

**INSTRUCTIONS  
FOR ADVANCE MEASURES ASSISTANCE  
UNDER PUBLIC LAW 84-99  
AS AMNEDED BY 33 U.S.C. 701n**

**A. Cooperation Agreement and Resolution:**

**Reference EP 500-1-1 Chapter 7 dated 30 Sep 01; and 33 CFR 203.61 et seq**

1. Fill in Public Sponsor information on the Cooperation Agreement and Resolution. The Corps of Engineers will provide all Exhibits or examples of Exhibits.

2. Inform the Public Sponsor that they must provide to the Government all lands, easements, and rights-of-way required for the emergency work, including levee, borrow, spoil and access rights-of-way.

3. Advise the Public Sponsor that they are RESPONSIBLE FOR REMOVAL OF TEMPORARY LEVEES, at no cost to the Corps of Engineers, under Public Law 84-99. The Public Sponsor can seek financial assistance for such levee removal work from other sources.

4. The Public Sponsor's authorized representative (Chief Executive Officer) must **execute** duplicate originals of the Cooperation Agreement. Two representatives of the Public Sponsor's governing board **must sign** the Resolution. Generally, the same representative(s) that signed the Resolution cannot sign the Cooperation Agreement. The Resolution provides assurance that the governing board understands the Cooperation Agreement and authorizes its Chief Executive Officer (i. e. the Mayor or equivalent) to sign the Cooperation Agreement on its behalf. The Public Sponsor must have statutory authority to execute contracts with the United States. Generally levee districts, drainage districts, cities and counties have such authority.

5. Reiterate to the Sponsor that they must provide to the Government all lands, easements, and right-of-way for the emergency work, including levee, borrow, spoil and access rights-of-way.

6. FAX (314/331-8740) to Real Estate Division **or** scan and EMAIL (lawrence.c.williams@mvs02.usace.army.mil) **or** hand-carry the signed Cooperation Agreement, Resolution and Written Request for Assistance (in accordance with 33 U.S.C. 701) to the Emergency Management Officer. Faxed or emailed copies will serve as originals until the originals are received by mail.

a. If documents are faxed or emailed, notify the Real Estate Division (314/331-8150) by telephone that the Cooperation Agreement and Resolution have been executed and indicate the method sent.

b. If documents are delivered to the Emergency Management Officer, the officer will fax or email the documents to Real Estate Division and notify Real Estate Division by phone as to the method sent.

c. Mail or express mail the signed Resolution and signed duplicate originals of the Cooperation Agreement to the Real Estate Division.

7. After execution on behalf of the Government, a signed copy of the Cooperation Agreement will be returned to the Sponsor.

**B. Lands, Easement, Rights-of-way and Relocations:**

1. Under the terms of the Cooperation Agreement, the Public Sponsor must provide, without cost to the Federal Government, all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform all relocations determined by the Government to be necessary for construction, operation, and maintenance of the project.

2. Acquisition of Lands, Easements, and Rights-of-Way

a. All transactions and/or agreements including rights-of-entry or easements will be negotiated and executed between the Public Sponsor and the landowner pursuant to the requirement of 33 USC 701n.

b. **In the interest of time**, the Public Sponsor may acquire Rights of Entry for Construction from record title owners or persons in apparent possession of lands upon which flood control work will be conducted. Rights-of Entry

can also be used to provide for ingress and egress to work sites. Rights-of-Entry grant a permission from a landowner to enter upon his/her property to perform a specific type of work. Rights-of-Entry are usually granted at no cost because the work is typically of benefit to the landowner. Rights-of-Entry do not convey a property interest. The Public Sponsor may be responsible to reimburse the landowner for property damage that may occur as a result of construction.

c. Acquisition of any interest in real property must comply with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, P.L. 91-646, as amended by Title IV of Public Law 100-17, and the Department of Transportation Regulations found in the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted programs, 49 CFR Part 24. Among other things, P.L. 91-646 **requires** that the Public Sponsor:

- (1) Must offer at least the full-appraised value.
- (2) Pay all reasonable closing costs.
- (3) Provide relocation assistance.

d. Permanent Interest Acquisition

(1) If the Sponsor intends to turn temporary flood control structures into permanent structures, permanent easements rather than rights-of-entry will be necessary. This process includes:

- (a) Ownership identification and verification.
- (b) Preparation of legal descriptions.
- (c) A determination of fair market value.

(2) All owners with an interest in the property must sign, including spouses not named in original conveyances.

(3) Permanent easements must be recorded in the county records and comply with local requirements.

(4) Signatures of individuals for conveyance documents **must be notarized**.

(5) Corporate signatures, including farm corporations and partnerships, **require a Resolution** from the corporation.

e. If a real property is donated, the Public Sponsor must obtain a waiver of just compensation from the landowner. Many landowners will donate the right-of-way required for the emergency as consideration for the benefit to their property.