

**Army Regulation 405-10**

**Real Estate**

# **Acquisition of Real Property and Interests Therein**

**Headquarters  
Department of the Army  
Washington, DC  
14 May 1970**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 405-10

Acquisition of Real Property and Interests Therein

This is a transitional reprint of this publication which places it in the new UPDATE format. Any previously published permanent numbered changes have been incorporated into the text.

- o A Transition
- o This is the first step in publishing AR 405-10 as an UPDATE publication. Because the Baltimore Publication Center exhausted its supply of this publication, we chose to reprint the current material in the UPDATE format and at the same time incorporate any previously published permanent changes.
- o Over the next few years, all Department of the Army administrative regulations and many DA pamphlets will be converted to the UPDATE format. Some will appear as separate publications, like this one; others will be combined with related publications and will be published as handbooks like the All Ranks Personnel UPDATE.
- o The objective of UPDATE is to reduce the administrative burden on you, the user, and to improve the communications value of Army publications. Under UPDATE, a publication is printed at regularly scheduled times, and each printing includes all the changes made to the publication since its last printing. You might say that UPDATE publications are throw-away books; you simply discard the old issue when you get the new one. Under UPDATE, the "posting of changes" is a thing of the past.
- o Every UPDATE issue contains a Summary of Change. In the first printing of a book, the summary outlines the major topics covered by the publication. In subsequent printings, the summary outlines the major changes that have been made to the publication. Look for this summary in the front of every issue. It should help you zero in on areas that need your immediate attention.
- o If you need additional copies of this reprinted publication complete DA Form 4569 (USAAGPC Requisition Code Sheet) and send it to the Baltimore Publications Center.
- o The Editors

Real Estate

Acquisition of Real Property and Interests Therein

By Order of the Secretary of the Army:

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General, United States Army  
Chief of Staff

Official:

KENNETH G. WICKHAM  
Major General, United States Army,  
The Adjutant General

these changes remain in effect. This UPDATE issue is a reprint of the original regulation with the changes incorporated directly into the text.

**Summary.** This is a complete revision of AR 405-10 and changes are made throughout.

**Applicability.** Not applicable.

**Proponent and exception authority.** Not applicable.

**Army management control process.** Not applicable.

**Supplementation.** Local limited supplementation of this regulation is permitted, but is not required. If supplements are issued, a copy will be furnished HQDA(DAEN-REA), WASH DC 20314.

**Suggested improvements.** The proponent agency of this regulation is the Office of the Chief of Engineers. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA(DAEN-REA), WASH DC 20314.

**Distribution.** To be distributed in accordance with DA Form 12-9A requirements for AR, Real Estate: Active Army: D (Quan Rqr Block No. 383); ARNG: None; USAR: D (Quan Rqr Block No. 383).

**History.** The original form of this regulation was published on 14 May 1970. Since that time, Changes 1 and 2 have been issued to amend the original, and

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## **Chapter 1 General**

### **1-1. Scope**

This regulation sets forth the authority, policy, responsibility, and procedures for the acquisition of real property and interests therein, for military purposes by the Department of the Army. It implements Department of Defense Directives 4165.6, 4165.12, and 4165.16. This regulation does not apply to Civil Works Projects, which are under the supervision of the Chief of Engineers.

### **1-2. Definitions**

See AR 405-90 for definitions of “ real estate” and other terms used herein and not defined in the text.

### **1-3. Authority to acquire real property and interest therein**

While the Federal Government has the inherent power to acquire land for its constitutional purposes, this power can be exercised only at the discretion of Congress. No land will be purchased in the name of the United States except under a law authorizing such purchase (R.S. 3736; 41 U.S.C 14). No military department may acquire real property not owned by the United States unless the acquisition is expressly authorized by law (10 U.S.C 2676). Acts authorizing the Secretary of the Army to acquire real property and interests therein are outlined in appendix. A.

### **1-4. Estates and methods of acquisition**

- a.* Title to non-government-owned real property will be acquired by—
  - (1) Purchase.
  - (2) Condemnation.
  - (3) Donation (when the authorization act specifies donation or the property is being acquired for one of the reasons in paragraphs A-15, A-16, A-17, or A-20*b*, *c* or *d*).
  - (4) Exchange when specified by an authorization act.
- b.* Easements in non-Government-owned real property are obtained in the same manner as in *a* above.
- c.* Licenses in non-Government real property are generally acquired by donation, although a nonrevocable license may be acquired by purchase.
- d.* Leaseholds in non-Government-owned real property will be acquired by negotiation or condemnation. Leaseholds may give the Government exclusive use or co-use with the owners for specific purposes.
- e.* Permanent custody and control over Government-owned real property will be acquired by transfer, reassignment, withdrawal, reservation, or exchange (app A).
- f.* Permits to use Government-owned real property are instruments issued by another Government department or agency. Although in the nature of a license (may be revocable or nonrevocable), they are designated as “ permits,” because they relate to Government-owned real property. This distinguishes them from “ licenses” relating to non-Government owned real property.
- g.* Recapture of use of former Government-owned real property which was disposed of under a “ National Security Clause,” a “ National Emergency Clause,” or a similar provision will be by letter from the Chief of Engineers to the owner of the property. Such action will be based on a directive from the Secretary of the Army or his designee.
- h.* Revestment of title to former Government-owned real property which was disposed of under a reverter provision, such as a “ National Defense Purpose Clause,” will be by letter to the owner. The official of the department designated in the document that conveyed title to the Government will write the letter.
- i.* Procurement of options on real property which may be needed for a military project (before or after its acquisition is authorized by law) will be by negotiation.
- j.* Third party interests in lands owned or controlled by the United States (such as outstanding oil, gas, and other mineral, grazing, timber and water rights) will be extinguished, and easements for rights-of-way for highways, railroads, powerlines, communication lines, waterlines, and sewerlines will be obtained, in the same manner as prescribed in *a* above. Payments for extinguishment of grazing rights or licenses on public domain or other real property owned by or under the control of the United States is made pursuant to the Act of 9 July 1942, 56 Stat. 654 as amended by the Act of 28 May 1948, 62 Stat. 277 and the Act of 29 October 1949, 63 Stat. 996; 43 U.S.C. 315q-r.

### **1-5. Policies governing acquisition**

- a.* No request to acquire real estate by transfer, purchase, lease, or condemnation will be considered or approved unless it is established that—
  - (1) The activity to be accommodated is essential to an assigned mission.
  - (2) Real property under the control of the Army is inadequate to satisfy the requirement.
  - (3) No real property under the control of the Navy or Air Force or other Federal agency is suitable and available for use by the Army on a permit or joint use basis.

*b.* If the activity is essential to an assigned mission and the real property need cannot be filled by the use of Army or other Federal property on a permit or joint use basis, the following alternatives will be considered in the order listed:

- (1) Donation or long-term nominal rental lease.
- (2) Acquisition of excess lands from the other military departments by transfer.
- (3) Recapture of use.
- (4) Withdrawal from the public domain. Public Law 85-337, 28 Feb 1958, 72 Stat. 28; 43 U.S.C. 155 et. seq. requires that an Act of Congress be obtained to withdraw, reserve, or restrict for defense purposes more than 5,000 acres of the public domain (para 2-5).
- (5) Exercise of existing authorities for the exchange of Government-owned real property for non-Government-owned real property that is adaptable to the military need.
- (6) Acquisition of excess lands from Federal agencies by transfer.
- (7) Acquisition by purchase, lease, or condemnation.

*c.* In considering the use of Army real property by another military department, current requirements will, in the absence of unusual circumstances, be given preference over future needs and mobilization requirements. If the current requirement will not continue through mobilization, care will be exercised to avoid modification of the property in a manner that would prevent its timely return to the controlling department to meet its requirement. If it is contemplated that the current requirement will continue through mobilization, the property may be modified as required. Mobilization plans of the military departments concerned should be changed accordingly.

*d.* Specific requirements in each case will be determined and only the minimum amount of real property necessary to support the mission will be acquired.

*e.* Desirability of location in an urban area, reduced travel time for employees or business representatives, nominal savings in transportation costs, environmental considerations (noise or traffic), or desirability of single unit offices instead of split locations in close proximity will not be considered sufficient justification for acquiring leased space or facilities when Government-owned property is available.

*f.* Acquisition of title or a leasehold interest in real property may be justified when it is demonstrated that the function to be accommodated is an essential activity and the locating of the function on other than Government-owned space is vital to the accomplishment of the assigned mission. Examples that may fall in this category are recruiting stations.

*g.* It is Department of the Army policy to use unappropriated and nonnavigable water upon or under lands under its jurisdiction in a manner that is in accord with the water laws which have been enacted by the several States.

*h.* If permanent construction is to be placed on land, the Government must have fee title or acquire title to the land (including all mineral rights and improvements) or a permanent easement interest must be secured, with the following exceptions:

(1) Real property, including land or buildings, which the Government currently holds the right to reuse by exercise of the National Security Clause.

(2) Real property, including land or buildings, which the Government holds the right to reuse by exercise of a National Emergency Use Provision. Since such rights apply only during the period or periods of national emergency and are extinguished by the termination thereof, every effort will be made to negotiate a lease covering such property under terms that would provide the Government the right of continuous possession for a minimum of 25 years.

(3) Real property required for installation of utility lines and necessary appurtenances thereto, provided a long-term easement or lease can be secured at a consideration of \$1 per term or per annum.

(4) Real property required for airbases, provided such property can be acquired by lease containing provisions for—

(*a*) Right of continuous use by the Government under firm term or right of renewal for a minimum of 50 years.

(*b*) A rental consideration of \$1 per term or per annum.

(*c*) Reserving to the Government, title to all improvements to be placed on the land and the right to dispose of such improvements by sale or abandonment.

(*d*) Waiver by the lessor of any and all claims for restoration of the leased premises.

(*e*) Use of the property for “Government purposes” rather than for a specific military purpose.

(5) Property required for facilities for the Reserve Components of the Armed Forces, provided such property can be acquired by lease containing provisions detailed in (4) (*a*), (*b*), (*c*), and (*d*) above. Whenever possible, the insertion in a lease of a provision restricting the use of land to a specific purpose will be avoided; use a term such as Government purposes.

(6) Property required for air defense sites, provided such property can be acquired by lease containing provisions detailed in (4) (*b*), (*c*), and (*d*) above and the right of continuous use by the Government under a firm term or right of renewal for as long as required for defense purposes.

(7) Assistant secretary of Defense (Installations and Logistics) approval is required when leases for airbases, Reserve components facilities, or air defense sites can be obtained containing some but not all of the above listed provisions. Such approval is also required for leases for all other types of installations upon which permanent

construction is to be placed by the Government when leases can be obtained containing similar provisions. In all cases, it must be in the best interest of the Government to acquire a lesser interest than fee title (para 2-6c).

(8) Construction projects estimated to cost less than \$25,000 will not be considered a permanent construction for purposes of the above policy.

*i.* Where temporary construction or no construction is to be placed by the Government, acquisition of a lesser interest (leasehold, easement, license) generally will be considered to be in the best interest of the Government, with the following exceptions:

(1) Where any proposed temporary construction to be placed by the Government has an estimated cost equal to or in excess of the current market value of the property.

(2) Where the estimated total rentals for the period for which it appears likely a property will be required plus the cost of restoration would exceed 50 percent of the current market value of the property. Apply the exact period of use if known, otherwise use 5 years.

(3) Where the cost of acquiring an easement right exceeds 75 percent of the current fair market value of the property.

(4) Exception to (1), (2), and (3) above can be obtained from HQDA (DAEN-REA) (para 2-6d).

*j.* The following policies apply to industrial installations:

(1) Industrial facilities are defined as plants, buildings, utilities, improvements, and additions and appurtenances thereto used for military production and related purposes to include testing and development. Nonseverable industrial facilities are defined as industrial facilities located on other than Government-owned land which, after erection or installation, cannot be removed without substantial loss of value or damage thereto, or to the premises where installed.

(2) Industrial facilities will be located on land owned by the Government or in which the Government has a permanent disposable interest. Nonseverable industrial facilities will be located on land in which the Government has a disposable interest equal in term to the estimated useful life of the facilities unless the Commanding General, US Army Materiel Command, after consideration of any nonrecoverable costs involved, determines that such a location is not feasible. The CG, USAMC may authorize the location of such facilities on other land provided—

(a) The estimated useful life of the facilities will not extend beyond the contract under which the facilities are installed or the completion of the work for which the facilities are provided; or,

(b) The contractor agrees to purchase the facilities upon the completion of the contract at the original acquisition cost, less depreciation; or,

(c) The Secretary of the Army has approved the location as being in the interest of national defense; or

(d) If the location is on land in which the Government does not have a disposable interest (authorized under (a), (b), or (c) above), the Government has the right to abandon the facilities in place with no obligation to restore or rehabilitate them or the premises on which they are located.

*k.* The following policies apply to commercial and industrial type facilities:

(1) It is Department of the Army policy not to operate industrial or commercial type facilities unless it can be demonstrated that it is necessary for the Government itself to perform the required work or service.

(2) Commercial and industrial type facilities are defined as those devoted to an activity which might be performed by private industry. Such facilities include, but are not limited to, warehouses, motor repair shops, bakeries, laundries and dry-cleaning facilities. Commissaries, post exchanges and nonappropriated fund activities are not included.

(3) See paragraph 2-6g for clearances which must be obtained prior to acquiring real property or interests therein for the establishment or continued use of certain Government-owned commercial or industrial type activities.

## **1-6. Acquisition of land for Reserve component facilities**

The following applies to the acquisition of land for Reserve component facilities:

*a.* For Army National Guard, see AR 130-400 and AR 135-6.

*b.* For Army Reserve, see AR 135-6, AR 140-475, and AR 140-478.

*c.* In general, title to land will not be acquired for exclusive use as training sites. Training sites will be acquired by one of the following means and in the order listed:

(1) Use of land under the control of the Department of the Army regardless of the agency maintaining jurisdiction, including Class II installations and other Reserve component facilities; 10 U.S.C 2231-2237 and paragraph 10c, AR 405-90.

(2) Use of reservoir lands of Civil Works projects will be—

(a) By informal agreement with the Resident Engineer or Manager when training activities do not involve exclusive use, construction, or destruction of vegetation; or

(b) By permit from the District Engineer for other activities when such activities are compatible with the operation and maintenance of the project and will not endanger the use of public access areas by the general public.

(3) Use of lands under the control of the other military departments and Federal agencies, including public domain, by permit or otherwise.

(4) Use of local, county, or State-owned public lands, by license or lease for nominal rental.

- (5) Use of privately-owned land by short-term co-use lease under authority granted in paragraph 2-11.
- (6) Use of non-Government-owned land by lease.
- (7) Acquisition of excess lands from the other military departments.
- (8) Acquisition of excess lands from Federal agencies.
- (9) Acquisition of non-Government-owned land.
- (10) As a rule of thumb, lands will not be acquired for training from any source when the value of the land exceeds that of rural farmland in the area.

#### **1-7. Release of information to the public.**

It is Department of the Army policy to give notice and to release information to the public concerning acquisitions of real property as early in the site selection stage as is possible and as is consistent with regulations (AR 210-30). This policy should result in favorable public relations, general public support of the proposed acquisitions, and material assistance in the selection of sites which will fulfill the military requirement with the least impact on the civilian economy. This policy will also permit consideration of public preferences in the establishment of military facilities. Section 302 Public Law 86-645 (33 U.S.C. 597) provides for the dissemination of information concerning large new installations.

*a.* Budget recommendations and estimates are administratively classified CONFIDENTIAL until they are made public through formal transmittal of the budget to Congress. Public notice and release of information relative to proposed real property acquisition will exclude information as to whether the proposed acquisition has been included in a pending budget or is to be included in a future budget. Public notice and release of information will be on the basis of "advance planning."

*b.* Non-Government-owned real property generally is acquired by negotiations based on Government appraisal of its fair market value. Therefore, public notice and release of information should not increase the value of the land required or create speculation therein. Information will not be released in any specific case where it may have the result. AR 340-16 applies to the acquisition of real property only in those instances in which the release of advance information on the proposed plans might provide undue discriminatory advantage to private or personal interests.

*c.* During the preliminary site selection stage for Army Reserve facilities, the Army commander or his designee will contact responsible local public officials to explain the nature of the proposed facility and to obtain their concurrence in the Army's acquisition and use of the site tentatively selected. This information, including the names and titles of the officials contacted, will be furnished the District Engineer by the Army commander for inclusion in the Real Estate Planning Report. Release of information on Army Reserve Centers will be made by the Army commander or his designee.

#### **1-8. Review of leased real property**

*a.* The policies for new acquisition of real property outlined in paragraphs 1-5, 1-6, and 1-7 also apply to property held under lease. The Chief of Engineers will review existing leases when—

(1) Substantial construction, whether temporary or permanent, is to be placed on the property.

(2) It is anticipated that there will be a further need for the leased property and the total estimated rentals for the additional period, plus the cost of restoration, will exceed 50 percent of the market value of the property. Only estimated future rentals will be considered in determining whether or not fee simple title will be acquired.

*b.* The using command will notify the appropriate division or District Engineer of any proposed construction on leased property, the estimated cost thereof, and of any increase in the period for which it appears likely that the property will be required.

*c.* When the Chief of Engineers concludes that the acquisition of fee title is desirable, he will recommend that the item be included in the next military construction bill. The recommendation will be forwarded to the Army Staff proponent for consideration. If the review indicates that the Army should continue to lease, prior approval will be obtained by the Chief of Engineers pursuant to paragraph 2-6c and *d.*

*d.* When review of leased real property indicates that it is excess to requirements, the using agency will initiate action under AR 405-90 to dispose of the property.

#### **1-9. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.**

*a.* Public Law 91-646, approved 2 January 1971 (84 Stat. 1894; 1904) sets forth a uniform policy on real property acquisition practices. Title III of such law requires the heads of Federal Agencies, to the greatest extent practicable, to follow the policies set forth in the Act in order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices.

*b.* The Executive Office of the President, Office of Management and Budget (OMB), has issued guidelines for the issuance of regulations and procedures implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The purpose of the guidelines is to assure that the Act will be administered uniformly and to promote its underlying purposes and policies.



c. The Chief of Engineers, in consonance with his real estate responsibilities, will take actions necessary to implement and administer the provisions of Public Law 91-646.

## Chapter 2

### Acquisition of Real Property and Interests Therein in the United States, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone

#### 2-1. Requests for new fee and easement acquisition

a. When a requirement develops for a new installation or the extension of an existing installation, site selection will be conducted by the appropriate Army Area Site Board or a Site Board assembled by the using service, pursuant to AR 210-30. When it is necessary to enter upon non-Government-owned real estate during site selection, rights-of-entry for survey and exploration will be obtained as outlined in paragraph 2-7. The Site Selection Report will include a statement of the action taken to comply with the Department of the Army policies in paragraphs 1-5, 1-6, and 1-7. The Site Selection Report will also include information as to the other Army, Navy, Air Force, or other Government-owned property considered and reasons such property cannot be used. Data will also be included on privately owned sites which were considered.

b. No site selection involving non-Government-owned land will be initiated at any level of command without prior specific approval of Headquarters, Department of the Army. Requests for approval will be submitted to the Chief of Engineers, Department of the Army. Request will contain as a minimum the following information.

- (1) The purpose for which the site is required.
- (2) Approximate acreage required.
- (3) Approved or proposed program in which the acquisition will be included.
- (4) The geographical area in which site selection will be conducted.
- (5) A brief statement as to why selection of non-Government-owned land is necessary.

c. Specific authorization for site selection involving Air Defense and Army Reserve Construction Programs will be issued automatically at such time as the Department of the Army tentative programs are prepared. For the Army Reserve Construction Program, this authorization normally will be issued in August or September of the calendar year preceding the FY program.

d. Prior approval of Headquarters, Department of the Army for site selection covering the acquisition of a leasehold interest in non-Government-owned property is not required, except when the acquisition may be controversial and could result in criticism of the Army.

e. Upon approval of the Site Selection Report by Headquarters, Department of the Army, the Chief of Engineers will authorize the using command to include an appropriate land acquisition item in the next available MCA Program unless acquisition authority and funds are already available.

f. Upon receipt of notice of approval of the Site Selection Report, the using command will request the Chief of Engineers, or the appropriate Division, or District Engineer to prepare a Real Estate Planning Report. Using commands may request preparation of a Real Estate Planning Report in advance of the Site Selection Report when economy of time is essential and there has been no Site Board action and no Site Selection Report prepared. The office requesting the report will furnish information as to the nature of the proposed use; period of intended use; a complete statement of action taken to comply with Department of the Army policies in paragraphs 1-5, 1-6, and 1-7 and any other pertinent data to justify the proposed new acquisition.

g. The appropriate District Engineer will prepare the Real Estate Planning Report. The report will incorporate detailed data covering the general items contained in the Real Estate Section of the Site Selection Report. He will furnish a copy of the Real Estate Planning Report to the installation commander or to the local representative of the using command for review and submission to the Army commander or head of the using command. Simultaneously, he will furnish an information copy of the Real Estate Planning Report direct to the using command or the head of the using service and the Chief of Engineers. The Army commander or head of the using command will return the Real Estate Planning Report with his recommendation to the District Engineer. The District Engineer will submit the original and two copies of the final Real Estate Report with the recommendation of the Army commander or head of the using command to the Chief of Engineers for forwarding to higher authority for final approval. For distribution of Real Estate Planning Reports covering Army Reserve Centers, see AR 140-475.

#### 2-2. Requests for new leasehold acquisition

a. The procedures set forth in *b* through *f* below apply to the acquisition of new leasehold interests for the Department of the Army with the following exceptions:

- (1) The acquisition of maneuver agreements (licenses) for Army commanders (para 2-10).
- (2) The acquisition of short-term leases by local officers (para 2-11).
- (3) Service contracts by Army commanders, heads of special staff agencies, or their designees (para 2-12).

(4) The acquisition of “ general purpose” space from or through the General Services Administration and the Post Office Department, and all space in the metropolitan Washington, DC area (para 2–14 and 2–15).

*b.* Requests initiated by heads of Department of the Army staff agencies and headquarters of major subordinate commands will be sent to the Chief of Engineers. All other requests will be sent to the appropriate Division or District Engineer.

*c.* Requests will contain the following data:

(1) A complete statement of the action taken to comply with Department of the Army policies stated in paragraphs 1–5, 1–6, and 1–7.

(2) Justification for acquisition of a leasehold interest rather than title, including—

(*a*) A description of construction to be placed by the Government.

(*b*) The type of such construction—permanent, semi–permanent, or temporary.

(*c*) The estimated cost of such construction (excluding Government overhead costs and contingencies).

(*d*) The period of required use.

(3) The nature of the proposed use.

(4) The latest date real property must be available.

(5) Additional data when the request relates to a specific property, including—

(*a*) The location and a brief description of the property.

(*b*) A description of alterations and repairs necessary to adapt the property for the intended use and estimated cost thereof (excluding Government overhead costs and contingencies).

(*c*) The reason premises are not suitable in present condition.

(*d*) A statement as to whether facilities are in lieu of new construction previously requested which was disapproved or deferred.

(*e*) A statement, if applicable, as to whether leasing is an interim measure pending fee acquisition in a future program.

(6) Additional data when clearances with General Services Administration is required, as follows:

(*a*) Number of office employees GS–1 to GS–6; GS–7 to GS–12 and above; and the number of non–office employees who will occupy the premises regularly and/or intermittently.

(*b*) Number of square feet of office space, file space, storage and warehouse space, or other space (explain) required.

(*c*) Number of square feet of acres of land required.

(7) Additional data, when request relates to supply and storage space (AR 740–1).

*d.* Upon receipt of a request for acquisition of space by lease, the District Engineer will clear with the appropriate regional office of the General Services Administration as required (para 2–14*a*(3)). When there is no Government–controlled space available from the General Services Administration and the Department of the Army is to acquire its own leased space, site selection will proceed. In those cases where the Department of the Army is to acquire the leased space, the air pollution standards and procedures described in AR 11–21 will be considered.

*e.* The District Engineer will coordinate with the Army commander and the heads of Special Staff sections concerned in selecting a site unless the request for leasing relates to a specific property. In site selection, the policies in paragraphs 1–5, 1–6, and 1–7 will be observed as well as the limitations contained in Section 322 of the Act of 30 June 1932, as amended (para 2–6*f*). When it is necessary to enter upon non–government–owned real estate during site selection, rights–of–entry for survey and exploration will be obtained as outlined in paragraph 2–7. The District Engineer will prepare a Lease Planning Report or narrative report on site selection, as appropriate, to include:

(1) A copy of the request for leasing (*c* above).

(2) Action taken in the process of site selection.

(3) A statement of the current market value of the real property proposed for leasing.

(4) A statement of the appraised annual rental value of the real property proposed for leasing and the amounts of bids received or solicited.

(5) The estimated cost of Government financed construction to be placed on the land, unless this information was furnished under *c*(2)(*c*) above.

(6) The estimated cost of alterations and repairs, unless this information was furnished under *c*(5)(*b*) above.

(7) The estimated cost of restoration of the property upon termination of Government use.

(8) A statement that the proposed lease does or does not comply with the provisions of Section 322 of the Act of 30 June 1932, as amended (para 2–6*f*).

*f.* The District Engineer will furnish a copy of the report to the installation commander or the local representative of the using command for review and forwarding to the Army commander or head of the using command. Simultaneously, the District Engineer will furnish an information copy of the report direct to the Army commander or head of the using command. The Army commander or head of the using command will return the report with his recommendation to the Division or District Engineer and will include—

- (1) Certification that funds are available for all costs and the accounting declassification to be cited in the lease.
- (2) Designation of the Finance and Accounting Officer to make payments required by the lease.
- g. The commander or head of the using agency will review on a continuing basis the need for leased space. Funding of active leases will be accomplished on a fiscal year basis using funds cited in the lease.

### **2-3. Requests for acquisition from other Government departments or agencies.**

- a. Authorization for such acquisition is contained in appendix A.
- b. As a general rule, Department of the Army policy is to acquire full control by transfer, rather than temporary control by permit, of Government-owned real property which is an integral part of a permanent Army installation and/or the site of existing or proposed permanent construction.
- c. The procedure is explained in (1) and (2) below.
  - (1) Except as set forth in *d* below, when a requirement develops for the acquisition of Government-owned real property which is not under exclusive control of the Department of the Army, the Army commander or the head of the using command will send a request with justification to the Chief of Engineers or the appropriate Division or District Engineer. Justification will include a statement as to the nature of the proposed use and estimated period of required use of the property; description and type of existing or proposed construction; whether or not funds are available from an existing appropriation for reimbursement and identification thereof; a legal description of the property if available; and the other items of information and certification required by the Federal Property Management Regulations, subchapter H, part 101-47. 203-7 (41 CFR 101-47. 203-7).
  - (2) The Chief of Engineers is responsible for—
    - (a) Obtaining information as to the market value of the land; the in-place value of existing improvements; the estimated cost of proposed construction, excluding Government overhead costs and contingencies, and the attitude of the local representative of the other Government department or agency currently controlling the real property.
    - (b) Initiating action to obtain a Real Estate Directive and the necessary clearances or approvals for the acquisition, as set forth in paragraph 2-6. Thereafter, he formally transfers the property to the requesting agency.
    - (c) The Chief of Engineers is responsible for screening property excess to the needs of Navy, Air Force, or other departments or agencies for Army requirements. He will, upon receipt of notice of availability of excess real property, advise all Army elements which may have an interest in acquiring the property. The following information will be furnished:
      - (1) Name and location of the excess property.
      - (2) Number of acres and types of improvements.
      - (3) Any other pertinent data or descriptive matter which may be of assistance, such as installed equipment and machinery.
      - (4) Date replies will be required to reach the Chief of Engineers, if a firm requirement exists for the excess property. Negative replies are not required.
    - (d) Screening action is not an invitation to develop a requirement for the property. If a firm requirement exists, addresses will request the appropriate Division or District Engineer to prepare and forward a map, a general description, and a rough estimate of the value of the property to the Chief of Engineers. In addition, addresses will furnish the Chief of Engineers, not later than the suspense dates indicated, a complete written justification for the property desired.
    - (e) No new acquisition of excess real property will be considered or approved unless a firm requirement is received by the deadline date and it is conclusively shown that—
      - (1) The proposed acquisition is essential to the accomplishment of an assigned mission;
      - (2) The mission cannot be accomplished by the utilization of existing Army facilities;
      - (3) The proposed acquisition conforms to the Department of Army policy regarding new acquisitions (para 1-5, 1-6, and 1-7);
      - (4) The proposed acquisition is the absolute minimum required to accomplish the mission; and
      - (5) The mission justifies the use of excess property, considering its value, location, and the admonition of the Bureau of the Budget and the Department of Defense to dispose of expensive land, when practicable.
    - (f) When a firm or potential requirement is stated, the Chief of Engineers will immediately advise the controlling agency that the Army may have a requirement for the property.

### **2-4. Requests for use under permits from other Government departments or agencies**

- a. This paragraph pertains to the acquisition of the right to use real property of other Government departments or agencies under permits except—
  - (1) “General purpose” space from the General Services Administration and the Post Office Department, and all space in the Washington, DC, metropolitan area (para 2-14 and 2-15).
  - (2) Permits for the use of public lands under the jurisdiction of the Department of Interior (para 2-5).
- b. Generally, the right of use under a permit is acquired when the requirement is for short-term use, the real property is not an integral part of a permanent Army installation, the proposed construction is not of a permanent

nature, and/or the other Government department or agency does not wish to transfer jurisdiction of the real property to the Department of the Army.

c. The procedure in paragraph 2-3c will be followed to the extent applicable.

## **2-5. Requests for use of public domain land by public land order withdrawal or by permit**

a. Withdrawal, reservation, or restriction of more than 5,000 acres of the public domain must be approved by Act of Congress (para A-11).

b. Use of public domain either by public land order withdrawal or by permit requires the prior approval of the Assistant Secretary of Defense (I & L) if the total area exceeds 500 acres and the period of use exceeds one year or the value of the public domain exceeds \$50,000.

c. Prior approval of the Assistant Secretary of the Army (I & L) is required for public land order withdrawals or permits not covered in *a* or *b* above.

## **2-6. Clearances after authorization and appropriation legislation.**

After the necessary authorization and appropriation has been established, the Chief of Engineers will initiate action to obtain ASD (I & L) approval and to make necessary reports to the Armed Services Committees.

a. The following clearances are required:

(1) Prior approval of ASD (I & L) is required for the acquisition of real estate or any estate or interest in real estate when its estimated fair market value or its annual or one-time cost exceeds \$50,000. This approval is required whether the transaction involves—

(a) The acquisition of non-Government-owned real estate by purchase, condemnation, exchange, lease, lease renewal, or extension;

(b) The assignment, reassignment, or transfer of Government-owned real estate by any other Government department or agency;

(c) The withdrawal of real estate from excess or surplus; or

(d) The recapture of the use or real estate.

(2) When prior approval of the assistant Secretary of Defense (I & L) is required, as set forth in (1) above, the Chief of Engineers will prepare a request for approval including statements of the proposed acquisitions and all pertinent details. The request will be processed through the appropriate Assistant Secretary of the Army. When individual acquisition actions are to be made as part of a project involving a total estimated cost or value in excess of \$50,000, a general plan and the details of the entire project will accompany the request. An estimate of the total cost of real estate to be acquired or the total annual rental of any leasehold interests to be acquired, renewed, or extended, will also be included. Full justification will be furnished in support of the proposed acquisition including statements, as applicable, describing any anticipated additional requirements for the total program; any currently held real estate to become excess by reason of the proposed acquisition, including an estimate of its fair market value; and the terms and conditions of any existing lease or leases to be replaced by the proposed acquisition. A real estate planning report containing all essential information, including engineering and cost data, will also accompany any such request for approval involving a fee acquisition. Timely submissions will be made in order to avoid unnecessary delays in the acquisition. All proposed actions which must be reported to the Committees on Armed Services of the Senate and the House of Representatives pursuant to Title 10 U.S.C. 2662 will include four copies of draft reports for forwarding to the Assistant Secretary of Defense (I & L).

b. Reports to the Armed Services Committees pursuant to Title 10, U.S.C., Section 2662.

(1) Section 2662 provides, in part, that with respect to real estate in the United States and Puerto Rico, the Secretary of the Army, or his designee, may not enter into any of the following listed transactions by or for the use of the Department of the Army until 30 days have expired from the date on which a report of the facts concerning the proposed action was submitted to the Armed Services Committees of the Congress.

(a) Fee title is to be acquired for an amount in excess of \$50,000.

(b) The estimated annual rental of leasehold interests to be acquired is in excess of \$50,000.

(c) Real estate is to be acquired by transfer from the Departments of the Navy or Air Force with an estimated value in excess of \$50,000. Clearance action required for transfer of real estate between military departments normally will be initiated by the department acquiring the real estate.

(2) Upon receipt of approval from the Assistant Secretary of Defense (I & L)—

(a) The Chief of Engineers will report to the Armed Services Committees the facts concerning the proposed transaction and furnish numbered and dated copies of the acquisition report to the Deputy Assistant Secretary of Defense (I & H), the Assistant Secretary of the Army (I & L), the General Services Administration Central Office, and the appropriate General Services Administration Regional Office.

(b) The Chief of Engineers will notify the Deputy Assistant Secretary of Defense (I & H) whenever proposed reports to the Armed Services Committees are not made within 45 days of the Assistant Secretary of Defense (I & L) approval.

(c) The Chief of Engineers will notify the Deputy Assistant Secretary of Defense (I & H) not later than the next

business day with respect to actions as deferrals requested by a Committee, releases by a Committee of previously deferred transactions or withdrawals of reports by the Army.

(d) The Chief of Engineers will represent the Secretary of the Army in any hearings held by the Committees in connection with the Title 10 U.S.C. 2662 reports. The Chief of Engineers will request the Office of the Chief of Legislative Liaison to provide competent witnesses from the Army Staff element responsible for the accomplishment of the mission of the Army agency requiring the use of the real estate.

c. If it is considered to be to the best interest of the Government to place Government financed permanent construction on a leasehold or other lesser interest, the Chief of Engineers will submit through the appropriate Assistant Secretary of the Army, a request to the Assistant Secretary of Defense (I & L) that an exception to be made to the general policy that the Government must hold or acquire either fee title or a permanent easement interest in the land. The request for an exception will be in the form of a detailed report of the facts with comments and recommendations. The request will include a summary of the lease terms to which the proposed lessor will agree and a proximity map depicting sites surveyed. The request will also include details on each site as to its availability for purchase, estimated values, disqualifying factors, estimated fee value of the property proposed for lease, estimated cost of existing and/or proposed construction by the Government (excluding Government overhead costs and contingencies), estimated period of time property will be required, and estimated net cost of ultimate restoration thereof.

d. Paragraph 1-5i discusses cases in which it is general policy to hold or acquire fee title or a permanent easement interest in land, even though permanent construction is not proposed. In some of such cases, however, based upon favorable lease terms, public relations considerations, or other circumstances, it may be considered to be in the best interest of the Government to obtain a leasehold or other lesser interest. In the latter cases, the Chief of Engineers will determine if an exception is to be granted to said general policy. The request for an exception will be in the form prescribed in *c* above.

e. In the process of obtaining the clearances outlined in *a* through *d* above, and in other cases as appropriate, the Chief of Engineers will prepare a real estate directive. When the cost or value exceeds \$25,000, the directive will be submitted to the appropriate Assistant Secretary of the Army for approval. The real estate directive constitutes a formal determination of military necessity for the proposed acquisition. Exceptions to obtaining a formal real estate directive or an authorization to lease are set forth in paragraph 2-9 *c*.

f. Obtaining a Certificate of Necessity from the Secretary of the Army or his designee during war or national emergency.

(1) Section 322 of the Act of 30 June 1932 (47 Stat. 412) (The Economy Act), as amended by the Act of 3 March 1933 (47 Stat. 1517; 40 U.S.C. 278a), prohibits the leasing of any building or part of a building (as distinguished from land only) where—

(a) The annual rental exceeds 15 percent of the fair market value of the leased property as of the date of leasing, if the rental exceeds \$2,000 per annum. The Comptroller General has held (35 CG 713) that where nominal consideration or rent-free leases are involved, the amounts expended by the Government for alterations and improvements to the premises may be considered as the cost of occupancy, i.e., in lieu of rent, for each year of the rental term. However, the total cost of alterations or improvements plus the nominal rental during any year of the rental term may not exceed 15 percent of the fair market value of the leased premises at date of the lease, unless the total cost plus nominal rental does not exceed \$2,000 per annum.

(b) The cost of permanent alterations, improvements, and repairs exceeds 25 percent of the rental for the first year of the rental term or for the rental term if less than 1 year.

(2) Under the Act of 28 April 1942 (56 Stat. 247; 40 U.S.C. 278b) during war or a national emergency declared by Congress or by the President, the provisions of Section 322 of the Act of 30 June 1932 may be waived by the Secretary of the Army or his designee by certification that the leased premises are necessary for prosecution of the war or are vital in the national emergency.

(3) When a state of war or national emergency exists and the Lease Planning Report or narrative report on site selection indicates that terms of the proposed leasing exceed the limitations of Section 322 of the Act of 30 June 1932, and it is considered to be in the best interest of the Government to proceed with the proposed leasing, the Chief of Engineers will prepare a "Certificate of Necessity" which he will submit to the appropriate Assistant Secretary of the Army for approval and signature. When required, the Chief of Engineers will also initiate action to obtain "Certificates of Necessity" for renewal of existing leases.

(4) Comptroller General's Decision No. B-34851, 17 June 1943, (22 CG 1112), holds that the provisions of Section 322 of the Act of 30 June 1932 (47 Stat. 412), as amended by the Act of 3 March 1933 (47 Stat. 1517; 40 U.S.C. 278), are not applicable in cases where the use of property is acquired by the Government through condemnation proceedings.

(5) For additional policy and procedural information, see AR 420-71.

g. Prior Department of Defense clearance is required to establish bakeries, laundries, dry-cleaning facilities and other commercial and industrial type facilities.

(1) The Department of the Army policy relative to the establishment or continued use of Government-owned commercial or industrial type activities and a definition thereof is contained in paragraph 1-5k.

(2) Bakeries, laundries, and dry-cleaning facilities.

(a) No additional bakery, laundry, or dry-cleaning facilities will be established or acquired and no real property or interest therein will be acquired for such purpose without the prior approval of the Assistant Secretary of Defense (Installations and Logistics). This includes the acquisition, renewal, or extension of leasehold interests regardless of the amount of rental.

(b) The Chief of Engineers will obtain from the using service the necessary supporting information for project approval. This material, together with a copy of the latest Utilization Inspection Report and a statement by the Chief of Engineers that the estimated cost or rental is reasonable and normal for the locality in which the property is located, will be submitted through the appropriate Assistant Secretary of the Army to the Assistant Secretary of Defense (Installations and Logistics) for approval. The supporting data will include a statement giving the reasons why the products or services to be furnished by the bakery, laundry, or dry-cleaning facility proposed for construction, replacement, or reactivation are not obtainable from commercial sources at reasonable rates.

(3) Other industrial and commercial facilities.

(a) The establishment, including leasing, of commercial or industrial type facilities, other than bakeries, laundries, and dry-cleaning facilities, can be approved by Secretary of the Army or his designee without referral to the Assistant Secretary of Defense (Installations and Logistics) if the cost of annual rental is under \$50,000 and the establishment of the facility conforms with basic policy (para 1-5, 1-6, and 1-7).

(b) The Secretary of the Army has delegated to the Chief of Engineers that portion of the authority set forth above which applies to acquisition or renewal of leaseholds.

h. Prior to obtaining clearances as outlined above for land acquisition in Puerto Rico, liaison must be established with the Governor of the Commonwealth of Puerto Rico.

## **2-7. Rights-of-entry for survey and exploration**

a. When it is necessary to enter upon non-Government-owned real estate during site selection, particularly for the purpose of conducting topographic surveys and test borings, the appropriate Division or District Engineer will negotiate a rights-of-entry for survey and exploration. This instrument is in the nature of a license. It does not convey an interest in land but it does preclude the entry from being a trespass. Since the entry is for a limited purpose and for a relatively short period of time, the landowner is not offered rental for the privileges requested.

b. When a rights-of-entry for survey and exploration cannot be negotiated, the rights-of-entry may be obtained by instituting proceedings for the condemnation of a temporary easement. This action is taken only when it can be shown that the entry is imperative and that it is impossible to negotiate a voluntary right-of-entry. For immediate possession, see paragraph 2-9j(3).

## **2-8. Rights-of-entry for construction**

a. Paragraph 9, AR 415-10 sets forth the conditions under which construction may be initiated. Rights-of-entry for construction will be obtained by the District Engineer only after a real estate directive or authorization to lease has been issued and then only when the construction schedule does not allow sufficient time to complete negotiations for an option to purchase or lease, as appropriate.

b. When a right-of-entry for construction cannot be negotiated under the circumstances set forth in *a* above, a right-of-entry may be obtained by instituting the condemnation of fee title, easement interest, or leasehold interest as appropriate. For immediate possession, see paragraph 2-9j(3).

## **2-9. Acquisition by the Chief of Engineers**

a. The Chief of Engineers, under the direction of the Secretary of the Army or his designee, is responsible for the acquisition of all real estate required by the Department of the Army (AR 405-5).

b. This authority is exercised by the Chief of Engineers, acting for the Secretary of the Army, in the acquisition of all real property and interests therein for the use of the Department of the Army in the United States, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone. Exceptions and special categories are outlined in paragraphs 2-10 through 2-15.

c. The Chief of Engineers or his duly authorized representative has authority to approve, for the Secretary of the Army—

(1) Fee, easement, and license acquisitions which do not exceed \$5,000 for any one parcel and which constitute small tracts of additional land needed for projects for which final Department of the Army, Department of Defense, and/or Congressional approval has been obtained, or which constitute rights-of-way for roads, railroads, and utility lines necessary for the construction, maintenance, and operation of an approved project.

(2) Leasehold acquisitions where the estimated annual rental for any single leasehold does not exceed \$50,000 and the acquisition is not controversial, unusual, or inconsistent with Department of Army policies.

(3) Renewal or extension of such leaseholds.

d. Normally, the Army Staff and major Army commanders deal with the Chief of Engineers; Army commanders

deal with Division Engineers; and installation commanders and local representatives of the using command deal with District Engineers.

*e.* When the necessary clearances in paragraph 2-6 have been obtained, including the issuance of a real estate directive or authority to lease, or the Chief of Engineers has determined that the proposed acquisition falls within the delegated authority in paragraph 2-9*c*, the Chief of Engineers will proceed with the acquisition.

*f.* In accomplishing approved acquisitions, the Chief of Engineers is authorized to make minor boundary changes to avoid severance damages. This is done by including or excluding small tracts of land which will not decrease the usefulness of the area for the purpose for which it is being acquired.

*g.* Under no circumstances will commitments be made (either by negotiations or by dissemination of information to property owners) by any authority other than the Chief of Engineers. This is to avoid misunderstandings by property owners and resultant embarrassment to the Department of the Army; it is not intended to restrict the public notice and release of general information set forth in paragraph 1-7.

*h.* The written opinion of the Attorney General that the title is valid will be obtained for any site or land purchased by the United States. Unless expressly waived by the pertinent authorization Act or other Act of Congress, this opinion will be obtained prior to the expenditure of public money on such site or land (Section 355, as amended, of the Revised Statutes; 50 U.S.C. 175) except for—

(1) Easements acquired for military purposes. (By agreement with the Attorney General, his opinion is obtained only in acquiring easements at a cost in excess of \$100.)

(2) Leases and licenses.

(3) Government-owned land obtained by transfer or used by permit.

Under (1), (2), and (3) above, the Chief of Engineers or his designee is required to insure title validity.

*i.* The Chief of Engineers, acting under the direction of the Secretary of the Army, will obtain any evidence of title required by the Attorney General. The resultant expense, except where otherwise authorized by law or provided for by contract, may be paid out of the appropriations for the acquisition of the land or out of the appropriations made for the contingencies of the Department of the Army (Section 355, as amended, of the Revised Statutes; 50 U.S.C. 175).

*j.* Condemnation proceedings are as stated in (1) through (3) below.

(1) Fee title, easements, or leasehold interests may be acquired by the exercise of the right of eminent domain through the institution of condemnation proceedings. These proceedings are instituted in United States District Courts by the Attorney General based on requests from the Secretary of the Army. Normally, condemnation proceedings are instituted only when—

(*a*) An agreement cannot be reached with landowners or other parties as to the value of the real property or interest therein to be acquired by the Government;

(*b*) There are title defects which do not permit acquisition by purchase or lease; or

(*c*) Construction schedules or occupancy dates do not allow the Chief of Engineers sufficient time to conduct normal negotiations to acquire options to purchase or lease.

(2) Under a condemnation proceeding, title or other interest condemned becomes vested in the United States upon entry of final judgment in the proceeding. When it is necessary to have title or other interest vested in the United States at an earlier date, a Declaration of Taking, signed by the Secretary of the Army, may be filed in the proceeding, with the petition or at any time before final judgment. Upon the filing of the Declaration of Taking and deposit with the court of the amount of estimated compensation, title or other interest condemned becomes vested in the United States (Act of 26 February 1931; 46 Stat. 1421; 40 U.S.C. 258a).

(3) After a petition has been filed, it is within the discretion of the court as to when the Government will be granted the right-of-use or possession. Upon the filing of a Declaration of Taking, the court has the power to fix the time and the terms upon which the parties in possession will be required to surrender possession to the Government. Courts are more liberal in granting immediate possession or possession within a reasonable length of time when a Declaration of Taking is filed because the Declaration of Taking makes funds available for withdrawal by landowners when approved by the court, and vests title or other interest condemned in the United States prior to the entry of final judgment. In time of war or imminence thereof and upon the filing of a petition in condemnation, immediate possession may be taken to the extent of the interest to be acquired and the lands may be occupied and used for military purposes (para 2-9*j*(2)). This authority is exercised by obtaining an order for immediate possession from the court.

*k.* The Chief of Engineers is responsible for giving notice of—

(1) Right-of-entry for survey and exploration. Notice to the Chairman of the Army Area Site Board or Chairman of the Site Board assembled by the using service (para 2-1*a*, 2-2*e*, 2-7).

(2) Right-of-entry for construction. Notice to installation commander or local representative of the using service (para 2-7).

(3) Right of possession or use under accepted option to purchase, executed lease, court order in condemnation proceeding, transfer instrument, or permit for land being acquired from another Government department or agency. Notice to installation commander or local representative of the using service.

*l.* Material to be furnished by Chief of Engineers.

(1) Upon completion of the acquisition of land or any interest therein, the Chief of Engineers is responsible for furnishing to the installation commander or local representative of the using command, the real property record material and data, set forth in AR 735-5, AR 735-27, and AR 405-45. The Chief of Engineers is also responsible for establishing and maintaining for administrative purposes a historical record of all acquisitions and disposals of real estate. This record will include copies of acquisition and disposal authorization and related papers, tract registers, project maps, and summaries of land holdings and costs.

(2) All deeds and other title papers are filed in the Office of The Judge Advocate General. This includes papers relating to the acquisition of land by transfer from other Federal departments or agencies but does not include the original or copies of leases, licenses, or permits. It also includes pertinent papers which vest jurisdiction in land in the United States.

#### **2-10. Acquisition of maneuver agreements (licenses) for Army commanders**

- a. The Army commander will select the specific areas for maneuvers authorized by the Department of the Army.
- b. Real estate coverage will be in the form of agreements with landowners which grant the right to conduct maneuvers at a given time or periodically. Short-term leases for exclusive use may also be acquired for special areas such as headquarters areas, radio relay sites, base campsites, field hospital sites, supply dumps and buildings needed for warehouses, maintenance shops, and similar purposes directly related to the maneuver. Permits also will be obtained to cover the use of lands under the jurisdiction of another Federal department or agency.
- c. The appropriate Division or District Engineer is responsible for negotiating maneuver agreements and short-term leases and for negotiating restoration settlements and/or releases, as appropriate.
- d. Funds appropriated for field exercises and maneuvers which are allotted to Army commanders will be used for the purposes set forth in this paragraph to include administrative costs.

#### **2-11. Acquisition of short-term leases by local commanding officers**

a. Local commanding officers are authorized without approval by higher authority to make leases for campsites, buildings, and grounds for troops; garage or parking space; land or space for similar purposes; and office (including recruiting stations) storage and other general purpose space not exceeding 2,500 square feet and located outside the urban centers and areas listed in appendix C, provided—

- (1) Funds are available to the local commanding officer.
- (2) Rental consideration conforms to the prevailing rate in the locality.
- (3) The premises are to be occupied for a period less than 3 months or, in the case of Reserve training sites, not more than 90 days per year.
- (4) Rental for the entire period of occupancy does not exceed \$500.
- (5) A clearance is obtained from the General Services Administration, when required.

b. In leasing under the above authority, local commanding officers will use an informal written agreement, worded substantially as shown in appendix B. Agreements will be executed in triplicate; one copy will be furnished the disbursing officer designated to pay the account. When more than one payment of rent is involved, one copy will be furnished the disbursing officer and one copy will be forwarded to the appropriate Division or District Engineer marked for transmittal to the field office of the General Accounting Office.

#### **2-12. Service contracts by Army commanders, heads of Special Staff agencies or their designees**

Contracts for the furnishing of service, as distinguished from the acquisition of an interest in real property, are the responsibility of Army commanders, heads of using services, or their designees and are financed from funds available to the commander concerned. Such contracts do not come within the scope of this regulation. Examples are contracts for the furnishing of garage space, parking space, or storage space, the terms of which do not set aside a specific stall area or room for the exclusive use of the Department of the Army. When the use of an entire building or any specific portion thereof is required, a leasehold interest will be acquired rather than procurement under a service contract.

#### **2-13. Acquisition of space for quarters**

a. Quarters will not be leased for the use of commissioned officers or others entitled to the basic allowances for quarters (even though public quarters are not available) except—

- (1) Quarters for Army nurses, other than family quarters when it is essential to the efficient administration of a hospital that they be quartered near the hospital. The Chief of Engineers is authorized to approve such leasing.
- (2) When specifically authorized by Congress, Section 515 of the Act of 15 July 1955 (69 Stat. 352) as amended and extended by the annual Military Construction Authorization Acts, the Chief of Engineers or his designee is authorized to approve and execute leases for family quarters upon the request of the installation commander subject to the provisions of AR 210-50 and the limitations in the law.
- (3) Civilian community facilities may be leased for bachelor office housing following procedures set forth in paragraph 2-2. This authority may not be used to circumvent proper planning for construction as set forth in AR 415-15, and is further restricted to the following conditions:



- (a) Public quarters are not available.
  - (b) It can be shown that leasing is more economical to the Government than providing quarters through payment of basic allowance for quarters or per diem (AR 210-16).
  - (c) Lease will not be for a period in excess of 1 year.
  - (d) Payment for the lease will be from funds available to the commander concerned.
- b. Major Army commanders and heads of Special Staff agencies or their designees may request the appropriate Division or District Engineer to lease facilities for enlisted personnel other than family quarters, as follows:
- (1) Buildings for use as quarters for enlisted personnel assigned to posts, camps, or stations, when—
    - (a) Public quarters are not available.
    - (b) The use of tentage is impracticable.
    - (c) The quarters are essential to the economical and efficient administration of the Army.
  - (2) Units on recruiting, surveying, or other temporary or isolated duty may be furnished quarters in buildings leased for that purpose or may be furnished quarters under a service contract (para 2-12) when—
    - (a) Public quarters are not available.
    - (b) The unit can be quartered together at a cost less than the aggregate of the monetary allowances in lieu of quarters. This does not include any members of a recruiting party who are authorized to live separately from the party and are paid the monetary allowances in lieu of quarters.
  - (3) When an enlisted man for whom quarters are furnished as outlined above, is absent on leave or on temporary duty, the lease or service contract may be continued in force during such authorized absence.
- c. At all places where regularly required, lodging for recruits may be provided by service contract (para 2-12). The rate will be at the lowest per-man per-day obtainable for acceptable lodging.
- d. The rental rate in any lease or service contract must not exceed the actual commercial or rental value to the general public. See AR 210-50.
- e. The individuals who are to occupy lease or service contract quarters will not be named in the lease or service contract. The lease or contract will describe the premises and specify the number of rooms contained therein. Such quarters supplement Government-owned quarters and will have the same status as Government-owned quarters with respect to their assignment to individuals.

## **2-14. Acquisition of general purpose space from the General Services Administration and Post Office Department**

- a. *General purpose space acquired from General Services Administration.*
- (1) Under Reorganization Plan No. 18 of 1950 (15 F.R. 3177; Stat. 1270; 40 U.S.C. 490 Note) and delegations, findings, regulations, and instructions issued pursuant thereto, the Administrator of the General Services Administration is responsible (within the selected cities and areas listed in app C) for the acquisition by lease of general purpose space, the assignment and reassignment of such leased space and Government-owned-space; and the operation, maintenance, and custody thereof.
  - (2) The Department of the Army has authority to lease space under the following conditions:
    - (a) Acquisition by lease of general purpose space located in cities and areas not included in appendix C. Prior clearance must be obtained from the General Services Administration regional office if the space exceeds 2,500 square feet.
    - (b) Acquisition by lease of special purpose space regardless of geographical location. Prior clearance must be obtained from the General Services Administration regional office if the space exceeds 2,500 square feet.
    - (c) Control of the use of buildings and space in buildings which are located on a military installation unless and to the extent that a permit for its use will have been issued by the Secretary of the Army or his designee.
    - (d) Acquisition by lease of general purpose space required for use incidental to, in conjunction with, and near special purpose space.
    - (e) Acquisition by lease of general purpose space or special purpose space, regardless of geographical location, for no rental or at nominal consideration of \$1 per annum or per term.
    - (f) Acquisition by lease of general purpose space or special purpose space in territories and possessions other than the Commonwealth of Puerto Rico and the Virgin Islands.
  - (3) Upon receipt of any request for space, and if required under (1) or (2) above, the Division or District Engineer will file Standard Form 81 (Request for Space) in triplicate with the appropriate General Services Administration regional office.
  - (4) When the General Services Administration regional office has acceptable Government-controlled space available, that office will assign the space by sending GSA Form 65 (Space Assignment Record), in triplicate, to the Division or District Engineer. The Division or District Engineer will notify the representative of the Army organization who requested the space. Clearances required by paragraph 2-6 must be obtained before a lease is renewed or extended or a new lease is negotiated by the General Services Administration. The appropriate Division or District Engineer will obtain required clearances. In those cases where clearances are required for lease renewals, the appropriate Division or

District Engineer will initiate action in sufficient time to insure that such clearances are obtained prior to the lease expiration date.

(5) When the General Services Administration regional office does not have acceptable Government-controlled space available and the space required is in a category for which the General Services Administration has acquisition responsibility, the General Services Administration regional office will acquire and assign acceptable space by executing GSA Form 65. This form, in triplicate, will be forwarded to the Division or District Engineer who will notify the representative of the Army organization who requested the space. If the regional office determines that annual rental is in excess of \$50,000, the Division or District Engineer will obtain necessary clearances and will notify the General Services Administration regional office when such clearances have been obtained. The regional office will then proceed with acquisition of the leasehold interest.

(6) When the General Services Administration regional office does not have acceptable Government-controlled space available and the space required is in a category for which the Department of the Army has acquisition authority, the Division or District Engineer will proceed with acquisition of the leasehold interest. Action will include obtaining of prior clearances set forth in paragraph 2-6 which are required. Afterwards, he will notify the representative of the Army organization who requested the space.

(7) The following policies apply to reimbursement:

(a) As a general rule, the Department of the Army does not reimburse the General Services Administration for rent, services, alterations, or repairs to general purpose space or for restoration of such space. When requested, the Department of the Army generally reimburses for services, alterations, and repairs which are of an exceptional nature, such as extra security guards; installation of special equipment; or elevator service, heat, or light required for overtime work. Pursuant to appropriate Bureau of the Budget circulars, the Department of the Army will reimburse for rent, alterations, services and other related costs for new or expanded space provided on or after 2 July of any year. Such costs for the subsequent fiscal year will be financed by appropriation transfer at Washington level.

(b) As a general rule, the Department of the Army reimburses the General Services Administration for rent, services, alterations, repairs, and restoration in the case of any special purpose space which may be furnished by the General Services Administration.

*b. Space in post office buildings.* The Post Office Department is responsible for assigning and reassigning space in post office buildings and Government-controlled space used predominantly for post office purposes. Upon receipt of a request for space which can be satisfied through the use of space controlled by the Post Office Department, the Division or District Engineer will request the appropriate Regional Real Estate Manager of the Post Office Department for the assignment of space. The Regional Real Estate Manager will make the assignment by letter addressed to the Division or District Engineer. The Division or District Engineer will notify the requesting agency. Reimbursement for space will be made as set forth in *a(7)(a)* above.

## **2-15. Acquisition of general and special purpose space in the District of Columbia and vicinity**

*a.* The General Services Administration has control of and is responsible for the allotment of space in public buildings or buildings leased by the United States in the District of Columbia, Montgomery and Prince Georges Counties in Maryland, and the City of Alexandria and Counties of Arlington and Fairfax in Virginia, except buildings on military installations and post office buildings (see app C).

*b.* Requests for general or special purpose space in localities listed in *a* above (except for departmental use) will be directed to the Chief of Engineers. If the request covers new leased space with an estimated annual rental in excess of \$50,000, or the space request is controversial, unusual, or inconsistent with Department of Defense or Department of Army policies, the Chief of Engineers will submit Standard Form 81 (Request for Space). He will submit it in triplicate through the appropriate Assistant Secretary of the Army to the Director, Space Management Service, Office of the Secretary of the Army. When departmental operations in locations listed in *a* above are involved, the following will be submitted in writing by the requesting agency direct to the Director, Space Management Service (AR 1-21):

- (1) Requests for additional space.
- (2) Requests for changes in space location.
- (3) Information on release of space.
- (4) Requests for surveys of space requirements.
- (5) Requests for advice and assistance on office layouts.

*c.* If the requirement can be satisfied within Government-controlled space assigned to the Department of the Army, the Director, Space Management Service will inform the Chief of Engineers of the specific assignment. The Chief of Engineers will inform the agency which requested the space.

*d.* If the requirement causes the leasing of new space, the Director, Space Management Service will submit the request to the Administrative Management Division, Space Management Branch, OASD (Admin). If approved, that office will send the request to the Regional Director, Region 3, General Services Administration.

(1) If general purpose space is required, the Regional Director acquires and assigns acceptable space and executes and returns GSA Form 65 through OASD (Admin) and the Office of the Secretary of the Army to the Chief of Engineers. The Chief of Engineers informs the agency which requested the space. If the annual rental exceeds \$50,000,

the Chief of Engineers will notify the Committees on Armed Services of the Congress (para 2–6). This action will be completed before the Regional Director completes acquisition of the new space.

(2) If special purpose space is required, the Regional Director signs and returns the Standard Form 81 through the OASD (Admin) and the Office of the Secretary of the Army to the Chief of Engineers. The Chief of Engineers when required, will notify the Committees on Armed Services of the Congress, and thereafter complete acquisition of the new space. The Chief of Engineers then notifies the agency which requested the space.

*e.* Reimbursement will be made as set forth in paragraph 2–14a(7).

*f.* In time of war, or when war is imminent, the Secretary of the Army may acquire by lease any building, or part of a building, in the District of Columbia, needed for military purposes (10 U.S.C. 4780).

## **2–16. Relocation, alteration, vacation, or abandonment of highways, roads, railroads, utilities, and cemeteries**

The following principles apply when new acquisition of real estate or interests therein for military use requires the relocation, alternation, vacation, or abandonment of highways, roads, railroad, utilities, or cemeteries.

*a.* In acquiring land for the establishment or expansion of a military installation upon which highways, roads, railroads, utilities, and cemeteries are located, the Army commander, head of the using service, or their designee, must determine whether the continued existence of such facilities will interfere with the construction, maintenance, and operation of the installation sufficiently to justify the cost of relocation, alteration, vacation, or abandonment of the facility.

*b.* If the continued existence of such facilities does not interfere, the land will be acquired by taking, subject to existing easements for highway, road, railroad, and utility rights-of-way and cemeteries. Said rights-of-way and cemeteries will be excluded from the acquisition, if the fee title thereto is owned by the State, county, or other local body having jurisdiction over the highway or road; the railroad company, the utility company, or the cemetery association.

*c.* If the continued existence of such facilities does not interfere the following courses of action will be considered in connection with the acquisition of the land:

(1) *Highways and road.*

*(a)* Voluntary road closure by the proper civil authority or involuntary road closure by court order in condemnation proceedings instituted by the government in the appropriate U.S. District Court.

*(b)* When there is no necessity for relocation or alteration of the highway or road, vacation and abandonment of the highway or road through the initiation of appropriate proceedings by proper civil authority in accordance with local law.

*(c)* Relocation or alteration of the highway or road by contract between the Government and the proper civil authority if it is determined that the local public body has a compensable interest in the existing facility and there is a necessity for relocation or alteration of the existing facility. Compensable interest is defined as fee title, a valid easement or other interest, expressed or implied, which cannot be terminated at will by the owner of the fee title. The determination of necessity for relocation or alteration is based principally upon the sufficiency of the remaining road network and traffic counts over the road to be relocated or altered. The contract may provide for the performance of the construction work by the Government or by the local public body. When the road closure was involuntary and agreement cannot be reached with the local public officials, the amount of the Government's liability, if any, for the road closure and the furnishing of a relocated or altered road is determined by the court through the condemnation proceedings instituted to effect the road closure.

*(d)* As an incident to responsibility for the acquisition of real estate, the Chief of Engineers is responsible for effecting closure, vacation, abandonment, relocation, and alteration of highways and roads. When practicable, relocation or alteration of highways and roads may be accomplished through the Bureau of Public Roads under 23 U.S.C. 210, by certification through the Chief of Transportation. See AR 55–80 and AR 210–30.

(2) *Railroads and utilities.* Procedures for the relocation, alteration, vacation, or abandonment of railroads and utilities are substantially the same as for highways and roads except that negotiations are conducted with appropriate officials of the railroad and utility companies.

(3) *Cemeteries.* The relocation of cemeteries is affected through contracts with local undertakers for the removal and reinterment of remains and the relocation of monuments and other facilities in lots or sections of existing cemeteries selected by the next of kin or in new cemeteries established in accordance with a plan prepared in consultation with representatives of cemetery associations or in their absence, the next of kin. The Government is responsible for obtaining court approval of cemetery relocations and for obtaining options on lands selected for new cemetery sites. In the case of new cemeteries, the standard form of contract with the local undertaker provides that the undertaker will accept assignment from the Government of the option of the new site and, after completion of the relocation, will convey to the cemetery association title to the new site.

*d.* Since the relocation, alteration, vacation, or abandonment of highways, roads, railroads, utilities, and cemeteries normally is predicated on the acquisition of land or an interest in land for military purposes, the Chief of Engineers in effecting such action, whether by contract, condemnation, or otherwise, will incorporate necessary provisions for—

(1) Acquisition of title to old rights-of-way and cemetery sites or the extinguishment of easements or other interests in land held by public bodies, railroad companies, utility companies, and cemetery associations.

(2) Conveyance by the Government to public bodies, railroad companies, and utility companies of title or an easement interest to new rights-of-way when the Government acquired title to the new rights-of-way for relocation purposes. The authority of the Secretary of the Army to convey title in such instances is normally contingent upon establishing the right to acquire by exchange.

*e.* Expenditures, whether direct Government construction costs or payments under relocation contracts, are justified on the basis of the Government's responsibility for making just compensation for facilities which are taken or which must be relocated, altered, vacated, or abandoned. The relocated or altered facility should be the type which will, as nearly as practicable, serve the owner in the same manner and as well as the original facility. Substitute facilities over and above that degree of serviceability are generally considered to be a betterment for which the expenditure of Government funds, either directly or indirectly, is not justified.

*f.* Since the costs of relocation are substantial, the necessity to relocate facilities must be recognized during site selection phase (para 2-1*a* and 2-2*f*). Relocations also must be considered during the planning stage in order that the estimated cost of relocation can be included in budget requests. Early recognition of the need to relocate or alter highways and roads is particularly important when, the assistance of the Bureau of Public Roads is desired.

## **2-17. Uniform Relocation Assistance**

*a.* The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, was approved 2 January 1971 (84 Stat. 1894; 1895). Title II of the act sets forth a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefits of the public as a whole.

*b.* The Executive Office of the President, Office of Management and Budget (OMB) has issued guidelines for the issuance of regulations and procedures implementing Public Law 91-646. Title 10, U.S.C. 2680, which was known as the "resettlement" Act, was repealed by Section 220(a) of Public Law 91-646; however, Section 220(b) provides that "any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section." Accordingly, resettlement rights existing at the time of the enactment of Public Law 91-646 will be honored.

*c.* The Chief of Engineers, in consonance with his real estate responsibilities, will take those actions necessary to implement and administer the provisions of Public Law 91-646 and will take appropriate action in connection with any remaining rights under Title 10, U.S.C. 2680.

## **2-18. Real estate claims arising from acquisition**

Real estate claims often arise during the process of acquiring land or interest therein. Claims of a contractual nature involving real estate, including claims for rent or utilities, claims for damages to real property founded upon expressed or implied contract, and claims for permanent or recurring damages to real property situated in the United States or its territories which will result in the Government's taking of an interest in real estate for which compensation must be made, will be processed pursuant to AR 405-15. Claims for damages of a noncontractual nature will be processed under AR 27-20.

## **2-19. Surveying, monumenting, fencing, or posting installation boundaries**

*a.* Paragraph 11, AR 735-27 requires the appropriate Division or District Engineer to furnish to the installation commander or the local representative of the using service a reproducible print of the final project map after land acquisition is completed. The map will contain metes and bounds data on the outside boundaries, if available, based on data assembled in the process of land acquisition, design or construction. Upon request of the installation commander or the local representative of the using service, the appropriate Division or District Engineer will furnish any additional boundary data which is available in that office.

*b.* Installation boundaries will not be surveyed, monumented, fenced, or posted without the prior approval of the Chief of Engineers. Request for one or more of these actions will be made to the Chief of Engineers by the Major Army commander, the heads of Special Staff agencies or their designees. The request will include—

- (1) Facts establishing the necessity and justification for the proposed action.
- (2) A detailed cost estimate.
- (3) An estimate of the time required to complete the work.
- (4) A statement as to the number of additional personnel required.
- (5) The source and availability of funds.

## **2-20. Collocation of recruiting facilities of the Armed Forces**

*a.* Pursuant to DOD Directive 5160.58 the Secretary of the Army has been designated as Executive Agent for recruiting facilities with overall responsibility for Real Property Management connected with the acquisition, disposal,

and maintenance of space needed for recruiting offices, recruiting main stations, and detachments of the Armed Services. This authority has been redelegated to the Chief of Engineers.

*b.* As Executive Agent, the Chief of Engineers will provide necessary liaison with all military departments and the General Services Administration, as appropriate, at departmental and field level.

*c.* Recruiting offices, recruiting main station, and detachments are collocated when they are —

- (1) Adjacent or adjoining with separate entrances.
- (2) Grouped together in the same room or suite with a common entrance.
- (3) On the same floor of a building.

*d.* US Army District Engineers having military real estate responsibility and the Division Engineer, New England and Pacific Ocean Division will establish a recruiting facilities committee within their geographical area of responsibility. The committee will be composed of members from each service at the field level and the regional office of the General Services Administration. The committee chairman will be the Division or District Engineer, or his designee. The committee will conduct studies with the objective of collocating facilities of all services in each community or area within a community. The collocation program will be on a phased basis because of funding availability and the magnitude of the program; therefore, the committee will prepare detailed plans for the collocation of recruiting facilities in each community or area and a schedule for the execution of the proposed plans. The collocation studies for each community or area in which there is more than one facility will be submitted to the Executive Agent for approval. The studies will include the following:

(1) Statement of existing recruiting facilities, to include the address of each facility, the square footage, existing rental and housekeeping costs, and a map depicting the location of each facility.

(2) Space and location requirements as submitted by the services covering square footage, geographic area desirability of preference, and Government vehicle parking.

(3) Summary of proposed collocation plan including but not limited to a map depicting the collocated sites; total estimated rental under the collocation plan, including the cost of utilities, repair and maintenance of facilities, custodial services, security alterations, parking spaces, other anticipated costs; and a target date for collocation.

(4) Discussion of collocation plan problems and areas of disagreement among the services.

(5) A list of those facilities that are collocated under this authority.

(6) Committee recommendations.

*e.* As the Executive Agent, the Chief of Engineers will, on a continuing basis, review all existing assignments and leases of space for recruiting facilities of all services in each community or area within a community in which more than one service has a recruiting facility. This review is to collocate all facilities at the earliest and most practical time. The Executive Agent will coordinate his actions with the affected services. He will refer all unresolved differences in collocation matters to the Office of the Assistant Secretary of Defense (Manpower) for resolution.

*f.* Pending collocation of all recruiting facilities within each community or area within a community, Service requests to acquire additional space for a new or expanded facility, regardless of method of acquisition, will be submitted to the Division or District Engineer. The Division or District Engineer will provide the necessary space. Prior to taking acquisition action, the recruiting facilities committee will promptly initiate a collocation study of the particular community or area involved and report to the Executive Agent. It is recognized that in some communities or areas, acquisition of new space or extension or renewal of existing leases will be required pending the completion of the collocation study. In such cases, the Division or District Engineer, immediately upon approval by the Executive Agent, will take prompt action to satisfy the requirements for a new facility pending completion of the collocation plans. In those cities where only a single military service has a recruiting facility, appropriate action will be taken by the Division or District Engineer, without prior approval of the Executive Agent, to arrange for the renewal, extension, or renegotiation of the lease involved.

*g.* The Executive Agent is responsible for programming, budgeting, and financing all costs related to acquiring and maintaining the facilities to include lease agreements, utilities, repair and maintenance of facilities, custodial services, security, and administration of leases and other agreements for facility occupancy.

*h.* Excess facilities will be reported to the Division or District Engineer who will take appropriate disposal action pursuant to existing regulations.

*i.* A consolidated directory of recruiting facilities will be published annually as of 31 December. Changes will be issued bimonthly.

## Chapter 3

### Acquisition of Real Property and Interests Therein in Oversea Commands (Excluding Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone)

#### 3-1. Scope

This chapter pertains to the acquisition of real property and interests therein in all overseas commands except those that include lands in Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone.

#### 3-2. Staff and command responsibilities

*a.* The Chief of Engineers has staff responsibility over all real estate matters of the Department of the Army in overseas areas including the preparation of budget estimates and justifications and the preparation and presentation of testimony relative thereto. He communicates direct with overseas commanders on all technical real estate matters necessary to accomplish objectives. He supervises and is responsible for overseas real estate activities that pertain to—

- (1) Initiation and maintenance of record and reporting systems necessary to administer his responsibilities.
- (2) Providing technical advice and assistance as requested by overseas commanders.
- (3) Issuance of instructions and performance of inspections and staff visits as necessary to insure that overseas real estate activities are conducted in accordance with applicable directives, policies, and regulations.
- (4) Review of overseas real estate data, including estimates, justifications, records, and reports.

*b.* Oversea commanders, under their command responsibility, will—

- (1) Determine real estate requirements.
- (2) Plan, execute, and analyze real estate operations in accordance with the provisions of pertinent laws, directives, policies, international agreements, and regulations.
- (3) Prepare and submit real estate reports.
- (4) Prepare budget estimates and justifications.
- (5) Advise the Chief of Engineers concerning subjects or questions which should be discussed or resolved prior to staff visits.

#### 3-3. Five-year firm term leases

*a.* 10 U.S.C. 2675 provides that, notwithstanding any other provision of law, the Secretary of the Army may acquire by lease, in any foreign country, structures and real property relating thereto that are not located on military base and that are needed for military purposes. The lease may not be for a period of more than 5 years.

*b.* No specific delegation of this authority by the Secretary of the Army is required. The 5-year leasing authority may be exercised in the same manner as authorized for other real estate actions.

*c.* The 5-year leasing authority may be used only when it has been determined that—

- (1) There is a firm requirement for the real property for the firm term of the lease.
- (2) The rental for the firm term is substantially less than the total rental for a lease renewable annually.
- (3) On the basis of negotiations with the owner or his representative, the property cannot be acquired under a lease renewable annually.

*d.* When leases of real estate in foreign countries contain termination clauses requiring notice of 1 year or less, OMA funds will be used and the obligation concepts in paragraph 2-7g, AR 37-21 will be followed, regardless of the total period of the lease. If such leases do not contain termination clauses, or require more than 1 year's notice, MCA funds must be obligated for total liability under lease.

*e.* Prior approval of the Assistant Secretary of Defense (Installations and Logistics) is necessary for any lease which is for a firm term in excess of 1 year and which involves an annual rental exceeding \$50,000. Additionally, no lease under authority of 10 U.S.C. 2675 may be entered into if the average estimated annual rental during the term of the lease is more than \$250,000 until after the expiration of 30 days from the date upon which a report of the facts concerning the proposed lease is submitted to the Committees on Armed Services of the Senate and House of Representatives. All leases and/or renewals for which ASD(I & L) approval is required or which requires submission to the Committees on Armed Services will be submitted to the Chief of Engineers for transmittal in accordance with procedures contained in paragraph 2-6. Full justification to support each proposed leasing will be furnished, with terms and conditions of the proposed lease or renewal, including statements, as applicable, describing any anticipated additional requirements for the total program if the proposed lease represents only an increment of the total program needs, any currently held real estate to become excess by reason of the proposed lease, including an estimate of its fair market value; and the terms and conditions of any existing lease or leases to be replaced by the proposed acquisition. In addition, for each proposed lease which must be submitted to the Armed Services Committees a draft report prepared in the format shown in appendix D will be furnished. Submission to the Chief of Engineers will be in sufficient time to permit obtaining the required approval and meeting the 30 day waiting requirement.

*f.* The lease document covering leases with an average annual rental in excess of \$250,000 will include a statement that the requirements of subsection (c), Section 608, P.L. 91-511, have been satisfied.

### **3-4. Lease of quarters**

*a.* Except for housing units leased for MAAG personnel in foreign countries, family housing will be leased for eligible military personnel only when such leasing is for the benefit of the United States and has been authorized in accordance with AR 210-50.

*b.* Alterations, repairs, additions, expansions, or extensions to leased family housing will be limited to work necessary to provide adequate living accommodations. In no event will the cost of such work exceed 25 percent of the first year's rental without prior approval of the Chief of Engineers, Department of the Army. Alterations, additions, expansions, or extensions also will be subject to the limitations on this type of work for Government-owned family housing and will be accomplished only under the Family Housing Operation and Maintenance Program.

*c.* The limitations in *b* above are intended to insure that privately owned dwellings selected for leasing under the Family Housing Leasing Program are those requiring the minimum of repairs and improvements to provide adequate living accommodations. Installation commanders are not precluded from requesting an authorization for exception to these limitations if they make a determination that the leasing of a particular dwelling requiring alterations, repairs, additions, expansions, or extensions costing in excess of these limitations is the best method of meeting a housing requirement. Projects requiring authorization for exception to these limitations will be submitted to the Chief of Engineers on DD Form 1391 and 1391c (Military Construction Project Data) (AR 415-15). They will be accompanied by an itemized cost estimate and applicable single line drawings. No lease will be completed until the required prior authorization is obtained.

*d.* Pursuant to authority contained in Section 602 of the Act of 13 July 1955 (69 Stat. 301), rentals may be paid in advance in foreign countries for such periods as may be necessary to follow local custom.

### **3-5. Further guidance**

For further guidance, see TM 5-300, December 1958.

## **Appendix A**

### **Acts Which Authorize the Secretary of the Army to Acquire Real Property and Interests Therein**

#### **A-1. Annual Military Construction Authorization Acts**

These Acts contain authorization for the acquisition of lands and rights and interests thereto or therein, at specified installations and facilities or for specified military purposes. The acquisitions are accomplished by donation, purchase, exchange of Government-owned lands, or other means.

#### **A-2. Armed Forces Reserve Facilities**

The National Defense Facilities Act of 1950, as amended (10 U.S.C. 2233), authorizes the acquisition of real estate by purchase, lease, or transfer for Armed Forces Reserve Facilities.

#### **A-3. Acquisition of existing Title VI and Title IX Housing**

The National Housing Act, as amended (10 U.S.C. 2678), authorized the purchase, subject to the mortgage, of certain housing insured under Title VI or Title IX of the National Housing Act.

#### **A-4. Acquisition of existing Title VIII (Wherry) Housing**

The National Housing Act, as amended (42 U.S.C. 1594a) authorizes the acquisition by purchase, donation, condemnation, or other means of transfer, of certain housing insured under Title VIII (Wherry) Housing. It is mandatory that Title VIII (Wherry) Housing be acquired which is located at or near a military installation where the construction of Title VIII (Capehart) Housing has been approved by the Secretary of Defense or his designee. Under Section 310 of Public Law 814, 84th Congress (70 Stat 682), either permissive or mandatory acquisition may be made subject to any existing mortgage. See AR 210-45.

#### **A-5. School, hospital, library, museum, cemetery, or other institution or organization**

10 U.S.C. 2601 authorizes acquisition of real or personal property by gift, devise or bequest made on condition that it be used for the benefit of, or in connection with, the establishment, operation, maintenance, or administration of any school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of the Department of the Army.

#### **A-6. Contiguous parcels not exceeding \$25,000 in cost needed in the interest of national defense**

10 U.S.C. 2672 authorizes the Secretary of the Army to acquire any interest in land he, or his designee, determines is needed in the interest of national defense and which does not cost more than \$25,000, exclusive of administrative costs and the amounts of any deficiency judgments. Acquisition may be by gift (donation), purchase, exchange of Government-owned land, or otherwise (see Section 501, Public Law 85-685 72 Stat 660). In the case of acquisition by gift (donation) or exchange of Government-owned land, the \$25,000 limitation mentioned above will be applied on the basis of the value of the real property being acquired, in lieu of its cost to the Government.

#### **A-7. Transfer from the Departments of the Navy and the Air Force, the Marine Corps, and the Coast Guard**

10 U.S.C. 2571 authorizes the interchange of supplies and real estate owned by the Government between the Army, Navy, Air Force, Marine Corps, and Coast Guard, without compensation, provided the request is made by the Secretary of the Army and is approved by the Secretary of the transferring department.

#### **A-8. Reassignment from the Departments of the Navy and the Air Force**

Section 202(c), Act of 30 June 1949 (Public Law 152, 81st Congress; 63 Stat 384) as amended by the Act of 12 July 1952 (Public Law 522, 82d Congress; 66 Stat 593; 30 U.S.C. 483) authorizes reassignment of property among the military departments of the Department of Defense without reimbursement.

#### **A-9. Transfer from the General Services Administration or its designated disposal agent**

Section 202(a), Act of 30 June 1949 (Public Law 152, 81st Congress; 63 Stat 384) as amended by Section 1(f), Act of 12 July 1952 (Public Law 522, 82d Congress; 66 Stat 593; 40 U.S.C. 483) provides for transfer of excess real property to other Government agencies. Federal Property Management Regulations, Sub-chapter H, Part 101-47 (41 CFR 101-47), implements these laws and prescribes policies relative to transfer of excess real property, particularly the circumstances under which reimbursement is required and the circumstances under which transfer may be made without reimbursement.

#### **A-10. Transfer of housing and other facilities from the housing and home finance agency (Public Housing Commissioner)**

Certain of the housing recreational (USO) facilities, and related facilities constructed or acquired under the Act of 14



October 1940, as amended (42 U.S.C. 1524), (also Public Law 176, 83rd Congress; 67 Stat 305), may be acquired by the Department of the Army by transfer from the Commissioner, Public Housing Administration of the Housing and Home Finance Agency.

#### **A-11. Use of public domain lands under public land orders or permits from the Department of the Interior**

Until passage of the Act of 28 February 1958 (Public Law 83-337; 72 Stat 28 43 U.S.C. 156), this type of acquisition was accomplished by withdrawal and reservation of public domain lands by Executive Order of the President or by Public Land Order of the Secretary of the Interior or his designee (Act of 25 June 1910; 36 Stat 847, 43 U.S.C. 141), (Act of 31 October 1951; 3 U.S.C. 301; 65 Stat 712) (Executive Order No. 10355, 26 May 1952) (Also see regulations issued by the Secretary of the Interior, 16 August 1957; 43 CFR 57-6771, 295.9 through 295.15). In addition, when ordered by the President, unappropriated public land could be reserved from entry and such land and other property of the United States could be designated and used for an airbase or a field for tests and experiments for the Army. (Sec 4772 of the Act of 10 August 1956; Public Law 1028, 84th Congress; 70A Stat 268; 10 U.S.C. 4772). Under the Act of 28 February 1958, above cited, it is necessary to obtain legislation to withdraw, reserve, or restrict over 5,000 acres.

#### **A-12. Exchange (Interchange) of military lands for national forest lands (Secretary of Agriculture)**

Public Law 804, 84th Congress (70 Stat 656; Act of 26 July 1956; 16 U.S.C. Secs 505a, 505b) authorizes the Secretary of a military department to acquire national forest lands by exchange (interchange) of lands under the control of a military department which lie within or adjacent to the exterior boundaries of a national forest, with the Secretary of Agriculture without reimbursement or transfer of funds.

#### **A-13. Acquisition of lands for national cemeteries**

The Secretary of the Army shall purchase from the owners such real estate as is in his judgment suitable and necessary for carrying into effect the provisions for National Cemeteries (24 U.S.C. 271). The Secretary of the Army is authorized to accept from any State on behalf of and without cost to the United States, title to such land as he deems suitable for National Cemetery purposes (24 U.S.C. 271a).

#### **A-14. Procurement of options prior to authorization to acquire real estate**

10 U.S.C. Sec 2677 authorizes the procurement of options on real estate which is "suitable and likely to be needed" for a military project before or after its acquisition is authorized by law.

#### **A-15. Donation for particular defense purposes**

The Secretary may take real property, by donation, through the General Services Administration, for a particular defense purpose (Act of 27 July 1954 (68 Stat 566; 50 U.S.C. 1151 and 1152)).

#### **A-16. Production of nitrates and munitions**

By lease, purchase, condemnation, gift, or by taking lands of the United States, the President is authorized to acquire lands and rights-of-way for construction and operation of plants for the production of nitrates and other products for munitions of war (Sec 37b of the Act of 10 August 1956; Public Law 1028, 84th Congress; 70A Stat 635 50 U.S.C. 100b).

#### **A-17. Production of lumber and timber products**

Timber, sawmills, and other facilities suitable for the production of lumber and timber products needed for the production of aircraft, vessels, dry-docks, and housing for persons employed by the United States in connection with functions of the Army may be taken by condemnation, purchase, or donation (10 U.S.C. 2664).

#### **A-18. Acquisition of plants, during war or imminence of war**

In time of war or when war is imminent, the President, through the head of any department, may take immediate possession of certain plants under certain circumstances. Each person or industry whose plant is seized is entitled to a fair and just rental (10 U.S.C. 4501).

#### **A-19. Liquid Fuel Facilities—Option for Purchase**

A contract for storage, handling, and distribution of liquid fuels may contain an option for the purchase by the United States of the facility covered by the contract (10 U.S.C. 2388).

#### **A-20. Procedural legislation**

In addition to the foregoing, when acquisition is authorized, the following legislation, which is procedural only, may be utilized as to methods of acquisition, for the purposes stated:

- a.* By condemnation, for erection of a public building or for other public uses: Section 1, Act of 1 August 1888 (25 Stat 357, as amended; 40 U.S.C. 257).
- b.* By condemnation, purchase, and donation for fortifications, cost defenses, military training camps, plants and power facilities for plants (10 U.S.C. 2663).
- c.* By donation for permanent mobilization, training or supply stations (10 U.S.C. 4771).
- d.* By donation for the purposes of an aviation field (10 U.S.C. 4771).

#### **A-21. Acquisition of leasehold interests**

There is no general statute which specifically authorizes the Secretary of the Army to acquire real property by lease, except 10 U.S.C. 2675 which authorizes certain leases in foreign countries. For authority to lease elsewhere, the Army relies on the language in the general provisions of the annual appropriation Acts which provides for leasing of buildings and facilities.

**Appendix B**  
**Sample Short-Term Lease**

---

... *(Place)* ...

... *(Date)* ...

The undersigned hereby agrees to allow the use of premises ... (Description of premises) ... by ... (Designation of detachment) ... at a rental of \$ ... per month, or proportionate part thereof, for the time of occupancy. ... (Signature of property owner) ...

The following should be indorsed on informal agreements:

I have this day entered into a formal agreement with ... (name of property owners) ... covering rental of ... (Description of premises) ..., same being required and absolutely necessary for the successful operation of my detachment.

... *(Name)* ...

... *(Grade and organization)* ...

...19...

(See para 2-11)

---

Figure B-1. Sample Short-Term Lease

---

**B-1. Not Used.**

Not Used.

**B-2. Not Used.**

Not Used.

**Appendix C**  
**Urban Centers and Areas in Which the General Services Administration Will Be the Sole Leasing Agency for General Purpose Space Under Reorganization Plan No. 18 of 1950**

Aberdeen, S. Dak.:

Brown County

Abilene, Tex.:

Jones County

Taylor County

Akron, Ohio:

Portage County

Summit County

Alaska:

The entire State

Albany, Ga.:

Dougherty County

Albany, Ill.:

Whiteside County

Albany, Oreg.:

Linn County

Albany–Schenectady–Troy, N.Y.:

Albany County

Rensselaer County

Saratoga County

Schenectady County

Albuquerque, N. Mex.:

Bernalillo County

Alexandria, La.:

Rapides Parish

Allentown–Bethlehem–Easton, Pa.–N.J.:

Lehigh County, Pa

Northampton County, Pa.

Warren County, N.J.

Altoona, Pa.:

Blair County

Amarillo, Tex.:

Potter County

Randall County

Anaheim–Santa Ana–Garden Grove, Calif.:

Orange County

Ann Arbor, Mich.:  
Washtenaw County

Asheville, N.C.:  
Buncombe County

Athens, Ga.:  
Clarke County

Atlanta, Ga.:  
Clayton County  
Cobb County  
DeKalk County  
Fulton County  
Gwinnett County

Atlantic City, N.J.:  
Atlantic County

Augusta, Ga.–S.C.:  
Richmond County, Ga.  
Aiken County, S.C.

Augusta, Maine:  
Kennebec County

Austin Tex.:  
Travis County

Bakersfield, Calif.:  
Kern County

Baltimore, Md.:  
Baltimore City  
Anne Arundel County  
Baltimore County  
Carroll County  
Howard County

Baton Rouge, La.:  
East Baton Rouge Parish

Battle Creek, Mich.:  
Calhoun County

Bay City, Mich.:  
Bay County

Beaumont–Port Arthur, Tex.:  
Jefferson County  
Orange County

Billings, Mont.:  
Yellowstone County

Binghamton, N.Y.–Pa.:  
Broome County, N.Y.  
Tioga County, N.Y.  
Susquehanna County, Pa.

Birmingham, Ala.:  
Jefferson County

Bismarck, N. Dak.:  
Burleigh County

Boise, Idaho.:  
Ada County

Boston, Mass.:  
Essex County  
Middlesex  
County  
Norfolk County  
Plymouth County  
Suffolk County

Bridgeport, Conn.:  
Fairfield County New Haven County

Brockton, Mass.:  
Bristol County Norfolk County Plymouth County

Brownsville–Harlingen–San Benito, Tex.:  
Cameron County

Buffalo, N.Y.:  
Erie County  
Niagara County

Burlington, Vt.:  
Chittenden County

Butte, Mont.:  
Silver Bow County

Calexico–El Centro, Calif.:  
Imperial County

Canton, Ohio:  
Stark County

Casper, Wyo.:  
Natrona County

Cedar Rapids, Iowa:

Linn County

Champaign–Urbana, Ill.:  
Champaign County

Charleston, S.C.:  
Berkeley County  
Charleston County

Charleston, W. Va.:  
Kanawha County

Charlotte, N.C.:  
Mecklenburg  
County Union County

Charlottesville, Va.:  
Charlottesville City  
Albemarle County

Chattanooga, Tenn.–Ga.:  
Hamilton County,  
Tenn. Walker County, Ga.

Cheyenne, Wyo.:  
Laramie County

Chicago, Ill.:  
Cook County  
DuPage County  
Kane County  
Lake County  
McHenry County  
Will County

Cincinnati, Ohio–Ky.–Ind.:  
Clermont County, Ohio  
Hamilton County, Ohio  
Warren County, Ohio  
Boone County, Ky.  
Campbell County, Ky.  
Kenton County, Ky.  
Dearborn County, Ind.

Cleveland, Ohio:  
Cuyahoga County  
Geauga County  
Lake County  
Medina County

Clinton, Okla.:  
Custer County

Cody, Wyo.:  
Park County

Colorado Springs, Colo.:  
El Paso County

Columbia, Mo.:  
Boone County

Columbia, S.C.:  
Lexington County  
Richland County

Columbus, Ga.–Ala.:  
Chattahoochee County, Ga.  
Muscogee County, Ga.  
Russell County, Ala.

Columbus, Ohio:  
Delaware County  
Franklin County  
Pickaway County

Concord, N.H.:  
Merrimack County

Corpus Christi, Tex.:  
Nueces County

Dallas, Tex.:  
Collin County  
Dallas County  
Denton County  
Ellis County

Davenport–Rock Island–Moline, Iowa–Ill.:  
Scott County, Iowa  
Henry County, Ill.  
Rock Island County, Ill.

Dayton, Ohio:  
Greene County  
Miami County  
Montgomery County  
Preble County

Decatur, Ill.:  
Macon County

Denver, Colo.:  
Adams County  
Arapahoe County  
Boulder County  
Denver County  
Jefferson County

Des Moines, Iowa:



Polk County

Detroit, Mich.:  
Macomb County  
Oakland County  
Wayne County

Dubuque, Iowa:  
Dubuque County

Duluth–Superior, Minn.–Wis.:  
St. Louis County, Minn.  
Douglas County, Wis.

Durango, Colo.:  
LaPlata County

Durham, N.C.:  
Durham County

Elkins, W. Va.:  
Randolph County

El Paso, Tex.:  
El Paso County

Erie, Pa.:  
Erie County

Eugene, Ore.:  
Lane County

Evansville, Ind.–Ky.:  
Vanderburgh County, Ind.  
Warrick County, Ind.  
Henderson County, Ky.

Fall River, Mass.–R.I.:  
Bristol County, Mass.  
Newport County, R.I.

Fargo–Moorhead, N. Dak.–Minn.:  
Cass County, N. Dak.  
Clay County, Minn.

Fayetteville, N.C.:  
Cumberland County

Fitchburg–Leominster, Mass.:  
Middlesex County Worcester County

Flint, Mich.:

Genesee County Lapeer County

Fort Collins, Colo.:  
Larimer County

Fort Lauderdale–Hollywood, Fla.:  
Broward County

Fort Smith, Ark.–Okla.:  
Crawford County, Ark.  
Sebastian County, Ark.  
LeFlore County, Okla.  
Sequoyah County, Okla.

Fort Wayne, Ind.:  
Allen County

Fort Worth, Tex.:  
Johnson County  
Tarrant County

Frankfort, Ky.:  
Franklin County

Fresno, Calif.:  
Fresno County

Gadsden, Ala.:  
Etowah County

Gainesville, Fla.:  
Alachua County

Galveston–Texas City, Tex.:  
Galveston County

Gary–Hammond–East Chicago, Ind.:  
Lake County  
Porter County

Grand Forks, N. Dak.:  
Grand Forks County

Grand Island, Nebr.:  
Hall County

Grand Junction, Colo.:  
Mesa County

Grand Rapids, Mich.:  
Kent County  
Ottawa County

Great Falls, Mon.:  
Cascade County

Greeley, Col.:  
Weld County

Green Bay, Wis.:  
Brown County

Greensboro–High Point, N.C.:  
Guilford County

Greenville, S.C.:  
Greenville County  
Pickens County

Greenwood, Miss.:  
LeFlore County

Hamilton–Middletown, Ohio:  
Butler County

Harrisburg, Pa.:  
Cumberland County  
Dauphin County  
Perry County

Hartford, Conn.:  
Hartford County  
Middlesex County  
Tolland County

Hawaii  
The entire State

Helena, Mont.:  
Lewis and Clark County

Hot Springs, Ark.:  
Garland County

Houston, Tex.:  
Harris County

Huntington–Ashland, W. Va.–Ky.–Ohio:  
Cabell County, W. Va.  
Wayne County, W. Va.  
Boyd County, Ky.  
Lawrence County, Ohio

Huntsville, Ala.:  
Limestone County  
Madison County

Huron, S. Dak.:  
Beadle County

Idaho Falls, Idaho:  
Bonneville County

Indianapolis, Ind.:  
Hamilton County  
Hancock County  
Hendricks County  
Johnson County  
Marion County  
Morgan County  
Shelby County

Jackson, Mich.:  
Jackson County

Jackson, Miss.:  
Hinds County  
Rankin County

Jackson, Tenn.:  
Madison County

Jacksonville, Fla.:  
Duval County

Jefferson City, Mo.:  
Cole County

Jersey City, N.J.:  
Jedson County

Johnstown, Pa.:  
Cambria County  
Somerset County

Kalamazoo, Mich.:  
Kalamazoo County

Kansas City, Mo.–Kans.:  
Cass County, Mo.  
Clay County, Mo.  
Jackson County, Mo.  
Platte County, Mo.  
Johnson County, Kans.  
Wyandotte County, Kans.

Kenosha, Wisc.:  
Kenosha County

Klamath Falls, Ore.:  
Klamath County

Knoxville, Tenn.:  
Anderson County

Blount County  
Knox County

Lafayette, La.:  
Lafayette Parish

Lake Charles, La.:  
Calcasieu Parish

Lancaster, Pa.:  
Lancaster County

Lansing, Mich.:  
Clinton County  
Eaton County  
Ingham County

Laredo, Tex.:  
Webb County

Las Vegas, Nev.:  
Clark County

Lawrence–Haverhill, Mass.–N.H.:  
Essex County, Mass.  
Rockingham County, N.H.

Lawton, Okla.:  
Comanche County

Lewiston–Auburn, Maine:  
Androscoggin County

Lexington, Ky.:  
Fayette County

Lima, Ohio:  
Allen County

Lincoln, Nebr.:  
Lancaster County

Little Rock–North Little Rock, Ark.:  
Pulaski County

Logan, Utah:  
Cache County

Lorain–Elyria, Ohio:  
Lorain County

Los Angeles–Long Beach, Calif.:  
Los Angeles County

Louisville, Ky.-Ind.:  
Jefferson County, Ky.  
Clark County, Ind.  
Floyd County, Ind.

Lowell, Mass.:  
Middlesex County

Lubbock, Tex.:  
Lubbock County

Lynchburg, Va.:  
Lynchburg City  
Amherst County  
Campbell County

Macon, Ga.:  
Bibb County  
Houston County

Madison, Wis.:  
Dane County

Manchester, N.H.:  
Hillsborough County  
Merrimack County

Manhattan, Kans.:  
Riley County

McCook, Nebr.:  
Red Willow County

Medford, Oreg.:  
Jackson County

Memphis, Tenn.-Ark.:  
Shelby County, Tenn.  
Crittenden County, Ark.

Meriden, Conn.:  
New Haven County

Meridian, Miss.:  
Lauderdale County

Miami, Fla.:  
Dade County

Midland, Tex.:  
Midland County

Milwaukee, Wis.:

Milwaukee County  
Ozaukee County  
Waukesha County

Minneapolis–St. Paul, Minn.:  
Anoka County  
Dakota County  
Hennepin County  
Ramsey County  
Washington County

Missoula, Mont.:  
Missoula County

Mobile, Ala.:  
Baldwin County  
Mobile County

Monroe, La.:  
Ouachita Parish

Montgomery, Ala.:  
Elmore County  
Montgomery County

Morgantown, W. Va.:  
Monongalia County

Muncie, Ind.:  
Delaware County

Muskegon–Muskegon Heights, Mich.:  
Muskegon County

Muskogee, Okla.:  
Muskogee County

Nashville, Tenn.:  
Davidson County  
Sumner County  
Wilson County

Newark, N.J.:  
Essex County  
Morris County  
Union County

New Bedford, Mass.:  
Bristol County  
Plymouth County

New Britain, Conn.:  
Hartford County

New Haven, Conn.:

New Haven County

New London–Groton–Norwich, Conn.:  
New London County

New Orleans, La.:  
Jefferson Parish  
Orleans Parish  
St. Bernard Parish  
St. Tammany Parish

Newport News–Hampton, Va.:  
Hampton City  
Newport News City  
York County

New York, N.Y.:  
Bronx County  
Kings County  
New York County  
Queens County  
Richmond County  
Nassau County  
Rockland County  
Suffolk County  
Westchester County

Norfolk–Portsmouth, Va.:  
Chesapeake City  
Norfolk City  
Portsmouth City  
Virginia Beach City

Norwalk, Conn.:  
Fairfield County

Odessa, Tex.:  
Ector County

Ogden, Utah:  
Weber County

Oklahoma City, Okla.:  
Canadian County  
Cleveland County  
Oklahoma County

Olympia, Wash.:  
Thurston County

Omaha, Nebr.–Iowa:  
Douglas County, Nebr.  
Sarpy County, Nebr.  
Pottawattamie County, Iowa



Orlando, Fla.:  
Orange County  
Seminole County

Parkersburg, W. Va.:  
Wood County

Peterson–Clifton–Passaic, N.J.:  
Bergen County  
Passaic County

Pensacola, Fla.:  
Escambia County  
Santa Rosa County

Peoria, Ill.:  
Peoria County  
Tazewell County  
Woodford County

Philadelphia, Pa.–N.J.:  
Bucks County, Pa.  
Chester County, Pa.  
Delaware County, Pa.  
Montgomery County, Pa.  
Philadelphia County, Pa.  
Burlington County, N.J.  
Camden County, N.J.  
Gloucester County, N.J.

Phoenix, Ariz.:  
Maricopa County

Pierre, S. Dak.:  
Hughes County

Pittsburgh, Pa.:  
Allegheny County  
Beaver County  
Washington County  
Westmoreland County

Pittsfield, Mass.:  
Berkshire County

Portland, Maine:  
Cumberland County

Portland, Oreg.–Wash.:  
Clackamas County, Oreg.  
Multnomah County, Oreg.  
Washington County, Oreg.  
Clark County, Wash.

Portsmouth, N.H.:

Rockingham County

Providence–Pawtucket –Warwick–R.I.–Mass.:

Bristol County, R.I.  
Kent County, R.I.  
Newport County, R.I.  
Providence County, R.I.  
Washington County, R.I.  
Bristol County, Mass.  
Norfolk County, Mass.  
Worcester County, Mass.

Provo–Orem, Utah:

Utah County

Pueblo, Colo.:

Pueblo County

Puerto Rico:

The entire Commonwealth

Racine, Wis.:

Racine County

Raleigh, N.C.:

Wake County

Rapid City, S. Dak.:

Pennington County

Reading, Pa.:

Berks County

Reno, Nev.:

Washoe County

Richmond, Va.:

Richmond City  
Chesterfield County  
Hanover County  
Henrico County

Roanoke, Va.:

Roanoke City  
Roanoke County

Rochester, N.Y.:

Livingston County  
Monroe County  
Orleans County  
Wayne County

Rockford, Ill.:

Boone County  
Winnebago County

Rolla, Mo.:  
Phelps County

Rome, Ga.:  
Floyd County

Sacramento, Calif.:  
Placer County  
Sacramento County  
Yolo County

Saginaw, Mich.:  
Saginaw County

St. Albans, Vt.:  
Franklin County

St. Joseph, Mo.:  
Buchanan County

St. Louis, Mo.–Ill.:  
St. Louis City, Mo.  
Jefferson County, Mo.  
St. Charles County, Mo.  
St. Louis County, Mo.  
Madison County, Ill.  
St. Clair County, Ill.

Salina, Kans.:  
Saline County

Salisbury, Md.:  
Wicomico County

Salt Lake City, Utah:  
Davis County  
Salt Lake County

San Angelo, Tex.:  
Tom Green County

San Antonio, Tex.:  
Bexar County  
Guadalupe County

San Bernardino–Riverside–Ontario, Calif.:  
Riverside County  
San Bernardino County

San Diego, Calif.:  
San Diego County

San Francisco–Oakland, Calif.:  
Alameda County

Contra Costa County  
Marin County  
San Francisco County  
Sam Mateo County

San Jose, Calif.:  
Santa Clara County

Santa Barbara, Calif.:  
Santa Barbara County

Santa Fe, N. Mex.:  
Santa Fe County

Savannah, Ga.:  
Chatham County

Scottsbluff, Nebr.:  
Scotts Bluff County

Scranton, Pa.:  
Lackawanna County

Seattle–Everett, Wash.:  
King County  
Snohomish County

Sheridan, Wyo.:  
Sheridan County

Shreveport, La.:  
Bossier Parish  
Caddo Parish

Sioux City, Iowa–Nebr.:  
Woodbury County, Iowa  
Dakota County, Nebr.

Sioux Falls, S. Dak.:  
Minnehaha County

South Bend, Ind.:  
St. Joseph County Marshall County

Spartanburg, S.C.:  
Spartanburg County

Spokane, Wash.:  
Spokane County

Springfield–Chicopee–Holyoke, Mass.:  
Hampden County, Mass.  
Hampshire County, Mass.  
Worcester County, Mass.

Springfield, Ill.:  
Sangamon County

Springfield, Mo.:  
Greene County

Springfield, Ohio:  
Clark County

Stamford, Conn.:  
Fairfield County

Steubenville–Wierton, Ohio–W. Va.:  
Jefferson County, Ohio  
Brooke County, W. Va.  
Hancock County, W. Va.

Stillwater, Okla.:  
Payne County

Stockton, Calif.:  
San Joaquin County

Syracuse, N.Y.:  
Madison County  
Onondaga County  
Oswego County

Tacoma, Wash.:  
Pierce County

Tallahasee, Fla.:  
Leon County

Tampa–St. Petersburg, Fla.:  
Hillsborough County  
Pinellas County

Temple, Tex.:  
Bell County

Terre Haute, Ind.:  
Clay County  
Sullivan County  
Vermillion County  
Vigo County

Texarkana, Tex.–Ark.:  
Bowie County, Tex.  
Miller County, Ark.

Toledo, Ohio–Mich.:  
Lucas County, Ohio  
Wood County, Ohio

Monroe County, Michigan

Topeka, Kansas:  
Shawnee County

Trenton, N.J.:  
Mercer County

Tucson, Ariz.:  
Pima County

Tulsa, Okla.:  
Creek County  
Osage County  
Tulsa County

Tuscaloosa, Ala.:  
Tuscaloosa County

Tyler, Tex.:  
Smith County

Utica–Rome, N.Y.:  
Herkimer County  
Oneida County

Vallejo–Napa, Calif.:  
Napa County Solano County

Vicksburg, Miss.:  
Warren County

Virgin Islands:  
The entire Territory

Waco, Tex.:  
McLennan County

Walla Walla, Wash.:  
Walla Walla County  
Benton County

Washington D.C.–Md.–Va.:  
District of Columbia  
Montgomery County, Md.  
Prince Georges County, Md.  
Alexandria City, Va.  
Fairfax City, Va.  
Falls Church City, Va.  
Arlington County, Va.  
Fairfax County, Va.

Waterbury, Conn.:  
Litchfield County  
New Haven County

Waterloo, Iowa:  
Black Hawk County

Wenatchee, Wash.:  
Chelan County

West Palm Beach, Fla.:  
Palm Beach County

Wheeling, W. Va.–Ohio:  
Marshall County, W. Va.  
Ohio County, W. Va.  
Belmont County, Ohio

Wichita, Kans.:  
Butler County Sedgwick County

Wichita Falls, Tex.:  
Archer County Wichita County

Wilkes–Barre–Hazleton, Pa.:  
Luzerne County

Wilmington, Del.–N.J.–Md.:  
New Castle County, Del.  
Salem County, N.J.  
Cecil County, Md.

Wilmington, N.C.:  
New Haver County

Winston–Salem, N.C.:  
Forsyth County

Worcester, Mass.:  
Worcester County

Yakima, Wash.:  
Yakima County

York, Pa.:  
Adams County York County

Youngstown–Warren, Ohio:  
Mahoning County  
Trumbull County

Yuma, Ariz.:  
Yuma County

**C-1. Not Used.**  
Not Used.

**C-1. Not Used.**  
Not Used.



## Appendix D Lease Acquisition in Foreign Country Report

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DEPARTMENT OF THE ARMY  
SUBMITTED BY OFFICE, CHIEF OF ENGINEERS  
REAL ESTATE ACQUISITION REPORT NO. \_\_\_\_\_

Submitted pursuant to Title 10, United States Code, Section 2675(b)

Name of Installation:

Using Service:

Proposed Action:

Use:

Area:

Estimated Annual Rental:

Reference:

1. "This statement is submitted for the purpose of reporting to the Committees on Armed Services of the Senate and House of Representatives the facts concerning the proposed . . ." (Here make a brief statement of the proposed leasing action being reported to Congress.)

2. Describe premises currently occupied by the activity for which leased space is to be obtained; this data to include area (acres or square feet); annual rental; type of space (land, office, storage, parking, etc.); terms of current leases, if leased space is occupied, with beginning and termination dates, renewal and cancellation privileges, and what services and utilizations are furnished by the lessor and description and list of services not furnished by the lessor, if any. If current space is inadequate or no longer available, make brief statement to this effect, giving reasons.

3. Brief discussion of the necessity for leasing or lease continuation, and description of space requirements at expiration of current lease or vacation of premises currently occupied; mission of the using agency; statement as to the availability of Government-owned or leased facilities for use in lieu of the premises which are the subject of the report; description of premises to be leased (if known), broken down into components (land, building space, office, storage, parking space, etc.), with square footage or other unit of measure; estimated annual rental for each component and total estimated annual rental, and other terms anticipated in a new lease, if known. (Add any other pertinent information peculiar to the action being reported.)

4. Brief concluding statement of proposed action. "The Department of the Army proposes to (enter into the lease transaction or obtain suitable alternate-space) (concur in the leasing of space as outlined above by the General Services Administration for such terms as that agency deems appropriate)."

5. Concluding paragraph: "This action has been approved by the Assistant Secretary of Defense (Installation & Logistics)."

6. Additional Requirements and Estimated Cost if the Proposed Action is only an Increment of Total Needs:

(Furnish, in transmitting correspondence, but not as part of the report, an area or city map appropriately marked to show location of all Government-owned or controlled buildings and facilities, furnish reasons why these are not available for the proposed use and include any other pertinent information.)

Figure D-1. Lease Acquisition in foreign Country Report

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### D-1. Not Used.

Not Used.

### D-2. Not Used.

Not Used.

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