

FACILITIES CRITERIA (FC)
FACILITY PLANNING FOR NAVY AND
MARINE CORPS SHORE INSTALLATIONS

Series 900: REAL ESTATE FACILITIES

Record of Changes:

Date	CCN #	CCN Title	Description of Change
10 October 2021	91215	State Owned Land - Hawaii	Change FAC to 9110 Change Title to State Owned Land - Hawaii
10 October 2021	91210	Federal Withdrawn Public Land - Permanent	Change FAC to 9110 Change Title to Federal Withdrawn Public Land - Permanent
10 October 2021	91220	Federal Withdrawn Public Land - Temporary	Change FAC to 9110 Change Title to Federal Withdrawn Public Land - Temporary
10 October 2021	91310	Licensed and Permitted Land	Change FAC to 9110 Change Title to Licensed and Permitted Land
10 October 2021	91310	Licensed and Permitted Land – Temporary Permit	Change FAC to 9110 Change Title to Licensed and Permitted Land – Temporary Permit
10 October 2021	91410	Public Land of Territories or Possessions – Temporary or Long-Term (AC)	Change FAC to 9110 Change Title to Public Land of Territories or Possessions – Temporary or Long-Term (AC)
10 October 2021	91420	Public Land of Territories or Possessions (AC)	Change FAC to 9110 Change title to Public Land of Territories or Possessions (AC)
10 October 2021	92130	Land Easement – By Purchase (AC)	Change FAC to 9110 Change title to Land Easement – By Purchase (AC)
10 October 2021	92140	Land Easement – By Condemnation (AC)	Change FAC to 9110 Change title to Land Easement – By Condemnation (AC)
10 October 2021	92150	Land Easement – By Exchange	Change FAC to 9110 Change title to Land Easement – By Exchange
10 October 2021	92110	Land Easement – Aviation – By Purchase (AC)	Change FAC to 9900 Change title to Land Easement – Aviation – By Purchase (AC)
10 October 2021	92120	Land Easement – Aviation – By Condemnation (AC)	Change FAC to 9900 Change title to Land Easement – Aviation – By Condemnation (AC)

FC 2-000-05N

Date	CCN #	CCN Title	Description of Change
10 October 2021	92210	In-Leased Land – Private Enterprise (AC)	Change FAC to 9110
10 October 2021	92220	Land – In Lease – State and Local Governments	Change FAC to 9110
10 October 2021	92230	Land – In Lease – Long-Term (AC)	Change FAC to 9110
10 October 2021	92310	Land – Foreign, 99-Year Lease	Change FAC to 9110
10 October 2021	92320	Land – Foreign, Base Rights	Change FAC to 9110
10 October 2021	92330	Land – Foreign Reciprocal Aid	Change FAC to 9110
10 October 2021	92340	Land – Foreign, Occupied Area	Change FAC to 9110
10 October 2021	92350	Land – Foreign, In-Lease	Change FAC to 9110
10 October 2021	92360	Land – Foreign, Miscellaneous	Change FAC to 9110
25 August 2022	91210, 91220, 92115, 92150	Land	Add descriptive information.
12 September 2022	913-20	Land – Public Domain – Temporary Permit	Change title to “Land – Public Domain – Temporary Permit.”
2 March 2023	900 Series	UFC 2-000-05N	Change UFC 2-000-05N to FC 2-000-05N document due to the fact that this planning criteria is not unified among the other DoD services.
6 February 2024	99002	Water Easement Clearance, Perpetual	Add new category code under Basic Category 990 Land Rights.

**900 SERIES
REAL ESTATE FACILITIES**

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900 REAL ESTATE

900-1 DEFINITION

This Facility Class applies to real estate in which the Navy has, or intends to obtain, a vested interest. The interest may be acquired by purchase, condemnation, donation, or exchange, and may be held in fee simple, leasehold, or easement. Real estate planned for the Navy is defined under the category codes for classifying real property as found in NACFAC P-72 / Classification is done according to the methods of acquisition and the type of real estate acquired as follows:

- Category Group 910 Land – Government Owned
- Category Group 920 Other Rights
- Category Group 930 Site Improvements

900-2 POLICY

As a general policy, all permanent Naval installations within the United States and its possessions shall be established on land owned in fee by the Federal Government under the custody and accountability of the Department of the Navy. This policy is based on the need for the unconditional use of the land for the unrestricted execution of the assigned military mission.

Additional real estate will not be acquired for the Department of the Navy by any method unless a determination has been made that consistent with the requirements of the military mission, such needs cannot be fulfilled by maximum utilization of the real estate under the control of the three military departments. Current requirements will, in the absence of unusual circumstances, be given preference over anticipated future needs and mobilization requirements. Care must be taken however, to prevent modifications that would interfere with mobilization plans for the property. The following are broad policies of the Department of the Navy in connection with the real estate transactions:

1. To acquire only the real property necessary to meet present and immediately foreseeable requirements;
2. To acquire title or other interest to real property by negotiation and direct purchase wherever possible;
3. To base estimate of value upon appraisals made by private local appraisers or by staff appraisers;
4. To take prompt action to dispose of real property excess to current and foreseeable needs of the Navy;
5. To authorize for private use, after advertising, real property which is temporarily excess to the needs of the Navy and is not required for use by other Federal agencies;
6. To require the payment of fair value for easements granted and for property which is made available for private use under out-leases, licenses or otherwise; and

7. To construct buildings or improvements of permanent type only on lands in which the rights of the Government are fee title or permanent easements.

900-3 DETERMINATION OF REQUIREMENTS

Prior to acquisition of additional land, it shall be determined that the requirements cannot be met by:

1. Exercise of recapture-of-use rights;
2. Use of property excess to the needs of other military departments or another government agency;
3. Exercise of joint use with other agencies;
4. Acquisition of land from public domain; or
5. Transfer from state or municipal governments.

900-4 ACQUISITION CODE VERSUS RETENTION CODE

Real estate is acquired under the 900 Code but is transferred, usually at the end of the fiscal year, to the code under which it is used. Coding in the 900 series denotes the type of interest acquired in the property and the means of acquisition.

900-5 REASONS FOR ACQUISITION

Land is acquired to supply operational and building areas and to provide security and safety clearances. Requirements for real estate are generated by the assignment of missions for which facilities are not available. When a mission has been assigned to a specific activity, the Commanding Officer reviews available facilities and such deficiencies as exist from the basis of a requirement for the expansion of the installation or the development of a new one. These requirements are submitted for CNO approval through the Military Construction Review Board procedures. See NAVFAC P-73, Real Estate Administration, for the detailed procedures.

900-6 AUTHORITY TO ACQUIRE REAL PROPERTY

The authority to acquire real property and execute real estate functions is vested in the Naval Facilities Engineering Command. Authority to acquire real property must be supported by legislative authorization with an appropriation of funds available for that purpose.

900-7 DELEGATION OF AUTHORITY

Authority is delegated to the field offices from time to time for certain functions in relation to real property. This delegation is made to the Commanders/CC's, Naval Facilities Engineering Command Field Divisions.

900-8 LEGISLATIVE AUTHORIZATION (MCON ACTS)

Navy Department land acquisitions usually are provided for in Acts of Congress authorizing construction projects at naval installations. These Acts are commonly known as Military Construction Acts (MCON Acts). They are sometimes referred to as Public Works Authorization Acts.

900-9 ACQUISITION COST

Acquisition exceeding \$50,000 is included with the MCON Acts as a line item for action of the Congress. Acquisition not exceeding \$25,000 is vested in the Secretary of the Navy. This authority is for land or real property interest determined necessary for national defense. The authority for expenditure of up to \$25,000 may not be used to acquire two or more contiguous parcels that together cost more than \$50,000. The detailed method of acquisition is found in NAVFAC P-73, Real Estate Procedural Manual.

910 LAND - GOVERNMENT OWNED

910-1 **GOVERNMENT OWNED LANDS.** All land interests are included in Category Group 910 with the exception of easement rights, in-lease rights, and foreign rights which are in Category Group 920.

911 LAND - PERMANENT USE LAND

911-1 **PERMANENT USE LAND.** This basic category includes lands acquired in fee purchase, condemnation, donation, exchange or transfer, which is owned in fee by the Federal Government, and under custody and accountability of the Department of the Navy.

911 10 LAND – PURCHASE (AC)

FAC 9110

BFR Required N

91110-1 **PURCHASE.** Land acquired in fee by purchase is a negotiated sale of the property from private owners to the Federal Government by conveyance of deed.

911 20 LAND – DONATION (AC)

FAC 9110

BFR Required N

91120-1 **DONATION.** Land acquired in fee by donation usually consists of a conveyance of fee title by the donor without monetary consideration.

911 30 LAND – TRANSFER (AC)
FAC 9110
BFR Required N

911 40 LAND – CONDEMNATION (AC)
FAC 9110
BFR Required N

91140-1 **CONDEMNATION.** Land is acquired by condemnation where land is essential for a project which affects national defense or security, and the consideration for purchase cannot be mutually agreed upon between the owner and the Navy.

911 50 LAND – EXCHANGE (AC)
FAC 9110
BFR Required N

91150-1 **EXCHANGE.** Land acquired by exchange is similar in principle to acquisitions by purchase except that the consideration is by land value rather than cash. Land exchange may be negotiated at the Field Engineering Division level between the Navy and private owners after approval by the interested bureau or office and the Naval Facilities Engineering Command. For value exceeding \$50,000, approval by the Congressional Armed Services Committees is required.

912 LAND - PUBLIC DOMAIN WITHDRAWAL

912-1 **GENERAL.** The Navy Department may acquire land by withdrawal from public domain under jurisdiction of the Department of the Interior. Withdrawals of less than 5,000 acres are made by Public Land Order. Withdrawal of more than 5,000 acres for any one project must be approved by Act of Congress. In addition to securing authorization from the Armed Services Committees of Congress, a bill must be introduced in the Committees on Public Land and Insular Affairs for acquisition of public domain lands in excess of 5,000 acres. Land withdrawn from public domain is coded as follows:

912 10 FEDERAL WITHDRAWN PUBLIC LAND-PERMANENT (AC)
FAC 9110
BFR Required N

91210-1 **GENERAL.** This category code involves Federal Government land permanently excluded from some or all forms of entry, use, sale, or other disposal under the public lands laws as specified in the public land order, executive order, or act of Congress and those lands that are reserved for a specified department or agency for a specific public purpose.

912 15 STATE OWNED LAND-HAWAII (AC)
FAC 9110
BFR Required N

91215-1 **GENERAL.** This category code includes Federal Government land reserved through land trust in the State of Hawaii.

912 20 FEDERAL WITHDRAWN PUBLIC LAND-TEMPORARY (AC)
FAC 9110
BFR Required N

91220-1 **GENERAL.** This category code involves Federal Government land permanently excluded from some or all forms of entry, use, sale, or other disposal under the public lands laws as specified in the public land order, executive order, or act of Congress and those lands that are reserved for a specified department or agency for a specific public purpose for a specified period of time.

913 LAND - LICENSE OR PERMIT (AC)

913-1 **GENERAL.** This category code does not include land acquired by a withdrawal from public domain.

913 10 LICENSED AND PERMITTED LAND (AC)
FAC 9110
BFR Required N

91310-1 **GENERAL.** This land is acquired for temporary use under license or permit. The license or permit is a privilege, revocable at will, to use the property of the licensor, for a specified purpose and period of time.

913 20 LAND – PUBLIC DOMAIN – TEMPORARY PERMIT (AC)
FAC 9110
BFR Required N

91320-1 **GENERAL.** Land from Public Domain used under temporary permit is obtained under agreement between the Navy Department, and the Department of the Interior. The temporary permit implies no use detrimental to the land such as contamination.

914 PUBLIC LAND - TERRITORIES AND POSSESSIONS

914-1 **GENERAL.** Land from U.S. possessions is acquired for temporary or long-term use by Executive Order or permit agreement for a limited specific use.

**914 10 PUBLIC LAND OF TERRITORIES OR POSSESSIONS-
 TEMPORARY OR LONG-TERM (AC)**
FAC 9110
BFR Required N

91410-1 **GENERAL.** This code is used for public land of U.S. possessions acquired and used under long-term agreements or temporary agreements.

914 20 PUBLIC LAND OF TERRITORIES OR POSSESSIONS (AC)
FAC 9110
BFR Required N

91420-1 **GENERAL.** This code is used to designate public land of U.S. possessions assigned to the Navy on temporary permit.

920 LAND OTHER RIGHTS

920-1 **GENERAL.** This category group includes easements, leases, and foreign rights.

921 LAND – EASEMENT

921-1 **GENERAL.** An easement is a conveyance of interest in real property for particular purposes and needs of the Navy. An easement is acquired by deed for a term of years or in perpetuity. The grantor of an easement may continue to use the land within the stipulations of the easement.

921 10 LAND EASEMENT – AVIATION - BY PURCHASE (AC)
FAC 9900
BFR Required N

92110-1 **GENERAL.** An aviation easement is purchased to convey certain property rights from the private owner to the Federal Government. This is done by conveyance of deed. Easements are acquired to insure free and unobstructed aircraft passage through the airspace. The easement provides the right to limit structure height and natural growth.

921 20 LAND EASEMENT- AVIATION - BY CONDEMNATION (AC)
FAC 9900
BFR Required N

92120-1 **GENERAL.** This code varies from 921 10 only in the method of acquisition. Possession is obtained by condemnation only when the purchase price cannot be mutually agreed upon between the owner and the Navy.

921 30 LAND EASEMENT - BY PURCHASE (AC)
FAC 9110
BFR Required N

92130-1 **GENERAL.** Easements other than for navigation are acquired by negotiated sale. These easements provide rights-of-way for typical utility lines and access roads as well as many other purposes, including restrictions on use.

921 40 LAND EASEMENT - BY CONDEMNATION (AC)
FAC 9110
BFR Required N

92140-1 **GENERAL.** This is similar to 921 30 but differs in that agreement on a negotiated easement cannot be reached, and the easement is obtained by condemnation for reason of national defense or security.

921 50 LAND - EASEMENT BY EXCHANGE (AC)
FAC 9110
BFR Required N

92150-1 **GENERAL.** This category code is similar to 92130, but differs in that consideration is land value in lieu of cash.

922 LAND - IN-LEASED

922-1 **GENERAL.** An in-lease is a conveyance of a possessory interest in real property for a term of years for rent or other consideration. Leased property is categorized under three groups as follows.

922 10 LAND - IN-LEASE - PRIVATE ENTERPRISE (AC)

FAC 9110

BFR Required N

92210-1 **GENERAL.** This land is leased from private owners for periods under 25 years.

922 20 LAND - IN-LEASE - STATE AND LOCAL GOVERNMENTS (AC)

FAC 9110

BFR Required N

92220-1 **GENERAL.** This land is leased from State and local governments for periods under 25 years.

922 30 LAND - IN-LEASE - LONG-TERM (AC)

FAC 9110

BFR Required N

92230-1 **GENERAL.** Land in-lease for 25 years or more is categorized as "long-term". The land may be leased from private enterprise, or State or local governments.

923 LAND - FOREIGN RIGHTS

923-1 **GENERAL.** This is land under custody and accountability of the Navy Department comprising a Navy installation in a foreign country except land under easement, Code 921. The method of acquisition or use of real property in a foreign country depends upon, and is accomplished by, diplomatic agreement and subsidiary military agreements or, where applicable, by lease or other agreement. Fee simple title to real property in a foreign country is not acquired. The extent of interest which may be acquired in such property depends upon the agreement. Acquisition or use of real property in an occupied country is accomplished by requisition or other local arrangements. The Navy codes for foreign rights are as follows:

923 10 **LAND - FOREIGN, 99-YEAR LEASE**
FAC 9110
BFR Required N

923 20 **LAND - FOREIGN, BASE RIGHTS**
FAC 9110
BFR Required N

923 30 **LAND - FOREIGN RECIPROCAL AID**
FAC 9110
BFR Required N

923 40 **LAND - FOREIGN, OCCUPIED AREA**
FAC 9110
BFR Required N

923 50 **LAND - FOREIGN, IN-LEASE**
FAC 9110
BFR Required N

923 60 **LAND - FOREIGN, MISCELLANEOUS**
FAC 9110
BFR Required N

931 **BUILDINGS**

932 **STRUCTURE/UTILITY SITE IMPROVEMENTS**

932-1 **GENERAL.** This code group is for site improvements which are not associated with a specific building or structure within its own category code such as clearing, grading, landscaping, erosion control, and similar. This group contains the following individual codes:

933 DEMOLITION

933-1 **GENERAL.** This group is for demolition of buildings, structures, or utilities and removal of debris performed primarily to make usable or disposable an otherwise unusable site. Demolition directly related to a construction project is assigned the same code as for the project.

990 LAND RIGHTS**990 02 WATER EASEMENT CLEARANCE, PERPETUAL (AC)****FAC 9900****BFR Required N**

99002-1 **GENERAL.** This category code applies to non-possessory interest in waterways used for mitigating encroachment that can limit or restrict military training, testing, and operations.