

§211.107

§211.107 Notice of agreement between former owner and abutting owner.

After an objection has been made by an abutting owner to a reconveyance, and agreement reached concerning the reconveyance shall be furnished in writing, signed by both the abutting owner and the former owner, or their attorneys in fact, to the appropriate District Engineer. Such agreement must be mailed or delivered to the appropriate District Engineer within ninety (90) days after the date of receipt of the notice of objection by the appropriate District Engineer and the former owner. In the event an agreement in writing as prescribed herein is not mailed or delivered to the appropriate District Engineer, the appropriate District Engineer is hereby authorized to report the land involved to the General Services Administration for disposal as prescribed by the Act.

[37 FR 15371, Aug. 1, 1972]

§211.108 Determination of price.

Upon receipt of an application from a former owner, the Chief of Engineers and/or the appropriate District Engineer is hereby delegated authority to determine the price at which the land will be sold pursuant to the provisions of section 205(d) of the Act of Congress approved July 3, 1958 (72 Stat. 316) or pursuant to the provisions of section 11 of the Act of Congress approved December 23, 1971 (85 Stat. 800) and the cost of any surveys or boundary markings necessary as an incident to the conveyance.

[37 FR 15371, Aug. 1, 1972]

§211.109 Contract of sale.

Upon determination of the price at which the land will be reconveyed, and after the reaching of an agreement by the former owner and the abutting owner if an objection to the reconveyance was made by the abutting owner, the appropriate District Engineer will prepare a contract of sale containing the terms and conditions of the reconveyance and deliver it to the applicant for acceptance. The contract of sale shall provide for the deposit of earnest money equal to twenty (20) percent of the price at which the land will be sold or the estimated cost of any

33 CFR Ch. II (7-1-04 Edition)

surveys or boundary markings necessary as an incident to the reconveyance, whichever is greater. The deposit will be applied to the price at the time of settlement. In the event of default, the deposit will be retained by the Government as liquidated damages. Failure of the applicant to execute the contract of sale or to deposit the earnest money with the appropriate District Engineer within thirty (30) days after receipt of the contract, unless a written extension of said thirty (30) days is granted by the appropriate District Engineer, in accordance with section 205(e) of the Act of Congress approved July 3, 1958 (72 Stat. 316) or in accordance with section 11 of the Act of Congress approved December 23, 1971 (85 Stat. 800) and the delegation contained in §211.111, that within a reasonable time after receipt of a proper application for any reconveyance of such land, the parties have been unable to reach a satisfactory agreement with respect to the reconveyance of such land. Authority is hereby delegated to the Chief of Engineers and/or the appropriate District Engineer to execute the contract of sale for and on behalf of the United States of America.

[37 FR 15371, Aug. 1, 1972]

§211.110 Conveyance.

Reconveyance of the land will be by quitclaim deed executed by the Secretary of the Army.

[23 FR 7348, Sept. 28, 1958]

§211.111 Certification terminating rights of former owners.

If no application for reconveyance is made by a former owner within ninety (90) days, or authorized extension thereof, from the date of the last publication of the notice in a newspaper or, if within a reasonable time after receipt of a proper application for any reconveyances, the appropriate District Engineer and the former owner are unable to reach a satisfactory agreement with respect to the reconveyance, the Chief of Engineers and/or the appropriate District Engineer is hereby delegated authority to certify (a) that notice has been given to the former owner of such land pursuant to the Act and

§§211.101 to 211.111, and that no qualified applicant has made timely application for reconveyance of such land; or (b) that within a reasonable time after receipt of a proper application for reconveyance the parties have been unable to reach a satisfactory agreement with respect to the reconveyance of such land. After such certification has been executed, disposition of the land shall be made pursuant to the Federal Property Administrative Services Act of 1949, as amended, subject to such reservations, restrictions, exceptions, and conditions, as the Chief of Engineers or the Director of Civil Works consider necessary for the operation of the project or in the public interest.

[37 FR 15372, Aug. 1, 1972]

CONVEYANCES FOR PUBLIC PORT OR
INDUSTRIAL FACILITIES

AUTHORITY: Sections 211.141 through 211.147 issued under sec. 108(d), 74 Stat. 487; 33 U.S.C. 578.

SOURCE: 26 FR 2117, Mar. 11, 1961, unless otherwise noted.

§211.141 Statutory provisions.

Section 108 of the Act of Congress approved 14 July 1960 (74 Stat. 486).

§211.142 Definitions.

(a) *This Act.* The term "this Act" shall mean Section 108 of the Act of Congress approved 14 July 1960 (74 Stat. 486).

(b) *Land.* Any land under the jurisdiction of the Department of the Army acquired for a project which was authorized for water resource development purposes.

(c) *Project.* Any project under the jurisdiction of the Department of the Army which was authorized for water resource development purposes.

(d) *Agency.* The term "agency" shall mean any state, political subdivision thereof, port district, port authority, or other body created by a state or through a compact between two or more states for the purpose of developing or encouraging the development of public port or industrial facilities.

(e) *District Engineer.* The term "District Engineer" shall mean the District Engineer of the United States Army Engineer District having immediate ju-

risdiction over the land available for conveyance.

§211.143 Delegations.

(a) The Chief of Engineers and/or the Director of Civil Works (Assistant to the Chief of Engineers for Civil Works) is hereby delegated authority to determine:

(1) That the development of public port or industrial facilities on land within a project will be in the public interest;

(2) That such development will not interfere with the operation and maintenance of the project;

(3) That disposition of the land for these purposes under this Act will serve the objectives of the project;

(4) If two or more agencies file applications for the same land, which agency's intended use of the land will best promote the purposes for which the project was authorized; and

(5) The conditions, reservations and restrictions to be included in a conveyance under this Act.

(b) The District Engineer is hereby delegated authority to:

(1) Give notice of any proposed conveyance under this Act and to afford an opportunity to interested eligible agencies in the general vicinity of the land to apply for its purchase as hereinafter provided; and

(2) Determine the period of time in which applications for conveyances may be filed.

§211.144 Notice.

The District Engineer shall give notice of the availability of any land for conveyance under this Act and afford an opportunity to eligible agencies in the general vicinity of the land to apply for its purchase (a) by publication at least twice at not less than 15 day intervals in two newspapers having general circulation within the State in which the available land is located and, if any agency of an adjoining State or States may have an interest in the development of such land for public port or industrial facilities, by publication at least twice at not less than 15 day intervals in two newspapers having general circulation within such State