

**Management System: Real Property Management****Subject Area: Acquisition of Real Property****Procedure: Acquiring Real Property by  
Condemnation****Issue Date and Revision Number:**  
03/04/15                      0**Lead Subject Matter Expert:**  
Matthew Reardon**Management System Owner:**  
Bud Sokolovich**1.0 Applicability**

This procedure applies to any U.S. Department of Energy (DOE) Element that has identified a need to acquire real property by Eminent Domain under the purview of the Office of Environmental Management (EM). It is DOE's policy to acquire real property interest by direct purchase at a just and reasonable price. However, if the Government is unable to negotiate an acceptable agreement for the acquisition of the needed property, DOE may, as a last resort, request the institution of condemnation action by the U.S. Department of Justice (DOJ) under the Government's right of Eminent Domain. The acquisition by condemnation may result in the acquisition of land and interests therein as outlined in the acquisition for fee and lease procedures. Unless specifically delegated otherwise, the Secretary of Energy or the Under Secretary of Energy must approve condemnation actions.

**2.0 Required Procedure**

<b>Step 1</b>	For this condemnation procedure, refer to the Department of Justice's (DOJ) A Procedural Guide for the Acquisition of Real Property By Governmental Agencies.
<b>Step 2</b>	The Program Office, in consultation with the Deputy Director for Field Operations and the Site Office or the Environmental Management Consolidated Business Center (EMCBC) and its Legal Office, determines that additional real property by means of condemnation is required to meet the Departmental mission.
<b>Step 3</b>	The EMCBC Office of Chief Counsel in consultation with the HQ General Counsel approves the recommendations for condemnation proceedings. The EMCBC Office of Chief Counsel will prepare the recommendation for condemnation package for submittal to the SRO.
<b>Step 4</b>	The Certified Realty Specialist (CRS) in collaboration with the EMCBC Office of Chief Counsel assembles a condemnation package with the appropriate

	concurrences and submits a request to the DOJ in accordance with the DOJ A Procedural Guide for the Acquisition of Real Property by Governmental Agencies, Department of Justice, Section III, Acquisition By Condemnation Proceedings.
<b>Step 5</b>	The EMCBC Office of Chief Counsel, the HQ General Counsel, and the CRS works with the DOJ to adequately address concerns, and revises the condemnation package accordingly.
<b>Step 6</b>	After condemnation proceedings are instituted, the DOJ is charged with the successful completion of the acquisition. However, DOE Agency Representatives should offer their assistance to the U. S. Attorney in connection with continued negotiations under his or her supervision.
<b>Step 7</b>	After the final judgment has been satisfied and the necessary data are received in the DOJ Land and Natural Resources Division, the final opinion of the Attorney General is rendered and transmitted to the HQ Chief Counsel, or Site Office.
<b>Step 8</b>	The CRS maintains all legal documents related to the condemnation action.
<b>Step 9</b>	The Facilities Information Management System (FIMS) Administrator will enter the information in the FIMS database.

### 3.0 References – Forms/Attachments/Exhibits

#### 3.1 Reference:

3.1.1 DOJ A Procedural Guide for the Acquisition of Real Property by Government Agencies, dated 1972

### 4.0 Records Generated

Records generated through implementation of this procedure are identified as follows and are maintained by the Office of Technical Support and Asset Management in accordance with the EMCBC Organizational File Plan:

<b>Records Category Code</b>	<b>Records Title</b>	<b>Responsible Organization</b>	<b>QA Classification (Lifetime, Non-Permanent, or Not Applicable)</b>
ADM 03-01-A	Real Property Files – Condemnation Proceeding File	Office of Technical Support and Asset Management	N/A

**EMCBC RECORD OF REVISION**

**DOCUMENT TITLE: Acquiring Real Property by Condemnation**

If there are changes to the controlled document before the two-year review cycle, the revision number stays the same; one of the following will indicate the change:

I Placing a vertical black line in the left margin adjacent to sentence or paragraph that was revised; or

I Placing the words GENERAL REVISION at the beginning of the text. This statement is used when entire sections of the document are revised.

If changes and updates occur at the two-year review cycle, the revision number increases by one.

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<b>Rev. No.</b>	<b>Description of Changes</b>	<b>Revision on Pages</b>	<b>Date</b>
0	Initial Document		3/4/2015