

DEPARTMENT OF THE ARMY
Portland District, Corps of Engineers
P. O. Box 2946
Portland, Oregon 97208-2946

CENPP-RE
Regulation
No. 405-2-1

25 January 1993

Real Estate
(CENPP-RE)

1. PURPOSE. This regulation defines procedures and policy relating to District real property activities.
2. APPLICABILITY. This regulation is applicable to all elements of the Portland District (NPP).
3. REFERENCES.
 - a. Required Publications.
 - (1) ER 1130-2-400 (Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects). Cited in paragraph 8a.
 - (2) ER 1130-2-406 (Shoreline Management at Civil Works Projects). Cited in paragraph 8a.
 - b. Related Publications.
 - (1) AR 210-12 (Establishment of Rental Rates for Quarters Furnished Federal Employees).
 - (2) NPDR 405-1-4 (Detecting, Reporting and Curing Encroachments on Civil Works Projects).
4. GENERAL. The Real Estate Division serves all elements of the District in the functions of real estate planning and control, acquisition, management and disposal of all District real property interests. Actions which will affect real estate under the jurisdiction of the District should be cleared with the Chief, Real Estate Division.
5. PROJECT PLANNING AND ACQUISITION.
 - a. Chief, Real Estate Division, will be consulted from the inception of planning on all projects which concern the acquisition or use of lands and his or her estimates and recommendations will be secured before plans are finally prepared.
 - b. Land owners or persons occupying real property under arrangements with the land owners are not required to relinquish possession of land without their consent unless actual payment has been made to the parties in interest through a negotiated purchase, or a declaration of taking has been filed in conjunction with a condemnation proceeding and the Government's estimate of compensation deposited with the Court. In order to provide timely possession of lands required for construction, it is essential that the Real Estate Division be provided, at the earliest time possible, all the data necessary to enable preparation of the real estate design memorandum, or segmental planning reports, if authorized.

*This regulation supersedes NPPR 405-2-1, dated 5 December 1991.

6. RIGHTS OF ENTRY.

a. Preservation of good public relations dictates that authority be secured from land owners prior to entry on private property for any purpose. In this District, all authorizations for such right of entry will be secured by Real Estate Division personnel upon request from the appropriate operating division. Requests will be made well in advance of actual needs and should describe the lands to be entered, indicate the purpose of the rights to be exercised and show the proper account number to which the work is to be charged.

b. All personnel will take care to prevent damage to private property. Land owners will be treated courteously.

c. Any incident which may result in the filing of a claim against the Government resulting from use and occupancy of privately owned land will be given careful attention by all personnel and reported promptly to Real Estate Division. Assistance in the investigation of such claims may be requested of all divisions and/or project personnel.

7. PLANNING AND CONTROL. The Real Estate Division is required to prepare and to submit detailed schedules and programs concerning anticipated activities, and to provide quarterly justification for variance from schedules. Advance information with respect to new projects and advice on changes which will affect efforts to secure required real property interests should be communicated to this Division promptly.

8. MANAGEMENT AND DISPOSAL OF GOVERNMENT-CONTROLLED LANDS AND IMPROVEMENTS:

a. Issues and inquiries concerning the use, occupancy, and disposal of Government-controlled lands and improvements, except those outlined in ER 1130-2-400, MANAGEMENT OF NATURAL RESOURCES AND OUTDOOR RECREATION AT CIVIL WORKS WATER RESOURCE PROJECTS and ER 1130-2-406, SHORELINE MANAGEMENT AT CIVIL WORKS PROJECTS, will be referred to the Real Estate Division.

b. The assistance of Resident Engineers or Project Managers is particularly desired in the following real estate matters:

(1) The initiation of recommendations concerning disposal of lands, buildings, and improvements not required for project purposes, and preparation of appropriate retirement work orders, when required.

(2) The preliminary investigation and compilation of data for use by Real Estate Division as a basis on which we prepare and issue grants for use and occupancy of Government-controlled real property.

(3) The performance of real property inspections when required by Real Estate Division.

(4) Timely reporting of major incidents involving unauthorized use of project lands are to be made to the Chief, Real Estate Division.

9. RELOCATION. The preparation and negotiation of contracts and agreements for the proposed relocation of railroads, highways, roads and utilities will be accomplished in collaboration with the Chief, Real Estate Division.

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10. DISCOVERY OF HUMAN REMAINS (BURIALS). Discovery and disturbance of human remains, isolated graves, private cemeteries and/or burial sites by field personnel should be reported through immediate supervisors to the Staff Archaeologist as soon as possible after discovery, together with full details of the location, as well as other pertinent information. Planning and Engineering Division will coordinate with Real Estate Division on a plan of action.

FOR THE COMMANDER:



RICHARD E. DADISMAN
Major, Corps of Engineers
Deputy Commander

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