

§211.81

(b) The authority delegated to the Chief of Engineers in paragraph (a) of this section to execute quitclaim deeds conveying land for cottage site development and use or for access roads has been redelegated by the Chief of Engineers to the Division Engineer, U.S. Army Engineer Division, New England, and to District Engineers having responsibility for real estate activities.

§211.81 Reservoir areas.

Delegations, rules and regulations in §§211.71 to 211.80 are applicable to:

(a) Fort Gibson Reservoir Area, Oklahoma.

(b) Lake Texoma and the Denison Reservoir Area, Oklahoma and Texas.

(c) Tenkiller Ferry Reservoir Area, Oklahoma.

(d) Harlan County Reservoir Area, Nebraska.

(e) Fort Randall Reservoir Area, South Dakota.

(f) Garrison Reservoir Area, North Dakota.

(g) Kanopolis Reservoir Area, Kansas.

(h) Arkabutla Reservoir Area, Mississippi.

(i) Enid Reservoir Area, Mississippi.

(j) Sardis Reservoir Area, Mississippi.

(k) Narrows Reservoir Area, Arkansas.

(l) Wappapello Reservoir Area, Missouri.

(m) Norfork Reservoir Area, Arkansas and Missouri.

(n) Clark Hill Reservoir Area, Georgia and South Carolina.

(o) Alatoona Reservoir Area, Georgia.

(p) Center Hill Reservoir Area, Tennessee.

(q) Dale Hollow Reservoir Area, Tennessee.

(r) Lake Cumberland, Kentucky.

(s) Fort Supply Reservoir, Oklahoma.

[28 FR 4357, May 2, 1963, as amended at 30 FR 4475, Apr. 7, 1965]

33 CFR Ch. II (7-1-06 Edition)

RECONVEYANCE OF LAND OR INTERESTS THEREIN ACQUIRED FOR GRAPEVINE, GARZA-LITTLE ELM, BENBROOK, BELTON, AND WHITNEY RESERVOIR PROJECTS IN TEXAS AND ALSO FOR THE VERDIGRIS RIVER PORTION OF THE MCCLELLAN-KERR NAVIGATION PROJECT IN OKLAHOMA, TO FORMER OWNERS

AUTHORITY: Secs. 211.101 to 211.111 issued under sec. 205, 72 Stat. 316.

§211.101 Statutory provisions.

Section 205 of the Act of Congress approved July 3, 1958 (72 Stat. 316) and section 11 of the Act of Congress approved December 23, 1971 (85 Stat. 800).

[23 FR 7348, Sept. 28, 1958, as amended at 37 FR 15371, Aug. 1, 1972]

§211.102 Definitions.

(a) *General.* Any term used in §§211.101 to 211.111 which is defined in section 205 of the Act of Congress approved July 3, 1958 (72 Stat. 316) or in section 11 of the Act of Congress approved December 23, 1971 (85 Stat. 800), shall have the meaning given to it in said act.

(b) *Land.* Any land or interest in land acquired by the United States for the Grapevine, Garza-Little Elm, Benbrook, Belton, and Whitney Reservoir projects, Texas, or for the Verdigris River portion of the McClellan-Kerr Navigation Project Oklahoma.

(c) *The Act.* The term “the act” when used in §§211.101 to 211.111 shall mean either section 205 of the Act of Congress approved July 3, 1958 (72 Stat. 316), or section 11 of the Act of Congress approved December 23, 1971 (85 Stat. 800).

(d) *District Engineer.* The term “District Engineer” when used in §§211.101 to 211.111 shall mean the District Engineer, U.S. Army Engineer District, Fort Worth, at Fort Worth, Tex., or the District Engineer, U.S. Army Engineer District, Tulsa, at Tulsa, Okla.

(e) *Director of Civil Works.* The term “Director of Civil Works” when used herein shall mean the Director of Civil Works, Office, Chief of Engineers or the

Assistant Chief of Engineers for Civil Works.

[23 FR 7348, Sept. 28, 1958, as amended at 37 FR 15371, Aug. 1, 1972]

§211.103 Determination of whether land is required for public purposes, including public recreational use.

The Chief of Engineers and the Director of Public Works are hereby delegated authority to determine which lands are not required for public purposes, including public recreational use, and to determine the exceptions, restrictions and reservations, as are in the public interest, to be included in any reconveyance, including the reservation of such mineral rights as are determined necessary for the efficient operation of the project. This delegation of authority shall not apply to lands below the level of 529 feet in the Garza-Little Elm Reservoir project and below 560 feet in the Grapevine Reservoir project as the lands below these levels will not be available for reconveyance pursuant to the act.

[23 FR 7348, Sept. 28, 1958, as amended at 37 FR 15371, Aug. 1, 1972]

§211.104 Notice to former owners of availability of land for reconveyance.

Upon determination in accordance with §§211.101 to 211.111 that land is not required for public purposes, including public recreational use, the appropriate District Engineer shall give notice to the former owners thereof (a) by registered letter, addressed to the last known address of the former owner; and (b) by publication at least twice at not less than 15-day intervals in two newspapers having general circulation in the vicinity in which the land is located.

[37 FR 15371, Aug. 1, 1972]

§211.105 Filing of application.

Application for reconveyance of land shall be filed with the appropriate District Engineer. Said application shall be in writing, dated and signed by the former owner, or by his attorney in fact, and shall identify the land for which he is making application for reconveyance. Any such application will

be considered as filed timely when mailed to or delivered to the appropriate District Engineer within ninety (90) days from the date of the last publication of availability of the land for reconveyance to said former owners. The appropriate District Engineer may extend said ninety (90) day period for a good cause. Any application may be withdrawn by written notice, executed by the former owner, or by his attorney in fact, to the appropriate District Engineer at any time prior to the execution of the contract of sale.

[37 FR 15371, Aug. 1, 1972]

§211.106 Filing of objection by abutting owner.

An objection by an abutting owner to reconveyance of land to a former owner shall be filed with the appropriate District Engineer. Such objection shall be in writing, dated and signed by the abutting owner, or his attorney in fact, and shall include identification of the land to which the objection pertains, the name of the former owner, the reasons for the objection, and a reference to the land records where the ownership of the abutting owner is recorded. A copy of the letter addressed to the former owner objecting to the reconveyance shall be attached to the letter addressed to the appropriate District Engineer, or other evidence of such notice of objection shall be furnished to the appropriate District Engineer. No objection will be considered valid unless the party or individual making the objection is the record owner of land abutting or adjoining the land to which the objection pertains.

[37 FR 15371, Aug. 1, 1972]

§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