

RELINQUISHMENT AND RELEASE  
OF REVERSIONARY INTEREST  
AND EXTINGUISHMENT OF DEED RESTRICTION  
IN THE UNITED STATES

THIS INSTRUMENT is made and executed this \_\_\_\_ day of \_\_\_\_\_, 2023, by the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or her authorized representative.

WITNESSETH;

WHEREAS, the Act of November 29, 1989, 103 Stat. 1697 (1989 Act), authorized the Secretary to provide for the establishment of a Western Historic Trails Center (Center) in the City of Council Bluffs, Iowa, for the purpose of interpreting the history of the Lewis and Clark National Historic Trail, the Mormon Pioneer National Historic Trail, and the Oregon National Historic Trail;

WHEREAS, Section 2(d) of the 1989 Act directed the Secretary to enter into a binding agreement with a qualified non-Federal entity for conveyance by deed or lease from the Secretary of any structure or property acquired and developed for use as a Center pursuant to the Act, conditioned on the non-Federal entity's agreement to operate and maintain the Center and make no major alteration of the structure or grounds without the express written authorization of the Secretary;

WHEREAS, pursuant to the authority of the 1989 Act the Secretary's authorized representative executed a Quit Claim Deed dated April 13, 1998, and recorded on June 8, 1998, in Book 98, Page 55015, as Instrument No. 19170 (1998 Deed), whereby the United States conveyed the Center and its associated land and improvements to the State of Iowa acting by and through its Administrator of the State Historical Society of Iowa, a division of the Iowa Department of Cultural Affairs;

WHEREAS, the 1998 Deed's conveyance of the Center to the State of Iowa was subject to the condition that the State of Iowa shall make no major alterations of the Center's structure or grounds without the express written authorization of the National Park Service, and further provided that, if at any time the State of Iowa failed to comply with the material requirements of the 1989 Act, all right, title and interest in the Center's grounds and improvements shall revert to the United States;

WHEREAS, Section 2411 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, 133 Stat. 580, 752 (Dingell Act), provided that, if the Secretary determines that it is no longer in the public interest to operate and maintain the Center, the Secretary may enter into one or more agreements to convey the reversionary interest held by the United States under the 1998 Deed and to extinguish the requirement in the deed that alterations to structures on the property may not be made without the authorization of the Secretary;

WHEREAS, Section 2411 of the Dingell Act further provided that such conveyance of the United States' reversionary interest in the Center may be made without consideration if the land subject to the reversionary interest is required to be used in perpetuity for public recreational, educational, or similar purposes, or for consideration in an amount equal to the fair market value of the reversionary interest, as determined by an appraisal conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice, without such restrictions on the land's future use;

WHEREAS, the State of Iowa, on April 6, 2022, contracted an appraisal to determine the fair market value of the reversionary interest. On February 7, 2023, the State of Iowa declined to exercise their right to pay fair market value on any of the described lands and as such is required to be used in perpetuity for public recreational, educational, or similar purposes; and

WHEREAS, by a Determination date February 9, 2023, the Secretary or her authorized representative has determined that it is no longer in the public interest to operate and maintain the Center, and that disposition of the United States' reversionary interest in the Center and extinguishment of the 1998 Deed's restriction on alterations to the Center's structures and grounds pursuant to Section 2411 of the Dingell Act is appropriate; and

WHEREAS, pursuant to the authority of Section 2411 of the Dingell Act, on \_\_\_\_\_, 2023, the United States, acting by and through the Secretary or her authorized representative, and the State of Iowa, entered into an Agreement for Relinquishment and Release of Reversionary Interest and Extinguishment of Deed Restriction in the United States whereby the United States agreed to relinquish, release, quit claim and otherwise convey its reversionary interest and extinguish its deed restriction in the land without consideration subject to the above-described perpetual use restrictions.

NOW, THEREFORE, the UNITED STATES OF AMERICA hereby releases, relinquishes, quit claims and otherwise conveys its reversionary interest under the 1998 Deed in the following property, and further extinguishes the restriction in the 1998 Deed that no major alterations of the Center's structure or grounds without the express written authorization of the National Park Service:

The United States' reversionary interest in those lands in Pottawattamie County described in Exhibit A hereto is hereby released, relinquished, quit claimed and otherwise conveyed to the State of Iowa, and the deed restriction prohibiting major alterations to those lands and improvements thereof without National Park Service approval is hereby extinguished, subject to the express and perpetual covenant that such lands are required to be used in perpetuity for public recreational, educational, or similar purposes. By its acceptance hereof, the State of Iowa, on its own behalf and for its successors and assigns, agrees to be bound in perpetuity by this covenant, and to include this covenant in any instrument conveying a leasehold or freehold interest in the land.

IN WITNESS WHEREOF, the UNITED STATES OF AMERICA has executed this instrument on the date first written above.

The United States of America accepts the above instrument as set forth herein on this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The United States of America

By: \_\_\_\_\_

Michael L. Bockman  
Chief, Land Resources  
Interior Regions 3, 4, 5, National Park Service  
U.S. Department of the Interior

STATE OF NEBRASKA    )  
  ) SS  
COUNTY OF DOUGLAS    )

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared Michael L. Bockman, Chief Land Resources, Interior Regions 3, 4, 5, National Park Service, who acknowledged he executed the foregoing instrument and that the same was his free act and deed.

IN TESTIMONY WHEREOF I have hereunto set my name and affixed my Notarial seal at Omaha, Nebraska on this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
, Notary Public

A Resident of Nebraska

My Commission expires:

IN WITNESS WHEREOF, the STATE OF IOWA has executed this instrument on the date first written above.

The State of Iowa accepts the above instrument as set forth herein on this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The State of Iowa

By: \_\_\_\_\_  
Chris Kramer  
Director, Iowa Department of Cultural Affairs

STATE OF IOWA, POLK COUNTY: This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 by Chris Kramer as the Director of the Iowa Department of Cultural Affairs.

\_\_\_\_\_  
NOTARY PUBLIC for the State of Iowa

My Commission expires:

DRAFT