

REAL ESTATE

Real Estate Appendix
Tanque Verde Limited Reevaluation Report
(Revised May 1, 2002)

1. Abstract of Project Data:

Project Name: Tanque Verde Creek.

Location: Pima County, Arizona

Project Purposes: Flood Control

Acreage

South Bank	10.57 Easement
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North Bank	48.38 Mitigation Area- Fee
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Channel bottom	76.05 Easement
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Project Sponsor: Pima County Transportation and Flood Control District.

2. Introduction and Purpose

This project is a continuance of the Rillito River Flood Control project. The plan description for the Tanque Verde section involves installing bank protection along the north bank in the form of a soil cement levee upstream of Craycroft Avenue. On the south bank two sections of new levee length would tie in existing bank protection works creating a continuous levee from Craycroft to Sabino Canyon Road. The new sections would front the Tucson Country Club and a residential subdivision known as Tucson Country Club Estates.

3. Authority:

The statutory authority for this project is contained in the following enacted laws:

Section 6, Public Law 761, Seventy-fifth Congress, dated June 28, 1938, which reads, "The Secretary of War is hereby authorized and directed to cause preliminary examination and surveys at the following locations..... Gila River and Tributaries, Arizona."

Additional authority was provided in Section 601 (b) of the Water Resources Development Act of 1986 (PL 99-662) which authorizes a project for the Rillito River in Tucson Arizona {Rillito River accepts the inflow from Tanque Verde Creek which is within the original study area of the project defined as "Rillito River"}

Additional authority was enacted in the Energy and Water Resources Appropriation Act of 1998 “ to accomplish a Limited Re-evaluation Report of Tanque Creek immediately upstream and including Craycroft Road Bridge to determine the advisability of extending bank protection and related measures...”

4. Purpose of this Report:

This report is submitted as the Real Estate Plan to support the decision to authorize construction of the Tanque Verde portion of this project.

5. Recommended/Selected Plan

The recommended/selected plan fully addresses the identified problems along the Tanque Verde Creek between Sabino Canyon Road and Craycroft Road while including both structural and non-structural measures. The structural measures include installing soil cement bank protection in the existing gaps in bank protection on the south bank (two segments of approximately 4,220 and 2,830 linear feet), and installing approximately 1,550 feet of bank protection upstream of the Craycroft Road Bridge on the north bank. The horizontal alignment of the proposed bank protection would be along smooth curves that generally follow the existing bank. On the south bank, at the downstream end, the proposed soil cement would key into the bank just upstream of the confluence with Pantano Wash. On the north bank, at the upstream end, the soil cement would key into the existing bank and be tied back to high ground. The soil cement would match the top of the existing bank, and the toedown would extend 10 feet below the existing thalweg.

The soil cement layer would be an 8-foot thick layer of soil and portland cement that is mixed and placed in 6-inch to 1-foot thick “lifts.” The lifts are successively placed until the desired bank protection height is reached. Once compacted, the soil cement mixture provides a hard and durable surface .

The recommended and selected Federal plan of improvement, the Federal Project, has no active recreation component.

The mitigation component of the proposed plan involves acquiring the rights-of-way to establish a permanent 500-foot buffer along the north bank. Public ownership of this land (48.38 acres) would prevent additional development, while preserving the riparian values of this vegetated area.

Description of Section 104 Work: as excerpted from main report:

The Pima County Department of Transportation and Flood Control submitted to the Los Angeles District an application, dated June 5, 1998, for credit for implementing flood damage reduction measures pursuant to Section 104 of the Water Resources Development Act (WRDA) of 1986 (Appendix A). The application is for a credit to construct approximately 4,220 linear feet of soil cement bank protection along the south

bank of the Tanque Verde Creek, beginning from the existing bank protection west of Sabino Canyon Road to the existing bank protection at the downstream end (gap on the upstream end of the south bank). As shown on Exhibit 6 - Plan Sheets 1 & 2 found at the end of the Main Report, this reach would begin at Station 39+67 and would end at Station 81+87.

On June 7, 1999, the Assistant Secretary of the Army for Civil Works granted conditional approval for the credit. Final approval and credit determination will be subject to the results of the LRR, Administration review and approval, project authorization, and other requirements of Section 104 of WRDA 1986.

6.: Land Use and Acreage Allocations.

Channel Bottom (wash influence) Channel Improv. Easement)	76.05 acres
Levee/Bank Protection Levee Easement	10.57 acres
North Bank Environmental Mitigation Area Fee	48.38 acres

Estimate of Non-Federal "LERRD's"

Land Category	Acres		Value Estimate
Component 1			
Levee Easement	10.57		\$84,560
Along Bank			
Bottom of Channel			
Inside Wash (Easement)	76.05		\$76,050
			\$160,610
Added Contingencies			\$60,000
Admin and Inc Costs			\$75,000
Flood Control Total Non Federal		"LERRD's"	\$295,610
Component 2 Mitigation			
Riparian Habitat			
Above top of Bank	48.38	12,000	\$580,560
Fee Acquisition			
Contingencies			\$100,000

Admin and Incidental			\$100,000
Component 2 Total	Non- Federal	“LERRDs”	\$780,560

7. Federal Lands, Interests or Reservations:

There are no Federally owned lands within the study area.

8. Navigational Servitude:

Neither Tanque Verde Creek nor the main stem Rillito River are navigable waterways, these waters are ephemeral and intermittent and therefore do not support commercial purposes of navigation under either the Federal or State doctrines.

9. Description of Lands.

The study area is within metropolitan Tucson on Craycroft Road located in the North-Central sector of the City. Tanque Verde Creek and the Rillito River run along the alluvial slope that skirts the north of Tucson along the pediment of Santa Catalina Mountains. The Creek and Rillito River deliver the runoff to the Santa Cruz River. The Rillito River Flood Control project has been successfully implemented in this area. This opportunity has given us much data on the performance of soil cement levee as well as real estate acquisition issues and values in the project area.

The project environs consist of a dry or ephemeral wash known as Tanque Verde Creek. Residential subdivisions are populated along the north bank but on an upper bench and outside the designated floodplain. Along the south bank is the Tucson Country Club and an associated subdivision.

10. Acquisition Authorities:

The sponsor is a duly organized municipal corporation in the State of Arizona and is vested with sufficient power to acquire and hold title, and to condemn lands as needed for public purposes. The sponsor does have “quick take” authority, which is the right to obtain possession based upon application of due process and a deposit of just compensation. The sponsor has performed successfully in implementation of the Rillito project and numerous other civil works projects.

11. Project Maps:

Project maps are included in the main body of this report.

12. Crediting for LERRD's:

Crediting will follow standard procedures as set out in a model Project Cooperation Agreement.

13. Facility Relocations:

Because the project lies in a vacated area, a wash and riverbed, no utilities or roads will be affected requiring relocation. There is a sanitary sewer intercept in the project area, that has been partially exposed due to past erosion, but this will be covered over and “protected in place” as an incident of project construction by the project and is not to be considered a facility relocation for LERRD purposes.. This will be done as part of project construction in back filling and grading the area behind the new levee. Thus, it is part of ordinary project construction.

Note: The following policy statement and disclaimer concerning any potential facility relocations prevails over any other statement, description or presentation in this report. Any conclusion or categorization contained in this 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 and maintenance of the project after further analysis. A Final Attorney’s Opinion of Compensability would be provided if necessary to address any such relocations added to the project as a result of this analysis.

14. Mineral Activity:

There is no known mineral activity currently occurring inside the project area.

15. Estates:

Acquisition of real estate for the mitigation purposes will be in fee simple title. The estate recommended for Federal cost sharing and crediting purposes for flood control will be by the standard permanent Flood Protection Levee Easement. The recommended estate for the wash area will be a standard permanent channel improvement easement. These are the recommended estate needed to implement the Federal plan of improvements for the recommended project, including operation, maintenance, repair, replacement and sustainability.

16. Construction Induced Flooding

As this creek is a dry wash most of the time appropriate measures will be taken for the care and diversion of water during construction and there will be no construction induced flooding outside the project take areas.

17. Cost Estimate.

The Flood Control cost estimate is \$295,610

The cost for the "Riparian Habitat Preserve" Mitigation Land is \$780, 560

The Total Estimate is \$1,076,170

18. Relocation Assistance (URA Relocations):

The Pima County Department of Transportation will accomplish all property acquisitions in accordance with Public Law 91-646, as amended, and the Uniform Regulations as promulgated by the U.S. Department of Transportation. The property is largely unimproved and it does not appear that any displacements of businesses or residences will be required due to the design and configuration of the project.

19. Other Matters:

No timber activity affects these lands. The sponsor is not using any zoning ordinances in lieu of acquisitions of lands or easements within the project take areas.

20. Hazardous Waste Assessments:

The sponsor fully understands its responsibilities for assessing the properties for any potential or presence of hazardous waste materials as defined and regulated under CERCLA. There are no known "Superfund" sites or sites presently under CERCLA remediation or response orders identified in the project area. The PCA conditions contain specific terms and conditions governing the sponsor's responsibility for environmental cleanup for CERCLA regulated substances. Hazardous Waste Assessments are covered as a project cost under the model PCA.

21. Recreation:

There are no separable recreation lands. Recreation is not part of the Federally authorized purpose. The authorized Federal project will be for the purposes of flood control and related environmental mitigation for that flood control project. Recreation is not part of the Federal plan or plan formulation of this project. Passive recreation such as wildlife and nature appreciation, "bird watching" may occur in the riparian habitat mitigation preserve, but active recreation as a project purpose or project feature IS NOT part of the Federal project or plan of improvements.

22. Attitude of Landowners:

There is not expected to be a high degree of landowner opposition to the project. On the south Bank levee works and for the 1700 feet of north bank levee works the acquisition of easement rights only for flood control is expected to encounter no opposition. The properties will be protected from erosion and flood control and these rights will not be detrimental at all to the owners' property interests. In fact there may be offsetting benefits to the owners of the Tucson Country Club, beyond "general benefits" for protecting their specific property from floods and losses due to erosion. Indeed, the majority of economics benefits on the south shore accrue to damages prevented on the Golf Course. Therefore an easement acquisition for a flood control levee purposes should present the Country Club with no reason to oppose the project or grant the necessary easement.

23. Report Content.

This report follows the requirements of ER-405-1-12, Chapter 12, and addresses several iterations of review comments, most recently those provided by telephone conference of April 29, 2002.

