

116TH CONGRESS
2D SESSION

S. 3335

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 SENATE OF THE UNITED STATES

FEBRUARY 25, 2020

Mr. PORTMAN (for himself and Mr. BROWN) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

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-

er, Jr., House, a nonprofit organization in the State of Ohio.

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

(b) CONVEYANCES.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary shall convey to the non-Federal entity, by quitclaim deed and without monetary consideration, all right, title, and interest of the United States in and to the real property described in subsection (c)(1).

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

(c) DESCRIPTIONS OF PROPERTY.—

(1) IN GENERAL.—The real property referred to in subsection (b)(1) is the following (as in existence on the date of enactment of this Act):

(A) JUDGE JOSEPH BARKER, JR.,

HOUSE.—A certain tract of land situate in the State of Ohio, Washington County, on the Ohio River, and being particularly bounded and described, as follows: Beginning at a point located on the southern right-of-way line of Ohio Route

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

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

1 America; thence, leaving the right-of-way of
 2 said Route 7 and severing the land of said
 3 United States of America and with the House
 4 Parcel Southeasterly 25 feet; thence, Northeast,
 5 running parallel to said Route 7 right-of-way,
 6 approximately 994 feet to a point of deflection;
 7 thence northeasterly 368 feet to a point beyond
 8 the existing fence corner; thence, east 140 feet
 9 to the edge of the existing Willow Island access
 10 road; thence with said access road, Northwest-
 11 erly approximately 62 feet to a point in the
 12 Southern Right-of-way of Ohio Route 7; thence
 13 with the right-of-way of said Route 7, South-
 14 westerly approximately 1491 feet to the point of
 15 beginning, containing 1 acre, more or less.

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

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

11 (d) REQUIREMENTS.—

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

23 (2) SURVEYS; STUDY.—

24 (A) SURVEYS.—The exact acreage and
25 legal descriptions of the property conveyed

1 under this section shall be determined by 1 or
2 more surveys that are satisfactory to the Sec-
3 retary.

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

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

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

16 (C) REMEDIATION.—Before transferring
17 any property to the non-Federal entity under
18 this section, the Secretary shall comply with the
19 applicable requirements of section 120(h) of the
20 Comprehensive Environmental Response, Com-
21 pensation, and Liability Act of 1980 (42 U.S.C.
22 9620(h)).

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

24 (i) IN GENERAL.—On completion and
25 review by the non-Federal entity of the

study under subparagraph (B), the non-Federal entity may elect to refuse any conveyance or easement under paragraph (1) or (2) of subsection (b), respectively.

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

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

(II) may be based on disapproval by the non-Federal entity of the environmental condition of a tract to be conveyed or subject to an easement; and

(III) shall be made by the non-Federal entity by not later than the date that is 30 days after the date of submission of the report under subparagraph (B)(ii).

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

1 (4) DREDGED MATERIAL PLACEMENT ACTIVI-
2 TIES.—The Secretary shall—

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

8 (B) in carrying out a dredged material
9 placement activity under subparagraph (A), act
10 in accordance with Engineer Manual EM 1110–
11 2–5025 (or a subsequent version of that man-
12 ual).

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

17 (1) section 306101 of title 54, United States
18 Code; and

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

23 (f) CONSIDERATION.—As consideration for the con-
24 veyance and easement provided by this section, the non-
25 Federal entity shall hold the United States harmless from

1 any liability with respect to any activity carried out by
2 a Federal officer or employee within the scope of the du-
3 ties of the officer or employee on the applicable property
4 on or after the effective date of the conveyance or ease-
5 ment.

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

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

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

15 (3) The National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.).

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

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