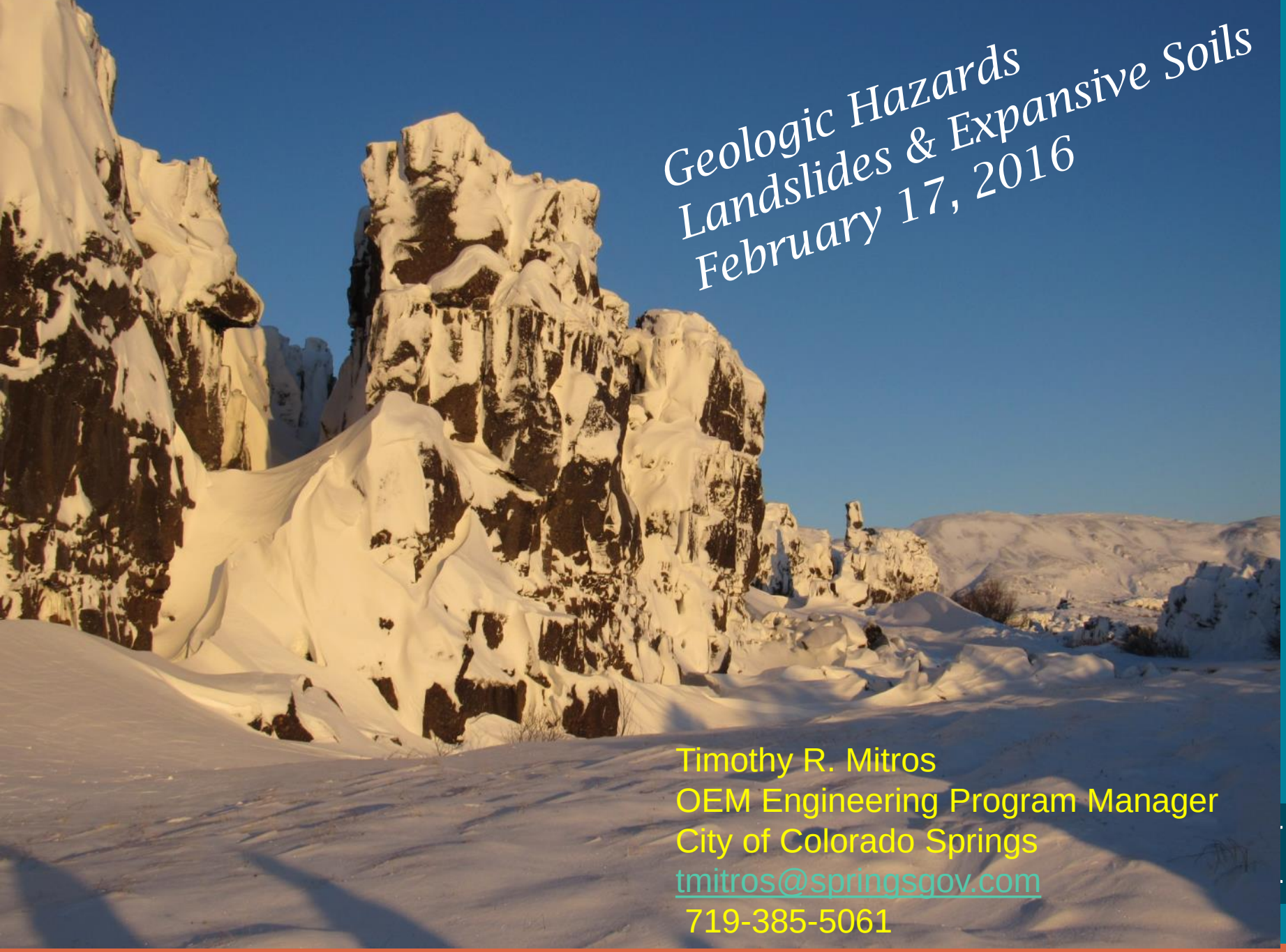
Property Acquisition

Hazard Mitigation Grant Program

February 2016

Overview

- Welcome
- Geologic Hazards
- Hazard Mitigation Grant Program Acquisitions – DR-4229
- El Paso County Assessor
- Colorado Springs Property Acquisition Process
- Application Process
- Next Steps
- Closing Remarks



Geologic Hazards
Landslides & Expansive Soils
February 17, 2016

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Geologic Hazards

- Landslides
- Expansive Soils
- Debris Flow
- Subsidence
- Earthquakes
- Rockfall

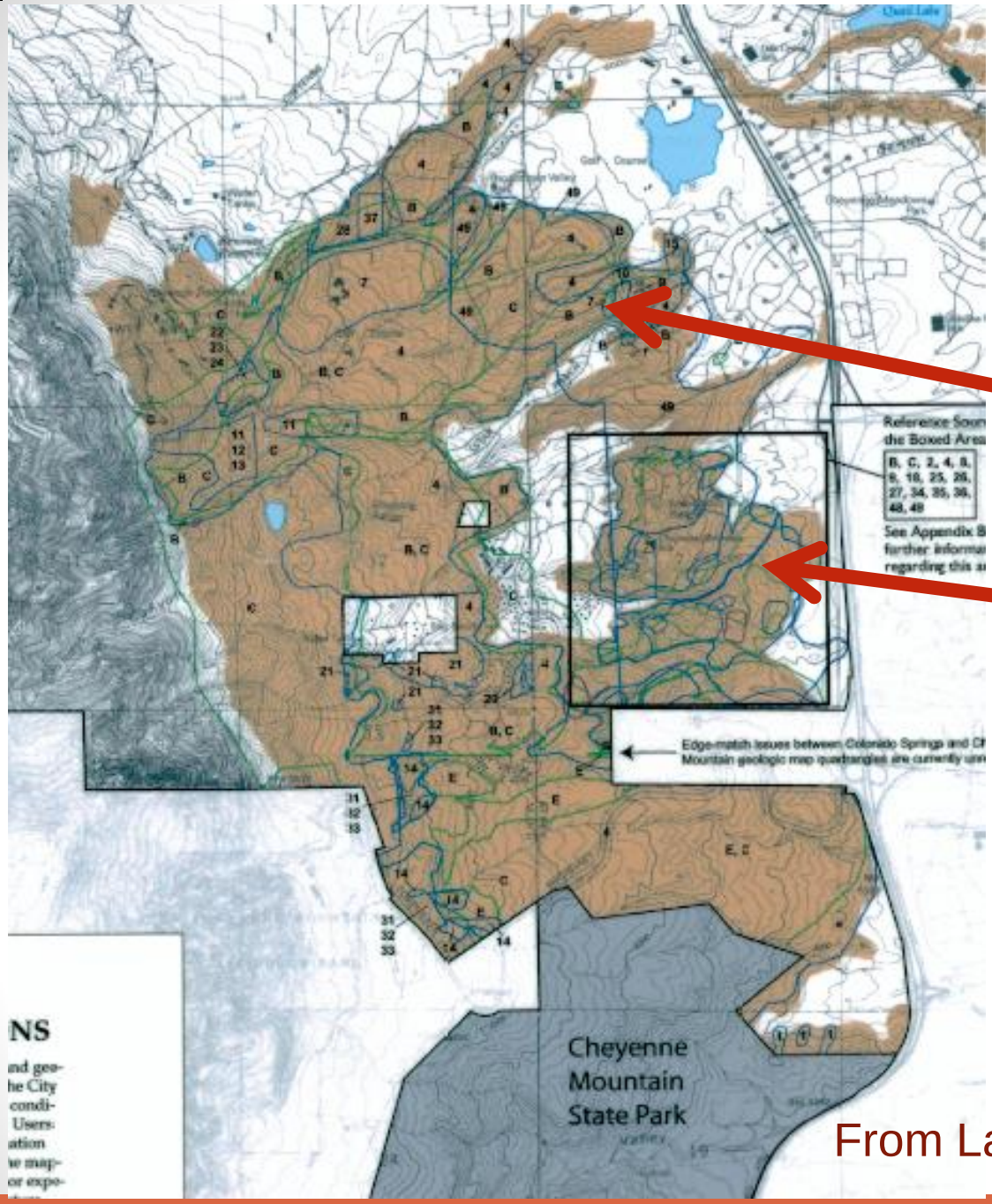
http://coloradogeologicalsurvey.org/geologic-hazards/

Landslides

- Occur when masses of soil and rock move downward and outward from a slope
- Landslides can recur time and time again in virtually the same location
- They may also occur over a number of years, as with a wet cycle that saturates and weakens layer of rock and soil

Bike path, damaged by landslide, above Mesa Road near Garden of the Gods, 1995

Area of current landslide activity



Broadmoor Valley

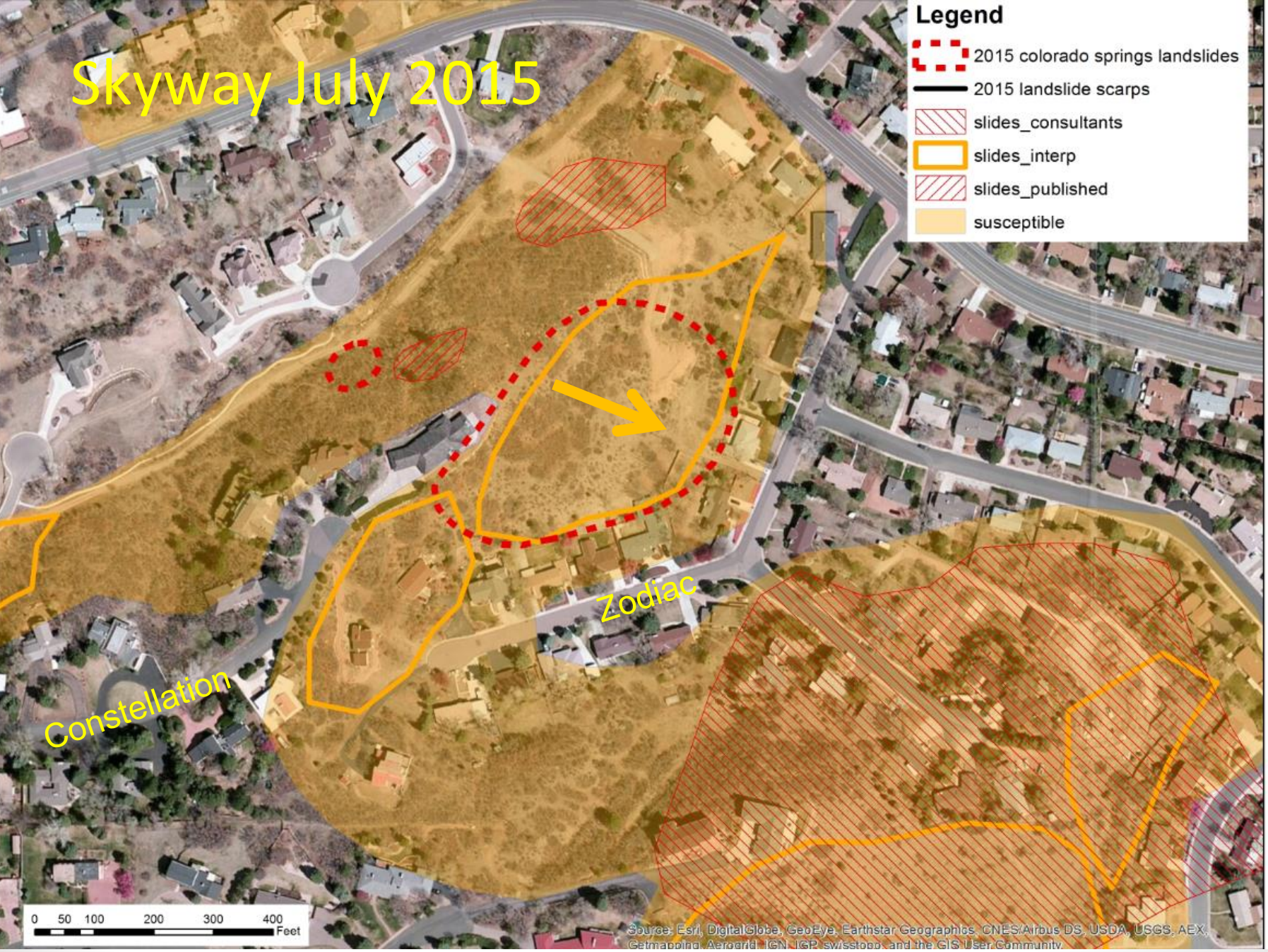
Broadmoor Bluffs

The largest mapped landslide in Colorado Springs occurs along the front of Cheyenne Mountain and covers about 2200 acres

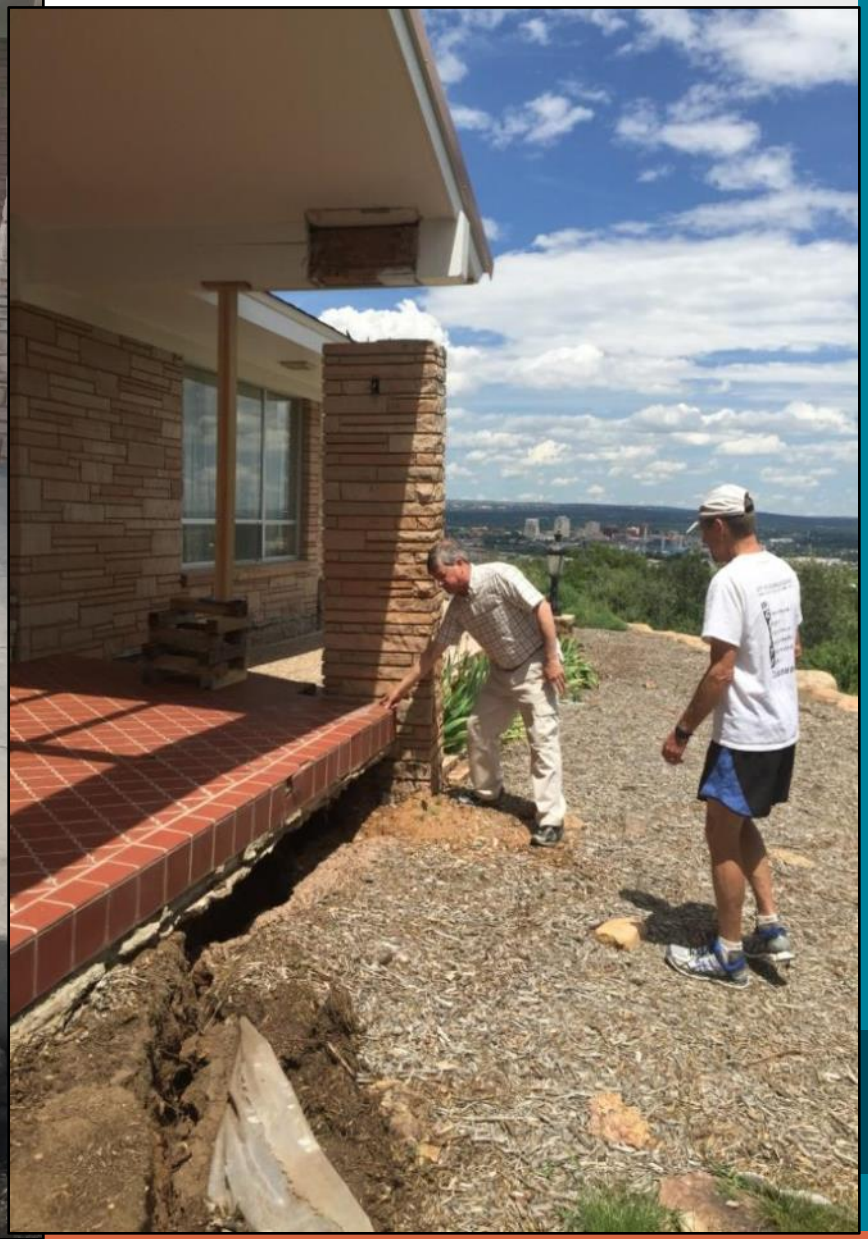
From Landslide Susceptibility Map

Broadmoor Bluffs Landslide

Skyway July 2015



July 15, 2015



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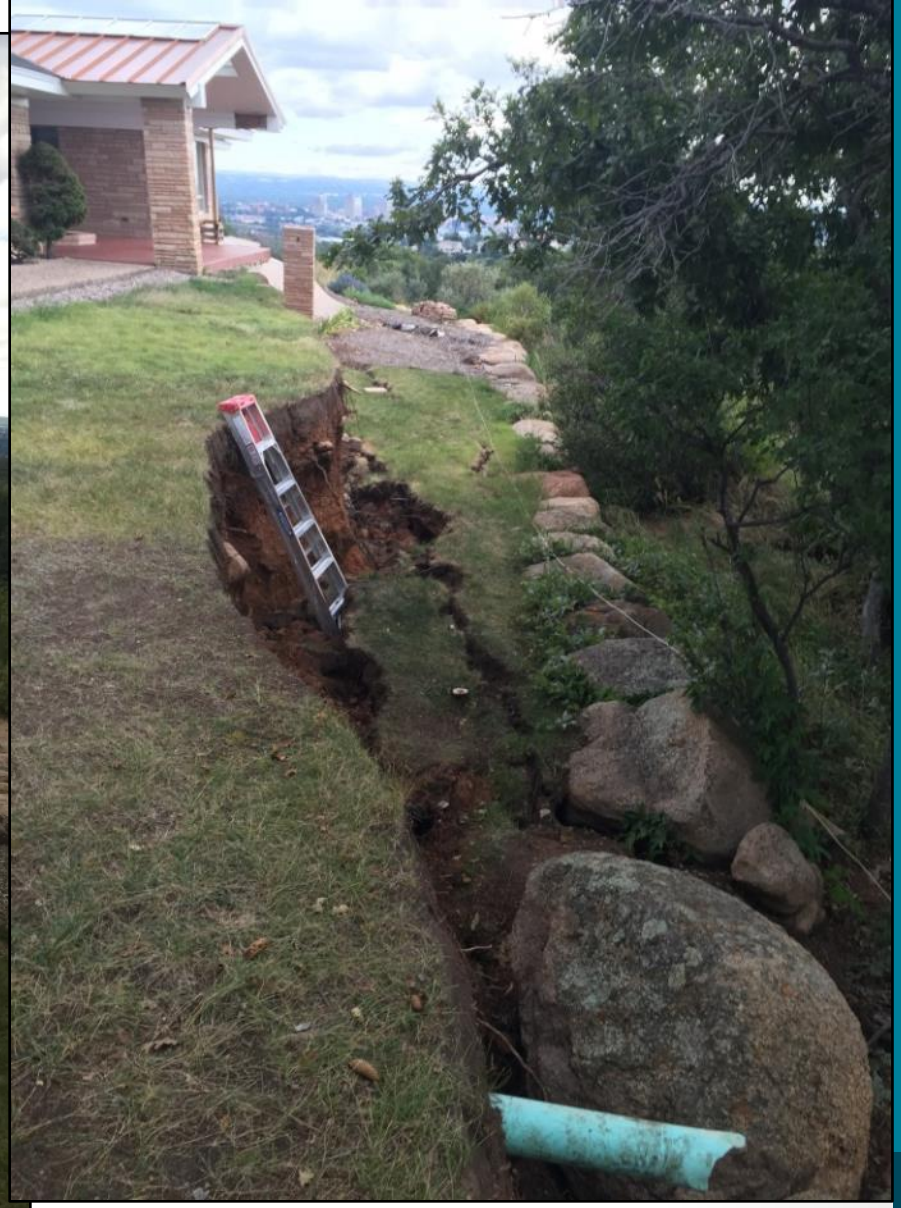


August 11, 2015

August 21, 2015

September 22, 2015

October 22, 2015

January 6, 2016

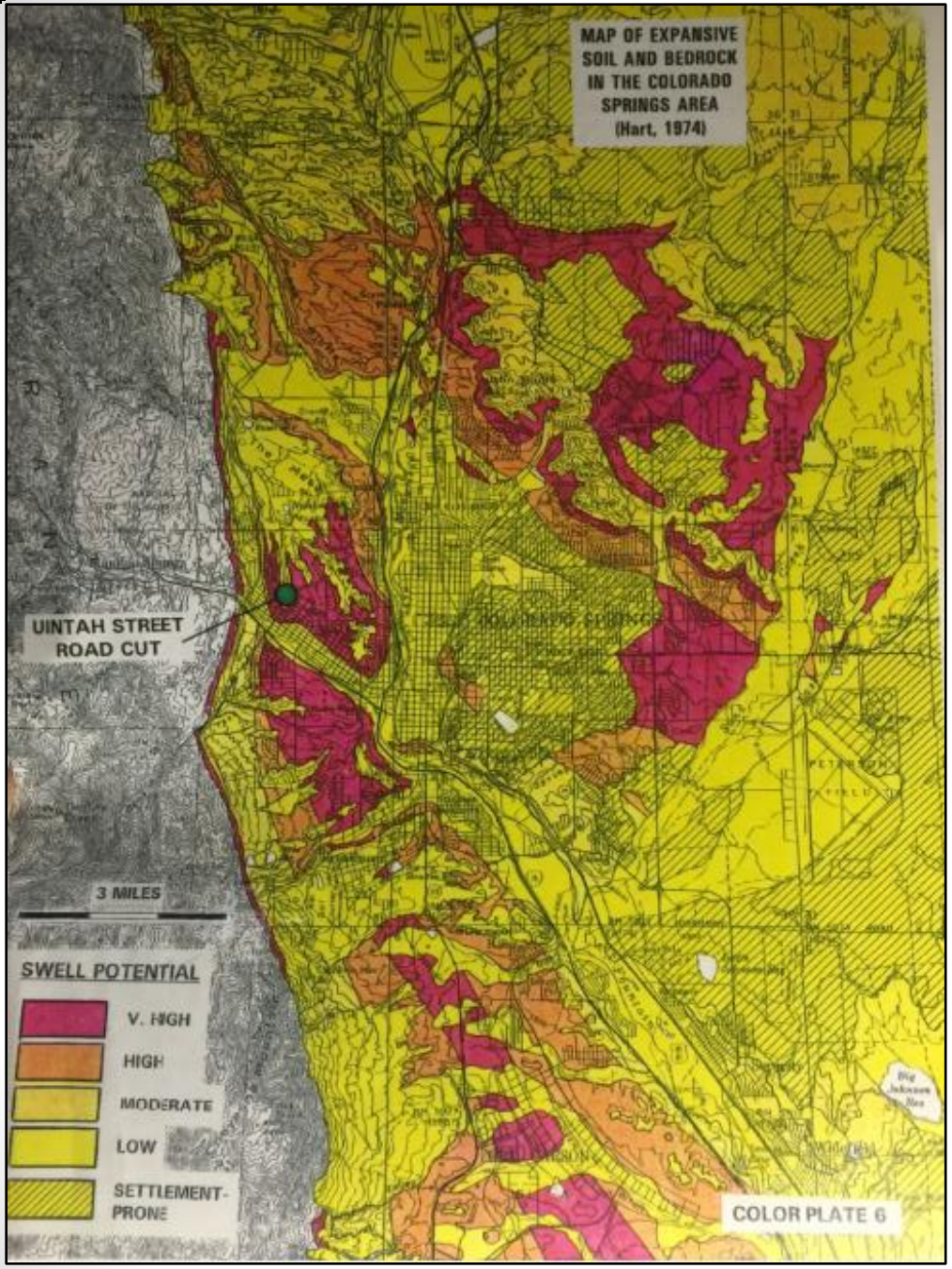
Drop is over 14-feet

Expansive Soil

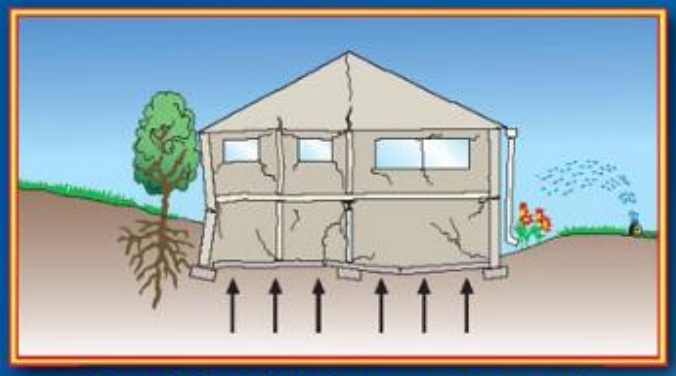
- Colorado's most significant geologic hazard is swelling soil-soil laced with layers of various clays.
- These clays cause more property damage than any other natural hazard.
- They can expand up to 20 percent in volume when exposed to water and exert up to 30,000 pounds of force per square foot, more than enough to break up any structure they encounter.

Changes in Moisture Content Trigger Damage

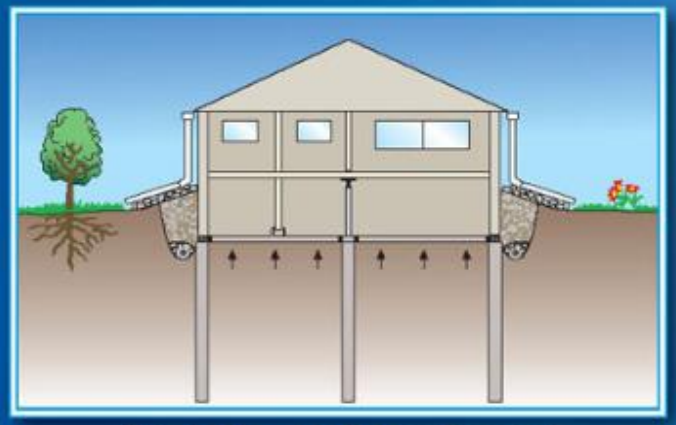
When expansive soils are present they will generally not cause a problem if their water content remains constant. The situation where greatest damage occurs is when there are significant or repeated moisture content changes.



Map of Expansive Soil & Bedrock in the Colorado Springs area



Don't let this happen to you!



Protect your investment!

A Guide to

Swelling Soil

for

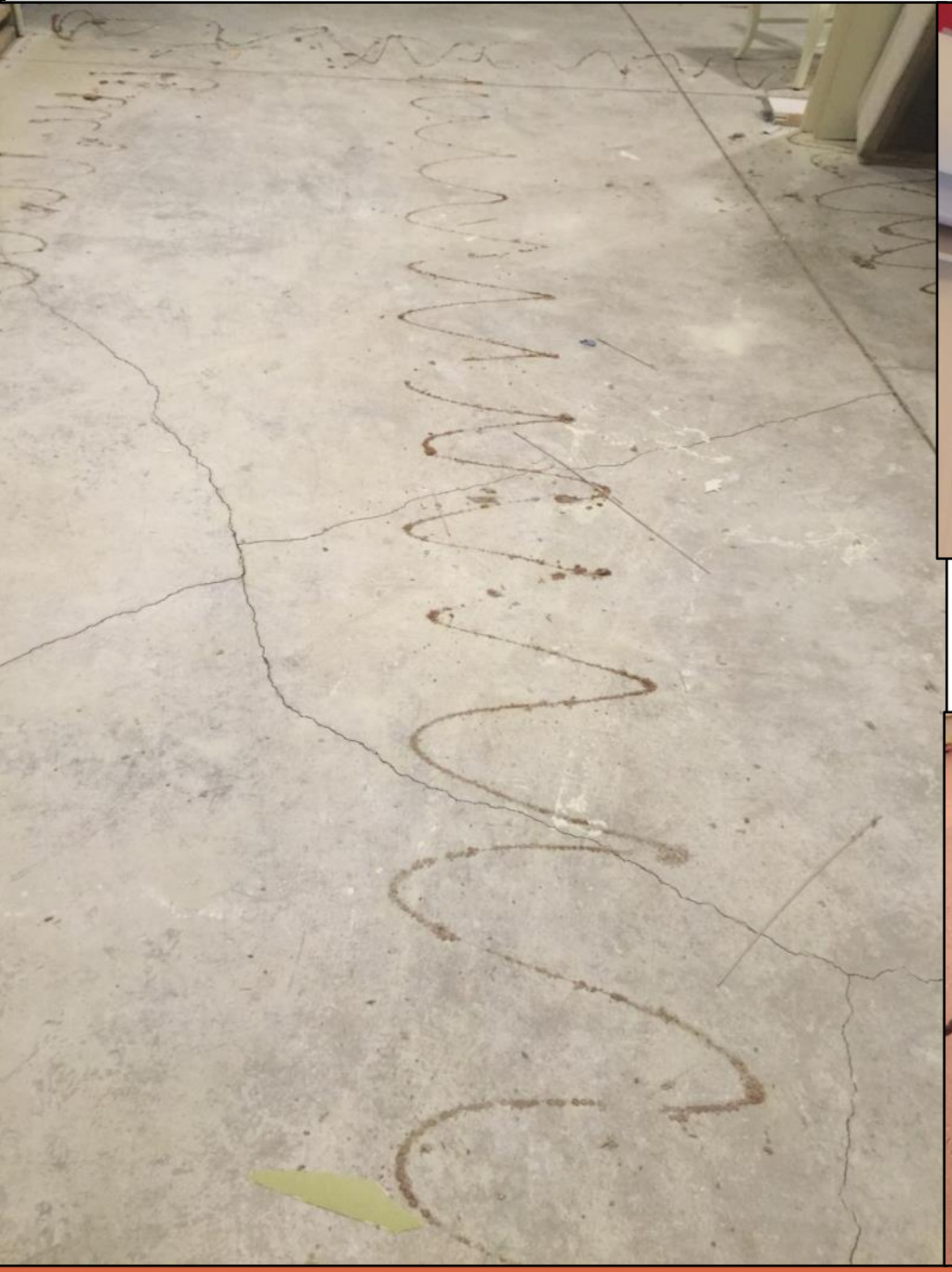
Colorado Homebuyers and Homeowners

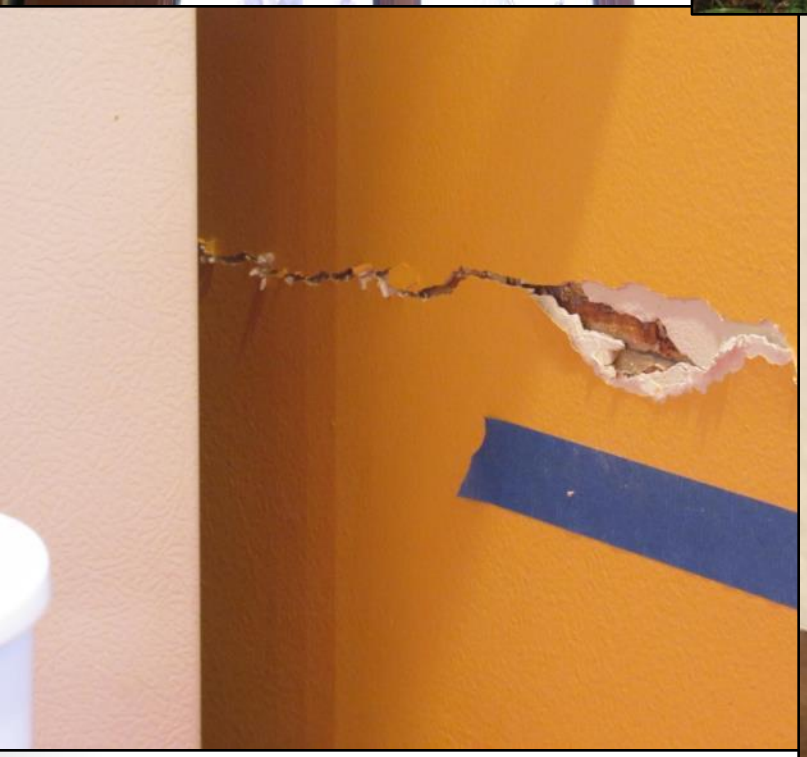
Second Edition Revised and Updated by David C. Noe, 2007

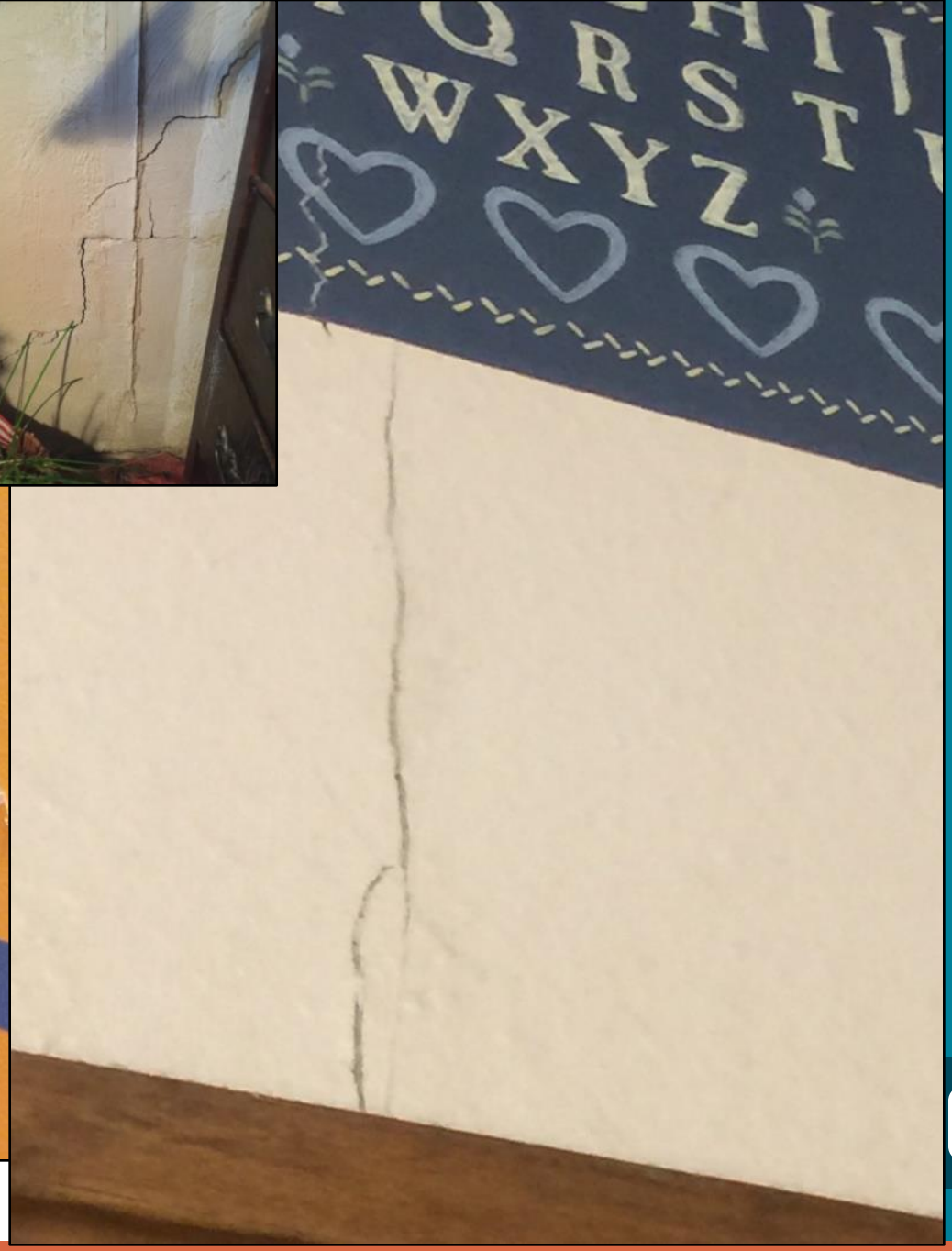
Colorado Geological Survey Special Publication 43

What to look for

- Doors and windows that do not close
- Cracks in walls and floors
- Started after Spring rains



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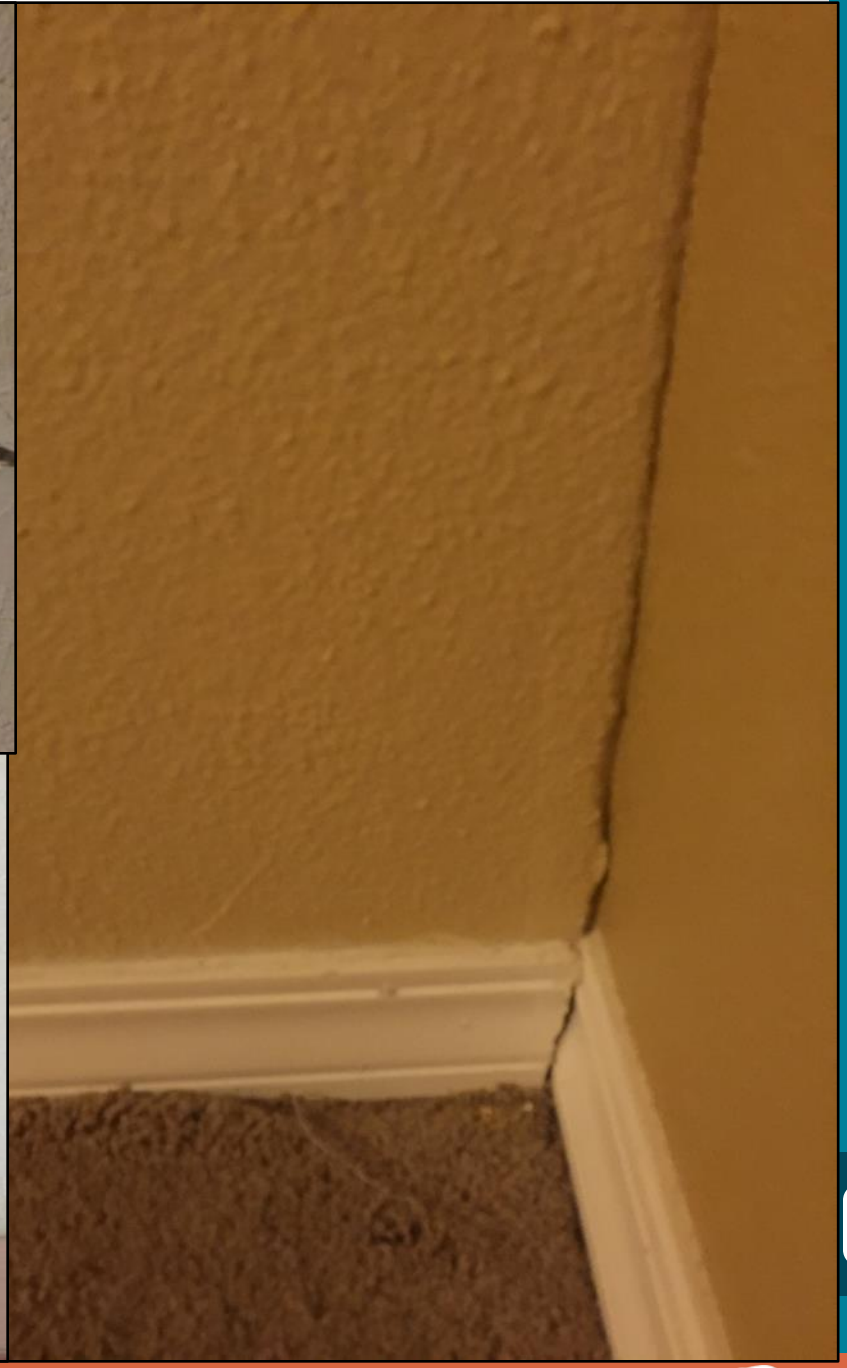

Timothy R. Mitros
City of Colorado Springs
February 17, 2016

CITY OF COLORADO SPRINGS

Hazard Mitigation Grant Program (HMGP) Acquisitions - DR 4229

COLORADO
Division of Homeland Security
& Emergency Management
Department of Public Safety

Acquisition Requirements

- Intent of the program is to remove people and property from hazard areas
- Acquired property must remain as open space in perpetuity
- Voluntary – use of eminent domain or any other coercive measure is not allowed
- City of Colorado Springs will determine methodology to prioritize property for acquisition

HMGP 4229 Timelines

Project Applications due to DHSEM: Friday, May 13, 2016

Project Applications due to FEMA: Thursday, June 16, 2016

Application Submission Process

Upon receipt of application from the City, DHSEM will review the application to ensure application is complete and in compliance with programmatic requirements. DHSEM will work with the City to ensure the most complete and thorough application can be submitted to FEMA.

Upon receipt of application FEMA will:
Review the application to determine programmatic compliance and Perform an Environmental & Historic Preservation Review (EHP)

Once completed, FEMA may develop a Request for Information (RFI) - DHSEM will inform the City and request all questions be answered within 30 days.

Completion of the Application Process

Upon completion of the RFI process FEMA awards funds to the State (DHSEM).

DHSEM contracts with the City of Colorado Springs – formally awarding funds and providing notice for the City to begin implementing the acquisition process.

One Thing to Consider

This acquisition process can take two to three years from the date of the incident.

El Paso County Assessor's Office

Colorado Springs Property Acquisition Process

Colorado Springs Property Acquisition Process

- Property is purchased by Colorado Springs using the HMGP funds and turned into open space in perpetuity
- Property acquisition costs include:
  - Property Value on May 1, 2015
  - Appraisal
  - Title Search
  - Closing Costs
  - Demolition
  - Removal of Utilities
  - Establishment of Open Space

Sample Acquisition $250,000

Project Category	Total Budget*	Federal Share	Local Share (Property Owner)	Property Owner Payment
Title Search and Appraisals	$ 2,000.00	$ 1,500.00	$ 500.00	
Property Pre-Disaster Appraised Value	$ 250,000.00	$ 187,500.00	$ 62,500.00	$ 170,000.00
Demolition Costs (Varies by Structure)	$ 50,000.00	$ 37,500.00	$ 12,500.00	
Closing Costs, Insurance, Taxes	$ 3,000.00	$ 2,250.00	$ 750.00	
Professional Services	$ 3,000.00	$ 2,250.00	$ 750.00	
Project Management (Varies by Scope)	$ 12,000.00	$ 9,000.00	$ 3,000.00	
Total Project Cost	$ 320,000.00	$ 240,000.00	$ 80,000.00	
Cost Sharing Percentage	100%	75%	25%	68%

* All costs are estimated

** City in-kind costs include staff time for managing the program

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Damage Assessment and Prioritization

Damage Assessment Process

- All properties that are considered for the acquisition program must be submitted in a prioritized list
- Determination of priority is based on evaluation by engineers
- <u>Damage Assessment Criteria</u>
  - **Destroyed**: Structure is uninhabitable and unrepairable.
  - **Major**: Structure is uninhabitable and requires extensive repairs.
  - **Significant**: Structure is inhabitable, repairs will take over 30 days.
  - **Minor**: Structure is inhabitable, but requires repair.
  - **Affected**: Structure has some cracking but not considered dangerous.
  - **Unaffected**: Structure has no damage, but is confirmed as being in danger within the next 5 years.
  - **Undamaged**: May become endangered in the next 5 years.

Prioritization Process

- Priorities are based on the damage assessment
  - Priority I
    - **Destroyed**: Structure is uninhabitable and unrepairable.
    - **Major**: Structure is uninhabitable and requires extensive repairs.
  - Priority II
    - **Significant**: Structure is inhabitable, repairs will take over 30 days.
    - **Minor**: Structure is inhabitable, but requires repair.
  - Priority III
    - **Affected**: Structure has some cracking but not considered dangerous.
    - **Unaffected**: Structure has no damage, but is confirmed as being in danger within the next 5 years.
  - Priority IV
    - **Undamaged**: May become endangered in the next 5 years.

Application Process

Legal Information

- The City of Colorado Springs is required by the Federal Emergency Management Agency (FEMA) to inform you that **your participation in this HMGP project for property acquisition is completely voluntary**. Under the HMGP program, **neither the State of Colorado nor the City of Colorado Springs will utilize its eminent domain authority to acquire this property if you choose not to participate in the HMGP program**, if negotiations fail, or if you decide to withdraw your interest in this program at a later time.

Legal Information

- The forms serve as your permission to the City to utilize your name and address for the purpose of applying to FEMA for this HMGP grant. **The City does not guarantee any award or funding following the HMGP application process**, or under any other funding program applied for by the City of Colorado Springs.
- This **information may be subject to release** under the Colorado Open Records Act and/or the Federal Freedom of Information Act.

HMGP Application Information

- You **must be the owner of the property** that is being considered for the program, whether it is your primary residence OR a **rental/lease property** of which you are the owner of record.
- Only **one property per owner** will be considered
- You must **meet all deadlines** for submitting all forms and completing all inspections.
- **If you are selected** to be in the property acquisition program, **additional paperwork and inspections will be required**.

HMGP Application Information

- The **property owner can receive <u>up to 75%</u> of the total eligible project acquisition cost**, which includes the pre-disaster assessed home value (May 1, 2015), and all project costs, including demolition, closing costs, and hazardous materials abatement (e.g., lead paint, asbestos, chemicals) which are all considered in the project.

HMGP Application Package

- **DUE DATE: MARCH 4, 2016**
- FEMA Form 009-0-3, Aug 2010, Declaration and Release Form
- Notice of Voluntary Interest in the HMGP Program Form
- Hazard Mitigation Grant Program Application Form

- FEMA Declaration and Release Form
  - Required because the funding is from the Federal Government.
  - Establishes that the requestor is a legal citizen of the United States including qualified alien.

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
DECLARATION AND RELEASE

O.M.B. No. 1660-0002
Expires August 31, 2013

DECLARATON AND RELEASE

In order to be eligible to receive FEMA Disaster Assistance, a member of the household must be a citizen, non-citizen national or qualified alien of the United States. **Please read the form carefully, sign the sheet and return it to the Inspector, and show him/her a current form of photo identification.** Please feel free to consult with an attorney or other immigration expert if you have any questions.

I hereby declare, under penalty of perjury that (check one):

- ☐ I am a citizen or non-citizen national of the United States.
- ☐ I am a qualified alien of the United States.
- ☐ Print full name and age of minor child:I am the parent or guardian of a minor child who resides with me and who is a citizen, non-citizen national or qualified alien of the United States. Print full name and age of minor child: _____

By my signature I certify that:

* Only one application has been submitted for my household.
* All information I have provided regarding my application for FEMA disaster assistance is true and correct to the best of my knowledge.
* I will return any disaster aid money I received from FEMA or the State if I receive insurance or other money for the same loss, or if I do not use FEMA disaster aid money for the purpose for which it was intended.

I understand that, if I intentionally make false statements or conceal any information in an attempt to obtain disaster aid, it is a violation of federal and State laws, which carry severe criminal and civil penalties, including a fine up to $250,000, imprisonment, or both (18 U.S.C. §§ 287, 1001, and 3571).

I understand that the information provided regarding my application for FEMA disaster assistance may be subject to sharing within the Department of Homeland Security (DHS) including, but not limited to, the Bureau of Immigration and Custom Enforcement.

I authorize FEMA to verify all information given by me about my property/place of residence, income, employment and dependents in order to determine my eligibility for disaster assistance; and

I authorize all custodians of records of my insurance, employer, any public or private entity, bank financial or credit data service to release information to FEMA and/or the State upon request.

NAME *(print)*	SIGNATURE	DATE OF BIRTH	DATE SIGNED

INSPECTOR ID NO.	FEMA APPLICATION NO.	DISASTER NO.

ADDRESS OF DAMAGED PROPERTY	CITY	STATE	ZIP CODE

PRIVACY ACT STATEMENT

AUTHORITY: The Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended, 42 U.S.C. § 5121 -5207 and Reorganization Plan No. 3 of 1978; 4 U.S.C. §§ 2904 and 2906; 4 C.F.R. § 206.2(a)(27); the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193) and Executive Order 13411. DHS asks for your SSN pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3325(d) and § 7701(c) (1).
PRINCIPAL PURPOSE(S): This information is being collected for the primary purpose of determining eligibility and administering financial assistance under a Presidentially-declared disaster. Additionally, information may be reviewed internally within FEMA for quality control purposes.
ROUTINE USE(S): The information on this form may be disclosed as generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in DHS/FEMA - 008 Disaster Recovery Assistance Files System of Records (September 24, 2009, 74 FR 48763) and upon written request, by agreement, or as required by law.
DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent the individual from receiving disaster assistance.

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 2 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0002) **NOTE: Do not send your completed form to this address.**

FEMA Form 009-0-3, AUG 2010 REPLACES ALL PREVIOUS FEMA Form 90-69B

- City Notice of Voluntary Interest
  - Establishes the baseline agreement that the City and the property owner agree to move-forward with the process.
  - Does not guarantee a financial commitment.
  - Allows the property owner to back-out at any time.
  - Assurance that neither the State nor the City will pursue eminent domain to acquire the property.

CITY OF COLORADO SPRINGS

City of Colorado Springs
Notice of Voluntary Interest in HMGP Program
Land Movement Prone Property Acquisition Project
Homeowner Interest Sign-up Sheet and Voluntary Interest Notice

DUE DATE TO COLORADO SPRINGS OFFICE OF EMERGENCY MANAGEMENT NO LATER THAN MARCH 4, 2016

Complete this form if you are interested in exploring further your options for reducing your land movement losses. Signing this does not commit you to any action, nor does it guarantee a financial commitment on the part of you or the City of Colorado Springs.

Owner(s) Name(s):_____

Property Address:_____

Owner(s) Mailing Address:_____

Contact Telephone Number:_____

The City of Colorado Springs is required by the Federal Emergency Management Agency ("FEMA") to inform you that your participation in this project for property acquisition is completely voluntary. Under the this program, neither the State of Colorado nor the City of Colorado Springs will utilize its eminent domain authority to acquire this property if you choose not to participate in the Hazard Mitigation Assistance Grant Program ("HMGP"), if negotiations fail, or if you decide to withdraw your interest in this program at a later time.

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_____
Owners Signature Date

_____
Owners Signature Date

_____
Owners Signature Date

- HMGP Individual Property Survey Form
  - Lists contact information.
  - Information regarding construction/ remodeling of the home.
  - Information regarding hazardous materials that may be present on the property.
    - Storage Tanks, petroleum or other hazardous products.
    - Business activity such as automobile repair, paint stripping, hairdressing studio, etc.

CITY OF COLORADO SPRINGS

City of Colorado Springs
Hazard Mitigation Grant Program Application
Individual Property Survey Form
Acquisition/Demolition and Hazardous Materials Property Survey

DUE DATE TO COLORADO SPRINGS OFFICE OF EMERGENCY MANAGEMENT NO LATER THAN MARCH 4, 2016

Owner's Name(s): _____
_____
_____

Property Address: _____
City: Colorado Springs, State: CO Zip: _____

Jurisdiction (property): _____

Owner's Address if Different from Property Address:
_____
_____
City: _____, State: _____ Zip: _____

Owner's Telephone Numbers:
(____) ____-_____ (____) ____-_____ (____) ____-_____
(____) ____-_____ (____) ____-_____ (____) ____-_____

Owner's Email Address(es)
_____
_____
_____
_____

Please thoroughly answer the following questions. Use additional sheets of paper as necessary.

PROPERTY INFORMATION

1. Year(s) of original construction of each structure on your property.
   a. _____
   b. _____
   c. _____

2. Year(s) of any remodeling of each structure on your property.
   a. _____
   b. _____
   c. _____

Next Steps

- Review the forms and information brochures.
- Determine if you want to register for the property acquisition program.
- Visit www.coloradosprings.gov/landslideinfo for information and electronic forms.
- Email landslideinfo@springsgov.com with questions.
- Call 719-385-5957 if you do not have computer access.
- Submit the completed forms to the City of Colorado Springs Office of Emergency Management no later than:

MARCH 4, 2016

Concluding Remarks