

SWLRE-A

DEPARTMENT OF THE ARMY
Little Rock District, Corps of Engineers
P.O. Box 867
Little Rock, Arkansas 72203

LRDOM 405-1-9

2 May 1986

Office Memorandum
No. 405-1-9

Real Estate
EXCHANGE OF LANDS

1. Purpose. The purpose of this memorandum is to set out the District's policy relative to exchange of lands.

2. Applicability. This memorandum applies to all projects in the Little Rock District.

3. Policy.

a. Acquisition of real estate interests by exchange will normally fall into one of three categories. These are to rectify mapping errors, to obtain additional real estate interests required for project purposes, and to eliminate unintentional encroachments. Acquisition by exchange will be considered as follows:

(1) Correction of Mapping Errors. A deficiency in real estate interests may result from inaccuracies in the topographic maps used for land acquisition or other mapping errors. If the landowner requests that an exchange be considered to correct such error and there is Government-owned land available for exchange for which there is no greater project need than the land being acquired, an exchange may be considered.

(2) Acquisition for Project Purposes. Real estate interests required for a project and within the original project authorization may be considered for acquisition by exchange if the Government-owned land to be exchanged is excess to project requirements and has a value equal to or less than the land being acquired.

(3) Acquisition to Eliminate Encroachments. Where permanent-type structures are involved and the encroachment was not intentional, consideration will be given to an exchange of lands upon request of the owner if the Government-owned land required to correct the encroachment is not critically required for project operations and the landowner has land available which meets project requirements equally as well or better than

This memorandum supersedes Policy No. 79-1, dated 8 February 1979.

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the encroachment site. Lands to be acquired by exchange may be located above the guide acquisition contour since, under the blocking-out procedure, lands above the guide contour are acquired for project requirements as a sound real estate administrative practice. It is considered that statutory requirements are met where the land to be acquired meets the following criteria: It abuts the project land, is substantially equal in acreage and value to the land to be conveyed, and its acquisition would create no additional real estate administrative burden in monumentation or management.

b. Requests from landowners for exchanges will not normally be formally considered unless they fall into one of the categories outlined above.

c. Lands needed for recreational development, or lands needed in support of recreational development on Federal lands, may not be acquired by exchange unless recreation development is specifically authorized by Congress as a project purpose.

d. Exchange of lands involves both acquisition and disposal actions which are the responsibility of the Chief, Real Estate Division. In this respect, coordination with other interested District elements and processing to conclusion will be handled by Real Estate Division. This includes arranging for surveys, mapping, appraisals, negotiations, obtaining title evidence, preparation of exchange deeds, and closing after the exchange has been approved and the deed conveying Government-owned land has been signed by the Secretary of the Army.

4. References.

a. Title 33 U.S.C., 558b and b-1, Exchange of Lands Act.

b. Title 16 U.S.C., 560d.

c. 1st End SWDRE-A, 10 August 1971, to letter SWLRE-A, 3 June 1971, subject: Exchanges of Lands.

d. Letter DAEN-REA-P, 2 May 1978, subject: Acceptance of Donated Lands for Recreational Development Under the Code 710 Program.

FOR THE COMMANDER:


JEROME B. SIDIO
Major, Corps of Engineers
Deputy Commander

DISTRIBUTION A