

Subsec. (c). Pub. L. 97-361 redesignated subsec. (b) as (c), and amended it to apply expressly to any instrument evidencing any right of use and occupancy retained by any occupier under this section.

Subsec. (d). Pub. L. 97-361 added subsec. (d).

§ 460x-10. Improved property

(a) General definition

As used in this subchapter, the term “improved property” means a detached, one-family dwelling, construction of which—

(1) was begun before December 31, 1964, or

(2) for the purposes of section 460x-9(b) or (d) of this title, was begun on or after December 31, 1964, and before October 21, 1970, and has been openly and continuously used, at least during the summer months of each year when similar dwellings in the area are used, as a residential dwelling since such construction was completed, and with respect to the portion of such period after any acquisition of such property by the United States, by the owner, or a member of the immediate family of the owner, of such dwelling on the date of such acquisition,

together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated. The amount of land so designated shall in every case be at least three acres in area, or all of such lesser acreage as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed.

(b) Authorization to exclude beach lands

The Secretary may exclude from the land designated under subsection (a) any beach or waters on Lake Michigan, together with so much of the land adjoining any such beach or waters as the Secretary may deem necessary for public access thereto. If the Secretary makes such exclusion, an appropriate buffer zone shall be provided between any residence and the public access or beach.

(c) Authorization to exclude recently improved property; termination, compensation, and notice

(1) The Secretary may exclude from the category of “improved property” under this subchapter any property described in subsection (a)(2) which the Secretary determines is in an area required for public use or development in the immediate future. In making any such determination the Secretary shall take into account the proximity of such property to any other improved property, the development or public use of the lakeshore and the related timetable therefor, and the anticipated availability in the immediate future of funds related to such development or public use.

(2)(A) With respect to any improved property, as defined in subsection (a)(2), with respect to

which the occupier has retained a right of use and occupancy under section 460x-9(b) of this title, the Secretary may terminate such right 90 days after notifying in writing the occupier, if the Secretary determines that such improved property is needed for public use or development under this subchapter. In making any such determination the Secretary shall take into account the proximity of such property to any other improved property, the development or public use requirements of the lakeshore and related timetable therefor, and the current availability of funds for the proposed public use or development.

(B) The Secretary shall pay to the owner of the right terminated an amount equal to the value of that portion of such right which remained unexpired on the date of such termination.

(3)(A) The Secretary must, within 60 days after October 22, 1982, notify in writing any owner or occupier of property described in subsection (a)(2) that an option to retain rights with respect to such property exists under section 460x-9(b) of this title, whether such property shall be subject to any action by the Secretary under paragraph (1) of this subsection, the nature of such proposed action, the reasons for such proposed action, and the contemplated timetable therefor.

(B) With respect to any proposed action to be taken under paragraph (2) of this subsection, if the Secretary determines within 60 days after October 22, 1982, after taking into account timetable and funding projections, that, consistent with the General Management Plan dated October 1979, public use or development is anticipated before 1998 for an area containing any improved property described in subsection (a)(2), the Secretary shall include notice of such determination in any notification under subparagraph (A) of this paragraph. Any failure of the Secretary to so notify an occupier pursuant to this subparagraph shall not preclude the Secretary from taking action under paragraph (2) at some future date.

(Pub. L. 91-479, §11, Oct. 21, 1970, 84 Stat. 1080; Pub. L. 97-361, §2, Oct. 22, 1982, 96 Stat. 1721.)

Editorial Notes

AMENDMENTS

1982—Pub. L. 97-361 designated existing provisions up to the proviso as subsec. (a), added cl. (2), designated existing proviso as subsec. (b), and added subsec. (c).

§ 460x-11. Scenic roads

(a) Authority of Secretary for construction, administration, and procurement of land

In order to facilitate visitor travel, provide scenic overlooks for public enjoyment and interpretation of the national lakeshore and related features, and in order to enhance recreational opportunities, the Secretary is authorized to construct and administer as a part of the national lakeshore scenic roads of parkway standards generally lying within Benzie County and within the parkway zone designated on the map specified in section 460x-1(a) of this title. Such scenic roads shall include necessary connec-