

APPENDIX E. REAL ESTATE

**PRELIMINARY
REAL ESTATE PLAN
HUNTINGTON FLOOD DAMAGE REDUCTION STUDY**

1. GENERAL
2. REAL ESTATE REQUIREMENTS
 - a. Description of Land, Easements, Rights-of-Way and Roadway Requirements for Project
 - b. Standard Estates
 - c. Non-Standard Estates
 - d. Current Ownership
 - e. Real Estate Mapping
3. LANDS OWNED BY FAIRFAX COUNTY
4. NAVIGATIONAL SERVITUDE
5. INCREASED FLOODING
6. BASELINE COST ESTIMATE FOR REAL ESTATE
7. PUBLIC LAW 91-646 RELOCATIONS
8. TIMBER RIGHTS AND MINERAL ACTIVITY
9. ASSESSMENT OF NON-FEDERAL SPONSOR ACQUISITION CAPABILITY
10. ZONING
11. ACQUISITION SCHEDULE
12. UTILITY AND FACILITY RELOCATIONS
13. ENVIRONMENTAL CONCERNS
14. ATTITUDES OF THE LANDOWNERS
15. NOTIFICATION TO NON-FEDERAL SPONSOR
16. RISK ANALYSIS

PRELIMINARY REAL ESTATE PLAN

1. GENERAL

The purpose of this Real Estate Plan (REP) is to provide a level of analysis of real estate requirements in support of the Huntington Flood Damage Reduction Project (Huntington FDR), Fairfax County, Virginia. Significant flooding occurred in the Huntington Subdivision (also referred to as Arlington Terrace) along Cameron Run in Fairfax County, Virginia on June 25 and June 26, 2006 (June 2006 flood event). Flood elevations were in excess of 2.0 feet higher than the expected county-adopted 100-year flood elevations (flood having a 1-percent chance of occurring in any given year). The study area is the Huntington Subdivision along Cameron Run in Fairfax County, Virginia. Huntington is located on the south bank of Cameron Run, north of Huntington Avenue, east of Telegraph Road, and west of U.S. Route 1.

2. REAL ESTATE REQUIREMENTS

a. Description of Land, Easements, Rights-of-Way and Roadway Requirements for Project:

The Huntington community consists of duplex residential structures, the majority of which were built in the late 1940s and early 1950s. Most of the structures have basements, with first floor elevations being roughly 5 feet above the lower lying roadways. Nearly 80 of the structures, or 160 homes, in Huntington are located in the 100-year floodplain per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). Fairfax County, the Fairfax County Park Authority and the Fairfax County Water Authority own the majority of lands between the subdivision and Cameron Run. A new residential development is in planning stages in the vicinity of what is currently known as Hunting Creek Road on the eastern end of the study site. Private parcels at the western end of the project are located within the flood plain and are, as such, undevelopable.

The placement of a levee along Cameron Run will be located primarily on existing county land with tie-ins at both ends to private residential or residential development lands. Access would be by public roads Fenwick Drive and Mt. Vernon Drive in the Huntington subdivision and via an access road through the proposed residential development at the eastern end.

Construction of a levee, an associated ponding area, and access through the development land on the east will require the acquisition of fee interests or permanent easements in private residential or residential development lands, temporary easements for construction access and staging areas, utility relocations and jurisdictional transfers of portions of county park lands to a common county entity for operation and maintenance, permanent easements for access. Currently it appears there are six (6) transfers of jurisdiction among county entities to a common authority if they so choose, and the acquisition of a minimum four (4) fee parcels or easements from two (2) land development companies. There are public utilities in the area including telephone, electric, water and sewer. The extent of utility relocations has not yet been determined. Pending final plans and specifications, additional land may be required for

temporary construction access and or staging areas, although considerable county land is available in the immediate vicinity of the project. Additionally, it is not known at this time if offsite material disposal areas will be required.

b. Standard Estates:

The minimum estates potentially required for this project are Fee Simple, Channel Improvement Easement, Road Easement, Flowage Easement (Occasional Flooding), Utility and/or Pipeline Easement, and Temporary Work Area Easement for access. Although federal regulation requires only a permanent easement as the minimum standard estate for flood control projects, there is little to nothing an underlying fee owner could use the land for burdened with a flood control structure. Therefore, the acquisition value of land to be utilized for flood structure approximates full fee market value. Additionally, the acquisition of lands in fee simple is in line with the pending guidance for increased emphasis on eliminating encroachments (mostly trees) within 15' of embankment toe. The best way to secure the integrity of flood structure property is fee simple ownership by the sponsoring entity, in this case, Fairfax County. Flowage Easements (Occasional Flooding) may be required in lieu of designed ponding areas.

The standard estate language should include as a minimum, the following:

FEE

The fee simple title to (Tract Nos. ____), subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

CHANNEL IMPROVEMENT EASEMENT

A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over, and across (Tract Nos. ____) for the purposes as authorized by Fairfax County, Virginia, approved _(Date)____, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate, dredge, cut away and remove any or all said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, 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.

ROAD EASEMENT

A perpetual and assignable easement and right-of-way in, on, over and across (Tract Nos. _____) for the location, construction, operation, maintenance, alteration, and replacement of (a) road(s) and appurtenances thereto; 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, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

FLOWAGE EASEMENT (Occasional Flooding)

The perpetual right, power, privilege and easement occasionally to overflow, flood and submerge (Tract Nos. _____) (and to maintain mosquito control) in connection with the operation and maintenance of the Huntington Flood Damage Reduction Project as authorized by Fairfax County, Virginia, approved (Date)_____, together with all right, title and interest in and to the structures and improvements now situate on the land, except fencing and also excepting (if applicable); provided that no structures for human habitation shall be constructed or maintained on the land except as may be approved in writing by the representative of Fairfax County 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; 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 Fairfax County 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.

UTILITY AND/OR PIPELINE EASEMENT

A perpetual and assignable easement and right-of-way in, on, over and across (Tract Nos. _____) 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 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.

TEMPORARY WORK AREA EASEMENT

A temporary easement and right-of-way in, on, over and across (Tract Nos. _____), for a period not to exceed _____ years, beginning with date possession of the land is granted to Fairfax County, for use by Fairfax County, 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 Huntington Flood Damage Reduction 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.

c. Non-Standard Estates:

No non-standard estates are required for this project.

d. Current Ownership:

We are still researching some of the parcel sizes and boundaries. The most current ownership information is as follows:

<u>Parcel Tax ID</u>	<u>Owner</u>	<u>Type</u>	<u>Area</u>	<u>Acquire:</u>	<u>Value</u>
0831 16 0013A	Banks Hunting LLC	Undeveloped - Flood Plain	3950 sf	Fee	\$1K
0831 16 013B	Banks Hunting LLC	Undeveloped - Flood Plain	5411 sf	Fee	\$1K
0831 16 0014B	Banks Hunting LLC	Undeveloped - Flood Plain	3519 sf	Fee	\$1K
0831 16 0019B	Banks Hunting LLC	Undeveloped - Flood Plain	2105 sf	Fee	\$1K
0831 14C 0127A	Fairfax County Park Authority	Public	TBD	Partial Transfer	n/a
0831 14C 0110A	Fairfax County Park Authority	Public	TBD	Partial Transfer	n/a
0831 14C 0118A	Fairfax County Park Authority	Public	TBD	Partial Transfer	n/a
0831 14C0 140A	Fairfax County Park Authority	Public	TBD	Partial Transfer	n/a
0831 14C 0153A	Fairfax County Park Authority	Public	TBD	Partial Transfer	n/a
0831 01 0058	Fairfax County Water Authority	Public	TBD	Access Easement	n/a
0831 27A	MHI Huntington LLC	Undeveloped Residential	TBD	Permanent Easements	\$25K

Note: Above estimates are rudimentary, without benefit of an in-depth real estate study including but not limited to individual parcel inspections and gross appraisals. Property values in the Northern Virginia market area have fluctuated concurrent but not necessarily in line with the national housing and home finance marketplace. Estimated costs are subject to change.

e. Real Estate Mapping:

Real Estate mapping showing the project area is attached a Exhibit "A".

3. LANDS OWNED BY FAIRFAX COUNTY

Fairfax County, Virginia owns the majority of the proposed project land along Cameron Run. The county lands are separately under the jurisdiction of, and managed by, the Fairfax County Park Authority and the Fairfax County Water Authority.

4. NAVIGATIONAL SERVITUDE

None of the interests in real property to be acquired are subject to navigational servitude.

5. INCREASED FLOODING

Flooding will increase by 0.6 feet immediately upstream of the proposed project.

6. BASELINE COST ESTIMATE FOR REAL ESTATE

The preliminary M-CACES cost estimate for real estate (01 account) is attached as Exhibit "B". The total estimated administrative and estate costs for lands, easements, rights-of-way, and disposal areas, including contingency, is \$68,000(R).

7. PUBLIC LAW 91-646 RELOCATIONS

There are no residential or commercial relocations planned for this project.

8. TIMBER RIGHTS AND MINERAL ACTIVITY

None of the interests in real property to be acquired are subject to timber or mineral rights.

9. ASSESSMENT OF FAIRFAX COUNTY ACQUISITION CAPABILITY

Fairfax County, Virginia has successfully performed numerous projects involving real estate acquisitions and is well qualified and staffed to acquire all necessary rights for the construction of this project.

10. ZONING

The enactment of zoning ordinances is not proposed to facilitate acquisition for this project.

11. ACQUISITION SCHEDULE

All realty rights should be acquired and/or transferred prior to submitting a construction project for bid. It is anticipated the acquisition of required real estate for this project could be accomplished in less than six (6) months.

12. UTILITY AND FACILITY RELOCATIONS

There are potential utility relocations necessary for the Huntington FDR including electrical, water and sewer installations.

13. ENVIRONMENTAL CONCERNS

There is no known hazardous, toxic, or radioactive waste (HTRW) contamination in the project area. Any such contamination would be the responsibility of Fairfax County.

14. ATTITUDES OF THE LANDOWNERS

Huntington Subdivision landowners are anxious for relief from flooding.

15. NOTIFICATION TO NON-FEDERAL SPONSOR

Fairfax County requested a study be performed by the Federal Government to determine the feasibility and alternatives for flood damage reduction to the Huntington Subdivision. Fairfax County has been a working partner in the study and will be the primary sponsor of the project. The United States Army Corps of Engineers is not anticipated to be a direct participant in the construction of the project.

16. RISK ANALYSIS

The majority of land required for the project is owned by Fairfax County entities. Four of the private lands are undevelopable, located within the existing flood plain and considered excess land by the single development company owner. One other private parcel is owned by a development company of a proposed subdivision that is amenable to the project. It is anticipated that the owners and/or tenants of improved residential lots in the area will be favorable to increased flood damage control. Therefore, the risk associated with real estate required for the project will be minimal.