

§211.27

§211.27 Method of acquiring Federal jurisdiction.

Jurisdiction is acquired in accordance with the laws of the various States.

§211.28 Acceptance of jurisdiction.

The jurisdiction ceded by the State laws, by deeds of cession and by the enactment of special legislation shall be accepted in accordance with section 355, Revised Statutes, as amended, in order to establish Federal jurisdiction. This is accomplished by a letter from the Secretary of the Army addressed to the Governor of the State concerned or by an indorsement on the deed of cession giving notice of such acceptance.

SALE OF LANDS IN RESERVOIR AREAS UNDER JURISDICTION OF DEPARTMENT OF THE ARMY FOR COTTAGE SITE DEVELOPMENT AND USE

AUTHORITY: Sections 211.71 through 211.81 issued under sec. 2, 70 Stat. 1065; 16 U.S.C. 460f.

SOURCE: 28 FR 3450, Apr. 9, 1963, unless otherwise noted.

§211.71 Statutory provisions.

The Act of Congress approved August 6, 1956 (70 Stat. 1065).

§211.72 Definitions.

(a) *The Act.* The Act of Congress approved 6 August 1956 (70 Stat. 1065; Pub. L. 999, 84th Congress).

(b) *Cottage site.* Cottage site as used in §§211.71 through 211.80, includes:

(1) *Individual cottage site.* A parcel of land developed or to be developed by the construction of a private cottage thereon and used, or to be used, for private recreational purposes.

(2) *Group cottage site.* A parcel of land containing multiple cottage sites developed or to be developed individually by members of an organization to which the land is currently leased by the construction on each site of a private cottage owned individually and used, or to be used, for private recreational purposes.

(3) *Colony cottage site.* A parcel of land containing (i) multiple cottage sites developed or to be developed individually by members of an organization to which the land is currently leased by

33 CFR Ch. II (7-1-07 Edition)

the construction on each site of a private cottage owned individually and used or to be used for private recreational purposes, and (ii) a site or sites developed or to be developed by the lessee by construction of community recreational facilities for joint use by all members of the lessee organization incident to occupancy of their privately owned cottages on the leased premises and/or an area of land to be preserved in an undeveloped state for such joint use by all members of the lessee organization.

§211.73 Determination of land available for sale.

The Chief of Engineers or the Director of Civil Works (Assistant to the Chief of Engineers for Civil Works) is hereby delegated authority to determine that lands in reservoir areas under the jurisdiction of the Department of the Army, other than lands withdrawn or reserved from the public domain, (a) are not required for project purposes or for public recreational use, and (b) are being used for or are available for cottage site development and use, and to determine that such lands are available for sale for cottage site development and use. The Chief of Engineers or the Director of Civil Works (Assistant to the Chief of Engineers for Civil Works) is authorized to withdraw any lands determined available for sale for cottage site development and use at any time prior to the execution of a contract of sale for such lands, provided, he determines that such withdrawal will facilitate the administration of the reservoir area or will otherwise be in the public interest.

§211.74 Public notice of the availability of land for sale.

Upon determination in accordance with §§211.71 through 211.80 that land is available for sale for cottage site development and use, the appropriate District Engineer, U.S. Army Engineer District (hereinafter referred to as the District Engineer) will give public notice of the availability of such land for sale, subject to such conditions, reservations and restrictions as are required by the Act and such other conditions, reservations and restrictions as the Chief of Engineers or the Director

of Civil Works (Assistant to the Chief of Engineers for Civil Works) may determine to be necessary for the management and operation of the project, or for the protection of lessees or owners of cottage sites within the area. Public notice of the availability of such land for sale will be by: (a) Publication at least twice, at no less than 15 day intervals, in two newspapers having general circulation in the vicinity in which the land is located; (b) written notification to any persons or organizations known to be interested in acquiring a cottage site in the area; (c) posting of notices in public places; and (d) in addition, where any site on which a lease for cottage site purposes existed on August 6, 1956, is available, notice will be given by registered letter to the lessee at his last known address.

§ 211.75 Price.

The Chief of Engineers, or his designee, is authorized to determine the fair market value of any site determined available for sale for cottage site development and use based on an appraisal thereof by a qualified appraiser. Sale of a cottage site to a lessee holding a lease on the date of the Act will be made for a price equal to the fair market value of the site at the time of the sale.

§ 211.76 Costs of surveys.

The costs of any surveys or the relocation of boundary markers deemed necessary by the District Engineer as an incident of the conveyance of lands under §§ 211.71 through 211.80 shall be borne by the grantee.

§ 211.77 Sale procedure.

Any individual cottage site offered for sale generally will not contain more than approximately one acre. Such sites shall not be subdivided but shall remain intact as single units, and no more than one cottage may be constructed on each site. Not more than one site at any one reservoir will be sold to any person or organization. Sales to lessees of lands determined available for sale for cottage site development and use, who have a priority to purchase under the provisions of the Act, will be accomplished by negotiation. Sales to lessees who do not have

a priority to purchase under the provisions of the Act may be accomplished by negotiation in the discretion of the Chief of Engineers or the Director of Real Estate (Assistant to the Chief of Engineers for Real Estate). Sales to persons other than lessees will be accomplished by public auction, or sealed bids, in accordance with procedure prescribed by the Chief of Engineers. If no acceptable bid or offer is received as a result of a public auction or solicitation for sealed bids, sale may be accomplished by negotiation in accordance with procedure prescribed by the Chief of Engineers.

§ 211.78 Maintenance and conveyance of access roads.

The Government will not construct any roads for the sole purpose of providing access to lands sold or to be sold for cottage site development and use. The Government shall be under no obligation to service or maintain existing roads used primarily for access to lands sold for cottage site development and use. Any lands determined by the Chief of Engineers or the Director of Civil Works (Assistant to the Chief of Engineers for Civil Works) as being used or to be used for roads primarily to serve any cottage site area sold under the authority of the Act may be offered by the District Engineer for transfer to the State, any political subdivision thereof, or organization in accordance with the provisions of the Act.

§ 211.79 Contract of sale.

The agreement between the purchaser and the Government will be evidenced by a contract of sale. Authority is hereby delegated to the Chief of Engineers or the District Engineer to accept any offer which meets the requirements of the Act and §§ 211.71 through 211.80 and to execute the contract of sale on behalf of the United States of America.

§ 211.80 Conveyance.

(a) Authority to execute quitclaim deeds conveying land for cottage site development and use or for access roads is delegated to the Chief of Engineers, with authority to redelegate to Division and/or District Engineers.