

the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) Conditions

The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) Valuation

(i) In general

The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) Equalization

If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) Appraisal

Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) Technical corrections

Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) Administration of land acquired by Secretary

Land acquired by the Secretary under subparagraph (A) shall—

- (i) become part of the National Park; and
- (ii) be administered in accordance with the laws applicable to the National Park System.

(4) Map

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) Boundary revision

On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

(Pub. L. 111–11, title VII, §7107, Mar. 30, 2009, 123 Stat. 1193.)

SUBCHAPTER LV—MINUTE MAN NATIONAL HISTORICAL PARK

§ 410s. Establishment

(a) In general

In order to preserve for the benefit of the American people certain historic structures and properties of outstanding national significance associated with the opening of the War of the American Revolution, Minute Man National Historical Park is authorized to be established in the Commonwealth of Massachusetts. The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American Revolution, and (3) the Wayside on Lexington Road in Concord, the home of Nathaniel Hawthorne, Bronson Alcott, Louisa May Alcott, and Margaret Sidney, whose works illustrate the nineteenth century American literary renaissance.

(b) Boundaries

The park shall be comprised of the lands depicted on the map entitled “Boundary Map NARO-406-20015C”, dated June 1991.

(Pub. L. 86–321, §1, Sept. 21, 1959, 73 Stat. 591; Pub. L. 91–548, §1, Dec. 14, 1970, 84 Stat. 1436; Pub. L. 102–488, §2[1], Oct. 24, 1992, 106 Stat. 3135.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–488 substituted “The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American Revolution, and (3) the Wayside on Lexington Road in Concord, the home of Nathaniel Hawthorne, Bronson Alcott, Louisa May Alcott, and Margaret Sidney, whose works illustrate the nineteenth century American literary renaissance.” for “The park shall comprise not more than seven hundred and fifty acres as may be designated by the Secretary of the Interior from within the area beginning at Fiske Hill and thence lying along Massachusetts Avenue, Marrett Road and Marrett Street in the town of Lexington, along Nelson Road, Virginia Road, Old Bedford Road, and North Great Road or State Route 2–A in the town of Lincoln, and along Lexington Road, Monument Street, Liberty Street and Lowell Road in the town of Concord to and including the North Bridge and properties on both sides of the Concord River in the vicinity of the North Bridge.”

Subsec. (b). Pub. L. 102–488 added subsec. (b) and struck out former subsec. (b) which read as follows: “Notwithstanding the description set forth in subsection (a) of this section, if the Secretary should determine that the relocation of Highway 2 by the Commonwealth of Massachusetts makes it desirable to establish new boundaries in common with, contiguous or adjacent to the proposed right-of-way for that highway, he is authorized to relocate such boundaries accordingly, and shall give notice thereof by publication of a map or other suitable description in the Federal Register: *Provided*, That any net acreage increase by reason of the boundary revision and land exchanges with the Commonwealth shall not be included in calculations of acreage in regard to the limitation set forth in subsection (a) of this section, but shall be in addition thereto.”

Subsec. (c). Pub. L. 102–488 struck out subsec. (c) which read as follows: “Any lands added to the Minute Man National Historical Park, pursuant to subsection

(b) of this section may be acquired only if such acquisition can be accomplished without cost for land acquisition and, when so acquired, shall be subject to all laws, rules, and regulations applicable thereto.”

1970—Pub. L. 91-548 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

SHORT TITLE OF 1992 AMENDMENT

Section 1 of Pub. L. 102-488 provided that: “This Act [enacting sections 410x-1 and 410x-2 of this title and amending this section and sections 410t and 410x of this title] may be cited as the ‘Minute Man National Historical Park Amendments of 1991.’”

§ 410t. Acquisition and transfer of lands; private owner’s retention of right of use and occupancy

(a) Acquisition of lands; administrative jurisdiction of Federal lands; notice in Federal Register

The Secretary of the Interior is authorized to acquire by donation or with donated funds, or with funds authorized to be appropriated, lands and interests in lands within the area designated for the park. Administrative jurisdiction of Federal lands lying within the area designated for the park shall, with the concurrence of the Federal agency involved, be transferred to the Secretary of the Interior for administration as a part of the park.

The park shall be established as Minute Man National Historical Park by notice in the Federal Register when the Secretary of the Interior finds that sufficient lands within the designated area have been acquired to warrant such establishment.

(b) Transfer of lands

The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Defense the two parcels currently administered by the Secretary of the Interior, as depicted on the map dated April 1990 and numbered NARO-406/80805. The Secretary of Defense shall transfer to the administrative jurisdiction of the Secretary of the Interior, without reimbursement, for inclusion in the Minute Man National Historical Park the 4 parcels now administered by the Secretary of Defense, as depicted on the maps dated April 1990 and numbered NARO-406/80804 and NARO-406/80805.

(c) Exceptions and limitations to authorization to acquire lands; condemnation

The Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, lands or interests in lands within the areas included within the boundaries of the park pursuant to amendments made by the Minute Man National Historical Park Amendments of 1991 (hereinafter referred to as “1991 additions”), except that—

(1) lands, and interests in lands, within the 1991 additions which are owned by the State of Massachusetts or any political subdivision thereof, may be acquired only by donation, and

(2) lands, and interests in lands, within the 1991 additions which are used for noncommercial residential purposes as of July 1, 1991, may be acquired only with the consent of the owner

thereof unless the property is being developed, or is proposed to be developed, in a manner which the Secretary determines to be detrimental to the scenic, historical, cultural, and other values of the park.

Nothing in paragraph (2) shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances for any lands within the 1991 additions. Not later than 6 months after October 24, 1992, and after notice and opportunity for public comment, the Secretary of the Interior shall publish specific guidelines for making determinations under paragraph (2). Such guidelines shall provide for (A) written notice to the Secretary prior to commencement of any proposed development on the lands referred to in paragraph (2), (B) written notice by the Secretary to the owner of such lands of any determination proposed to be made under paragraph (2), and (C) a reasonable opportunity for the owner to comment on such proposed determination.

(d) Private owner’s retention of right of use and occupancy

(1) Any individual who owns private property acquired by the Secretary under subsection (c) of this section may, on the date of such acquisition, and as a condition of such acquisition, retain for himself and his successors or assigns, a right of use and occupancy of the property for a definite term of not more than 25 years from the date of acquisition by the Secretary or a term ending at the death of the owner or the owner’s spouse, whichever is later. The owner shall elect the term to be reserved.

(2) Unless the property is wholly or partially donated, the Secretary shall pay to the owner reserving a right of use and occupancy under this subsection the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner.

(3) For purposes of applying this subsection, ownership shall be determined as of July 1, 1991.

(Pub. L. 86-321, § 2, Sept. 21, 1959, 73 Stat. 591; Pub. L. 102-488, § 2(3)[(2)], Oct. 24, 1992, 106 Stat. 3135.)

REFERENCES IN TEXT

The Minute Man National Historical Park Amendments of 1991, referred to in subsec. (c), is Pub. L. 102-488, Oct. 24, 1992, 106 Stat. 3135, which enacted sections 410x-1 and 410x-2 of this title, amended this section and sections 410s and 410x of this title, and enacted provisions set out as a note under section 410s of this title. For complete classification of this Act to the Code, see Short Title of 1992 Amendment note set out under section 410s of this title and Tables.

AMENDMENTS

1992—Pub. L. 102-488 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

BOUNDARY ADJUSTMENT

Pub. L. 111-11, title VII, § 7106, Mar. 30, 2009, 123 Stat. 1193, provided that:

“(a) DEFINITIONS.—In this section:

“(1) MAP.—The term ‘map’ means the map entitled ‘Minute Man National Historical Park Proposed Boundary’, numbered 406/81001, and dated July 2007.