

105TH CONGRESS  
1ST SESSION

# S. 1381

To direct the Secretary of the Army to convey lands acquired for the Candy Lake project, Osage County, Oklahoma.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1997

Mr. NICKLES introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To direct the Secretary of the Army to convey lands acquired for the Candy Lake project, Osage County, Oklahoma.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. DEFINITIONS.**

4       In this Act:

5               (1) FAIR MARKET VALUE.—The term “fair  
6       market value” means the amount for which a willing  
7       buyer would purchase and a willing seller would sell  
8       a parcel of land, as determined by a qualified, inde-  
9       pendent land appraiser.

1           (2) PREVIOUS OWNER OF LAND.—The term  
 2           “previous owner of land” means a person (including  
 3           a corporation) that conveyed, or a descendant of an  
 4           individual who conveyed, land to the Army Corps of  
 5           Engineers for use in the Candy Lake project in  
 6           Osage County, Oklahoma.

7           (3) SECRETARY.—The term “Secretary” means  
 8           the Secretary of the Army.

9   **SEC. 2. LAND CONVEYANCES.**

10          (a) IN GENERAL.—The Secretary, acting through the  
 11          Real Estate Division of the Tulsa District, Army Corps  
 12          of Engineers, shall convey, in accordance with this section,  
 13          all right, title, and interest of the United States in and  
 14          to the land acquired by the United States for the Candy  
 15          Lake project in Osage County, Oklahoma.

16          (b) PREVIOUS OWNERS OF LAND.—

17               (1) IN GENERAL.—The Secretary shall give a  
 18               previous owner of land first option to purchase the  
 19               land described in subsection (a) that was owned by  
 20               the previous owner of land or by the individual from  
 21               whom the previous owner of land is descended.

22               (2) APPLICATION.—

23                       (A) IN GENERAL.—A previous owner of  
 24                       land that desires to purchase the land described  
 25                       in subsection (a) that was owned by the pre-

vious owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under section 3.

(B) FIRST TO FILE HAS FIRST OPTION.—

If more than 1 application is filed for a parcel of land described in subsection (a), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(3) IDENTIFICATION OF PREVIOUS OWNERS OF

LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(4) CONSIDERATION.—Consideration for land

conveyed under this subsection shall be the fair market value of the land.

(c) DISPOSAL.—Any land described in subsection (a)

for which an application has not been filed under subsection (b)(2) within the applicable time period shall be disposed of in accordance with the Federal Property and

1 Administrative Services Act of 1949 (40 U.S.C. 471 et  
2 seq.).

3 (d) EXTINGUISHMENT OF EASEMENTS.—All flowage  
4 easements acquired by the United States for use in the  
5 Candy Lake project in Osage County, Oklahoma, are ex-  
6 tinguished.

7 **SEC. 3. NOTICE.**

8 (a) IN GENERAL.—The Secretary shall notify—

9 (1) each person identified as a previous owner  
10 of land under section 2(b)(3), not later than 30 days  
11 after identification, by United States mail; and

12 (2) the general public, not later than 30 days  
13 after the date of enactment of this Act, by publica-  
14 tion in the Federal Register.

15 (b) CONTENTS OF NOTICE.—Notice under this sec-  
16 tion shall include—

17 (1) a copy of this Act;

18 (2) information sufficient to separately identify  
19 each parcel of land subject to this Act; and

20 (3) specification of the fair market value of  
21 each parcel of land subject to this Act.

22 (c) OFFICIAL DATE OF NOTICE.—The official date  
23 of notice under this section shall be the later of—

24 (1) the date on which actual notice is mailed;

25 or

- 1 (2) the date of publication of the notice in the
- 2 Federal Register.

