

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

Note: This document is for planning purposes only.

Project	Non-Federal Sponsor and Point of Contact(s)
Little Blue River Flood Risk Mitigation Study	City of Lee's Summit, MO POC: George Binger, City Engineer

I. Legal Authority.

a. Does the non-Federal Sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes No

Non-Federal Sponsor is authorized to acquire and own land by authority of

The City of Lee's Summit has the authority by virtue of Sections 88.010 to 88.070, 88.073, and 82.240 of the Revised Statutes of the State of Missouri, and by virtue of the Charter of the City of Lee's Summit, Missouri, to acquire private property by condemnation proceedings for any public or municipal use.

b. Does the non-Federal Sponsor have the power of eminent domain for project purposes?

Yes No

The exercise of eminent domain is authorized by the City of Lee's Summit has the authority by virtue of Sections 88.010 to 88.070, 88.073, and 82.240 of the Revised Statutes of the State of Missouri, and by virtue of the Charter of the City of Lee's Summit, Missouri, to acquire private property by condemnation proceedings for any public or municipal use

c. Does the non-Federal Sponsor have quick take authority for project purposes?

Yes No

The exercise of quick take is authorized by Section 88.063 of the Revised Statutes of the State of Missouri. That statute states the City has the right to take possession of the property for the project after payment of damages into the Court. Any subsequent proceedings shall affect only the amount of compensation to be allowed for the property taken or damaged and shall not in any way interfere with the project.

d. Are any of the lands/interests in land required for the project located outside of the non-Federal sponsor's policy boundary?

Yes _____ No X

e. Are any of the proposed required project lands or interests in land owned by an entity whose property the non-Federal Sponsor cannot condemn?

Yes _____ No X

II. Human Resource Requirements

a. Does the non-Federal Sponsor have sufficient capability with in-house staffing, or contract capability, to provide the necessary services such as surveys, appraisals, title, negotiations, condemnations, closings, and relocation assistance?

Yes X No _____

The City has on-call contracts in place for surveying, appraisals, and title research. The City has qualified staff to negotiate, condemn, close real estate transactions, record documents, and provide relocation assistance

b. Will the non-Federal Sponsor in-house staff require training to become familiar with the real estate requirements of Federal projects, including compliance with the Uniform Act?

Yes X No _____

City Staff is familiar with processes related to Federal Highway Administration and state statutes regarding land acquisition and relocation assistance.

c. Does the non-Federal Sponsor have sufficient real estate acquisition experience to meet its responsibilities?

Yes X No

The City acquires land regularly as part of capital improvement projects. The City had nine projects with federal funding through the Federal Highway Administration in the past year. The City also works with the Federal Aviation Administration to manage real estate to acquire new, grant easements, grant ground leases, etc. for the City's airport.

d. Is the non-Federal Sponsor located within a reasonable proximity to the project site?

Yes X No

e. Is it anticipated for the non-Federal Sponsor to request USACE assistance in requesting assistance?

Yes X No

The City assumes USACE support and assistance will be required to answer technical questions, provide exhibits or information for public outreach, work through USACE policies and procedures. The City is prepared to enter in the MOAs with USACE when necessary to proceed with the project.

III. Other Project Variables

a. Is the non-Federal Sponsor located within a reasonable proximity to the project site?

Yes X No

a. Has the non-Federal sponsor performed satisfactorily on other USACE projects?

Yes X No Not Applicable

Note: If YES, identify the project and year.

The City of Lee's Summit worked with USACE, on a local project, to acquire temporary construction easements along Mouse Creek on USACE property around Longview Lake. The City has also obtained USACE nationwide permits for roadway and utility projects. The City also worked acquired right of entry for USACE to conduct site visits along Mouse Creek. City Staff accompanied USACE on the site visits.

b. Has the non-Federal Sponsor reviewed and approved the proposed real estate acquisition milestone schedule, found it to be realistic and attainable, and indicated their willingness and ability to provide the required lands or interests in lands?

Yes X No

c. Has the non-Federal sponsor indicated its understanding, capability, and willingness,

to the maximum extent probable, to provide the Government with documents sufficient to determine the amount of credits to be provided for real property interests no later than 3 months after it provides the Government with an authorization for entry onto a real property interest or pays compensation to the owner, whichever occurs later?

Yes X _____ No _____

IV. Capability

With regard to this project, the non-Federal Sponsor is anticipated to be:

Fully capable..

- a. Fully Capable: Previous experience. Authority to hold title. Can perform with in- house staff, and has on-call engineer, surveying, and appraisal consultants to assist in providing .the necessary services (survey, appraisal, title, negotiation, closing, relocation assistance, condemnation & “quick-take” authority) required to provide LERRD.

V. Coordination

It is my opinion that the risks associated with LERRD acquisition and fiscal closeout have been properly identified, discussed with the non-Federal sponsor and mitigation procedures are in place.

District Chief of Real Estate:

Signature: _____ Date: _____

Printed Name: _____

Non-Federal Sponsor Representative:

Signature: _____ Date: _____

Printed Name: _____ Title: _____