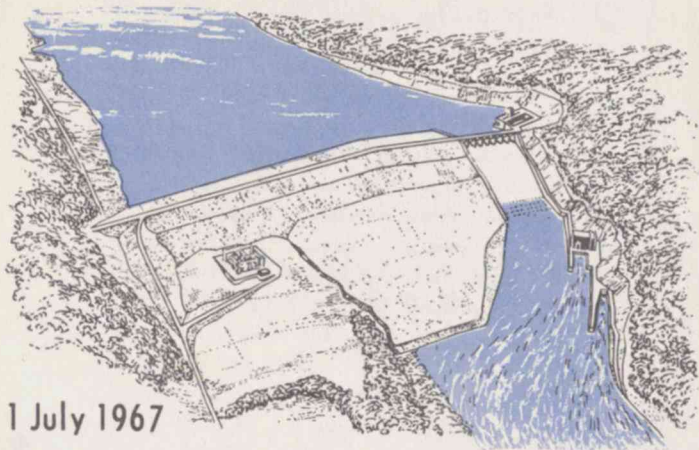


LAND ACQUISITION PROCEDURE  
for  
TOCKS ISLAND DAM  
AND RESERVOIR  
and  
DELAWARE WATER GAP  
NATIONAL RECREATION AREA



1 July 1967



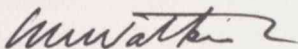
U.S. ARMY ENGINEER  
DISTRICT, PHILADELPHIA  
CORPS OF ENGINEERS

## A MESSAGE TO LANDOWNERS AND TENANTS

The development of our nation's resources sometimes necessitates the acquisition of private property for public use. Such is the case in the construction of the Tocks Island Dam and Reservoir project and the Delaware Water Gap National Recreation Area.

This pamphlet was prepared to explain to you the basic policies of the Department of the Army for the acquisition of privately owned property.

We seek to be fair both to the property owner and to the other taxpayers by paying fair value for property. We also want to be helpful in solving problems which may confront you. Since this pamphlet may not answer all of your questions, please feel free to address inquiries to our Real Estate Project Office, Philadelphia District, Corps of Engineers, 265 South Courtland Street, East Stroudsburg, Pennsylvania. This office was established for the convenience of affected property owners and tenants.



W. W. WATKIN, JR  
Colonel, Corps of Engineers  
District Engineer

# LAND ACQUISITION PROCEDURE

## INTRODUCTION

The Tocks Island Dam and Reservoir will be located on the Delaware River approximately five miles upstream of the Delaware Water Gap and seven miles northeast of Stroudsburg, Pennsylvania. This project contemplates a multipurpose water resources development incorporating water supply, flood control, hydroelectric power and recreation. It will include a 3,200-foot-long earth and rock fill dam, which will rise about 160 feet above the riverbed approximately 100 feet downstream from Tocks Island. The project, which will extend upstream to Port Jervis, New York, will be under the administration of the U. S. Army, Corps of Engineers.

The Delaware Water Gap National Recreation Area, under the administration of the Department of Interior's National Park Service, will surround the 35-mile-long recreation lake created by the dam.

The combined project will require the acquisition of approximately 70,675 acres -- 47,675 for the Recreation Area, and 23,000 for the dam and reservoir -- in Monroe, Pike and Northampton Counties in Pennsylvania, Warren and Sussex Counties in New Jersey, and Orange County in New York.

As directed by Congress, land acquisition for both projects is the responsibility of the Corps of Engineers.

## SCHEDULE FOR LAND ACQUISITION

Acquisition of land for the Delaware Water Gap National Recreation Area began in the Delaware Water Gap area in September 1966. Acquisition at the dam site will start in the Fall of 1967 and will proceed upstream until the entire reservoir and recreation areas are acquired. Completion of the acquisition for the entire project is scheduled for 1975. Construction is scheduled for completion in 1977. These projections are dependent upon appropriation of funds by Congress and other determining factors. It is the policy of the Corps of Engi-

neers to keep landowners and the general public advised of progress by periodic landowner meetings, news releases, personal contact and public information media.

## **DETERMINATION OF VALUE**

The Fifth Amendment of the Constitution of the United States provides that just compensation will be paid for the acquisition of private property for public use. Just compensation is recognized by the courts to be the fair value of the property rights acquired as determined between a willing buyer and a willing seller. The courts have held consistently that amounts claimed for such items as loss of good will, business potential, and sentimental attachment cannot be included in payment.

Estimates of the fair value of interests to be acquired from each individual property will be made by competent professional appraisers familiar with property values in the vicinity. These appraisers are selected by the Government on the basis of their qualifications as to experience, integrity, and demonstrated good judgment in evaluating the fair market value of real estate. When an appraiser examines any property, the owner or his designated representative should take this opportunity to point out anything unusual that might have a bearing on its value. Each appraisal estimate is given a careful review by a reviewing appraiser to insure accuracy and fairness. Following this, a representative of the Government makes an appointment with the landowner to discuss settlement.

## **ACQUISITION BY PURCHASE**

It is the policy of the Corps of Engineers to engage in realistic negotiations with each landowner - to the same extent practiced normally between private individuals - in an effort to arrive at a mutually satisfactory settlement. During the initial contact for settlement, the landowner will be advised fully as to the location and amount of land required for project purposes, the interest to be acquired, and the procedures for purchase and payment. The landowner will be afforded a reasonable time to negotiate for settlement. When an agreement

is reached, payment and closing of the transaction is generally completed within sixty days if the owner's title is free of complications.

## ACQUISITION BY CONDEMNATION

Every effort is made to acquire property in project lands by voluntary purchase. There are no high-pressure methods used in dealing with the owner. Under no circumstances is the owner compelled to sign a purchase contract. He has the undeniable right to refuse the offers made by the Government and to demand that his compensation be determined by court proceedings. If a satisfactory agreement cannot be reached within a reasonable time, the Government must acquire the necessary property rights through the United States District Court in order that the project may be completed on schedule. At the time that court action is filed, the amount of the Government's appraisal is deposited with the court and title to the required property rights passes to the Government. Generally, the court will permit the owner to withdraw a substantial portion of the funds on deposit before the case is tried. Court action is considered fair to both the Government and the landowner, as each will have a full opportunity to present evidence as to value. Any offers or counter-offers made by the Government or the landowner during negotiations for settlement will not be binding in the event of condemnation, unless accepted by both parties.

## RESERVATION OF BUILDINGS

In the case of direct purchase or condemnation, property owners may retain title to buildings in the project area at the appraised salvage value. The appraised salvage value will be deducted from the Government's payment for lands acquired. Buildings retained by the owner must be removed from the project area in accordance with schedules established by the Government at the time of acquisition. All buildings not reserved by the owner or required for project purposes will be advertised by the Government and sold to the highest bidder.

Owners will be encouraged to retain title to growing crops except in those rare cases where possession of the land may be required prior to the harvest season.

## **POSSESSION OF LANDS**

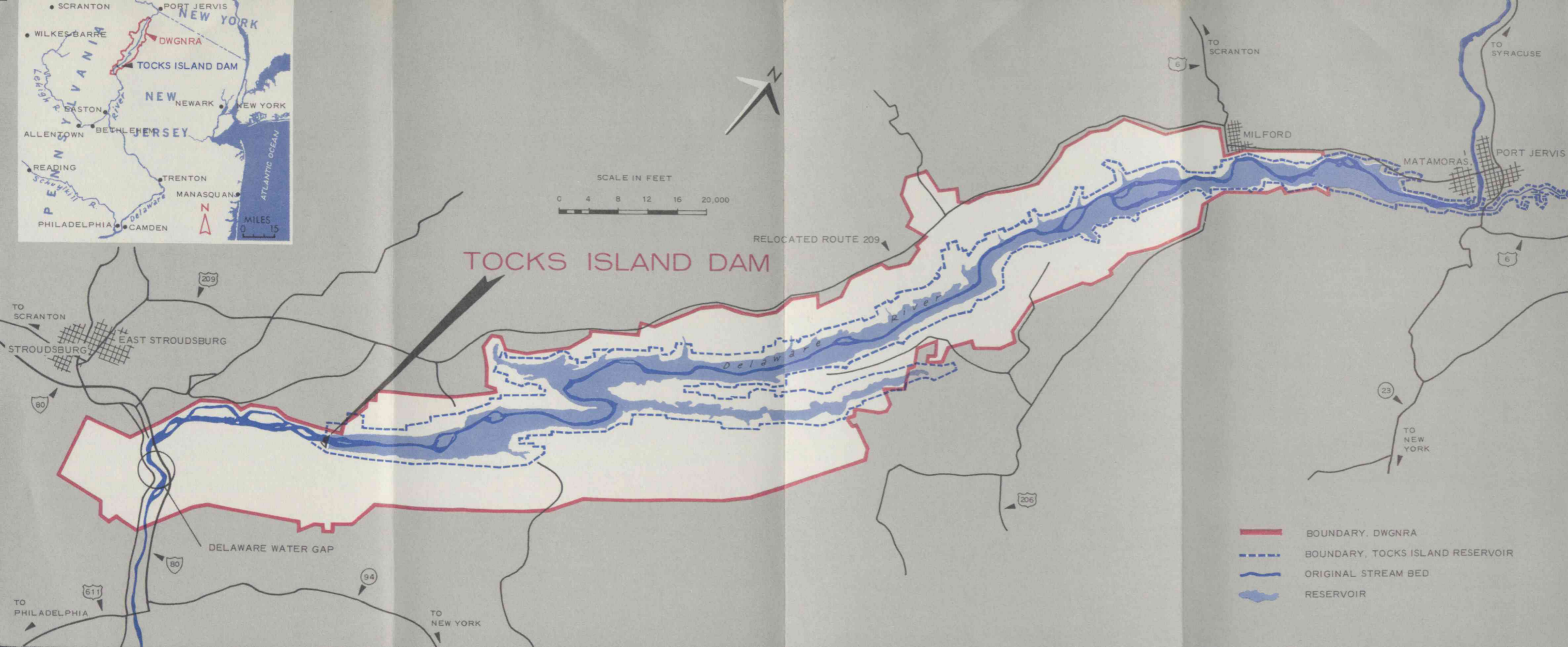
As a general rule, after title has been acquired by the Government, owners and tenants will be permitted to retain possession of the premises until they are needed for project purposes. Under certain conditions, continued occupancy will require lease arrangements at prevailing rental rates in the vicinity. Under no circumstances will the Government take possession of the owner's property until proper arrangements are made for payment.

Public Law 89-158, which authorized the Delaware Water Gap National Recreation Area, provides that under certain circumstances an owner may retain the right of extended occupancy of his year-round permanent home. The Act further provides that the price payable to the owner of such property will be reduced by an amount equal to the value of the right retained. The Government's representative will explain in detail the procedures involved at the time property owners are contacted.

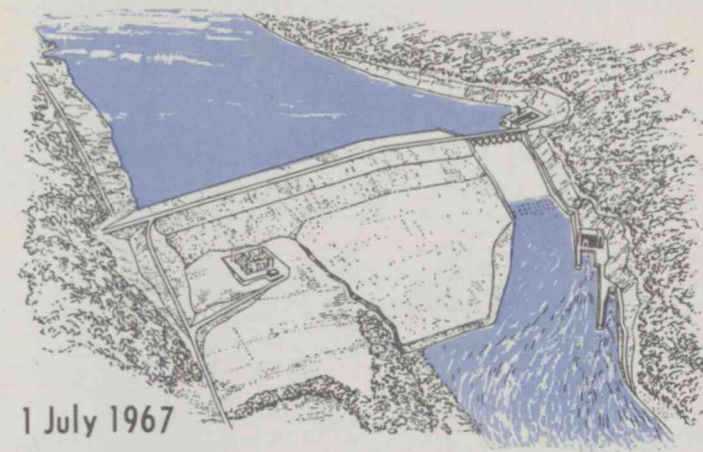
## **MOVING COSTS**

Under current legislation, the Secretary of the Army is authorized to reimburse both owners and tenants for certain expenses, losses or damages which they incur in the process of and as a direct result of moving themselves, their families, and their possessions due to the acquisition. To secure reimbursement, it is necessary that owners and tenants make written application within one year following the date the property is acquired by the Government or within one year following the date on which the property is vacated by the applicant, whichever is later. These payments are in addition to payments made to owners for the acquisition of lands. The Government's representative will explain the details of payment for moving costs at the time property owners are contacted for purchase of lands.





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