

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 Changes to this Chapter since the Draft EIS

This chapter has been revised to reflect the identification of the Light Rail Alternative as the Preferred Alternative for the LYNX BLE. Additionally, since the Draft Environmental Impact Statement (EIS), design of the LYNX BLE has been refined as described in Chapter 2.0: Alternatives Considered. These refinements are included in this chapter and reflected in the calculation of acquisitions and displacements resulting from the proposed project.

17.2 Acquisitions and Displacements

17.2.1 No-Build Alternative

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

17.2.2 Preferred Alternative

The majority of the Preferred 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 an existing rail corridor to an existing roadway corridor. Park-and-ride facilities are proposed at four 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 Preferred Alternative would also require the acquisition of property. Ancillary facilities include power substations, signal houses, a vehicle storage yard and crossing equipment (gates and signals). Estimates on the proposed acquisitions and displacements resulting from implementation of the Preferred Alternative are based on *30% Preliminary Engineering Design Plans (2010)*, *Project Approval for Development of 65% Design and the FEIS (2011)* 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 Preferred Alternative.

Implementation of the Preferred Alternative would require the full and partial acquisition of parcels along the proposed corridor and would potentially result in the displacement of businesses on parcels with commercial, industrial and office uses. Portions of residential properties may be required for partial acquisition and/or easements; however, no residential uses would be displaced as a result of the Preferred Alternative. The Preferred 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 a portion of the existing intermodal yard property (approximately 39 acres) for the proposed alignment, a vehicle storage yard and small dispatch facility. The vehicle storage yard would be located within the northeast section of the existing intermodal yard site. The existing intermodal facility on this site is voluntarily moving to a new location near the Charlotte-Douglas International Airport, and this relocation is not a direct result of the LYNX BLE.
- Full and partial acquisitions of commercial, industrial and vacant 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, and enter North Tryon Street/US-29 at Old Concord Road. Approximately three acquisitions resulting in displacement of commercial and industrial uses would occur in this location.

- Full and partial acquisitions would also 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 Preferred 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 40 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. Minor amounts of additional ROW would be needed in the area of the "weave" to accommodate turn/through lanes near the University City Blvd. Station. 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 Preferred 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.
- The Preferred Alternative would also require an intersection improvement at Tom Hunter Road and North Tryon Street/US-29. Improvements at this intersection, in addition to the widening of North Tryon Street/US-29, would require both partial and full acquisitions that would result in three displacements to commercial uses in this area.
- The Preferred Alternative would also require the acquisition of parcels for the development of park-and-ride facilities at four of the proposed station locations, including Sugar Creek Station, Old Concord Road Station, University City Blvd. Station and JW Clay Blvd. Station. A total of five full acquisitions would be necessary for the development of these stations including three commercial uses, four industrial uses and one vacant parcel.
- Acquisitions would also be required for potential roadway improvements that are related to the development of the Preferred Alternative. These roadway improvements include a relocated access road to a Duke Energy Substation off North Brevard Street.

Full Property Acquisitions

Full property acquisitions for the Preferred Alternative are listed in Appendix C and include entire parcels that would be needed for development of the proposed project, 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.

Approximately 11 parcels totaling approximately 1,180,011 square feet (27.1 acres) would be required. Based on preliminary engineering, the majority of these full 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. Ten of these parcels are developed with commercial and industrial uses and one parcel is vacant. As a result, 10 business displacements would occur and these acquisitions and displacements would result in a potentially significant impact. Additional details regarding acquisitions and displacements within communities of concern are located in Chapter 6.0: Neighborhoods, Community Services and Environmental Justice, within Section 6.3.2.

Partial Property Acquisitions

Partial property acquisitions for the Preferred Alternative are listed in Appendix C and include parcels where portions or strips of property would be needed for development of the Preferred Alternative, as well as temporary construction easements (TCEs) and permanent easements. Based on estimates from preliminary engineering, the Preferred Alternative would require partial acquisition of approximately 212 parcels totaling approximately 2,759,500 square feet in area (63.3 acres). The partial acquisitions that would be required would generally consist of less than 10 percent of the total parcel area in many cases. CATS has received approval from the Federal Transit Administration (FTA) for a protective purchase of a portion of Parcels 08303101 and 08303142, between 30th Street and the proposed "The Yards at NoDa"

development.

Of the parcels that may be affected by partial acquisitions, four of the partial acquisitions would result in displacement. All of these displacements would occur at businesses with commercial and/or industrial uses on-site. 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 6.3.2.

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. The project may also require the relocation of signage, fences, and other personal property on some properties that are within existing right-of-ways and do not need to be acquired.

Approximately 1,048,500 square feet (24.1 acres) in Temporary Construction Easements (TCEs) and approximately 84,200 square feet (1.9 acres) in permanent easements would be required. TCEs would be required where the Preferred Alternative's 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 Preferred Alternative. Permanent easements would be needed primarily for drainage purposes.



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

Use of existing railroad ROWs would also be necessary for implementation of the Preferred 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 railroad ROWs would be accomplished through a variety of means including ROW usage agreements and leases, easements, and ROW acquisition. 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 Preferred Alternative would leave the existing rail corridor (near Old Concord Road), a ROW usage agreement and/or lease would be required from NCR.

The Preferred Alternative would pass through a portion of the UNC Charlotte campus, and it is anticipated that CATS would negotiate an easement agreement with UNC Charlotte for the LYNX BLE corridor. Additionally, where the Preferred Alternative uses existing North Carolina Department of Transportation (NCDOT) ROW along the North Tryon Street/US-29 corridor, a municipal agreement would be negotiated with NCDOT.

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, or may be paid damages if their views will be permanently obstructed by a light rail bridge/retaining wall and a portion of their property is acquired to accommodate the light rail project.

Summary of Property Acquisitions

The total estimate of property acquisitions that would be necessary for the Preferred Alternative is included in Table 17-1.

Table 17-1
Summary of Property Acquisitions – Preferred Alternative

Type	Total Number of Parcels	Total Proposed Acquisition	Proposed TCE	Proposed Permanent Easement	Number of Displacements	Property Use
Full	11	1,180,011 square feet (27.1 acres)	n/a	n/a	10	6 Commercial 4 Industrial
Partial	212	2,759,500 square feet (63.3 acres)	1,048,500 square feet (24.1 acres)	84,200 square feet (1.9 acres)	4	2 Commercial 1 Industrial 1 Commercial/Industrial
Totals	223	3,939,511 square feet (90.4 acres)	1,048,500 square feet (24.1 acres)	84,200 square feet (1.9 acres)	14	8 Commercial 5 Industrial 1 Commercial/Industrial

Source: City of Charlotte Engineering and Property Management Department, December, 2010 and LYNX BLE 30% Cost Estimate, Rev. 02 (2011).

17.3 Mitigation

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* (2009), 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 Preferred 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.

Relocation

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.

As noted, no residential relocations are anticipated as a result of the Preferred Alternative.

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 businesses and personal property:

- Current and continuing lists of suitable commercial properties and locations for displaced businesses;
- Maps showing the location of schools, parks, playgrounds, shopping centers, and public transportation routes in the area; and
- Information explaining the relocation program.

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 may 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, and property managers.

Displaced persons may choose to relocate without City of Charlotte aid and advisory services and still be eligible for relocation payments, including 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.