

# Full text of "Small tracts"

[See other formats](#)

BLM LIBRARY

small tracts

r~<F. v

^«\*C

>r ^>JZZ

HD

221

.L46

19 58

no . 1

c.3

UNITED STATES DEPARTMENT OF THE INTERIOR  
Fred A. Seaton, Secretary » \

BUREAU OF LAND MANAGEMENT^ \

Edward Woosley, Director " \ -

1958

- c>

Bureau of Land \* \  
DSC LIBRA

UNITED STATES  
DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Dear Reader:

This pamphlet tells how to obtain small parcels of vacant public lands from the Federal Government. It contains everything you will need to know if you are planning to obtain a small tract, including the official regulations with which you must comply. You will also find information on how to use the official public land survey system to write the legal description of public land tracts. Some of the more technical words used in connection with small tracts are also defined.

If after studying this pamphlet you have any specific questions or problems, you should write to the Bureau of Land Management Land Office which is nearest the area in which you are interested.

We are pleased to serve you.

Sincerely yours,

BUREAU OF LAND MANAGEMENT

"mE\*^

## Small Tracts

IN 1938 CONGRESS passed a law- called the Small Tract Act- by which it is possible for any citizen to obtain certain lands from the Federal Government for residence, recreation, or business purposes. These lands are not free. Sometimes they are not expensive, but they often cost several hundred dollars. Some very desirable tracts have sold for several thousand dollars.

## Public Lands Are Not "Free"

Contrary to some opinion and the statements of uninformed people, there are no "free" lands available from the Government. Under all of the laws by which people may obtain land from the Government some sort of expenditure of money is necessary.

//D

I1S8  
C.3

## Small Tracts Are Not Like Homesteads

Homesteads, for example (which are not at all like small tracts), may be obtained only after a person has built a permanent home on the land and after he has cleared and cultivated a part of the land and made it into a farm. Homesteading today is very expensive ; as you can understand there is very little agricultural public land left that would be suitable for farming. In other cases, such as small tracts, lands are leased or sold at prices that are never less than their appraised fair market value. Many of these lands are sold by competitive

biddin S BUREAU OF LAND MANAGEMENT LIBRARY

Denver, Colorado

88615413

#### Small Tracts Handled by Bureau of Land Management

The Bureau of Land Management, which is part of the United States Department of the Interior, is the Government agency in charge of the small tract program. Applications for small tracts and other small tract procedures are handled in the Bureau of Land Management Land Offices. This program is one of the many activities of this Bureau which manages over 475 million acres in the continental United States and Alaska.

#### Land Classification

Before anyone may obtain vacant public lands for small tracts, the Bureau of Land Management must examine the lands to find out if they are chiefly suitable for that kind of development. This procedure is called land classification. Through the land classification process, the Nation and all of the people are assured that the remaining public lands will be put to their highest use or best tenure of ownership.

As of 1957, over 400,000 acres have been classified for small tracts, and more than 17,500 people have received title to these tracts. Over 32,000 small tract leases involving more than 138,000 acres of public lands were in effect in the summer of 1957, in the United States and Alaska. At that time about 29,000 additional small tract applications were pending in the Land Offices of the Bureau of Land Management.

#### Vacant Public Lands

Of the 168 million acres of vacant public land in the continental United States, more than 99 percent is located in the 11 western States. Most of these lands are rough and mountainous or arid and semiarid. However, a significant portion of these lands may be suitable for lease or sale under the Small Tract Act.

There are about 270 million acres of vacant public lands in Alaska. Although there are many areas in which desirable small tracts might be located,

most of the lands in Alaska are unsurveyed, practically inaccessible, and a long way from any town or settlement.

The table shows the acreage of vacant public land by States. You will see that 23 States contain no vacant public lands at all. You will also see that there are virtually no vacant public lands in Alabama, Arkansas, Florida, Indiana, Kansas, Louisiana, Michigan, Missouri, Nebraska, and Wisconsin. It is not usually possible to obtain small tracts in any of these States.

Approximate Acres of Vacant Public Lands as of June 30, 1958

Alabama 6, 000 Mississippi 8, 800

Alaska 270, 000, 000 Missouri 0)

Arizona 12, 600, 000 Montana 6, 600, 000

Arkansas 5, 000 Nebraska 6, 000

California 16, 000, 000 Nevada 45, 800, 000

Colorado 8, 000, 000 New Mexico 13, 000, 000

Florida 2, 500 North Dakota 78, 900

Idaho 11,400,000 Oregon 13,000,000

Indiana 0) South Dakota 274, 000

Kansas 1, 400 Utah 24, 200, 000

Louisiana 7, 000 Washington 412, 000

Michigan 2, 700 Wisconsin 2, 000

Minnesota 64, 600 Wyoming 16, 100, 000

1 Negligible.

Note. – There are no vacant public lands in the States of Connecticut, Delaware, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia.

## Small Tracts Not Allowed on Reserved Lands

Lands within the National Forests, National Parks, National Monuments, Indian lands, wildlife refuges, and certain other types of reservations are not available for small tracts.

## What Are Small Tracts and How Big Are They?

Under the small tract law, small parcels of vacant public land may be leased or sold if they are chiefly valuable for residential, recreation, business, or community sites. These tracts may not usually be larger than 5 acres. A 5-acre tract would be one which is 660 feet long and 330 feet wide or its equivalent. However, a small tract may be 1\*4 acres or 2/2 acres instead of 5 acres. The size of the tract depends on the kind of land it includes, the use to which it can or will be put, and other factors.

To qualify as a residential site, land must be suitable for seasonal or year-round use as a home for a family. A recreation site may include land suitable for a house or cabin for weekend or vacation use. A business site is a tract upon which one could conduct a business, such as a store, or service station. There are many other types of business, commercial, or industrial activities which may be done on small tracts under certain conditions. A community site would be one upon which a nonprofit corporation or association or local government agency would develop a community facility such as a park or school.

## Who May Obtain a Small Tract?

Anyone who is a citizen of the United States may qualify for a small tract. Generally, a family living together will only need one tract. Small tracts may also be obtained by corporations, partnerships, associations, or government agencies. No persons or organizations may acquire more than one small tract unless they can prove that they have a special need for it.

## Three Ways to Obtain Small Tracts

There are three ways in which small tracts may be used or bought. Two of these methods have variations. They are as follows.

### Lease Only

These tracts are by lease only at a rental fixed by appraisal. They may not be purchased. This method is used in all areas where the sale of lands would not be in the public interest. It is the only method authorized in the "O&C forest lands in western Oregon.

Lands classified for lease only may be leased for periods up to 20 years. Improvements (such as a house) must be suitable for the use to which the lands are put and must be acceptable to the Bureau of Land Management. Generally they must be constructed by the lessee during the first 5 years of the lease. These leases may be renewed if the person satisfactorily complies with the terms of the lease.

#### Lease and Sale

These tracts are by lease and sale— that is, leased with the right to purchase (called an option) at a price fixed by appraisal. This method is used where the public interest requires some measure of Federal control over the development of the lands prior to purchase. Lands classified for lease and sale are usually leased for a 2- or 3-year period during which improvements (such as a house) acceptable to the Bureau of Land Management must be constructed. After completing the improvements, the person may buy the tract at the appraised value. The lease is a legal contract with the Government. Failure to comply with the lease terms may mean loss of the tract.

Instead of qualifying to purchase a tract by constructing improvements, a person may enter into a binding agreement (covenant) with his neighbors to observe standards of building, sanitation, and health requirements in the development of their leased tracts as required by the terms of their leases. People who participate in such an agreement may (after permission from the Bureau of Land Management) exercise their option to purchase without completing the improvement requirements beforehand.

V

E\*W

ir



## Direct Sale

These tracts are sold by direct sale or outright purchase without leasing. This method is used only where the public interest does not require Federal control of the development of the lands prior to purchase. In such cases, local laws or ordinances, such as zoning and building codes, exist to supervise and control construction, health and sanitation standards. Direct sales may be made at a public auction (by competitive bidding) with minimum bids not less than the appraised value, or direct sales may be made at the appraised value to an applicant who applied before the lands were classified. When lands are sold by direct sale to a preference applicant or at auction, a patent (land title document) is issued without requiring the construction of improvements.

## Obtaining a Small Tract

The method of obtaining a small tract depends on whether or not the land has already been classified for small tracts. If the land has already been classified for small tracts, it means that the Bureau of Land Management has examined the lands and determined that they are chiefly valuable for that kind of development. If the lands are not classified, it means that the Bureau has not yet

decided whether the lands should be used for small tracts. Some lands are specifically classified for uses other than small tracts.

Sometimes the Land Office records will show that certain lands are under consideration for small tract classification. This means that the Bureau knows or believes that these lands may be suitable for small tracts but that a final decision on the proper classification of the lands has not yet been reached. No small tract application may be filed for lands noted as "pending classification." If and when these lands are classified for small tracts, the classification order will tell how to apply for the lands.

The Bureau closes lands to application when they are pending classification so that people do not file competing and conflicting applications for the same lands. This permits the Government to develop an orderly and equitable small tract program in the area.

## Some Lands Are Not Classified for Small Tracts

Lands are not classified for small tracts when it would have an unduly bad effect on conservation and management of natural resources, or on the community or local governments involved as a result of isolated or scattered settlement. The Bureau will not permit uncontrolled, nonconforming uses that conflict with community or area plans of development. Neither will undesirable types of construction along public highways or scenic areas be tolerated. The Federal Government does not ordinarily do detailed subdivisional planning and development, or handle zoning and building codes. These are the functions of local agencies. The Government ordinarily reserves rights-of-way for public roads or streets and for public utilities, but it assumes no responsibility for the construction of roads or the development of utilities including water supplies.

#### Obtaining Available Small Tracts

The quickest and easiest method of obtaining a small tract is to confine one's search to tracts which have already been classified and made available. Such lands have already been surveyed, examined, and appraised by the Bureau of Land Management.

#### Classification Orders

The classification orders which provide for the lease or sale of small tracts are published in the Federal Register and posted in the local Land Office. A sample classification order is shown on page 9.

8

#### Sample Classification Order As Published in Federal Register

I California 496 |  
California  
small tract classification order  
January 31, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, document 4. California State

Office, dated November 19, 1954 (19 P. R. 7697) . I hereby classify under the Small Tract Act of June 1. 1938, as amended (43 U. S. C. 682a), the tracts of public land in Butte County, California, described below, for lease and sale for residence purposes only:

T. 20N..R. 6E..M. D. M..  
Sec. 29, Si/ z N>/ 2 .

The lands comprise 64 small tracts and contain a total of 160 acres. Seven applications from persons entitled to preference under 43 CPR 257.5 (a) have been filed on the land.

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to application under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are accessible from Feather Falls via asphalt-paved road which passes through the SW&NE4. Several dirt roads also pass through the lands. The lands are located approximately 3 miles southwest of Feather Falls and 20 miles northeast of Oroville.

The lands involved are moderately sloping to rolling. The elevation from 1,750 to 2,250 feet above se

The vegetation consists of spersion of scattered young ti and black oak woodland and cea" manzanita brush

There are two or three small spring on the land and domestic water cou be developed easily from \yells

4. The lands will be leas

tracts of 2 1 / 2 acres each  
 approximately 330 x 330  
 described as aliquot pa  
 The tracts will be sub,  
 rights-of-way. Righ  
 in width, for street an  
 and for public utili  
 along the north  
 S 1 / 2 S 1 / 2 S 1 / 2 N 1 / 2 and  
 minerals in the lands  
 to the United

5. Leases wil<sup>^</sup>be<sup>></sup>4ssued to qualified  
 applicants for a terta<sup>^</sup>f-three (<3) years  
 and will contain an optren to purchase  
 in accordance-Trrth-49-efiR 257.13. The  
 appraised vaHdOJTT-We-tracts is \$200.00  
 each. The anmhi//ental is \$10.00 per

improvements is justified under the cir-  
 cumstances and nonrenewal would  
 work an extreme hardship on the

tract, payable ii  
 lease peri;;  
 the ger  
 their le  
 chase t\  
 above  
 of their

Jvance for the full

who comply with

ind conditions of

permitted to pur-

the price indicated

iat during the period

either ia> construct

the improvements specified in paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that their acquisition of the

of another tract  
circumstances

7. The improvements;  
paragraph 5  
health, sanitation  
requirements  
must, in addition to  
standards

The dwelling  
for year  
foundations

erred to in  
nform with  
struction re-  
inances and  
the following

must be suitable  
on a permanent  
h a minimum of 400  
space. It must be  
like manner out of  
Is properly finished,  
and sanitary facili-  
installed. Conventional  
ht slab, or masonry  
e acceptable. Concrete  
acceptable as foundations,  
are now open to filing of  
ry cards (Form 4-775) only  
ns entitled to veterans' prefer-  
brief , persons entitled to such  
e are (a) honorably dis-  
veterans who served in the  
forces of the United States for  
a period of at least 90 days after Sep-  
tember 15, 1940, (b) surviving spouse  
or minor orphan children of such vet-  
erans, and (c) with the consent of the  
teran, the spouse of living veterans,  
'e 90-day requirement does not apply  
veterans who were discharged on ac-  
count of wounds or disability incurred  
in the line of duty or the surviving  
spouse or minor children of veterans  
killed in the line of duty. Drawing-  
entry cards (Form 4-775) are available  
upon request from the Manager, Land  
Office, California Fruit Building, Room

1000, 4th and J Streets, Sacramento 14,  
California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., June 7, 1957. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776), with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to January 31, 1957, will be granted the preference right provided for by 43 CFR 257.5 (a).

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, California Fruit Building, Room 1000, 4th and J Streets, Sacramento 14, California.

Jean M. F. Dubois,  
Acting Officer in Charge,  
Northern Field Group,  
Sacramento, California.  
[F. R. Doc. 57-894; Filed, Feb. 6. 1957;  
8:46 a. m.]

477554 0- 58-

The Federal Register is available in most libraries and by regular subscription from the Superintendent of Documents, U. S. Government Printing Office,

Washington 25, D. C, at \$1.50 a month or \$15 a year, payable in advance. Many people have been able to obtain small tracts by following the notices in the Federal Register.

Local press releases are often made as a matter of news interest. Copies of current classification orders may be obtained from the local Land Office administering the land.

The classification orders will always give the time, place, and method of obtaining the tracts.

#### Veterans' Preference

Veterans of World War II and the Korean conflict have a priority for small tract lands which are made available for the first time by the Bureau of Land Management. This means that for at least 90 days after the lands are first "opened" or made available, veterans have a preference in applying for the lands. The conditions and the procedures for making application are explained in the classification order.

#### Two Methods

There are two basic methods by which the Bureau of Land Management leases or sells lands classified for small tracts before applications by the public, or small tracts which once were under lease. The latter group of lands have returned to the Government because the lessee did not purchase his tract before the expiration of his lease.

#### Public Auction

One method is to hold a public auction. At these auctions generally both mail and oral bids are accepted and the lands are sold directly to the highest bidder. In no case may the bid be less than the appraised fair market value. The purchaser receives title without any compulsory improvement requirements.

#### Public Drawing

The other method involves a drawing. Participants are required to file a drawing entry card instead of the usual application form. This card must be properly filled out and returned to the Land Office by the specific date set for each drawing. Following the drawing, successful applicants are required to



complete application Form 4-776 and pay the necessary fees and rentals. A lease is then issued.

10

If the lands have been classified for lease and sale, this lease will contain an option to purchase at the appraised value. The lessee is required to construct substantial improvements on the tract (such as a house) suitable for the type of use specified in the classification order, unless the lessee qualifies under the "binding agreement" provision of the regulations. All such improvements would, of course, be subject to local building codes and zoning regulations as well as the conditions set out in the lease form and classification order.

#### Small Tracts on Unclassified Lands

It may be that the State in which you are interested will not have available public lands already classified for small tract purposes. In that case it will be necessary to locate and make application for a tract of public land which has not yet been classified.

Persons who apply for unclassified land should expect considerable delay in obtaining a tract. A detailed field examination and appraisal of the lands must be scheduled and conducted. This examination may reveal a conflict with another application under the public land laws, an unpatented mining claim, or some other conflict involving the lands. In such situations, the analysis for the proper classification of the lands and the resolution of the conflict may require a long time.

#### Preference Right

Should the unclassified lands applied for be later classified as suitable for small tracts, the applicant would have a preference right to the tract. That means

he is given first chance to acquire the tract for which he applied regardless of other applications filed at some later date.

If the lands are later classified for small tracts, the order may specify the size of a tract and other terms or conditions that are different from what the

person had in mind when he applied. In spite of the preference right, the person must agree to all the terms of the classification order before he can obtain a small tract.

### Locating Suitable Public Land

It is usually necessary to go to one of the Land Offices to find out where unclassified public lands are located. The addresses of these offices are in the back of this booklet.

### Land Locators and Filing Services

There are many people or businesses that perform various services for public land applicants for a fee. Such businesses include the activity known as "land locator" services. Land locators often perform such jobs as examining the status of lands on the public land records, inspecting the characteristics of public lands on the ground, filling out application blanks, or preparing supplementary information that may be required with the application.

None of the "land locators" services is licensed or regulated by the Federal Government.

### Not Required by Government

The Government does not require anyone to use the services of a land locator or filing service. All that is necessary is that the applicant comply with the laws and regulations and submit a proper application.

Whether a public land applicant wishes to hire the services of a land locator or filing service to assist him in finding a suitable tract of vacant public land and in preparing an application is strictly a matter of choice for the individual. The Bureau of Land Management neither encourages nor discourages the use of "land locator" services.

In general, most locator services complete their contract with the applicant when he "receives the official receipt from the Land Office." The Land Office receipt is not an approval of the application or a permit to occupy the land. The receipt is only an acknowledgment that the application is on file and that the filing fee and advance rental have been received. The receipt in no way implies that the application will eventually be approved.

### Avoiding Conflicts in Applications

If a person decides to hire a land locator's services, he should assure himself that the locator has not filed his application on land already under application. Such "top filings" generally result in rejection of the second application and, because small tract filing fees are retained by the Government, it would mean the loss of the filing fee. It is up to the applicant to find out if the desired land is available— this means someone must examine the land records in the Land Office to determine the status of the land.

In the real estate business realtors do not usually earn their fee until the final sale has been completed. Up until that time, a person only makes a deposit of "earnest" money to show his good faith. If the deal later falls through, the realtor will return the money deposited. People doing business with land locators or filing services would do well to obtain similar agreements. This would mean that a person would not lose his money if his application is later denied. Such arrangements, of course, would have to be worked out directly with the locator or filing service.

### General Lists and Maps of Land Are Not Available

A comprehensive map or list of available lands would be useful to prospective applicants for public lands. Because the status of public lands changes so rapidly, however, it is impractical to compile complete maps or lists of available lands. When lands are to be opened for application under the public land laws, notices are posted in the Land Offices and published in the Federal Register. Many people have been able to secure lands by following these announcements. While it is not a regular practice to compile comprehensive maps of available lands, some Land Offices do have maps showing the location of certain public lands. Where available, you may always inspect them in the Land Office and sometimes you may buy them. The official public land records are maintained in the Land Offices. The status of any specific tract may be checked there during the regular public hours (from 10 a. m. to 3 p. m. on regular working days) .

### Status of Specific Tracts Available

It is not possible to furnish diagrams of land status showing which tracts remain open to the filing of applications. If a person is interested in a specific tract and can furnish the Bureau with a complete legal description of the land, the Land Office will supply the status of the tract without charge. Often the land

records maintained by the local government recording office (such as the County Assessor) show the location of public lands. A visit to this office might be helpful.

13

### Inspect the Lands

After compiling a list of public lands which might be suitable for small tract development, it would be wise to inspect the areas and get first-hand information about the land to make sure that the tract is what you want. Also, the Bureau will not accept an application for a small tract unless the applicant certifies that he has personally inspected the tract desired in his application, or lands within 1 mile of that tract.

### Getting All the Information

A prospective applicant should also try to learn whether the lands are subject to someone else's existing valid rights, such as mining claims, or rights-of-way. Local government offices should be contacted to obtain information on local building codes, zoning regulations, and taxes.

### Filing an Application

After you have obtained all the information about the land that a person would normally want when he is buying real estate, you should then file an application on Form 4-776 with the Land Office having jurisdiction over the lands. Application forms are available from the Land Offices.

### Fees and Charges

The application should be accompanied by a \$10 service fee and \$15 toward the advance rental charge. The advance rental for business sites is \$100. The

\$10 service fee is retained by the Government and cannot be refunded. The advance rental will be returned to the applicant if he does not later obtain the tract. After the application has been received in the Land Office, the Bureau will send you a receipt for it. This receipt is only an acknowledgment that it has been received and does not mean the application has been approved.

### Field Examination and Investigations

Upon receiving the application, the Bureau will conduct the necessary investigations to determine whether the lands are indeed chiefly valuable for small tracts. The Bureau cooperates with local planning and zoning officials in deciding whether the lands are suitable for development, to insure proper layout of tracts, surveys, and solution of associated problems.

### Formal Classification

Upon completion of the investigation, the lands are classified. The classification, among other things, includes information regarding the authorized use of the tract, the method of disposal, a description of the tract itself (showing its size, shape, and other features), the price of the tract, and the amount of rental when required. It will also specify the width and exact location of reserved rights-of-way for roads, streets, and public utilities, the terms of the lease, and improvement requirements when appropriate.

### How Long Does it Take to Obtain a Small Tract?

The question is often asked, "If I file an application, how long will it take before I obtain a tract?" There is no simple answer to this question. In some States and under some circumstances, the time may be less than a year. However, when an application is filed for unclassified lands, it generally takes 2 or more years before an answer can be given. Of course, there is always the possibility that the land will be considered as unsuitable for small tracts and the application would be denied.

Processing an application for unclassified land takes so long because the Congress has passed many laws affecting use of public lands. Applications for a wide variety of uses may be filed for unclassified lands. In order for land to be classified and opened for small tracts, all competing uses or demands must be rejected. People who have previously used the land or those having competing applications on file must be notified and given the right of appeal when

their lease or application is rejected. Therefore, you can see why it takes a long time to process an application for unclassified lands. The fastest way to obtain a small tract is to apply for land already classified for small tracts.

15

## Other Things You Should Know

BEFORE ATTEMPTING to acquire a small tract, a person should familiarize himself with the public land survey system. It is by this system that small tracts are identified, located on the ground, and described in applications and other records.

## Townships

The primary unit of the public land survey system is the township. A township is a square, 6 miles on each side, or a total area of 36 square miles. Townships are laid out like the squares on a checkerboard, with the boundary lines running north-south and east-west. The township boundaries tie into the system of land survey coordinates (or reference lines) called principal meridians and base lines.

## Principal Meridian and Base Line

A principal meridian is a line running north and south from an initial point, the latitude and longitude of which is known. There are now 36 principal meridians which govern the public land surveys.

A base line, running east and west, is a line passing through the initial point and perpendicular to the principal meridian.

## Ranges

When using a public land survey map or plat, a person may identify the township by locating it in terms of its principal meridian and base line. This is done by counting the number of townships north or south from the base line and then counting the number of townships (called ranges) east or west from

the principal meridian. By combining the results of both counts the location (coordinates) of any township can be determined.

#### Shorthand Method

In order to avoid writing out a lengthy description of a township's location, a shorthand method of describing their location has been devised. For example,

16

in the illustration the shaded township is located two townships south of the base line and three townships, or ranges, west of the principal meridian. In short form, the location of the shaded township would be written "T. 2 S., R. 3 W." In formal land descriptions it is also necessary to include the name (or abbreviation) of the principal meridian.

#### GENERALIZED DIAGRAM OF THE RECTANGULAR SYSTEM OF SURVEYS

West

- TOWNSHIP GRID

North

T2S,  
8 3W

BASE

LINE

1 Va

o/nt

South

East

TOWNSHIP 2 SOUTH, RANGE 3 WEST

6

5

4

3

,2

1

7

8

9



10

11

12

18

17

16

15

Section

14

13

19

20

21

22

23

24

30

29

28

27

26

25

31

32

33

34

35

36

r  
/

SECTION 14

\*

&

Northeast  
.\_quarter\_\_

NE 1 / 4

14

Nj/ 2 SWJ4

West |

east |  
quarter!

477554 0-58-

17

Seciions

The principal subdivision of each township is an area 1 mile square called a section, of which there are 36, laid out in checkerboard fashion. Beginning in the northeast corner of the township, each section is numbered from 1 through 36. Section lines may be located on the ground by permanent monu-

ments placed where they meet. These monuments or markers are usually an iron pipe 2/2" in diameter with a brass cap on which numbers identifying the corner are stamped. In order to identify a section of land (containing 1 square mile, or 640 acres), then, it is necessary to give the principal meridian, township, range, and section number. For example, the description of the unshaded section in the illustration would be written "Section 14, T. 2 S., R. 3 W," and the name of the principal meridian. Although the name of the State is not required, it is usually added for convenience.

### Quartering a Section

Because it is often necessary to describe an area of less than 640 acres, a system has been devised for further subdivisions of each section. This is done by a process known as "quartering." Monuments marking subdivisions are set in the ground to permit the identification of these subdivisions in the field. Quarters of the section or simple combinations of quarters are described by compass direction (see illustration). The first quarter-section (160 acres) can be further subdivided into quarter-quarters, thereby making it possible to describe the location of an area 40 acres in size. These can be further subdivided in the same manner into areas as small as 5, 2 1/2 or 1\*4 acres, which can be described by legal subdivision.

### Smaller Parts of a Section

Under this system of land survey and description it is possible to accurately locate any quarter division (known as an "aliquot part") of a section of land. Irregular parcels are called "lots" and are given numbers. One of the principal advantages of this system of land description is that the method allows land to be divided into very small legal subdivisions by simply drawing lines on a map without an actual detailed field survey.

This system of land description is used throughout the United States and Alaska. It is generally necessary for people to describe or identify lands in this manner when dealing with surveyed public lands.

Measurements may be made from public survey monuments in the general area to locate a particular tract. The Bureau of Land Management does not directly help lessees or purchasers of small tracts to find the corners or boundaries of small tracts. In some cases, it may be necessary for the person to have a private surveyor determine the exact boundaries of his tract. When there

are several tracts in the same area, the people sometimes get together and have the boundary lines of all their tracts surveyed at the same time.

### Marking and Describing Unsurveyed Land

Though the public land survey system has been extended across much of the United States, there are areas (especially in Alaska) where surveys have not been made. On unsurveyed land it is necessary to describe the location of public land tracts by what are known as "metes" and "bounds."

### Metes and Bounds

A metes and bounds description begins at a certain well-defined starting point and then traces the exterior boundaries by courses (directions) and distances. The starting point should be described in relation to a survey marker or monument, or to a natural marker such as the mouth of a stream, a bridge, a road, or a prominent outcropping of rock or similar object. Where possible, the starting point should also tie in with a road, a highway, a milepost, or a similar man-made object.

The starting point should be plainly marked on the ground, with either a pile of stones, a tree blazed on four sides, or some other prominent marker. Where it is not possible to tie the starting point in with a survey monument or marker, the latitude and longitude must be given with as much accuracy as possible. Latitude and longitude can be read from a good map of the area.

The tract on unsurveyed land should be described by all of its boundaries. For example, here is a metes and bounds description of a tract.

Located on the west shore of Lake Louise beginning at Corner No. 1, a 4" x 4" spruce post located on the shore at the mouth of a small creek at Latitude 62°20'30" N. and Longitude 146°38'30" W., thence 660 feet west to Corner No. 2 marked by a blazed tree, thence 330 feet south to Corner No. 3, a white painted stake 3 feet high marked "03," thence 660 feet east to Corner No. 4, a pile of stones (with a tin can set therein containing a description of this tract) located on the shore of the Lake, thence approximately 330 feet north along the shoreline of the Lake back to Corner No. 1, the point of beginning.

## More About Lands in Alaska

UNDER THE Alaska statehood legislation, the new State of Alaska will, upon formal admission to the Union, receive a quantity grant of about 103 million acres of lands that are now in Federal ownership. Most of these lands will be taken from the vacant, unappropriated public domain.

The specific lands which will be transferred to State ownership were not spelled out in the law. The new State will have 25 years during which to select the granted lands. The specific location of lands which the new State may select will only be known at the time the State actually selects the lands or otherwise makes its detailed selection program known.

There is no way of knowing at this time what specific plans or programs the new State may have for the administration of the lands it acquires under the grant. There are a wide variety of potential alternatives open to the new State (leasing, sale, and so forth), any one or all of which may be applied to specific lands or areas. When the State Government has developed and adopted its own land and resource development and management programs, it is assumed that those programs will receive appropriate publicity from the State Government.

Regarding Federal lands in Alaska, it is possible to obtain small tracts on vacant public lands in Alaska under the laws and regulations. Alaska statehood will not in itself change this Federal program. Of course, over the years as the new State selects lands and obtains title to them, the total area of federally owned lands will be reduced. To this extent at least, the Federal programs will change.

20

## Questions and Answers on Small Tracts

May an employee of the Department of the Interior obtain a small tract?

Not in the continental United States. In Alaska employees may obtain one small tract for residence or recreational purposes.

May other Government employees obtain small tracts?

Yes, if otherwise qualified.

How much land can I get?

Not more than 5 acres, unless there is proof of need for more than one tract. If the land is suitable for more intensive use, the tracts will probably be divided into smaller lots to accommodate more people.

May I start to build my improvements or use the land after I have filed my application and after I have received a receipt for it from the Land Office?

No. You may not use or occupy the lands until you have received formal permission from the Government. Any unauthorized use of the lands is illegal and would make a person subject to legal action for trespass and possible loss of any investment or improvements on the land.

How can I locate a tract on the ground?

If the public lands in the locality have been surveyed by the Government, you can determine the actual position on the ground by reference to public land survey markers. It is essential that one or more of these markers or corners be used as control in the accurate establishment of the property lines.

Normally only the exterior boundaries of a section have been surveyed and marked at each of its four corners with "section corners." Quarter-section corners are also established at mid-point on lines between section corners. In some special cases, the section may have been subdivided into quarters, sixteenths, sixty-fourths, or even smaller areas.

The location of corners may be made easier by asking local residents or neighboring lease holders in the immediate area, or securing the services of qualified local or private surveyors. You may also make a personal search based upon data obtained by examination of the Bureau's official field notes and plat (map). Copies of the official survey records may be obtained at fixed prices from the Bureau.

21

Does the Government employ "filing services," "land locators," or salesmen to sell small tracts?

No. The so-called land filing services or land locators are private businesses and have no connection with the Government. It is not necessary to hire their services so far as the Government is concerned.

Can a filing service or land locator prepare an application on Form 4-776 for my signature and file it for me at my expense?

Yes. But the Government requires you to personally examine the tract or lands within 1 mile of the tract.

How can I determine whether a filing service or land locator is ethical or reliable?

Ask the local real estate association, Better Business Bureau, Chamber of Commerce, or similar organizations. If he guarantees to do nothing but file your application to earn his fee, you may have reason to question the need for his services.

Can a filing service or land locator negotiate with the Bureau of Land Management regarding any small tract application?

Not unless the individual operating the services is qualified to practice before the Department of the Interior. Usually, only members of the bar may practice before the Department on public land cases.

How much will I have to pay for my small tract?

At the time the land is classified, it is appraised at its fair market value, consistent with other land values for similar lands in the area. The price varies according to the character, location, and desirability of the land. Land near towns or cities is likely to have a higher value than land in more distant and isolated areas. Also, land fronting on roads, streams, or lakes is more valuable than land not having such frontage.

How much rental will I have to pay if I lease a tract?

The rental, like the purchase price, is determined by appraisal and reflects the fair market rental for similar lands in the area. Tracts used for home or cabin sites may rent from \$10 to \$100 a year or more, depending on the value of the land.

Can I get a VA or FHA loan on my small tract?

This is a matter to be taken up with the VA or FHA authorities. It is understood, however, that VA or FHA loans are not made on lands a person does not own. If the lands are patented, application may be made for loans as on any privately owned lands.



22

Does the Federal Government assist the small tract applicants in the development of wells, access roads, or utilities?

No. These are the responsibilities of the applicants and the local communities.

Must a person obtain a local building permit before constructing a house or building?

Yes. He must comply with all local ordinances and building codes.

Is a lessee required to live on the land?

No.

What kind of improvements may a person be required to construct on his small tract?

The improvements must fit the use to be made of the lands. Improvement requirements are specified in the order or announcement which made the land available for small tracts.

What kind of sanitation and sewerage facilities are necessary?

The facilities must be adequate to satisfy the requirements of local ordinances. Any other requirements will be stated in the classification order.

Is it necessary to develop a permanent water supply, such as a well, on a small tract?

No. This type of development is undertaken at the convenience of the lessee.

May a person cut and sell any timber from the small tract he is leasing?

No. A lessee may not cut any timber on the tract without first obtaining permission from the Land Office which issued the lease.

23

Does a small tract lessee or owner have the rights to oil and gas or other minerals in the land?

No. All minerals are reserved to the United States.

If any oil or gas is produced from a well on a person's small tract is he entitled to any royalties or other payments?

No.

May anyone enter a small tract at any time in order to prospect for minerals and perhaps stake a mining claim?

No. At the present time no prospecting or removal of minerals, other than those minerals subject to the mineral leasing laws, may be undertaken. Minerals subject to the leasing laws may be leased to any qualified person under the appropriate laws and regulations. Damage to improvements constructed on small tracts as a result of exploration work for leasable minerals is not permitted.

If a tract is for "lease only" can I get a lease renewed?

Yes, if you have complied with the terms of the lease and circumstances warrant it.

If the land is classified for "lease and sale," how long may I lease ,the land and can I get my lease renewed?

Leases are usually issued for a period of either 2 or 3 years. If the terms of the lease have not been met at the end of the lease period, the lease may not be renewed without evidence of extreme hardship.

May a business be started on the tract of land which has been leased for a homesite or recreation site and may a portion of the land be rented to a friend, so that he may also build a house?

No. Land under lease may be used only for the purpose or purposes stipulated in the lease. Lands classified for disposition as home or recreation sites may not be used for business purposes. A person may not sublease any portion of his tract.

May a person sell his patented small tract to someone else?

Yes. After patent is received the tract is his private property subject, of course, to all reservations in the patent.

May a person who is leasing a small tract sell or otherwise transfer his tract to someone else?

Under special conditions a lessee may assign (sell or transfer) his lease to someone else if prior approval is obtained from the Bureau of Land Management. Subleasing of a tract, however, is not permitted.

24

Where do I obtain forms for submitting bids for a public auction sale?

No form is required. The classification order or notice of sale will contain all the information necessary to enable you to participate in the auction.

Where do I obtain drawing entry cards or Form 4-776?  
From any Land Office.

Is there a fee required with an application on Form 4-776?

Yes. When Form 4-776 is filed, a filing fee of \$10 is required together with the advance rental that is specified in the classification order.

Will my \$10 filing fee submitted with Form 4-776 be returned if I do not get my tract?

An application on Form 4-776 will not be considered as filed and will be returned (along with all the money sent in with it) to the applicant if:

(1) The land description does not conform with the classification order, if there is one.

(2) The land description does not conform with the plat (map) of survey, if there is one.

(3) The metes and bounds description is inadequate to permit ready and accurate identification of the tract, if there is no survey.

(4) The application is not signed by the applicant.

( 5 ) The lands applied for have either been

( a ) Classified for sale at public auction.

( b ) Classified for lease but not opened to application.

(c) Officially recorded as under consideration for small tract classification. In all other cases, the \$10 filing fee submitted with Form 4-776 will be kept by the Government even if no lease is issued to the applicant.

Where and how may I file my bid, drawing entry card, or application?

All papers should be filed in the Land Office serving the particular area, either by mail or in person.

25

#### A Short List of Public Land Terms

Adjudication. – To determine rights and privileges between people wanting to use or obtain public lands.

Appraisal. – Finding out the value of something.

Binding agreement. – An agreement between several people leasing small tracts to build their improvements according to certain standards; a covenant.

Cadastral survey. – Dividing the public lands into townships, sections, and smaller subdivisions so they can be accurately located.

Easement. – A right held by one person or the public to use another person's land.

Land classification. – The process of designating public lands as chiefly valuable or suitable for a specific purpose or use, or a combination of these.

Land disposal. – Transferring the ownership of Government lands to others; sell-

ing small tracts.

Land status. – Information on who owns the land or who is using it.

Legal description. – The shorthand way of writing the location of a parcel of land by townships, ranges, sections, and parts of sections according to the public land survey system.

Opening order. – A document that authorizes the lease or sale of public lands.

Patent. – A document which transfers legal title to public lands; a deed.

Plat of survey. – A map or drawing which shows the boundaries, subdivisions, and other features included in the official public land survey.

Preference right. – The right of an individual or group of people to apply for public lands or resources before anyone else may; the right to have one application considered before any others.

Public lands. – Lands in Federal ownership.

Rights-of-way. – The privilege of passing over or using someone else's land; usually an easement; a strip of land set aside for streets, roads, pipe lines, or telephone lines, and so forth.

Serial number. – The number assigned by the Land Office to each application. This number is used for filing and reference purposes only and has no meaning as far as priority of applications. Serial numbers are recorded in the Land Office in books called serial registers.

Small tract classification order. – The document setting out the terms and conditions for the sale or lease of small tracts.

Tract book. – A narrative, journal-like record on which is shown all essential actions which affect the public lands.

Trespass. – Unauthorized use of Federal lands or resources.

26

Land Offices of the Bureau of Land Management

ALASKA:

334 5th Avenue, Anchorage  
P. O. Box 1050, Fairbanks

Post Office Building, Box 251 1, Juneau

ARIZONA:

1305 North Central Avenue, P. O. Box 148, Phoenix

CALIFORNIA:

1000 California Fruit Building, 4th & J Streets, Sacramento  
Bartlett Building, 215 W. 7th Street, Los Angeles

COLORADO:

339 New Custom House Building, P. O. Box 1018, Denver

IDAHO:

323 Federal Building, P. O. Box 2237, Boise

MONTANA, also lands in NORTH and SOUTH DAKOTA:

1245 North 29th Street, Billings

NEVADA:

P.O.Box 1551, Reno

NEW MEXICO:

Federal Court House Building, P. O. Box 1251, Santa Fe

OREGON:

809 N. E. 6th Avenue, P. O. Box 3861, Portland 8

UTAH:

335 Federal Building, P. O. Box 777, Salt Lake City

WASHINGTON:

Room 680, Bon Marche Building, North 214 Wall, Spokane

WYOMING, also lands in KANSAS and NEBRASKA:

409 Federal Office Building, P. O. Box 929, Cheyenne

EASTERN STATES:

U. S. Department of the Interior, Washington 25, D. C.

27

TITLE 43- PUBLIC LANDS: INTERIOR

Sec.

257.1

257.2

257.3

257.4

257.5

257.6

257.7

257.8

257.9

257.10

257 .11

257.12

257.13

257.14

257.15

257.16

257.17

257.18

## Chapter I – Bureau of Land Management, Department of the Interior

[Circulars No. 1899, 1911, 1935]

### Part 257 – Sale or Lease of Small Tracts, Not Exceeding Five Acres, for Residence, Recreation, Business, or Community Sites

withdrawn by the Secretary solely under delegated authority (e. g., under Executive Order 10355 of May 25, 1952) or to reservations such as national forests, national parks, or national monuments. Authority to lease lands under the act for residence, recreation and community site purposes extends to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon under the jurisdiction of the Department of the Interior provided that such leases will not interfere with sustained yield timber management on these lands. The lands may not be leased or sold until classified for small tract purposes; and may not be occupied until the lands are leased or sold.



§ 257.2 Policy, (a) It is the policy of the Secretary in the administration of the act of June 1, 1938, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end small tract sites will be considered in the light of their effect upon the conservation of natural resources and upon the communities or area involved. Lands will not be leased or sold, for example, which would lead to private ownership or control of scenic attractions, or water resources, or other areas that should be kept open to public use. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon State or local governments for roads, schools, and police, health, and fire protection. Undesirable types of construction for settlement or business along public highways and parkways will be guarded against, and lands will not be leased or sold under the act if such action would unreasonably interfere with the use of water for grazing purposes or unduly impair the protection of watershed areas.

(b) Under this act lands may be classified for direct sale, for lease and sale,

Statutory authority; lands which may be leased or sold.

Policy.

Classification of land.

Qualifications of applicants; restrictions.

Priority rights of applicants; veterans' priority.

Applications; general procedure.

Veterans' drawing procedure.

Filing fee.

Advance payment.

Community sites; appraisal; restrictions.

Lease provisions; terms and rentals.

Assignment of lease.

Leases with option to purchase; sale; patent.

Public auctions.

Renewal of lease.

Minerals; timber.

Acreage limitation; rights-of-way.

Applications following lease terminations, unsuccessful public auctions.

Termination or cancellation; removal of improvements.

Appeals.

257.19

257.20

Authority: §§ 257.1 to 257.20 issued under 52 Stat. 609, as amended; 43 U. S. C.

682a.

§ 257.1 Statutory authority; lands which may be sold or leased, (a) The act of June 1, 1938 (52 Stat. 609), as amended by the act of June 8, 1954 (68 Stat. 239; 43 U. S. C. 682a) authorizes the Secretary of the Interior, in his discretion, to sell or lease a tract, not exceeding five acres, of any vacant, unreserved public lands, including such lands in Alaska, public lands withdrawn by Executive Orders Numbered 6910 of November 26, 1934, and 6964 of February 5, 1935, or public lands withdrawn or reserved by the Secretary of the Interior for any purposes, which the Secretary may classify as chiefly valuable for residence, recreation, business, or community sites. The act is applicable to lands in such areas as grazing districts and lands withdrawn for reclamation or stock driveway purposes. The act does not apply to lands

28

or for lease only. Revested Oregon and California Railroad lands and reconveyed Coos Bay Wagon Road grant lands in Oregon will be classified for lease only. Lands in Alabama, Arkansas, Florida, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, and Wisconsin may be classified for direct sale without lease in accordance with § 257.14. Lands in other States and in Alaska may be classified for direct sale at not less than the appraised price where counties or local communities have adequate authority to establish building, sanitation, and health requirements for the protection

of adjacent property and the community as a whole or where the provisions of § 257.18 are applicable. Lands may be classified for lease and sale, as provided in § 257.13, where such adequate authority does not exist or where otherwise desirable. Lands will be classified for lease only where disposal would not be in the public interest. Lands suitable for community site purposes will be classified for lease or direct sale at appraised prices and will be subject to application only by nonprofit corporations or associations, States, Territories, municipalities, or other governmental subdivisions.

§ 257.3 Classification of land, (a)

No lease will be issued or sale authorized prior to classification of land for such purpose. If the tract is found not suitable for such purpose, the application will be rejected.

(b) Lands classified under the act of June 1, 1938, as amended, will be segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or in any modification or revision thereof.

§ 257.4 Qualification of applicants;

restrictions, (a) An application may be made by any of the following:

( 1 ) An individual who is a citizen of the United States or who has filed declaration of intention to become a citizen.

(2) A partnership or an association, each of the members of which is a citizen of the United States or has filed declaration of intention to become a citizen.

(3) A corporation, including non-profit corporations organized under the laws of the United States, or of any State or Territory thereof and authorized to do business in the State or Territory in which the land is located.

(4) A State, Territory, municipality or other governmental subdivision.

(b) Any employee of the Department of the Interior, stationed in Alaska may purchase or lease one tract in Alaska for residence or recreation purposes. The conveyance of the tract will provide for reversion to the United States if the land is used for purposes other than residence or recreation within twenty-five years.

(c) Generally no person will be permitted to obtain by lease or purchase more than one tract under the act. Where more than one tract is needed, however, each tract must be the subject of a separate application, complete in itself, and must be accompanied by a satisfactory showing that the allowance of more than one application is warranted by the circumstances. In each application the applicant must identify all other applications under the act, if any, filed by him or any member of his family residing with him.

§ 257.5 Priority rights of applicants; veterans' priority. There are two types of priority rights: One is for any small tract applicant who files prior to official recording of plans for classification of an area; the other is for persons entitled to veterans preference 1 after the land has been classified for small tracts. Each is limited to the circumstances indicated in paragraphs (a), (b), (c)

of this section.

(a) An application filed prior to the receipt by the land office of notice that the area is under consideration for small tract classification, will be given a priority only if (1) the land is thereafter classified for the type of site applied for; (2) the applicant agrees to conform his application to the area, classification, and dimensions of the tract as specified in the classification order; and (3) where the land is classified for direct sale, the applicant

1 Regulations relating to veterans' preference are contained in 43 CFR Part 181. Those entitled to such preference under the Small Tract Act, in brief, include honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940; the surviving spouse or minor orphan children of such veterans; and, with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or to the surviving spouse or minor orphan children of veterans killed in the line of duty.

29

tenders the fair market value of the land when required.

(b) Except as limited by paragraph (a) of this section, when land is classified for lease and sale or for lease only, persons entitled to veterans preference

will have a priority right for a period of not less than 90 days over the general public as specified in the classification order.

(c) Except as limited by paragraph (a) of this section, when land is classified for direct sale at public auction at not less than the appraised price, persons entitled to veterans preference will be granted the priority rights specified in § 257.14 (e).

§ 257.6 Application; general procedure, (a) An application on Form 4-776 must be filed in conformity with instructions therein, except for lands already classified for direct sale at public auction. Copies of the form may be obtained from the land offices, State Supervisors' offices or the Bureau of Land Management, Washington 25, D. C, and must be completed and filed in duplicate in the proper land office, or for land in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D. C, except that applications for lands in North or South Dakota, must be filed in the land office at Billings, Montana; for lands in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands in Oklahoma in the land office at Santa Fe, New Mexico. 2 The duplicate forms must be signed by the applicant. In the event that the lands are classified for lease, or for lease and sale, the applicant's signature will constitute his signature to the lease, when the application is accepted and executed by the proper officer on behalf of the United States.

(b) If the land has not been classified the applicant should describe the desired tract, not to exceed five acres, by aliquot parts of a legal subdivision

if surveyed and if unsurveyed by metes and bounds sufficient to permit ready and accurate identification. Where the land has been classified the applicant should describe the selected land in accordance with the classification order or official plat of survey. The applicant may also indicate that if the selected

2 Lists indicating the proper office for filing of applications can be obtained from the Director or any other office of the Bureau of Land Management.

tract is not available he is willing to accept any other available tract described in the classification order which may be allocated to him.

(c) Any person desiring to purchase a tract already classified for sale at public auction under the act may submit a bid in accordance with the provisions of the classification order and § 257.14. No application on Form 4-776 should be filed in the above circumstances.

(d) No application on Form 4-776 for small tracts will be accepted under the regulations in this part unless the applicant certifies that he has personally inspected the small tract described in his application or lands within one mile of that tract.

(e) An application on Form 4-776 will not be accepted, will not be considered as filed, and will be returned to the applicant if;

(1) The land description in the application does not conform with the



classification order or official plat of survey, or if the lands are unclassified and unsurveyed, the metes and bounds description is inadequate to permit ready and accurate identification of the tract (see paragraph (b) of this section) .

(2) The application is not accompanied by the filing fee of \$10 and the advance rental required by §§ 257.8 and 257.9, namely, the advance rental specified in the classification order or if the lands are not classified, \$100 for business sites and \$15 for other sites.

(3) The application is not signed by the applicant, or

(4) The lands applied for have either been –

(i) Classified for sale at public auction,

(ii) Classified for lease but not opened to application, or

(iii) Officially recorded as under consideration for small tract classification (see § 257.5).

§ 257.7. Veterans' drawing procedure, (a) Whenever a great number of filings in excess of the number of tracts available is anticipated for lands subject to veterans' priority and classified for lease and sale or for lease, a special veterans' drawing will be held. The classification order will give all relevant information concerning the drawing and will state that "Veterans' Drawing Entry Cards," Form 4-775, must be filed in lieu of application Form 4-776.

30

(b) Any person who has the necessary qualifications, including veterans' priority rights, may obtain the official drawing entry card Form 4-775 upon request to the land office manager or Director, Bureau of Land Management. The request should designate the classification order by number. Entry cards will automatically be sent to any persons who filed applications on Form 4-776 prior to the classification order requiring the veterans' drawing. The applicant must comply with all instructions stated on the entry card and return it within the filing period specified in the classification order in order to qualify for the drawing. If any entrant files more than one entry card under any classification order, the entrant shall be ineligible to participate in the drawing.

(c) Each successful entrant in a drawing will be furnished in duplicate Form 4-776, bearing the description of the tract allocated to him. The forms must be completely filled out, signed and returned, accompanied by the proper rental and filing fees within the time allowed. Where an entrant for any reason fails to comply with the requirements within the time allowed, the lot will become available to the alternate next in line in the drawing.

§ 257.8 Filing fee. Every application on Form 4-776 must be accompanied by a filing fee of \$10.00. No fee is required for the filing of a "Veterans' Drawing Entry Card," Form 4-775, or "Special Drawing Entry Card," Form 4-775b, but the fee is required of en-

trants who are successful in the drawing. No fee is required in connection with a bid in a sale at public auction. A fee of \$10.00 is required with each application to purchase, based upon an outstanding lease and with each application for renewal or assignment of an outstanding lease. All filing fees will be retained by the Government.

§ 257.9. Advance payment. In addition to filing fees, every application on Form 4-776 except applications for community sites, and every bid for lands subject to sale at public auction, must be accompanied by an advance payment, which will be applied against the rental or purchase price of the land:

(a) If the land has been classified for lease or for lease and sale, the advance payment is the rental for the entire lease period, as specified in the classification order, if such period does

not exceed five years. Where lands are classified for lease for periods in excess of five years, the advance payment will be as specified in the classification order. If the land has not been classified, the advance payment is \$15 for nonbusiness, and \$100 for business-site applications. Successful applicants will be required to pay any difference between advance payment and rental or purchase price before their applications will be granted.

(b) If the land has been classified for sale at public auction, the advance payment is whatever amount the applicant bids, but not less than the appraised price stated in the classification order.

(c) Advance payments will be re-funded to unsuccessful applicants or bidders.

§ 257.10 Community sites; appraisal; restrictions, (a) Land suitable for community site purposes may be classified for direct sale, for lease and sale or for lease only in conformance with the provisions of § 257.2. Appraisals for sale or rental value may take into consideration the use which is to be made of the land where the public use contemplated justifies such action.

(b) Where lands are sold at less than fair market value in accordance with § 257.10 (a) the patent will contain a provision for reversion of title to the United States if the lands are used for any purpose not consistent with the classification order within a period of twenty -five years after issuance of patent unless consent to change the use is first obtained from the proper official of the Bureau of Land Management.

§ 257.11 Lease provisions; terms and rentals, (a) The term of lease will be specified in the classification order and will not exceed three years for lands classified for lease and sale and will not exceed twenty years for lands classified for lease only.

(b) The amount of rental will be specified in the classification order. Rental on lands classified other than for business sites will equal the fair market rental of the lands, provided, however, the minimum rental will be \$5 per tract per year. The rental for community sites will take into consideration the purpose for which the land will be used. Rental on lands classified for business

sites will be based on percentages of the gross income as specified on Form 4-776,

31

provided, however, the minimum rental will be \$20 per tract per year.

(c) Leases issued for periods in excess of five years will provide for the construction of improvements, satisfactory for the purpose for which the lease issued, during the first five years of the lease period. Failure to comply with this requirement will result in cancellation of the lease except where the lessee can demonstrate that such failure was due to unavoidable and unforeseen circumstances.

(d) Provisions relating to the improvement and occupancy of leased tracts are contained on Form 4-776. Special provisions implementing the general provisions on the form may be indicated in the order of classification.

§ 257.12 Assignment of lease; sub-leasing, (a) No assignment of a lease will be recognized unless and until approved by the Bureau of Land Management. Approval of assignments will be discretionary but in no case will an assignment be approved until suitable improvements are constructed on the land or compliance is had with § 257.13

(d) (1), except where the lessee can demonstrate that his failure to construct such improvements was caused by unforeseen and unavoidable circumstances.

(b) Proposed assignments of leases

must be submitted within 90 days from the date of execution in duplicate on Form 4-1217 to the appropriate office mentioned in § 257.6 and must be accompanied by the filing fee as required in § 257.8.

(c) Subleasing of a tract, in whole or in part, will not be approved.

§ 257.13 Leases with option to purchase; sale; patent, (a) Leases for lands classified for lease and sale will contain an option to purchase clause. The option to purchase clause will afford the lessee or his duly approved successor in interest an opportunity to purchase the tract at any time within the term of the lease, provided the improvements required by the lease have been made and all other terms and conditions of the lease complied with. The net purchase price of the land will be the appraised value of the unimproved land as of the date of the lease minus an amount equal to the advance rental for each full lease year, if any, subsequent to the filing of the application to purchase.

(b) An application to purchase must be filed with the office mentioned in

§ 257.6 (a) on Form 4-775a in duplicate, together with (1) a statement as to the cost, type and character of the improvements constructed on the land, (2) one or more photographs showing clearly such improvements, and (3) the filing fee as required in § 257.8.

(c) If a sale is authorized, the applicant will be allowed 60 days from service of notice thereof to pay the net purchase price.

(d) (1) Groups of lessees of small tracts in an area may enter into binding agreements among themselves to observe, in the development of their leased tracts, standards of building, sanitation, and health requirements consistent with the terms of their leases. Lessees who participate in this agreement may exercise, at the discretion of the Bureau of Land Management, their option to purchase without prior compliance with the improvement requirements of their leases.

(2) Two copies of the agreement must be filed with the appropriate office mentioned in § 257.6 (a) . In addition, each lessee participating in the agreement who desires to take advantage of this provision must; file in duplicate an application to purchase on Form 4-775a, together with the filing fee as required in § 257.8 and a reference to the aforementioned agreement.

(3) If sale is authorized, the applicant will be allowed 60 days from service thereof to pay the net purchase price as computed in paragraph (a) of this section.

§ 257.14. Public auctions, (a) Whenever lands are classified for direct sale by public auction, they will be sold at not less than their appraised value at the time and place and in the manner specified by the classification order.

(b) Bids may be made by the principal or his agent, either personally at the sale or by mail.

(c) A bid sent by mail must be received at the place and within the time specified in the classification order.

Each such bid must clearly state (1) the name and address of the bidder; (2) the specific tract, as described in the classification order, for which the bid is made; and (3) whether the bidder is a person entitled to veterans' preference. The envelope must be noted as required by the classification order.

(d) Each bid by mail must be accompanied by certified or cashier's check, post office money order or bank

32

draft for the amount of the bid. Bids by mail for more than one tract offered at a sale must be enclosed in separate envelopes but payment need accompany only the highest bid provided all other bids designate the envelope containing the payment.

(e) The person who submits the highest bid for each tract at the close of bidding, but not less than the minimum price, will be declared high bidder. However, when bids are received from persons claiming veterans' preference and from bidders not claiming such rights, the highest bidder among the veterans' priority bidders will be declared high bidder. If the high bidder meets the general requirements of a small tract applicant, he will be declared purchaser. Any person who is declared high bidder will automatically be disqualified from consideration for other tracts for which he may have submitted bids.

(f) If there are no successful pur-



chasers of any tracts offered at the sale, the tracts will be closed to filing of applications until an order is issued specifying the time and manner in which they shall be made available in accordance with § 257.18.

§ 257.15. Renewal of lease, (a) An application for renewal of a lease must be filed on Form 4-775a in duplicate with the office mentioned in § 257.6 (a) prior to the expiration of the lease. A renewal in the form of a new lease will be granted only if it is determined that a new lease should issue and that the requirements of paragraph (b) or (c) of this section have been met. The term of the lease and any special conditions will be established by the officer who signs it. The application must be accompanied by a filing fee in compliance with § 257.8.

(b) Where the land has been classified for lease only, renewals will be approved only if the lessee has constructed satisfactory improvements on the tract appropriate to the type of use for which the lease originally issued, such as a substantial and presentable dwelling suitable for year-round or seasonal use where the land was classified for residence purposes.

(c) Where the land has been classified for lease and sale, renewals will be approved only upon a satisfactory showing that lessee's failure to meet the requirements for sale of the tract is justified under the circumstances and

that nonrenewal of the lease would work an extreme hardship on the lessee.

§ 257.16 Minerals; timber, (a) Any lease or patent issued under the act will reserve to the United States all deposits of coal, oil, gas, or other minerals, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary may prescribe. Any minerals subject to the leasing laws in the lands patented or leased under the terms of the act may be disposed of to any qualified person under applicable laws and regulations in force at the time of such disposal. Until rules and regulations have been issued, the other kinds of minerals that may be found in such lands are not subject to prospecting or disposition.

( b ) ( 1 ) Because of the need for strategic and fissionable source minerals as well as minerals important to the economic and industrial welfare of the Nation and its security, the Director may authorize any Federal agency to enter upon any of the lands classified for small tract purposes within the State of Florida (and such other States or Territory for which approval of this action may be given by the Secretary of the Interior) for exploratory purposes to determine whether such lands are mineral in character and the nature, extent, and incidence of such mineral, if any, even though such lands are under lease or have been patented in accordance with paragraph (a) of this section.

(2) The exploratory work conducted under the authority hereof, shall not be construed as permitting damage to the permanent structures or buildings of the small tract lessees or patentees or their lawful successors in interest.

(c) A lessee will not be permitted to

cut timber from the leased lands without first obtaining permission from the appropriate office mentioned in §257.6 (a).

§ 257.17 Acreage limitation; rights-of-way. (a) No tract shall be larger than five acres except where subdivision of a fractional lot to meet this limitation would leave areas unsuitable for practical use. In such cases, the lot will be subdivided to produce usable units not in excess of 7y 2 acres.

(b) The classification order may provide for rights-of-way over each tract for street and road purposes and for

33

public utilities. If the classification order does not -so provide, the right-of-way will be 50 feet along the boundaries of the tract. . .,- \* '■'

§257.18 Application following lease terminations, unsuccessful public auctions, (a) In any of the following circumstances, a tract shall not be subject to further application until an order is issued specifying the time and manner in which the tract shall be made available for lease or purchase: (1) When a small tract lease has terminated, been relinquished or canceled for any reason; (2) where no one has been declared purchaser for a tract offered at public auction.

(b) The order will be posted in the land office at least 15 days prior to its effective date and will be given wide publicity through appropriate news

media in the area.

(c) The order will specify which one of the following methods will be used for disposing of the land: (1) Sale at public auction to the highest bidder in accordance with § 257.14, subject to the veterans' priority provisions of § 257.14 (e) ; (2) a special drawing procedure indicated in paragraph (d) of this section.

(d) Any order calling for a special drawing procedure will specify (1) the time and place for filing drawing cards, and (2) that Special Drawing Card Form 4-775b must be properly executed. The drawing will determine priority and establish an adequate list of eligibles. Drawings may be held for several tracts, and at whatever intervals

of time the authorized official feels warranted by the circumstances.

§ 257.19 Termination or cancellation; removal of improvements, (a) The lessee may terminate the lease, if he is not in default thereunder, by filing a notice of relinquishment of the lease in the proper land office. Any lease may be canceled where the lessee has failed to comply with any of the terms, covenants, and stipulations of the lease, or to abide by any of the regulations in this part, and such default has continued for 30 days after written notice thereof.

(b) No refund will be made of rental for the unexpired term of a lease relinquished by the lessee or canceled for cause.

(c) Upon the termination, cancella-

tion or expiration of a lease, the lessee will have a period of 90 days within which to remove his improvements from the land or to make other disposition thereof. If the improvements are disposed of to a person other than a subsequent lessee they must be removed from the land within the 90-day period, otherwise the improvements will become the property of the United States.

§ 257.20. Appeals. An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the decision of any officer of the Bureau of Land Management.

Note: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

34

U S. GOVERNMENT PRINTING OFFICE 1958 O - 477554

PROPERTY

OF

Bureau of Land Managomcfri  
DSC LIBRARY

r

o o

O 3 H- • WE

• o ^o^ND

3 <-»-

0> 0)

<j0 . Ui JM" 1

H00 (^

Crt

3

03

M



r-«

rt «

W

n\* S

o

Pi 3

>-i

o o

0

3

1-1

(X>

•

a

w

D

m

>

X

H

Z

m

z

H

C

Z

H

m

O  
>  
H  
m  
θ)