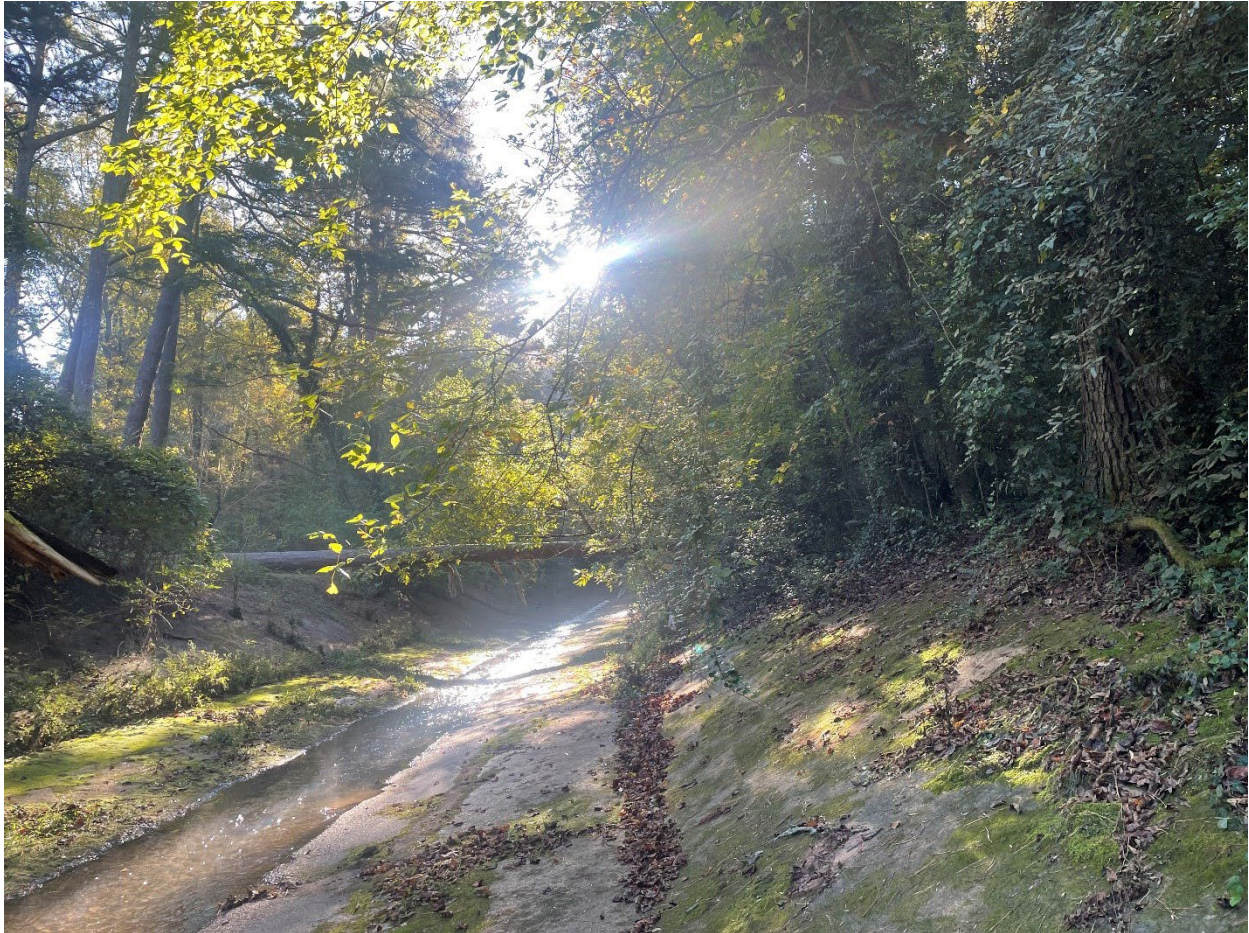




**US Army Corps  
of Engineers®**



**UTOY CREEK  
RESTORATION PROJECT  
Appendix D: Real Estate Plan  
September 2025**

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## **1. PURPOSE**

This appendix of this REP presents the real estate requirements for the Utoy Creek Aquatic Ecosystem Restoration Study tentatively selected plan and is prepared with

U.S. Army Corps of Engineers (USACE) policies, in accordance with ER 405-1-12, *Real Estate Handbook*. The City of Atlanta (City) is the non-Federal sponsor for the study.

The primary purpose of the proposed project and alternatives considered in the study is to restore approximately 3.5 miles of Utoy Creek from the John A. White Park to just west of Interstate 285 by improving riparian conditions, reducing episodic flooding, eliminating blockages that hinder aquatic life passage, and restoring flow regimes to major tributaries, its historic floodplain, and the regional habitat zones of the Chattahoochee River while maintaining existing levels of flood risk management. A secondary purpose is to provide recreational opportunities consistent with the restored ecosystem within this 3.5-mile reach of the creek. This study is identified as the "Utoy Creek, Continuing Authorities Program, Section 206, Aquatic Ecosystem Restoration" study (referred to herein as Utoy Creek Ecosystem Restoration Project or study area). Utoy Creek, along with other watersheds in the Metro Atlanta area, have been degraded over time by a cycle of increasing urban development, land cover changes, flooding, and channelization.

This study is being conducted under the Continuing Authorities Program Section 206, Aquatic Ecosystem Restoration, of the Water Resources Development Act of 1996 (P.L. 104-303), as amended.

Section 206 authorizes the U.S. Army Corps of Engineers (USACE) to initiate investigations and implement projects for aquatic ecosystem restoration with the objective of restoring degraded ecosystem structure, function, and dynamic processes to a less degraded, more natural condition considering the ecosystem's natural integrity, productivity, stability, and biological diversity.

This Real Estate Plan will focus on the real estate requirements for the tentatively selected plan, P128, referred to herein as the tentatively selected plan or TSP. In this Real Estate Plan, an appendix to the Integrated Feasibility Report, the Corps must, for each project purpose and feature, fully describe the lands, easements, and rights-of-way, relocations, and disposal sites required for construction, operation, and maintenance of the project, including the acreage, estates, number of tracts/parcels, ownership, and estimated value. The Corps must include other relevant information on

sponsor ownership of land, proposed non-standard estates, existing Federal projects, ownership, required relocations under the Uniform Relocation Act, presence of contaminants, and other issues as required by ER 405-1-12. Although the report is written based on specific data from Mobile District's Project Delivery Team (PDT), some minor modifications to the plan could occur thus changing the real estate determinations made herein. The level of detail provided herein is understood to be equivalent to the other project disciplines.

## **2. DESCRIPTION OF LANDS, EASEMENTS, RIGHTS OF WAY, RELOCATIONS AND DISPOSAL SITES (LERRD)**

The Utoy Creek Aquatic Ecosystem Restoration Feasibility Study is evaluating restoration opportunities across seven sites along the watershed. These sites were delineated based on distinct physical and hydrological characteristics to facilitate formulation and evaluation of the Tentatively Selected Plan (TSP). The non-Federal sponsor owns lands within or adjacent to several of the sites, as further detailed in Section 3 below. For each site, this section outlines the number of parcels, total acreage, ownership status (public, private, or sponsor-held), and includes a summary table following this narrative.

While permanent LERRD requirements have been preliminarily identified, access needs for construction at each site are still under evaluation. It is recognized that several sites may not be directly accessible via existing public or sponsor-owned routes. Where necessary, temporary construction easements will be identified and incorporated into the final LERRD requirements. A detailed assessment of site access and any corresponding temporary easements will be included in the final report to ensure complete and constructible real estate planning.

### *Site 2A*

Situated on North Utoy Creek, Site 2A is just west of Benjamin E. Mays High School. The current conditions of this site reveal a stream centerline running through a utility easement, characterized by undesirable flow conditions. These include insufficient stream sinuosity, excessive exposure to direct sunlight leading to elevated temperatures, and a lack of aquatic habitat. The proposed plan involves realigning the

stream to redirect its flow away from the utility easement and into the wooded area to the west. This plan encompasses channel reshaping, realignment, and the planting of vegetation along the banks.

This site requires only a single parcel, covering 0.01 acres. The parcel is owned by the Atlanta Board of Education and is the only segment of the TSP located outside the municipal boundaries of the non-federal sponsor (City of Atlanta).

The following table lists the acreages needed for Site 2A of the TSP:

<b>Owner</b>	<b>Number Of Parcels</b>	<b>Acreage Needed For Project in Site 2A</b>
Non Federal Sponsor	0	0
Public (other than NFS)	1	0.001
Private	0	0
<b>Total</b>	<b>1</b>	<b>0.001</b>

### *Site 2B*

Site 2B is located along North Utoy Creek, west of I-285 and east of the Cascades neighborhood. The existing channel conditions are similar to those of Site 2A, where the stream flows within a utility easement, resulting in diminished stream function.

Conditions include limited sinuosity, increased solar exposure contributing to elevated water temperatures, and a lack of suitable aquatic habitat. The proposed restoration design involves relocating the channel out of the utility corridor and into an adjacent, wooded area to the east. The work includes channel realignment, grading of a bankfull bench, and establishment of native riparian vegetation.

This site requires the acquisition of two privately owned parcels, totaling approximately 4.86 acres. The acreage reflects the full footprint necessary for the realigned channel corridor, inclusive of required buffer zones to support long-term ecological function and maintenance access. The Non-Federal Sponsor does not currently own either parcel. A map delineating the parcel boundaries, and the proposed restoration layout is provided in Figure X-X to facilitate verification of acreage and parcel information.

*The following table lists the acreages needed for Site 2B of the TSP:*

<b>Owner</b>	<b>Number Of Parcels</b>	<b>Acreage Needed For Project in Site 2B</b>
Non Federal Sponsor	0	0
Public (othan than NFS)	0	0
Private	2	4.86
<b>Total</b>	<b>2</b>	<b>4.86</b>

### *Site 3F*

Site 3F is situated along South Utoy Creek, just upstream of Harbin Road SW. This area flows through the Cascade Springs Nature Preserve, characterized by its dense, undisturbed woodland. The proposed plan suggests employing small machinery to carefully remove trees along the site. The select-harvested timber will be utilized to create in-stream ecological habitats and sediment traps for approximately half of the area. A total of twelve parcels, comprising 0.07 acres, are needed for this site. Of these, three parcels are owned by the non-federal sponsor, while the rest are under private ownership.

*The following table lists the acreages needed for Site 3F of the TSP:*

<b>Owner</b>	<b>Number Of Parcels</b>	<b>Acreage Needed For Project in Site 3F</b>
Non Federal Sponsor	3	0.03
Public (othan than NFS)	0	0
Private	9	0.04
<b>Total</b>	<b>12</b>	<b>0.07</b>

### *Site 17B*

Site 17B is situated along North Utoy Creek, just west of Beecher Hills Elementary School. This location has been identified for channel modifications and stabilization of the streambanks. Currently, the site faces significant issues with severe erosion and bank failure. The streambanks are nearly vertical and fully exposed, contributing to substantial sedimentation entering the waterway from this area.

The proposed plan includes re-grading the streambanks to a more stable and gradual slope, enhancing the overall stability and allowing for the development of ecological habitats. The existing riparian zone will remain untouched, and educational signage will be installed, creating opportunities for the community to engage with outdoor

classrooms. This site requires two parcels, covering a total of 0.41 acres. Both of which are currently owned by the non-federal sponsor.

*The following table lists the acreages needed for Site 17B of the TSP:*

<b>Owner</b>	<b>Number Of Parcels</b>	<b>Acreage Needed For Project in Site 17B</b>
Non Federal Sponsor	2	0.41
Public (other than NFS)	0.00	0.00
Private	0	0.00
<b>Total</b>	<b>2</b>	<b>0.41</b>

#### *Site 17DE*

The current conditions at this site feature a large, trapezoidal concrete channel running along a golf course in the headwater region of North Utoy Creek. This channel collects runoff from heavily developed suburban neighborhoods in Atlanta, leading to fast, sediment-laden streamflow. The flow is directed through the golf course and eventually converges with the natural streambed of North Utoy Creek. However, the high velocities at this junction create severe erosion problems. Downstream from the golf course, the area transitions into a wooded section, with the natural streambed continuing between points 17D and 17E. The proposed plan involves removing the concrete channel and restoring a more natural streambed, while creating an overbank wetland area on the left downstream side. Since the existing channel is oversized, there is sufficient overbank space to reduce flow velocity, which would help minimize flooding risks to the surrounding area. The new wetland would be established within the wooded area's footprint, offering additional capacity for slowing streamflow and enhancing ecological habitat. This site requires a total of twenty-eight , covering 7.62 acres in total. Of these, 4.25 acres are owned by the non-federal sponsor, while the remaining parcels are privately owned.

*The following table lists the acreages needed for Site 17DE of the TSP:*

<b>Owner</b>	<b>Number Of Parcels</b>	<b>Acreage Needed For Project in Site 17DE</b>
Non Federal Sponsor	7	4.25
Public (othan than NFS)	0.00	0.00
Private	21	3.37
<b>Total</b>	<b>28</b>	<b>7.62</b>

### *Site 17FM*

The existing conditions at site 17FM involve a large, trapezoidal concrete channel running through the John A. White Golf Course in the headwater region of North Utoy Creek. This channel captures runoff from densely populated suburban neighborhoods in Atlanta, which leads to fast-moving, sediment-laden streamflow. The area between sites 17F and 17M is primarily made up of the concrete channel that runs through the golf course. The proposed plan includes removing the concrete channel and reconstructing a more natural streambed, incorporating a series of instream wetland areas designed to slow the flow of water and create ecological habitats. Given that the current channel is oversized, there is sufficient overbank space to manage flow reduction under this plan, with minimal risk of flooding in the surrounding areas. This site requires three parcels, covering a total of 9.90 acres, all of which are owned by the non-federal sponsor.

*The following table lists the acreages needed for Site 17FM of the TSP:*

<b>Owner</b>	<b>Number Of Parcels</b>	<b>Acreage Needed For Project in Site 17FM</b>
Non Federal Sponsor	3	9.90
Public (othan than NFS)	0	0.00
Private	0	0.00
<b>Total</b>	<b>3</b>	<b>9.90</b>

### *Site 19A*

Site 19A was chosen to improve stream connectivity through an existing culvert and to construct a bankfull bench for flow attenuation and habitat enhancement. The site is located on a tributary of South Utoy Creek, just west of I-285 and east of the Heritage Valley neighborhood. This location was identified as having connectivity issues due to poor grade control through the culvert under I-285. The proposed plan involves re-

grading of the culvert's inlet and outlet with appropriately sized angular stone to improve grade control. Additionally, a bankfull bench will be created on the right downstream overbank area to help reduce flow velocity and provide valuable ecological habitat. A total of eight parcels are required for this site, amounting to 10.01 acres. Of these, only 1.65 acres are currently owned by the non-federal sponsor.

*The following table lists the acreages needed for Site 19A of the TSP:*

<b>Owner</b>	<b>Number Of Parcels</b>	<b>Acreage Needed For Project in Site 19A</b>
Non Federal Sponsor	1	1.65
Public (other than NFS)	0	0.00
Private	7	8.36
<b>Total</b>	<b>8</b>	<b>10.01</b>

### *Staging Areas*

At this stage, the Project Delivery Team (PDT) has not yet designated specific staging areas for the project. However, the non-federal sponsor (NFS) currently owns approximately 19.5 acres within the project area, which will likely be considered for use as potential staging areas. These areas will be carefully evaluated and formulated as part of the final project design. While staging areas have not been finalized, the intent is to identify locations that will minimize disruption to the surrounding environment and ensure efficient implementation of the proposed restoration activities. Once designated, the staging areas will be included in the final report to provide a comprehensive overview of the resources available for project implementation.

Summary Table – acreages and ownerships

	Acres Within NFS' Municipal Boundaries	Acres Outside Of NFS' Municipal Boundaries
<b>Lands Required For Restoration</b>		
Non Federal Sponsor Owned	16.24	0
Public Parcels To Be Acquired	0	0.001
Private Parcels To Be Acquired	16.63	0
<i>Total</i>	32.87	0.001
<b>Staging Area</b>		
Non Federal Sponsor Owned	TBD	TBD
Staging Areas Within Lands Being Acquired (no add'l credit)*	TBD	TBD
Temporary Work Area Easements To Be Acquired	TBD	TBD
<i>Total</i>	TBD	TBD
<b>Other Rights Of Way</b>	TBD	TBD
<p>* This acreage is included in fee acquisitions under "lands acquired for restoration" and would not be additionally credited for staging area use.</p>		

### 3. SPONSOR OWNED LERRD

The Non-Federal Sponsor (NFS) for this study currently owns 16 parcels totaling approximately 16.24 acres, out of the 32.87 acres required to implement the Tentatively Selected Plan (TSP). Of the total 32.87 acres required, all but 0.001 acres lie within the City of Atlanta's (NFS) municipal boundaries. While the 16 sponsor-owned parcels are under the City's ownership, they are managed by various municipal departments, each with differing responsibilities for land use, maintenance, and operational oversight. Coordination among these departments will be essential to ensure unified support for project implementation, timely execution of real estate actions, and compliance with applicable regulatory and policy requirements. The diversity in land management responsibilities may present logistical challenges that will need to be addressed during project delivery.

#### 4. PROPOSED ESTATES

In accordance with ER 405-1-12, Chapter 12, the standard estate for aquatic ecosystem restoration projects is fee simple title. This estate provides the full spectrum of rights necessary for the construction, operation, and long-term maintenance of project features, ensuring full compliance with USACE policy. After careful evaluation of the proposed project features for the Utoy Creek Aquatic Ecosystem Restoration study, it

has been determined that the acquisition of permanent feature areas in fee simple is the most appropriate and policy-compliant estate to support the project's objectives.

For lands currently owned by the non-Federal sponsor, fee title will also be provided for those portions that are required for the permanent features of the project. This approach serves a dual purpose: it facilitates the sponsor's ability to maximize their credit for Lands, Easements, Rights-of-Way, Relocation, and Disposal Areas (LERRDs) by basing compensation on the fair market value of the fee estate, and it ensures that the necessary legal rights are secured to preserve the long-term integrity of the project. Furthermore, acquiring fee simple title reduces the risk of future incompatible land use that could impair the environmental benefits of the restoration effort.

The proposed estate strategy aligns with current USACE policy for ecosystem restoration projects and supports efficient implementation and enduring stewardship of restored ecological functions.

In addition to fee simple acquisition for permanent project features, temporary easements will be utilized for non-permanent features such as Temporary Work Area Easements (TWAEs) and construction access. These estates will be acquired for the minimum time and area necessary to support construction activities and will expire upon completion of the associated work. The use of temporary estates for these purposes is consistent with ER 405-1-12, Chapter 12-7, and is intended to minimize acquisition costs and the burden on landowners while securing the necessary rights for safe and effective project implementation. Sample language for these easements is included below:

#### TEMPORARY WORK AREA EASEMENT

*A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_), for a period not to exceed \_\_\_\_\_, 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 (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 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.

#### ROAD EASEMENT.

A (perpetual [exclusive] [non-exclusive] and assignable) (temporary) easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) 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 owners, 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); 10 subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

## 6. FEDERALLY OWNED LAND

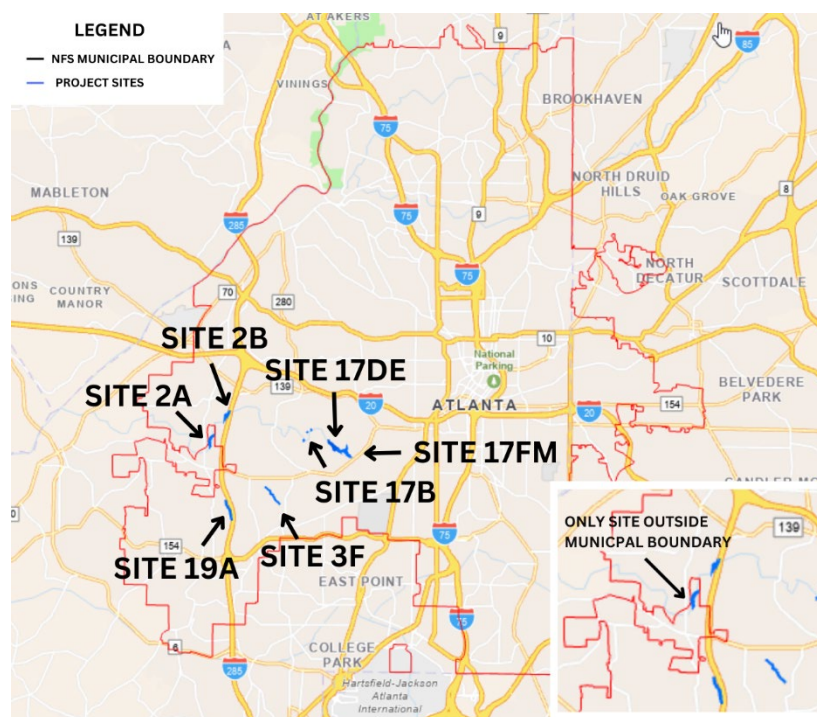
A review of all parcels within the boundaries of the Utoy Creek Aquatic Ecosystem Restoration project sites confirms that no federally owned lands are located within the project footprint. As such, no coordination with federal landholding agencies is required, and no interagency agreements or licenses will be necessary for project implementation. Additionally, since there are no federally owned lands involved, no exclusions or adjustments to the Lands, Easements, Rights-of-Way, Relocation, and Disposal Areas (LERRDs) credit are anticipated on this basis.

## 7. EXTENT OF NAVIGATIONAL SERVITUDE

Navigational servitude is the federal government's dominant right under the Commerce Clause of the U.S. Constitution, granting control and regulation over navigable waters of the United States and the submerged lands beneath them. However, the exercise of Federal Navigational Servitude is not applicable to this project and will not be invoked.

## 8. MAP

Current project maps provide general location and context for each restoration site; however, they do not yet include all required real estate detail such as tract delineations, estate boundaries, or access routes. Updated figures are under development in coordination with the design team and will include the specific limits of each required estate (fee and temporary construction easements), parcel boundaries, and designated access points to each site. These maps will be included in the final version of the Real Estate Plan to meet the requirements of ER 405-1-12, Chapter 12, Paragraph 12-16c(8), and to support accurate identification and acquisition of all Lands, Easements, Rights-of-Way, Relocations, and Disposal Sites (LERRD).



## 9. EXTENT OF INDUCED FLOODING

According to the findings in the Hydrology and Hydraulics analysis, the proposed restoration project and the modified OMRRR plan for flood risk management are not expected to cause any induced flooding relative to existing conditions. The project will be designed by the Corps to avoid any negative impacts on the flood conveyance capacity, ensuring that the river's ability to handle water flow is maintained or improved. This approach helps to minimize uncertainties and mitigate the potential for any induced flooding. During the next phase of the project, further hydrology and hydraulics

assessments will be conducted to evaluate whether the new restoration features may result in minor variations in channel conveyance compared to the design conditions.

The proposed action, P128, aims to address the current hydrologic and hydraulic challenges in the watershed, which have been exacerbated by urban development. By stabilizing problematic sites and incorporating flow attenuation measures at strategic locations, the project will promote improved flow conditions within the main sites and tributaries, ultimately reducing stress on the system and minimizing the risk of flooding.

## **10. BASELINE COST ESTIMATE**

A gross appraisal is currently being performed with valuation oversight provided by a Certified Review Appraiser, in accordance with ER 405-1-12, Paragraphs 4-17 and 12-16c(10). This appraisal will provide a refined cost basis for the Lands, Easements, Rights-of-Way, Relocation, and Disposal Areas (LERRDs). The initial baseline cost estimate presented below was developed for planning purposes with input and review by a Certified Review Appraiser and qualified realty specialists. This estimate will be updated upon completion of the gross appraisal to ensure compliance with USACE standards and policies.

At this stage, costs for temporary work area easements and staging areas are listed as TBD. While specific staging sites have not yet been identified, the estimated acreage required for staging will be assessed, and corresponding values will be developed in accordance with USACE appraisal guidance. Similarly, all permanent and/or temporary road easements necessary for access to construction sites will be identified, valued, and included in the total LERRD credit estimate. These additional components will be integrated into the updated baseline cost estimate to support accurate budgeting and crediting.

**Utoy Creek Watershed**  
**Aquatic Ecosystem Restoration Study**  
**City of Atlanta, Fulton County, Georgia**  
**BASELINE COST ESTIMATE FOR REAL ESTATE (BCERE)**

<b>0102 ACQUISITIONS</b>		<b>QTY</b>	<b>\$ PER</b>	<b>SUBTOTAL</b>
010201	By Government			\$ -
010202	By Non-Federal Sponsor (NFS)			\$ -
01020201	Survey and Legal Descriptions	56	\$ 750.00	\$ 42,000.00
01020102	Title Evidence	56	\$ 1,250.00	\$ 70,000.00
01020203	Negotiations	56	\$ 1,750.00	\$ 98,000.00
010203	By Government on Behalf of NFS			\$ -
010204	Review of NFS			\$ 25,000.00
<b>0103 CONDEMNATIONS</b>				
010301	By Government			\$ -
010302	By Non-Federal Sponsor (NFS)	5	\$ 15,000.00	\$ 75,000.00
010303	By Government on Behalf of NFS			\$ -
010304	Review of NFS			\$ 10,500.00
<b>0105 APPRAISALS</b>				
010501	By Government			\$ -
010502	By Non-Federal Sponsor (NFS)	56	\$ 1,750.00	\$ 98,000.00
010503	By Government on Behalf of NFS			\$ -
010504	Review of NFS	56	\$ 650.00	\$ 36,400.00
<b>0106 PL 91-646 ASSISTANCE</b>				
010601	By Government			\$ -
010602	By Non-Federal Sponsor (NFS)			\$ -
010603	By Government on Behalf of NFS			\$ -
010604	Review of NFS			\$ -
<b>0107 TEMPORARY PERMITS/LICENSES/RIGHTS-OF-WAY</b>				\$ 15,000.00
<b>SUBTOTAL</b>				\$ 469,900.00
<b>CONTINGENCY 25%</b>				\$ 117,475.00
<b>TOTAL - ADMINISTRATIVE COSTS</b>				\$ 587,375.00
<b>0115 REAL ESTATE PAYMENTS</b>				
<b>011501 Land Payments</b>				
01150101	By Government			\$ -
01150102	By Non-Federal Sponsor (NFS)	56		\$ 1,881,242.94
01150103	By Government on Behalf of NFS			\$ -
01150104	Review of NFS (credit review)			\$ 30,000.00
<b>011502 PL 91-646 Assistance Payments</b>				
01150201	By Government			\$ -
01150202	By Non-Federal Sponsor (NFS)			\$ -
01150203	By Government on Behalf of NFS			\$ -
01150204	Review of NFS (credit review)			\$ -
<b>011503 Damage Payments</b>				
01150301	By Government			\$ -
01150302	By Non-Federal Sponsor (NFS)			\$ -
01150303	By Government on Behalf of NFS			\$ -
01150304	Review of NFS			\$ -
<b>SUBTOTAL</b>				\$ 1,911,242.94
<b>CONTINGENCY 25%</b>				\$ 477,810.74
<b>TOTAL - REAL ESTATE PAYMENTS</b>				\$ 2,389,053.68
<b>Account 02 Facility/Utility Relocations (Construction cost only)</b>		<b>0</b>		\$ -

**TOTAL LERRD \$ 2,976,428.68**

## **11. PL 91-646 RELOCATION ASSISTANCE BENEFITS**

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), relocation assistance would be provided if there were any displacements resulting from the project. However, based on the current analysis, no relocations of businesses or residents will be required within any of the project's sites. As such, there will be no need to invoke relocation benefits, and no costs for relocation assistance are anticipated for this project.

## **12. DESCRIPTION OF PRESENT OR ANTICIPATED MINERAL ACTIVITY**

The proposed estate for this project consists of easements rather than Fee Simple acquisition. During site visits, no signs of active or anticipated mineral extraction were observed, and no known exploratory activities are currently underway in the project area. In accordance with O.C.G.A. 44-5-168 (2010), third-party mineral interests may be subject to adverse possession if inactive. Specifically, if mineral rights have been neither worked nor attempted to be worked, and taxes have not been paid on them for a period of seven years, the holder of the easement or the property owner could petition for title to the mineral rights after a period of inactivity. Given the current lack of mineral activity and the easement estate proposed for this project, any risk associated with third-party mineral interests is considered minimal. Additionally, historical data on mineral exploration in Georgia indicates that activity has been primarily concentrated in the Conasauga shale field in the northwest region of the state, far outside the boundaries of this project area.

## **13. PROJECT SPONSOR'S LAND ACQUISITION ABILITY**

The preliminary assessment of the Non-Federal Sponsor's real estate acquisition capabilities indicates that the City of Atlanta is fully equipped and prepared to manage the necessary land acquisitions for the project. The City has demonstrated its capability through past successful projects, including the acquisition of properties for ecosystem restoration and flood risk management efforts, such as the Proctor Creek Greenway Project. The City's legal and procedural framework aligns with federal real estate acquisition policies, ensuring compliance with ER 405-1-12 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646).

With experienced departments overseeing land management and acquisition, the City is expected to efficiently acquire the required lands, easements, rights-of-way, and relocations (LERRDs) needed to support the project's implementation, ensuring proper coordination with USACE requirements throughout the process.

A Real Estate Acquisition Capability Assessment is attached hereto as **Exhibit A**, which details the sponsor's authority and capability in providing any necessary real estate interests. In addition, a Risk Notification Letter is attached hereto as **Exhibit B**. This letter identifies the sponsor's risks of acquiring lands prior to the signing of the PPA and requirements for crediting purposes in accordance with 49 CFR Part 24, dated March 2, 1989, as amended. These exhibits have been forwarded to the NFS for execution, and while executed copies have not yet been returned, they will be included in the final report upon receipt.

Title to any acquired real estate would be retained by the NFS, and no land interest will be conveyed to the United States of America. However, prior to advertisement of any construction contract, the NFS will furnish to the Government an Authorization for Entry for Construction to all LER required for the project. A sample Authorization for Entry is attached hereto as **Exhibit C**.

#### **14. ENACTMENT OF ZONING ORDINANCES**

At this time, there are no anticipated zoning ordinance enactments required to facilitate the acquisition of real property for the project. The current project scope and proposed land acquisitions are expected to proceed without the need for changes to existing zoning regulations. Should any zoning concerns arise in future phases, they will be addressed in coordination with the relevant local authorities, but no such requirements are foreseen at this stage.

#### **15. LAND ACQUISITION SCHEDULE AND MILESTONES**

Currently, there is no formal land acquisition schedule for the project. The detailed timeline for acquiring the necessary lands, easements, and rights-of-way will be developed during the Design and Implementation (D&I) phase of the project, in accordance with ER 405-1-12, Real Estate Handbook. This plan will outline key

milestones and ensure compliance with all relevant federal, state, and local regulations. Additionally, the land acquisition schedule will align with the project's overall timeline to avoid delays in construction and implementation.

## **16. DESCRIPTION OF FACILITY/UTILITY RELOCATIONS**

A preliminary assessment of utilities within the TSP has been completed using a desktop analysis of utilities within the study area in the design appendix and guidance set forth in Real Estate Policy Guidance Letter No. 31 (U.S. Army Corps of Engineers, 2019). Based on the preliminary assessment, no facility/utility relocations will be required at any of the proposed sites.

**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, 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.**

## **17. SUPPORT/OPPOSITION FOR THE PROJECT**

Throughout the course of the study, the Mobile District Planning Division has implemented an Integrated Water Resources Management (IWRM) approach, maintaining consistent engagement with key stakeholders, including the non-Federal sponsor, the City of Atlanta. Coordination efforts have indicated broad support for the proposed restoration actions along Utoy Creek, particularly given their ecological benefits and alignment with the City's ongoing Greenway Acquisition Plan. The City's prior success with projects such as Proctor Creek—also supported by a range of stakeholder groups—has positively influenced community perception and acceptance of ecosystem restoration initiatives.

The selected alternatives have been specifically designed to avoid direct impacts to residential and commercial parcels, thereby minimizing potential displacement or disruption. However, as the project transitions into the preconstruction and acquisition

phases, it is acknowledged that individual landowner concerns may arise, particularly regarding access, construction-related disturbance, and long-term land use restrictions. At present, there is no documented opposition to the project, but the potential for localized concerns remains, especially where temporary construction easements or new access routes are proposed.

To proactively address this, the district will coordinate closely with the City of Atlanta to host a public landowner meeting and engage directly with affected property owners during the finalization of project alternatives. These efforts aim to identify, understand, and mitigate any anticipated concerns that may affect the real estate acquisition process, thereby ensuring smooth project implementation.

## **18. LAND ACQUISITION BEFORE PPA**

In accordance with USACE policy, no land acquisition should occur prior to the execution of the Project Partnership Agreement (PPA), unless expressly approved by the District Commander under specific circumstances. As outlined in ER 405-1-12, land acquisitions conducted prior to the PPA may not be credited unless they meet the requirements set forth in applicable regulations, including compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646). The Non-Federal Sponsor (NFS) must ensure that all acquisitions are conducted in accordance with federal real estate policies and procedures to maintain eligibility for credit.

Early acquisition without proper authorization risks non-credibility of lands, easements, rights-of-way, relocations, and disposal areas (LERRDs). The Sponsor will be advised in writing of the risks associated with acquiring land prior to the execution of the PPA, and is attached hereto as **Exhibit B**. Therefore, the NFS is advised to refrain from acquiring any land until the PPA has been executed, except in cases where urgent acquisition is necessary and has received the necessary approvals from USACE.

## **19. OTHER RELEVANT REAL ESTATE ISSUES**

At this time, no additional real estate issues have been identified for the project. However, should any relevant real estate concerns arise during the ongoing evaluation

process, they will be thoroughly assessed and documented. Any newly identified issues will be addressed in coordination with the Non-Federal Sponsor and included in the final report to ensure all real estate matters are accounted for before the project proceeds to implementation.