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DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20350

SECNAVINST 11011.29B  
FAC 20R  
9 July 1984

SECNAV INSTRUCTION 11011.29B

From: Secretary of the Navy

Subj: ANNEXATION BY LOCAL MUNICIPALITIES OF DEPARTMENT OF THE  
NAVY LANDS

Ref: (a) OPNAVINST 5400.24D

1. Purpose. To revise Department of the Navy Policy and  
procedures regarding annexation of Department of the Navy land  
by local municipalities. (A)

2. Cancellation. SECNAVINST 11011.29A. (R)

3. Definitions

a. The term "annexation proceeding" means a proceeding  
initiated by a municipality to incorporate Department of the  
Navy land into the corporate limits of such municipality or to  
include Department of the Navy land within the corporate limits  
of a new municipality seeking to incorporate. (R)

b. The term "municipality" means any political subdivision of  
a state or possession such as a city or village, school, drainage,  
irrigation or other service district. (R)

4. Background. Annexation proceedings are covered by laws of the  
states or possessions of the United States which generally require:

a. Initiation or approval of the annexation by the governing  
body of the municipality.

b. Public or other notice to landowners involved.

c. Approval, consent, or acquiescence by a majority of the  
landowners involved.

5. Policy. It is the policy of the Department of the Navy not  
to oppose annexation and to cooperate where local statutes so  
provide, except where the Secretary of the Navy determines that  
annexation would not be in the interest of the Government. (R)

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R) 6. Delegation. Authority, as set forth in paragraph 7, is delegated to the officer in command of the activity concerned (hereinafter referred to as the commanding officer) to cooperate with or oppose annexation proceedings in accordance with the policy expressed in paragraph 5. Area coordinators under reference (a) will be available to assist in problem solving. Commanders/commanding officers of the engineering field divisions of the Naval Facilities Engineering Command will also be available to provide technical support.

7. Action

R) a. When notice that annexation proceedings have been instituted or advice is received from a municipality that annexation proceedings of Department of the Navy lands are planned, such notice or advice shall be forwarded to the commanding officer of the activity concerned. The commanding officer shall obtain comments and recommendations from:

(1) The activity's chain of command, as appropriate.

R) (2) Commander/commanding officer of the appropriate engineering field division of the Naval Facilities Engineering Command.

A) (3) Commandant of the Marine Corps for Marine Corps activities.

R) b. Upon receipt of comments and recommendations, the commanding officer will review the annexation proceedings or proposal for annexation and will determine, in accordance with paragraph 5, whether or not the annexation would be in the interest of the Government. Each determination shall be in writing and shall be based on the following fully developed and supported considerations:

(1) Adverse effects, if any, such as an adverse effect on arrangements for or the cost of utilities, fire and policy protection, schools, other essential services, or any other adverse effect upon the mission of the activity.

(2) Demonstrable benefits, if any, such as the improved provision of utilities, fire and policy protection, schools, or a reduction in the costs thereof.

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c. Upon determining that annexation would not be contrary to the interest of the Government, the commanding officer shall:

(R)

(1) Advise the annexing municipality that the Department of the Navy will not oppose annexation.

(2) Take such other action as may be required by state law to consent to the annexation.

(3) Promptly provide a copy of each such determination to the chain of command, the Commander, Naval Facilities Engineering Command, the Chief of Naval Operations or the Commandant of the Marine Corps, and the Assistant Secretary of the Navy (Shipbuilding and Logistics).

d. Upon determining that annexation would not be in the interest of the Government, the commanding officer shall submit a request for prior approval to protest annexation to the Assistant Secretary of the Navy (Shipbuilding and Logistics). Such request will be submitted via the chain of command, the Commander, Naval Facilities Engineering Command and the Chief of Naval Operations or the Commandant of the Marine Corps. Each request shall include:

(R)

(1) Copies of commanding officer's written determination.

(2) Summary of applicable laws.

(3) The title held by the United States in the property.

(4) The legislative jurisdiction held by the Government.

(5) The reasons advanced for annexation by the proponents.

(6) Interest, if any, of other municipalities or organizations in the area.

(7) A vicinity map showing the boundaries of Government property, the limits of the annexing municipality and the area proposed for annexation.

Upon receipt of prior approval of the Assistant Secretary of the Navy (Shipbuilding and Logistics), the commanding officer shall take appropriate action to protest the annexation.

e. When the time allowed during which protest may be filed is too short to obtain comments, recommendations and final decision

(R)

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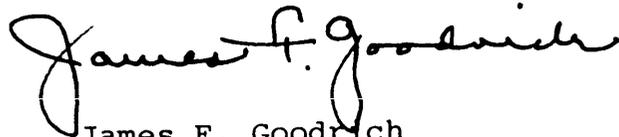
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by the Assistant Secretary of the Navy (Shipbuilding and Logistics), the commanding officer shall:

(1) Enter an appearance in the proceeding and request an extension of time.

(2) Enter a protest to assure that the Government's interests in the matter are not forfeited.

(3) Provide advance information to the Assistant Secretary of the Navy (Shipbuilding and Logistics), with copy to all addressees listed in paragraph 7d, of any action taken to secure additional time or enter a protest in the proceeding



James F. Goodrich  
Acting Secretary of the Navy

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