
**RAYMONDVILLE DRAIN PROJECT
REAL ESTATE APPENDIX A4**

ATTACHMENT A

**NONFEDERAL SPONSOR REAL ESTATE CAPABILITY
ASSESSMENT FORM**

APPENDIX 12-E

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITYI. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?
(yes/no)

YES. CHAPTER 49 OF THE TEXAS WATER CODE AUTHORIZES A DRAINAGE DISTRICT TO ACQUIRE AND HOLD TITLE TO REAL PROPERTY.

- b. Does the sponsor have the power of eminent domain for this project?
(yes/no)

- YES. PURSUANT TO CHAPTER 49 OF THE TEXAS WATER CODE AUTHORIZES A DRAINAGE DISTRICT TO ACQUIRE REAL PROPERTY BY CONDEMNATION.

- c. Does the sponsor have "quick-take" authority for this project? (yes/no)

- NO. CHAPTER 21 OF THE TEXAS PROPERTY CODE SETS FORTH THE PROCESS FOR CONDEMNATION THAT THE DISTRICT FOLLOWS.

- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? (yes/no)

- YES. THE DISTRICT HAS THE ABILITY TO ACQUIRE PROPERTY OUTSIDE OF ITS POLITICAL BOUNDARY TO ACCOMPLISH ITS PURPOSES OF PROVIDING DRAINAGE WITHIN ITS POLITICAL BOUNDARIES.

- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? (yes/no)

- YES, ONE TRACT OF LAND NECESSARY FOR THIS PROJECT WAS OWNED BY THE STATE OF TEXAS, BUT THE RIGHTS TO CROSS THIS PROPERTY HAVE ALREADY BEEN OBTAINED.

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? (yes/no)

- Yes, the sponsor will seek training for 6 people prior to the execution of the Project Partnership Agreement.

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

- No, but the sponsor is in the process of developing the training plan with the assistance of others.

- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?
(yes/no)

- Yes the sponsor does.

- o We have a Team of 2 Right of Way Agents, 2 Admin Assistants, 3 CAD Techs, 1 GIS Tech. ROW Agents have over 28 years of total right of way acquisition experience. Acquired over 250 parcels

since 2017. Our notable in house projects are from the 2018 Bond Projects that included 37 bond Projects, and our 2023 Bond Projects include 26 bond Projects.

d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? (yes/no)

- Sponsor has experienced real estate acquisition staffing which is anticipated to be sufficient for acquisition of required real estate in accordance with the project schedule. In the event additional real estate staffing is necessary, sponsor has the ability to add the necessary staffing.

e. Can the sponsor obtain contractor support, if required in a timely fashion? (yes/no)

- Yes. Approved Vendor lists are procured regularly for Real Estate Contractor Support, and project specific RFQ can be made in a timely manner. The NFS utilizes retains the services for legal representation to assist with Real Estate Transactions and with Eminent Domain Proceedings.

f. Will the sponsor likely request USACE assistance in acquiring real estate? (yes/no) (If "yes," provide description)

- Yes but only for training purposes, no assistance is expected to be required in the acquisition of real estate.

III. Other Project Variables:

a. Will the sponsor's staff be located within reasonable proximity to the project site? (yes/no)

- Yes, sponsor's in-house staff is in Hidalgo County, within 60 to 90 miles of the project location.

b. Has the sponsor approved the project/real estate schedule/milestones? (yes/no)

- Yes. Sponsor has reviewed and agreed with project and real estate schedules prepared by the Project Team and reviewed by USACE as part of the ATR.

IV. Overall Assessment:

a. Has the sponsor performed satisfactorily on other USACE projects? (yes/no/not applicable)

- Not Applicable as this is the first USACE Projects for current personnel of sponsor.

b. 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)

- Sponsor is anticipated to be "fully capable."

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V. Coordination:

- a. Has this assessment been coordinated with the sponsor? (yes/no)
- b. Does the sponsor concur with this assessment? (yes/no) (If "no," provide explanation)

- This assessment was prepared by the Sponsor.

Prepared by:

[typed name]
[title]

Reviewed and approved by:

[typed name]
Chief, Real Estate Division