

DISTRICT REGULATION
NO. 405-2-1

23 October 1984

Real Estate
ACQUIRING, MANAGING AND DISPOSING OF CIVIL WORKS REAL ESTATE

1. Purpose. To prescribe the policies and procedures to be followed by District elements having responsibilities for acquiring, outgranting, inspecting for utilization, resolving encroachments, and disposing of Civil Works real property. To cover all existing and future Civil Works projects. To replace and supersede prior agreements, memoranda of understanding, etc.

2. Applicability. To all District personnel concerned with administration and management of Civil Works lands.

3. References.

- a. EP 405-1-2
- b. ER 1130-2-400
- c. ER 1130-2-406
- d. SADvR 1130-2-14
- e. DR 1180-2-1
- f. DR 1130-2-3

4. Policy. The Real Estate Division is responsible for the acquisition, management and disposal of real property for the Savannah District and will execute its responsibilities in the most economical, efficient and expeditious manner possible. Its District organization is comprised of the Acquisition, Management and Disposal, Appraisal, and Planning and Control Branches.

a. Acquisition is the responsibility of the Acquisition Branch which acquires all required estates in real property (fee simple, easements, rights-of-way, leases, licenses, permits, rights-of-entry, etc.) by purchase, lease, license, condemnation, exchange and donation. It plans and schedules acquisition to meet the programs of the Engineering, Construction and Operations Divisions for new and proposed projects. Engineering Division should initiate contact with Real Estate and Operations Divisions at an early stage of project planning and design so that specific needs (i.e. - fee, easements, rights-of-entry, etc.) can be addressed in the RE Design Memorandum. It coordinates all actions within Real Estate Division and with other District elements pertaining to acquisition matters. Acquisition generally entails Real Estate Design Memoranda, gross appraisals and tract appraisals prepared by the Appraisal Branch, and project mapping and cadastral surveys prepared by the Planning and Control (P&C) Branch. P&C Branch also prepares or reviews maps and legal descriptions for each individual acquisition tract, prepares segment maps for each project and maintains and updates them during the project's life. It also conducts boundary line surveys and monuments project "corners." The acquisition process for completed projects is geared to satisfy the programs of the Operations Division which is responsible for obtaining approval of its requirements for additional real property interests from higher authority.

b. Management of real property interests is the responsibility of the Management and Disposal (M&D) Branch which outgrants all lands made available for such purposes by Operations Division by lease, license, easement, permit, consent, etc. M&D Branch administers outgrants

and inspects them for compliance with terms of the Instrument. Other management responsibilities of the M&D Branch include utilization inspections of completed projects and resolution of encroachments by management means such as removal or outgranting. M&D Branch coordinates all matters within Real Estate Division and with other District elements pertaining to management matters. Management actions often entail appraisals prepared by Appraisal Branch and maps and legal descriptions prepared by or reviewed by P&C Branch. Management is geared to satisfy the programs of Operations Division and higher authority.

c. Disposal of real property is the responsibility of the M&D Branch which disposes of excess real property (lands, leaseholds, buildings, standing timber, crops, sand and gravel, etc.) by sale, donation, report of excess to General Services Administration, transfer to other Government agencies and termination of leases. Disposal responsibilities also include resolution of encroachments by disposal, land exchange and boundary line agreement. M&D Branch coordinates all matters within Real Estate Division and with other District elements pertaining to disposal matters. Disposal actions normally entail appraisals prepared by Appraisal Branch and maps and legal descriptions prepared or reviewed by P&C Branch. Disposal is geared to satisfy the programs of the Operations, Engineering and Construction Divisions and higher authority.

5. Procedures.

a. Statements of responsibilities for the Planning, Operations, and Real Estate Divisions are set forth in references. Appendix A is a detailed list of functions indicating the primary responsible element of the District and the coordinating responsibility of each element. Appendix B is a narrative description keyed to Appendix A. Appendices A and B are common to both this regulation and to DR1130-2-3, Management of Civil Works Multipurpose Projects.

b. Correspondence between the Resources Managers and District elements involving requirements for acquiring real property, availability of real property for outgranting, disposal and lease renewal, and trespasses and encroachments will be routed through Operations Division. Other real estate items will be handled directly between the Real Estate Division and the Resources Managers, with information copies to be furnished Operations Division.

c. Copies of all correspondence between the Resources Managers and grantees will be furnished to Real Estate and Operations Divisions. Copies of all correspondence between Real Estate Division and grantees will be furnished to the Resources Managers and Operations Division.

d. Changes to Appendices A and B will be concurred in by Operations Division.



DANIEL W. CHRISTMAN
Colonel, Corps of Engineers
Commanding

2 Appendices
as

DISTRIBUTION B & D
Plus RE (15)
Plus OP (15)
Plus AS-OR (5)

APPENDIX A

P = Primary
 C = Coordination
 () = Explanatory Note

FUNCTION	RESPONSIBLE ELEMENT		
	<u>PD</u>	<u>OP</u>	<u>RE</u>
1. <u>ACQUIRING REAL PROPERTY FOR CIVIL WORKS PROJECTS</u>			P
a. Project Construction Phase			
(1) Care and Custody During Acquisition		C(1)	P(1)
(2) Interim Use by Others	C	C	P(1)
(3) Care and Custody after Acquisition is Completed		P	
b. Post-Construction Phase			
(1) Development and Approval of Requirements	C	P	
(2) Acquisition		C	P
2. <u>LAKESHORE MANAGEMENT</u>	C	P(2)	C
3. <u>RULES AND REGULATIONS ON PUBLIC USE</u>	C	P(3)	C
4. <u>ISSUANCE AND ADMINISTRATION OF OUTGRANTS</u>			P(4)
a. Report of Availability	C	P(4)	C
b. Negotiation and Advertisement		C(4)	P(4)
c. Preparation of Instruments		C(4)	P(4)
d. Administration		C	P
e. Site Layouts and Development Plans	C(5)	C(5)	P(5)
f. Construction Plans	C	C(5)	P(5)
g. Other Plans and Reports		C	P(5)
5. <u>COMPLIANCE INSPECTIONS</u>		C(6)	P(6)
6. <u>UTILIZATION REPORTS</u>	C(7)	C(7)	P(7)
7. <u>TRESPASS OR UNAUTHORIZED USE</u>			
a. Cases enforceable under Title 36		P(8)	C(8)
b. Other cases		C(8)	P(8)

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<u>FUNCTION</u>	<u>RESPONSIBLE ELEMENT</u>		
	<u>PD</u>	<u>OP</u>	<u>RE</u>
8. <u>DISPOSAL OF EXCESS REAL PROPERTY</u>			
a. Reports of Excess/Availability for Sale	C	P	C
b. Sale of Standing Timber, Buildings and Other Real Property for Off-site Removal	C	C	P(9)
c. Disposal of Land	C	C	P(9)

APPENDIX B

NARRATIVE DESCRIPTION

EXPLANATORY NOTES:

1. Real Estate will maintain care and custody of real property on construction projects during acquisition; Operations after completion of acquisition. During acquisition and before implementation of Master Plan, Real Estate will study lands for temporary outgrants and after coordination with Planning and Operations to determine compatibility with project and planned uses, will consummate such grants. At projects where a Resources Manager is assigned, care and custody will be his responsibility as soon as title is vested in the United States.
2. The Resources Manager is responsible for issuing and administering permit/licenses in accordance with reference 3.d. for use of project lands where such use is not inconsistent with planned or present uses of the area and will not deny full use of the shores of the project by the general public. New permits/licenses may be issued in accord with approved Lakeshore Management Plan for the purposes of mowing, underbrushing, stairways, walkways, erosion control, floating facilities, etc. Existing boat ramps, marine ways, roads, picnic shelters, patios, boathouses and pumphouses are "grandfathered" for permit/license purposes. No new permit/licenses will be issued for the construction of "grandfather-type" facilities or for fireplaces, barbecue pits, picnic tables, swimming pools, or similar structures. (This list is not all inclusive for specific details, please refer to the appropriate lakeshore Management Plan.)
3. Real Estate will provide copies of applicable rules and regulations on public use of project lands to holders of major outgrants.
4. Applications for outgranting will be reviewed initially by the Resources Manager, who will make appropriate recommendations as a Report of Availability following the procedure detailed in paragraph 5b of this regulation. Operations Division will forward approved applications to Real Estate Division for action including clearance with SAD, if necessary. Resources Manager and Operations and Planning Divisions will include recommendations as to conditions of proposed outgrants in the Report of Availability. Real Estate Division will not begin negotiations or issue an Invitation for Bid or Proposal before resolving any disagreement about recommended conditions. The Resources Manager may participate in negotiations and will provide other assistance as the case may require. A copy of the instrument will be sent to the Resources Manager for use in carrying out his responsibilities. Real Estate will notify lessors that the Resources Manager is the District's initial point of contact. Inquiries, site layouts, development and construction plans and other required plans and reports will be addressed to the Resources Manager who will respond using his delegated authority. Items which cannot be resolved or approved locally will be referred to Real Estate in a timely manner.
5. The Resources Manager will approve plans for location and construction of structures and facilities by grantees when such are consistent with Engineer Regulations, the Master Plan, and of standard type construction. A copy of approved plans will be furnished to the Real Estate Division. Plans that are not consistent with the above, or are beyond the engineering review capability of the Resources Manager, will be submitted to Real Estate Division for District coordination, review and approval. Resources Manager personnel will monitor all construction progress and stop any unauthorized construction. A copy of approved deviations will be forwarded to Real Estate.
6. Real Estate Division will make at least one annual compliance inspection of major outgrants. Resources Manager personnel will participate in the inspection. Real Estate is responsible for obtaining compliance on deficiencies noted during this inspection. Resources Manager personnel will make compliance inspections of easements for rights-of-way and other minor outgrants as assigned. These inspections will conform to a schedule to be furnished the Resource Manager not later than the first day of each quarter by the Real Estate Division. Reports of such inspections will be furnished to Real Estate and Operations Divisions. Project personnel will keep outgranted areas under continuing surveillance in connection with

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day-to-day administration. Where noncompliance is found, a report thereof will be furnished to the Real Estate and Operations Divisions. In situations involving danger to life or property, the Resource Manager will take immediate corrective action notifying Real Estate Division and Operations of the circumstances as soon as practicable. In non-hazardous situations, the Resource Manager may also initiate corrective action verbally or in writing to the grantee. In such cases, he should avoid giving instructions pursuant to the conditions of the lease (i.e., he can take action, but not cite or quote a condition of the lease). If the Resource Manager elects to take corrective action and is not successful in a timely manner, he will forward the matter to Real Estate for further action.

7. Real Estate will prepare annual utilization reports on all lands comprising completed multi-purpose projects. Reports on completed single-purpose projects will be made at intervals prescribed by SAD. All reports will be coordinated with Operations and Planning Divisions before submission to SAD.

8. Resources Manager personnel will maintain continuing surveillance of all lands of the project to detect trespasses and unauthorized use. Corrective action within scope of the Resources Manager's authority will be initiated immediately upon discovery of violation. A report will be sent through Operations to Real Estate as trespasses and encroachments occur. An annual narrative report of all outstanding trespasses and encroachments with comments and recommendations will be submitted through Operations Division to Real Estate Division.

9. Real Estate will coordinate actions involving disposal of real property with Planning and Operations.