

Chapter 6: Land Acquisition, Displacement, and Relocation

6-1 INTRODUCTION

This chapter identifies the anticipated acquisition of real property required to implement the Tappan Zee Hudson River Crossing Project and assesses potential impacts associated with displacement of residents, businesses, and parklands. Potential socioeconomic effects of the project are further discussed in Chapter 8, "Socioeconomic Conditions," and the economic effects of the project's construction are found in Chapter 18, "Construction Impacts."

Subsequent to publication of the Draft Environmental Impact Statement (DEIS), refinements to the Replacement Bridge Alternative's Rockland County landing have resulted in changes to the property requirements for its construction. As such, the Replacement Bridge Alternative would not require any property acquisitions that would result in residential occupant or business displacements or relocations.

There are two types of acquisitions proposed:

- **Partial Property Acquisitions in Fees:** This is the acquisition of a portion of a parcel pursuant to applicable state and federal regulations, requiring relocation of any existing private land use. The area acquired is limited to only what is necessary to access, construct, or maintain the project and its designed features and appurtenances.
- **Permanent Easement:** This is the acquisition of specific rights to use a property for a designated project purpose. In this case, the project would infringe upon, but not physically take, the property. The property owner retains the rights to use of the property for functions that do not interfere with the purpose of the easement (e.g., rights to access a narrow strip of land along a retaining wall for maintenance purposes).

In Rockland County, the project is expected to result in a partial fee acquisition of, and a relatively small permanent easement over, one property. This parcel is located in the Village of South Nyack. The proposed partial fee acquisition along the back edge of the Bradford Mews apartment complex would result in the reconfiguration of parking spaces (subject to final mapping of the proposed improvements). The proposed permanent easement in Bradford Mews is for maintenance access by the New York State Thruway Authority (NYSTA) as needed during the life of the bridge; parking spaces within the permanent easement area would not be lost other than temporarily while maintenance activities are underway. There would be no business or residential displacements associated with the proposed property acquisitions in Rockland County.

In Westchester County, the project is expected to result in a partial acquisition of and a minor permanent easement over, a small portion of vacant common area belonging to

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The Quay condominiums in the Village of Tarrytown. There would be no residential or commercial displacements associated with these proposed acquisitions in Westchester County. An easement over the MTA Hudson River Line and the acquisition of a Village of Tarrytown-owned river parcel would also be necessary.

All transportation projects that require acquisitions adhere to a well-established New York State Department of Transportation (NYSDOT) process of property identification, notification, appraisal, and acquisition. While subject to future determination through the appraisal and acquisition process, a preliminary assessment of the potential loss of tax revenues associated with the acquisition of the identified parcels indicates a marginal loss of property tax revenues. In total, there would be no appreciable differences in the taxes generated in either Rockland or Westchester County. As a result, no overall economic impact is anticipated to the tax base of the affected taxing jurisdictions.

In addition to the acquisition of or easements on real property noted above, the project would require certain other jurisdictional transfers of public rights-of-way and underwater land grants. These would not affect private property owners.

6-2 REGULATORY CONTEXT

Federally funded transportation projects must adhere to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as codified in Title 42, Sections 4601 et seq., of the United States Code of Federal Regulations (collectively, "the Uniform Act"), and the applicable implementing regulations set forth in Title 49, Part 24. The rights of property owners and tenants of real property to be acquired to implement the project are protected under the Uniform Act, which is intended to ensure that individuals receive just compensation as well as relocation services, including moving payments, replacement housing payments, and other allowable payments related to commercial and residential moving costs intended to minimize the hardship of displacement on occupants of acquired properties.

In the State of New York, projects must also adhere to the New York State Eminent Domain Procedure Law (EDPL), which establishes the exclusive procedure by which property is acquired in New York State, ensures just compensation is paid, and establishes opportunities for public participation in the planning of projects necessitating the exercise of eminent domain.

6-3 METHODOLOGY

6-3-1 DELINEATION OF PROPERTIES TO BE ACQUIRED

Based on the preliminary engineering and planning for the Replacement Bridge Alternative (both the Long and Short Span Options), the delineation of the affected environment specifically identifies and describes those properties for which property acquisitions in fee or easements are required for the construction and/or operation of the proposed project.

6-3-1-1 VALUATION OF PROPERTIES

NYSDOT follows a well-established process when it is necessary to acquire private property. Title vests in (i.e., transfers to) New York State when a copy of an

appropriation map is filed in the office of the County Clerk in the county where the property is located.

NYSDOT would have appraisals made to determine the fair market value of the property to be acquired and the monetary damages, if any, to the remaining property. Appraisals would be prepared in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) and Uniform Act requirements. The offer of compensation would be based on those appraisals, after they have been thoroughly reviewed for accuracy, logical analysis, and content. The law requires the State to pay each property owner the fair market value which, generally, is determined by the amount of money comparable properties would sell for under current market conditions. Value is determined as of the date the State acquires the property.

When only a portion of a property is required by the State, compensation is established by determining the difference in overall market value between a parcel's current or pre-acquisition state and that in the post-acquisition scenario. Every attempt is made to ensure minimal depreciation in value to the remainder of the property. However, if the acquisition of a portion of the property diminishes the remaining utility (i.e., an irregular shape or too small or isolated to be used to its best advantage), the State's valuation will include the loss of value resulting from these conditions as well as the value of the land and improvements actually acquired. If NYSDOT concludes that the taking will leave an uneconomic remainder, the property owner will be given the option to sell the remnant to the State.

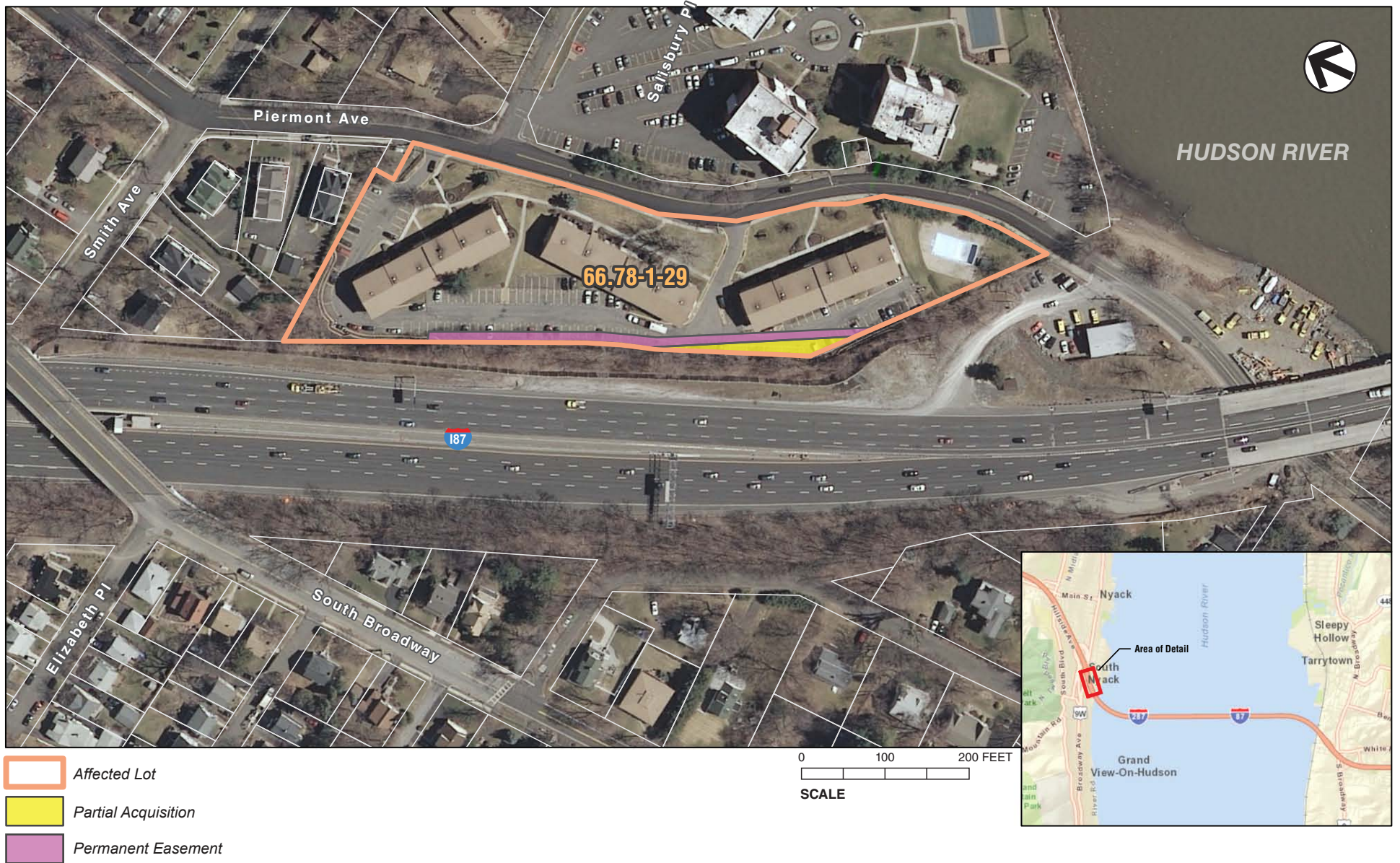
If an agreement cannot be reached on the value of a property to be taken, a property owner is permitted to file a claim in the New York State Court of Claims. There is a time limitation for the filing of claims but a property owner has at least three years from the date of formal acquisition notification. If a claim is filed, a trial will be held before the Court to adjudicate the claim.¹

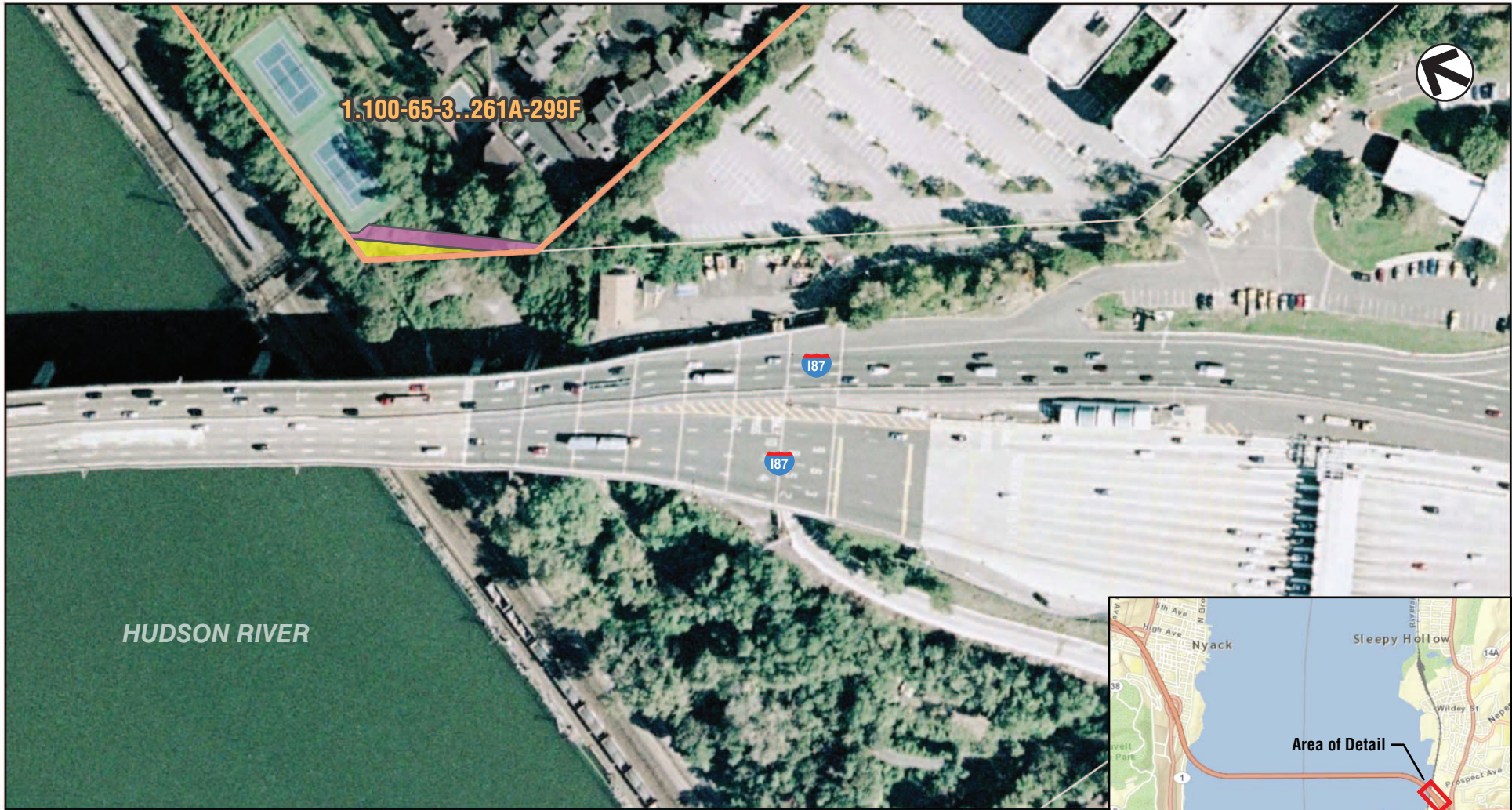
For the analysis presented in this chapter, which provides an initial assessment of the effects of the property acquisition on local and county property tax revenues, an estimate of tax loss was determined as follows: for partial acquisition or permanent easements, the impact assessment analyzes the potential reduction of property taxes that would accrue to all affected levels of jurisdiction (i.e., village, town, school district, and county) either based on the loss of assessed value of an existing tax parcel or based on tax exemption status that would occur with partial acquisition of the property by a federal or state agency.


6-3-2 DATA SOURCES

The identification of affected properties is based on the current level of the preliminary engineering plans for the Short and Long Span Options. Geographic Information System (GIS) databases obtained from Rockland and Westchester Counties were used to graphically depict the affected parcels (as shown on **Figures 6-1 and 6-2**) and to obtain available parcel-level data. In addition, tax assessment and rate data were obtained directly from the affected villages, towns, and counties. Overall, the data assembled provides ownership, use, assessed values, and taxes for each affected property.

¹ Summarized from NYSDOT website (<https://www.dot.ny.gov/divisions/engineering/real-estate/faqs?nd=nysdot>)





-  Affected Lot
-  Partial Acquisition
-  Permanent Easement

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SCALE



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6-3-3 IMPACT CRITERIA

The assessment of the potential impacts associated with an acquisition of property examines the location and type of property to be acquired and is based primarily on the type of acquisition anticipated. Partial fee acquisitions and permanent easements are assessed to determine:

- The functional viability of the remainder of the property to determine the scale and extent of the potential impact; and
- The reduction of property taxes that would accrue to all affected levels of jurisdiction (i.e., village, town, school district, and county) either based on the loss of assessed value of an existing tax parcel or based on tax exemption status that would occur with partial acquisition of the property by a federal or state agency. (Assessments are predicated on overall value, and the vast majority of minor acquisitions are determined to have no impact on overall value.)

6-4 AFFECTED ENVIRONMENT

This section describes the properties that would be partially acquired or that require permanent easements to build and/or operate the project. These include the affected properties in Rockland and Westchester Counties, which are the same for both the Short and Long Span Options. Within Rockland County, the affected property is located in the Village of South Nyack. The properties in Westchester County are in the Village of Tarrytown. Based on New York State property tax jurisdictions, each village and town, as well as school district, county, and other special taxing district (i.e., emergency services), uses a unified property tax assessment with individualized tax rates and separate levies.

In addition, as noted above, the project may require certain other property rights via jurisdictional transfers on public rights-of-way or underwater land grants that would not affect private property owners.

6-4-1 PRIVATE PROPERTIES FOR ACQUISITION

6-4-1-1 ROCKLAND COUNTY

Town of Orangetown

As shown in **Figure 6-1** and enumerated in **Table 6-1**, one property in Rockland County would be affected by the project (in both the Short and Long Span Options). The affected parcel totals approximately 3.26 acres with an assessed value of \$2,635,875 in 2011. This parcel contributed \$144,930 in total Nyack school taxes (including taxes for the Nyack Union Free School District and for Nyack Library), \$37,850 to the Village of South Nyack, \$5,836 to the Town of Orangetown, and \$37,753 to Rockland County and "Other" taxing entities including Nyack Ambulance District, Nyack Joint Fire District, Orangetown Sewer Operation and Maintenance, Orangetown Sewer Debt Service, County Solid Waste, and County Transfer Facility. The total tax levies that accrue to these taxing jurisdictions and the corresponding tax rates are presented in **Table 6-2**.

Table 6-1

Town of Orangetown Real Property (Tax Parcels) for Partial Acquisition and Permanent Easement – Existing Conditions

| Section-Block-Lot | Acres ¹ | Land Use | Total Assessed Value | Land Value | Total Nyack School ² | Village of S. Nyack | Town of Orangetown ³ | County and Other ⁴ |
|-------------------|--------------------|--------------|----------------------|------------|---------------------------------|---------------------|---------------------------------|-------------------------------|
| 66.78-1-29 | 3.26 | Multi-Family | \$2,635,875 | \$426,000 | \$144,930 | \$37,850 | \$5,836 | \$37,753 |

Notes:
¹Represents acreage as measured in GIS; tax records show 3.30 acres.
²Includes Nyack School and Nyack Library taxes, and STAR savings
³Includes Townwide Services taxes
⁴Includes Nyack Ambulance, Nyack Joint Fire District, Sewer Operation and Maintenance, Sewer Debt Service, County Solid Waste, and County Transfer Station taxes
Sources: Town of Orangetown, Receiver of Taxes, 2011 Tax Bills; Village of S. Nyack Clerk, October 2011

Table 6-2

Town of Orangetown Taxing Districts, Tax Levies, and Tax Rates

| Taxing Purpose | Total Tax Levy | Tax Rate per \$1000 Assessed Value |
|------------------------------------|----------------------|---|
| Nyack School District ¹ | \$26,999,275 | \$42.00645 (for Homestead <u>Parcels</u>) and \$54.98366 (for Non-Homestead Parcels) |
| Village of South Nyack | \$2,311,780 | \$14.3594 |
| Town of Orangetown ² | \$36,517,671 | \$1.9426 (for Homestead Parcels) and \$2.2142 for Non-Homestead Parcels) |
| Rockland County | \$61,700,000 | \$3.3103 |
| Other ³ | \$8,268,060 | N/A |
| Total | \$138,796,786 | N/A |

Notes:
1 Includes Nyack School and Nyack Library taxes, and STAR savings
2 Homestead parcels are one-, two-, or three-family houses; Non-homestead parcels are over three-family residences and commercial uses
3 Includes Nyack Ambulance, Nyack Joint Fire District, Sewer Operation and Maintenance, Sewer Debt Services, County Solid Waste, and County Transfer Station; the tax rate for "Other" cannot be calculated some tax rates are per \$1,000 assessed value and some tax rates are per unit.
Source: Town of Orangetown, Receiver of Taxes, 2011 Tax Bills; Village of S. Nyack Clerk, October 2011

6-4-1-2 WESTCHESTER COUNTY

Town of Greenburgh

As shown in **Figure 6-2** and enumerated in Table 6-3, one privately-property in Westchester County would be affected by the project (in both the Short and Long Span Options). The proposed acquisition in fee and permanent easement affects the common land area of the Quay Condominium development in the Village of Tarrytown. The total assessed value of that development is \$651,673, while the land value portion is \$212,850. The entire parcel, including individual tax parcels for each condominium, contributes \$266,739 to the Tarrytown Union Free School District; \$161,931 to the Village of Tarrytown, \$9,145 in total Town of Greenburgh taxes, and \$82,140 to Westchester County (which includes the Westchester County, Saw Mill Valley Enlarged, and County Refuse Disposal District). Based on the 2011 assessment base and individual jurisdiction budgets, the total tax levy accruing to these entities is shown in **Table 6-4**.

Table 6-3

Town of Greenburgh Real Property (Tax Lots) for Partial Acquisition and Permanent Easement

| Section-Block-Lot | Acres | Land Use | Total Assessed Value | Land Value | Tarrytown UFSD | Village of Tarrytown | Greenburgh Town Tax | County/ Other ¹ |
|--|-------------------|----------|----------------------|------------|----------------|----------------------|---------------------|----------------------------|
| 1.100-65-3, et al. | 11.3 ² | Condos | \$651,673 | \$212,850 | \$266,739 | \$161,931 | \$9,145 | \$82,140 |
| Notes: ¹ Includes County Tax, Saw Mill Valley Enlarged, and County Refuse Disposal District county taxes. ² Acreage as measured in GIS is 11.3 acres, tax parcel data shows 11.58 acres Sources: Town of Greenburgh, GIS Maps, 2011 Assessment and Tax Data; Village of Tarrytown, Village Treasurer's Office, October 2011 | | | | | | | | |

Table 6-4

Town of Greenburgh Taxing Districts, Tax Levies, and Tax Rates

| Taxing Purpose | Total Tax Levy | Tax Rate per \$1000 |
|--|----------------------|---------------------|
| Tarrytown UFSD | \$51,574,301 | \$674.09 |
| Village of Tarrytown | \$14,158,885 | \$260.69 |
| Greenburgh Town | \$56,269,762 | \$189.5046 |
| Total County ¹ | \$63,927,484 | \$128.3575 |
| TOTAL | \$185,930,432 | N/A |
| Notes: ¹ Includes County Tax, Saw Mill Valley Enlargement, and Refuse Disposal District county taxes. Sources: Town of Greenburgh, GIS Maps, 2011 Assessment and Tax Data; Village of Tarrytown, Village Treasurer's Office, October 2011 | | |

6-5 ENVIRONMENTAL EFFECTS

6-5-1 NO BUILD ALTERNATIVE

In the No Build Alternative, there would be no land acquisition and there would be no impacts resulting from the displacement of property owners, residents, or businesses for any of the affected parcels noted above.

6-5-2 REPLACEMENT BRIDGE ALTERNATIVE

As noted above in Section 6-4, the Replacement Bridge Alternative would result in a partial fee acquisition of a permanent easement affecting one tax parcel in Rockland County, a partial acquisition and a permanent easement affecting one privately-owned parcel in Westchester County, an easement over the Metro-North Commuter Rail Road Hudson Line, and acquisition of a Village of Tarrytown river parcel. The location and number of affected parcels remain the same in both the 2017 and 2047 analysis years.

Table 6-5 summarizes the type and extent of the acquisition for the identified affected real properties in both Rockland and Westchester Counties. The total parcel size is presented along with the percent to be acquired (and acres of acquisition) for both the Long and Short Span Options.

**Table 6-5
Property Acquisitions for the Replacement Bridge Alternative**

| Location | Parcel ID | Impact Type/Land Use | Parcel Size (Acres) ¹ | Long and Short Span Options | |
|--------------------|---------------------------|---|----------------------------------|-----------------------------|-----------------------------------|
| | | | | Percent to be Acquired | Acres of Acquisition ² |
| Rockland | 66.78-1-29 | Partial Acquisition/ Multi-Family ³ | 3.26 | 2.2 | 0.073 |
| Rockland | 66.78-1-29 | Permanent Easement/ Multi-Family ³ | 3.26 | 3.9 | 0.126 |
| <u>Westchester</u> | <u>1.100-65.3, et al.</u> | <u>Partial Acquisition/ Multi-Family</u> | <u>11.30</u> | <u>0.4</u> | <u>0.050</u> |
| Westchester | 1.100-65.3, et al. | Permanent Easement/ Multi-Family | 11.30 | <u>0.7</u> | 0.084 |

Notes:
¹Represents acreage as measured in GIS (see **Tables 6-1 and 6-3**).
²Rounded to the nearest thousandth of an acre to more accurately represent the percentage of the parcel to be acquired.
³Housing units would not be displaced

6-5-2-1 ROCKLAND COUNTY

Table 6-6 presents the type of acquisition, an indication as to whether the parcel would continue in its present use, and an estimate of the total reduction in tax revenues generated by the parcel.

**Table 6-6
Estimated Reduction in Property Taxes in Rockland County
(Long and Short Span Options)**

| Parcel ID | Impact Type/Use | Continued Use of Property? | Tax Reduction Nyack School District | Tax Reduction South Nyack Village | Tax Reduction Orangetown Town | Tax Reduction County and Other |
|-------------------|---|----------------------------|-------------------------------------|-----------------------------------|-------------------------------|--------------------------------|
| 66.78-1-29 | Partial Acquisition/ Multi-Family ¹ | Yes | <u>(\$525)</u> | <u>(\$137)</u> | <u>(\$21)</u> | <u>(\$137)</u> |
| <u>66.78-1-29</u> | <u>Permanent Easement/ Multi-Family¹</u> | Yes | <u>(\$905)</u> | <u>(\$236)</u> | <u>(\$36)</u> | <u>(\$236)</u> |
| TOTAL | | | <u>(\$1,430)</u> | <u>(\$373)</u> | <u>(\$57)</u> | <u>(\$373)</u> |

Notes:
¹Housing units would not be displaced

In Rockland County, property acquisition or permanent easements would affect approximately 0.20 acres in the Short and Long Span Options (or approximately 6.1 percent of the total acreage of the affected property).

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Displacement

As previously stated, there are no residential or commercial businesses that would be displaced as a result of the Replacement Bridge Alternative.

Properties affected by partial acquisitions are expected to be able to continue their existing uses after the appropriations. For the Bradford Mews Apartments on Piermont Avenue just to the north of Interstate 87/287, the acquisition of 0.199 acres in the Short and Long Span Options would push the property line northward from the existing right-of-way along a narrow band at the southwest corner of the parcel. The resulting property change would result in the reconfiguration of parking spaces in the Short and Long Span Options. This initial estimate will be further refined as engineering plans and specifications are finalized. Ultimately, the value of the appropriation would be established by pre- and post-acquisition market value analyses that consider the direct value of the property being acquired and any indirect market value diminution affected by the sufficiency and layout of available on-site parking, Village of South Nyack parking requirements, and costs to feasibly mitigate the effects of lost parking, if any, within the site.

Loss of Tax Revenues

While subject to final appraisal and acquisition determination, **Table 6-7** shows a preliminary estimate of the potential loss of property tax revenue that could result from the project in Rockland County for the Short and Long Span Options. Both the permanent easement and the partial acquisition were conservatively included in the calculation of permanent estimated tax revenue reductions. For partial acquisition or easement, the estimate of tax revenue reduction is calculated by applying the percentage of existing taxes that is attributable to the land value of the tax parcel and then estimating the percentage of that value, or the amount that would be reduced, by the loss of the acreage from acquisition or easement.

Table 6-7
Estimated Property Tax Impacts in Rockland County (Long and Short Span Options)

| Tax Type | Estimated Tax Loss | % of Total Tax Levy¹ |
|---------------------|---------------------------|--|
| Nyack School | <u>\$1,430</u> | <u><0.01%</u> |
| Village of S. Nyack | <u>\$373</u> | <u><0.01%</u> |
| Orangetown Town | <u>\$57</u> | <u><0.01%</u> |
| County/Other | <u>\$373</u> | <u><0.01%</u> |
| Total | <u>\$2,233</u> | <u><0.01%</u> |

Notes: ¹Total tax levies are presented in Table 6-2.

The Long and Short Span Options would result in a total tax loss of \$2,233 or 0.00001 percent of the combined total tax levies in Rockland County. The extremely small aggregate loss of property taxes is not considered an adverse impact of the project; therefore, no mitigation has been identified.

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6-5-2-2 WESTCHESTER COUNTY

Both the Long Span and Short Span Options would require a permanent easement and partial acquisition on one privately-owned property in Westchester County, Village of Tarrytown (The Quay Condominiums, 1.100-65-3, et al.). The property would be subject to a 0.084-acre easement on a vacant area in the southwest corner of the larger 11.3-acre property of The Quay Condominiums (or about 0.74 percent of its total land area). A 0.050-acre vacant area of the Quay (or about 0.44 percent of its total land area) would also be required for partial acquisition where the highway would pass over the property. See Table 6-8 for a summary of the estimated tax losses in Westchester County as a result of the project.

**Table 6-8
Estimated Reduction in Property Taxes in Westchester
County (Short and Long Span Options)**

| Parcel ID | Impact Type/Use | Continued Use of Property? | Tax Reduction Tarrytown UFSD | Tax Reduction Tarrytown Village | Tax Reduction Greenburgh Town | Tax Reduction County |
|--------------------------|-----------------------------------|----------------------------|------------------------------|---------------------------------|-------------------------------|----------------------|
| 1.100-65-3..et al | Partial Acquisition/ Condos | Yes | (\$385) | (\$234) | (\$13) | (\$119) |
| <u>1.100-65-3..et al</u> | <u>Permanent Easement/ Condos</u> | <u>Yes</u> | <u>(\$648)</u> | <u>(\$393)</u> | <u>(\$22)</u> | <u>(\$199)</u> |
| Total | | | (\$1,033) | (\$627) | (\$35) | (\$318) |

Displacement

The small, permanent easement and partial acquisition would not result in any displacement; overall, there would be no change to continued use of the property. Therefore, no mitigation associated with displacement would be required.

As previously noted, in addition to the acquisition of or easements on real property, the project would require certain other jurisdictional transfers on public rights-of-way or underwater land grants (and that would not affect private property owners). Other minor anticipated partial fee and permanent easement acquisitions—within the bed of Van Wart Avenue and over the Metropolitan Transportation Authority’s (MTA) Metro-North Railroad (MNR) in Westchester County—are not expected to affect the use of the properties. The acquisition of 1,706 square feet in the bed of Van Wart Avenue would not affect the existing utilization of that street but would allow for provision of a noise wall along the roadway. The noise wall could be a replacement or possible relocation of the existing noise wall. The improvements would not extend beyond the curb line and the roadway would continue to be used as in the pre-project condition.

Loss of Tax Revenues

Although subject to final appraisal determinations, and as shown in **Tables 6-8** and **6-9**, the 0.084-acre easement and 0.050-acre partial acquisition on the larger 11.3-acre parcel (or approximately 1.2 percent of the total land area) could result in a small reduction in property tax revenues of between \$35 and \$1,033 per year to any given taxing jurisdiction, if considered as a proportionate reduction in overall taxable land

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value. This is an extremely small percentage of the overall tax levies to these taxing jurisdictions and would have no appreciable impact on total tax revenues. The loss would not be considered an adverse impact requiring mitigation.

Table 6-9
Estimated Property Tax Impacts in Westchester County (Long and Short Span Options)

| Tax Type | Estimated Tax Loss | % of Total Tax Levy |
|----------------------|---------------------------|----------------------------|
| Tarrytown UFSD | \$1,033 | <0.01% |
| Village of Tarrytown | \$627 | <0.01% |
| Greenburgh Town | \$35 | <0.01% |
| County/Other | \$318 | <0.01% |
| Total | \$2,014 | <0.01% |

Notes: ¹Total tax levies are presented in **Table 6-4**.

6-6 MITIGATION

6-6-1 DISPLACEMENT

6-6-1-1 RESIDENTIAL OR BUSINESS DISPLACEMENT

The project would not result in any residential or business displacement.

6-6-1-2 PARKING DISPLACEMENT

It is anticipated that any impacted parking spaces at the Bradford Mews apartment complex would be relocated on-site. The actual loss of parking spaces at Bradford Mews, if any, would be determined based on final design and construction specifications for the project. The value of the proposed appropriation will be estimated as described above to determine the direct value of the area appropriated and any indirect market value diminution affected by the sufficiency and layout of available on-site parking, Village of South Nyack parking requirements, and costs to feasibly mitigate the effects of lost parking within the site.

6-6-2 REDUCTION IN PROPERTY TAX REVENUES

The analysis of potential reduction in property tax revenues associated with the permanent easements and partial acquisitions indicates that the amount would be less than 1 percent of current total tax levies for all the affected jurisdictions. Therefore, there would not be any adverse impact and no mitigation is required. The ultimate determination of changes in property tax revenues based on the acquisition of real property would be made by the local tax assessors.