

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to that section, amending this section and enacting provisions formerly set out as a note above, could be acquired only by donation, prior to repeal by Pub. L. 106-150, §1(b)(2), Dec. 9, 1999, 113 Stat. 1730.

§ 425l. Acquisitions and conveyances

(a) Acquisition

(1) Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests in lands within the park, by donation, purchase with donated or appropriated funds or by exchange.

(2) The lands designated “P04-04” on the map referred to in section 425k(a) of this title numbered 326-40072E/89/A and dated September 1990 may be acquired only by donation, and the lands designated “P04-01”, “P04-02”, and “P04-03” on such map may be acquired only by donation, purchase from willing sellers, or exchange.

(b) Conveyance of lands excluded from park

(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests excluded from the park pursuant to section 425k(b) of this title for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after December 11, 1989, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the battlefield setting. Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(c) Alternative access

In order to facilitate the acquisition by the United States of existing easements or rights of access across Federal lands within the park and to provide the owners of such easements or rights of access with alternative rights of access across nonpark lands, the Secretary may acquire, by donation, purchase with donated or appropriated funds, or exchange, interests in land of similar estate across lands which are not within the park. With or without the acceptance of payment of cash to equalize the values of the properties, the Secretary may convey such nonpark lands or interests in lands to the holders of such existing easements or rights of access across Federal lands within the park in exchange for their conveyance to the United States of such easements or rights. Nothing in sections 425k to 425o of this title shall prohibit the Secretary from acquiring any outstanding easements or rights of access across Federal lands by donation, purchase with donated or appropriated funds or by exchange.

(d) Conservation easements

The Secretary is authorized to accept donations of conservation easements on lands adjacent to the park. Such conservation easements shall have the effect of protecting the scenic and historic resources on park lands and the adjacent lands or preserving the undeveloped or historic appearance of the park when viewed from within or without the park.

(e) Other provisions

Within the area bounded by the Orange Turnpike, the Orange Plank Road, and McLaws Drive no improved property (as defined in section 425m of this title) may be acquired without the consent of the owner thereof unless the Secretary determines that, in his judgment, the property is subject to, or threatened with, uses which are having, or would have, an adverse impact on the park.

(Pub. L. 101-214, §3, Dec. 11, 1989, 103 Stat. 1849; Pub. L. 106-150, §1(b)(1), Dec. 9, 1999, 113 Stat. 1730.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-150 designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the Secretary” for “The Secretary”, and added par. (2).

§ 425m. Retained rights

(a) Retention of use and occupancy

With the exception of property which the Secretary determines is necessary for development or public use, the owner or owners of improved property acquired pursuant to sections 425k to 425o of this title may retain a right of use and occupancy of such improved property for noncommercial residential purposes for a definite term of not more than twenty-five years, or for a term ending at the death of the owner or the owner's spouse. The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership, or any entity other than an individual, the term shall not exceed twenty-five years. Ownership shall be determined as of June 1, 1989. 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 such acquisition, less the fair market value of the right retained by the owner.

(b) Terms and conditions

Any rights retained pursuant to this section shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration, protection, or public use of the park. Such right shall terminate by operation of law upon notification of the owner by the Secretary and tendering to the owner an amount equal to the fair market value of that portion of the right which remains unexpired.

(c) “Improved property” defined

As used in this section, the term “improved property” means a year-round noncommercial