

spect to condemnation proceeding, were rendered general and permanent by a provision of the end of that section which read as follows:

“And hereafter, in all cases of the taking of property in the District of Columbia for public use, whether herein, heretofore, or hereafter authorized, the foregoing provisions, as it respects the application by the proper officer to the supreme court of the District of Columbia [see above for change in name] and the proceedings therein shall be as in the foregoing provisions declared”. In view of this provision, section 3, reworded at the beginning thereof to incorporate it, was classified to former section 120 of this title. Former section 120 was superseded in effect by act Mar. 1, 1929, ch. 416, 45 Stat. 1415, which was formerly classified to section 361 et seq. of this title.

TRANSFER OF FUNCTIONS

“Commission”, as used in this section, refers to National Capital Planning Commission, rather than to National Capital Park and Planning Commission, in view of transfer of functions, powers, etc., from latter to former by section 71h of this title.

DELEGATION OF FUNCTIONS

Authority of President under last sentence of this section to approve (i) designation of lands to be acquired by condemnation, (ii) contracts for purchase of lands, and (iii) agreements between National Capital Planning Commission and officials of States of Maryland and Virginia delegated to Director of Office of Management and Budget, see section 9(4) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71h, 72a, 74 of this title.

§ 72a. Acquisition of land by Commission subject to limited rights reserved to grantor; acquisition of limited permanent rights in land adjoining park property

The authority of the National Capital Planning Commission, established by section 71 of this title, is enlarged as follows:

Said Commission is authorized to acquire, for and in behalf of the United States of America, by gift, devise, purchase, or condemnation, in accordance with the provisions of sections 71 to 71i, 72, 73, and 74 of this title, (1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor: *Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That in the opinion of said Commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto; (2) permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: *Provided*, That in the opinion of said Commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: *Provided further*, That all contracts for acquisition of land subject to such limited rights reserved to

the grantor and for acquisition of such limited permanent rights in land shall be subject to the approval of the President of the United States.

(Dec. 22, 1928, ch. 48, §1, 45 Stat. 1070; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790.)

REFERENCES IN TEXT

Former provisions of section 71 of this title, referred to in text, established the National Capital Park and Planning Commission, to which such clause originally referred. For transfer of functions, powers, etc., of that Commission to the National Capital Planning Commission, see Transfer of Functions note set out below, and for creation of the latter Commission, see section 71a of this title.

TRANSFER OF FUNCTIONS

In opening clause, “National Capital Planning Commission” substituted for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

DELEGATION OF FUNCTIONS

Authority of President under this section to approve contracts for acquisition of land subject to limited rights reserved to grantor and for acquisition of limited permanent rights in land adjoining park property delegated to Director of Office of Management and Budget, see section 9(5) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 72b. Lease of lands acquired for park, parkway, or playground purposes

The Director of Public Buildings and Public Parks of the National Capital is authorized, subject to the approval of the National Capital Planning Commission, to lease, for a term not exceeding five years, and to renew such lease, subject to such approval, for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the director shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes.

(Dec. 22, 1928, ch. 48, §2, 45 Stat. 1070; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790.)

TRANSFER OF FUNCTIONS

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

The office of Public Buildings and Public Parks of the National Capital was abolished and its functions transferred to the Office of National Parks, Buildings and Reservations of the Department of the Interior by section 2 of Executive Order No. 6166, effective June 10, 1933. The name of that office was changed to “National Park Service” by section 1 of the Act of March 2, 1934 (ch. 38, 48 Stat. 389). For further details, see Transfer of Functions note set out under section 19 of this title.

§ 72c. Power to sell lands

The Mayor of the District of Columbia, with the approval of the National Capital Planning Commission, is authorized and empowered in his

discretion, for the best interests of the District of Columbia, to sell and convey, in whole or in part, to the highest bidder at public or private sale, real estate now or hereafter owned in fee simple by the District of Columbia for municipal use, in the District of Columbia, which the Council of the District of Columbia and the National Capital Planning Commission find to be no longer required for public purposes.

(Aug. 5, 1939, ch. 449, §1, 53 Stat. 1211; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790; 1967 Reorg. Plan No. 3, §§401, 402(192), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, §§401, 421, Dec. 24, 1973, 87 Stat. 785, 789.)

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

TRANSFER OF FUNCTIONS

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in text for “commissioners”.

Function of Board of Commissioners to find that real estate is no longer required for a public purpose transferred to District of Columbia Council pursuant to section 402(192) of Reorg. Plan No. 3 of 1967.

“Council of the District of Columbia” substituted in text for “District of Columbia Council” pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§ 72d. Expenses of land sales

The Mayor of the District of Columbia is further authorized to pay the reasonable and necessary expenses of sale of each parcel of land sold, and shall deposit the net proceeds thereof in the Treasury of the United States to the credit of the District of Columbia.

(Aug. 5, 1939, ch. 449, §2, 53 Stat. 1211; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of

Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in text for “commissioners”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§ 72e. Execution of deeds to lands

The Mayor of the District of Columbia is authorized to execute proper deeds of conveyance for real estate sold under the provisions of sections 72c to 72e and 74a to 74c of this title, which shall contain a full description of the land sold, either by metes and bounds, or otherwise, according to law.

(Aug. 5, 1939, ch. 449, §3, 53 Stat. 1211; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in text for “commissioners”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 74b of this title.

§ 73. Authorization of appropriations for expenses, and acquisition of lands by Commission; assignment of playground areas; control of lands outside District

There is authorized to be appropriated, each year, in the annual District of Columbia Appropriation Act, a sum not exceeding 1 cent for each inhabitant of the continental United States as determined by the last preceding decennial census, said sum to be used by said Commission for the payment of its expenses and for the acquisition of the lands herein authorized to be acquired by said Commission for the purposes named, the compensation for the land, the expense of surveys, ascertainment of title, condemnation proceedings, if any, and necessary conveyancing to be paid from said appropriations. The funds so appropriated shall be paid from the revenues of the District of Columbia and the general funds of the Treasury in the same proportion as other expenses of the District of Columbia. The land so acquired within the District of Columbia shall be a part of the park system of the District of Columbia and be under control of the Director of the National Park Service. Areas suitable for playground pur-