

(f) Retention by owner of right of use and occupancy for noncommercial residential or agricultural purposes; terms; payment of fair market value; termination by Secretary for use inconsistent with statutory purpose

The owner of an improved property, as defined in this subchapter, on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for non-commercial residential or agricultural purposes, as the case may be, 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 the property is wholly or partially donated, the Secretary shall pay to the owner 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. A right retained by the owner 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 subchapter, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(g) Offers to sell by owners claiming undue hardship

In exercising his authority to acquire property under this subchapter, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the park to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(Pub. L. 93-555, §2, Dec. 27, 1974, 88 Stat. 1784; Pub. L. 94-578, title III, §323(a), Oct. 21, 1976, 90 Stat. 2742; Pub. L. 95-625, title III, §315(a), (d), (f), Nov. 10, 1978, 92 Stat. 3483; Pub. L. 96-87, title IV, §401(g), Oct. 12, 1979, 93 Stat. 666; Pub. L. 99-606, §16, Nov. 6, 1986, 100 Stat. 3468; Pub. L. 102-431, §1, Oct. 23, 1992, 106 Stat. 2211; Pub. L. 103-437, §6(a)(5), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 106-291, title I, §149(b), (c)(2), Oct. 11, 2000, 114 Stat. 956.)

REFERENCES IN TEXT

Section 460ff-4 of this title, referred to in subsec. (b), was in the original "section 5 of this Act" meaning section 5 of Pub. L. 93-555 which was repealed and section 6 was redesignated section 5 by Pub. L. 106-291, title I, §149(d), Oct. 11, 2000, 114 Stat. 956.

CODIFICATION

In subsec. (d), "chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "the Federal Property and Administrative Services Act of 1949, as amended" on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2000—Pub. L. 106-291, §149(c)(2), substituted "the park" for "the recreation area" wherever appearing

and "The park" for "The recreation area" in subsec. (a).

Subsec. (a). Pub. L. 106-291, §149(b), substituted "The park shall" for "The recreational area shall" and "National Park" for "National Recreation Area".

1994—Subsec. (a). Pub. L. 103-437 substituted "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives" for "Committees on Interior and Insular Affairs of the United States Congress".

1992—Subsec. (b). Pub. L. 102-431 substituted "within the boundaries of the recreation area may be acquired only by donation or exchange for equal value. In determining the exchange value of lands of the State or any political subdivision thereof under this subsection, the Secretary shall not include in the value of those lands amounts paid from the land and water conservation fund, if any, for the original acquisition of those lands by the State or political subdivision" for "may be acquired only by donation".

1986—Subsec. (a). Pub. L. 99-606, §16(1), (2), substituted "numbered 644-80,054 and dated July 1986" for "numbered 655-90,001-A and dated May 1978" and inserted provisions relating to City of Akron Lands on the map referred to in first sentence offered as donations or privately owned, and revision of such map.

Subsec. (b). Pub. L. 99-606, §16(3), inserted provisions prohibiting acquisition of fee title to any lands designated on the map referred to in subsection (a) as "Scenic Easement Acquisition Areas", but acquisition of only scenic easement with no prohibition on activities unless consented to by owner, if such activity, etc. would have been permitted under laws of the local government on Apr. 1, 1986.

1979—Subsec. (a). Pub. L. 96-87 substituted "numbered 655-90,001-A" for "numbered 90,001-A".

1978—Subsec. (a). Pub. L. 95-625, §315(a), (f), substituted reference to Boundary Map "numbered 90,001-A, and dated May 1978" for "numbered 90,000-A, and dated September 1976" and inserted provision for land acquisition of the Hydraulic Brick Company and administration of the property as part of the recreation area.

Subsec. (e). Pub. L. 95-625, §315(d), provided for substitution of date "January 1, 1978" for "January 1, 1975" wherever appearing in application of the subsec. to lands and interests therein added to the recreation area by action of the Ninety-fifth Congress.

1976—Subsec. (a). Pub. L. 94-578 substituted "'Boundary Map, Cuyahoga Valley National Recreation Area, Ohio', numbered 90,000-A, and dated September 1976" for "'Boundary Map, Cuyahoga Valley National Recreation Area, Ohio', numbered NRA-CUYA-20,000-A, and dated December 1974".

§ 460ff-2. Land acquisition plan

(a) Submission to Congressional committees; time; contents

Within one year after December 27, 1974, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this park,

(ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this park, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(b) Congressional intent for land acquisition completion

It is the express intent of the Congress that the Secretary should substantially complete the

land acquisition program contemplated by this subchapter within six years after December 27, 1974.

(Pub. L. 93-555, §3, Dec. 27, 1974, 88 Stat. 1786; Pub. L. 106-291, title I, §149(c)(2), Oct. 11, 2000, 114 Stat. 956.)

AMENDMENTS

2000—Subsec. (a)(i), (ii). Pub. L. 106-291 substituted “park” for “recreation area”.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460ff-3. Administration

(a) Provisions applicable; utilization of authorities for conservation and management of wildlife and natural resources

The Secretary shall administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1, 2-4).¹ In the administration of the park, the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this subchapter.

(b) Federal-State cooperative agreements for police and fire protection

The Secretary may enter into cooperative agreements with the State of Ohio, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(c) Water resource developments; restoration of vegetative cover to eliminate erosion

(1) The authority of the Secretary of the Army to undertake or contribute to water resource development, including erosion control and flood control, on land or waters within the park shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purposes of this subchapter and the purposes of existing statutes dealing with water and related land resource development.

(2) The Secretary is authorized and directed, in cooperation with the Secretary of Agriculture, the State of Ohio, and affected local governments, to undertake a program of and treatment for the purpose of restoring suitable vegetative cover to substantially eliminate erosion from all lands, public and private, within the authorized boundaries of the park. In the

case of any private lands, within such authorized boundaries such treatment may be undertaken only with the consent of the owner thereof and shall be contingent upon assurances that such land treatment will be maintained by the owner for a period of not less than ten years. The Secretary shall, in conjunction with such program, take such actions as may be required to correct areas of ecological degradation which create hazards to health and safety.

(d) Inventory and evaluation of historical, cultural and architectural sites and structures; programs for preservation, restoration, interpretation and utilization

The Secretary, in consultation with the Governor of the State of Ohio, shall inventory and evaluate all sites and structures within the park having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

(e) Donations for services and facilities

Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purposes of providing services and facilities which he deems consistent with the purposes of this subchapter.

(f) Zoning laws and ordinances; consultation and assistance with local government or intergovernmental organization in establishment; objectives; technical aid

The Secretary may, on his own initiative, or at the request of any local government (or intergovernmental organization) having jurisdiction over land located within or adjacent to the park, assist and consult with the appropriate officers and employees of such local government (or intergovernmental organization) in establishing zoning laws or ordinances which will assist in achieving the purposes of this subchapter. In providing assistance pursuant to this subsection, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

(1) have the effect of prohibiting the commercial and industrial use (other than a use for commercial farms and orchards) of all real property adjacent to the park;

(2) aid in preserving the character of the park by appropriate restrictions on the use of real property in the vicinity including, but not limited to, restrictions upon: building and construction of all types; signs and billboards; the burning of cover; cutting of timber (except tracts managed for sustained yield); removal of topsoil, sand, or gravel; dumping, storage, or piling of refuse; or any other use which would detract from the aesthetic character of the park; and

(3) have the effect of providing that the Secretary shall receive notice of any hearing for the purpose of granting a variance and any variance granted under, and of any exception made to, the application of such law or ordinance.

Assistance under this subsection may include payments for technical aid.

¹ See References in Text note below.