

CHAPTER 4

DELEGATION OF AUTHORITY TO ACQUIRE PERMANENT INTERESTS IN
PRIVATELY OWNED REAL PROPERTY

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CHAPTER 4

DELEGATION OF AUTHORITY TO ACQUIRE PERMANENT INTERESTS IN PRIVATELY OWNED PROPERTY

1. POLICY

a. It is the policy of the Department of the Navy (DoN) to acquire title to, or lesser interests in, property through negotiations, when possible. Further, the property interests will be acquired at an amount the DoN considers to be just compensation that shall not be less than the approved appraisal of the fair market value. The appraisal shall be made, or procured, in accordance with the requirements of **P-73, Chapter 16**.

b. In the event negotiations fail, there is a defect in the title, or some other compelling reason, it is DoN's policy to acquire the property interests through condemnation proceedings. In those cases, the owner(s) will be so advised, and generally informed of their rights under condemnation procedures in accordance with the provisions of **P-73, Chapter 11**.

c. The Navy's general acquisition policy statement in **P-73 Chapter 2** also applies to the acquisitions discussed below. The general policy states that property may only be acquired if there is no other government-owned real property available that adequately satisfies the Navy's mission requirements.

d. The basic authority for the acquisition of property under this Chapter is found at [reference \(c\)](#). Although that statute refers to "land," it generally includes any improvements on the land and, where needed, the acquisition of buildings with a fee or a leasehold estate in the underlying land.

2. REFERENCES

- (a) [Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. §§ 4601-4605](#)
- (b) [SECNAVINST 11011.47A 26 Feb 2006](#)
- (c) [10 U.S.C. § 2663](#)
- (d) [10 U.S.C. § 18233](#)

- (e) [DoD Directive 4165.6 Oct 13, 2004](#)
- (f) [Memorandum from COMNAVFACENGCOM, 19 Apr 2007](#)

In this Chapter, "property" means "real property" unless otherwise noted.

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

The Commander, Naval Facilities Engineering Command (COMNAVFACENGCOM), acts under the direction of the Chief of Naval Operations (CNO) for Navy property, and as requested by the Commandant of the Marine Corps (CMC) for Marine Corps property, and the Commander, Navy Installation Command (CNIC). Accordingly, by [reference \(b\)](#), COMNAVFACENGCOM is authorized to take necessary actions to acquire property authorized and funded under the annual military construction (MILCON) program as stated below.

**4. AUTHORITY OF THE COMMANDER, NAVAL FACILITIES
ENGINEERING COMMAND FOR ACQUISITIONS OF LOW-COST
INTERESTS IN LAND**

a. Low-cost acquisitions are those interests in land that can be acquired under the authority of [reference \(c\)](#), and are not usually authorized under the MILCON program, or under the authority of [reference \(d\)](#).

b. COMNAVFACENGCOM may undertake low-cost land acquisitions when:

(1) the land is needed in the interest of national defense and it can be acquired at a cost not exceeding \$750,000 exclusive of administrative costs and amount of any deficiency judgment;

(2) the secretary determines it is needed solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, and does not cost more than \$1,500,000 exclusive of administrative costs and the amount of any deficiency judgment;

(3) the land does not involve the acquisition, as part of the same project, of more than one parcel of

land, unless the parcels are noncontiguous, or if contiguous, unless the total cost is not more than \$750,000, in the case of acquisitions under paragraph 1 of reference (c), or \$1,500,000 in the case of an acquisition under paragraph 2 of [reference \(c\)](#);

(4) the acquisition is consistent with the policies stated in [reference \(e\)](#); and

(5) the land must meet an approved military requirement and be approved by the mission component command, for Navy acquisitions, or the CMC for Marine Corps acquisitions.

5. DELEGATION OF AUTHORITY TO FACILITIES ENGINEERING COMMANDS

a. COMNAVFACENGCOM is authorized to redelegate the certain of the authorities contained in [reference \(b\)](#). The following authorities applicable to this Chapter were re-delegated to the Commanders/Commanding Officers of the Facilities Engineering Commands (FECs) by [reference \(f\)](#):

(1) to acquire real property interests authorized and funded under the annual military construction programs in accordance with the conditions specified in subparagraph 8c(4) of [reference \(b\)](#);

(2) to accomplish low-cost land acquisitions in accordance with [10 U.S.C. § 2663](#) upon approval of the navy Regional Commander and the Commander, Navy Installations Command, or the CMC for Marine Corps property, and when the criteria in subparagraph 8c(5) of [reference \(b\)](#) have been satisfied;

(3) to acquire property through condemnation proceedings in accordance with the provisions of the applicable chapters of **P-73** and subsequent to congressional notification under [10 U.S.C. § 2663](#);

(4) to acquire options for property in accordance with [10 U.S.C. § 2663](#) and consistent with subparagraph 8c(7) of [reference \(b\)](#);

(5) to pay up to 12% more than the value estimated by an approved COM NAVFACENTGCOM appraisal for acquisitions involving an owner's approved counteroffer in accordance with the guidance in **P-73, Chapter 8**, subparagraph 8e(3) of [reference \(b\)](#), and the general provisions of annual military construction appropriation acts; and

(6) to execute all necessary documents except Declarations of Taking, which will be signed by ASN (I&E), and requests to the Department of Justice to initiate condemnation proceedings, which will be signed by navy general counsel in accordance with subparagraph 8e(4) of [reference \(b\)](#).

b. This redelegation does not include the following:

(1) Authority to exercise Notices of Exercise of Option to Purchase Real Property, or Agreements for Purchase of Real Property, prior to the allocation of funds, or receipt of program assignments and sufficient allocation of funds to the FEC.

(2) Authority to approve or reject proposed settlements of claims against the United States for just compensation in condemnation proceedings that exceed the limitations stated in **P-73, Chapter 11**, or subsequent modifications.

(3) Authority to acquire real property through the exchange of Government-owned real property without specific COMNAVFACENGCOM approval.

6. AUTHORITY OF THE FEC COMMANDER TO UTILIZE ACQUISITION METHODS

Acquisitions of any interest in property authorized in this chapter may be made by gift, purchase, exchange of property owned by the United States, or otherwise.