

AGENDA PLACEMENT FORM

(Submission Deadline – Tuesday, 12:00 PM before Regular Court Meetings)

Date: 01/26/2023

COMMISSIONERS COURT

Meeting Date: 02/13/2023

FEB 13 2023

Submitted By: CJO

Acknowledged

Department/Office: For Precinct 1

Signature of Director/Official: _____

Agenda Title:

Consideration and Acknowledgement of U.S. Army Corps of Engineers Exhibit D and Documents Regarding Hamm Creek Park Lease No. DACW63-1-22-0676

Public Description (Description should be 2-4 sentences explaining to the Court and the public what action is recommended and why it is necessary):

Additional Documents Returned with Signed Lease Approved in 11-28-2022 Court

(May attach additional sheets if necessary)

Person to Present: Rick Bailey

(Presenter must be present for the item unless the item is on the Consent Agenda)

Supporting Documentation: (check one) PUBLIC CONFIDENTIAL
(PUBLIC documentation may be made available to the public prior to the Meeting)

Estimated Length of Presentation: 1 minutes

Session Requested: Consent (Action Item, Workshop, Consent, Executive)

Check All Departments Requiring Notification:

County Attorney IT Purchasing Auditor

Personnel Public Works Facilities Management

Other Department/Official (list) _____

January 10, 2023

**U. S. Army Corps of Engineers
ATTN: CESWF-RE-M
P. O. Box 17300
Fort Worth, Texas 76102**

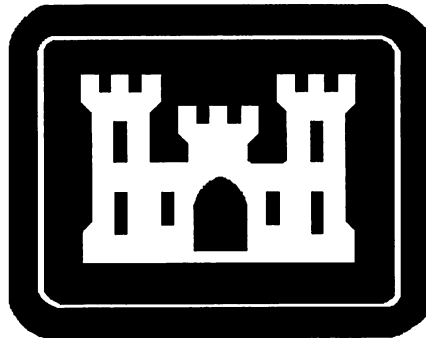
Honorable Rick Bailey
Johnson County Commissioner
Johnson County Precinct 1
3400 West FM 1434
Cleburne, Texas 76033

Dear Mr. Bailey:

Enclosed is a fully executed copy of lease No. DACW63-1-22-0676 for your records. Instrument No. DACW63-1-17-0615 expired on April 12, 2022, and has been terminated. If you have any questions related to your rights or responsibilities as provided for in the lease, please contact me at 817-886-1330 or Clareece.N.Listhrop@usace.army.mil.

Clareece Listhrop
Clareece Listhrop
Realty Specialist
Fort Worth District

Enclosure



**REPORT OF AVAILABILITY
LEASE NO. DACW63-1-22-0676**

C. PRELIMINARY PROCEDURES:

1. STEWART B. MCKINNEY HOMELESS REQUIREMENTS:

McKinney Act requirements do not apply to this action.

McKinney Act requirements apply, necessary screening has been completed, and no interest was expressed.

2. INVENTORY AND CONDITION REPORTS:

No Government improvements are included in the proposed outgrant, so an inventory and condition report is not required.

Government improvements are included and an inventory and condition report is required.

3. CONSIDERATION:

There is no monetary consideration required for this action.

Consideration is the FAIR MARKET RENTAL value for the property based upon an Appraisal/Informal Value Estimate N/A

Offsets (In kind amounts) for the improvement, maintenance, protection, repair or restoration of the property will be provided in lieu of rent.

Consideration is less than fair market value and the outgrant document must contain assurances for Civil Rights Act non-discrimination and the Rehabilitation Act.

Consideration is based on the Revised Graduated Rental System.

4. WAIVER OF COMPETITION:

A waiver of competition is not required.

A waiver of competition is recommended. Provide full justification and proposed grantee, if waiver is recommended.

5. Other applicable laws, regulations, MOA's, etc. requiring consideration for processing this action: N/A

6. TECHNICAL SPECIFICATIONS: N/A

7. Additional information that will assist in processing this application/action: Refer to CESWF-OPN Memorandum dated 27 June 2022, CESWF-OPR-L Memorandum dated 4 May 2022, and CESWF-OPN Report of Availability signed on 28 March 2017 for additional information needed to process this outgrant.

8. BASED ON THE INFORMATION PROVIDED ABOVE, I RECOMMEND THE OUTGRANT BE APPROVED DENIED. If the outgrant is recommended for denial, state the reasons:

15 Dec 2022

Date



LEE A. FLANNERY
Deputy Chief, Real Estate Division
Real Estate Contracting Officer

**DETERMINATION OF AVAILABILITY
CIVIL WORKS PROJECTS
LEASE NO. DACW63-1-22-0676**

1. I have determined that the intended use of this property is in the public interest or will further project purposes and is consistent with delegated authorities and Government regulations.

2. I have determined that the proposed use is not a potential embarrassment to the U.S. Army.

3. I have determined that the property is not excess to the overall project purpose and has not been identified as not utilized in a Real Property Management Report.

4. I have determined that the rental consideration is not less than fair market value of the leased interest, taking into account the benefit to the United States to the public and to the Department of the Army.

5. I have determined that Executive Order 13658 and Executive Order 13706 are applicable to the proposed outgrant.

6. The proposed use of the area is approved subject to all conditions listed in Lease No. DACW63-1-22-0676.

7. Coordination: CESWF-OPN, CESWF-OPR, CESWF-OPR-L

8. It has been determined that the property is available for the proposed use and may be outgranted in accordance with applicable laws, rules and regulations.

15 Dec 2022

Date




LEE A. FLANNERY
Deputy Chief, Real Estate Division
Real Estate Contracting Officer

MEMORANDUM FOR RECORD

SUBJECT: Waiver of Competition to Renew Public Park and Recreational Lease
DACW63-1-22-0676, Whitney Lake, Texas.

1. **Property:** Johnson County, Hamm Creek Park, Lease No. DACW63-1-17-0615 expired on 12 April 2022.
2. **Description:** The lease is for Park and Recreation purposes and consists of approximately 191 acres along the Brazos River. A joint inspection report was completed and is attached as an exhibit to the lease.
3. **Compliance:** Compliance reports have been done annually. The operator has worked well with the U.S. Army Corps of Engineers to correct any deficiencies.
4. **Financial:** Johnson County is in good financial standing. Benefits the public no consideration fees are charged.
5. **Determination:** It has been determined that competition would be impractical and a waiver of competition is in the public's interest. The Lessee is willing and able to provide facilities and services necessary to service the public and perform in accordance with the lease terms. In view of the above, competition is hereby waived for issuance of the above commercial concession lease.



LEE A . FLANNERY
Deputy Chief, Real Estate Division
Real Estate Contracting Officer

PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)

1. REAL PROPERTY TRANSACTION: The U.S. Army Corps of Engineers proposes to issue Lease No. DACW63-1-22-0676, which will allow Johnson County continued use of approximately 191 acres of land for a public park and recreational purposes, Whitney Lake, Texas. The new lease will become effective on October 1, 2022 and expires on September 30, 2047.

a. A COMPREHENSIVE RECORDS SEARCH was conducted which included a review of the following areas:

- 1) Real Estate Division files;
- 2) Real Estate Division maps;
- 3) Whitney Master plan;
- 4) Operations Division files;
- 5) Environmental Review Guide for Operations (ERGO).

b. INTERVIEWS WERE CONDUCTED with the following: N/A

c. A SITE INVESTIGATION was performed on 28 March 2022, Ms. Jennifer Linde, Operations Division, Mr. Bryan Berry, Real Estate Division, Ms. Jennifer Sleezer, and Ms. Shauna Sadoski, Three Rivers Region, which consisted of a visual inspection of the area.

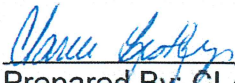
2. STATEMENT OF FINDINGS

a. COMPREHENSIVE RECORDS SEARCH SUMMARY

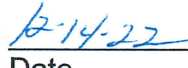
A complete search of the District files which pertain to the proposed lease area was made as stated in 1.a. above. The records search revealed no other evidence of any hazardous substance being stored, released or disposed of on the property involved. The operating plans and historical records also showed no other evidence of any activity which would have contaminated the property with hazardous substances.

b. SITE INVESTIGATION SUMMARY

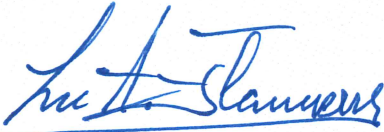
A site investigation of the proposed lease area was made as stated in 1.c. above. This visual inspection revealed no unusual odors, stained soils, stressed vegetation, suspicious seepage, manmade land features, unnatural surface features or other evidence that would indicate the presence of hazardous wastes. Based on this inspection it was determined no hazardous substance has been stored, released or disposed of on the property involved. Project personnel have no other knowledge of past activities which might have created a hazardous situation.



Prepared By: CLAREECE LISTHROP
Realty Specialist
Management and Disposal Branch



Date



Approved By: LEE A. FLANNERY
Deputy Chief, Real Estate Division
Real Estate Contracting Officer



Date