



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, March 10, 2026
Category:	NEW BUSINESS
Type:	ACTION
Subject:	US Army Corps of Engineers (USACE) FCCE PL84-99 Repairs 2023 and 2024 – Rights of Entry Agreements
Background Information:	<p>During routine reviews of the City flood control project, City staff identified two areas of concern due to erosion along armored segments of the flood control project. Upon discovery, City staff completed aerial survey of the flood control project via drone and submitted information and a request for review to the US Army Corps of Engineers (USACE).</p> <p>Following review and discussions, the USACE has agreed to design and administer a repair project for our federal flood control system until Public Law 84-99. Public Law 84-99 is the Corps of Engineers’ basic authority to provide support to local governments prior to, during, and after a flood event. The Flood Control and Coastal Emergencies (FCCE) appropriation provides funding for PL 84-99 authorized activities.</p> <p>The USACE has required that City staff secure the access to the project locations. In addition, they required the City of Marshall to grant right of entry to our property for repairs of the damaged segments of the flood control project. The USACE provided template documents for City staff to use, and City staff consulted with our City Attorney to make some amendments to the USACE template files.</p> <p>Included in the Council packet are five plan sheets that identify the access routes and four Right-of-Entry documents:</p> <ul style="list-style-type: none"> - Right-of-Entry for Access from 406 Airport Road - Right-of-Entry for Access from 410 Airport Road - Right-of-Entry for Access from Lake Marshall Township for use of 260th Street - Right-of-Entry for Construction from the City of Marshall to USACE <p>The above documents allow the federal government and its contractors to access the two project locations that are scheduled for repair. The remote nature of the project locations necessitates accessing the sites through private property or a township road.</p> <p>City staff has met with representatives of the Lake Marshall Township, S&R Auto, and the E-Free Church and all documents are fully-executed. Staff is presenting these access agreements to Council for final approval. With these agreements submitted, staff would expect the USACE to be ready to seek bids for the project. Staff expects a final review of plans soon, with a schedule to bid the project yet this spring.</p>
Fiscal Impact:	
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council authorize City staff to submit these rights-of-entry agreements to the US Army Corps of Engineers.