

Private Calendar No. 1

109TH CONGRESS
1ST SESSION

H. R. 432

[Report No. 109-114]

To require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources

JUNE 8, 2005

Referred to the Private Calendar and ordered to be printed

A BILL

To require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Betty Dick Residence Protection Act”.

1 (b) FINDINGS.—The Congress finds the following:

2 (1) Prior to their divorce, a married couple,
3 Fred Dick and Marilyn Dick, owned as tenants in
4 common a tract of land that included the property
5 identified in section 2(b) of this Act.

6 (2) When Fred and Marilyn Dick were di-
7 vorced, Marilyn Dick became the sole owner of the
8 tract, but Fred Dick retained the right of first re-
9 fusal to acquire it if Marilyn Dick ever chose to sell
10 it.

11 (3) In 1977, Marilyn Dick sold the tract to the
12 United States for addition to Rocky Mountain Na-
13 tional Park, but Fred Dick, asserting his right of
14 first refusal, sued to cancel the transaction.

15 (4) In 1980, the lawsuit was settled through an
16 agreement between the National Park Service and
17 Mr. Dick and his heirs, successors and assigns.

18 (5) Under the 1980 settlement agreement, Mr.
19 Dick and his new wife, Ms. Betty Dick, were allowed
20 to lease and occupy the 23 acres comprising the
21 property identified in section 2(b) for 25 years.

22 (6) Mr. Dick died in 1992, but Betty Dick has
23 continued to lease and occupy the property identified
24 in section 2(b) under the terms of the settlement
25 agreement.

1 (7) Betty Dick's right to lease and occupy the
2 property identified in section 2(b) will expire on July
3 16, 2005, at which time Ms. Dick will have attained
4 the age of 83 years.

5 (8) Ms. Dick wishes to continue to occupy the
6 property for the remainder of her life, and has
7 sought to conclude a new agreement with the Na-
8 tional Park Service that would permit her to do so.
9 However, the Park Service has not been willing to
10 agree to such an arrangement and is demanding
11 that she vacate the property by July 16, 2005.

12 (9) Since 1980, Betty Dick has consistently oc-
13 cupied the property identified in section 2(b) as a
14 summer residence and has made it available for
15 community events. During that period, she has been
16 a good steward of the property. Her occupancy has
17 not been detrimental to the resources and values of
18 Rocky Mountain National Park and has not created
19 problems for the National Park Service or the pub-
20 lic.

21 (10) Under the circumstances it is appropriate
22 for Betty Dick to be permitted to continue her occu-
23 pancy of the property identified in section 2(b) for
24 the remainder of her natural life under the terms

1 and conditions applicable to such occupancy since
2 1980.

3 (c) PURPOSE.—The purpose of this Act is to require
4 the Secretary of the Interior to permit continued occu-
5 pancy and use of the property identified in section 2(b)
6 by Betty Dick for the remainder of her natural life.

7 **SEC. 2. RIGHT OF OCCUPANCY.**

8 (a) IN GENERAL.—The Secretary of the Interior shall
9 permit continued occupancy and use of the property de-
10 scribed in subsection (b) by Betty Dick for the remainder
11 of her natural life, subject to the requirements of this Act.

12 (b) IDENTIFICATION OF PROPERTY.—The property
13 referred to in subsection (a) are the lands and improve-
14 ments within the boundaries of Rocky Mountain National
15 Park identified as “residence”, “occupancy area”, and
16 “barn” on the map entitled “Betty Dick Residence and
17 Barn” dated January, 2005.

18 (c) TERMS AND CONDITIONS.—Occupancy and use of
19 the property identified in subsection (b) shall be subject
20 to the same terms and conditions as specified in the docu-
21 ment entitled “Settlement Agreement” between the Na-
22 tional Park Service and Mr. Fred Dick dated July 17,
23 1980, except that Betty Dick shall be required to annually
24 pay to the Secretary of the Interior an amount equal to

1 one twenty-fifth of the amount specified in section 3(B)
2 of such agreement.

3 (d) CONSTRUCTION.—Nothing in this Act shall be
4 construed to permit construction of any structure not in
5 existence on November 30, 2004, or to apply to occupancy
6 or use of the property described in subsection (b) by any
7 person other than Betty Dick.

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