

CHAPTER 4

Delegation for Acquisition of Permanent Interests

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- reference (b); (5) The proposed acquisition is consistent with the policies promulgated by
- (6) Funds are available to cover the acquisition cost of the property and other related charges.

The major claimant or for Marine Corps projects, the Commandant of the Marine Corps, has approved the project.

An acquisition of interests in land in excess of 1,000 acres requires a waiver to the Deputy Secretary of Defense 1990 land moratorium (See Chapter 3, Para 4.b.)

This delegation includes the authority to execute all necessary documents except requests to the Department of Justice to initiate condemnation proceedings and Declarations of Taking. NAVFACENGCOM is authorized to redelegate this authority, with the authority to further redelegate.

5. DELEGATION OF AUTHORITY TO ENGINEERING FIELD DIVISIONS.

Authority is hereby redelegated to the Commander/Commanding Officer of Engineering Field Divisions, with authority to redelegate, to take all necessary action for NAVFACENGCOM to acquire real property as authorized by appropriate legislation in connection with the Annual Military Construction (Navy and Naval Reserve Forces) Programs, and minor land acquisitions, except, however, this redelegation of authority does not include:

- a. Authority to request the Attorney General of the United States to institute or amend condemnation proceedings.
- b. Authority to execute Notices of Exercise of Option to Purchase Real Property or Agreements for Purchase of Real Property prior to the allotment of funds, or receipt of program assignments and sufficient allocation of funds, to the EFD.
- c. Authority to approve or reject proposed settlements of claims against the United States for just compensation in land condemnation proceedings in excess of the limitations set forth in Chapter 11 or subsequent modifications thereof.
- d. Authority to acquire real property through the exchange of Government-owned property therefor until specific approval is obtained from NAVFACENGCOM.

CHAPTER 4

DELEGATION FOR ACQUISITION OF PERMANENT INTERESTS

1. POLICY.

It is the policy of the Department of the Navy to acquire title to or other interest in real estate by negotiation wherever possible, at the fair market value as established by appraisals made or procured in accordance with Chapter 16 of this publication. If negotiations fail or if title is defective, it is the policy of the Department to advise owners that title to their properties, or other interests therein, will be acquired by the Government through condemnation proceedings and to inform them generally of their rights under condemnation procedures in accordance with provisions of Chapter 11 of this publication.

2. REFERENCES.

- (a) SECNAVINST 11011.47, 20 June 1983
- (b) DODINST 4165.6

3. AUTHORITY OF THE COMMANDER, NAVAL FACILITIES ENGINEERING COMMAND FOR MILITARY CONSTRUCTION PROGRAMS.

By reference (a), the Commander, Naval Facilities Engineering Command (NAVFACENGCOM) is authorized to take all necessary action to acquire real property authorized and funded under the Annual Military Construction Programs. Acquisition may be by gift, purchase, exchange of real property owned by the United States or otherwise. This delegation includes the authority to execute all necessary documents except requests to the Department of Justice to initiate condemnation proceedings and Declarations of Taking. NAVFACENGCOM is authorized to redelegate this authority, with the authority to further redelegate.

4. AUTHORITY OF COMMANDER, NAVAL FACILITIES ENGINEERING COMMAND FOR MINOR LAND ACQUISITIONS.

Minor land acquisitions are those interests in land that can be acquired under the authority of 10 U.S.C. 2672 and are not otherwise authorized as by a line item in a Military Construction Act or under the authority of 10 U.S.C. 2233. Acquisition may be by gift, purchase, exchange of real property owned by the United States or otherwise. NAVFACENGCOM is authorized to accomplish minor land acquisitions when the following criteria have been satisfied:

- (1) The proposed acquisition will meet an approved military requirement;
- (2) The property does not cost more than \$100,000, exclusive of administration costs and the amounts of any deficiency judgments;
- (3) There is no other Government real property available that can be used to adequately support the military requirement;
- (4) The property will fully satisfy the requirement and does not involve the acquisition of a portion of a larger project on an incremental basis;