

**(d) Public use areas; preservation of rights of owner or occupant of improved property located within public use area**

In developing the lakeshore the Secretary shall provide public use areas in such places and manner as he determines will not diminish the value or enjoyment for the owner or occupant of any improved property located thereon.

(Pub. L. 91-479, § 6, Oct. 21, 1970, 84 Stat. 1077.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

**§ 460x-6. Taxing power**

Nothing in this subchapter shall be construed as prohibiting any governmental jurisdiction in the State of Michigan from assessing taxes upon any interest in real estate retained under the provisions of section 460x-9 of this title to the owner of such interest.

(Pub. L. 91-479, § 7, Oct. 21, 1970, 84 Stat. 1077.)

**§ 460x-7. Acquisition of property**

**(a) Authority of Secretary; manner of acquisition; procedure for lands partly within designated area**

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer funds, transfer from any Federal agency, or exchange lands and interests therein for the purposes of this subchapter. When an individual tract of land is only partly within the area designated, the Secretary may acquire the entire tract by any of the above methods to avoid the payment of severance costs. Land so acquired outside the designated area may be exchanged by the Secretary for non-Federal lands within such area, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of 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.

**(b) Sale offers; hardship from delay; time and manner of purchase**

In exercising his authority to acquire property under this subchapter, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. An individual owning property within the lakeshore may notify the Secretary that the continued ownership by such individual of that property would result in hardship to him,

and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

**(c) State donations; transfer from Federal agency to administrative jurisdiction of Secretary**

Any property or interests therein, owned by the State of Michigan or any political subdivisions thereof, may be acquired only by donation. Notwithstanding any other provision of law, any property owned by the United States on October 21, 1970, located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this subchapter.

**(d) Initiation of condemnation proceedings subsequent to failure of Secretary to negotiate for purchase of property; certificate of compliance with negotiation procedure**

With respect to that property which the Secretary is authorized to acquire by condemnation under the terms of this subchapter, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase. The certificate of the determination by the Secretary or his designated representative that there has been compliance with the provisions of this subsection and of subsection (b) of this section shall be prima facie evidence of such compliance.

**(e) Condemnation to acquire clear, marketable, and encumbrance-free title**

Nothing in this subchapter 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.

(Pub. L. 91-479, § 8, Oct. 21, 1970, 84 Stat. 1077.)

**Editorial Notes**

**CODIFICATION**

In subsec. (a), “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 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.)” 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.

**Statutory Notes and Related Subsidiaries**

**SLEEPING BEAR DUNES NATIONAL LAKESHORE**

Pub. L. 108-229, May 28, 2004, 118 Stat. 645, provided that:

**“SECTION 1. EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE.**

“(a) IN GENERAL.—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that park.

“(b) LAND DESCRIBED.—The land referred to in subsection (a) consists of approximately 104.45 acres of un-