

**NOTICE OF AVAILABILITY**

FOR LEASING DEPARTMENT OF THE ARMY REAL PROPERTY  
IN MARION COUNTY, IOWA, FOR AGRICULTURAL PURPOSES  
LAKE RED ROCK PROJECT, DES MOINES RIVER, IOWA

February 3, 2016

Sealed applications, in duplicate, subject to the conditions contained herein, will be received at the Real Estate Division, PO Box 2004, Rock Island, Illinois 61204-2004 **until 1:00 P.M., on February 24, 2016** and then publicly opened, for the leasing of property of the United States as follows:

**1. PROPERTY TO BE LEASED:** Certain lands suitable for agricultural use, acquired by the United States for the Lake Red Rock, Des Moines River, Iowa located in Marion County, Iowa.

**a. Location and Description:**

- Item No. 1: Tract No. 406(pt), 37 acres, more or less, located in Sections 9 & 16, Township 76 North, Range 19 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 2: Tract Nos. 407(pt) & 408(pt), 39 acres, more or less, located in Section 16, Township 76 North, Range 19 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 4: Tract No. 501(pt), 17 acres, more or less, located in Section 22, Township 76 North, Range 19 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 4: Tract Nos. 715(pt) & 717(pt), 31 acres, more or less, located in Sections 24 & 25, Township 77 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 5: Tract Nos. 800(pt), 810(pt), & 816(pt), 37 acres, more or less, located in Sections 11 & 12, Township 76 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 6: Tract No. 817 (pt), 820(pt), & 822(pt), 23 acres, more or less, located in Sections 11 & 14 Township 76 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 7: Tract No. 924(pt), 26 acres, more or less, located in Section 35, Township 76 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa

- Item No. 8: Tract Nos. 927(pt), 929(pt), 930(pt), & 931(pt), 47 acres, more or less, located in Sections 27 & 34, Township 76 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 9: Tract Nos. 932(pt), 934(pt), & 1000(pt), 100 acres, more or less, located in Sections 33 & 34, Township 76 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 10: Tract Nos. 942(pt), 955-1(pt), & 1112(pt), 172 acres, more or less, located in Sections 3, 9, & 11, Township 75 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 11: Tract Nos. 946(pt), 1100(pt), & 1102(pt), 125 acres, more or less, located in Sections 9, 10, & 16, Township 75 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 12: Tract Nos. 955-1(pt), 1102(pt), & 1111(pt), 42 acres, more or less, located in Sections 9 & 16, Township 75 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 13: Tract Nos. 1005(pt), 1006(pt), & 1007(pt), 94 acres, more or less, located in Section 4, Township 75 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 14: Tract No. 1102(pt), 103 acres, more or less, located in Section 16, Township 75 North, Range 20 West of the 5<sup>th</sup> PM, Marion County, Iowa
- Item No. 15: Tract No. 4005(pt) & 4007(pt), 116 acres, more or less, located in Sections 26, 27, & 34, Township 75 North, Range 21 West of the 5<sup>th</sup> PM, Marion County, Iowa

**NOTICE TO APPLICANTS: FALL TILLAGE IS PROHIBITED! CONTACT MUST BE MADE WITH THE CORALVILLE LAKE PROJECT MANAGER BEFORE ANY SUBSTITUTE CROP MAY BE PLANTED. NO CHANGE IN THE CROP PLANTING ROTATION PLAN CAN BE MADE WITHOUT PRIOR WRITTEN APPROVAL FROM THE ROCK ISLAND REAL ESTATE DIVISION OFFICE. APPLICANTS ARE CAUTIONED TO PAY PARTICULAR ATTENTION TO THE LAND USE REGULATIONS FOR ADDITIONAL INFORMATION ON THESE MATTERS.**

**b. Maps:** Maps showing the approximate locations of the properties to be leased may be viewed at the Rock Island District's website at <http://www.mvr.usace.army.mil/>.

**c. Description Approximate:** The description of the property and map are believed to be correct, but any error or omission in the description or on the map shall not

constitute any ground or reason for nonperformance of the provisions and conditions of the lease or claim by the lessee for any refund or deduction from the rental.

**2. PURPOSE OF LEASING:** The property will be leased for agricultural purposes. No grazing is permitted on any of the lands included in the notice of availability.

**3. AUTHORITY OF LAW:** The authority of law for the granting of this lease is Title 10, United States Code, Section 2667.

**4. TERMS AND CONDITIONS OF LEASING:**

**a. Form of Lease:** The successful applicant will be required to enter into a lease with the United States using a Standard Agricultural Lease Form, by this reference made a part of this notice of availability. A specimen copy of the lease will be furnished to prospective applicants upon request.

**b. Term:** The leases of the property for Items Nos. 1-15 are for a term of 5 crop years beginning March 1, 2016 and ending on February 28, 2021.

**c. Payments of Rental:** The lease will provide for the payment of rental to the United States in advance as stated below. The initial payment will be due and payable on the beginning date of the lease. The lessor will impose a charge, the amount to be determined by law or regulation, on late payment of rent or other payments due under the lease for each 30 day period that the payment is overdue.

(1) Rentals of Five Hundred Dollars (\$500.00) or less for a crop year will be paid in advance.

(2) Rentals exceeding Five Hundred Dollars (\$500.00) for a crop year may be paid in two equal installments in advance on 1 March and 1 September of each year.

(3) Failure to pay the rental so that it is received in the Rock Island District office, either on or by the due date, will result in revocation of the lease.

**d. Access:** It shall be the sole responsibility of the lessee to obtain access to the tracts advertised for leasing. Where fencing is necessary, it shall be the sole responsibility of the lessee to provide temporary fencing on the lease premises.

**e. Conservation:** The crop rotation plan, land use regulations, and lease conditions contain conservation measures to be employed by the lessee. The lease will contain provisions requiring the lessee to comply with all conservation measures prescribed. If the lessee is eligible and elects to participate in U.S. Department of Agriculture programs, the Department of Agriculture may require that the lessee perform conservation practices in addition to those required under the lease. Applicants must consider any possible requirements of the U.S. Department of Agriculture when submitting applications on property to be leased.

**f. Hunting and Fishing:** In accordance with an agreement executed on 20 August 1954 by the Secretary of the Interior and the Secretary of the Army, agricultural leases to be issued as a result of this notice of availability will contain a condition as follows:

"The lessee will cooperate in programs for the management and improvement of fish and wildlife and in furtherance thereof the lease premises will be subject to free public use for fishing and hunting. Hunting and fishing are permitted in accordance with all applicable Federal, State, and local laws for the protection of fish and game, except in prohibited areas designated by the said officer."

**g. Flooding of Lands Offered For Leasing:** The Lake Red Rock Project, which is primarily for flood control purposes, may cause flooding of the Government owned project lands. The extent of flooding of lands included in the leases will depend on the magnitude of flood flows. The hazards of flooding were taken into consideration in determining the minimum acceptable lease rental value of the land. Condition No. 11 of the lease will provide, in addition to other reservations, that the right is reserved to the United States, its officers, agents, and employees, to flood the leased premises whenever necessary, and the lessee shall have no claim for damages of any character on account thereof against the United States or any officer, agent, or employee thereof.

**h. Planned Use of Government Lands:** Government lands at the Lake Red Rock Project will be utilized and allocated to fulfill the present and foreseeable future public demands. As far as can be foreseen, there will be no necessity for the Government to terminate any lease offered under this notice of availability prior to the expiration date; however, in order to meet any future planned use requirements for any of the lands, all leases offered hereunder will be subject to termination at the end of any crop year if the premises leased are needed for planned use by the Government.

**i. Warranty:** The property described herein will be leased subject to the provisions and conditions of this notice of availability and said lease form. The property is now subject to inspection by prospective applicants. **Applicants are expected to inspect the property and to form their own conclusions as to its suitability for their purposes.** The failure of any applicant to make such inspection will not constitute grounds for any claim for adjustment or for the withdrawal of the application after the time of opening applications. It is to be understood and agreed that there is no warranty of any character other than that expressly stated in this notice of availability.

**j. Deposit Required:** No application will be considered unless it is accompanied by a deposit in an amount approximately equal to and not less than ten percent (10%) of the amount of annual rental offered. In the event that an applicant submits an application on more than one item, all deposits are to be included in ONE check or money order. The deposit is to guarantee that the applicant will enter into a written lease and pay the balance of the rental due within ten days after the date of receipt of written notice of acceptance of the application and a draft lease for execution. Such guarantee must be in the form of a money order or check, payable to the "FAO, USAED, Rock Island." The deposit of the successful applicant will be retained by the Government to apply against payment of the balance of the annual rental offered and deposits of unsuccessful applicants will be returned without interest as promptly as possible after rejection; provided, however, that in the event of default by any applicant

hereunder, that applicant's deposit may be applied by the Government to any loss, cost and expense incurred in leasing the property and including any difference between the amount specified in the application and the amount for which the Government may lease the property, if the latter amount be less than the former. The applicant is liable for the full amount of damages sustained by the Government because of default; such liability is not limited to the amount of the applicant's deposit.

**k. Acceptance of Applications:** All applications will remain open for acceptance or rejection for a period of fifteen (15) days from the date of opening applications. Notice of award will be given to successful applicants as soon after the date of opening applications as practicable. Notice by the Government of the acceptance of an application, if not given to the successful applicant personally or to a duly authorized representative of such applicant, will be deemed to have been sufficiently given when mailed in a postpaid or franked envelope to the applicant at the address indicated in the application.

**l. Rejection of Applications:** The right is reserved, as the interests of the Government may require, to reject any and all applications and to waive any informality in applications received, and to accept or reject any items of any application, unless such application is qualified by specific limitation.

**m. Award of Lease:** Leases will be awarded to the applicant offering the highest rent and complying with the conditions of this notice of availability, provided that the applicant is responsible, the application is reasonable, and it is in the best interest of the United States to accept it.

**n. Data Required by the PRIVACY ACT of 1974:** The personal information requested on the "Taxpayer Identification Number" Sheet attached to the Notice of Availability, for the lease of Government real property is needed and will be used to complete the lease, in the case of the successful applicant. Each person doing business with a Governmental agency must furnish to that agency such person's taxpayer identifying number as required by law.

**o. Default:** In the event of failure on the part of the successful applicant to enter into a lease and to pay the balance of the rental due within ten (10) days after the date of receipt of notification by the Government that the application has been accepted and the presentation to the applicant of a draft lease for execution, or in the event of failure of the successful applicant to otherwise comply with the terms of this notice of availability, the Government may declare the applicant in default and the deposit will be retained as liquidated damages.

## **5. INSTRUCTIONS TO APPLICANTS**

**a. Applications Subject to These Terms:** All applications submitted shall be deemed to have been made with the full knowledge of all terms, conditions, and requirements herein contained.

**b. Applications Must Be Submitted In Duplicate On The Application Forms Enclosed:** Additional copies of the notice of availability and application forms may be

obtained from the Lake Red Rock Project Manager's Office at the dam site, from the Real Estate Division, PO Box 2004, Rock Island, Illinois 61204-2004, phone (309)794-5201, or on the district website at <http://www.mvr.usace.army.mil/>.

**c. Execution of Applications:** Each application must give the full address of the applicant and must be signed with their usual signature. An application executed by an attorney or agent on behalf of the applicant shall be accompanied by two authenticated copies of their power of attorney, or other evidence of their authority to act on behalf of the applicant. If the applicant is a corporation, the CERTIFICATE OF CORPORATE APPLICANT must be executed. If the application is signed by the Secretary of the Corporation, the CERTIFICATE must be executed by some other officer of the corporation under the corporate seal. In lieu of the CERTIFICATE OF CORPORATE APPLICANT, there may be attached to the application, copies of so much of the records of the corporation as will show the official character and authority of the officer signing, duly certified by the Secretary or Assistant Secretary under the corporate seal, to be true copies.

**d. Additional Information:** Any additional information required may be obtained from the Lake Red Rock Project Manager's Office at the dam site, or from the Real Estate Division, PO Box 2004 Rock Island, Illinois 61204-2004, phone (309)794-5201.

**e. Submission of Applications:** It will be the duty of each applicant to see that their application is delivered by the time and at the place prescribed in the notice of availability. Applications received prior to the time of opening will be securely kept, unopened. The person whose duty it is to open them will decide when the specified time has arrived, and no application or modifications of an application or withdrawal of an application received thereafter will be considered, except that those received before award is made but delayed in the mails by occurrences beyond control of the applicant, may be considered if written certification is furnished by authorized postal authorities to that effect. No responsibility will attach for the premature opening of an application not properly addressed or identified. All modifications of an application or withdrawals of an application must be in writing. Telegraphic applications will not be considered, but modifications or withdrawals by telegraph of applications already submitted will be considered if received prior to the time set for opening applications.

**f. Withdrawals of Applications:** Applications may be withdrawn on written or telegraphic requests received from applicants prior to the time fixed for opening. Negligence on the part of the applicant in preparing their application confers no right to withdraw the application after it has been opened.

**g. Opening of Applications:** At the time fixed for the opening of applications, their contents will be made public for the information of applicants and others properly interested who may be present either in person or by representative.

**h. Mailing Applications:** Each application must be enclosed in a sealed envelope, marked and addressed as shown below:

**Applicant's Name and Return Address  
Sealed Application For Lease of Land  
Lake Red Rock Project  
To Be Opened:**

**1:00 P.M., February 24, 2016  
NOTICE NO. DACW25-9-16-4032**

**District Engineer, Rock Island  
ATTN: Real Estate Division, Gau  
PO Box 2004  
Rock Island, Illinois 61204-2004**