

17.0 ACQUISITIONS AND DISPLACEMENTS

This chapter describes the potential property acquisitions and resulting displacements for the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE). "Full acquisitions" entail the purchase of an entire parcel, whereas "partial acquisitions" entail the purchase of a portion of a parcel. "Displacements" would occur when a full acquisition is necessary, or when a partial acquisition would result in an impact that would affect the continued economic viability or use of a property.

17.1 Acquisitions and Displacements

17.1.1 No-Build Alternative

No acquisitions of property or resulting displacements would occur as a result of the No-Build Alternative.

17.1.2 Light Rail Alternative

The majority of the proposed Light Rail Alternative would be constructed within existing transportation corridors (rail and roadway). However, portions of the proposed project would be constructed in areas where there is insufficient right-of-way (ROW) width (rail and roadway) and in areas outside of existing rail and roadway corridors, such as where the proposed project would transition from existing rail corridors to existing roadway corridors. Park-and-ride facilities are proposed at several of the station locations and would also require property acquisition for their development. Additional areas that would potentially require acquisition of property for modification of existing streets and railway ROWs include areas of potential widening, relocation and intersection improvements. New access roads, bridge structures and ancillary facilities related to the development and implementation of the Light Rail Alternative, including power substations, signal houses and crossing equipment (gates and signals), would also require the acquisition of property. Estimates on the proposed acquisitions and displacements resulting from implementation of the proposed Light Rail Alternative are based on preliminary engineering at a 30 percent level of design and analysis by the City of Charlotte Real Estate Division. These estimates on the acquisitions and displacements necessary for the proposed project are subject to refinement as the level of design proceeds for the proposed Light Rail Alternative.

Implementation of the proposed Light Rail Alternative would require the full and partial acquisition of parcels along the proposed corridor and would potentially result in the displacement of residential, commercial, industrial and office uses. The Light Rail Alternative may also include the acquisition and/or trade of railroad ROW. Specific areas that are likely subject to acquisitions and displacements include the following.

- Norfolk Southern plans to relocate their intermodal yard, located just east of North Brevard Street, to an area near Charlotte-Douglas International Airport. As a result, CATS intends to acquire the existing intermodal yard property for a Vehicle Light Maintenance Facility (VLMF). The VLMF is planned to provide maintenance, repair, interior cleaning and inspection of light rail vehicles. The facility would be located within the existing site and would consist of approximately 20 acres. The existing intermodal facility on this site is voluntarily moving to the new location near the airport. This relocation is not a direct result of the LYNX BLE and the acquisition of the parcels would not result in any displacements. The entire site is not needed for the proposed light rail facilities and the remaining portions could be used for redevelopment opportunities through the City of Charlotte. In addition, four other parcels in this area would also be acquired for the proposed alignment and VLMF. Three of the parcels are developed with industrial uses and one is vacant.
- Full and partial acquisitions of industrial and commercial properties would be necessary in the area where the proposed alignment would transition from the existing rail corridor to North Tryon Street/US-29 approximately 2,600 feet north of Eastway Drive.
- Full and partial acquisitions would result between Old Concord Road and where North Tryon Street/US-29 and University City Blvd./NC-49 meet (also known as "the weave"). Existing ROW along this segment of North Tryon Street/US-29 is not wide enough to accommodate the proposed Light Rail Alternative. It is anticipated that additional ROW would be required in this area, including up to 10 feet along the east side of North Tryon Street/US-29 and approximately 30 feet on the west side

of North Tryon Street/US-29. The City of Charlotte is proceeding with safety improvements that convert the existing “weave” configuration to at-grade signalized intersections at the US-29/I-85 connector and at the convergence of US-29/NC-49. The design of this project included sufficient right-of-way for the proposed Light Rail Alternative; therefore, no additional acquisition would be anticipated in this area. Existing ROW would also be inadequate from “the weave” project to the University of North Carolina at Charlotte (UNC Charlotte) campus. It is anticipated that additional ROW would be required to accommodate the proposed Light Rail Alternative along this section of North Tryon Street/US-29. The acquisitions through this section would occur in a symmetrical pattern with approximately 30 feet of land to be acquired from each side of the street. These sections of North Tryon Street/US-29 encompass primarily commercial properties, which would be subject to partial and full acquisition.

- Where the Light Rail Alternative transitions from UNC Charlotte towards East Mallard Creek Church Road, full acquisition of a multi-family building and partial acquisition of an adjacent multi-family building would be required from the Mallard Creek Apartments.
- Where the Light Rail Alternative crosses East Mallard Creek Church Road to transition back to North Tryon Street/US-29 just south of Kirk Farm Fields park, vacant parcels in this area would be subject to partial acquisition.
- The proposed Light Rail Alternative would also require the acquisition of parcels for the development of park-and-ride facilities at seven of the proposed station locations, including Sugar Creek Station (Park-and-Ride Options 1 and 2), Old Concord Road Station, Tom Hunter Station, University City Blvd. Station, McCullough Station, Mallard Creek Church Station and I-485/N. Tryon Station. Acquisition of parcels for development of these facilities constitutes the majority of the full acquisitions that would be required for the proposed Light Rail Alternative.
- Acquisitions would also be required for potential roadway improvements that are related to the development of the proposed Light Rail Alternative. These roadway improvements include a relocated access road to a Duke Energy Substation off North Brevard Street.



Multi-family building near East Mallard Creek Church Road that would be subject to partial acquisition, resulting in residential displacement.

Full Property Acquisitions

Full property acquisitions for the proposed Light Rail Alternative are listed in Appendix C and include entire parcels that would be needed for development of the proposed Light Rail Alternative, or portions of parcels in which impacting that portion would impede its functional capabilities and future use. Such impacts could include, but are not limited to, removing or limiting access to a property or the removal of parking spaces such that its continued use is no longer viable.

Based on preliminary engineering, the majority of these acquisitions would occur where the proposed alignment would transition from the existing rail corridor to North Tryon Street/US-29 near Old Concord Road and in the locations of proposed park-and-ride facilities. The properties that would be affected consist of industrial, commercial and vacant uses. Approximately 25 parcels totaling 3,327,217 square feet (76.4 acres) would be required with the Sugar Creek Station Park-and-Ride Option 1. Approximately 25 parcels totaling 3,095,601 square feet (71.0 acres) would be required with the Sugar Creek Station Park-and-Ride Option 2. Of the 25 parcels that may be fully acquired, owners and/or tenants would be displaced at 19 businesses with the Sugar Creek Station Park-and-Ride Option 1 and displacements at 16 businesses would occur with the Sugar Creek Station Park-and-Ride Option 2. These acquisitions and displacements would result in a potentially significant impact. Additional detail regarding acquisitions and displacements within communities of concern is located in Chapter 6.0: Neighborhoods, Community Services and Environmental Justice, within Section 6.2.2.3.

Partial Property Acquisitions

Partial property acquisitions for the proposed Light Rail Alternative are listed in Appendix C and include parcels where portions or strips of property would be needed for development of the Light Rail Alternative, as well as temporary construction easements (TCEs) and permanent easements.

Based on estimates from preliminary engineering, the proposed Light Rail Alternative would require partial acquisition of approximately 195 parcels totaling 2,721,880 square feet in area (62.5 acres), 1,231,500 square feet (28.3 acres) in TCEs and 95,400 square feet (2.2 acres) in permanent easements with the Sugar Creek Station Park-and-Ride Option 1. The proposed Light Rail Alternative would require partial acquisition of approximately 204 parcels totaling 2,651,580 square feet in area to be acquired (60.8 acres), 1,242,900 square feet (28.5 acres) in TCEs and 95,400 square feet (2.2 acres) in permanent easements with the Sugar Creek Station Park-and-Ride Option 2. The partial acquisitions that would be required would generally consist of less than 10 percent of the total parcel area in many cases.



Commercial corridor on North Tryon Street/US-29 that would be subject to partial acquisitions for roadway widening.

Of the parcels that may be affected by partial acquisitions (195 parcels for the Sugar Creek Station Park-and-Ride Option 1 or the 204 parcels for Sugar Creek Station Park-and-Ride Option 2), four of the partial acquisitions would result in displacement; including three commercial/industrial uses and one commercial residential (multi-family) use. Impacts to these four properties would be considered potentially significant as the change to these properties would significantly alter their respective uses. Additional detail regarding acquisitions and displacements within communities of concern is located in Chapter 6.0: Neighborhoods, Community Services and Environmental Justice, within Section 6.2.2.3. TCEs would be required where the proposed Light Rail Alternative ROW is constrained and additional areas would be needed for access to the ROW during construction. These temporary easements, where needed, would extend approximately ten feet beyond the ROW limits of the proposed Light Rail Alternative. Permanent easements would be needed primarily for drainage purposes and are relatively minor (a total of 2.2 acres for the entire project).

The majority of the partial property acquisitions would result from ROW needs, particularly along the North Tryon Street/US-29 corridor. These partial property acquisitions could result in the removal of parking spaces; fixtures, such as business signage, lights, mailboxes and fences; landscaping elements, including vegetation and hardscapes; and/or other miscellaneous personal property.

CATS has received approval from FTA for a protective purchase of a portion of Parcels 08303101 and 08303142, between 30th Street and the proposed “The Yards at NoDa” development.

Use of existing railroad ROWs would also be necessary for implementation of the proposed Light Rail Alternative. Existing railroad ROWs are currently owned by various railroad entities, including Norfolk Southern (NS), North Carolina Railroad (NCR), the Aberdeen, Carolina and Western Railway Company (AC&W) and the CSX Corporation. It is anticipated that use of existing ROWs would be accomplished through a variety of means including ROW usage agreements and leases, easements, ROW acquisition and possibly municipal agreements. Specifically, acquisition of existing railroad ROWs would be required from NS and NCR from approximately East 16th Street to Little Sugar Creek. From Little Sugar Creek to East 30th Street, NS ROW would be acquired from a portion of the NS intermodal yard. From NoDa to the point where the proposed Light Rail Alternative would leave the existing rail corridor (near Old Concord Road), a ROW usage agreement and/or lease would be required from NCR.

Easements

To meet project objectives, CATS would likely need to acquire easements for construction of the proposed Light Rail Alternative. Based on *30% Preliminary Engineering Design Plans*, approximately 95,400 square feet (2.2 acres) would be needed for permanent easements (primarily for drainage purposes). Anticipated temporary construction easements (TCEs) have also been determined based on estimates from *30% Preliminary Engineering Design Plans*. Permanent easements and TCEs are summarized in Appendix C. Easements would provide a right to use land to construct, operate and/or maintain the proposed Light Rail Alternative. The landowner would retain the title to the land and would be able to continue to use the property in ways that are compatible with the Light Rail Alternative. Permanent easements would be sought in lieu of purchase where feasible for the proposed Light Rail

Alternative. For example, the proposed Light Rail Alternative would pass through the UNC Charlotte campus, and it is anticipated that CATS would negotiate an easement agreement with UNC Charlotte for the Light Rail Alternative corridor. Additionally, where the Light Rail Alternative crosses into existing NCDOT ROW along the North Tryon Street/US-29 corridor, ROW easements or municipal agreements would be negotiated where practical. TCEs would also be required.

Business Damages Due to Obstructed Views

As indicated in Chapter 7.0: Visual and Aesthetics, some businesses along North Tryon Street/US 29 may experience impacts related to visual conditions. Businesses along North Tryon Street/US-29 between Old Concord Road and JW Clay Boulevard may experience obstruction of views of their sites from the roadway due to bridge construction. These bridges would obstruct the views across North Tryon Street/US-29 and block views to neighboring businesses. Business signage may also be relocated due to strip property acquisitions proposed on each side of the roadway. Businesses would be monetarily compensated for signage replacement/relocations if a portion of their property is acquired to accommodate the light rail project, or may be paid damages if their views are permanently obstructed by a light rail bridge/retaining wall. These sites will be identified during final design.

17.1.3 Light Rail Alternative – Sugar Creek Design Option

The Light-Rail Alternative – Sugar Creek Design Option alignment would require widening of North Tryon Street/US 29 from Dorton Street to Old Concord Road of up to 50 feet on the west side of North Tryon Street/US 29. Acquisitions that would be required for the proposed Light Rail Alternative – Sugar Creek Design Option would be that same as the acquisitions for the proposed Light Rail Alternative, where the same right-of-way is proposed to be used. Due to the variation of the alignment and station locations for the proposed Light Rail Alternative – Sugar Creek Design Option, the potential acquisitions and displacements would differ in some locations.



Industrial area located on Raleigh Street within the Light Rail Alternative – Sugar Creek Design Option alignment that would be subject to partial and full acquisitions, resulting in business displacements.

Full Property Acquisitions

Full property acquisitions for the proposed Light Rail Alternative – Sugar Creek Design Option are summarized in Appendix C.

The proposed Light Rail Alternative – Sugar Creek Design Option would require the full acquisition of approximately 31 parcels totaling 3,821,741 square feet (87.7 acres). The proposed alignment would require acquisition of industrial and commercial properties where the alignment would transition from the existing rail corridor to North Tryon Street/US-29, approximately 200 feet north and east of Sugar Creek Road. The proposed Light Rail Alternative – Sugar Creek Design Option would also require the acquisition of parcels for the development of park-and-ride facilities at two stations proposed for the Sugar Creek Design Option that differ from those of the previously described proposed Light Rail Alternative, namely the Sugar Creek Station and Old Concord Road Station. These acquisitions would result in 25 displacements, with most displacements occurring at industrial and commercial businesses. These displacements would constitute a potentially significant impact. Additional detail regarding acquisitions and displacements within communities of concern is located in Chapter 6.0: Neighborhoods, Community Services and Environmental Justice, within Section 6.2.3.3.

Partial Property Acquisitions

Potential partial property acquisitions for the proposed Light Rail Alternative – Sugar Creek Design Option are listed in Appendix C and include properties where portions or strips of property would be needed for construction of the Light Rail Alternative, as well as temporary construction easements (TCEs).

The proposed Light Rail Alternative – Sugar Creek Design Option would require partial acquisition of approximately 214 parcels totaling approximately 2,860,050 square feet in area to be acquired (65.7 acres). A total of 33 displacements would occur for the proposed Light Rail Alternative – Sugar Creek Design Option along the entire alignment. One displacement would occur at a commercial residential (multi-family) use and the remainder would occur at commercial and industrial businesses. Additional

detail regarding acquisitions and displacements within communities of concern is located in Chapter 6.0: Neighborhoods, Community Services and Environmental Justice, within Section 6.2.3.3. The segment of the Light Rail Alternative – Sugar Creek Design Option between Sugar Creek road and Old Concord Road would require partial acquisition of 49 parcels totaling 315,600 square feet (7.2 acres) and 4 displacements would occur at commercial, industrial and office uses. The existing ROW along North Tryon Street/US-29, where the proposed alignment would transition into the median of North Tryon Street/US-29 just north of Dorton Street and continue north to Old Concord Road, is not wide enough to accommodate the proposed Light Rail Alternative. It is anticipated that an additional 30 to 50 feet of ROW would be needed along the north side of North Tryon Street/US-29. This section of North Tryon Street/US-29 is comprised primarily of commercial properties and is where the majority of partial acquisitions would occur. The partial acquisitions that would be required generally encompass less than 10 percent of the total parcel area (see Appendix C). Displacements for owners and renters of these properties would be considered potentially significant as the change to these properties would significantly alter their respective uses. Residential displacements would not occur as part of the proposed segment of the Light Rail Alternative – Sugar Creek Design Option.

Summary of Property Acquisitions

The total estimate of property acquisitions that would be necessary for the proposed Light Rail Alternative and the Light Rail Alternative – Sugar Creek Design Option are summarized in Table 17-1.

**Table 17-1
Comparison of Property Acquisitions**

Alignment	Total Proposed Acquisition (Square Feet)	Proposed TCE (Square Feet)	Proposed Permanent Easement (Square Feet)	Partial Acquisitions (Number of Parcels)	Full Acquisitions (Number of Parcels)	Displacements
*Light Rail Alternative	6,049,097	1,231,500	95,400	195	25	23 Total 22 Business 1 Residential
**Light Rail Alternative	5,747,181	1,242,900	95,400	204	25	20 Total 19 Business 1 Residential
Light Rail Alternative - Sugar Creek Design Option	6,681,791	1,339,000	n/a	214	31	33 Total 32 Business 1 Residential

* Parcels expected to be acquired for the Light Rail Alternative – Sugar Creek Station Park-and-Ride Option 1

** Parcels expected to be acquired for the Light Rail Alternative – Sugar Creek Station Park-and-Ride Option 2

Source: City of Charlotte Engineering and Property Management Department, April 2009 and June 2010

17.2 Mitigation

17.2.1 Light Rail Alternative

The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Uniform Act) provided for uniform and equitable treatment of persons displaced from their homes, businesses or farms by federal and federally assisted programs and established uniform and equitable land acquisition policies. The Uniform Act ensures that property owners receive fair market value for their property and that displaced persons receive fair and equitable treatment and do not suffer disproportionate injuries because of programs designed for overall public benefit. The North Carolina Relocation Assistance Act (North Carolina General Statutes Chapter 40A and 136) and Municipal Code of the City of Charlotte (Article V, Section 7.81) are similar state and local regulations that also ensure property owner protection.

All acquisitions and displacements will be completed in accordance with these federal, state and local regulations. These regulations ensure that no person be required to move from their home unless affordable, decent, safe and sanitary replacement housing is available, and which is not generally less desirable with regards to public utilities and public and commercial facilities than the home from which they are displaced. The Uniform Act ensures consistent and fair treatment for owners of real property.

The Uniform Act provides for certain relocation payments in addition to the amount a person receives as just and adequate compensation for their property proposed for acquisition. The Uniform Act also establishes a uniform policy for the fair and equal treatment of persons who are required to move from their homes, apartments or businesses as a result of governmental action.

The City of Charlotte will implement a ROW Acquisition and Relocation Program to comply with the Uniform Act. CATS will be responsible for implementation of the program through the *Real Estate Acquisition and Relocation Plan*, which identifies the policies and procedures necessary for compliance with requirements relating to ROW appraisal, acquisition, relocation and property management. The policies and procedures also incorporate requirements for compliance with state requirements.

Once parcels needed for implementation of the proposed Light Rail Alternative are identified, the City of Charlotte will make reasonable efforts to negotiate and acquire real property at the appraised value. Buildings, structures and other improvements, including fixtures and removable building equipment that are considered to be part of the property, will be considered in negotiations. If the acquisition of only part of a property will affect the economic viability and continued use of that property such that it would leave the owner with an uneconomic remnant, the City of Charlotte will offer to acquire the remaining portion of the property, or remnant, if the owner desires. Where TCEs are required, property owners will be compensated for any loss of access during the construction period and the properties will be restored, at a minimum, to their previous condition.

Businesses

Relocation payments for a displaced business will either entail a fixed payment in lieu of other actual moving and related expenses that will be an amount equal to the average annual net income of the business, or a payment for actual, reasonable and necessary moving expenses including, but not limited to:

- Transporting personal property from the displacement site to a replacement site;
- Packing, crating and, if necessary, storing personal property;
- Insuring against loss or damage of personal property while in transit or storage;
- Removing and reinstalling machinery and equipment, including reconnecting utilities;
- Reprinting stationery, business cards, checks, etc.;
- Reimbursement for expenses incurred in searching for a replacement site;
- Payment for actual direct losses of personal property sustained by a business relocation;
- Re-establishment reimbursement for expenses as prescribed by the Uniform Act; and,
- Searching Fees.

A business opting to move based on reimbursement of actual, reasonable and necessary expenses may have a commercial mover and contractors perform the move, or move themselves for the same cost. In the case of a partial acquisition where the business itself is not to be relocated, owners of eligible on-premise signs are entitled to reimbursement for the actual, reasonable and necessary cost of moving the sign to the remaining portion of the property. These costs may include a direct loss payment if the sign cannot be relocated; or a re-establishment payment to defray the costs of replacing the sign that cannot be re-erected in another location because it is, or will be, in conflict with federal, state or local regulations. In the case of a partial acquisition, where it is necessary to remove miscellaneous personal property from the proposed ROW, owners of the personal property are entitled to reimbursement for the actual, reasonable and necessary costs of moving the personal property.

Residential

For residential relocations, a relocation plan will be established that will inventory the characteristics and needs of persons to be displaced. It is anticipated that the following information will be obtained and utilized.

- Number of people and families to be displaced;
- Size of families, age and gender of children;
- Number of elderly and handicapped;
- Area of preferred location;

- Type of unit preferred;
- Need for schools, social and public services;
- An estimated inventory of currently available comparable replacement dwellings;
- A discussion of relocation issues and possible solutions;
- A discussion of the impact on the human environment in where the proposed project would be located including racial, ethnic, age and income considerations;
- An estimate of the business operations to be displaced and the affect of their displacement on the economy of the area;
- An analysis of Federal, State and community programs currently in operation in the project area that would affect the availability of housing; and,
- Detailed information on concurrent displacement and relocation by other governmental agencies or private concerns.

Relocation Assistance Benefits will be available to eligible residential occupants, businesses and owners of personal property that will be affected by acquisition of all or part of real property. Each displaced person will be provided written and verbal information that fully explains the relocation services and eligibility requirements for payments of replacement housing and moving expenses.

The City of Charlotte will maintain the following information in its real estate office to assist in the relocation of people and personal property:

- Lists of replacement dwellings available, without regard to race, color, religion or national origin, drawn from various sources, suitable in price, size and condition for individuals and families;
- Current and continuing lists of suitable commercial properties and locations for displaced businesses;
- Current information as to security deposits, rents, closing costs, typical down payments, interest rates and terms for residential real property in the area;
- Maps showing the location of schools, parks, playgrounds, shopping centers, and public transportation routes in the area;
- Schedules and costs of public transportation;
- Information explaining the relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs and family budgeting; and,
- Subscriptions to apartment directory services, and neighborhood and metropolitan newspapers.

In addition, relocation personnel will contact and exchange information with other public and private agencies providing services that may be useful to persons being relocated. Such agencies include: the local Housing Authority; City and County Social Service Agencies; Department of Housing and Urban Development; Veterans Administration; Small Business Administration; other city, county, and state agencies providing services appropriate to the displacee; and private agencies. Contact will also be maintained with the local real estate community, including real estate brokers, real estate boards, property managers, apartment owners and managers, and home building contractors.

Displaced persons may choose to relocate without City of Charlotte aid and advisory services and still be eligible for relocation payments, including replacement housing payment and moving cost reimbursement for residential tenants and homeowners; and a fixed payment in lieu of actual moving and related expenses, or a payment for actual, reasonable and necessary moving expenses, re-establishment and searching fees for businesses.

Only one parcel would be subject to residential displacement as a result of the proposed project. It is anticipated that residents displaced from this parcel will be able to find comparable replacement housing and that this displacement would not negatively affect overall housing opportunities in Mecklenburg County.

17.2.2 Light Rail Alternative – Sugar Creek Design Option

Proposed full and partial property acquisitions that would result from the Light Rail Alternative – Sugar Creek Design Option would be subject to the Uniform Act and the same mitigation measures described in Section 17.2.1.