

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4145. Land Exchanges: In General.

(a) Land exchanges, rather than monetary compensation, are hereby declared to be the preferred means of obtaining private lands for public purposes and of providing compensation of public purposes specified in 2 CMC § 4143(e), and in any judicial determination of just compensation for the taking of or encroachment upon private land by the government, transfer of a freehold interest in public land of comparable value shall be deemed to be an equally valid means of compensation as monetary remuneration; provided, that nothing in this article shall be construed as precluding or prohibiting monetary compensation, either in lieu of or in addition to a land exchange.

(b) The corporation may, upon its own initiative, propose and/or execute land exchange agreements for the accomplishment of public purposes defined in this article in which it has jurisdiction pursuant to the Commonwealth law.

(c) The corporation shall make available, other than protected resources, public lands necessary to accomplish the purpose of this article, provided, however, in the exchange of public lands adjacent to protected resources, the corporation, in consultation with appropriate government agencies, shall delineate by cadastral survey an area adequate for preservation of the protected resources.

(d) For a period of 10 years after June 1, 1987, land exchanges shall be made only for land physically located within the same senatorial district, as defined in 1 CMC § 1402(d), as the land for which an exchange is to be made.

Source: PL 5-33, § 5.

Commission Comment: With respect to the references to the Marianas Public Land Corporation, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 4142.