

# *Real Estate Issues*



## **Real Estate**

**Objectives:** At the end of this session each participant will:

- Understand the importance of establishing good relationships in Real Estate Division
- Know the responsibilities of Real Estate and Operations when joint interests apply.
- Know the differences in various outgrants.

## *Land Management Responsibilities*

### Real Estate Division and Operations Division

- Works together as a team
- Each has their own responsibilities and chain of command
- Working together will help ensure success



## *Land Management Responsibilities*

### Real Estate Division:

- Manages all lands on new projects until turned over to operations
- Negotiating, issuing, administering, and managing outgrants

## *Land Management Responsibilities*

### **Real Estate Division:**

#### **Resolves:**

- Land title disputes
- Claims involving damage to real property or arising under outgrants
- Boundary disputes
- Actions involving encroachments



## *Land Management Responsibilities*

### **Operations Division:**

- Preparation of Master Plans and OMP's
- Identify site specific, environmental, cultural, historical, and operational requirements on all lands
- Day-to-day oversight of all project lands

## *Funding*

- Funding for Real Estate when working for Lakes comes from O&M budgets
- Budget packages prepared by Operations Managers, Real Estate, Engineering etc.

## *Outgrants (16 USC 460d)*

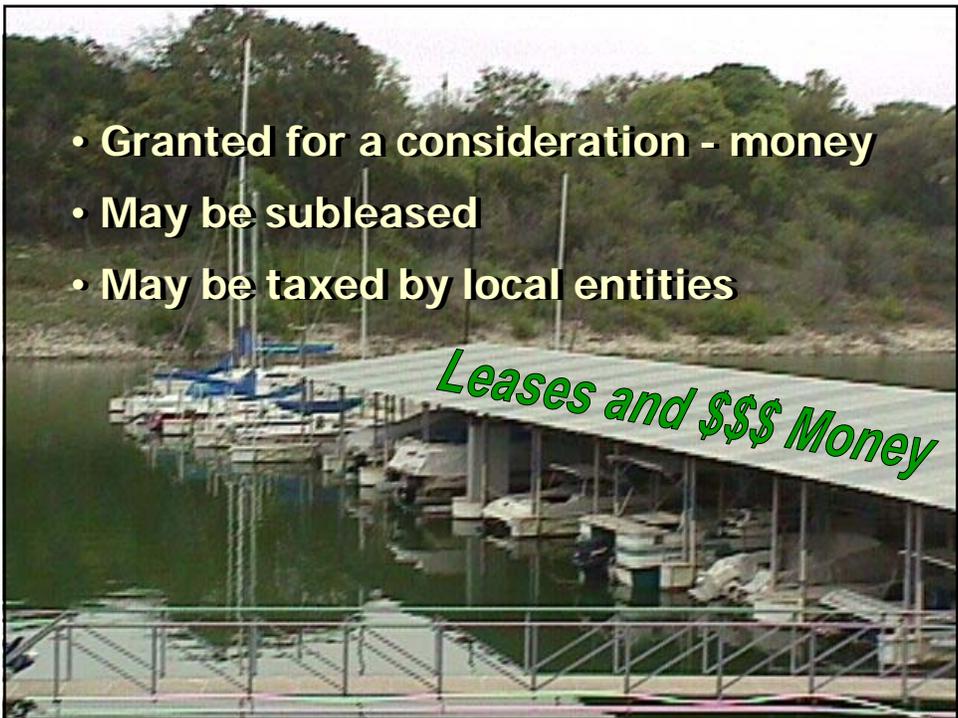
### Four types:

- Leases
- Easements
- Licenses
- Permits



**Leases**

- Permits lessee exclusive use
- Granted for a specific period of time
- May be used for any purpose, though usually restricted
- May entail cash rent, public benefit, national defense, or deferral of maintenance



- **Granted for a consideration - money**
- **May be subleased**
- **May be taxed by local entities**

*Leases and \$\$\$ Money*

## **Examples of Leases**

- Public parks and recreation
- Non-public recreation
- Agricultural purposes
- Commercial Concessions (marinas etc.)



## ***Responsibilities for Obtaining Commercial Concessions***



***Dual Responsibilities***

## *Responsibilities for Obtaining Commercial Concessions*

| <b>Real Estate Division</b> | <b>Operations Division</b> |
|-----------------------------|----------------------------|
| Site Selection              | Assess Need                |
| Seek Competition            | Site Selection             |
| Selection of Leasee         | Selection of Leasee        |
| Administration              |                            |

## *Easements*

- Grants use of property for a specific purpose
- Conveys an interest in the property
- May be perpetual or for a specific term
- Consideration may be required
- Generally limited to terms of 50 yrs or less
- Generally for linear rights of way
- Limited on centerline widths and areas

## *Examples of Easements*

- Roads
- Railroads
- Telephone lines
- Gas, water, oil pipelines etc.



## *Licenses*

- Grants authority to do a specific act
- Does not entail possession or convey interest
- Generally for a term of 5 years
- Revocable at will
- May be used in lieu of an easement

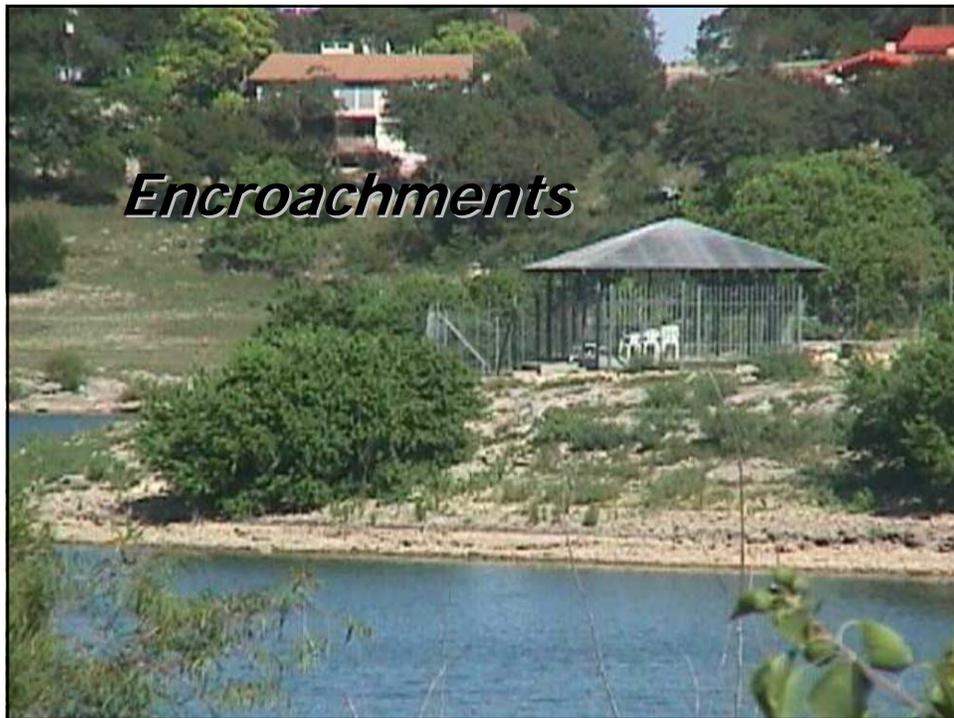
## **Examples of Licenses**

- Temporary utility lines, roads, etc.
- Grants for archaeology surveys



## ***Permits***

- Generally grants use to another Federal Agency
- Formalizes temporary use for which verbal permission would not suffice
- Generally for a set term, revocable at will
- No interest conveyed and is not assignable
- There are other types of permits that may be issued by Real Estate Division and Operations Division



## *Why Encroachments Occur*

- Acquisition without monumentation
- Erroneous government surveys
- Erroneous private surveys
- Lack of private surveys
- Misunderstanding of project boundaries
- Disregard for public property

## *Prevention of Encroachments*

Boundary Monumentation  
Boundary Fencing  
Boundary Surveillance



## ***Encroachment Resolution***

### **On Fee Land**

### **On Flowage Easement**

Sale of Land

Boundary Line  
Agreements

Exchange

Outgrant

Removal

Consent, grant approval  
for easement, permit etc

Removal

## ***For Further Information...***

**ER 405-1-12, Real Estate Handbook  
Chapter 8, Real Property Management**

**On the Internet on HQUSACE  
Publications page:**

**[www.usace.army.mil/inet/usace-docs/eng-regs/er405-1-12/toc.htm](http://www.usace.army.mil/inet/usace-docs/eng-regs/er405-1-12/toc.htm)**



US Army Corps  
of Engineers

## ***Emergency Management***

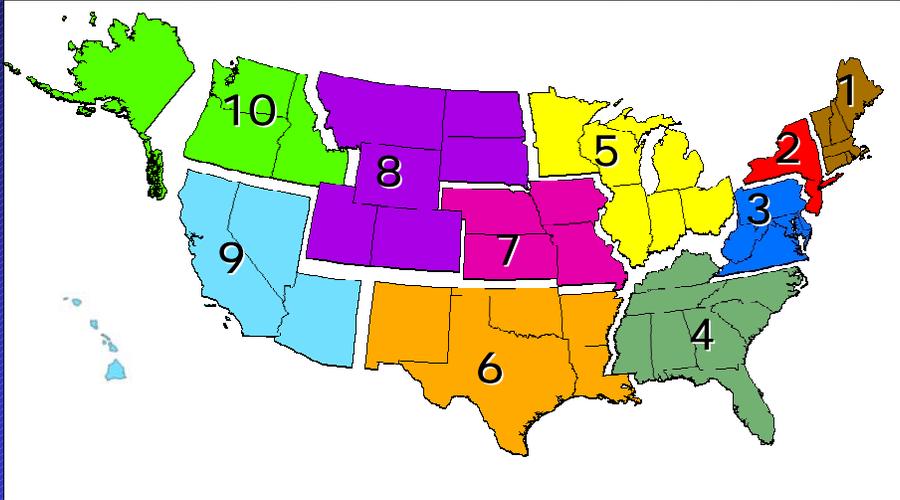
————— *One Corps Serving The Army and the Nation* —————

## ***Emergency Operations***

### **Objectives:**

- Understand the Corps of Engineers Role in Emergency Operations
- Understand FEMA's Role in Emergency Management

## *FEMA Regions*

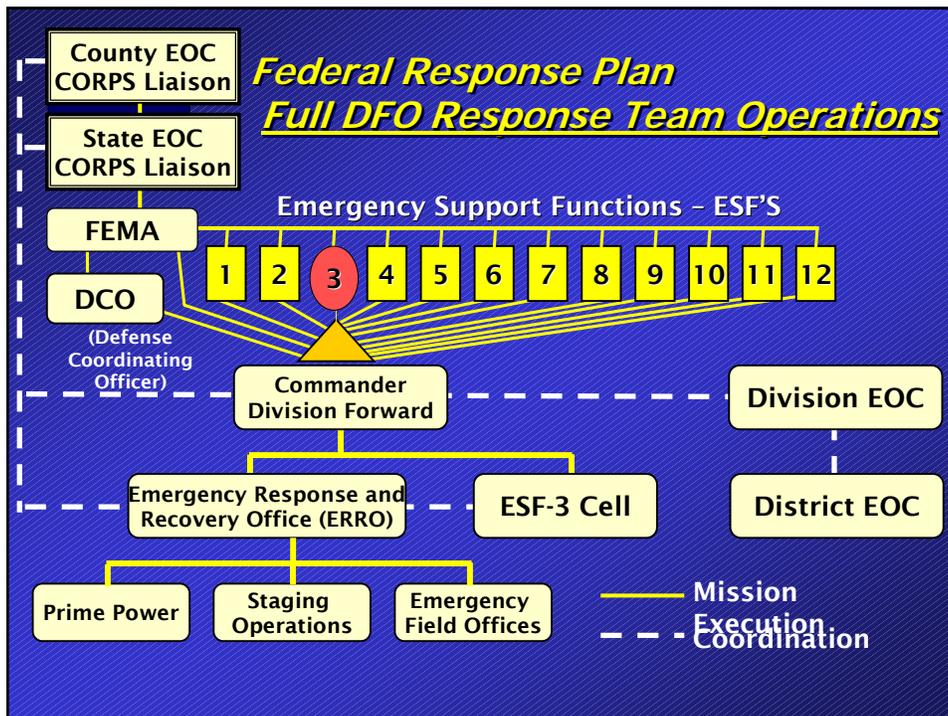


## *Disaster Field Office (DFO)*

- Activated by the FEMA Regional Director.
- Staffed by FEMA and state emergency offices. In a large disaster Emergency Support Function (ESF) representatives may also be staffed.
- Coordinates the gathering and distribution of initial damage information.
- Issues initial mission assignments.
- Manages the public and individual assistance programs.

## Primary ESF's

|            |                            |                                 |
|------------|----------------------------|---------------------------------|
| • ESF # 1  | Transportation             | Dept of Transportation          |
| • ESF # 2  | Communications             | National Communications System  |
| • ESF # 3  | Public Works & Engineering | US Army Corps of Engineers      |
| • ESF # 4  | Firefighting               | Dept of Agriculture             |
| • ESF # 5  | Information                | Federal Emergency Mgt Agency    |
| • ESF # 6  | Mass Care                  | American Red Cross              |
| • ESF # 7  | Resource Support           | General Services Admin.         |
| • ESF # 8  | Medical                    | Dept Health & Human Resources   |
| • ESF # 9  | Search & Rescue            | Federal Emergency Mgt Agency    |
| • ESF # 10 | Hazardous Materials        | Environmental Protection Agency |
| • ESF # 11 | Food                       | Dept of Agriculture             |
| • ESF # 12 | Energy                     | Dept of Energy                  |
|            | Military Support           | Dept of Defense                 |



## *Planning and Response Teams*

Number of Corps Teams under ESF #3:

7 – Ice

7 – Water

8 – Emergency Power

7 – Debris Removal

5 – Temporary Housing

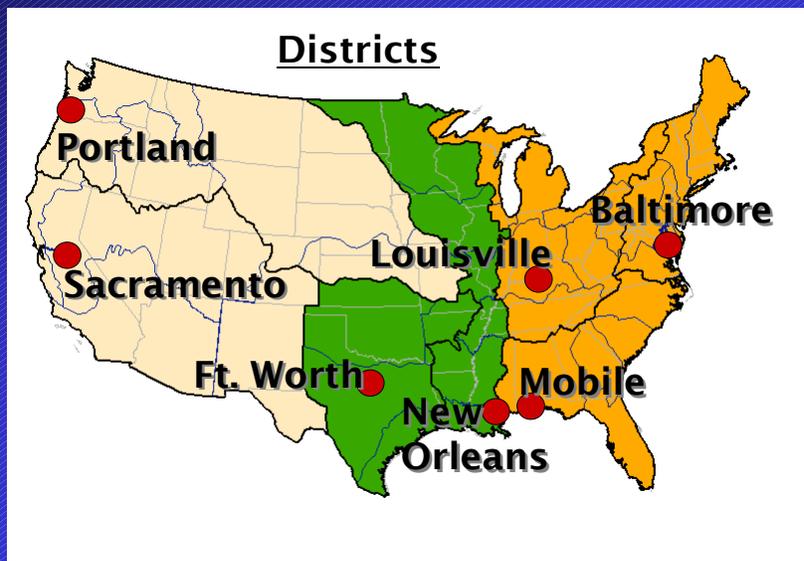
1 – Emergency Access

4 – Temporary Roofing

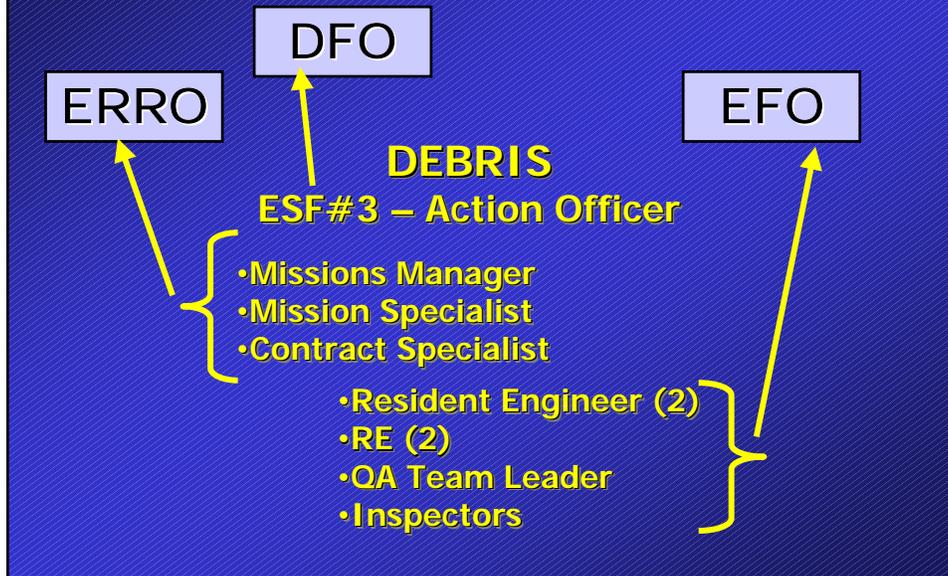
4 – Structural Safety Assessment

**43 – Total Number of Teams**

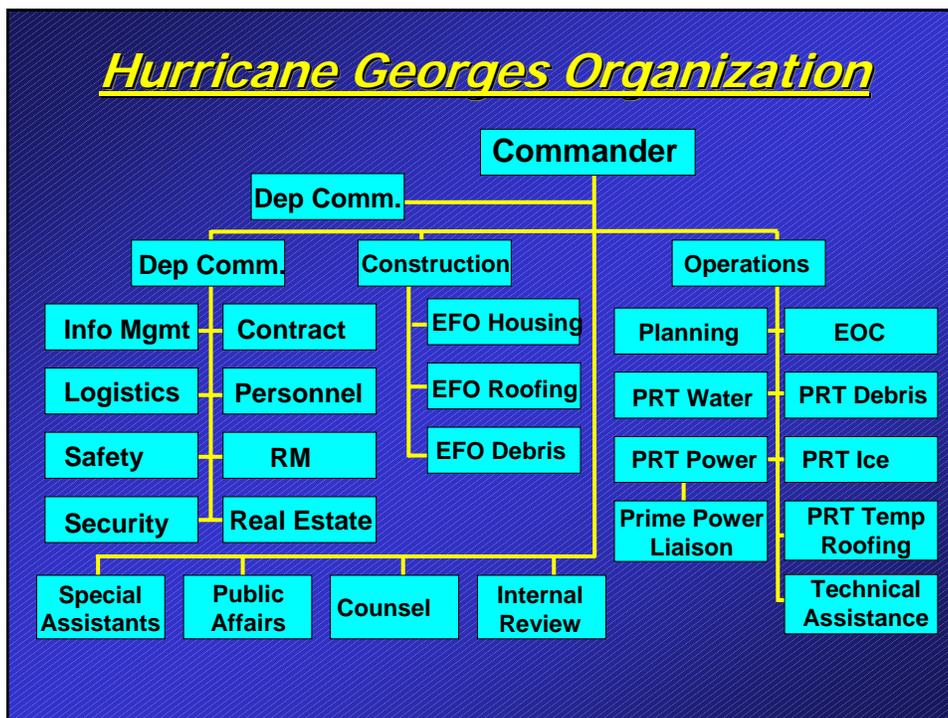
## *Debris Removal Teams*



## Example



## Hurricane Georges Organization



## *ESF # 3 – NEW YORK*

- Debris Missions  
5 Resident Engineers  
5 QA Supervisors
- Technical Assistance
- Support Personnel

## *Your Responsibilities*

1. Damage Surveys in Your Area
2. Assignment on Emergency Team
3. Employees Volunteer for Teams

# ***Questions? Comments?***



## ***Partnering from an OM's Point of View***

- Do YOU have a REAL need?
- Can you get a partner? REALLY??
- What will the Corps offer the partner?
- Assign someone to work with them. Do they have the time? REALLY??
- Establish a team consisting of everyone involved to assure the project continues to completion. (Funding and Interest)
- Long term survival = Long term funding and interest
- Solid MOA/MOU (What does this really mean?)