



**US Army Corps  
of Engineers**®  
Chicago District

**BUBBLY CREEK, SOUTH BRANCH  
OF THE CHICAGO RIVER, ILLINOIS  
FEASIBILITY STUDY**

**APPENDIX G  
REAL ESTATE**

*DRAFT - NOT FOR DISTRIBUTION*



**APRIL 2015**



**BUBBLY CREEK, SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS  
ECOSYSTEM RESTORATION FEASIBILITY STUDY**

**APPENDIX G – REAL ESTATE**

April 2015

**List of Attachments and Exhibits**

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**ATTACHMENT 1:**

**Real Estate Planning Report**

**BUBBLY CREEK  
SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS FEASIBILITY STUDY  
ECOSYSTEM RESTORATION PROJECT**

**REAL ESTATE PLANNING REPORT  
UPDATED 10 SEPTEMBER 2014**

**APPENDIX G**

**Real Estate Division  
Chicago District  
U. S. Army Corps of Engineers**

**Authority:** This study is being conducted in accordance with the study resolution adopted by the Committee on Environment and Public Works, United States Senate, July 20, 2005, which reads:

“Resolved by the Committee on Environment and Public Works of the United States Senate that, the Secretary of the Army is requested to review the report of the Chief of Engineers on the Illinois River, Illinois submitted in Senate Document Numbered 126, Seventy-first Congress, second session, and other pertinent reports, to determine whether any modifications to the South Fork of the South Branch of the Chicago River (commonly known as Bubbly Creek) for ecosystem restoration is advisable at this time.”

## **1. PURPOSE**

This Real Estate Plan is prepared in support of the feasibility study of the Bubbly Creek ecosystem restoration study. The Real Estate Plan identifies and describes the area proposed for construction, operation and maintenance of the Project, in addition to the real estate requirements and procedures for implementation of a recommended Plan. LRD approved the Project Management Plan on May 23, 2003.

## **2. PROJECT DESCRIPTION**

The South Fork of the South Branch (SFSB) of the Chicago River, known as Bubbly Creek, is a 6,600 foot long channel that begins near Racine Avenue and 38<sup>th</sup> Street, along the north side of the Racine Avenue Pump Station (RAPS) and flows north to the South Branch of the Chicago River.

Once a thriving wetland system that provided natural aquatic and terrestrial habitats for fish, birds, and mammal species, the SFSB has endured major physical alterations including deepening and widening of the channel, creation of sheet pile banks, complete filling of wetlands, severe hydrologic alterations and the introduction of polluted sediments and runoff. The Project will address the severe hydrologic alterations, contaminated sediments, poor water quality and other impacts upon the ecosystem that are prevalent in the Project watershed by improving waterflow and sediment conditions, habitat restoration and by providing a more diverse aquatic and related habitat structure. This will be accomplished through the placement of substrate within the turning basin and channel via small barge followed by an 8 inch layer of rounded river rock. Cobbles and boulders will then be placed around structures or non-conformities to provide additional protection against high flow velocities. Riparian, emergent and submergent native plant communities will be established over the remainder of the construction area and nonnative and invasive vegetation will be removed by hand cutting and herbiciding. Woody debris piles consisting of trees greater than 4 inches in diameter will be placed along designated areas within the channel to provide aquatic habitat and protect emergent plantings from high flow velocities. Woody debris will be acquired from the riparian zone where invasive and nonnative species will be removed.

## **3. LER REQUIRED FOR CONSTRUCTION, OPERATION AND MAINTENANCE**

The following table references the owner, acreage, and recommended estate for each parcel of land. A total of 33.37 acres of Fee Simple, 6.53 acres of Ecosystem Easement and 1.20 acres of Permanent Access Easement are required.

Map ID	Owner	Acres	Notes
	City of Chicago (Bottomlands)	27.23	Fee
1729104001	City of Chicago (Bottomlands)	3.53	Fee
1729300003	City of Chicago (Bottomlands)	0.84	Fee
1729301002	City of Chicago (Bottomlands)	0.24	Fee
1729301004	City of Chicago (Bottomlands)	0.24	Fee
1729301006	City of Chicago (Bottomlands)	0.10	Fee
1729303001	Riversend Real Estate	0.38	Ecosystem Restoration Easement
1729309035	Riversend Real Estate	0.14	Ecosystem Restoration Easement
1729309036	SY Xie & M Xu	0.30	Ecosystem Restoration Easement
1729500003	No information	0.03	Ecosystem Restoration Easement
1729309002	No information	0.03	Ecosystem Restoration Easement
1729318001	First Washington Management	1.19	Fee
1732100012	First Washington Management	0.76	Ecosystem Restoration Easement
1732100003	First Washington Management	0.13	Ecosystem Restoration Easement
1732100007	Mark IV Realty Iron	0.14	Ecosystem Restoration Easement
1732100008	Mark IV Realty Iron	0.08	Ecosystem Restoration Easement
1732115001	Mark IV Realty Iron	0.003	Ecosystem Restoration Easement
1732115005	Mark IV Realty Iron	0.003	Ecosystem Restoration Easement
1732112025	Acme Refining Company	0.30	Permanent Access Easement
1732500011	Mark IV Realty Iron	0.01	Permanent Access Easement
1732115006	Mark IV Realty Iron	0.11	Permanent Access Easement
1732115006	Mark IV Realty Iron	0.22	Ecosystem Restoration Easement
1732115003	Mark IV Realty Iron	0.006	Ecosystem Restoration Easement
1732115004	Crystal IL 98 LLC	0.24	Ecosystem Restoration Easement
1729319001	Peoples Gas	0.013	Ecosystem Restoration Easement

1729319001	Peoples Gas	0.11	Permanent Access Easement
1732102001	James L Mazzochi	0.09	Ecosystem Restoration Easement
1732102005	Prairie Material Sales	0.09	Ecosystem Restoration Easement
1732102006	Taxpayer of	0.014	Ecosystem Restoration Easement
1732102003	VCNA Prairie IL Bldg	0.37	Ecosystem Restoration Easement
1732108001	VCNA Prairie IL Bldg	0.03	Ecosystem Restoration Easement
1732119043	City of Chicago	0.89	Ecosystem Restoration Easement
1732119010	Yev and Natalie Gray	0.01	Ecosystem Restoration Easement
1732119009	Robert J. Strimetz	0.02	Ecosystem Restoration Easement
1732119008	JS Two L.L.C.	0.02	Ecosystem Restoration Easement
1732116007	Prairie Mgmt & Dev	0.18	Ecosystem Restoration Easement
1732116008	Prairie Mgmt & Dev	0.16	Ecosystem Restoration Easement
1732300095	Greenhouse LLC	0.12	Ecosystem Restoration Easement
1732300095	Greebhouse LLC	0.10	Permanent Access Easement
1732300096	James Damion	0.01	Ecosystem Restoration Easement
1732300097	Princess Properties	0.11	Ecosystem Restoration Easement
1732300149	Princess Properties	0.14	Ecosystem Restoration Easement
1732300150	George E Quill	0.009	Ecosystem Restoration Easement
1732300106	Wesley A Bromberek	0.17	Ecosystem Restoration Easement
1732300106	Wesley A Bromberek	0.11	Permanent Access Easement
1732300114	No Information	0.04	Ecosystem Restoration Easement
17323000115	MWRD	0.030	Ecosystem Restoration Easement
17323000115	MWRD	0.23	Permanent Access Easement
1732300175	Loc 17 Heat/Frost INSU	0.013	Ecosystem Restoration Easement
1732300174	Acme Refining Company	0.24	Ecosystem Restoration Easement
1732300168	E O Korey & N N Korey	0.51	Ecosystem Restoration Easement

1732300126	Midland Metal Products	0.03	Ecosystem Restoration Easement
1732300125	Midland Metal Products	0.11	Ecosystem Restoration Easement
1732300124	Midland Metal Products	0.06	Ecosystem Restoration Easement
1732300137	Midland Metal Products	0.03	Ecosystem Restoration Easement
1732300136	Midland Metal Products	0.04	Ecosystem Restoration Easement
1732300136	Midland Metal Products	0.09	Permanent Access Easement
1732300135	Thunderbird Catering	0.18	Ecosystem Restoration Easement
1732300107	Thunderbird Catering	0.33	Ecosystem Restoration Easement
1732300107	Thunderbird Catering	0.09	Permanent Access Easement

The City of Chicago is the Non-Federal Sponsor for this project. The LERRD required for the construction, operation and maintenance of the project is as follows:

**FEE EXCLUDING MINERALS (With Restriction on Use of the Surface) – 33.37 Acres**

The fee simple title to the land, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding all (coal) (oil and gas), in and under said land and all appurtenant rights for the exploration, development, production and removal of said (coal) (oil and gas), but without the right to enter upon or over the surface of said land for the for the purpose of exploration, development, production and removal therefrom of said (coal) (oil and gas).

**ROAD EASEMENT: 1.20 Acres**

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts 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); 5/ subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Construction will be accomplished mainly from the creek via public boat launch. There are several areas where the creek is too shallow to access from the water; for these areas, permanent access easements will be obtained. No borrow sites are required for this project. Mitigation will not be necessary.

### **3. NON-FEDERAL SPONSOR LANDS**

At this time the project assumes the Non-Federal Sponsor owns in fee all bottom land areas that will be utilized for this project. Discussions with the City of Chicago are ongoing regarding the title to the bottom land. A final determination of ownership of the bottomland will be made after an investigation of title searches underway by the City of Chicago. Total acreage of Non-Federal Sponsor property needed for this project is 33.37 acres.

### **4. NON-STANDARD ESTATES**

A non-standard Ecosystem Restoration Easement is recommended for the riparian restoration areas on the steep slope of Bubbly Creek due to the difficulty of acquiring fee simple ownership on portions of streambank currently in private ownership and the project requiring only narrow rights to for plant restoration.

#### **ECOSYSTEM RESTORATION EASEMENT – 6.53 Acres**

A perpetual, assignable, right, power, privilege and easement, beginning with the date of this instrument, to enter upon, construct, monitor, operate, maintain and carry out aquatic and terrestrial ecosystem restoration and protection works and appurtenances thereto for the improvement of the environment in, on, over and across the lands described in Exhibit A, in connection with the (Project Name) Ecosystem Restoration Project, as authorized by the Act of Congress under \_\_\_\_, together with the rights to control erosion and sedimentation; conduct dredging; stabilize shoreline; develop green space and wetlands; control or remove invasive species; plant native species; prohibit human habitation; clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions there from; perform controlled burning and/or mowing of vegetation on the lands; subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their successors and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; provided that construction or other activities that may cause damage to the project lands or project features shall not be conducted without prior approval of the (NFS); provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

### **5. EXISTING FEDERAL PROJECTS**

While the project is within the Federal navigation channel and in part, the Bubbly Creek Turning Basin, any Federal dredging or improvement projects that occurred in the project footprint were accomplished under Navigational Servitude which is not applicable to this Project. The NFS cannot use our rights of Navigational Servitude to operate and maintain this project and has not received any previous LERRD credit for Project real estate.

### **6. FEDERAL LAND**

There are no existing Federal Lands in the project area.

### **7. NAVIGATION SERVITUDE**

While the South Branch of the Chicago River is a navigable waterway within the United States, it is owned by the City of Chicago and navigational servitude will not be invoked.

## 8. PROJECT MAP

See Exhibit A

## 9. INDUCED FLOODING

Based on current modeling, there is no increase in ground water levels and the only increase in surface water levels occurs within the existing flood control project. Because the property being impacted is the creek where the project is being proposed, induced flooding does not occur. Therefore, no additional LER acquisition is anticipated.

**10. BASELINE COST ESTIMATE:** An estimate has been made of the market value of the lands required for the Project. Areas outside of the ownership of the City of Chicago will require administrative expenses including survey, title work, appraisals, negotiations, and legal fees. The estimated cost for this project is as follows:

### Non-Federal

Lands and Damages	\$65,000
Administrative Costs	\$70,000
Incremental Costs (15%)	\$19,000

**Total Non-Federal** **\$154,000(Rounded)**

### Federal

Administrative Costs	\$25,000
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**Total Federal** **\$25,000**

**TOTAL REAL ESTATE COSTS** **\$179,000**

The value of the lands, relocations, and disposal areas required for the Project was determined by a gross appraisal performed by the Detroit District (Petrucci), U.S. Army Corps of Engineers, on or about 15 September 2013. The gross appraisal was reviewed and approved by the Louisville District appraiser (Williams) on or about 18 November 2013.

## 11. RELOCATION ASSISTANCE

The project will not require Relocation Assistance Benefits (Public Law 91-646).

## 12. MINERALS

No extractable minerals or standing timber or vegetation are on the Project lands.

## 13. CAPABILITY ASSESSMENT

The City of Chicago is fully capable of performing the duties required. See Exhibit C

## **14. ZONING**

The enactment of zoning ordinances will not be required for this project.

**15. ACQUISITION SCHEDULE WITH MILESTONES:** The major project milestones are as follows:

Request HQ Non-Standard Estate Approval	November 2014
Approval of Non-Standard Estate by HQ	December 2014
Commence RE Acquisition	September 2015
Real Estate Available	September 2017
Award Const. Contract	September 2017
Begin Construction	+4 months
Complete Construction	2025

No detailed project schedule or milestones are available at this time. The Non-Federal Sponsor understands they must acquire all real estate required for the project and provide all necessary Right of Entry for construction prior to the beginning of construction.

## **16. FACILITY OR UTILITY RELOCATIONS**

Plans and Specifications do not identify any utilities/facilities that will need to be relocated.

## **17. ENVIRONMENTAL**

A U.S. Army Corps of Engineers Environmental Baseline Study/Phase I HTRW investigation was conducted through a review of existing project information and database review. The most significant source of HTRW is the substrate sediment of the streambed due to years of unregulated industrial activity. Sediments are not considered hazardous waste based on reactivity but sulfide levels will need to be considered along with other sediment data when making decisions concerning material handling and disposal. If any HTRW is encountered during project executions, the sponsor shall be responsible for development and implementation of any required response action at 100% non-Federal expense. See Exhibit B

## **18. PROJECT SUPPORT**

The City of Chicago is a willing sponsor and fully supports the Project. There is no public opposition anticipated.

## **19. RISK NOTIFICATION**

A risk notification letter has not been sent out.

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

There are no cemeteries within the project area. There are no special aquatic sites, including wetlands, impacted by the project.

The Detroit District Real Estate Division will coordinate, monitor and assist with all real estate activities undertaken by the Non-Federal Sponsor. If any acquisition activities are required by the Non-Federal Sponsor, the Real Estate Division will assure that the acquisition process is conducted in compliance with Federal and State Laws, specifically, the requirements under the Federal Uniform Relocation and Acquisition Act (P.L. 91-646). The Real Estate Division will also attend district team meetings, review and provide input into draft and final reports prepared by the district team, and participate in the ATR.

**EXHIBIT A:**

**Bubbly Creek Project Map**

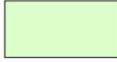


# Bubbly Creek Real Estate Map

U.S. Army Corps  
of Engineers  
Chicago District



## Legend

-  Parcels
-  Ecosystem Easement = 6.56 Acres
-  FEE Simple = 33.37 Acres
-  Road Easement = 1.20 Acres

\*Ordinary High Water Mark is 577.1 Feet

## Location Map



Date: 9/9/2014

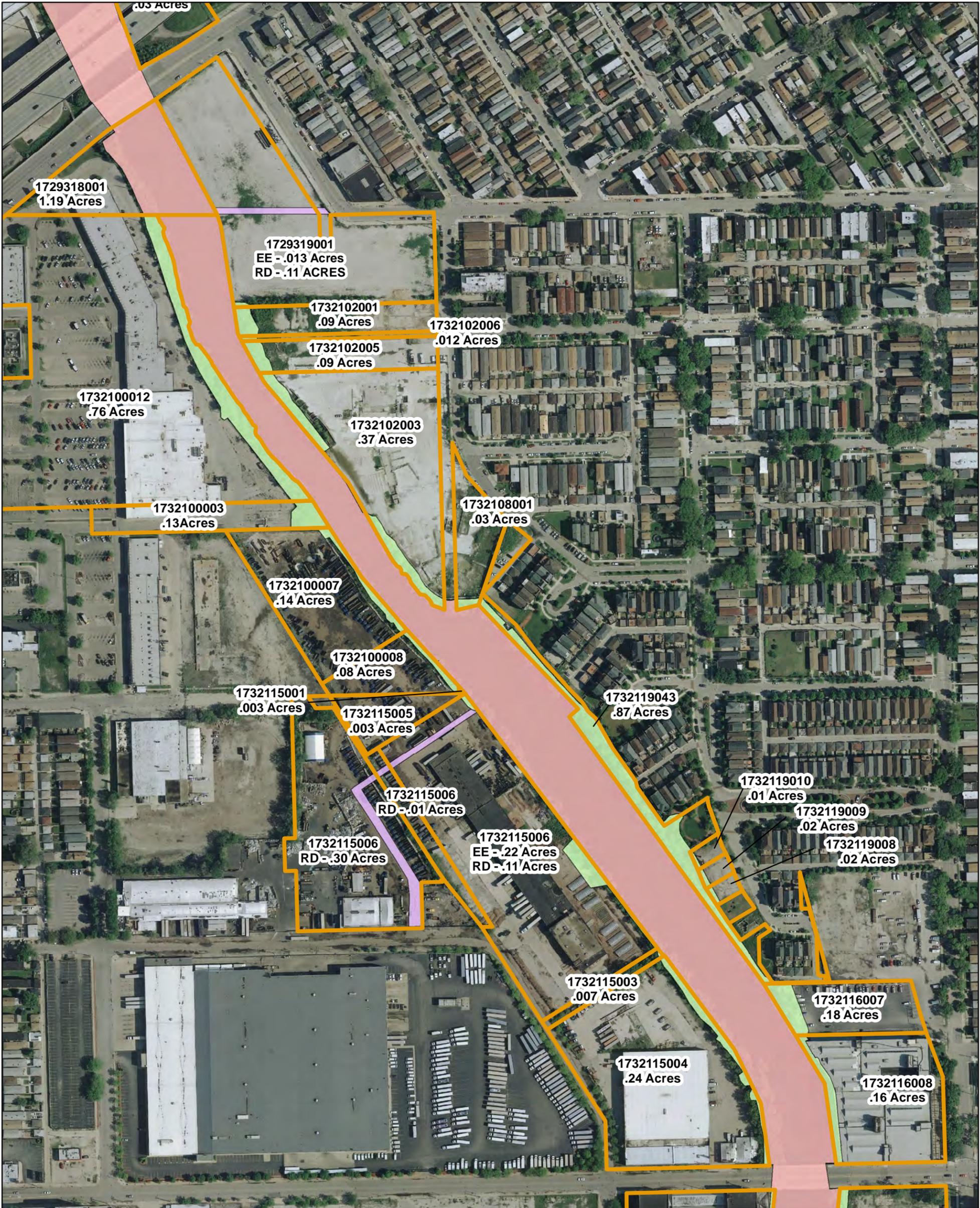


1 in = 150 feet

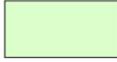


# Bubbly Creek Real Estate Map

U.S. Army Corps  
of Engineers  
Chicago District



## Legend

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## Location Map



Date: 9/9/2014

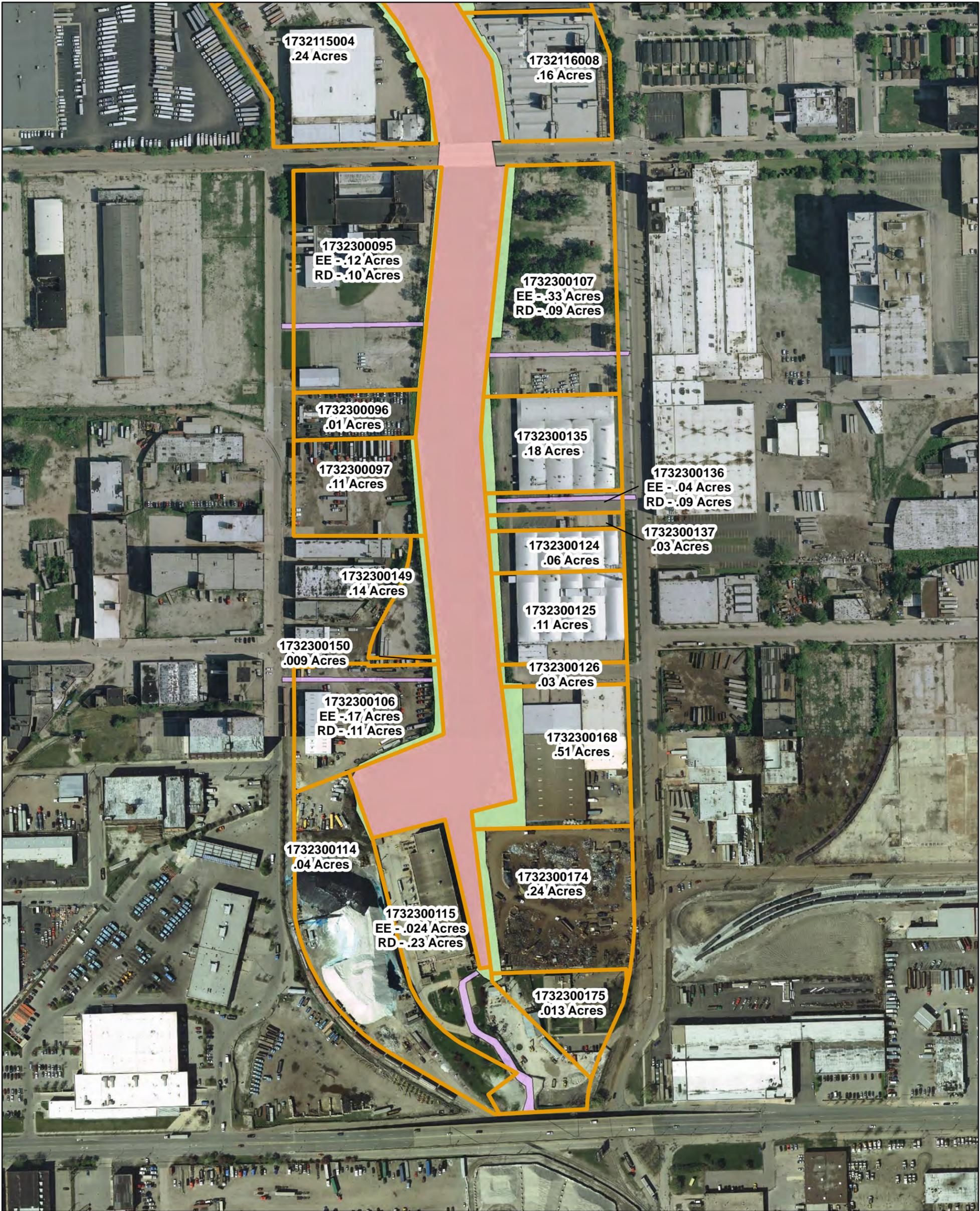


1 in = 250 feet

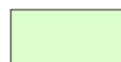


# Bubbly Creek Real Estate Map

U.S. Army Corps  
of Engineers  
Chicago District



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## Location Map



Date: 9/9/2014



1 in = 250 feet

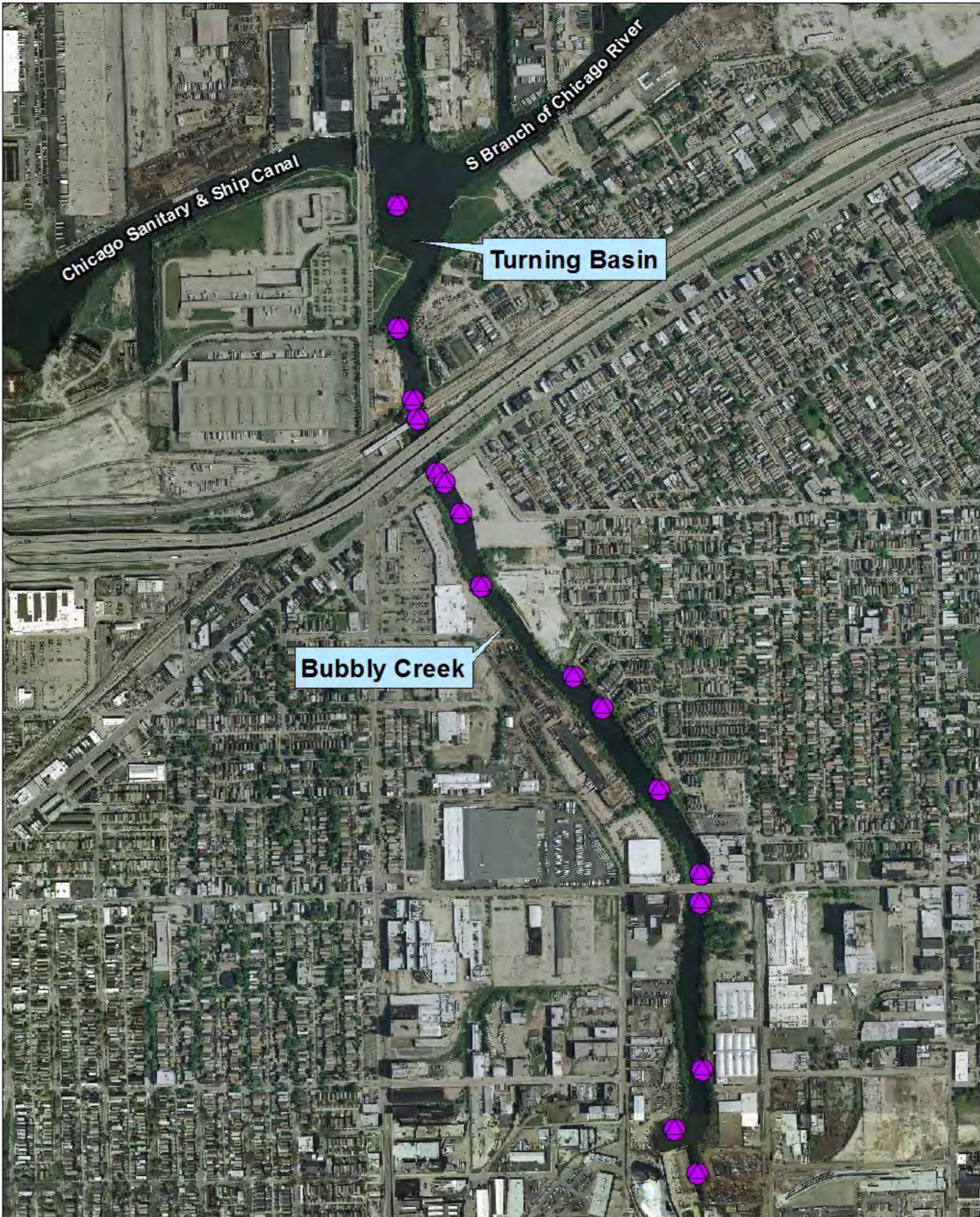
**EXHIBIT B:**

**Bubbly Creek Environmental Investigation Findings Map**



# Bubbly Creek Environmental Investigation Findings Map

U.S. Army Corps  
of Engineers  
Chicago District



## Legend

 2004 Sediment Sample Locations

\*Some samples contained SVOCs (besides PAHs) and VOCs below IEPA's Tiered Approach to Corrective Action Objectives (TACO) residential ingestion levels.

\*Some samples exceeded PAH, PCB and heavy metal IEPA TACO industrial/commercial ingestion levels.

See Appendix F, HTRW for more information.

## Location Map



Date: 9/12/2014



1 in = 650 feet

**EXHIBIT C:**

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

**EXHIBIT C**  
**DETROIT REAL ESTATE**  
ASSESSMENT OF NON-FEDERAL SPONSOR'S  
REAL ESTATE ACQUISITION CAPABILITY

Ecosystem Restoration Project, City of Chicago

**07 August 2013**

**A. LEGAL AUTHORITY:**

1. It has been determined that the sponsor has legal authority to acquire and hold title to real property for project purposes? (Yes/No)  
Initials: PMK DATE: 07 Aug 2013
2. It has been determined that the sponsor has the power of eminent domain for this project. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013
3. It has been determined that the sponsor has “quick-take” authority for this project? (Yes/No)  
Initials: PMK DATE: 07 Aug 2013
4. Are any lands/interests in land required for the project located outside the sponsor’s political boundary, and whether this limits its ability to acquire property? (Yes/No).  
Initials: PMK DATE: 07 Aug 2013
5. A determination has been made as to whether any of the lands/interests in land required for the project are owned by an entity whose property the sponsor cannot condemn? (Yes/No)  
Initials: PMK DATE: 07 Aug 2013

**B. FINANCIAL CAPABILITY:**

1. It has been established by the responsible district element that the local sponsor is financially capable of fulfilling all requirements of local cooperation. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013

**C. WILLINGNESS TO PARTICIPATE:**

1. Sponsor has stated in writing their general willingness to participate in the project and their understanding of the general scope of the project and their part of the project. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013
2. In addition, they are agreeable to signing a Project Partnership Agreement (PPA) and supplying funding as stipulated in the agreement. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013

3. The sponsor has approved the project/real estate schedule/milestone. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013
4. The sponsor has participated in other USACE projects satisfactorily. (Yes/No/Not Applicable)  
Initials: PMK DATE: 07 Aug 2013
5. With regard to this project, the sponsor is anticipated to be highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. (If sponsor is believed to be “insufficiently capable”, provide explanation.)  
Initials: PMK DATE: 07 Aug 2013

**D. ACQUISITION EXPERIENCE AND CAPABILITY**

1. Sponsor has on board capability/in house staffing within their organization or contract capability to provide the necessary services such as surveying, appraising, title, negotiating, condemnation, closings, and relocation assistance that will be required for the acquisition of properties. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013
2. It has been determined that the sponsor’s staff will not required training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? (Yes/No)  
Initials: PMK DATE: 07 Aug 2013
3. It has been determined that the sponsor can obtain contractor support, if required, in a timely fashion. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013
4. The sponsor’s staff will be located within reasonable proximity to the project site. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013
5. A determination has been made as to whether USACE assistance will likely be requested by the local sponsor in acquiring real estate. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013

**E. SCHEDULE CAPABILITY:**

1. Sponsor has indicated in writing their willingness and ability to incorporate their financial acquisition and condemnation capability to provide the necessary project LERRDs in accordance with proposed project schedules so the Government can advertise and award the construction contract as required by overall project schedule and funding limitations. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013

**F. LERRD CREDITS:**

1. Sponsor has indicated their understanding of LERRD credits and their capability and willingness to gather the necessary information to submit as LERRD credits within six months after possession of all real estate and completion of relocations in order that the project can be financially closed out and there can be a final financial accounting with a proper settlement with the sponsor. (Yes/No)  
Initials: PMK DATE: 07 Aug 2013

**G. COORDINATION:**

1. This assessment has been coordinated with the local sponsor and they concur with the assessment? (Yes/No)  
Initials: PMK DATE: 07 Aug 2013

**Prepared by:**



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Paula M. Kohl  
Realty Specialist

**Reviewed and approved by:**

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Victor L. Kotwicki  
Real Estate Contracting Officer  
Buffalo, Chicago, and Detroit District