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ARMY REGULATIONS

No. 405-5

AIR FORCE REGULATION

No. 87-15

DEPARTMENTS OF THE ARMY AND

THE AIR FORCE

WASHINGTON 25, D. C., 5 September 1950

REAL ESTATE

ARMY AND AIR FORCE BASIC REAL ESTATE AGREEMENTS

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1. Purpose.—These regulations provide information regarding basic agreements between the Department of the Army and the Department of the Air Force in regard to Air Force real estate.

2. Definition.—Real estate or real property includes lands and interests therein, leaseholds, buildings, improvements, and appurtenances thereto, owned by the United States and under the control of the Department of the Air Force, and also includes piers, docks, warehouses, rights-of-way, and easements, whether temporary or permanent, and improvements permanently attached to and ordinarily considered real estate. It does not include machinery, equipment, or tools which have not been affixed to or which have been severed or removed from any such lands or buildings or may be so severed or removed without destroying the usefulness of the structure.

3. Functions and responsibilities.—a. General.—The Department of the Air Force will utilize the services of the Chief of Engineers, Department of the Army, for the acquisition and disposition of real estate, subject to such adjustments as from time to time are jointly determined to be necessary by the Secretaries of the two Departments.

b. When requirement exists.—Upon determination that a requirement exists for the acquisition of additional real estate, or interests therein, the Department of the Air Force will request the Chief of Engineers, Department of the Army, to proceed with the acquisition of such real estate. Real estate to be so acquired includes both command and industrial property. The request for acquisition will contain the location of the site selected, a citation of the funds to be used, the installation and the name of disbursing officer responsible for payment.

c. Certificates of necessity.—When acquisition is to be accomplished by lease and the proposed rental is determined to be in excess of the limitations of section 322, act of 30 June 1932 (47 Stat. 412; 40 U. S. C. 278a), as amended, certificates of necessity required by the act of 23 April 1942 (56 Stat. 247; 40 U. S. C. 278b), are the responsibility of the Secretary of the Air Force or his designee. Certificates of necessity must be obtained prior to acceptance of the lease by the appropriate contracting officer.

d. When no requirement exists.—Upon determination that real property is not required for its needs and the discharge of its responsibilities, the Department of the Air Force will notify the Chief of Engineers, Department of the Army, to that effect. The Chief of Engineers, Department of the Army, will accomplish

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disposal of such real property in accordance with applicable laws and regulations.

e. Notice of availability.—Upon receipt of notification from the Department of the Air Force of availability for nonmilitary use of real property under its jurisdiction, the Chief of Engineers will take necessary action, subject to any conditions that may be prescribed in the notice of availability, to arrange for the use of such property by lease, license, easement, permit, or otherwise, except as provided in *h* below. To the extent authorized by the Secretary of the Air Force, the Chief of Engineers or his representative will approve, execute, and distribute such instruments; otherwise, they will be prepared and submitted for execution by the Secretary of the Air Force or his designee.

f. Legal records.—The Department of the Army will act as custodian of legal records pertaining to real property of the Department of the Air Force and will furnish to the Department of the Air Force, if required, copies of instruments relating to acquisition, disposition, or temporary usage of real property for the Department of the Air Force.

g. Sale of crops and use of timber.—The Department of the Air Force is responsible for all contracts for the sale of crops grown on Air Force installations and for the use and disposal of timber growing on Government-owned Air Force installations.

h. Permits for use of facilities.—The Department of the Air Force is responsible for the issuance of permits for the use by civil aircraft of facilities owned or operated by the Department of the Air Force.

4. Direct communication.—Direct communication between the Department of the Air Force and the Chief of Engineers, Department of the Army, is authorized in all matters pertaining to real property functions and activities.

[AG 601 (15 Aug 50)]

BY ORDER OF THE SECRETARIES OF THE ARMY AND THE AIR FORCE:

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