

CEMP-CR

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Real Estate
ARMY AND AIR FORCE BASIC REAL ESTATE AGREEMENTS

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Chapter 1 Introduction

1-1. Purpose. This regulation implement AR 10-87, Army Commands, Army Service Component Commands and Direct Reporting Units and AFPD 32–90, Real Property Asset Management. It explains the agreements between the Air Force and Army for the acquisition, outgrant, and disposal of real property, as well as other property uses. This regulation does not apply to base closures handled by the Air Force.

1-2. Applicability. This regulation applies to all Headquarters U.S. Army Corps of Engineers elements and all USACE elements having responsibility for administration of Air Force real estate transactions and agreements. This regulation does not apply to non-appropriated fund programs, Base Realignment and Closure, or to recruiting program facilities.

1-3. Distribution Statement. Approved for public release; distribution is unlimited.

1-4. References.

- a. Air Force Joint Instruction 32-9006, *Army and Air Force Basic Real Estate Agreements* (Joint Departmental Publication)
- b. Army Regulation 10-87, *Army Commands, Army Service Component Commands and Direct Reporting Units*

Chapter 2
Definitions, Policies and Procedures

2-1. Definition of Real Estate

- a. Any interest in land, together with the improvements, structures and fixtures such as installed equipment and appurtenances thereto, and leaseholds, under the control of the Air Force.
- b. Improvements of any kind, structures and fixtures such as installed equipment, under the control of the Air Force when designated for disposition without the underlying land.
- c. Standing timber and embedded gravel, sand, stone, or under- ground water under the control of the Air Force whether designated for disposition by the Air Force or by severance and removal from the land. This does not apply to timber felled, water stored and gravel, sand or stone excavated by or for the Government before disposition.

2-2. Coordination between the Air Force and the Army.

- a. The Department of the Air Force may use the services of the Corps of Engineers (COE), Department of the Army, for the acquisition, management and disposal of real estate. (Otherwise, the Air Force must take the necessary actions.)
- b. The Air Force Civil Engineering Center (AFCEC) and Air Force Installations will issue formal Air Force task orders and directives for all real estate to COE Program Management Office (PMO) for tasking and coordination with the appropriate geographic Corps District.
- c. Instructions, work orders, directives and funding transmitted directly from Air Force Installations to Corps of Engineer Districts will be elevated to PMO for AFCEC acknowledgement and coordination prior to the District initiating any work.

2-3. Acquiring Real Estate.

AFCEC or the appropriate Air Force Installation Commander may request the Corps of Engineers to acquire real property to meet new or expanded Air Force Requirements. An Air Force acquisition request will contain:

- a. Authority to take action by Deputy Base Civil Engineer or above.
- b. The location of the property.
- c. Source of funding. Name of the installation requesting the property.
- d. Name of the disbursing officer.

- e. AFCEC acquisition approval memorandum.
- f. Directive signed by the Base Civil Engineer (BCE) or equivalent.
- g. Itemized list of the services to be provided.
- h. Scope/Statement of work (SOW) to include the specific products and services to be provided, Air Force requirements and any special instructions.
- i. Supporting documentation necessary to satisfy Air Force requirements to complete the request as assigned.

2-4. Certificate of Necessity for Certain Leased Property.

AIR FORCE will provide a Certificate of Necessity from the Deputy Assistant Secretary of the Air Force (Installations), SAF/IEI, for leased property in these cases when:

- a. The proposed annual rent exceeds 20 percent of the property's fair market value.
- b. Alterations, improvements, and repairs are expected to exceed 30 percent of the property's fair market value for either of these periods:
 - (1) The First year's rent.
 - (2) The entire rental period, if it's less than 1 year.

2-5. Disposal of Real Estate.

AFCEC notifies the Corps of Engineers when a parcel of real property is no longer needed. The Corps of Engineers then disposes of the property according to applicable laws, regulations and guidance provided by the Air Force. Air Force disposal requests issued to the Corps of Engineers will contain:

- a. Authority to take action by Deputy Base Civil Engineer or above.
- b. The location of the property.
- c. Source of funding.
- d. Name of the installation disposing of the property.
- e. Name of the disbursing officer.
- f. Itemized list of the services to be provided.

- g. Determination on the applicability and Agency responsible for satisfying Federal Government and Department of Defense screening requirements.
- h. Scope/Statement of work to include the specific products and services to be provided, Air Force requirements and any special instructions.
- i. Supporting documentation necessary to satisfy Air Force requirements to complete the request as assigned.

2-6. Notice of Property Availability (Outgrants).

When the Corps of Engineers receives notice from the appropriate Air Force level that Air Force property is available for use by others, the Corps of Engineers will prepare the necessary outgrant document for Air Force execution for the non-Air Force use of such property. Any notice of property availability issued to the Corps of Engineers will include:

- a. Authority to take action by Deputy Base Civil Engineer or above.
- b. The location of the property.
- c. Source of funding (i.e. Customer funded).
- d. Name of the installation.
- e. Name of the disbursing officer, if applicable and the office to which consideration is to be paid.
- f. Competition and advertising requirements.
- g. Directive signed by the Base Civil Engineer (BCE) or equivalent.
- h. Itemized list of the services to be provided.
- i. Fair Market Value applicability and determination.
- j. Scope/Statement of work (SOW) to include the specific products and services to be provided, Air Force requirements and any special instructions.
- k. Supporting documentation necessary to satisfy Air Force requirements to complete the request as assigned.

2-7. Corps of Engineers as the Custodian of Legal Records.

- a. The Corps of Engineers is the custodian of legal records concerning Air Force real estate. The Corps of Engineers will retain and catalog hard copy records of all Air Force real estate agreements and real estate legal records.
- b. Air Force must furnish the Corps of Engineers a copy of all real estate documents executed by the Air Force.
- c. The Corps of Engineers will give the Air Force, as required, copies of all legal records relating to the acquisition, disposition, or temporary use of Air Force property.
- d. Army real estate management systems Real Estate Management Information System will only be utilized for Army numbered "DACA" (Department of the Army Military) Air Force real estate agreements. Real Estate agreements generated within the Air Force or Air Force real estate agreements containing Air Force numbering mechanisms are not to be entered into the Corps of Engineers real estate databases.
- e. Corps of Engineers custodial responsibilities do not include mapping, Geographic Information System and cadaster services for Air Force real estate agreements and will not be accomplished on agreements received for storage and maintenance.

2-8. Sale of Crops and Use of Timber.

The Air Force is responsible for managing crops grown on Air Force installations and arrangement for the use and disposal of timber grown on Air Force installations. If requested, the Corps of Engineers can provide forestry and contracting expertise to sell forest products designated for disposal by the Air Force as described in delegation of authority from Deputy Assistant of the Air Force (Installations) to Director of Real Estate, HQ U.S. Army Corps of Engineers. Services will include sales preparation, sales advertisement, evaluation of bids, contact award and contract administration. Proceeds from the sale of Air Force forest products will be deposited to the Air Force Forestry account



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