



**US Army Corps
of Engineers®**

Pittsburgh District

August 2006

**Detailed Project Report
And
Integrated Environmental Assessment**

APPENDIX 6

REAL ESTATE PLAN

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



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)

26 April 2006

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 an updated subject Real Estate Plan (REP) that details the data on the proposed project. The real estate required for the structural project consists of 64.76 acres of fee, 137.29 acres of temporary work area easements, 7.98 acres of temporary road easement, and 0.55 acres of permanent utility easements for total acreage of 210.58. The total cost for the project, including contingencies and administrative costs is **\$784,375**.

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. (two)
Report

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

**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**

TABLE OF CONTENTS

<u>PARAGRAPH</u>	<u>TITLE</u>	<u>PAGE</u>
1.	References	RE-1
2.	Authorization	RE-1
3.	Purpose	RE-1
4.	Maps and General Description of Area	RE-1-2
5.	Background	RE-3
6.	Acquisition Criteria	RE-3
7.	Government Owned Land	RE-3
8.	P. L. 91-646 Relocations	RE-3
9.	Minerals	RE-4
10.	Public Facility/Utility Relocations	RE-4
11.	NEPA & HTRW Considerations	RE-4
12.	Cost Estimate	RE-5
13.	Acquisition Schedule	RE-5
14.	Recommendation	RE-5

EXHIBITS

Exhibit A – NON-STANDARD EASEMENT ESTATES

Exhibit B – SPONSOR CAPABILITY CHECKLIST

Exhibit C – PRELIMINARY SEGMENT MAP

**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 and relocation of utilities (further detailed in Sections 6 and 10).

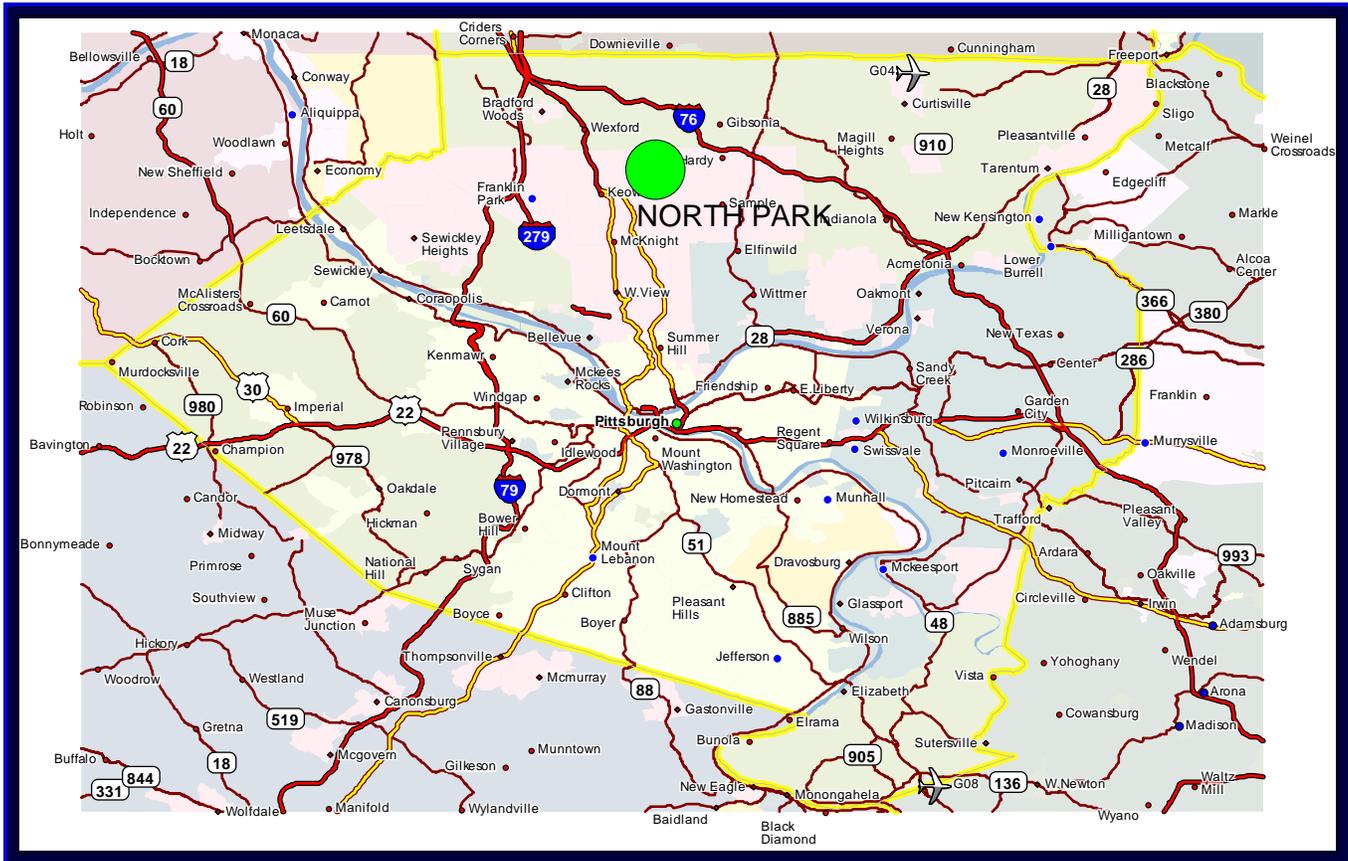
3.0 Purpose:

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, create new wetlands around the lake, and construction of a new water control valve at Marshall Lake Dam, to include temporary and permanent easements in its support.

4.0 Maps and General Description of the Area:

The project area is located in a county park, known as North Park, along Pine Creek and an unnamed tributary in McCandless, Pine and Hampton Townships, 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)



The entire project area is classified as non-navigable and is used for recreation. An estimated three (3) separate parcels of land, each with separate ownership (70% of the project is on the County of Allegheny, 29% on the Rutledge tract and 1% on the Schneider tract) have property interests within the proposed scope of work.

A total of 64.76 acres of Fee will be purchased for placement of the fill material and expansion of the Park. The Fee land will be purchased by the Western Pennsylvania Conservancy and donated to Allegheny County for the park.

A total of 137.29 acres of “Temporary Work Area Easements” (133.75 acres for dredging the lake, 3.54 acres for staging/support areas (Goldstar, Schneider, Bull Pen and Mars sites), will be required to implement this project. The temporary work area and staging areas will be throughout the above sites.

One (1) “Temporary Road Easement” (a total of 7.98 acres) is needed for access to the sites for disposal purposes.

Two utilities (sanitary sewer and water line owned and operated by the McCandless Sewer Authority is proposed to be relocated (buried deeper due to proposed fill operations)) at the County Site. An Attorney's Opinion of Compensability (not attached but part of the Real

Estate Technical and Acquisition files) concluded that a permanent real estate interest was acquired for the portion of the sewer located within the project area, and that the Authority has a compensable interest. A “Permanent Utility Easement” of 0.55 acres is proposed for this section of relocation with no subordination agreement, and will be acquired by the Sponsor to the McCandless Sewer Authority.

See attached Exhibit “A” for the definition of non-standard estates, and Exhibit “C” for mapping of the project area, to include all locations of estates needed.

5.0 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.

6.0 Acquisition Criteria:

The project involves acquiring 137.29 acres of land for temporary work area easements which will be used as a work area for dredged material excavated from the lake. A total of 7.98 acres of temporary road easements is needed for access to a proposed disposal site. Also, 0.55 acres total for two (2) permanent utility easements will be needed for existing utility lines. The county is acquiring 64.76 acres for the Wildwood Disposal Site. The estates to be acquired are the standard estates as prescribed in ER 405-1-12, Chapter 5.

This project will be implemented over a two-year period.

7.0 Government Owned Land and Navigational Servitude:

The U.S. Government has no federal ownership involved within the project area in addition to no existing navigational servitude.

8.0 Public Law 91-646:

No relocations are anticipated in this project. Title II (Uniform Relocation Assistance) Public Law 91-646, not applicable.

9.0 Minerals:

This project only involves dredging of the lake and the acquisition of temporary easements (including small acreages for permanent utility 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. Mineral interests will not be acquired.

10.0 Public Facility/Utility Relocations:

An existing sewer line owned by the McCandless Sanitary Authority is affected by the fill operations at the County site (Tract 100E-6). The area was previously excavated prior to the sewer line installation, and will have fill placed over the sewer line no higher than the original ground level.

A preliminary attorney report of compensability has been completed for this facility. The sewer is owned by the McCandless Sanitary Authority and it is a public utility under Pennsylvania law and is operating and required to continue serving a public purpose. This Real Estate Plan includes estimated administrative contingency funds to cover the possibility that the Corps will need to enter a relocation agreement with the McCandless Sanitary Authority. No land costs have been included since we do not anticipate needing a new easement at project expense.

Any conclusion or categorization contained in this Real Estate Plan that an item is a utility or facility relocation to be performed as part of the project 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.

11.0 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

¹ Phase I ESA for North Park Lake, November 2002

the recommended plan, if implemented, would cause no significant adverse environmental or cultural resource impacts.

12.0 Cost Estimate:

FEDERAL COSTS:

12.0 Cost Estimate:

Temporary Road Easements to Acquire	7.98 acres	\$4,000
Temporary Work Area Easements to Acquire	137.29 acres	\$86,000
Utility Easement	0.55 acres	\$500
Fee	64.76 acres	\$453,000
Total	210.58 acres	\$543,500
Contingency 25%		\$135,875
Sub Total Land Costs		\$679,375
Utility/Public Facility Relocations		
Administrative Costs (\$15,000 x 2 relocation agreements)		\$30,000
Damages		\$ 0
Administrative Costs to Acquire Easements		\$50,000
Non-Federal Administrative Costs for Sponsor Land ¹		\$25,000
SUB-TOTAL Administrative Costs		\$105,000
	TOTAL NON-FEDERAL COSTS	\$784,375

¹ Derived from Appraisal Report.

13.0 Acquisition Schedule:

Acquisition of the land for the project will begin upon approval of the DPR, appropriation of funds, and signing of the Project Cooperation Agreement. See the Project Management Plan for the specific dates.

14.0 Recommendation:

a. It is recommended that this report be approved and authority be granted to acquire the land identified herein subject to final take line authority approval.

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

**NON-STANDARD
ESTATES**

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.

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 five (5) 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.

Temporary Road Easement

A temporary and assignable easement and right-of-way in, on, over and across Tract No. _____ for a period of (__) years, beginning with the date of this instrument, for the location, construction, operation, maintenance, alteration, and replacement of a road and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however to the landowners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land; subject, however to existing easements for public roads and highways, public utilities, railroads and pipelines.

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.

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)

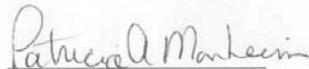
Prepared by:

Date: 2/28/03



Alicia J. Holland
Attorney Advisor

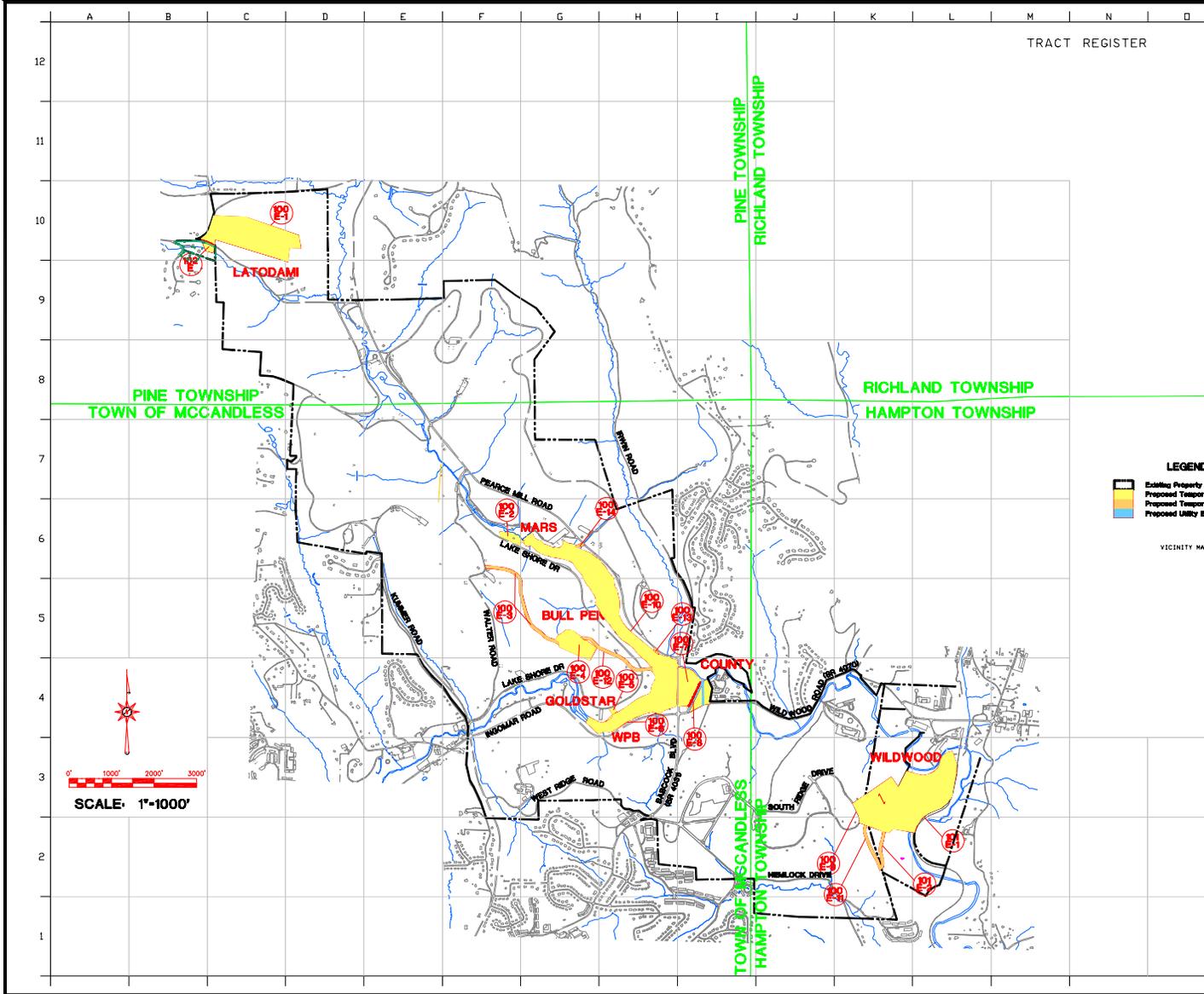
Reviewed and approved by:



Patricia A. Monheim
Acting Chief, Real Estate Division

EXHIBIT C

PROJECT MAP (Segment 1)



TRACT REGISTER

PINE TOWNSHIP
TOWN OF MCCANDLESS

RICHLAND TOWNSHIP
HAMPTON TOWNSHIP

PINE TOWNSHIP
RICHLAND TOWNSHIP

TOWN OF MCCANDLESS
HAMPTON TOWNSHIP

LEGEND

- Existing Property Lines
- Proposed Temporary Property Lines
- Proposed Temporary Utility Lines
- Proposed Utility Lines

VICINITY MAP

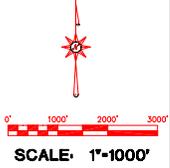


EXHIBIT C

name	Tract No.	Estate	Acreage
Latodami	100E-1	Temp. Work	46.63
Mars	100E-2	Temp. Work	1.99
Bull Pen	100E-3	Temp. Road	3.23
Bull Pen	100E-4	Temp. Work	8.13
Goldstar	100E-5	Temp. Work	0.45
Rock Dike	100E-6	Temp. Work	2.08
County	100E-7	Temp. Work	13.10
County	100E-8	Utility	0.55
Wildwood	100E-9	Temp. Work	2.52
Lake	100E-10	Temp. Work	61.29
Wildwood	100E-11	Temp Road	1.30
Bull Pen	100E-12	Temp Road	2.14
PearceMill	100E-13	Temp Road	0.11
Rosebarn	100E-14	Temp Road	0.19
Wildwood	101E-1	Fee	64.76
Wildwood	101E-2	Temp Road	1.01
Latodomi	102E	Temp Work	1.10
Sub Total			210.58