

**Cape May Seawall
City of Cape May
Cape May County, New Jersey**

**Coastal Storm Risk Management
Continuing Authorities Program Section 103**

Appendix D

Real Estate



February 2021



**U.S. ARMY CORPS OF
ENGINEERS
PHILADELPHIA DISTRICT**

**REAL ESTATE PLAN
FOR THE
SECTION 103, CAPE MAY SEAWALL
HURRICANE AND STORM REDUCTION FEASIBILITY STUDY
CITY OF CAPE MAY, CAPE MAY COUNTY
NEW JERSEY**

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1. GENERAL

This Real Estate Plan is for the Cape May Seawall coastal storm reduction study, City of Cape May, New Jersey, Hurricane and Storm Reduction Project. The authority for this project is Section 103 of the 1962 River and Harbor Act which authorizes USACE to study, design and construct small coastal storm damage reduction projects. Each project is limited to a Federal cost of not more than \$5 million, including all project-related costs for feasibility studies, planning, engineering, design, and construction. The City of Cape May, New Jersey, is the Non-Federal Sponsor (NFS).

The study area is located on the south side of the City of Cape May along the Atlantic Ocean (Figure 1). The study area extends for approximately 1.5 miles along fourteen city blocks of Beach Avenue from Decatur Street to Wilmington Avenue. It is primarily composed of low lying city streets with residential and commercial properties. The area has historically experienced flooding problems which are increasing in frequency, duration, and intensity and are caused by the combined effects of tidal surge, wave action, and heavy precipitation during hurricanes and major nor'easters.

Figure 1: Project limits shown in red



The tentatively selected plan is a concrete cap on the existing seawall for approximately 400 linear feet at the corner of Beach and Wilmington.

2. REAL ESTATE REQUIREMENTS

a. Description of Land, Easements, Rights of Way and Roadway Requirements for Project: There appears to be 1 owner within the project footprint as follows: the City of Cape May owns approximately 0.898 acres;

b. Standard Estates: The minimum estates required for this project is a Temporary work area easement on approximately 0.517 acres of land (Estate No.15) and perpetual beach storm damage reduction easement for a permanent right-of-way on approximately 0.381 acres of land (Estate No. 26)

TEMPORARY WORK AREA EASEMENT (Estate No.15)

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract Nos. _____), for a period not to exceed one (1) year, 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 work area, including the right to 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 Cape May Seawall Hurricane and Storm Reduction Project, together with the right to trim, cut, fell and remove there from 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.

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract No._____) for use by the (Project Sponsor), its representatives, agents, contractors, and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Cape May Seawall Hurricane and Storm Reduction Project, together with the right of public use and access; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement; reserving to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

c. Non-Standard Estates: There are no Non-Standard Estates necessary for this project.

d. Current Ownership: The lands that are required for this project consist of 9 parcels, owned by the NFS.

f. Real Estate Mapping: A Real Estate Map delineating the area required for this project is attached as Exhibits A, B & C.

3. EXISTING FEDERAL PROJECTS

There are no Federal projects within the project area.

4. EXISTING FEDERALLY OWNED LANDS

There are no federally owned lands within this project area.

5. LANDS OWNED BY THE NON-FEDERAL SPONSOR

The NFS owns all of the land required for the project.

6. NAVIGATIONAL SERVITUDE

Navigational servitude is not applicable to this project.

7. INDUCED FLOODING

The proposed project feature will not cause induced flooding.

8. BASELINE COST ESTIMATE FOR REAL ESTATE

The Baseline Cost Estimate for Real Estate, in MCACES format is shown in the attachment as Exhibit D.

9. PUBLIC LAW 91-646 RELOCATIONS

There will not be any relocations under Public Law 91-646, as amended, associated with this project.

10. MINERAL ACTIVITY

There is no present or anticipated mineral activity within the project area.

11. TIMBER RIGHTS

There is no present or anticipated timber activity within the project area.

12. ASSESSMENT OF NON-FEDERAL SPONSOR ACQUISITION CAPABILITY

The City of Cape May New Jersey is the Non-Federal Sponsor. The City of Cape May will primarily be responsible for acquisition of the real estate interests. The City has the necessary experience and resources, including quick take authority, to acquire the real estate interests required for the project. The assessment of the NFS's real estate acquisition capability is included in Exhibit E.

13. ZONING

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

14. ACQUISITION SCHEDULE

The following is the estimated acquisition schedule based on the NFS’s continued and frequent dialogue with property owners in preparation for the beginning of the actual acquisition.

The NFS currently owns all of the necessary real estate, so acquisition will primarily be confirming ownership and obtaining a letter of authorization from the NFS.

	<u>End Date</u>
a. PPA Execution	Start Date
b. Certification of Real Estate	Within 3 weeks of signed PPA; requires the transmittal of the Non-Federal Sponsor’s Authorization for Entry for Construction and Certificate of Authority

15. UTILITY AND FACILITY RELOCATIONS

There are no utility or facility relocations identified with this project at present.

16. ENVIRONMENTAL CONCERNS

At this preliminary stage environmental concerns are not known. Environmental concerns will be included upon final findings of the Environmental Assessment (EA).

17. ATTITUDES OF THE LANDOWNERS

The City of Cape May is in favor of the Tentatively Selected Plan as this project will provide protection to their land.

18. NOTIFICATION TO NON-FEDERAL SPONSOR

Notification has not yet been coordinated with the NFS, but notice of their responsibilities for cost sharing, real estate acquisition, crediting requirements under PL 91-646, and operation and maintenance for the project will be coordinated soon.

19. RISK ANALYSIS

There appears to be low real estate risks associated with this project.

END OF REPORT

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Susan K. Lewis
Chief Real Estate Division
USACE- Baltimore District

EXHIBIT B

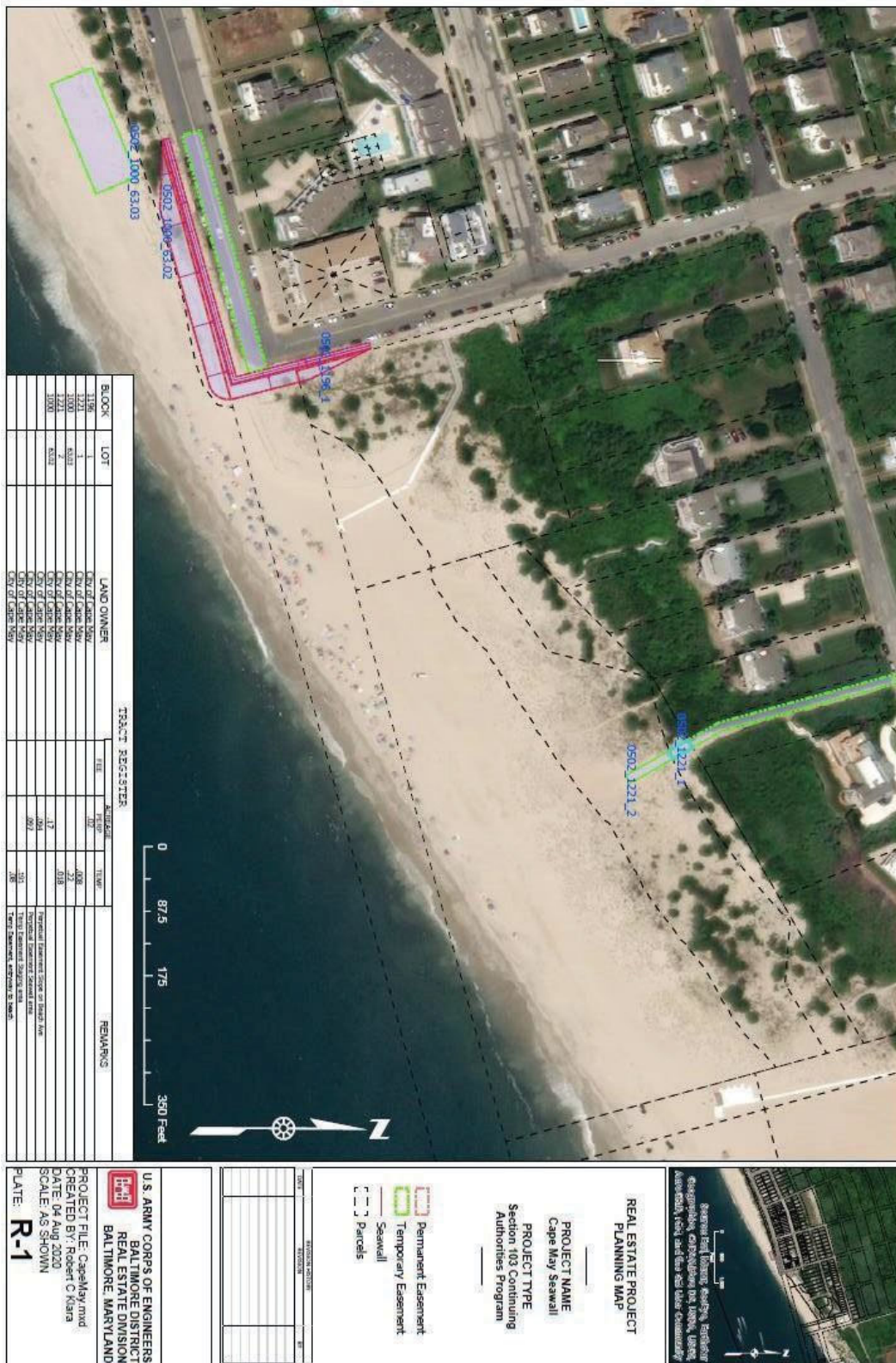


EXHIBIT C

Parcel PIN	Notes	Shape Area
	Public street, seawall	240.007505s
	Public street, contractor access	522.930399s
	Public street, easement for construction	357.338988s
	Public street, slope for seawall	119.927496s
02_1000_63.	Presumed owner: City of Cape May	442.064046s
0502_1221_2	Presumed owner: City of Cape May	04.552539sq
02_1000_63.	Presumed owner: City of Cape May	600.000001s
0502_1221_1	Owner: City of Cape May	361.11224sq
0502_1196_1	Owner: City of Cape May	815.958481s

Report Totals

SUM: 115263.891695

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Shape Area (Sum): 115263.891695

Feasibility Study Cost Estimate-MCACES Format
Real Estate Acquisition Requirements
Cape May, New Jersey
Cape May County, New Jersey

	Private			Commercial			Public			Requirement		
	#	\$ each	req	#	\$ each	req	#	\$ each	req	Base	Contingency	Total
0102 -----ACQUISITIONS												
010201---	By Government											
010202---	By Non-Federal Sponsor (NFS)											
01020201		1,200										
01020201	0	500	0	0		0	0		0	0	0	0
01020102		600	0	0		0	0		0	0	0	0
01020203	0	1,000	0	0	2,000	0	0		0	0	0	0
010203---	By Government on Behalf of NFS											
010204---	Review of NFS											
01020401	0	75	0	0		0	0		0	0	0	0
01020402	0	75	0	0		0	0		0	0	0	0
01020403	0	75	0	0		0	0		0	0	0	0
	SUBTOTAL									0	0	0
0103----- CONDEMNATIONS												
010301---	By Government											
010302---	By Non-Federal Sponsor (NFS)											
010303---	By Government on Behalf of NFS											
010304---	Review of NFS											
010304---	0	3,000	0	0		0	0		0	0	0	0
010304---	0	100	0	0		0	0		0	0	0	0
	SUBTOTAL									0	0	0
0105----- APPRAISALS												
010501---	By Government											
010502---	By Non-Federal Sponsor (NFS)											
010503---	By Government on Behalf of NFS											
010504---	Review of NFS											
010504---	0	500	0	0		0	0		0	0	0	0
010504---	0	100	0	0		0	0		0	0	0	0
	SUBTOTAL									0	0	0
0106 -----PL 91-646 ASSISTANCE												
010601---	By Government											
010602---	By Non-Federal Sponsor (NFS)											
010603---	By Government on Behalf of NFS											
010604---	Review of NFS											
010604---	0		0	0		0	0		0	0	0	0
	SUBTOTAL									0	0	0
0107 -----TEMPORARY PERMITS/LICENSES/RIGHTS-OF-WAY												
010701---	By Government											
010702---	By Non-Federal Sponsor (NFS)											
010703---	By Government on Behalf of NFS											
010704---	Review of NFS											
010705---	Other											
010706---	Damage Claims											
010704---	0	232	0	0		0	0		0	0	0	0
010705---			0			0			0	0	0	0
010706---			0			0			0	0	0	0
	SUBTOTAL									0	0	0
0115 -----REAL ESTATE PAYMENTS												
011501 --- Land Payments												
01150101							2	600		1,200	180	1,380
01150102										0	0	0
01150103										0	0	0
01150104										0	0	0
011502--- PL 91-646 Assistance Payments												
01150201										0	0	0
01150202										0	0	0
01150203										0	0	0
01150204										0	0	0
011503--- Damage Payments												
01150301										0	0	0
01150302										0	0	0
01150303										0	0	0
01150304										0	0	0
	SUBTOTAL									1,200	180	1,380
Account 02 Facility/Utility Relocations (Construction cost only)											0	0
REAL ESTATE ACQUISITION TOTAL										\$1,200	\$180	\$1,380

Exhibit E

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY

Project: Cape May Seawall C.A.P. Section 103 Hurricane and Storm Reduction
Feasibility Study, City of Cape May, New Jersey

Non-Federal Sponsor (NFS): Cape May County, New Jersey

1. Legal Authority

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes. The NFS has acquisition authority in the project area.

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?

Yes.

d. Are there any 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.

2. 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. The NFS is familiar with the requirements of P.L. 91-646.

b. If the answer to 2a 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 workload, 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

3. 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

4. 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 highlycapable/fully capable/moderately capable/marginally capable/insufficiently capable?

Highly Capable

5. Coordination

a. Has this assessment been coordinated with the sponsor?

Yes

b. Does the sponsor concur with this assessment?

Yes

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Reviewed and approved by:

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