

~~13 May 1978~~

19 April

MEMO FOR: RECORD

SUBJECT: Skagit River Levee and Channel Improvements - Meeting with
Skagit County Officials

1. On 19 April 1978 Mr. Ray Skrinde and Mr. Don Nelson of Skagit County came to the District office to discuss elements of the Skagit project associated with the local cooperation requirements. They were primarily interested in the available survey data and mapping we had developed. Skagit County wants to begin determining the existing right-of-way, easements, and the right-of-way that will need to be acquired. They met in the District office with Messrs Forest Brooks, John Erlandson, Vern Cook, and Jon Williams to discuss the status of the mapping on the Skagit project. Our field work has been completed and the office work to prepare the plates is underway and should be completed within a couple of weeks. At that time Mr. Erlandson said he would provide Skagit County a set of the plates covering the entire project and a computer printout listing ties to the survey line along the levee. Skagit County will use this information to help determine the extent of the existing property along the levee alignment and also to assist us in determining what property will have to be acquired for the project.
2. Mr. Skrinde, Nelson, Cook, and Brooks also talked with Mr. Bryan Turner of Real Estate. Mr. Nelson was primarily interested in the requirements for the county to follow under the Uniform Assistance and Relocations Act. There was a general discussion on what procedures he should use for acquisition of property.

use and the different methods for.

Brooks

BROOKS

cc:
Cook
Brooks
Erlandson
Bryan Turner, Real Est
RP Sec File

P004446

AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
AND
SKAGIT COUNTY, WASHINGTON
FOR LOCAL COOPERATION FOR
SKAGIT RIVER FLOOD CONTROL PROJECT
IN SKAGIT COUNTY, WASHINGTON

from Bob Frey
(Real Estate) on
18 Apr 1978

THIS AGREEMENT, entered into this _____ day of _____
197 , by and between the UNITED STATES OF AMERICA (hereinafter called the
"Government"), represented by the Contracting Officer executing this
Agreement, and SKAGIT COUNTY, WASHINGTON (hereinafter called "County")
WITNESSETH THAT :

WHEREAS, the Skagit River Flood Control and Other Improvements
Project (hereinafter called the "Project") was authorized by the Flood
Control Act of 1966 (33 U.S.C. 701s; Public Law 89-789, approved 7 November
1966, and is substantially as shown on attached drawings hereto and made a
part hereof; and

WHEREAS, the County hereby represents that it has the authority and
capability to furnish the non-Federal cooperation required by the Federal
legislation authorizing the Project and by other applicable law.

NOW, THEREFORE, the parties agree as follows:

1. The County agrees that, if the Government shall commence construction of
the Skagit River Flood Control Project substantially in accordance with
Federal legislation authorizing such Project, the County shall, in

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consideration of the Government commencing construction of such Project, fulfill the requirements of non-Federal cooperation specified in such legislation, to wit:

a. Provide without cost to the United States, all lands, easements, and rights-of-way necessary for construction of the projects;

b. Hold and save the United States free from damages due to construction, operation, and maintenance of the Projects, except for damages due to the fault or negligence of the United States or its contractors;

c. Maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army;

d. Provide without cost to the United States all relocations of buildings and utilities, roads, sewers, related and special facilities necessary for construction of the projects;

e. Prevent any encroachment on the Projects or riverward of the Projects that might reduce the flood-carrying capacity of the stream or interfere with operation and maintenance of the Projects;

f. Notify the public annually of the limited flood protection provided by the recommended works subsequent to their construction;

g. Secure the water rights necessary for operation of the recommended works for recreational purposes;

h. With respect to recreational facilities, provide cash, equivalent work, or lands so that the non-Federal share shall be at least 50 per cent of the total first cost of the development;

i. Assure public access for all on equal terms, for recreation development;

j. Submit plans for any additional recreational development of the Avon Bypass project to the Secretary of the Army for approval and determination

of the Federal interest prior to construction.

2. The County further agrees to:

a. Comply with the Department of Defense Directive under Title VI of the Civil Rights Act of 1964 (Public Law 88-352) (78 Stat. 241) and all requirements imposed by or pursuant to the Directive (32 C.F.R. Part 300, issued as Department of Defense Directive 5500.1, December 28, 1964) to the end that no person in the United States shall, on the grounds of race, color, religion, sex or national origin be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which the County receives Federal financial assistance from the Corps of Engineers, Department of the Army, in connection with this Project. Also non-discrimination because of age at least 40 but less than 65 years of age.

b. Comply with Sections 210 and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, approved 2 January 1971).

3. The County hereby gives the Government a right to enter, at reasonable times and in a reasonable manner, upon land which the County owns or controls, for access to the Projects for the purpose of inspection, and for the purpose of completing, operating, repairing and maintaining the Projects, if such inspection shows that the County for any reason is failing to participate in the Projects in accordance with the assurances hereunder and has persisted in such failure after a reasonable notice in writing by the Government delivered to the Board of County Commissioners, Skagit County, Mount Vernon, Washington. No completion, operation, repair and maintenance by the Government in such event shall operate to relieve the County of responsibility

to meet its obligations as set forth in paragraph 1 of this Agreement, or to preclude the Government from pursuing any other remedy at law or equity.

4. This Agreement is subject to the approval of the Secretary of the Army.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

The foregoing Agreement has been reviewed as to form and substance; consideration has been given to the effect of Section 221 of the Flood Control Act of 1970 (Public Law 91-611; 42 U.S.C. 1962d); the obligation of continued performance is not contingent upon any post-commencement act of the sponsoring agency; and the said Agreement is hereby approved.

Prosecuting Attorney, Skagit County

THE UNITED STATES OF AMERICA

SKAGIT COUNTY

Colonel, Corps of Engineers
District Engineer, Seattle
Contracting Officer

Chairman
Board of County Commissioners

Date

Date

APPROVED:

ATTEST:

By: _____
FOR THE SECRETARY OF THE ARMY

By: _____
Clerk, Skagit County

CERTIFICATE OF AUTHORITY

I, _____, do hereby certify that I am the Prosecuting Attorney for Skagit County, Washington, that the County is a legally constituted public body with full authority and capability to perform the terms of the Agreement between the United States of America and Skagit County in connection with the Skagit River Flood Control Project, and to pay damages, if necessary, in the event of the failure to perform in accordance with Section 221 of Public Law 91-611 and that the person(s) who have executed the contract on behalf of Skagit County have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this Certificate this _____ day of _____, 1977.

Prosecuting Attorney
Skagit County

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RELOCATION BENEFITS SUMMARY

Eligibility to receive relocation assistance benefits in accord with P.L. 91-646 is dependent upon a number of factors and the specific benefits will vary depending upon an individual's status in relationship to the property acquired. In general, the Government must have acquired for public use the land which was occupied by either an owner or tenant who must have moved from the land as a result of such acquisition.

The Real Estate Division of the Seattle District administers a relocation advisory program to serve displaced persons. This service provides advice and information about the various relocation benefits, information as to the availability of replacement properties, aid in obtaining and occupying suitable replacement housing, information about other assistance programs, and assistance in preparing application for benefits.

The types of benefits for which a displaced person might qualify, if he meets all of the eligibility requirements, are:

- a. Moving expenses incident to relocation from a dwelling (or an optional fixed payment allowed in lieu of actual expenses).
- b. Direct losses of tangible farm or business property where the cost of moving exceeds the value of the property.
- c. Searching expense to find a new site for business or farm (no searching expense allowed for locating replacement dwelling).
- d. Moving expenses for business or farm (optional fixed payment allowed in lieu of actual expenses).
- e. Replacement housing payment not to exceed \$15,000 to homeowners who owned and occupied their homes for 180 days or more prior to initiation of negotiations to acquire the property.
- f. Replacement housing payment not to exceed \$4,000 for tenants who occupied their homes ninety days or more before initiation of negotiations to acquire the property and homeowners who owned their homes for less than 180 days but at least 90 days before initiation of negotiations. This benefit is either in the form of a down payment or a rental supplement.
- g. Costs of conveying the property to the Government.

The benefits payable by P.L. 91-646 are reimbursement. They are intended only to replace what an owner or tenant had prior to moving to make way for a public project. The Law is not intended to enhance a displaced person's position, except if required to upgrade living conditions to decent, safe and sanitary or to afford tenants and short term owners assistance in making a downpayment on a purchased replacement dwelling.