



Advisory on Structure Removal at 17th Street Canal Levee Site

August 9, 2006

The U.S. Army Corps of Engineers has directed its contractor implementing the work at the 17th Street Canal breach area to demolish 14 structures currently being acquired due to the close proximity of the repair construction work in relation to the standing homes and related safety concerns, as the Corps reinstates a line of protection for the community in the Phase 2 repairs using temporary retaining system (TRS) walls.

- *Louisiana Homeland Security & Emergency Assistance & Disaster Act, La 29:271, et seq* – gives Mayor power to commandeer use of properties in emergencies, subject to requirement to pay just compensation.
- *U.S. Constitution, 5th Amendment* – just compensation must be paid for any property rights taken for government use.
- *40 USC 3114(c)(1)* - Just compensation is fixed as the fair market value of the property upon the effective date of taking; therefore, post-Katrina values will be used.

Property Acquisition Timeline:

May 27, 2006 – held landowner’s meeting to discuss the necessity of acquiring the entire properties to finalize the construction repair.

June 15, 2006 – Mayor of City of New Orleans commandeered the properties required for repair work.

June 19, 2006 – Contractor began property acquisition process.

August 25, 2006 – Title Insurance Binders and Appraisals currently scheduled for completion.

Late August – early September 2006 – Offer letters of just compensation currently scheduled to be sent to landowners.

September 2006 – Negotiations currently scheduled to occur.

October - November 2006 – Property closings currently scheduled to occur or property condemnation letters scheduled to be sent on any properties that cannot be closed, due to title problems and/or disagreement on compensation value.

In addition, relocation assistance benefits will be discussed with each owner. These benefits include relocation advisory services and replacement housing payments, which are designed to assist in finding and relocating to another home.

- *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended* – outlines relocation assistance benefits and policy on acquisition of property interests for government projects.

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