

TITLE 16 - CONSERVATION

CHAPTER 1 - NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES SUBCHAPTER LXI - NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS

§ 450e-1. Appomattox Court House National Historical Park

(a) Boundaries

The Appomattox Court House National Historical Park shall hereafter comprise the area depicted on the map entitled "Boundary Map, Appomattox Court House National Historical Park", numbered 340/80,015 and dated June 1992, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) Land acquisition by donation, purchase, or exchange; limitation on acquisition of State land

Within the boundaries of the park, the Secretary may acquire lands and interests in lands, by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Virginia or its political subdivisions may be acquired only by donation.

(c) Owner's reservation of right of use and occupancy of improved property for residential purposes for life or fixed term of years; compensation at fair market value; termination of right retained by owner; "improved property" defined; waiver of rights and benefits by owner

(1) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition, less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this section, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(2) As used in this section, the term "improved property" means a detached, single-family dwelling, construction of which was begun before June 8, 1976, which is used for noncommercial residential purposes, together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(3) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601 (6) of title 42.

(d) Administration

The Secretary shall administer the park in accordance with sections 1, 2, 3, and 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(e) Omitted

(f) Authorization of appropriation

There are authorized to be appropriated not to exceed \$1,335,000 to carry out the purposes of this section.

(Pub. L. 94–578, title III, § 308, Oct. 21, 1976, 90 Stat. 2735; Pub. L. 102–541, § 3(a), Oct. 27, 1992, 106 Stat. 3565.)

Codification

Section is comprised of section 308 of Pub. L. 94–578. Subsec. (e) of section 308 of Pub. L. 94–578 repealed sections 450b to 450e of this title.

Amendments

1992—Subsec. (a). Pub. L. 102–541 substituted “numbered 340/80,015 and dated June 1992,” for “numbered 340–20,000A, and dated September 1976.”

Effective Date of 1992 Amendment

Section 3(a) of Pub. L. 102–541 provided in part: “That this subsection [amending this section] shall not be effective until the lands included within the proposed new boundaries of the Appomattox Court House National Historical Park pursuant to this Act [amending this section and section 425k of this title and enacting provisions set out as notes under this section and section 425k of this title] have been donated to the Secretary of the Interior.” [Lands included within proposed new boundaries were donated on Sept. 14, 1993, and Sept. 15, 1993.]

Acquisition of Certain Lands by Donation Only

Section 3(b) of Pub. L. 102–541 provided that: “Lands included within the boundaries of the Appomattox Court House National Historical Park pursuant to this section [amending this section and enacting provisions set out above] may be acquired only by donation.”