



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

CELRP-RE-T (405-10f)

18 October 2007

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers, Great Lakes and Ohio River Division, ATTN: CELRD-ET-R, PO Box 1159, Cincinnati, OH 45201

Subject: North Park Real Estate Plan

1. Enclosed for review and approval is a subject Real Estate Plan (REP) that details the data on the proposed project. The real estate required for the structural project consists of 87.44 acres all of which are temporary work area easements that will be used for dredging of North Park Lake. The total cost for the project, including contingencies and administrative costs is **\$120,000**.

2. It is recommended that the enclosed Real Estate Plan be approved and authority be granted to acquire the land identified herein.

FOR THE COMMANDER:

1 Encl.
Report

//s//
Patricia Monheim
Chief, Real Estate Branch



**US Army Corps
of Engineers®**

Pittsburgh District

December 2007

**Detailed Project Report
And
Integrated Environmental Assessment**

APPENDIX 6

REAL ESTATE PLAN

**North Park Lake
Allegheny County, PA
Section 206 Aquatic Ecosystem
Restoration Project**

DEPARTMENT OF THE ARMY

**PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PENNSYLVANIA 15222**



**NORTH PARK LAKE AQUATIC ECOSYSTEM RESTORATION PROJECT
MCCANDLESS TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA
REAL ESTATE PLAN**

**DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
NORTH PARK LAKE AQUATIC ECOSYSTEM RESTORATION PROJECT
REAL ESTATE PLAN**

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Exhibit B – SPONSOR CAPABILITY CHECKLIST
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**DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
PITTSBURGH, PENNSYLVANIA 15222**

**NORTH PARK LAKE AQUATIC ECOSYSTEM RESTORATION PROJECT
REAL ESTATE PLAN**

1.0 References:

- a. *Project Management Plan for the North Park Lake Aquatic Ecosystem Restoration Section 206 Project*, dated February 2002.

2.0 Authorization:

The authority for the project is funded under Section 206, Aquatic Ecosystem Restoration, of the Water Resources Development Act of 1996, as amended. Section 206 is a Continuing Authorities Program (CAP).

Appropriations are made available on a yearly needs basis. The project is fully federally funded up to signing the legally binding Project Cooperation Agreement (PCA). The sponsor is responsible for 35% of all project costs. The sponsor will be given credit for real estate acquisition.

3.0 Background:

The aquatic ecosystem of North Park Lake and Pine Creek is degraded by continual sediment deposition fueled by storm water runoff from increasing suburban development in the surrounding watershed. A secondary problem is stream bank erosion along portions of Pine Creek, which contributes to the sedimentation problem within the lake. The ongoing sedimentation is blanketing the stream bottom, degrading benthic habitat, and slowly reducing the amount of available open water habitat.

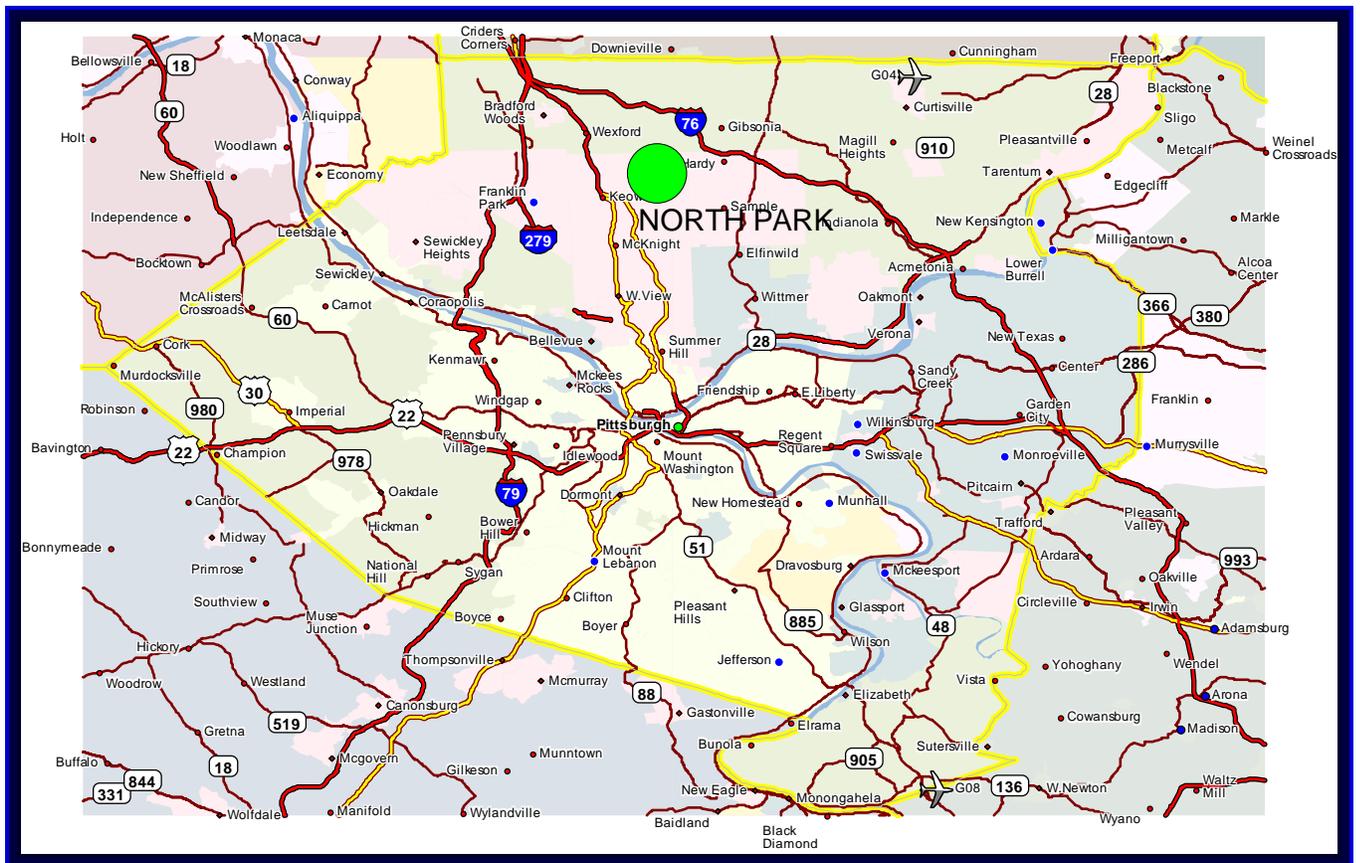
4.0 Purpose:

The purpose of this document is to outline the real estate interests that are required to dredge sediments from North Park Lake, enhance existing wetlands in Pine Creek, and create new wetlands around the lake. The cost of the project is approximately \$7,000,000.00. There are no other Federal projects that lie in the LER for the project. The length of the project is estimated at two years. There were three alternatives chosen for this project and the alternative that is outlined in this REP is alternative 7 that includes dredging the north section of the lake and placing the dredge material within the park owned lands. The dredging will continue until the funding committed for the projected is exhausted.

5.0 Location:

The lands that are the subject of this Real Estate Design Memorandum Supplement are located in a county park, known as North Park, along Pine Creek and an unnamed tributary in McCandless Township, Allegheny County, Pennsylvania. This area is located in the “North Hills” of Allegheny County, Pennsylvania. The general project area is situated approximately 15 miles due north of the City of Pittsburgh, Pennsylvania between State Route 8 and 19. Pine Creek is a tributary to the Allegheny River, whose confluence flows into the Allegheny River at approximately river mile 20.4. See the following maps for general and detailed location details.

General Location Map (NTS)



6.0 Project Lands, Easements, Rights-of-Way, Relocations and Disposal Areas LLERRD:

There are a total of 87.44 acres for this project. The sponsor owns all of the land in fee. For crediting purposes, the acreage breakdown is as follows.

A total of 61.29 acres of temporary work area is located in the lakebed and will be used for dredging of the lake. The exact acreage that will be dredged is dependent on the amount of sediments in the lake. This area is named Lake for this report.

A total of 26.15 acres of temporary work area easements will be required for a disposal site, staging, and support areas. These areas are known as Bull Pen and County and the acreage for them are 13.05 and 13.10 acres respectively. There is an estimated total of 104,000 cubic yards that will be placed on the Bull Pen site and any excess material that is dredged will be placed on the County site

Therefore, the estates needed for crediting purposes are temporary work area easements for a two year period.

See attached Exhibit “A” for the definition of standard estates, and Exhibit “C” for mapping of the project area, to include the estates needed. The estates acquired are the standard estates as prescribed in ER 405-1-12, Chapter 5. Based on the current plan, this project will be for a two-year period. The mapping is for illustrative purposes only. The final mapping will be prepared by the county since the current mapping is outdated and the district has no mapping capabilities. There are no non-standard estates for this project. The sponsor will be required to appraise the value of the lands for crediting purposes.

7.0 Mapping

Mapping is included in exhibit section and the map is a draft map outlining the park and tracts of land that are needed for the project. Final mapping will be provided by the County prior to certifying the real estate. The Pittsburgh District no longer has mapping capabilities in Real Estate so the Sponsor will provide the map at a later date.

8.0 Federally Owned Land

The U.S. Government has no federal ownership of land involved within the project. All of the land is owned in fee by the Sponsor. Allegheny County owns the entire park and it consists of 1,575 acres.

9.0 Navigational Servitude:

The entire project area is classified as non-navigable and is used for recreation.

10.0 Public Law 91-646:

There are no persons, farms, or businesses that will be relocated. Title II (Uniform Relocation Assistance) Public Law 91-646, is not applicable.

11.0 Induce Flooding:

The intended use of these easements will not cause any flooding in this area.

12.0 Real Estate Cost Estimate:

Administrative		Estimated Cost
Mapping and Legal Descriptions		\$5,000
Acquisition (1 owner)		\$5,000
Total		\$10,000
Land Costs		
Temporary Work Area Easements	87.44 Acres	\$88,000
Contingency		\$22,000
SUB-TOTAL		\$110,000
	Grand Total	\$120,000

1 Derived from Appraisal Report.

13.0 Zoning Enactments:

There are no zoning changes or enactments that are needed for this project.

14.0 Mineral Activity:

Temporary work area easements are the proposed estates for acquisition. This project only involves dredging of the lake and the acquisition of temporary easements. Mineral interests retained by the fee owner or those that are retained by third parties in the form of leases, easements, etc., will have no detrimental effect on the project, as no permanent project features will be constructed; therefore, mineral interests will not be acquired.

15.0 Public Facility Relocations:

There are no public facilities located in the project area that will be relocated.

16.0 NEPA, NHPA & HTRW Considerations:

The Phase I HTRW analysis has been completed for the proposed project with a conclusion that there are no major sources of potential contamination, nor evidence of incurring CERCLA liability, and no Phase II investigation being recommended.¹

The requirements of the National Environmental Policy Act (NEPA) have been fulfilled through preparation and public circulation of a draft Finding of No Significant Impact (FONSI) and Environmental Assessment (EA). The EA was integrated into the body of the Main Report. The requirements of the National Historic Preservation Act (NHPA) were fulfilled through consideration of the impacts of the project on identified extant cultural resource sites as discussed in the Main Report and through coordination with the Pennsylvania Historic Preservation Officer as documented in APPENDIX 8 to the Main Report. It was determined that the recommended plan, if implemented, would cause no significant adverse environmental or cultural resource impacts.

17.0 Assessment of Non Federal Sponsors Capability

The sponsor is capable of providing legal and professional services based on discussions with the sponsor. They have mapping, legal, and operational and maintenance capabilities for their current operations of the County. An assessment of the sponsor capability was completed in 2003 and is Exhibit B of the addenda.

18.0 Project Schedule:

<i>Task</i>	<i>Start</i>	<i>Finish</i>
Real Estate Plan	15 Oct 2007	19 Oct 2007
ITR Review	29 Oct 2007	2 Nov 2007
Division Approval	1 Dec 2007	15 Dec 2007
Certify Real Estate	19 Feb 2008	01 Mar 2008

19.0 Public Support or Opposition

¹ Phase I ESA for North Park Lake, November 2002

There is no known opposition for the current lands needed for the site. Previously there was concern for the Latodami site being used as a disposal area and since has been removed from the plans.

20.0 Recommendation:

a. It is recommended that this report be approved and authority be granted to acquire the land identified.

b. This REP is tentative in nature, for planning purposes only and both the final real property acquisition lines and the estimate of value are subject to change even after the approval of this REP.

EXHIBIT A

STANDARD

ESTATES

TEMPORARY WORK AREA EASEMENT

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A), for a period not to exceed three (3) years, beginning with the 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 there from 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.

For Standard Estate Language, reference “Real Estate Handbook” ER 405-1-12, Chapter 5

EXHIBIT B

SPONSOR CAPABILITY CHECKLIST

ASSESSMENT OF ALLEGHENY COUNTY, PENNSYLVANIA
REAL ESTATE ACQUISITION CAPABILITY
FOR THE SECTION 206, NORTH PARK LAKE AQUATIC ECOSYSTEM
RESTORATION PROJECT

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? (yes/no)
- b. Does the sponsor have the power of eminent domain for this project? (yes/no)
- c. Does the sponsor have "quick-take"¹ authority for this project? (yes/no)
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? (yes/no)
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? (yes/no)

II. Human Resources 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? (yes/no)
- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training? (yes/no) County Project Manager for this North Park will coordinate training with the County's law department.
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? (yes/no)
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? (yes/no)
- e. Can the sponsor obtain contractor support, if required in a timely fashion? (yes/no)
- f. Will the sponsor likely request USACE assistance in acquiring real estate? (yes/no)

¹ The Army Corps of Engineers submits a request for an Order of Possession simultaneously with the filing of a declaration of taking. Upon receipt of the declaration of taking, possession is granted to the Corps. This immediate Order of Possession is referred to as "quick-take" authority. State law permits condemnees to file preliminary objections to the court action. The court cannot grant possession to Allegheny County until these preliminary objections have been resolved. Therefore if preliminary objections are filed, the acquisition of the property may be postponed for an indefinite period of time

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? (yes/no)
- b. Has the sponsor approved the project/real estate schedule/milestones? (yes/no) An acquisition schedule has been informally discussed and is expected to be finalized upon the completion of the Real Estate Plan.

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? (yes/no/not applicable)
- 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)

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? (yes/no)
- b. Does the sponsor concur with this assessment? (yes/no) (If "no," provide explanation)

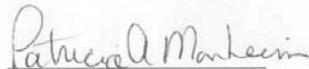
Prepared by:

Date: 2/28/03



Alicia J. Holland
Attorney Advisor

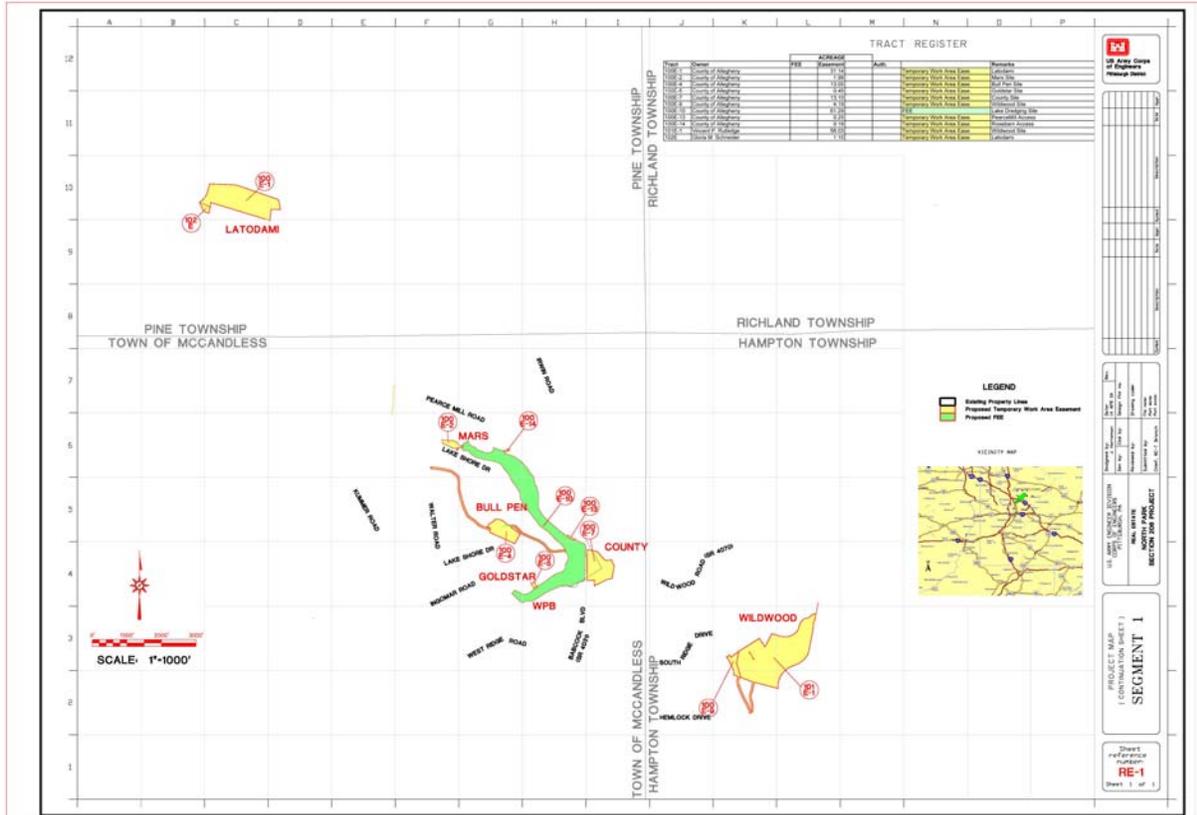
Reviewed and approved by:



Patricia A. Monheim
Acting Chief, Real Estate Division

EXHIBIT C

PROJECT MAP (Segment 1)



Name	Tract No.	Estate	Acreege
Bull Pen	100E-4	Temp. Work	13.05
County	100E-7	Temp. Work	13.10
Lake	100E-10	Fee	61.29
Sub Total			87.44