

12/2/77
3/30/76

AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA

AND

THE BOARD OF LEVEE COMMISSIONERS OF THE ORLEANS LEVEE DISTRICT
FOR THE LAKE PONTCHARTRAIN AND VICINITY, LOUISIANA PROJECT

THIS AGREEMENT entered into by and between the UNITED STATES OF AMERICA represented by the Contracting Officer executing this agreement and the Board of Levee Commissioners of the Orleans Levee District (hereinafter called the Board).

WITNESSETH THAT:

WHEREAS, the "Flood Control Act of 1965" approved 27 October 1965 (Public Law 298, 89th Congress) authorized, inter alia, the Lake Pontchartrain and Vicinity, Louisiana project (hereinafter called the Project); and

WHEREAS, on 2 January 1971, the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", Public Law 91-646 was enacted; and

WHEREAS, Section 92 of the "Water Resources Development Act of 1974" (Public Law 251, 93rd Congress) authorized, inter alia, a plan under which the non-Federal interest may pay its cash obligations for the project on a deferred basis; and

WHEREAS, the Board of Levee Commissioners of the Orleans Levee District, represented herein by Guy F. LeMieux, its President, pursuant to and by virtue of the provisions of a resolution adopted by said Board of Levee Commissioners of the Orleans Levee District on the _____ day of (see foot note Page 8) 197____, a duly certified copy of such resolution being annexed hereto and made a part hereof, paraphrased "Ne Varietur" of this date by me, Notary, to identify same herewith, who declared that, in accordance with the said resolution and pursuant thereto, he, the said President of the Board of Levee Commissioners of the Orleans Levee District, has assured and does hereby assure the Secretary of the Army of the United States that the said Board of Levee Commissioners of the Orleans Levee District is authorized and empowered to comply with all the required conditions of local cooperation for the said Lake Pontchartrain and Vicinity, Louisiana Project, Chalmette Area Plan and Barrier Plan, in the Parish of Orleans, and additionally pay its pro rata portion of the cost of construction of the barrier unit which is to be constructed entirely within the Parishes of Orleans and St. Tammany and

WHEREAS, the Board hereby represents that it desires to enter into an agreement for a payment plan and it has the authority and capability to enter into an agreement for a payment plan.

NOW THEREFORE, the Board of Levee Commissioners of the Orleans Levee District, in consideration of the United States of America beginning construction of the project, and in consideration of the United States of America providing the Orleans Levee District with a deferred payment plan for meeting its monetary obligations for the project, agrees that it will, without cost to the United States:

(a) Provide all lands, easements, and rights-of-way, including borrow and spoil-disposal areas necessary for construction, operation, and maintenance of the project;

(b) Accomplish all necessary alterations and relocations to roads, railroads, pipelines, cables, wharves, drainage structures, and other facilities required by the construction of the project;

(c) Hold and save the United States free from damages due to the construction works;

(d) Bear 30 percent of the first cost, to consist of the fair market value of the items listed in subparagraphs (a) and (b) above and a cash contribution as presently estimated below, to be paid either in a lump sum prior to initiation of construction or in installments at least annually in proportion to the Federal appropriation prior to start of pertinent work items, in accordance with construction schedules as required by the Chief of Engineers, or, as a substitute for any part of the cash contribution, accomplish in accordance with approved construction schedules, items of work of equivalent value as determined by the Chief of Engineers, the final apportionment of costs to be made after actual costs and values have been determined;

LAKE PONTCHARTRAIN PROJECT
ESTIMATE OF FIRST COSTS
1 January 1976

UNIT DESCRIPTION	TOTAL FIRST COSTS \$	FEDERAL COSTS \$	NON-FEDERAL COSTS		
			Total \$	Lands, Damages Relocations \$	Cash Contribution \$
BARRIER UNIT					
Seabrook Complex*	30,150,000	25,630,000	4,520,000	20,000	4,500,000
Chef Menteur Complex	41,820,000	29,270,000	12,550,000	1,130,000	11,420,000
Rigolets Complex	63,780,000	44,810,000	18,970,000	875,000	18,095,000
SUB-TOTAL BARRIER UNIT	135,750,000	99,710,000	36,040,000	2,025,000	34,015,000

LAKE PONTCHARTRAIN PROJECT
ESTIMATE OF FIRST COSTS
1 January 1976

UNIT DESCRIPTION	TOTAL FIRST COSTS \$	FEDERAL COSTS \$	NON-FEDERAL COSTS		
			Total \$	Lands, Damages, Relocations \$	Cash Contribution \$
Capitalized operation and maintenance of Rigolets Lock		-9,230,000	9,230,000		9,230,000
TOTAL BARRIER UNIT	135,750,000	90,480,000	45,270,000	2,025,000	43,245,000
LEVEES, FLOOD- WALLS, AND APPURTENANT STRUCTURES UNIT					
Improvements in Orleans Levee District (Orleans Par. Barrier Plan)	103,300,00	72,150,000	31,150,000	14,100,000	17,050,000
Improvements in St. Charles Jefferson & St. Tammany Parishes	33,320,000	23,570,000	9,750,000	1,885,000	7,865,000
TOTAL LEVEES FLOODWALLS, AND APPURTENANT STRUCTURES UNIT	136,620,000	95,720,000	40,900,000	15,985,000	24,915,000
TOTAL BARRIER PLAN	272,370,000	186,200,000	86,170,000	18,010,000	68,160,000
CHALMETTE PLAN					
Improvements in Orleans Levee Dist. (Orleans Par.)	18,610,000	13,050,000	5,560,000	4,540,000	1,020,000
Improvements in (St. Bernard Parish)	61,020,000	42,750,000	18,270,000	5,590,000	12,680,000
TOTAL CHALMETTE PLAN	79,630,000	55,800,000	23,830,000	10,130,000	13,700,000
TOTAL PROJECT	352,000,000	242,000,000	110,000,000	28,140,000	81,860,000

* Total non-Federal cost includes only cost of Seabrook Complex applicable to hurricane protection purposes (30 percent of half the estimated first cost of construction).

(e) Provide an additional cash contribution equivalent to 67.1% of the estimated capitalized value of maintenance and operation of the Rigolets navigation lock and channel to be undertaken by the United States, the cash contribution is presently estimated at \$6,193,300, the final determination to be made after construction is complete, said amount to be paid either in a lump sum prior to initiation of construction of the barrier or in installments at least annually in proportion to the Federal appropriation for construction of the barrier;

(f) Provide all interior drainage and pumping plants required for reclamation and development of the protected areas;

(g) Maintain and operate all features of the project in accordance with regulations prescribed by the Secretary of the Army, including levees, floodgates and approach channels, drainage structures, drainage ditches or canals, floodwalls, seawalls, and stoplog structures, but excluding the Rigolets Navigation Lock and its appurtenant navigation channels and the modified dual purpose Seabrook lock; and

(h) Acquire adequate easements or other interest in land to prevent encroachment on existing ponding areas unless substitute storage capacity or equivalent pumping capacity is provided promptly; and

(i) Comply with the applicable provisions of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," Public Law 91-646; and

(j) Assume the responsibility to pay its share of the non-Federal project costs, presently estimated to be \$67,086,140. This amount consists of \$24,182,840, which is Orleans Levee District's pro rata share (67.1 percent) of the non-Federal cost of construction of the barrier unit; \$36,710,000, which is the non-Federal cost of construction in Orleans Parish exclusive of the barrier unit; and \$6,193,300, which is 67.1% of the capitalized value of maintenance and operation of the Rigolets navigation lock and channel.

(k) As a minimum, adhere to the payment schedule of the deferred payment plan attached hereto as exhibit 1, the apportionment of costs to be made as actual costs, values and schedules are determined. The first payment under the deferred payment plan is due on 1 October 1976, with subsequent payments being due on 1 October of each succeeding year up to and including 1 October 1990. Interest is charged on the unpaid balance during this period at the rate of 3.225 percent per annum. Cash contributions required subsequent to 30 September 1991 shall be computed in accordance with the basic 30 percent requirement stipulated in Section 204 of the Flood Control Act of 1965, Public Law 89-298 and House Document 231, 89th Congress; and

(1) Recognized that subsections (b) (c) and (e) of Section 221 of the "Flood Control Act of 1970", Public Law 91-611 shall apply to paragraph (k) above. This agreement is subject to and shall become effective upon, the approval of the Secretary of the Army.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the dates shown below.

THE UNITED STATES OF AMERICA

BOARD OF LEVEE COMMISSIONERS
ORLEANS LEVEE DISTRICT

By: [Signature]
Lt Colonel, CE
Acting District Engineer
Contracting Officer

By: [Signature]
President

Date: 19 FEB 1977

Date: March 30, 1976

APPROVED:
[Signature]
W. E. MUSSELL
Acting Director of Real Estate

FOR THE SECRETARY OF THE ARMY

DATE: 1 DEC 77

Note: By virtue of a written poll vote dated March 24, 1976, responded to by a majority of the Commissioners of the Orleans Levee District, the President or President Pro Tempore has been authorized to execute this agreement on behalf of the Board. The poll vote will be ratified by the Board as a whole at their regular meeting to be held on April 21, 1976.

[Signature]
Secretary

LAKE PONTCHARTRAIN, LOUISIANA AND VICINITY
HURRICANE PROTECTION PROJECT

MINIMUM REQUIRED CASH CONTRIBUTIONS
IN ACCORDANCE WITH SECTION 92 OF PUBLIC LAW 93-251
ORLEANS LEVEE DISTRICT

Fiscal Year	Total Cost (Fed. & Non-Fed.)	Principal	Interest	Minimum Cash Contribution Required	Due Date
	(000)	(000)	(000)	(000)	
75	\$ 53,200	0	0	0	
76	65,570	0	0	0	
77	79,170	\$ 300	\$ 140	\$ 440	1 Oct 76
78	93,300	390	230	620	1 Oct 77
79	114,530	435	300	735	1 Oct 78
80	145,825	815	335	1150	1 Oct 79
81	167,210	1080	630	1710	1 Oct 80
82	173,520	955	835	1790	1 Oct 81
83	179,825	810	740	1550	1 Oct 82
84	186,135	855	625	1480	1 Oct 83
85	192,440	895	660	1555	1 Oct 84
86	198,750	935	695	1630	1 Oct 85
87	201,600	930	725	1655	1 Oct 86
88	204,450	930	720	1650	1 Oct 87
89	207,295	925	720	1645	1 Oct 88
90	210,145	920	715	1635	1 Oct 89
91	213,000	22,785	715	23,500	1 Oct 90
		<u>33,960</u>	<u>8,790</u>	<u>42,750</u>	

EXHIBIT 1