

LOWER MUD RIVER, CITY OF MILTON, WV FLOOD RISK MANAGEMENT PROJECT LANDOWNERS MEETING



Brian N. Lowe
Project Manager
Huntington District
US Army Corps of
Engineers

Steven C. Rhodes Jr.
Chief, Real Estate Division
Huntington District
US Army Corps of
Engineers

Bob Martin
Deputy State
Resiliency Officer

Tim McKeen
Attorney
Step toe & Johnson

"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."

BUILDING STRONG®
and Taking Care of People!



US Army Corps
of Engineers ©
Huntington District





Bob Martin – Deputy State Resiliency Officer

LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Flooding Background

Milton has a history of flooding dating back to the early 1900's. Major floods occurred in 1913, 1939, 1978, 1997, and 2003 with the most recent in February 2021. Flood conditions at Milton are a result of both natural features and development activity. Upstream from Milton the Mud River watershed is characterized by steep gradients and rather narrow valleys which can cause high flood peaks. When the flows reach the wide floodplain at Milton, the flood waters spread out over the valley inundating much of the business and residential areas located north of the Mud River between Rt.-60 and Interstate-64.

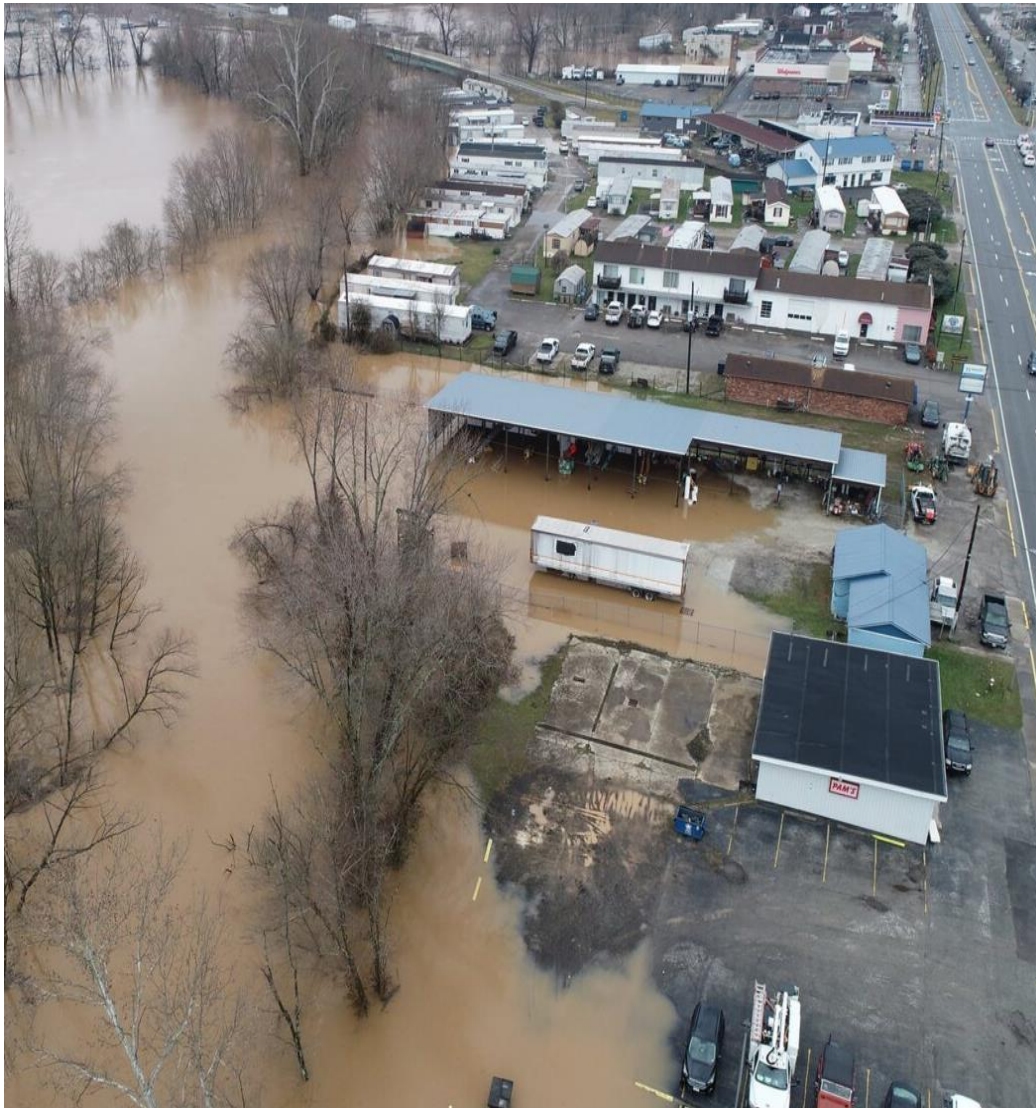
The flood of record for the City of Milton occurred in March 1997. This flood had an estimated return frequency of approximately a 3.7% chance (27-year) flood event, causing over \$23 million dollars in damage (1997 price level). Were Milton to experience a 100-year flood event over \$75 million in structure damages would be expected and approximately 650 structures would receive flooding above their first-floor elevation. These estimates do not include additional damages to public infrastructure and millions more spent cleaning up and repairing the damage from flooding.

BUILDING STRONG®
and Taking Care of People!



US Army Corps
of Engineers





BUILDING STRONG[®]
and Taking Care of People!

City of Milton, WV Flooding



US Army Corps
of Engineers



U.S. ARMY



March 1997 Flood – Flood of Record

Approx. 3.7% annual chance of exceedance (27-year flood event)

Milton, WV

BUILDING STRONG®
and Taking Care of People!



US Army Corps
of Engineers



U.S. ARMY

LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Authority

With funding made available by the *Bipartisan Budget Act of 2018*, administrative authority remained to be formalized by the preparation and approval of a confirming project decision document by USACE. The Decision Document for the Milton Flood Risk Management Project was prepared by Huntington District and approved in November 2019. The decision document provided for flood risk reduction at Milton in the form of certain levee, gate closure, channel relocation, and pump station construction along the right descending bank of the Mud River over a general alignment of approximately 8300 ft.

Project Partnership Agreement

A Project Partnership Agreement was executed between the US Army Corps of Engineers and the local non-Federal (co) Sponsors being the State of WV, and the City of Milton. This agreement designated the State of WV the primary responsibility for acquiring the lands, easements, rights-of-way and performing the relocations (private and public) and disposals required for the construction and maintenance of this project.

BUILDING STRONG®
and Taking Care of People!



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Land Acquisition Requirements

The authority for this project authorizes the mandatory acquisition of lands necessary for the construction, operation and maintenance of the project and to mitigate the environmental impacts that may result.

Current project design has identified the following land requirements:

- **For Construction: 62 parcels effecting 50 property owners**
- **Flowage Easements for operation: 86 parcels effecting 62 property owners**
- **For Environmental Mitigation: 7 parcels effecting 7 property owners**

The intended audience for this Landowners Meeting are the 50 property owners effected by the lands required for **construction only** which will be the first phase of the Land Acquisition process.

A separate meeting will be scheduled for the additional property owners affected by the lands to be acquired later for flowage, environmental and floodway mitigation. This will be the second phase of the Land Acquisition process.

LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Real Estate Map 1



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Real Estate Map 2



BUILDING STRONG®
and Taking Care of People!



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Land Acquisition Phase 1: Construction

As stated previously, this first phase of land acquisition will concentrate on the 62 parcels required for construction and the 50 property owners affected.

The interest to be acquired will fall into two categories: Fee or Easement

- **Fee:** “Fee” or “Fee Simple” refers to purchasing complete and full ownership of a property. In simple terms the buyer obtains all the legal rights to the property leaving the seller none.
- **Easement:** An easement refers to the purchase of a specific right to the property. In simple terms the seller retains all legal rights and ownership of the property minus the rights stated in the easement. Easements may be permanent or temporary based on the specific right needed.

BUILDING STRONG®
and Taking Care of People!



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Land Acquisition Phase 1: Construction (cont.)

Easements acquired for this project will be for three specific rights: Construction, Flowage and Access

- **Easement for Construction:** A construction easement is the temporary right to utilize property to support the construction of the project such as temporary access, laydown or borrow. Construction easements will be labeled as *“Temporary Work Area Easement”* in your letter of notification.
- **Easement for Flowage:** A flowage easement is the permanent right to impound water on a property. This right results in specific restrictions placed on the property owner. Flowage easements will be labeled as such in your letter of notification.
- **Easement for Access:** An access easement is the permanent right to travel across another property for the purpose of ingress and egress to their own property. Access easements will be labeled as *“Permanent Road Easement”* in your letter of notification

Note: The interest required on a single parcel may include the purchase of one or more easements.

LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Acquisition Process

- Legal Description
- Environmental Inspection
- Title
- Appraisal
- Negotiations
- Relocation Benefits
- Occupancy After Acquisition
- Eminent Domain/Condemnation

BUILDING STRONG®
and Taking Care of People!



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Acquisition Process

- **Legal Description**
- **Environmental Inspection**
- **Title**
- **Appraisal**
- **Negotiations**
- **Relocation Benefits**
- **Occupancy After Acquisition**
- **Eminent Domain/Condemnation**



BUILDING STRONG®
and Taking Care of People!



US Army Corps
of Engineers



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Acquisition Process

- Legal Description
- **Environmental Inspection**
- Title
- Appraisal
- Negotiations
- Relocation Benefits
- Occupancy After Acquisition
- Eminent Domain/Condemnation



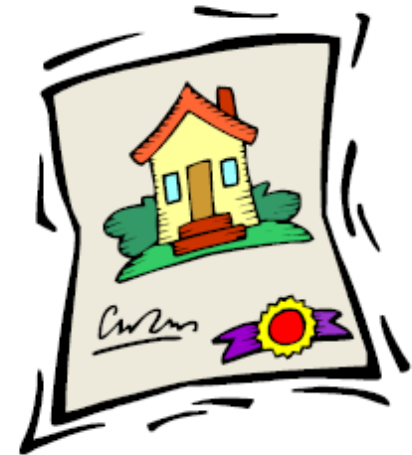
BUILDING STRONG®
and Taking Care of People!



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Acquisition Process

- Legal Description
- Environmental Inspection
- **Title**
- Appraisal
- Negotiations
- Relocation Benefits
- Occupancy After Acquisition
- Eminent Domain/Condemnation



BUILDING STRONG®
and Taking Care of People!



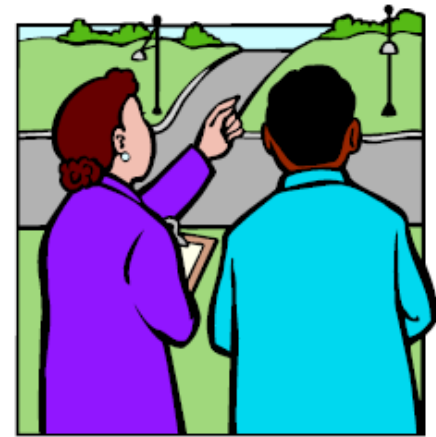
US Army Corps
of Engineers



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Acquisition Process

- Legal Description
- Environmental Inspection
- Title
- **Appraisal**
- Negotiations
- Relocation Benefits
- Occupancy After Acquisition
- Eminent Domain/Condemnation



BUILDING STRONG®
and Taking Care of People!



US Army Corps
of Engineers



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Acquisition Process

- Legal Description
- Environmental Inspection
- Title
- Appraisal
- **Negotiations**
- Relocation Benefits
- Occupancy After Acquisition
- Eminent Domain/Condemnation



BUILDING STRONG®
and Taking Care of People!



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Acquisition Process

- Legal Description
- Environmental Inspection
- Title
- Appraisal
- Negotiations
- **Relocation Benefits**
- Occupancy After Acquisition
- Eminent Domain/Condemnation



BUILDING STRONG®
and Taking Care of People!



US Army Corps
of Engineers



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Acquisition Process

- Legal Description
- Environmental Inspection
- Title
- Appraisal
- Negotiations
- Relocation Benefits
- **Occupancy After Acquisition**
- Eminent Domain/Condemnation



BUILDING STRONG®
and Taking Care of People!



US Army Corps
of Engineers



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

Acquisition Process

- Legal Description
- Environmental Inspection
- Title
- Appraisal
- Negotiations
- Relocation Benefits
- Occupancy After Acquisition
- **Eminent Domain (Condemnation)**



LOWER MUD RIVER, CITY OF MILTON, FLOOD RISK MANAGEMENT PROJECT

SCHEDULE

- Construction scheduled to begin by Spring 2022 and complete by Fall 2024
- Acquisition of properties needed for construction are anticipated to be completed between Summer 2021 and Summer 2022

BUILDING STRONG®
and Taking Care of People!



QUESTIONS?

BUILDING STRONG®
and Taking Care of People!

