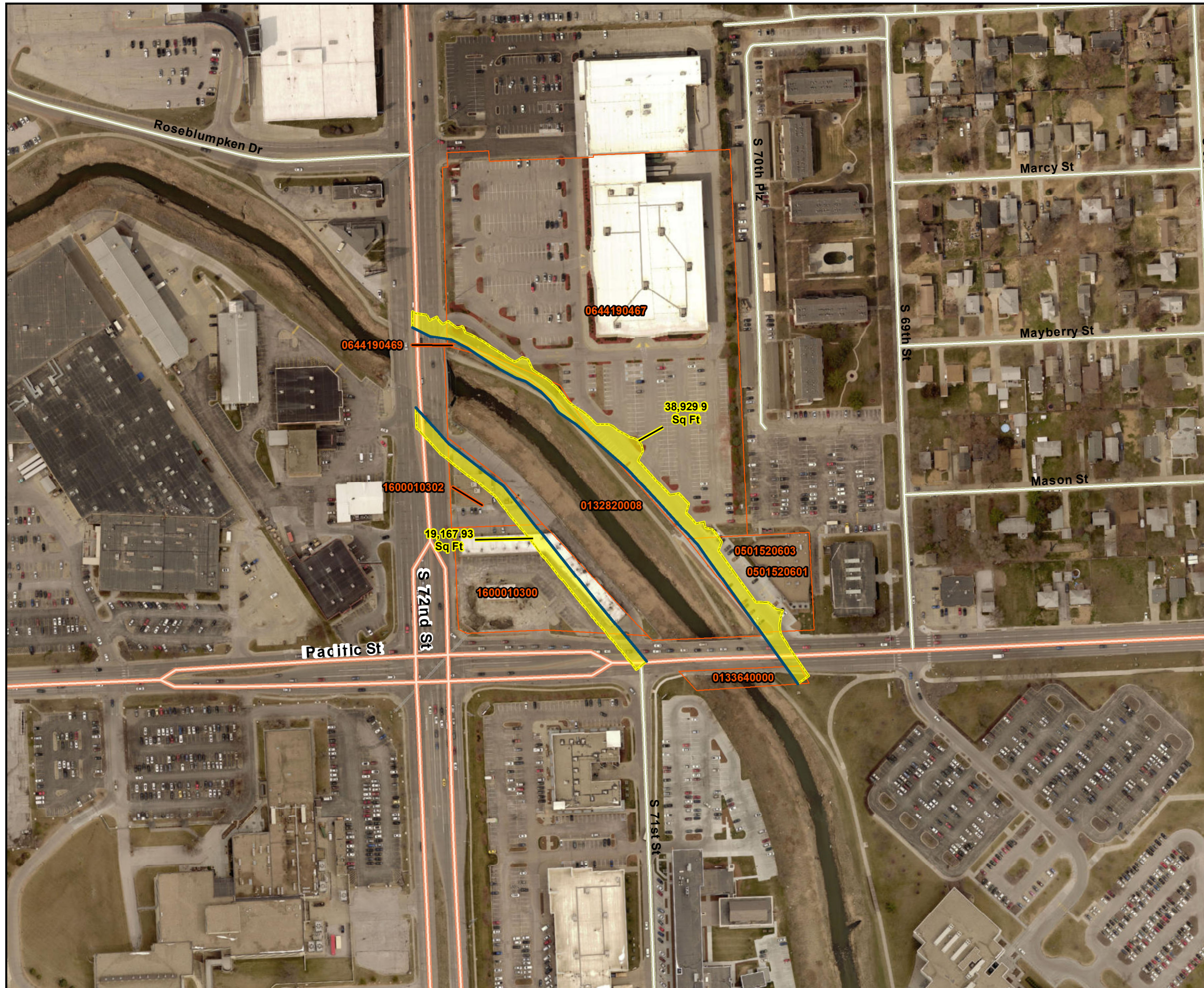
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Real Estate CENWO-RES	
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Production Date: 08 September 2020	
Revised By: Mary LaMagna Reiter	
Revision Date: 21 December 2020	
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Little Papillion Creek 1% AEP + 3 ft Alternative

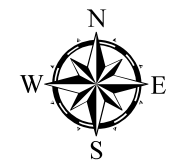
LP 6
72nd St. to Pacific St.

Douglas County, NE



Legend

- 1% AEP + 3 ft Alternative New Floodwalls
- 1% AEP + 3 ft Alternative Real Estate Boundaries
- 1% AEP + 3 ft Alternative Affected Parcels
- Major Highways
- Highways
- Major Roads
- Local Streets
- Railroads



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Real Estate CENWO-RES	
Produced By: Mary LaMagna Reiter	 US Army Corps of Engineers Omaha District
Production Date: 08 September 2020	
Revised By: Mary LaMagna Reiter	
Revision Date: 21 December 2020	
File Location: T:\re\Papio_GRR\FY20_Mapping\Little_Papio\Maps\LP6_72nd_to_Pacific.mxd	

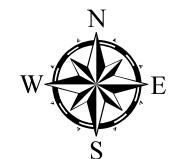
Little Papillion Creek 1% AEP + 3 ft Alternative

LP 7 Pacific St. to Mercy Rd. Douglas County, NE



Legend

- 1% AEP + 3 ft Alternative New Floodwalls
- 1% AEP + 3 ft Alternative Real Estate Boundaries
- 1% AEP + 3 ft Alternative Affected Parcels
- Major Highways
- Highways
- Major Roads
- Local Streets
- Railroads



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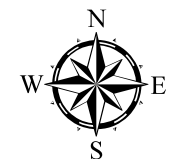
Real Estate CENWO-RES	
Produced By: Mary LaMagna Reiter	 US Army Corps of Engineers Omaha District
Production Date: 08 September 2020	
Revised By: Mary LaMagna Reiter	
Revision Date: 21 December 2020	
<small>File Location: T:\re\Papio_GRR\FY20_Mapping\Little_Papio\Maps\LP7_Pacific_to_Mercy.mxd</small>	

Little Papillion Creek 1% AEP + 3 ft Alternative LP 8 Mercy Rd. to Saddle Creek Douglas County, NE



Legend

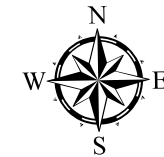
- 1% AEP + 3 ft Alternative New Floodwalls
- 1% AEP + 3 ft Alternative Real Estate Boundaries
- 1% AEP + 3 ft Alternative Affected Parcels
- Major Highways
- Highways
- Major Roads
- Local Streets
- Railroads



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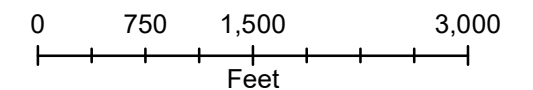
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Produced By: Mary LaMagna Reiter	 US Army Corps of Engineers Omaha District
Production Date: 16 September 2020	
Revised By: Mary LaMagna Reiter	
Revision Date: 21 December 2020	
File Location: T:\rePapio_GRR\FY20_Mapping\Little_Papio\Maps\LP8_Mercy_to_Saddle_Creek.mxd	

Papillion Creek Watershed GRR Study Proposed Dam Site 10 Thomas Creek Dry Dam Alternative



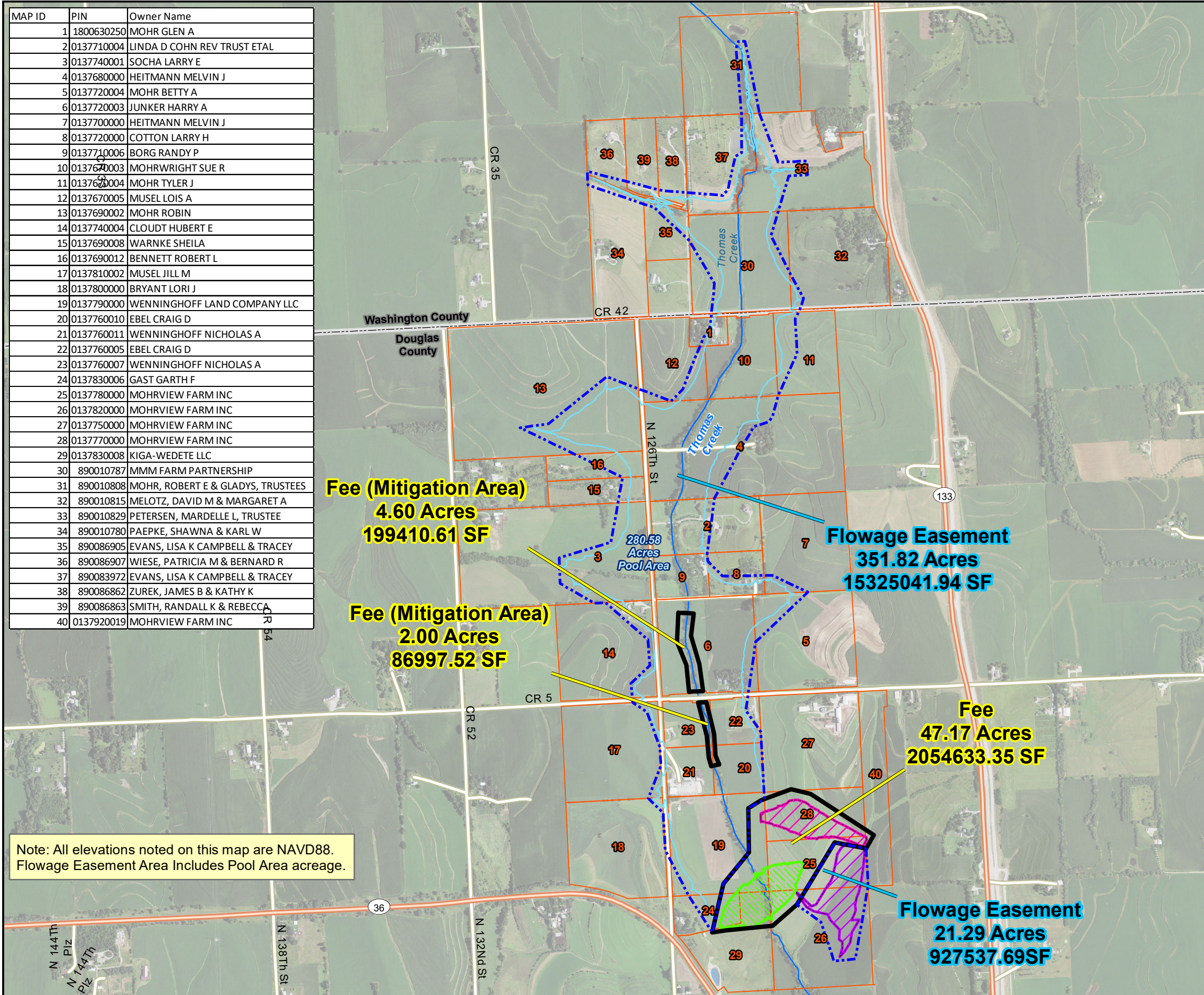
Legend


- Fee Lands Required (53.77 Acres)
- Flowage Easement Required (373.11)
- DS-10 Pool (1205.6 ft)
- DS-10 Dam
- DS-10 Spillway
- Additional Downstream Impact Area
- County Parcels
- Counties
- Streams



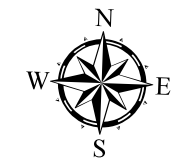
Disclaimer: The Government furnishes this data and the recipient accepts and uses it with the express understanding that the United States Government makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the information and data furnished. The United States shall be under no liability whatsoever to any person by reason of any use made thereof. Data displayed on this map are approximations derived from GIS layers and should NOT be used in place of survey data or legal land descriptions.

MAP ID	PIN	Owner Name
1	1800630250	MOHR GLEN A
2	0137710004	LINDA D COHN REV TRUST ETAL
3	0137740001	SOCHA LARRY E
4	0137680000	HEITMANN MELVIN J
5	0137720004	MOHR BETTY A
6	0137720003	JUNKER HARRY A
7	0137700000	HEITMANN MELVIN J
8	0137720000	COTTON LARRY H
9	0137710006	BORG RANDY P
10	0137670003	MOHRWRIGHT SUE R
11	0137680004	MOHR TYLER J
12	0137670005	MUSEL LOIS A
13	0137690002	MOHR ROBIN
14	0137740004	CLOUDT HUBERT E
15	0137690008	WARNKE SHEILA
16	0137690012	BENNETT ROBERT L
17	0137810002	MUSEL JILL M
18	0137800000	BRYANT LORI J
19	0137790000	WENNINGHOFF LAND COMPANY LLC
20	0137760010	EBEL CRAIG D
21	0137760011	WENNINGHOFF NICHOLAS A
22	0137760005	EBEL CRAIG D
23	0137760007	WENNINGHOFF NICHOLAS A
24	0137830006	GAST GARTH F
25	0137780000	MOHRVIEW FARM INC
26	0137820000	MOHRVIEW FARM INC
27	0137750000	MOHRVIEW FARM INC
28	0137770000	MOHRVIEW FARM INC
29	0137830008	KIGA-WEDETE LLC
30	890010787	MMM FARM PARTNERSHIP
31	890010808	MOHR, ROBERT E & GLADYS, TRUSTEES
32	890010815	MELOTZ, DAVID M & MARGARET A
33	890010829	PETERSEN, MARDELLE L, TRUSTEE
34	890010780	PAEPKE, SHAWNA & KARL W
35	890086905	EVANS, LISA K CAMPBELL & TRACEY
36	890086907	WIESE, PATRICIA M & BERNARD R
37	890083972	EVANS, LISA K CAMPBELL & TRACEY
38	890086862	ZUREK, JAMES B & KATHY K
39	890086863	SMITH, RANDALL K & REBECCA
40	0137920019	MOHRVIEW FARM INC



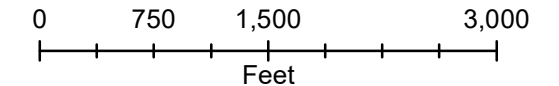
Real Estate CENWO-RE-S	
Produced By: Jesse Otterson	 US Army Corps of Engineers Omaha District
Production Date: September 22, 2020	
Revised By: Jesse Otterson	
Revision Date: January 19, 2021	
File Location: T:\Papio_GRR\FY20_Mapping\Dam_Sites\ DS10\DS10_DryDam.mxd	

South Papillion Creek Proposed Dam Site 19 Wet Dam Alternative (Balanced) Sarpy County, NE



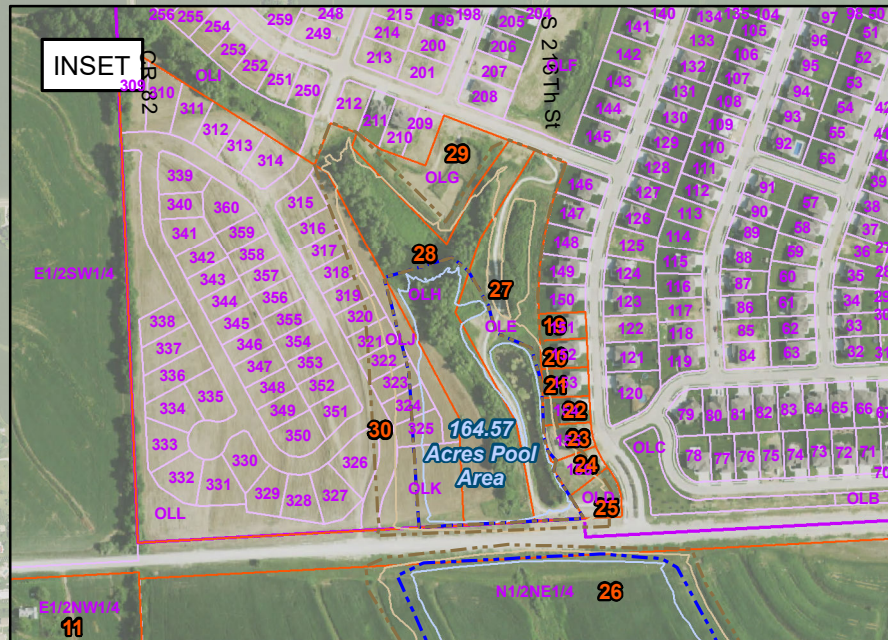
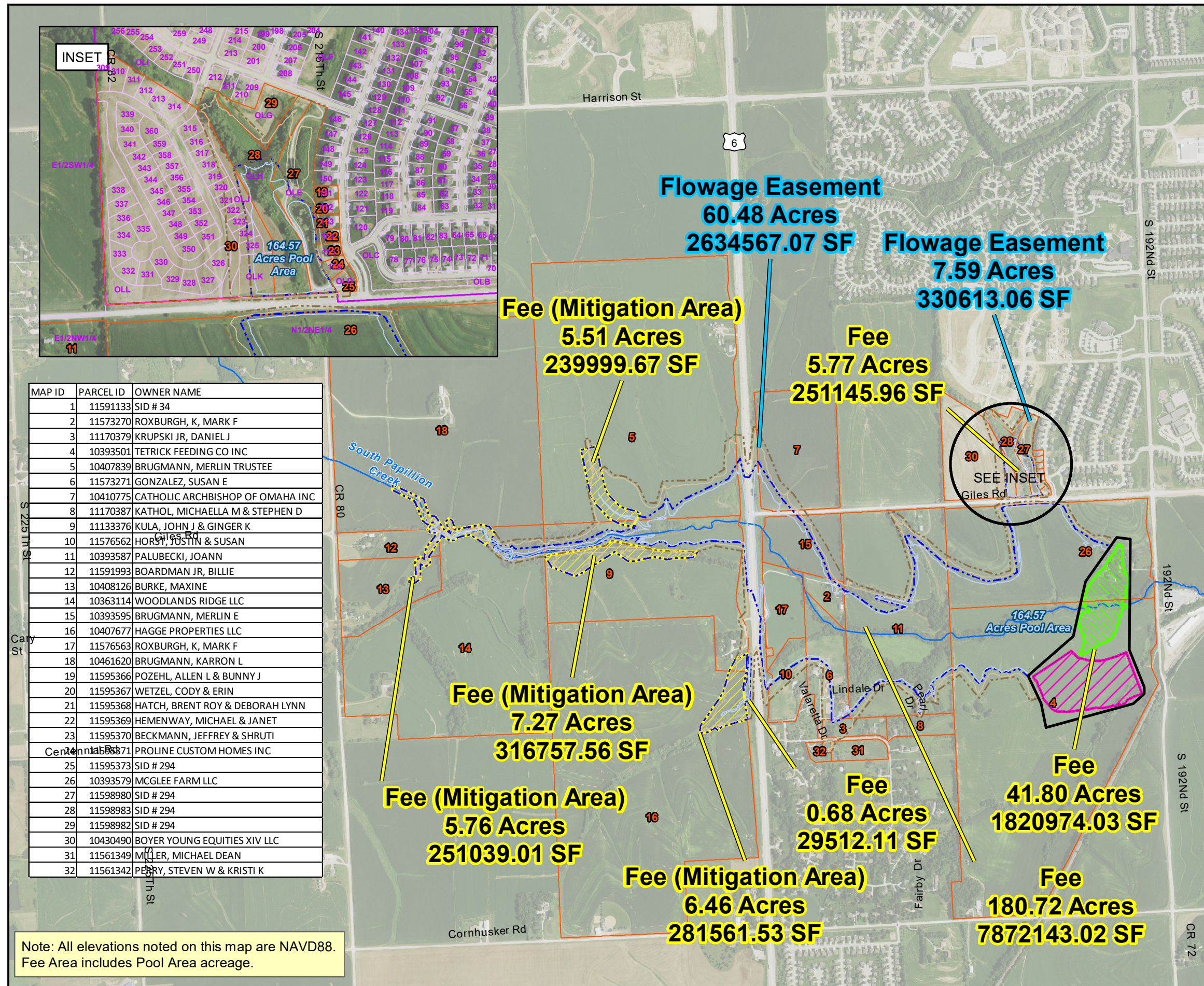
Legend

- Infrastructure
- DS-19 Flowage Easement Pool (1185.40 ft)
- DS-19 Fee Pool (1177.50 ft)
- Mitigation Areas (Fee, 25.00 Acres)
- County Parcels
- DS-19 Dam
- DS-19 Spillway
- Fee Lands Required Boundary
- Flowage Easement Required Boundary
- Streams



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Real Estate CENWO-RE-S	
Produced By: Jesse Otterson	 US Army Corps of Engineers Omaha District
Production Date: October 26, 2020	
Revised By: Jesse Otterson	
Revision Date: December 17, 2020	
File Location: T:\Papia_GRRIFY20_Mapping\Dam_Sites\ DS19\DS19_WetDam_Balanced.mxd	



Flowage Easement
60.48 Acres
2634567.07 SF

Flowage Easement
7.59 Acres
330613.06 SF

Fee (Mitigation Area)
5.51 Acres
239999.67 SF

Fee
5.77 Acres
251145.96 SF

Fee (Mitigation Area)
7.27 Acres
316757.56 SF

Fee (Mitigation Area)
5.76 Acres
251039.01 SF

Fee (Mitigation Area)
6.46 Acres
281561.53 SF

Fee
0.68 Acres
29512.11 SF

Fee
41.80 Acres
1820974.03 SF

Fee
180.72 Acres
7872143.02 SF

MAP ID	PARCELID	OWNER NAME
1	11591133	SID # 34
2	11573270	ROXBURGH, K, MARK F
3	11170379	KRUPSKI JR, DANIEL J
4	10393501	TETRICK FEEDING CO INC
5	10407839	BRUGMANN, MERLIN TRUSTEE
6	11573271	GONZALEZ, SUSAN E
7	10410775	CATHOLIC ARCHBISHOP OF OMAHA INC
8	11170387	KATHOL, MICHAELLA M & STEPHEN D
9	11133376	KULA, JOHN J & GINGER K
10	11576562	HORST, JUSTIN & SUSAN
11	10393587	PALUBECKI, JOANN
12	11591993	BOARDMAN JR, BILLIE
13	10408126	BURKE, MAXINE
14	10363114	WOODLANDS RIDGE LLC
15	10393595	BRUGMANN, MERLIN E
16	10407677	HAGGE PROPERTIES LLC
17	11576563	ROXBURGH, K, MARK F
18	10461620	BRUGMANN, KARRON L
19	11595366	POZEHL, ALLEN L & BUNNY J
20	11595367	WETZEL, CODY & ERIN
21	11595368	HATCH, BRENT ROY & DEBORAH LYNN
22	11595369	HEMENWAY, MICHAEL & JANET
23	11595370	BECKMANN, JEFFREY & SHRUTI
24	11595371	PROLINE CUSTOM HOMES INC
25	11595373	SID # 294
26	10393579	MCGLEE FARM LLC
27	11598980	SID # 294
28	11598983	SID # 294
29	11598982	SID # 294
30	10430490	BOYER YOUNG EQUITIES XIV LLC
31	11561349	MILLER, MICHAEL DEAN
32	11561342	PERRY, STEVEN W & KRISTI K

Note: All elevations noted on this map are NAVD88. Fee Area includes Pool Area acreage.

Levee Utility Crossings

Left Bank - New Levee/Floodwall - Little Papillion Creek with Dam Site 10 - Cass St to Saddle Creek

Segment	InRoads Alignment Name	Type of Utility	Approx Levee Station	Type of Pipe	Size	Relocation Quantity
LP5	LP5-LB	Water Line	7+70 to 9+70	Ductile Iron	8"	400
LP6-1	LP6-1-LB	Underground Electrical Line	3+74 to 9+38			500
LP6-2	LP6-2-LB	Power Pole	9+48			1
LP7	LP7-LB	Water Line	22+45 to 26+20	Ductile Iron	8"	400
LP7	LP7-LB	Gas Line	21+95 to 41+03	MDPE	4"	1500
LP7	LP7-LB	Underground Electrical Line	13+55 to 18+60			200
LP7	LP7-LB	Underground Electrical Line	33+50 to 41+03			600
LP7	LP7-LB	Power Pole	40+42			1
LP8	LP8-LB	Power Pole	9+07			1

Right Bank - New Levee/Floodwall - Little Papillion Creek with Dam Site 10 - Cass St to Saddle Creek

Segment	InRoads Alignment Name	Type of Utility	Approx Levee Station	Type of Pipe	Size	Relocation Quantity
LP5-Up	LP5-Up-RB	Underground Electrical Line	48+67 to 52+92			200
LP5-Up	LP5-Up-RB	Underground Transformer	49+03			1
LP5-Up	LP5-Up-RB	Underground Transformer	52+77			1
LP6-2	LP6-2-RB	Power Pole	6+37			1
LP7	LP7-RB	Power Pole	41+95			1
LP8	LP8-RB	Water Line	1+32 to 6+44	Ductile Iron	8"	500

Utility Owner

Metropolitan Utilities District
Omaha Public Power District

Exhibit "D"

Exhibit "E"

PAPILLION CREEK AND TRIBUTARIES LAKES SECTION
GENERAL INVESTIGATION
OMAHA, NE
ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **Yes**
- b. Does the sponsor have the power of eminent domain for this project? **Yes**
- c. Does the sponsor have "quick-take" authority for this project? **No**
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? **No**
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **No**

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? **No**
- b. If the answer to II a. is "yes," has a reasonable plan been developed to provide such training? **N/A**
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **Yes**
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? **Yes**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **Yes**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **No**

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? **Yes**
- b. Has the sponsor approved the project/real estate schedule/milestones? **Yes**

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? **Yes**
- b. With regard to this project, the sponsor is anticipated to be: **Highly Capable**

V. Coordination:

a. Has this assessment been coordinated with the sponsor?

Amanda Grint, Papio Natural Resources District (402) 444-6222

b. Does the sponsor concur with this assessment?

Prepared by:

HEAD.MELISSA.M Digitally signed by
HEAD.MELISSA.MARIE.1242838331
ARIE.1242838331 Date: 2021.01.15 17:13:31 -06'00'

Melissa M Head
Assistant District Counsel

January 15, 2021

Date

Reviewed and approved by:

GODING.SUSAN. Digitally signed by
GODING.SUSAN.LEE.1262508907
LEE.1262508907 Date: 2021.01.16 16:45:35 -06'00'

Susan Goding
Chief, Real Estate Division

Date

January 26, 2021

MEMORANDUM FOR RECORD

SUBJECT: Real Estate Assessment for Non-Federal Sponsor Compensability of the following utilities in accordance with Policy Guidance Letter No.31 Dated January 11, 2019; Papillion Creek and Tributaries Lakes, Nebraska General Reevaluation Report (Papio GRR).

- 1,300' of 8" water line
- 1,500' of 4" gas line
- 1,500' of underground electrical line
- Five power poles
- Two underground transformers

PURPOSE:

A Real Estate Assessment is being completed in lieu of an Attorney's Opinion of Compensability as described in USACE Real Estate Policy Guidance Letter No. 31, dated January 11, 2019 to conduct a preliminary determination of compensability interest for relocating the above utilities located in the LP5 – LP8 alternative for the Papio GRR.

BACKGROUND:

A Feasibility Cost Sharing Agreement (FCSA) was signed in September 12, 2018 between the United States Army Corps of Engineers (USACE) and the Papio-Missouri River Natural Resource District (Papio-NRD). The Tentatively Selected Plan (TSP) consists of three alternatives; one wet dam in Sarpy County, Nebraska, one dry dam in Douglas and Washington Counties, Nebraska, and a new levee/floodwall along Little Papio Creek in Douglas County, Nebraska. There are no utilities that need to be relocated in the first two alternatives; however, there are multiple affected utilities along the 3 – 4 mile stretch of the Little Papio Creek where the new levee/floodwall is being proposed.

The estimated relocation costs for these facilities have been captured in the economics and construction portion of the cost estimate for the Feasibility Study and are included in the REP per PGL-31 guidance. A Final Attorney's Opinion of Compensability will be completed by the Omaha District Office of Counsel prior to the signing of the Project Partnership Agreement (PPA).

REFERENCE:

1. Real Estate Policy Guidance Letter No. 31 – Real Estate Support to Civil Works Planning, dated January 11, 2019

ASSESSMENT:

The estimated total cost to modify all project utility/ facility relocations, including the value of any additional lands that may be required to perform the relocations does not exceed 30 percent of estimated total project costs. Preliminary cost engineering estimates have tentatively placed the utility relocation at approximately \$559,431.00 with the assumption that the figure is very conservative since the new location and method of installation has not yet been determined. However, any additional cost associated with this relocation will not likely begin to approach the

30 percent threshold. The final relocations of these utilities will be determined during the design phase of the project.

Real Estate Policy Guidance Letter No. 31, dated January 11, 2019, directs that the real estate assessment will address the following questions:

1. Is the identified utility/ facility generally of the type eligible for compensation under the substitute facilities doctrine (e.g., school, highway, bridge, water and sewer systems, parks, etc.)?

Yes. The utilities described above service the commercial and residential properties adjacent to the 33.3 acre footprint for this alternative. Additional lands or easements may be needed for relocation of these utilities.

2. Does the District have some valid data or evidence that demonstrates that it has identified an owner with a compensable interest in the property?

Yes. The two ownerships are the Metropolitan Utilities District (gas and water) and the Omaha Public Power District (electricity) and the NFS has strong experience working with both owners in previous projects.

For a commercial navigation project:

3. Is the project a navigation project with a channel depth of 45 feet or less?

Not applicable to this project.

CONCLUSION:

Real Estate Policy Letter No. 31 instructs that “If the answers to all the relevant questions above are yes, the District Office of Real Estate shall reflect the cost of providing a substitute facility in the REP and all other feasibility study cost estimates.” It is the opinion of the District Real Estate Office that the provided information satisfactorily answers the relevant questions and provides a preliminary indication that the costs associated with the relocation of these utilities would be a compensable interest and includable cost to the NFS. The above estimated cost engineering estimate has been included in the REP. A Final Attorney’s Opinion of Compensability will be completed by the Omaha District Office of Counsel prior to the signing of the Project Partnership Agreement (PPA).

Robert C. Daisley 26 January 2021

Prepared By: Robert C. Daisley Date
Realty Specialist, Civil Branch
Real Estate Division

Rick L. Noel 26 January 2021

Reviewed By: Rick L. Noel Date
Chief, Civil Branch, Real Estate Division
Real Estate Contracting Officer

Levee Utility Crossings

Left Bank - New Levee/Floodwall - Little Papillion Creek with Dam Site 10 - Cass St to Saddle Creek						
Segment	InRoads Alignment Name	Type of Utility	Approx Levee Station	Type of Pipe	Size	Relocation Quantity
LP5	LP5-LB	Water Line	7+70 to 9+70	Ductile Iron	8"	400
LP6-1	LP6-1-LB	Underground Electrical Line	3+74 to 9+38			500
LP6-2	LP6-2-LB	Power Pole	9+48			1
LP7	LP7-LB	Water Line	22+45 to 26+20	Ductile Iron	8"	400
LP7	LP7-LB	Gas Line	21+95 to 41+03	MDPE	4"	1500
LP7	LP7-LB	Underground Electrical Line	13+55 to 18+60			200
LP7	LP7-LB	Underground Electrical Line	33+50 to 41+03			600
LP7	LP7-LB	Power Pole	40+42			1
LP8	LP8-LB	Power Pole	9+07			1

Right Bank - New Levee/Floodwall - Little Papillion Creek with Dam Site 10 - Cass St to Saddle Creek						
Segment	InRoads Alignment Name	Type of Utility	Approx Levee Station	Type of Pipe	Size	Relocation Quantity
LP5-Up	LP5-Up-RE	Underground Electrical Line	48+67 to 52+92			200
LP5-Up	LP5-Up-RE	Underground Transformer	49+03			1
LP5-Up	LP5-Up-RE	Underground Transformer	52+77			1
LP6-2	LP6-2-RB	Power Pole	6+37			1
LP7	LP7-RB	Power Pole	41+95			1
LP8	LP8-RB	Water Line	1+32 to 6+44	Ductile Iron	8"	500

Utility Owner

Metropolitan Utilities District
Omaha Public Power District