

106TH CONGRESS
2D SESSION

S. 2260

To allow property owners to maintain existing structures designed for human habitation at Lake Sidney Lanier, Georgia.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2000

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

A BILL

To allow property owners to maintain existing structures designed for human habitation at Lake Sidney Lanier, Georgia.

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. SHORT TITLE.**

4 This Act may be cited as the “Lake Sidney Lanier
5 Home Preservation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

8 (1) LAKE.—The term “Lake” means the Lake
9 Sidney Lanier, Georgia, project of the United States

1 Army Corps of Engineers authorized by the Act of
2 July 24, 1946 (60 Stat. 634).

3 (2) FEE LANDS.—The term “fee lands” means
4 the lands acquired in fee title by the United States
5 for the Lake.

6 (3) FLOWAGE EASEMENT.—The term “flowage
7 easement” means the interest in land which the
8 United States acquired that provides the right to
9 flood to the elevation 1,085 feet above mean sea
10 level, among other rights, on lands surrounding the
11 lake.

12 (4) EASEMENT PROHIBITION.—The term “ease-
13 ment prohibition” means the rights acquired by the
14 United States in the flowage easements to prohibit
15 structures for human habitation.

16 (5) ELIGIBLE PROPERTY OWNER.—The term
17 “eligible property owner” means a person that owns
18 a structure for human habitation that was con-
19 structed prior to January 1, 2000, and is located
20 upon fee lands or in violation of the flowage ease-
21 ment.

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of the Army.

1 **SEC. 3. HUMAN HABITATION PROHIBITION.**

2 (a) IN GENERAL.—Not later than 120 days after the
3 date of enactment of this Act, the Secretary shall estab-
4 lish, and provide public notice of, a program to convey the
5 right to maintain existing structures for human habitation
6 on fee lands or to release the easement prohibition for ex-
7 isting structures for human habitation from the flowage
8 easements to eligible property owners.

9 (b) REGULATION.—To carry out subsection (a), the
10 Secretary shall issue regulations that—

11 (1) require the Corps of Engineers to suspend
12 any activities to require eligible property owners to
13 remove structures for human habitation encroaching
14 on fee lands or flowage easements;

15 (2) provide that a person who owns a structure
16 for human habitation on land adjacent to the Lake
17 shall have a period of 1 year after the date of enact-
18 ment of this Act to request that the Corps of Engi-
19 neers resurvey the property of the person to deter-
20 mine if the person is an eligible property owner
21 under this Act and to pay the costs of the resurvey
22 to the Secretary for deposit in the Corps of Engi-
23 neers project account in accordance with section
24 2695 of title 10, United States Code;

25 (3) provide that when a determination is made,
26 either through private survey or through the Govern-

1 ment's boundary line maintenance surveys, that a
2 structure for human habitation is situated upon the
3 fee lands or flowage easements, the Corps of Engi-
4 neers shall notify immediately the property owner by
5 certified mail, and the property owner shall have a
6 period of 90 days from receipt of the notice in which
7 to establish that the structure was constructed prior
8 to January 1, 2000, and, therefore, that the prop-
9 erty owner is an eligible property owner under this
10 Act;

11 (4) provide that any private survey is subject to
12 review and approval by the Corps of Engineers to
13 ensure that it conforms to the Government's bound-
14 ary line;

15 (5) require the Corps of Engineers to offer to
16 an eligible property owner either a conveyance or re-
17 lease that—

18 (A) on fee lands, conveys by quitclaim deed
19 the minimum land required to maintain the
20 human habitation structure, reserving the right
21 to flood to the elevation 1,085 feet above mean
22 sea level, if applicable;

23 (B) in flowage easements, releases by quit-
24 claim deed the prohibition of structures for
25 human habitation;

1 (C) provides that the existing structure
2 cannot be extended further onto fee lands or
3 into the flowage easement nor additional struc-
4 tures for human habitation placed in either fee
5 lands or flowage easement; and

6 (D) provides that the United States shall
7 not be liable or responsible for damage to prop-
8 erty or injury to persons caused by operation of
9 the Lake and no claim to compensation shall
10 accrue from the exercise of the flowage ease-
11 ment rights and that such waiver of any and all
12 claims against the United States shall be a cov-
13 enant running with the land and is fully bind-
14 ing upon heirs, successors, assigns, and pur-
15 chasers of the property so released; and

16 (6) provide that the eligible property owner ei-
17 ther shall agree to an offer under paragraph (5)
18 within 90 days after the offer is made by the Corps
19 of Engineers or shall comply with the real property
20 rights of the United States and remove the structure
21 for human habitation and any other unauthorized
22 real or personal property.

23 (c) OPTION TO PURCHASE INSURANCE.—Nothing in
24 this Act precludes a property owner from purchasing flood
25 insurance to which he or she may be eligible.

1 (d) PRIOR ENCROACHMENT RESOLUTIONS.—Noth-
2 ing in this Act shall affect previously resolved encroach-
3 ments at the Lake, whether through sale, exchange, vol-
4 untary removal, or alteration or removal through litiga-
5 tion.

6 (e) PRIOR REAL PROPERTY RIGHTS.—Nothing in
7 this Act shall take away, diminish, or eliminate any other
8 real property rights acquired by the United States for the
9 Lake or shall affect the ability of the United States to
10 require the removal of any and all encroachments that are
11 constructed or placed on United States real property or
12 flowage easements at the Lake after December 31, 1999.

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