

CHAPTER 25

ANNEXATION BY LOCAL MUNICIPALITIES OF DEPARTMENT  
OF THE NAVY LANDS

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## CHAPTER 25

### ANNEXATION BY LOCAL MUNICIPALITIES OF DEPARTMENT OF THE NAVY LANDS

#### SECTION I - GENERAL

1. **SCOPE.** Chapter 25 states Department of the Navy (DON) policy and procedures regarding annexation of DON lands by local municipalities.

2. **REFERENCES**

- (a) [SECNAVINST 11011.29B of 09 Jul 1984](#)
- (b) [OPNAVINST 5400.24D of 27 Mar 1984](#)

3. **DEFINITIONS**

a. Annexation Proceeding means a proceeding initiated by a municipality to incorporate DON land into the corporate limits of such municipality or to include DON land within the corporate limits of a new municipality seeking to incorporate.

b. Municipality means any political subdivision of a state or possession such as a city or village, school, drainage, irrigation or other service district.

4. **BACKGROUND**

a. Annexation proceedings are covered by laws of the states or possessions of the United States that generally require:

(1) Initiation or approval of the annexation by the governing body of the municipality.

(2) Public or other notice to landowners involved.

(3) Approval, consent, or acquiescence by a majority of the landowners involved.

5. **POLICY.** It is the policy of the DON, as set forth in [reference \(a\)](#), not to oppose annexation and to cooperate

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where local statutes so provide, except where the Assistant Secretary of the Navy (Installations and Environment) (ASN)(I&E)) determines that annexation would not be in the interest of the Government.

**6. DELEGATION.** Authority, as set forth in [paragraph 7](#) below, is delegated to the Commander/ Commanding Officer of the activity concerned (hereinafter referred to as the Commanding Officer) to cooperate with or oppose annexation proceedings according to the policy expressed hereinabove. Area coordinators under [reference \(b\)](#) will be available to assist in problem solving. Commanders/Commanding Officers of the Facilities Engineering Commands (FECs) will also be available to provide technical support.

## **SECTION II - ANNEXATION PROCEEDINGS**

### **7. ACTION**

a. When notice that annexation proceedings have been instituted or a municipality informs that annexation proceedings of DON lands are planned, forward such notice or advice to the Commanding Officer of the activity concerned. The Commanding Officer shall review the proceedings or proposal for annexation and forward comments and recommendations through the following addresses for comments and recommendations:

- (1) Local command channels, as appropriate;
- (2) Commander/Commanding Officer of the appropriate FEC;
- (3) the regional commander (consult the Commander, Naval Facilities Engineering Command (COMNAVFACENGCOM) re: mission component command approval);
- (4) Commandant of the Marine Corps (CMC) for Marine Corps activities.

b. Upon receipt of comments and recommendations the Commanding Officer will review the annexation proceedings or proposal for annexation and will determine, according to the policy stated herein, whether or not the annexation would be

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in the interest of the Government. Each determination shall be in writing and shall be based on the following fully developed and supported considerations:

(1) Adverse effects, if any, such as adverse effect on arrangements for or the cost of utilities, fire and police protection, schools, other essential services, or any other adverse effect upon the mission of the activity.

(2) Demonstrable benefits, if any, such as the improved provision of utilities, fire and police protection, schools, or a reduction in the costs thereof.

c. Upon determining that annexation would not be contrary to the interest of the Government, the Commanding Officer shall:

(1) Advise the annexing municipality that the DON will not oppose annexation.

(2) Take such other action as may be required by state law to consent to the annexation.

(3) Promptly provide a copy of each such determination to the chain of command, the regional commander, COMNAVFACENGCOM, the Chief of Naval Operations (CNO) or the CMC, and the ASN (I&E).

d. Upon determining that annexation would not be in the interest of the Government the Commanding Officer shall submit a request for prior approval to protest annexation to the Assistant Secretary of the Navy (I&E). Submit such request via the chain of command, the regional commander, COMNAVFACENGCOM, and the CNO or the CMC. Upon receipt of prior approval of the ASN (I&E), the Commanding Officer shall take appropriate action to protest the annexation. Each request to protest annexation shall include the following items:

(1) Copies of Commanding Officer's written determination.

(2) A summary of applicable laws.

(3) The title held by the United States in the property.

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(4) The legislative jurisdiction held by the Government.

(5) The reasons stated for annexation by the proponents.

(6) Interest, if any, of other municipalities or organizations in the area.

(7) A vicinity map showing the boundaries of Government property, the limits of the annexing municipality and the area proposed for annexation.

e. When the time allowed for filing a protest is too short to obtain comments, recommendations and a final decision by the ASN (I&E), the Commanding Officer shall:

(1) Enter an appearance in the proceeding and request an extension of time;

(2) Enter a protest to assure that the Government's interests in the matter are not forfeited;

(3) Provide advance information to the ASN (I&E), with copy to all addresses listed in [paragraph 7.d.](#) above, of any action taken to secure additional time or enter a protest in the proceeding.

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