

REAL ESTATE APPLICATION

For use of this form, see SWG-RE 701i
to avoid delays update Realty Specialist on any changes of POCs



PART I - BUSINESS/COMPANY APPLICANT INFORMATION

1a. BUSINESS/COMPANY NAME

1b. LAST NAME (SIGNATORY FOR APPLICANT)

FIRST NAME

M.I.

1c. TITLE

1d. E-MAIL

1e. PHONE

1f. PHYSICAL ADDRESS

1g. CITY

1h. STATE

1i. ZIP CODE

1j. MAILING ADDRESS

1k. CITY

1l. STATE

1m. ZIP CODE

PART II - AGENT INFORMATION (IF APPLICABLE)

2a. BUSINESS/COMPANY NAME

2b. LAST NAME (AGENT)

FIRST NAME

M.I.

2c. TITLE

2d. E-MAIL

2e. PHONE

2f. ADDRESS

2g. CITY

2h. STATE

2i. ZIP CODE

PART III - LEGAL OFFICER / CERTIFYING OFFICER INFORMATION

(For dredging must be an attorney, for all others must be corporate officer)

3a. LAST NAME

FIRST NAME

M.I.

3b. TITLE

3c. E-MAIL

3d. PHONE

3e. ADDRESS

3f. CITY

3g. STATE

3h. ZIP CODE

PART IV - FINANCIAL CONTACT

4a. LAST NAME

FIRST NAME

M.I.

4b. TITLE

4c. E-MAIL

4d. PHONE

4e. ADDRESS

4f. CITY

4g. STATE

4h. ZIP CODE

PART V - PERMITTING

5a. Do you hold a current authorizing Regulatory document (i.e., Section 404, Section 10, Nationwide Permit(s) or Letter of Permission) for the requested activity?

Yes No

If "Yes", ATTACH COPIES of all permits and amendments.

5b. Have you applied for a regulatory permit for this action?

Yes No

If "Yes" include permit # in box 5c

5c. SWG- _____ - _____

Instructions

SWG-RE Form 701i

Part I - Business/Company Applicant Information

1a - The “Applicant” is the entity in whose favor the transactional documents will be issued. Agent information should be entered in Part 2 of the form. The applicant may be as follows:

- An Individual. Provide the legal name of the individual.
- An Individual Trading as a Firm or Doing Business Under a Firm or Trade Name.
- A Partnership. The name of all the partners or the name of the partnership by one partner who signs as one of the firm. (see notes on Partnerships)
- A Corporation or Association. The name of the corporation and the name of the officer with official capacity signing on its behalf;
- State or local governmental entities. The name of the entity and the name of the officer with official capacity signing on its behalf.

For pipeline applications the **OWNER** should be placed in Part I, if there is no additional agent the operator may be placed in Part II, (please note “operator” after business name in block 2a). In cases where there is an agent and operator; please provide operator information within the Summary of Project section (6f).

Part II – Agent Information

The agent of an Applicant cannot sign on behalf of the Applicant. A signatory is typically a corporate officer. Funds for payment of administrative fees or consideration will only be accepted from the Applicant. Agents may not make payment on behalf of an Applicant.

Part III - Legal Officer / Certifying Officer Information

For Legal Officer and Certifying Officer requirements refer to notes which are applicable to your type of entity.

Notes on Partnerships

The signer will be required to furnish, for filing with the outgrant, extracts from the Partnership agreement, which indicates the names of the general partners. In order to expedite the application, please include this with the initial submission. In lieu of this evidence, the signer may furnish a Partnership Certificate, certifying that the signer has authority to bind the partnership as follows:

I, (Partner X) certify that I am a General Partner in the Partnership named as Grantee the attached outgrant, I certify further that (Partner Y), who signed said outgrant on behalf of the Partnership, is also a General Partner and has the authority to bind the Partnership by virtue of the powers vested in him/her in the Partnership agreement.

Notes on Corporations or Associations

The corporation seal will be affixed on the final outgrant documents prior to execution by USACE. The signer will furnish, for filing with the outgrant, extracts from the articles of incorporation (also known as Formation documents), the by-laws, or the minutes of the board of directors, duly certified by the custodian of such records, under the corporate seal (if there is one), which properly vest the signer with authority to bind the corporation. In lieu of this evidence the grantee may furnish a certificate signed by an appropriate corporate officer, other than the person executing the outgrant, as follows:

CORPORATE CERTIFICATE

I (Name)_certify that I am the (Secretary) of _____, Inc., that who signed the foregoing instrument on behalf of the corporation was then of the corporation. I further certify that the said officer was acting within the scope of powers delegated to this officer by the governing body of the corporation in executing said instrument.

Corporate Secretary or Appropriate Officer

(AFFIX CORPORATE SEAL)

Notes on State or Local Governmental Entities

The signer will furnish, for filing with the outgrant, an extract from the minutes of the entity indicating that the outgrant was approved by the governing body of the of the entity and authorizing a named individual to execute the outgrant on its behalf. In lieu of the minutes, the grantee may furnish a certificate signed by an appropriate official, other than the person executing the outgrant, as follows:

CERTIFICATE OF AUTHORITY

I (Name) certify that I am the__(Clerk)__ of _____that who signed the foregoing instrument on behalf of the grantee was then __of__. I further certify that the said officer was acting within the scope of powers delegated to this governing body of the grantee in executing said instrument.

Part IV – Financial Contact

The financial contact is an individual who works for the same business/company as the applicant that will be handling the payment and financial inquires for the administration fee to process the outgrant. The financial POC should be able to answer questions regarding debtor/vendor information, Tax ID or W9 issues, and address confirmation of return payments.

Part V - Regulatory Permits

Regulatory Permits control the activities of the Applicant to be performed in the Waters of the United States, including Wetlands, pursuant to applicable laws and regulations, such as Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean

Water Act. The Real Estate Division cannot issue an outgrant without the applicant first obtaining the proper regulatory permit.

Part VI- Project Description

The project description is the most critical part of the application. For a multi-faceted project, please check all required activities box 5a and complete boxes for corresponding activities. Provide a detailed description of the project and include GIS and/or CADD files with the application (see Cadastral Data and Format Requirements). The following sections detail additional requirements for Dredging and Pipeline activities:

Dredging

Please provide complete scope of work along with maps showing the area to be dredged, placement areas to be used and location or alignment of temporary dredge pipelines. A hydrographic survey showing the area to be dredged must also be submitted.

- List placement areas identified in Regulatory Permit in order of preference.
- If both new and maintenance dredging are required please select new in the form and discuss maintenance portion within the project description.
- Include detailed timelines for as well as completing line 6e of form.

Sediment Testing Requirement: Approval of sediment testing plans and reports prior to issuance of a Real Estate clearance is required for all Applicants. Contact the Operations Division to obtain information on sediment testing requirements. Email: SWG-NB@usace.army.mil: phone: 409-766-3973.

Pipelines

Please provide a complete narrative of the project. The narrative should include the pipeline starting and ending points, route, channel crossings, tie-ins, valve stations, access roads, ingress, egress, ROW needed, etc., for the pipeline.

If available please submit:

- Railroad Commission of Texas Form T-4 which identifies the pipeline **OWNER**.
- Railroad commission of Texas PS - 8000A Form
- Geotechnical study

If a pipeline crosses a Federal Channel, Placement Area(s) or Placement Area Levee, Hurricane Levee, or Tributary waters of the United States, the Applicant must provide cross section diagrams depicting depth and entry and exit points for each crossing. Applicants must also provide any and all standoff distances between the pipeline and any of the features listed above, including other pipelines. Identify diameter of each pipeline, type of fuel or product being transported, and pipeline configuration for each bundle. If there will be ground disturbance (e.g. trenching, excavation) please address the following

- What are the dimensions (i.e., length, width, depth) of each type of ground disturbance (e.g., trench, fence post hole, leveling, etc.)?
- Will more than an acre of ground surface be disturbed? How much?
- What kind of equipment will be used? How will the work be done?
- Will access across Government controlled property in addition to the area identified for the requested activity be required for equipment? If so, where?
- Will there be a staging and/or storage areas required? If so, where are they located and what are their dimensions? Will staging/storage areas be at locations different

than the site of the proposed action?

Additionally, please address the following:

- Are there any cultural resources known to exist in the area? If so, what?
- Describe other reasonable alternative routes or locations considered and reasons not selected Note: Pipelines 24-inches in diameter or larger, which impact fee simple land owned by the United States require Congressional approval. Applicants should anticipate a delay in processing such outgrants.

Administrative Fees & Consideration

Two types of funds are collected from applicants; administrative fees and consideration. Administrative fees are paid in advance. Consideration is paid at the time the transactional documents are executed.

Administrative fees. Title 10 U.S.C. 2695 authorizes the collection of the administrative fees to cover the costs to the Government for processing requests for the use of Government controlled property. These costs include but are not limited to payment for work products such as environmental, cultural and historical assessments, contract preparation, determinations of value, and preparation of land surveys, maps, and legal descriptions.

After initial screening, the Realty Specialist assigned to the application performs a scope of work analysis for the purpose of developing an administrative fee cost estimate. Once a cost estimate is established an administrative fee letter will be sent to the Applicant requesting payment of administrative fees. Payment of administrative fees is required before further work can occur.

Upon notification, applicants are required to pay administrative fees within **45 days** to avoid having their application cancelled for lack of response.

Administrative fees must be remitted using either Electronic Funds Transfer (EFT) or Automated Clearing House (ACH). **Checks are no longer accepted as a form of payment.**

If the actual administrative costs for processing the application are greater than the initial request the Applicant will be notified and required to pay the additional amount for processing of the application to continue. If excess funds exist at the time processing of the application is complete, the balance will be refunded to the Applicant.

Cadastral Data & Format Requirements

Applicants must submit their GIS data in either the equivalent or lesser version of the following: AutoCAD 2020 (.dwg) or ESRI ArcMap 10.8.1 (.shp) file to help us in this endeavor. Upon receiving a design CADD or a GIS file we will better determine the location of projects interest and limits. We ask that you please include the Regulatory Permit Tracking Number or Application Number and also indicate the coordinate system and datum that the drawing is currently in. The design data should consist of simple lines and polygons indicating the limits of the completed project.

If a CADD drawing is provided, please ensure that all layers are properly named to describe that specific feature. If the layers are named using acronyms we would need a legend or shoe boxes with leader lines, identifying each feature class within the drawing. All areas must be created in real-world (model space) with an assigned coordinate system. Please do not send drawings with XREFs or reference files, simply insert all needed files or feature layers into one design file. Cut-sheet or plate layouts in CADD are not needed however, PDF's of proposed project plans and/or as-built would be greatly appreciated for further review.

If a GIS shape file is provided, again the same applies about assigning a proper name sequence to describe that specific feature or it can also be defined in the spatial data within the shape file.

To help keep file sizes to the minimum imagery and USGS Quads do not need to be provided.

PERFERED PROJECTED COORDINATE SYSTEM

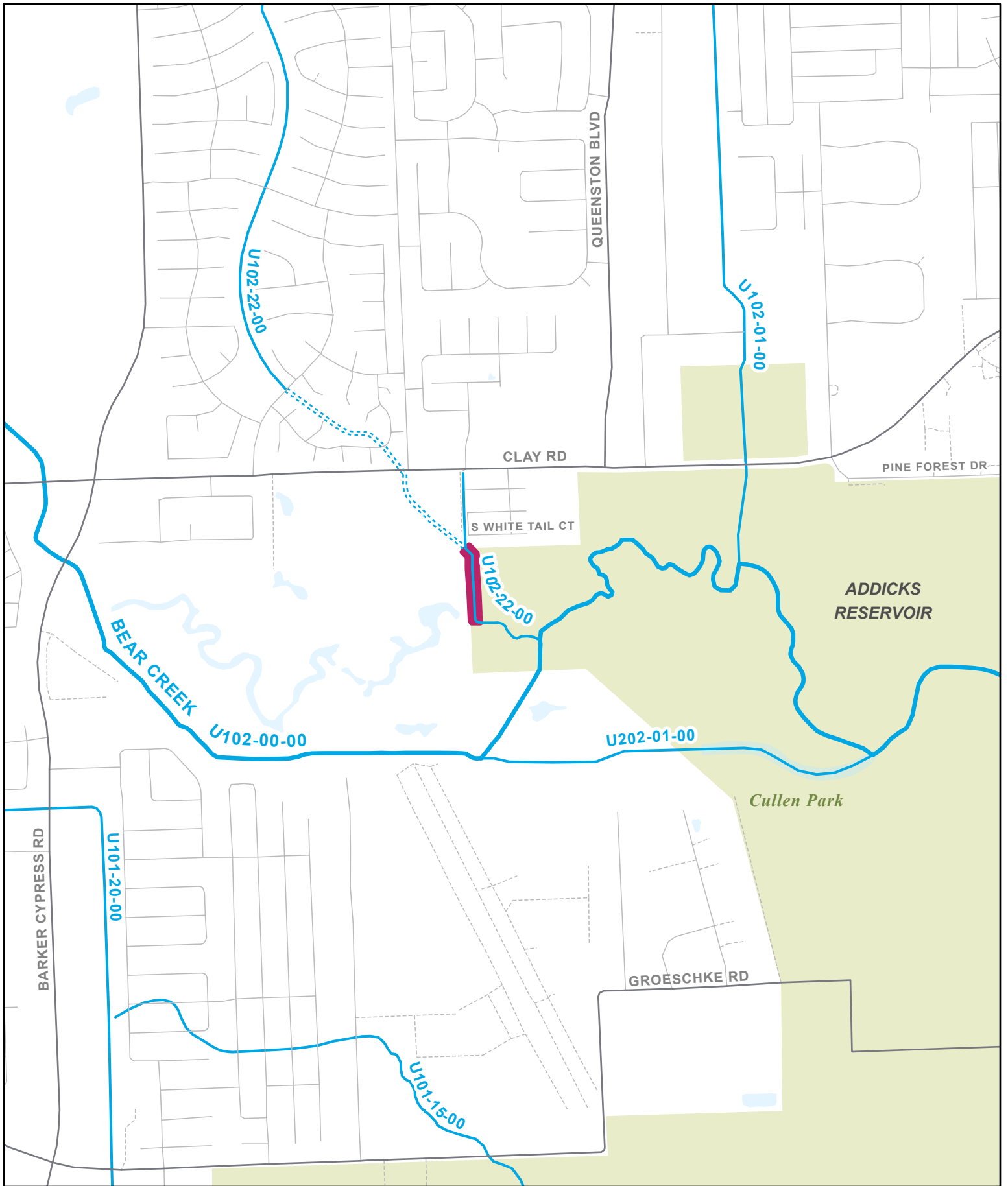
Datum: North American 1983 (SurveyFeet)

Projection: State Plane

Zone: Use the appropriate zone location of the project.

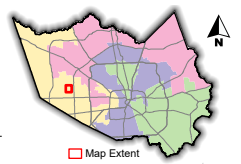
Example: (Texas South Central Zone)

If you have any questions pertaining to cadastral requirements please contact Carlos Hidalgo at (409) 766-3169.



Unit No: U102-22-00
Watershed: Addicks Reservoir
Precinct: 4

- Project Boundary
- Harris County Precincts**
- Judge Lina Hidalgo
- 1 - Rodney Ellis
- 2 - Adrian Garcia
- 3 - Tom S. Ramsey, P.E.
- 4 - Lesley Briones



THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on _____, with all members present except _____.

A quorum was present. Among other business, the following was transacted:

**ORDER AUTHORIZING THE HARRIS COUNTY FLOOD CONTROL DISTRICT
TO SUBMIT TO THE US ARMY CORPS OF ENGINEERS
A REAL ESTATE APPLICATION FOR REAL ESTATE OUTGRANTS
HCFCU UNIT NO. U102-22-00**

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

		Yes	No	Abstain
AYES:	Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAYS:	Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ABSTENTIONS:	Comm. Adrian Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Comm. Tom S. Ramsey, P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Comm. Lesley Briones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

1. County Judge Lina Hidalgo is hereby authorized to execute for and on behalf of the Harris County Flood Control District authorization to submit a Real Estate Application for Real Estate Outgrants for access to a channel referred to by Harris County Flood Control as U102-22-00 within the Addicks Reservoir.
2. All Harris County Flood Control District and Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.