

## **Appendix F – Real Estate**



DOVER DAM SAFETY ASSURANCE

SUPPLEMENTAL REAL ESTATE DESIGN MEMORANDUM  
TO  
REAL ESTATE PLANNING REPORT  
DOVER RESERVOIR PROJECT  
DOVER, OHIO

LANDS REQUIRED FOR DAM MODIFICATIONS

DEPARTMENT OF THE ARMY  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
502 EIGHTH STREET  
HUNTINGTON, WEST VIRGINIA 25701-2070

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**EXHIBITS**

- Exhibit 1 – Contractor’s Work Limits (CWL) Map  
Exhibit 2 – General Location Map/Access Road Sites

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**1. PROJECT DESCRIPTION**

The dam safety assurance project for Dover Dam consists of adding parapet walls to the non-overflow sections of the dam on the left descending and right descending abutments and connecting these parapet walls to I-walls on both abutments. Additionally, a gate closure over Route 800 will be constructed as a continuation of the I-wall on the right abutment. These I-walls then tie into high ground. In addition, on the left abutment, fill will be added in order to accommodate future access to recreational trails near the dam. The project also includes adding 18 anchors total, or 2 anchors per monolith, to the spillway section of the dam and approximately 130 anchors to the stilling basin. In addition, the project includes extending the parking area and relocating overhead utilities to underground. This Supplemental Real Estate Design Memorandum (REDM) covers the lands necessary to facilitate the construction of the proposed modifications to Dover Dam.

The proposed parapet wall on the left descending abutment of the dam will be approximately 240 feet in length. This parapet wall will then connect with a 140 foot I-wall which will tie into high ground. The other proposed parapet wall on the right abutment of the dam will be approximately 130 feet in length. This parapet wall will then connect with a 170 foot I-wall and a 25 foot gate closure over Route 800. This gate closure will only be closed during high flooding events. The proposed Contractors Work Limits (CWL) includes existing Government owned land and privately owned land. (see Exhibit 1).

Acquisition of privately-owned land is needed for the construction of the parapet wall and I-wall on the left abutment and access roads in order to allow for construction.

This report is tentative in nature and for planning purposes only. Both the final real property acquisition and the costs are subject to change, even after this report is approved. It is not anticipated that any significant changes will occur.

## **2. PROJECT AUTHORIZATION**

- a. Dover Dam was authorized as one in a system of fourteen original Muskingum River Basin projects and was constructed in cooperation with the Muskingum Watershed Conservancy District (MWCD). MWCD, a public corporation, was created on 3 July 1933 for the purpose of developing a plan for flood control, water conservation, and water use in the Muskingum River Basin. A general plan was prepared, and application for approval of the project and a request for financial cooperation were filed with the Federal Emergency Administration of Public Works in August 1933. The Public Works Administration approved the project in December 1933 and allocated funds to the Corps of Engineers in financing the construction of the project. The Corps of Engineers initiated a contract between itself and MWCD on 29 March 1934. The official plan was prepared by the Corps of Engineers and approved by MWCD on 19 November 1934.
- b. Dover Dam itself was completed in November of 1937. The Federal Government, through the Corps of Engineers, was responsible for the projects construction and relocation of public utilities. The Muskingum Watershed Conservancy District (MWCD) of Ohio cost shared the project and procured lands, easements, and right-of-way needed for the project and was subsequently reimbursed for these expenditures by the Federal Government. Fee title to the lands required specifically for construction of the dam was conveyed by MWCD to the Government. The Government obtained flowage easements over the remaining reservoir lands from MWCD or directly from property owners.
- c. Operation and maintenance of the project has been the responsibility of the Corps of Engineers since enactment of the Flood Control Act of 1939 which contains a provision that the fourteen projects be included in the Comprehensive Flood Control Plan for the Ohio River Basin. The project is operated in cooperation with MWCD to provide flood control, recreation, and fish and wildlife enhancement.
- d. The project is eligible for the Dam Safety Assurance Program in accordance with the policy guidance presented in ER 1110-2-1155, Page 2, Paragraph 6.a. DSA authority stems from Section 1203 of the Water Resources Development Act of 1986 (P.L. 99-662, 100 Stat. 4126).
- e. The Government has the responsibility to furnish LERRD pursuant to Sections 2 and 4 of the Flood Control act of 1938, Stat. 1215.

## **3. GENERAL DESCRIPTION OF AREA**

Dover Dam is located in Tuscarawas County on the Tuscarawas River approximately 3.5 miles north of Dover, Ohio. A vicinity map showing the general location of the dam and access roads is included in this report as Exhibit 2.

Dover Reservoir is a dry dam that provides flood control.

#### **4. GOVERNMENT/SPONSOR OWNED LAND**

There are no non-federal sponsor issues related to this project since operation and maintenance of the project is fully the responsibility of the Federal Government through the Corps of Engineers.

Use of approximately 26.84 acres of Government owned land is needed to facilitate construction of the project. Staging Areas, downstream of the dam near the right and left abutments, will be needed to facilitate the construction and are included in this total. The extension of the parking lot to accommodate the landing for a helicopter is also included in Government owned land. Additional lands required for the access roads and dam modifications are covered in the Acquisition Criteria section of this report. No spoil sites are needed for this project. If borrow is needed, it will be obtained from a commercial source.

#### **5. FACILITIES TO BE RELOCATED**

A Preliminary Attorney's Report indicated that American Electric Power (AEP) holds compensable interest in their electric power lines and appurtenances current located within the proposed Contractor's Work Limits (CWL). Approximately 250 feet of 4-wire, 3-phase power lines and appurtenances shall require relocation to accommodate the project. In addition, approximately 150 feet of 3-wire, single phase aerial lines and 100 feet of 4-wire, 3-phase aerial lines shall be relocated underground. It is anticipated that the Government will enter into a relocations contract with AEP for the relocation and/or alteration of any affected power company facilities.

A Preliminary Attorney's Report indicated Verizon holds a compensable interest in their aerial telephone lines currently locate within the proposed CWL. Approximately 400 feet each of 100-pair, 50-pair, and fiber aerial telephone cables shall be relocated underground to accommodate the project. It is anticipated that the Government will enter into a relocations contract with Verizon for relocation and/or alteration of any affected telephone company facilities.

A Preliminary Attorney's Report indicates the Ohio Department of Transportation (ODOT) holds a compensable interest in that portion of State Route 800 located within the proposed CWL. The proposed plan calls for the construction of a gate closure across State Route 800 which will be coordinated with ODOT. It is anticipated that the Government will enter into a relocations contract with ODOT to address the necessary modifications and temporary alterations to the highway affected by the project.

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.

**6. RELOCATION OF TOWNS AND CEMETERIES**

There are no known cemeteries affected by this project. The proposed acquisition herein does not constitute the relocation of a town.

**7. ACQUISITION CRITERIA**

Approximately 1.48 acres of privately-owned property is proposed to be acquired in fee simple. Of this total, one tract totaling 0.7 acre, on the right abutment side of the dam, will be acquired from an unknown private property owner. Another tract totaling 0.78 acre, on the left abutment of the dam, will be acquired from an unknown private property owner. Fee simple is proposed to support construction of the modifications to the dam. Mineral values are considered insignificant and are included in the surface value.

Approximately 10.72 acres of privately-owned lands will be acquired in standard perpetual access road easement. Of this, approximately 9 acres of this access road, downstream of the dam, will be acquired from an unknown private property owner. This road is actually an abandoned railroad bed that will be modified in order to allow access to the dam site. Township Highway 317, a paved public road, will also be used and connects with the aforementioned railroad bed. The other 1.72 acres of the access road needed is located upstream of the dam and is owned by an unknown private property owner. Access to the left descending bank of the dam is inadequate. Therefore, perpetual access road easements will be needed in order to allow for the operation and maintenance of the dam. (see Exhibits 1 and 2).

Estate	Owner	Tracts	Acres
Standard Perpetual Access Road Easement	Unknown Private Owner	1	9
Standard Perpetual Access Road Easement	Unknown Private Owner	1	1.72
Standard Perpetual Access Road Easement	Government	1	1.44
Fee Simple	Unknown Private Owner	1	0.7
Fee Simple	Unknown Private Owner	1	0.78

The issue of navigational servitude is not applicable to this project.

**8. P.L. 91-646 RELOCATION**

There are no occupied structures in the proposed study area. Therefore, no relocations are necessary under P.L. 91-646.

## **9. HAZARDOUS, TOXIC, OR RADIOACTIVE WASTE (HTRW)**

In accordance with U.S. Army Corps of Engineers environmental policy, a Phase I HTRW investigation around the dam site and on the access roads was conducted. The investigation did identify some concerns for the existence of contamination within these sites. A Phase II HTRW investigation will be conducted prior to initiation of land acquisition. Under no circumstances will property be acquired prior to clearance of any CERCLA concerns (see Appendix G of the Dover Evaluation Report).

## **10. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)**

The U.S. Army Corps of Engineers has prepared an Environmental Impact Statement (EIS) to disclose potential impacts to the natural, physical, and human environment resulting from modifications to Dover Dam. The Draft EIS will be released for public and agency review on or about January 10, 2007. NEPA compliance will be achieved upon signature of the Record of Decision (ROD) by the Division Commander.

During the scoping process, it was determined that the public had a positive attitude, overall, concerning the project. Some negative written comments were received; however these comments were in the minority. All written comments received are included in Appendix H of the evaluation report.

## **11. PHYSICAL TAKINGS ANALYSIS**

Based on information supplied by Office of Counsel, induced flooding is not an issue due to the frequency of the maximum flood event caused by the proposed modifications to the dam. Therefore, no Physical Takings Analysis is necessary.

## **12. NHPA COMPLIANCE**

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), impact to cultural resources was considered during the feasibility phase. Detailed surveys and testing will be conducted during the Detailed Design Phase per our ongoing coordination with the State Historic Preservation Office (SHPO). Consistent with ER 1105-2-100 Appendix C-4 entitled "Cultural Resources", the Corps intends to enter into a programmatic agreement with the SHPO which specifies the process by which required surveys, testing, evaluation, effect determination, mitigation planning, and coordination shall be achieved. The District will follow this agreement prior to implementation of a selected alternative in order to satisfy Section 106 of the NHPA for all project activities.

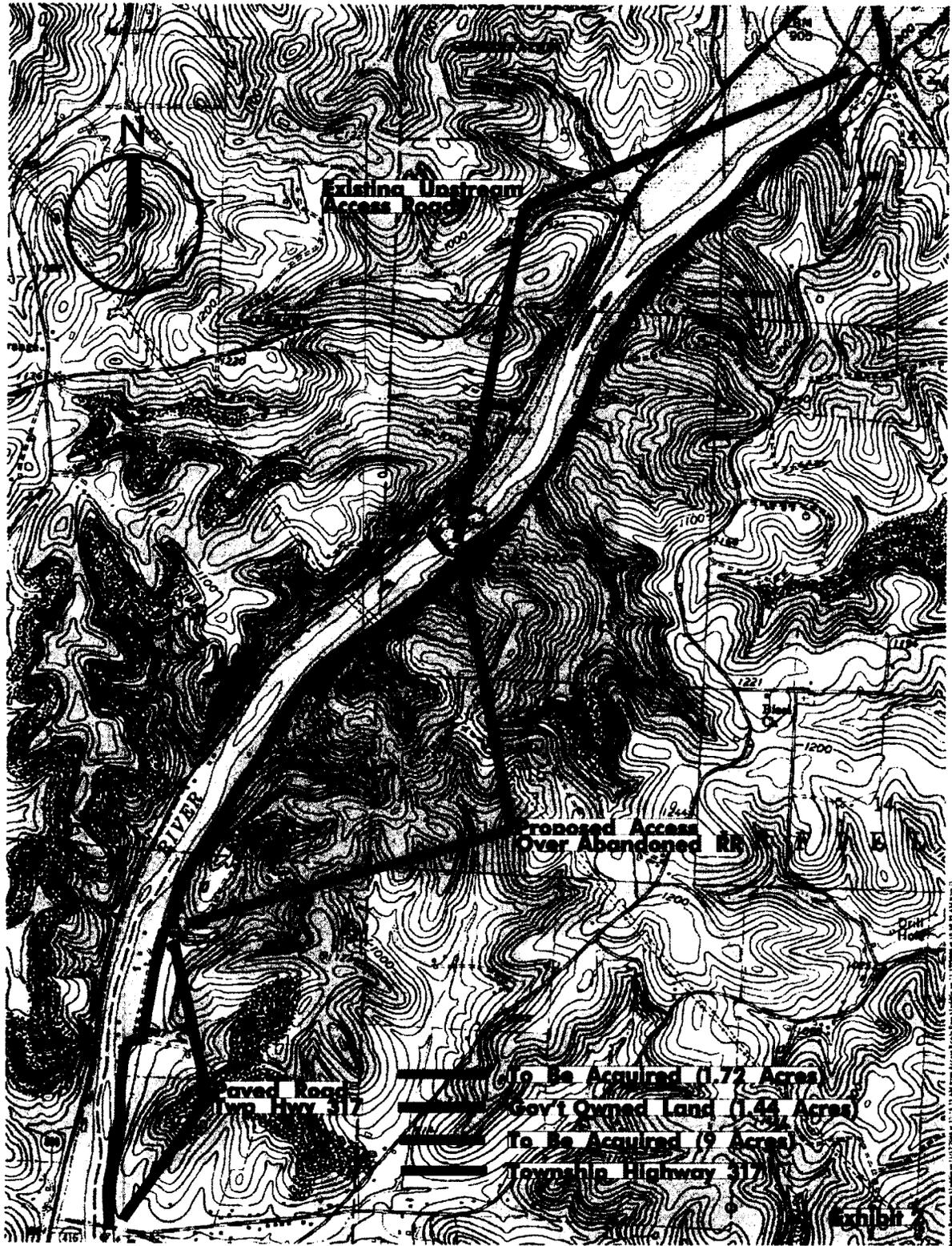
### 13. ACQUISITION ESTIMATE AND SCHEDULE

It is requested that this REP be approved for land and interests contained herein. Acquisition of project lands will commence upon approval of the Dover Dam Evaluation Report and completion of NEPA and HTRW requirements. It is anticipated that the acquisitions will take approximately 24 months spread over three fiscal years (FY07, FY 08, and FY09). The total estimated cost to acquire the necessary interests in real estate is \$155,000. This includes administrative costs and contingencies. See the following Real Estate Acquisition Schedule/Cost Summary estimate.

#### Acquisition Schedule/Cost Summary

TASK	FY 2007	FY 2008 4 tracts	FY 2009	TOTAL 4 tracts
A - PROJECT PLANNING	\$5,000.00	\$2,000.00	\$2,000.00	\$9,000.00
B - ACQUISITION/MAPPING	\$6,250.00	\$17,000.00	\$10,000.00	\$33,250.00
C - CONDEMNATION	\$0.00	\$3,000.00	\$3,000.00	\$6,000.00
E - APPRAISAL	\$0.00	\$8,000.00	\$0.00	\$8,000.00
F - RELOCATIONS ASSIST.	\$0.00	\$0.00	\$0.00	\$0.00
G TEMPORARY PERMITS/ROE	\$0.00	\$0.00	\$0.00	\$0.00
H - AUDITS	\$0.00	\$0.00	\$0.00	\$0.00
J - ENCROACHMENTS	\$0.00	\$0.00	\$0.00	\$0.00
K - DISPOSAL	\$0.00	\$0.00	\$0.00	\$0.00
ADMIN. CONTINGENCIES	\$3,750	\$10,000.00	\$5,000.00	\$18,750.00
<b>ADMIN. TOTALS</b>	<b>\$15,000.00</b>	<b>\$40,000.00</b>	<b>\$20,000.00</b>	<b>\$75,000.00</b>
R3 - Land Payments	\$0.00	\$64,000.00	\$0	\$64,000.00
R2 - 91-646 PAYMENTS	\$0.00	\$0.00	\$0.00	\$0.00
R9 - Contingencies	\$0.00	\$16,000.00	\$0.00	\$16,000.00
<b>R - TOTALS</b>	<b>\$0.00</b>	<b>\$80,000.00</b>	<b>\$0.00</b>	<b>\$80,000.00</b>
<b>GRAND TOTALS</b>	<b>\$15,000.00</b>	<b>\$120,000.00</b>	<b>\$20,000.00</b>	<b>\$155,000.00</b>





Drawing Not To Scale

