

116TH CONGRESS
2D SESSION

H. R. 5960

To require the Secretary of the Army to convey certain Federal property
in the State of Ohio to the Friends of Barker House.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2020

Mr. JOHNSON of Ohio introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To require the Secretary of the Army to convey certain
Federal property in the State of Ohio to the Friends
of Barker House.

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. JUDGE JOSEPH BARKER, JR., HOUSE, OHIO.**

4 (a) DEFINITIONS.—In this section:

5 (1) COUNTY.—The term “County” means
6 Washington County in the State of Ohio.

7 (2) NON-FEDERAL ENTITY.—The term “non-
8 Federal entity” means the Friends of Joseph Bark-
9 er, Jr., House, a nonprofit organization in the State
10 of Ohio.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Army.

3 (b) CONVEYANCES.—

4 (1) IN GENERAL.—Subject to subsection (d),
5 the Secretary shall convey to the non-Federal entity,
6 by quitclaim deed and without monetary consider-
7 ation, all right, title, and interest of the United
8 States in and to the real property described in sub-
9 section (c)(1).

10 (2) EASEMENT.—Subject to subsection (d), the
11 Secretary shall provide to the non-Federal entity an
12 easement over the property described in subsection
13 (c)(2).

14 (c) DESCRIPTIONS OF PROPERTY.—

15 (1) IN GENERAL.—The real property referred
16 to in subsection (b)(1) is the following (as in exist-
17 ence on the date of enactment of this Act):

18 (A) JUDGE JOSEPH BARKER, JR.,
19 HOUSE.—A certain tract of land situate in the
20 State of Ohio, Washington County, on the Ohio
21 River, and being particularly bounded and de-
22 scribed, as follows: Beginning at a point located
23 on the southern right-of-way line of Ohio Route
24 7, a new corner to the land now or formerly
25 owned by the United States of America; thence,

1 leaving the right-of-way of said Route 7 and
2 severing the land of said United States of
3 America parallel to and approximately 10' eas-
4 terly of the toe of the existing dredge disposal
5 berm, Southeasterly approximately 326 feet to
6 a point prior to the current Corps of Engineers
7 access to the dredging spoil area; thence,
8 Northeasterly approximately 480 feet paral-
9 leling the top of the slope to the riverbank side
10 of the house and approximately 25' northerly
11 therefrom; thence, Northwest approximately
12 302 feet to a point in the Southern Right-of-
13 way of Ohio Route 7; thence with the right-of-
14 way of said Route 7, Southwesterly approxi-
15 mately 485 feet to the point of beginning, con-
16 taining 3.51 acres, more or less.

17 (B) ROAD TRACT.—A certain tract of land
18 situate in the State of Ohio, Washington Coun-
19 ty, on the Ohio River, and being particularly
20 bounded and described, as follows: Beginning at
21 a point located on the southern right-of-way
22 line of Ohio Route 7, a new corner to the land
23 now or formerly owned by the United States of
24 America; thence, leaving the right-of-way of
25 said Route 7 and severing the land of said

1 United States of America and with the House
2 Parcel Southeasterly 25 feet; thence, Northeast,
3 running parallel to said Route 7 right-of-way,
4 approximately 994 feet to a point of deflection;
5 thence northeasterly 368 feet to a point beyond
6 the existing fence corner; thence, east 140 feet
7 to the edge of the existing Willow Island access
8 road; thence with said access road, Northwest-
9 erly approximately 62 feet to a point in the
10 Southern Right-of-way of Ohio Route 7; thence
11 with the right-of-way of said Route 7, South-
12 westerly approximately 1,491 feet to the point
13 of beginning, containing 1 acre, more or less.

14 (2) EASEMENT.—A certain tract of land situate
15 in the State of Ohio, Washington County, on the
16 Ohio River, and being particularly bounded and de-
17 scribed, as follows: Beginning at a point at the inter-
18 section of the southern right-of-way of Ohio Route
19 7 and the northeast side of the existing Willow Is-
20 land access road, a new corner to the land now or
21 formerly owned by the United States of America;
22 thence, southwest, running with said Route 7 right-
23 of-way, approximately 30 feet to a point on the
24 southwest side of the existing access road, and cor-
25 ner to the road tract; thence with said access road

1 and the line of the road parcel, Southeasterly ap-
2 proximately 62 feet to a point; thence leaving the
3 road parcel and crossing the existing access road
4 Northeasterly approximately 30 feet to a point lo-
5 cated on the Northeast side of the existing access
6 road; thence, northwesterly approximately 62 feet, to
7 the point of beginning, containing 0.04 acre, more or
8 less.

9 (d) REQUIREMENTS.—

10 (1) IN GENERAL.—The Secretary, in consulta-
11 tion with the non-Federal entity and relevant stake-
12 holders, shall make such improvements and alter-
13 ations to the property described in subsection
14 (c)(1)(A) as the Secretary, in consultation with the
15 non-Federal entity, determines to be appropriate to
16 facilitate conveyance of the property under this sec-
17 tion, including carrying out subparagraphs (A) and
18 (B) of paragraph (2), subject to the condition that
19 the total cost of those improvements and alterations
20 shall be not more than \$90,000.

21 (2) SURVEYS; STUDY.—

22 (A) SURVEYS.—The exact acreage and
23 legal descriptions of the property conveyed
24 under this section shall be determined by one or

1 more surveys that are satisfactory to the Sec-
2 retary.

3 (B) STUDY; REPORT.—Before providing a
4 conveyance or easement under this section, the
5 Secretary shall—

6 (i) conduct, with respect to the prop-
7 erty conveyed under this section, an envi-
8 ronmental condition of the property report,
9 including an investigation of any potential
10 hazardous, toxic, and radioactive waste;
11 and

12 (ii) submit to the non-Federal entity a
13 report describing the results of the study
14 under clause (i).

15 (C) REMEDIATION.—Before transferring
16 any property to the non-Federal entity under
17 this section, the Secretary shall comply with the
18 applicable requirements of section 120(h) of the
19 Comprehensive Environmental Response, Com-
20 pensation, and Liability Act of 1980 (42 U.S.C.
21 9620(h)).

22 (D) REFUSAL BY NON-FEDERAL ENTITY.—

23 (i) IN GENERAL.—On completion and
24 review by the non-Federal entity of the
25 study under subparagraph (B), the non-

1 Federal entity may elect to refuse any con-
2 veyance or easement under paragraph (1)
3 or (2) of subsection (b), respectively.

4 (ii) TREATMENT.—An election under
5 clause (i)—

6 (I) shall be at the sole discretion
7 of the non-Federal entity;

8 (II) may be based on disapproval
9 by the non-Federal entity of the envi-
10 ronmental condition of a tract to be
11 conveyed or subject to an easement;
12 and

13 (III) shall be made by the non-
14 Federal entity by not later than the
15 date that is 30 days after the date of
16 submission of the report under sub-
17 paragraph (B)(ii).

18 (3) RESERVATION OF RIGHTS.—The Secretary
19 may reserve and retain from any conveyance under
20 this section a right-of-way or any other right as the
21 Secretary determines to be necessary for the oper-
22 ation and maintenance of the authorized Federal
23 channel along the Ohio River.

24 (4) DREDGED MATERIAL PLACEMENT ACTIVI-
25 TIES.—The Secretary shall—

1 (A) notify and coordinate with the non-
2 Federal entity and relevant stakeholders before
3 carrying out any dredged material placement
4 activities after the date of the conveyances
5 under this section; and

6 (B) in carrying out a dredged material
7 placement activity under subparagraph (A), act
8 in accordance with Engineer Manual EM 1110–
9 2–5025 (or a subsequent version of that man-
10 ual).

11 (e) TREATMENT.—Completion of the conveyances
12 under this section shall satisfy all obligations of the Sec-
13 retary with respect to the property described in subsection
14 (c)(1)(A) under—

15 (1) section 306101 of title 54, United States
16 Code; and

17 (2) section 306108 of title 54, United States
18 Code, with respect to the effects on the property of
19 dredged material placement activities carried out by
20 the Secretary after the date of the conveyances.

21 (f) CONSIDERATION.—As consideration for the con-
22 veyance and easement provided by this section, the non-
23 Federal entity shall hold the United States harmless from
24 any liability with respect to any activity carried out by
25 a Federal officer or employee within the scope of the du-

1 ties of the officer or employee on the applicable property
2 on or after the effective date of the conveyance or ease-
3 ment.

4 (g) INAPPLICABILITY.—The following shall not apply
5 to any conveyance or easement provided under this sec-
6 tion:

7 (1) Section 2696 of title 10, United States
8 Code.

9 (2) Subtitle I of title 40, and chapter 4 of title
10 41, United States Code (formerly known as the
11 “Federal Property and Administrative Services Act
12 of 1949”).

13 (3) The National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.).

15 (4) Division A of subtitle III of title 54, United
16 States Code (formerly known as the “National His-
17 toric Preservation Act”).

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