

CIP EXPENSE DETAIL

DATE OF COUNCIL CONSIDERATION:
CONTACT DEPARTMENT(S):

6/26/14
ORES / WPD

SUBJECT:

Approve a resolution authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase or otherwise acquire an estimated 140 properties at high risk of flooding located outside of the United States Army Corps of Engineers (USACE) buyout project area that will remain at risk of flooding in the 25-year floodplain within the Onion Creek Forest, Onion Creek Plantations, Yarrabee Bend, and Silverstone neighborhoods (Lower Onion Creek area) in the Onion Creek watershed, in an amount not to exceed \$31,000,000. .

CURRENT YEAR IMPACT:

| Department: | Watershed |
|------------------------|----------------------------|
| Project Name: | Onion Creek |
| Fund/Department/Unit: | 4850 6307 9793 |
| Funding Source: | Certificates of Obligation |
| Current Appropriation: | 35,500,000.00 |
| Unencumbered Balance: | 23,500,000.00 |
| Amount of This Action: | (23,500,000.00) |
| Remaining Balance: | <u>0.00</u> |

ANALYSIS / ADDITIONAL INFORMATION:

On October 31, 2013, a flood of record occurred on Onion Creek. Although there was damage in many parts of the city, the most substantial damage was concentrated in the lower Onion Creek area.

The Watershed Protection Department has partnered with the U.S. Army Corps of Engineers (USACE) since 1999 to find solutions to flooding in the Onion Creek watershed. The joint study recommended a project to buy out homes in the 25-year floodplain within the Onion Creek Forest, Onion Creek Plantation and Yarrabee Bend neighborhoods. The study selected the homes due to their high risk of flooding. These neighborhoods were temporarily evacuated in 1998, 2001, and again in the Halloween Flood of 2013.

At the time of the Halloween Flood of 2013, the City had already purchased 323 homes located in the USACE study buyout area utilizing funds mostly from the Federal Emergency Management Agency (FEMA), drainage utility fees and the 2006 bond program.

Among homes damaged by the flood on October 31, 2013, almost all 160 homes remaining in the USACE buyout area incurred damage. The Watershed Protection Department accelerated funding for emergency acquisition of 116 homes in the USACE buyout area that were determined to have obtained major damage or were completely destroyed. The emergency buyout program leaves 44 homes in the USACE project area to be acquired. Completing the USACE project would significantly reduce the number of households at risk of flooding in the Onion Creek watershed. Council authorized acquisition and relocation of these properties on November 20, 2008.

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There are an estimated 140 properties located outside of the USACE buyout project area that will remain at risk of flooding in the 25-year floodplain of the Lower Onion Creek watershed.

This request will authorize the City Manager to proceed with the necessary acquisition and relocation activities to acquire by gift, auction, or negotiation the necessary property interests for the purchase of major or substantial flood damaged properties. These properties are located within the 25-year floodplain of the Lower Onion Creek watershed.

Acquisitions will commence provided the following criteria are met:

There must be sufficient funds in the City's budget for the acquisition. Available funds will come from sources that may include USACE reimbursement, FEMA grants, drainage fees and other identified funding sources. The City must receive marketable title to the property free of all liens. Payment of relocation benefits and all other aspects of the acquisition must comply with applicable City, state, and/or federal statutory and regulatory requirements.

Authorization to acquire properties through condemnation proceedings is not included in this request.