

APPENDIX D - REAL ESTATE

**GENERAL REEVALUATION REPORT
FOLLY BEACH, SOUTH CAROLINA**

REAL ESTATE SUMMARY

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SECTION 1. THE REAL ESTATE REPORT

1.1 Statement of Purpose

The purpose of this General Reevaluation Report is to determine continued Federal interest for continued coastal storm risk management (CSRM) and periodic nourishment in the Folly Beach project area Folly Beach under authority of City of Folly Beach, South Carolina Charleston County, State of South Carolina for beach erosion control, hurricane protection, and related purposes. The Real Estate Appendix is intended to support the Detailed Project Report and Environmental Assessment for the project. The author of this report is familiar with the Project area. City of Folly Beach, South Carolina is the non-Federal sponsor for the project. Date of this report is May 2020. This report is tentative in nature, focus on the recommend plan and is to be used for planning purposes only. All real estate requirements identified in the report are subject to change pending the completion of the final plans and specifications.

1.2 Study Authority

The Folly Beach Shore Protection Project was authorized by Section 501 of the Water Resources Development Act of 1986 (WRDA 1986) Public Law (PL) 99-662, as amended, and modified by the Energy and Water Development Appropriations Act of 1992, Public Law 102-104.

The original authorizing language, as presented in PL 99-662 is as follows: "SEC. 501(a). The project for shoreline protection, Folly Beach, South Carolina: Report of the Chief of Engineers, dated March 17, 1981, at a total cost of \$7,040,000, with an estimate first federal cost of \$3,870,000 and an estimated non-federal cost of \$3,170,000."

The amended authorizing language, as presented in PL 102-104 is as follows: "SEC. 108. The project for shoreline protection for Folly Beach, South Carolina, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4136), is modified to authorize the Secretary to construct hurricane and storm protection measures based on the Charleston District Engineer's Post Authorization Change Report dated May 1991, at an estimated total cost of \$15,283,000, with an estimated federal cost of \$12,990,000 and an estimated non-federal cost of \$2,293,000, and an annual cost of \$647,000 for periodic beach nourishment over the life of the project, with an estimated annual federal cost of \$550,000 and an estimated non-federal cost of \$97,000."

This study is authorized by Section 216 of the Flood Control Act of 1970, Public Law 91-611 (33 U.S.C. § 549a). Section 216 authorizes the Chief of Engineers to review the operation of projects constructed by the U.S. Army Corps of Engineers when found advisable due to significantly changed physical or economic conditions, and to recommend to Congress on the advisability of modifying the structures or their operations, and for improving the quality of the environment in the overall public interest. This study is funded through the Bipartisan Budget Act 2018. The Feasibility Cost Share Agreement was signed with the local project sponsor, the City of Folly Beach, on October 12, 2018.

1.3 Project Location

The project is located in Folly Beach, SC., in Charleston County, and is located about 12 miles south of Charleston, South Carolina on Folly Island. Kiawah Island lays to the south of Folly Island and

Morris Island to the north. The south end of the island and Kiawah Island are separated by Stono Inlet while the north end of the island is bordered by Lighthouse Creek. The northwestern boundary to the island is Folly River while the Atlantic Ocean covers the southeastern side. Folly Island is 6.1 miles in length, of which 5.47 miles are included in the Federal project. It is fully developed with a mix of cottages, condominiums, motels, hotels and various commercial establishments (Figure 1.3-1 and 1.3-2)

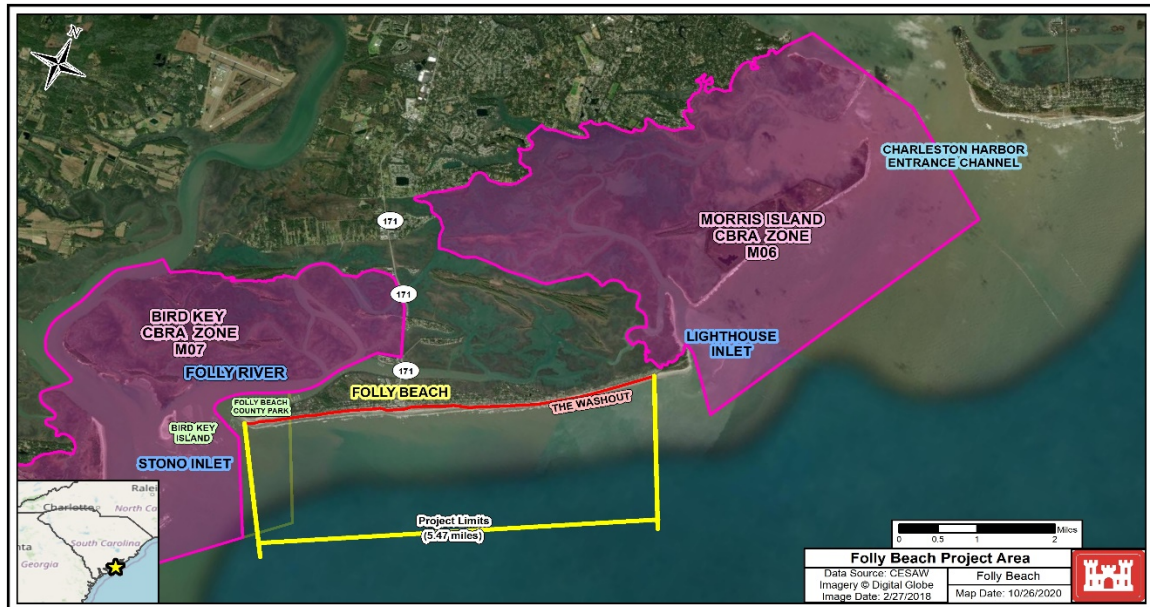


Figure 1.3-1. Project Vicinity/Location Map

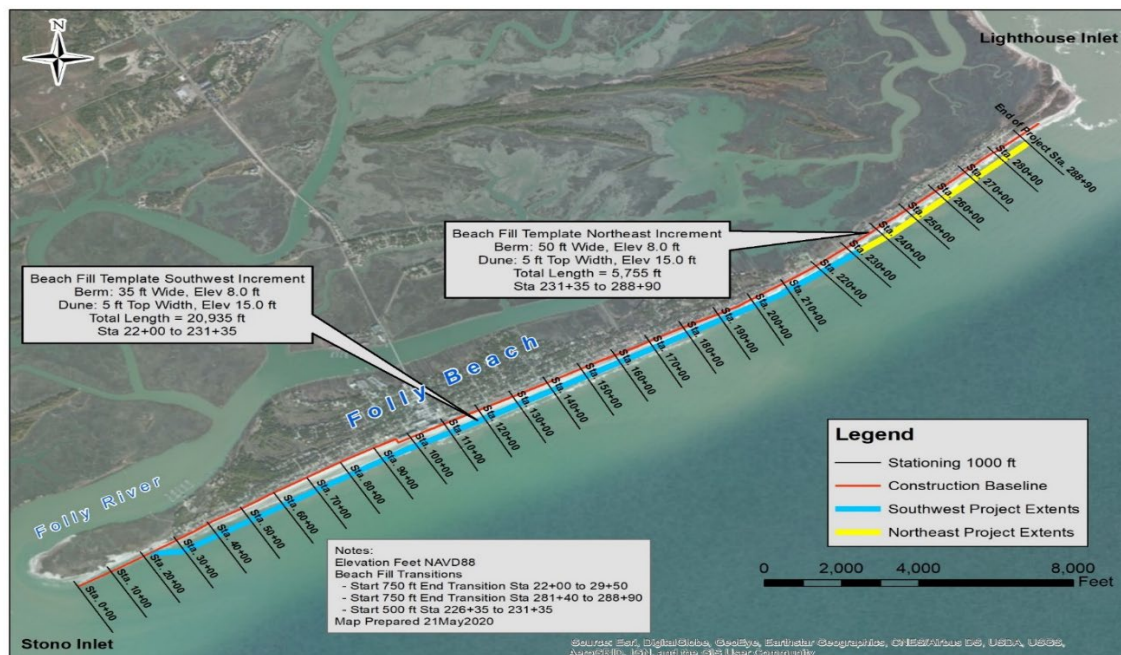


Figure 1.3-2. Location Map/Project Limits

1.4 Project Description

The authorized project for Folly Beach consists of nourishment of 28,200 linear feet (5.35 miles). The purpose and need for coastal storm risk reduction along Folly Beach is the reduction in storm damages and land loss resulting from beach erosion, wave attack, and flooding along the ocean shoreline, and associated risks to life and safety. A wide variety of possible measures would reduce the impacts of erosion, waves, and flooding on commercial and residential property and infrastructure within the study area. Some of the measures would also provide incidental environmental and recreational benefits.

There were 8 borrow areas initially identified, 4 areas were selected for the 50-year project life: Folly River, E, F and K. The Corps is currently consulting with the USFWS for use of sediment located in areas F and K which are partially located in CRBA zones. The remaining four areas A, B, C, and D (counted as one area) was depleted in the 2014 renourishment cycle, areas, G, H, I and J (I and J counted as one area) all had disqualifying parameters. While environmental and construction permits may be required from the State of South Carolina for the use of these borrow areas, there are no real estate requirements of the State associated with their use.

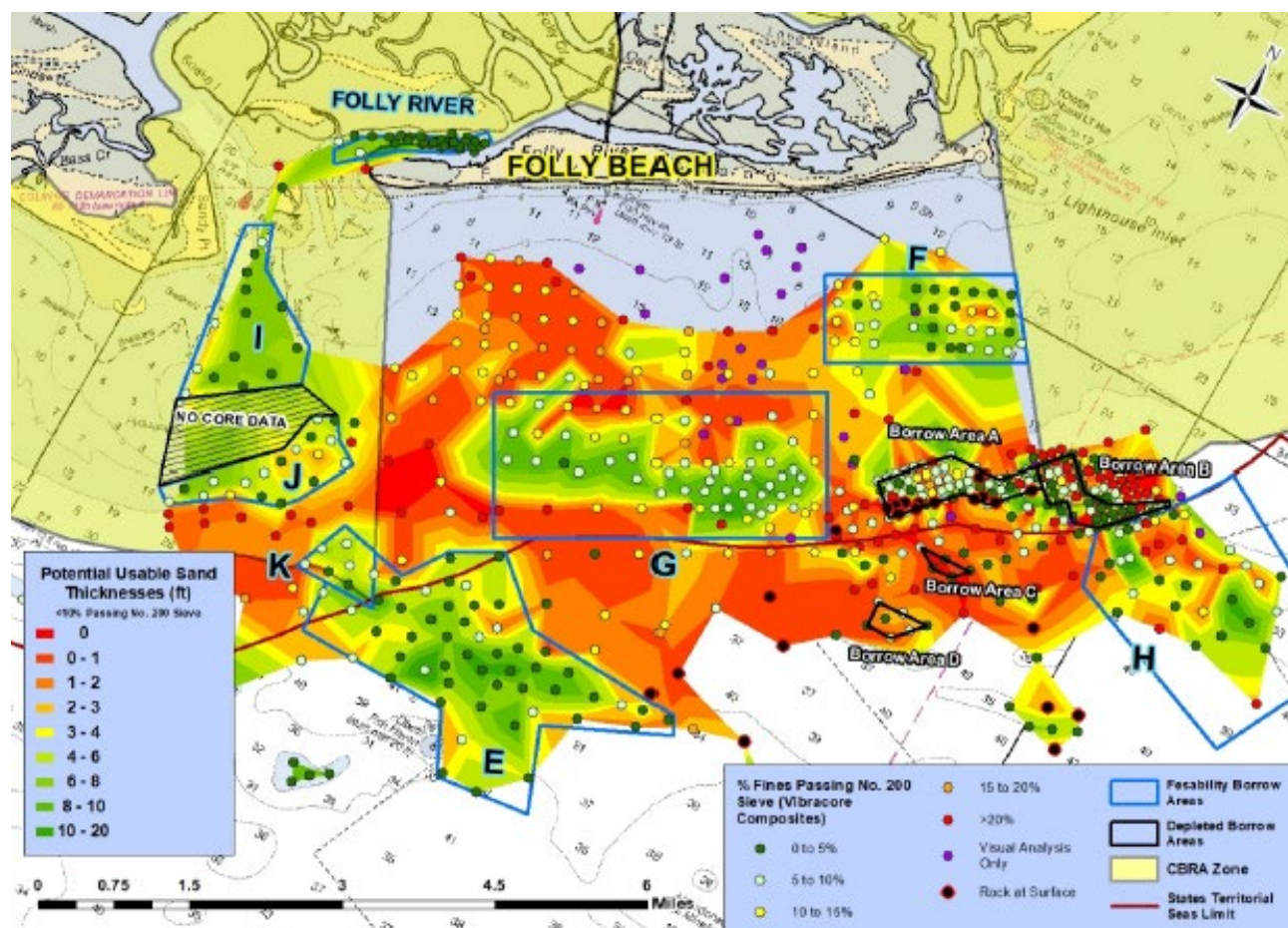


Figure 1.4-1. Project Borrow Area Map

1.5 Real Estate Requirements

The City of Folly Beach, South Carolina is the non-Federal Project Sponsor (NFS). The NFS has the responsibility to acquire all real estate interests required for the Project. The NFS shall accomplish all alterations and relocations of facilities, structures and improvements determined by the government to be necessary for construction of the Project. The sponsor will have operation and maintenance responsibility for the project after construction is completed.

All lands required for the construction of the Folly Beach Renourishment Project were acquired by the project sponsor, the City of Folly Beach, for the Folly Beach Shore Protection Project in October 1992. These easements form the construction line of the landward line of the project limits (Figure 1.3-3). There are currently two perpetual easements for staging areas. An Authorization for Entry for Construction and Attorneys Certificate of Authority will be required for the life of this project once approved. Should additional staging areas be required over lands not owned by the sponsor, the sponsor will be required to obtain a Temporary Work Area Easement over such lands.

There are 53 public access points (Figure 1.5-1) throughout the linear footprint of the project. All access points are located adjacent to existing public right of way. There are metered or pay parking lots located at each access point.

All fill material proposed for this renourishment project is to be placed within the footprint of the original 1992 project limits. No additional pipeline easements are necessary as the pipeline from the dredge will remain within sponsor owned lands, the easement areas or below mean high water. Sponsor owned parking areas and road ends that provide public access were used as staging areas during all previous projects and will be used again for this nourishment Project.

The sponsor will receive no further credits for real estate for the nourishment activity as no additional real estate requirements have been identified.

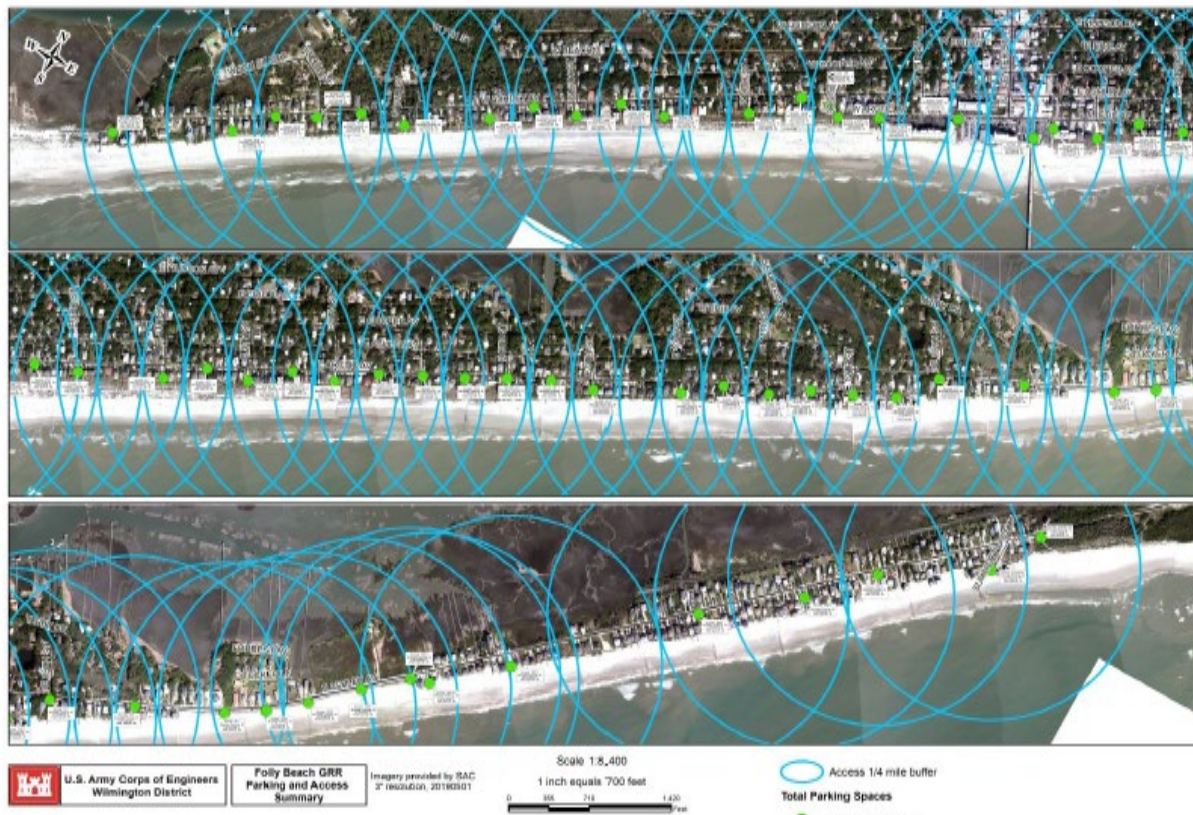


Figure 1.5-1. Public Access Points Map

1.6 Utility/Facility Relocation

There are no utility/facility relocations associated with this project.

1.7 Existing Projects

There is an existing Federal Project. A Corps Section 111 study established that 57% of the erosion/damage at Folly Beach resulted from the Federal navigation improvements at the Charleston Harbor jetties, therefore, it is classified as a navigation mitigation project. This resulted in cost sharing of 85% Federal and 15 % non-Federal instead of the usual 65% Federal and 35% non-Federal. The initial nourishment was completed in 1993 and the first periodic nourishment was completed in 2005. The second periodic nourishment commenced in January 2014 and was completed in June 2014 placing 1.4M CY of material at a cost of approximately \$31.7M. and this will fall within the limits of the existing project.

1.8 Environmental Impacts

The environmental impacts are addressed in the Environmental Evaluation section of the main report.

1.9 Project Sponsor Responsibilities and Capabilities

No new land acquisition is required for this project. Consequently, the usual requirements for the NFS pertaining to real estate acquisition are not applicable.

1.10 Government Owned Property

There is no federally owned land within the areas proposed for construction of the project. Use of CBRA/CBRS zone and coordination with USFWS is required for the Folly River and a small portion of borrow area K.

1.11 Historical Significance

Several remote sensing archaeological investigations have been conducted in the past to identify historic properties in the offshore borrow area. Previous surveys identified 21 anomalies that are suggestive of submerged cultural resources that will require diver investigation and evaluation for the National Register of Historic Places that are located in the proposed borrow area. A 300-foot buffer area around the borrow area for dredge anchoring will also require investigation to identify and evaluate historic properties.

1.12 Mineral Rights

There are no known mineral activities within the scope of the proposed project.

1.13 Hazardous, Toxic, and Radioactive Waste (HTRW)

There are no known HTRW contaminants in the project area.

1.14 Navigation Servitude

Navigation Servitude is not applicable to this project.

1.15 Zoning Ordinances

Zoning ordinances are not of issue with this project. Application or enactment of zoning ordinances is not to be used in lieu of acquisition.

1.16 Induced Flooding

There will be no flooding induced by the construction or the operation and maintenance of the project.

1.17 Public Law 91-646, Relocation Assistance Benefits

There are no relocations of individuals, businesses or farms for this project.

1.18 Attitude of Property Owners

The project is fully supported. There are no known objections to the project from landowners within the project area.

1.19 Acquisition Schedule

No real estate acquisition is required for this project.

1.20 Estates for Proposed Project

There are no new estates required for this project. Existing easements are perpetual for the life of the project.

1.21 Real Estate Estimate

The estimated real estate costs include the land cost for acquisition of land, relocation costs, and federal and non-federal administrative costs. Administrative costs are those costs incurred for verifying ownership of lands, certification of those lands required for project purposes, legal opinions, analysis or other requirements that may be necessary during PED Phase. A 25% contingency is applied to the estimated total for these items.

Table 1.21 Real Estate Estimate

a. Lands				
	Fee		\$	-
	Perp Easements		\$	-
	Temp Easements		\$	-
	Permit		\$	-
b. Improvements				
	Residential		\$	-
	Commercial		\$	-
c. Mineral Rights			\$	-
d. Damages			\$	-
e. P. L. 91-646			\$	-
f. Acquisition Cost - Admin			\$	3,500.00
	Federal	\$ 1,000.00		
	Non-Federal	\$2,500.00		
Sub-Total			\$	3,500.00
	25% contingencies		\$	875.00
TOTAL			\$	4,375.00

1.22 Chart of Accounts

The cost estimate for all Federal and non-Federal real estate activities necessary for implementation of the project after completion of the feasibility study for land acquisition, construction, LERRD, and other items are coded as delineated in the Cost Work Breakdown Structure (CWBS). This real estate cost estimate is then incorporated into the Total Current Working Estimate utilizing the Microcomputer Aided Cost Engineering System (MCACES).

Table 1.21-1 Real Estate Code of Accounts

01A	PROJECT PLANNING	FEDERAL	NON-FEDERAL	TOTALS
	Other			
	Project Cooperation Agreement	\$ -	\$ -	\$ -
01AX	Contingencies (25%)	\$ -	\$ -	\$ -
	Subtotal	\$ -	\$ -	\$ -
01B	LANDS AND DAMAGES			
01B40	Acq/Review of PS	\$1,000.00	\$ -	\$1,000.00
01B20	Acquisition by PS	\$ -	\$2,500.00	\$2,500.00
01BX	Contingencies (25%)	\$ 250.00	\$ 625.00	\$ 875.00
	Subtotal	\$1,250.00	\$3,125.00	\$4,375.00
01H	AUDIT			
01H10	Real Estate Audit	\$ -		\$ -
01HX	Contingencies (15%)	\$ -		\$ -
	Subtotal	\$ -		\$ -
01R	REAL ESTATE LAND PAYMENTS			
01R1B	Land Payments by PS	\$ -	\$ -	\$ -
01R2B	PL91-646 Relocation Pymt by PS	\$ -	\$ -	\$ -
01R2D	Review of PS	\$ -	\$ -	\$ -
01RX	Contingencies (25%)	\$ -	\$ -	\$ -
	Subtotal	\$ -	\$ -	\$ -
	TOTALS	\$1,250.00	\$3,125.00	\$4,375.00

Exhibits

Exhibit A – Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability

**Assessment of Non-Federal Sponsor's
Real Estate Acquisition Capability
Folly Beach, South Carolina
2020 Renourishment**

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **YES**
- b. Does the sponsor have the power to eminent domain for this project? **YES**
- c. Does the sponsor have "quick-take" authority for this project? **YES**
- d. Are any of the land/interests in the land required for this 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? **YES**

II. 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**
- b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training? (yes/no)
- 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 work load, 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**

III. 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? **NO – Project Milestone will be developed during PED; will be joint effort between RE, PM and NFS**

**Exhibit B
1st page**

IV. Overall Assessment:

- a. Has the sponsor performed satisfactory on other USACE projects?

YES

- b. With regard to the project, the sponsor is anticipated to be: **Highly capable**

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? **YES**

- b. Does the sponsor concur with this assessment? **YES**

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Exhibit B
2nd page

This Real Estate Appendix has been prepared in accordance with policy and guidance set forth in ER 405-1-12, Chapter 12, Real Estate Planning and Acquisition Responsibilities for Civil Works Projects.

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