

13/DPC/lfz

13 SEP 1966

From: Commanding General
To: Commander, Atlantic Division, Naval Facilities Engineering
Command, Bureau of Yards and Docks, Norfolk, Virginia 23511

Subj: Proposed indenture agreement granting easement to the City of
Jacksonville

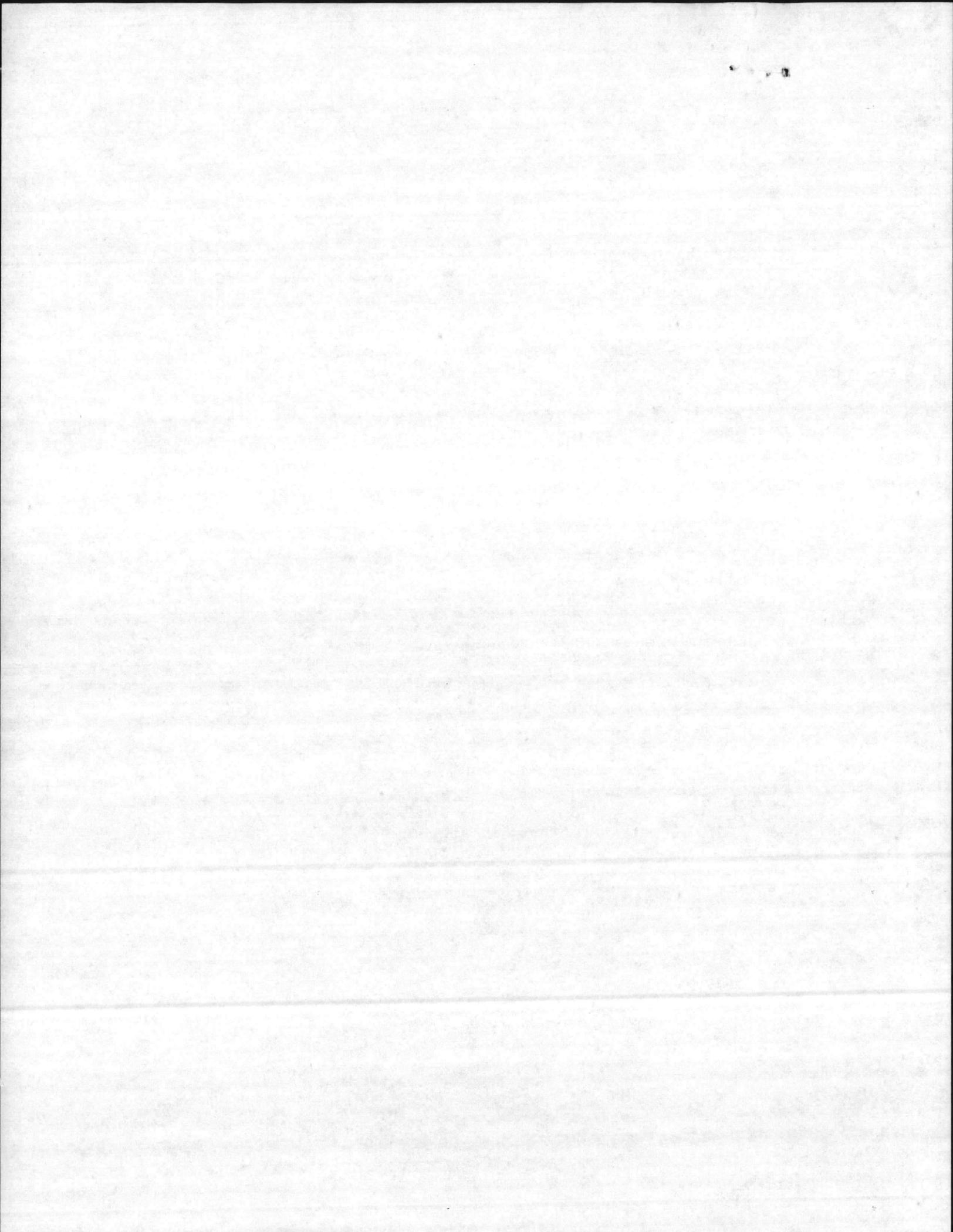
Ref: (a) Easement NOy(R)-65451 ✓

Encl: (1) Subject agreement
(2) Y&D Drawing No. 1036403, Real Estate Summary Map
(3) Property Map of the Tallman Sub-Division

1. The enclosed proposed indenture is the result of a request by the City of Jacksonville, North Carolina, for a grant of easement which would increase the current easement as described in the above referenced and previously granted easement.
2. The purpose of the request for the new grant of easement is to enable the City of Jacksonville to construct improvements upon existing unpaved streets thereby giving more serviceable access to the government property. As stated in the proposed indenture agreement, this construction will also provide additional as well as improved access to the government property.
3. The enclosed indenture agreement was drafted after several consultations of representatives of Marine Corps Base, Camp Lejeune, and the City Attorney of Jacksonville, North Carolina, and the terms therein are the result of the accord that was reached. Acceptance by the City of Jacksonville of such an executed grant of easement is assured.
4. The proposed grant of easement is hereby forwarded for your appropriate action.

W. T. BRAY
Chief of Staff

*Please return to
Legal Asst.
Bldg 203*



GRANT OF EASEMENT

THIS INDENTURE, made this 15 day of March 1966, between the United States of America, acting by and through the Department of the Navy, hereinafter referred to as the Government, and the City of Jacksonville, North Carolina, hereinafter referred to as the Grantee.

WHEREAS, the parties to the indenture known as NOy(R)-65451 have reached an accord that the easement granted thereby from the U. S. Government acting by and through the Department of the Navy to the City of Jacksonville, North Carolina, should be terminated and a new indenture agreement entered into, this new indenture is as hereinafter described entered into and the Grant of Easement thereby given.

WHEREAS, the Government owns in fee simple a parcel of land situated on the northern side of Tallman Street in the City of Jacksonville, North Carolina, under the cognizance of the Department of the Navy; and

WHEREAS, the Grantee proposes to construct a municipal street extending from U. S. Highway 17A in a southerly direction along New River, intersecting with Chaney Avenue and Tallman Street, and connecting with New Bridge Street; and

WHEREAS, a portion of the proposed street will traverse the northwestern corner of the aforesaid Government property and the Grantee has requested an easement therefor as hereinafter described; and

WHEREAS, the construction of this street will provide additional and improved access to the Government's property; and

WHEREAS, the Secretary of the Navy has found that the grant of an easement on the terms and conditions hereinafter stated will not be against the public interest;

NOW, this Indenture witnesseth that, in consideration of the mutual benefits to be derived therefrom, the Government, pursuant to the authority of Title 10, U. S. Code, Section 2668, hereby grants unto the said Grantee, its successors and assigns, for a period of fifty (50) years from the date hereof, an easement for the construction, use, maintenance, operation and repair of a street, hereinafter referred to as the Street, such easement to be confined to the following described land, hereinafter referred to as the Premises:

All that certain parcel of land situate in the City of Jacksonville, North Carolina, particularly described as follows:

THIS PROPOSED EGMT
WAS REWRITTEN

Beginning at a point in the shore line of New River where the same intersects the northern line of Lot No. 12, as shown on a map of property subdivided for Randall Tallman, recorded in the Office of Register of Deeds for Onslow County, North Carolina, in Deed Book 160 at page 456, said point being the northwestern corner of Government property; thence, along the property line of the Government, S66° 45' E 53 feet to a point; thence, along the property line of the Government, S36° 00' W 142.97 feet to a point in the northerly right of way line of Tallman Street, the same being another original corner of the Government property; thence, meandering along the shore line of New River as existing on 21 October 1941 in a northerly direction, a distance of approximately 145 feet to the point of beginning. This description includes that triangular area previously conveyed in an easement dated the 21st day of August, 1958, numbered NOy(R)-65451.

THIS EASEMENT is granted subject to the following terms and conditions:

1. That all work in connection with the construction, operation, repair and use of the Street shall be done without cost or expense to the Department of the Navy and in accordance with plans previously approved by the District Public Works Officer, Fifth Naval District, hereinafter referred to as the District Public Works Officer.
2. That the Grantee shall maintain the Street in good condition and shall promptly make all repairs thereto which may be necessary for the operation and the maintenance of said Street.
3. That upon termination of the easement granted herein, if desired by the Government, the Grantee, at its expense, shall remove any and all improvements installed or constructed hereunder and restore the Premises to the same or as good condition as that which existed prior to the exercise by the Grantee of its rights hereunder, such restoration to be effected to the satisfaction of the District Public Works Officer.
4. That the Government reserves to itself rights of way for all purpose across, over, and/or under the right of way herein granted;

provided, however, that such rights shall be used in a manner that will not unreasonably interfere with the use and enjoyment by the Grantee of the easement rights granted herein.

5. That all or any part of the right of way herein granted may be terminated for failure on the part of the Grantee to comply with any of the terms and conditions of this grant. This easement shall terminate upon abandonment of the rights granted herein or upon non-use of such rights for a period of two consecutive years.

IN WITNESS WHEREOF, the Government, acting by and through the Department of the Navy, has caused this instrument to be executed and the seal of the Department of the Navy affixed hereto the day, month and year first above written.

UNITED STATES OF AMERICA

(SEAL)

By _____

By direction of the Chief of the Bureau of Yards and Docks, acting under the direction of the Secretary of the Navy.

COMMONWEALTH OF VIRGINIA)

) to wit:

COUNTY OF ARLINGTON)

I, _____, a Notary Public for the County aforesaid in the Commonwealth of Virginia, do certify that _____, whose name is signed to the writing annexed hereto; bearing date on the _____ day of _____, 1966, has acknowledged the same before me in my County aforesaid.

GIVEN UNDER my hand and official seal this _____ day of _____, 1966.

NOTARY PUBLIC

My commission expires _____

UNITED STATES GOVERNMENT

Memorandum

23-10:FLE:arc

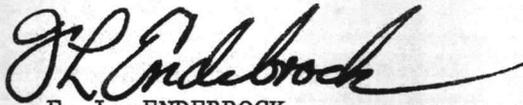
DATE: 30 August 1966

TO : Base Legal Officer

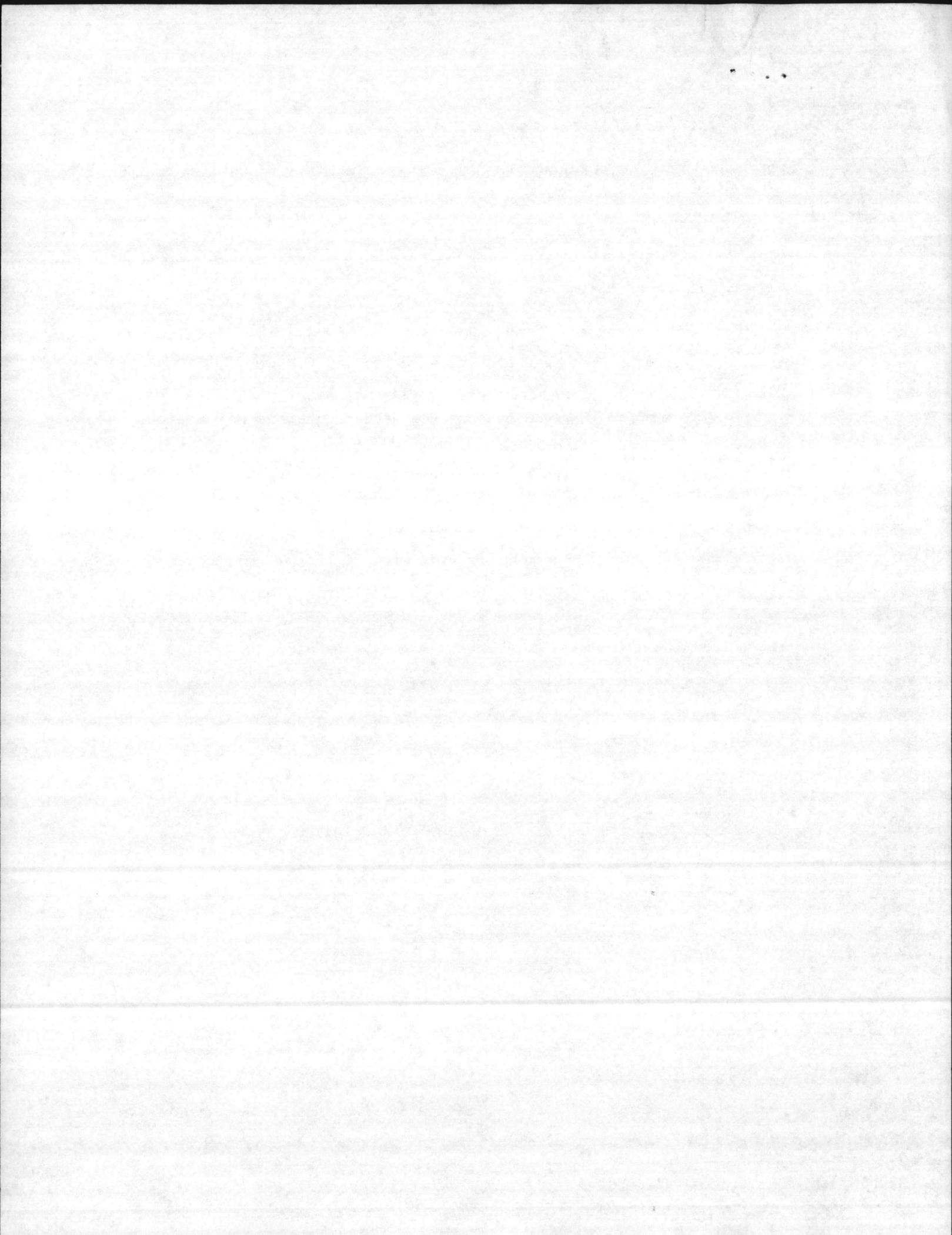
FROM : Public Works Officer

SUBJECT: Grant of Easement

1. Your description of the property to be covered in the Grant of Easement looks satisfactory to me. I would suggest that Lot 12 be indicated on your map; that is the western 80 feet of the 133 foot frontage of the USO.
2. I would suggest that you prepare the letter to Atlantic Division.
3. Also forwarded herewith is the copy of Y&D Dwg. No. 1036403, Real Estate Summary Map showing this property and a property map of the Tallman Sub-Division which you may or may not want.



F. L. ENDEBROCK



GRANT OF EASEMENT

All correspondence pertaining to this contract should include a reference to No. NOy(R)-99871

THIS INDENTURE, made the 15th day of March, 1967, between the United States of America, herein called the Government, acting by and through the Department of the Navy, and the City of Jacksonville, North Carolina, herein called the Grantee.

W I T N E S S E T H

WHEREAS, the Government owns in fee simple a certain parcel of land situated on the northern side of Tallman Street in the City of Jacksonville, North Carolina, that is under the cognizance of the Department of the Navy; and

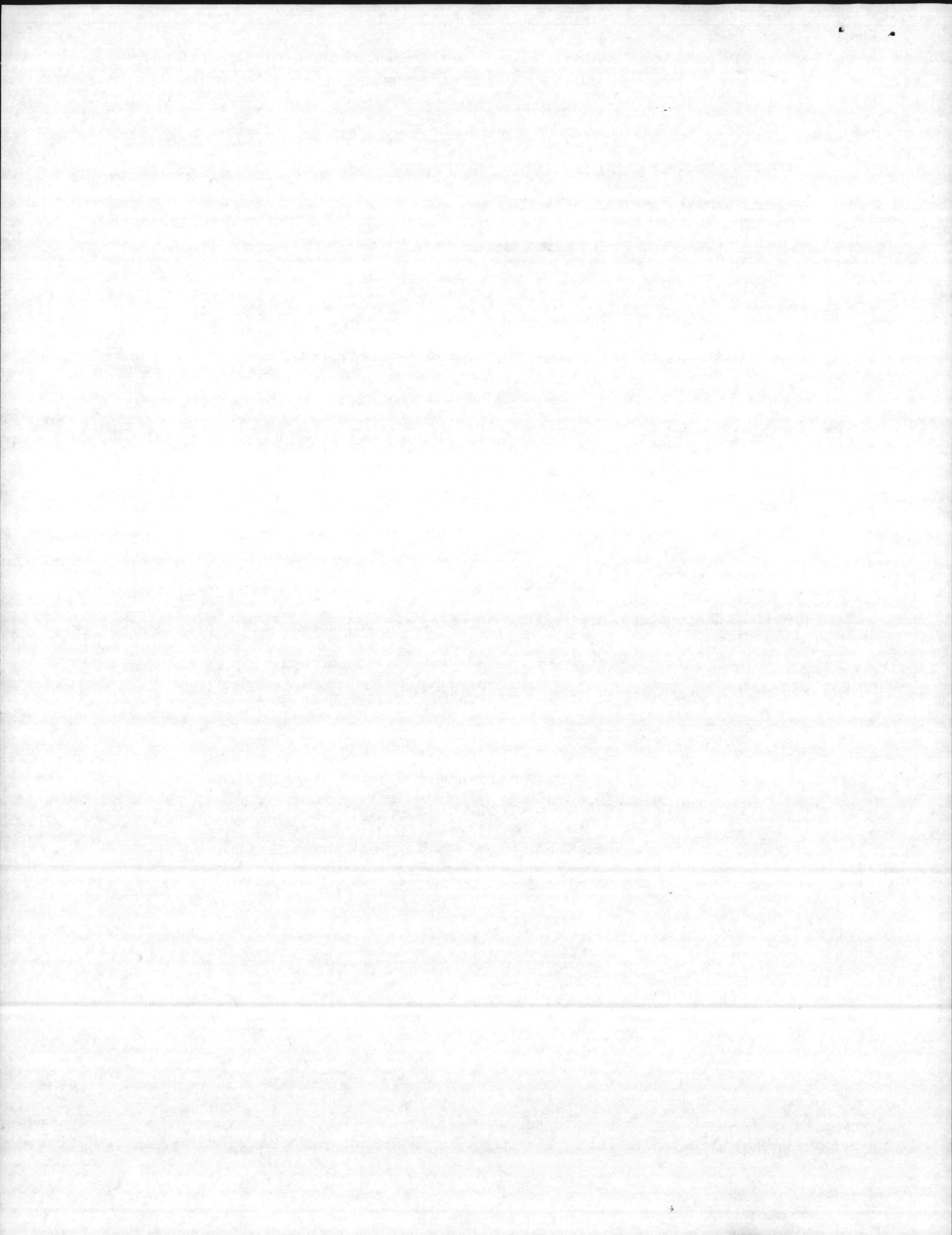
WHEREAS, the Grantee proposes to construct a municipal street extending from U. S. Highway 17 in a southerly direction along New River, and connecting with Tallman Street; and

WHEREAS, the Grantee has requested the conveyance of an easement for the construction, use maintenance, operation, repair and replacement of that portion of said street which will extend through, across and over the northwestern corner of the aforesaid Government property as more particularly described hereafter; and

WHEREAS, the construction of this street will provide additional and improved access to the Government's property; and

WHEREAS, the Secretary of the Navy has found that the grant of such easement on the terms and conditions hereinafter stated is not incompatible with the public interest:

EFD-EO-116

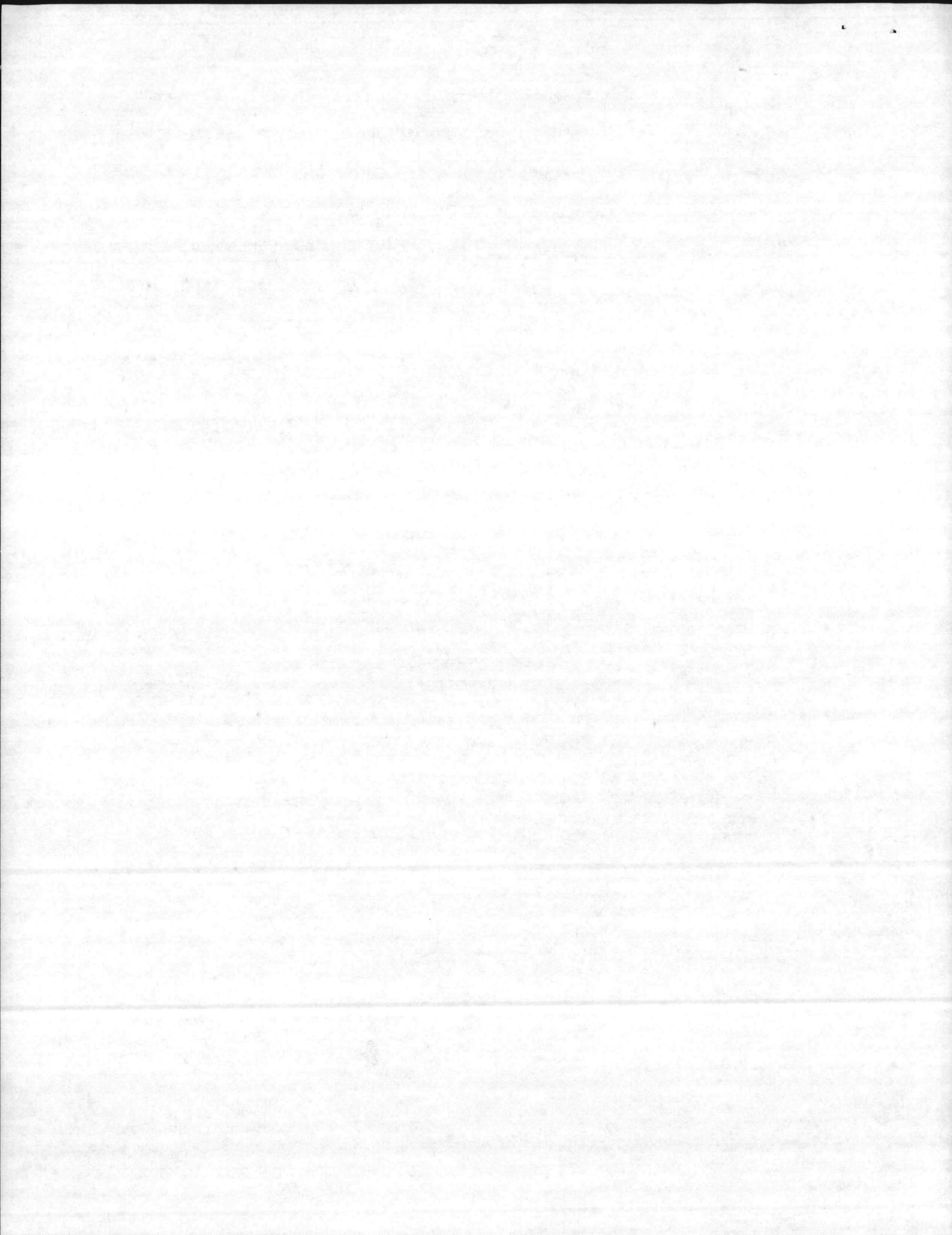


NOW, this Indenture witnesseth that, in consideration of the mutual benefits to be derived therefrom, the Government, pursuant to the authority of Title 10, United States Code, Section 2668 hereby grants unto the said City of Jacksonville, North Carolina, and its successors and assigns, for a period of fifty (50) years from the date hereof, an easement for the construction, use, maintenance, operation, repair and replacement of a street, herein called the Street, such easement to extend through, across, and over and be confined to that portion of the Government's property herein called the Premises, which is described as follows:

Beginning at a point at the southwestern corner of that certain parcel of land located in the City of Jacksonville, Onslow County, North Carolina, identified as Lot No. 12 of the former Randall Tallman Subdivision described in Deed Book 160, page 436, of the Register of Deeds Office, Onslow County, North Carolina, and acquired by the Government as a part of a larger taking in Condemnation Proceeding, Civil No. 67, filed in the United States District Court for the Eastern District of North Carolina on 21 October 1941, said point being located in the northern right-of-way line of Tallman Street N $66^{\circ} 45' W$, 633 feet from the western right-of-way line of Court Street; running thence N $35^{\circ} 47' E$, 143 feet through the Government property to a point in the northern boundary line of the aforesaid Lot No. 12, said point being the northeastern corner of a previously granted easement, identified by number as NOy(R)-65451 and recorded in Deed Book 276, page 667, of the Register of Deeds Office, Onslow County, North Carolina, thence S $51^{\circ} 04' 37'' W$, 47 feet and along the eastern boundary line of the said recorded easement to a point in the western boundary line of the aforesaid Lot No. 12; and thence along said western boundary line of Lot No. 12 in a southerly direction to the point of beginning, said easement containing 0.0125 acre, as shown and delineated on Marine Corps Base, Camp Lejeune, North Carolina, Public Works Drawing No. 9538, dated 9 November 1966, entitled "Plan and Description of Easement to City of Jacksonville across Tallman Street Property at USO Site" attached hereto and made a part hereof as Exhibit "A".

THIS EASEMENT is granted subject to the following terms and conditions:

1. All work in connection with the construction, operation, repair and use of the Street shall be done without cost or expense to the



Department of the Navy and in accordance with plans ⁶⁻¹¹ previously approved by the Commander, Atlantic Division, Naval Facilities Engineering Command, hereinafter referred to as the Commander.

2. The Grantee shall maintain the Premises and the Street in good condition at all times and shall promptly make all repairs thereto which may be necessary for the preservation of the condition of the Premises and the continued operation and maintenance of the Street.

3. The Grantee's rights hereunder shall be subject to such reasonable rules and regulations as may be promulgated by the Government to insure that the exercise of such rights shall not interfere with the Government's use of its adjoining property.

4. Upon termination of the easement granted herein, if desired by the Government, the Grantee, at its expense, shall remove any and all improvements installed or constructed hereunder and restore the Premises to the same or as good condition as that which existed prior to the exercise by the Grantee of its rights hereunder, such restoration to be effected to the satisfaction of the Commander.

5. The Government reserves the right to make such connections to the Street herein authorized as it may consider necessary, and also reserves to itself rights-of-way for all purpose across, over and/or under the right-of-way herein granted; provided, however, that such rights shall be used in a manner that will not unreasonably interfere with the use and enjoyment by the Grantee of the easement rights granted herein.

6. That all or any part of the right-of-way herein granted may be terminated upon failure on the part of the Grantee to comply with any of the terms and conditions of this grant; upon abandonment of the rights granted herein; or upon nonuse of such rights for a period of two consecutive

years.

IN WITNESS WHEREOF, the Government, acting by and through the Department of the Navy, has caused this instrument to be executed the day and year first above written.

UNITED STATES OF AMERICA

By /s/ J. W. FRORATH

By direction of the Commander,
Naval Facilities Engineering Command,
acting under direction of the
Secretary of the Navy

STATE OF VIRGINIA,

CITY OF NORFOLK, to-wit:

I, Jane B. Martin, a Notary Public in and for the City and State aforesaid, do hereby certify that J. W. Frorath, whose name is signed to the foregoing writing, dated the 15 day of March, 1967, has this day personally appeared before me in my City and State aforesaid and acknowledged the same.

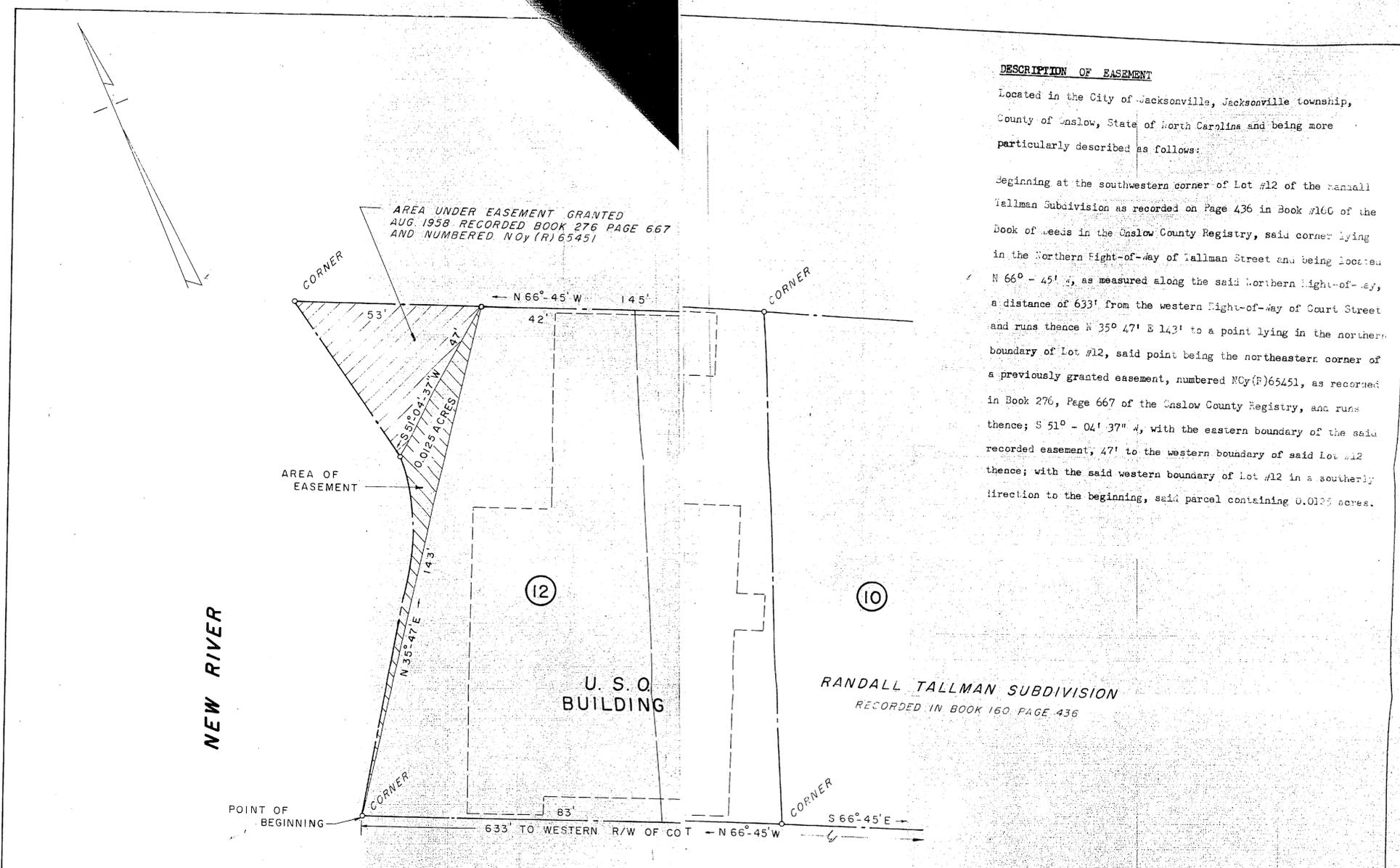
Given under my hand and official seal this 15 day of March, 1967.

/s/ JANE B. MARTIN

Notary Public

My commission expires:

1/26/71



DESCRIPTION OF EASEMENT
 Located in the City of Jacksonville, Jacksonville township,
 County of Onslow, State of North Carolina and being more
 particularly described as follows:
 Beginning at the southwestern corner of Lot #12 of the Randall
 Tallman Subdivision as recorded on Page 436 in Book #160 of the
 Book of Deeds in the Onslow County Registry, said corner lying
 in the Northern Right-of-way of Tallman Street and being located
 N 66° - 45' W, as measured along the said Northern Right-of-way,
 a distance of 633' from the western Right-of-way of Court Street
 and runs thence N 35° 47' E 143' to a point lying in the northern
 boundary of Lot #12, said point being the northeastern corner of
 a previously granted easement, numbered NCy(P)65451, as recorded
 in Book 276, Page 667 of the Onslow County Registry, and runs
 thence; S 51° - 04' 37" W, with the eastern boundary of the said
 recorded easement, 47' to the western boundary of said Lot #12
 thence; with the said western boundary of Lot #12 in a southerly
 direction to the beginning, said parcel containing 0.0125 acres.

NOTES: (1) ALL RECORDATIONS REFER TO THE ONSLOW
 COUNTY REGISTRY IN THE STATE OF NORTH CAROLINA
 (2) ALL BEARINGS REFER TO THE ESTABLISHED
 SUBDIVISION NORTH

LEGEND
 GOVERNMENT PROPERTY BOUNDARY
 SUBDIVISION-LOT LINES
 BUILDING

DRAWING NO. 9538	MARKED FOR RE-RECORD RECORDED IN BOOK 160, PAGE 436
PLAT AND DESCRIPTION OF EASEMENT TO CITY OF JACKSONVILLE ACROSS TALLMAN STREET PROPERTY AT U.S.O. SITE	APPROVED COMMANDING GENERAL NAV. FAC. DVC
1" = 20' 1" = 1'	

EPD EO-116 Nov 17 1951

