

## **ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY**

### **I. Legal Authority:**

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes, Mission Springs Water District (MSWD) is a County Water District and public agency formed pursuant to Water Code §§ 30000 et seq., with the power to "take any property necessary to carry out the business of the district by grant, purchase, gift, devise, condemnation, or lease." (Water Code §§ 31040 et seq.)

- b. Does the sponsor have the power of eminent domain for this project?

Yes, see response I.a. MSWD has the power to take property by eminent domain, and may take possession of property ("quick-take"), after filing a compliant and prior to entry of judgment, pursuant to Cal. Code of Civil Procedures §§ 1255.410 et seq.

- c. Does the sponsor have "quick-take" authority for this project?

Yes, see response I.b. MSWD has the power to "acquire, construct, and operate facilities for the collection, treatment, and disposal of sewage, waste and storm water of the district." (Water Code §§ 31100 et seq.)

- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary?

No, there are no lands or interest in lands outside of MSWD's political boundary.

- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

No, MSWD is not aware of any such lands.

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### II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91- 646, as amended?

No, MSWD's in-house staff is familiar with Federal real estate requirements and will not require training.

- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training?

N/A

- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

Yes, MSWD's in-house staff has sufficient real estate acquisition experience as it relates to the Project.

- d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

Yes, MSWD has in-house staff available to meet the Project schedule.

- e. Can the sponsor obtain contractor support, if required in a timely fashion?

Yes, MSWD regularly works with contract staff and has the ability to procure additional support quickly, as needed.

- f. Will the sponsor likely request USACE assistance in acquiring real estate?

No, MSWD will not require USACE assistance in acquiring real estate.

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### III. Other Project Variables:

a. Will the sponsor's staff be located within reasonable proximity to the project site?

Yes, MSWD's staff is located at their main office with the City of Desert Hot Springs.

b. Has the sponsor approved the project/real estate schedule/milestones?

Yes, MSWD has been implementing the project, in conjunction with USACE, for several years.

### IV. Overall Assessment:

a. Has the sponsor performed satisfactorily on other USACE projects?

Yes, MSWD has successfully partnered with USACE on this project since 2007.

b. With regard to this project, is the sponsor anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable?

MSWD is expected to be fully capable.

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### V. Coordination:

a. Has this assessment been coordinated with the sponsor?

Yes, MSWD has coordinated on this assessment.

b. Does the sponsor concur with this assessment?

Yes, MSWD concurs.

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