



**FILE
START**

Computer # _____

TRUST TERRITORY OF THE PACIFIC ISLANDS--ARCHIVES SURVEY FORM

Primary Branch, Department, Bureau, or Office producing materials: V.I.

Subgroup of the above: _____

Author/Title/date of publication (if any) of specific materials: _____

Subject of materials: (See Schedule in TPI Files System Manual)

Brief description: V.I. ...

Geographic area dealt with in material:

TPI at large;
Individual districts;
Individual governments;
Individual islands;
Other: _____

Span of years covered by materials: 1941-1945

Format of information:

Correspondence;
Reports;
Clippings;
Other: _____

Physical arrangement of materials: (How are they organized within the file?)

Geographically;
Chronologically;
By subjects;
By organization;
Other: _____

Physical location of materials: (Area where presently located)

Office: V.I. Subgroup: ...
File cabinet number: ...
Drawer number: ...
File folder number: ...
Estimated quantity of materials: ...

Recorded by: ...

Date: ...

Disposition of originals: ...

Microfilm roll No.: TPI 14

Frame #: _____

Computer # _____

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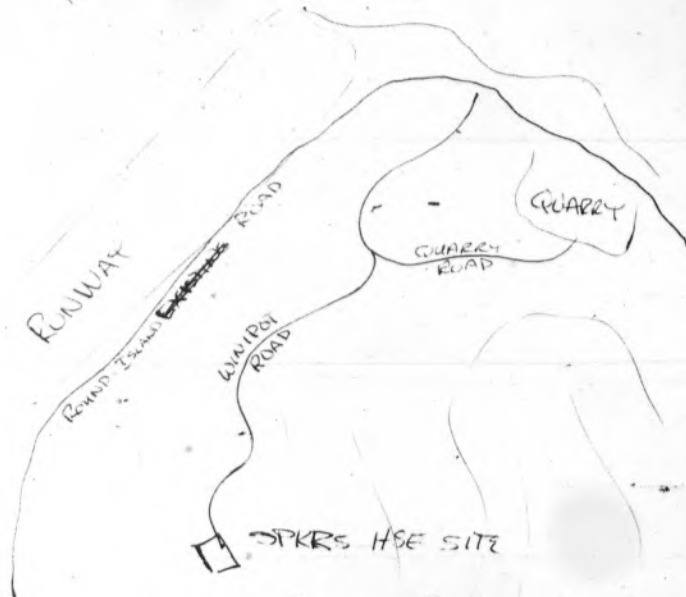
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Frame #:





TO: JOHN SADDAN - ACT DISTRICT TOWN

FM MARK CLEMMENS PCU LAND MANAGEMENT

SUB: ~~THE~~ GRANT OF EASEMENT FORM
TO BE USED FOR ROAD TO SPEAKERS HILL

RE: MR HENKERS MEMO OF OCT 14, 1969,
WHICH IS ATTACHED

I AM COMMENTING ON THE POINTS HE
MAKES IN HIS MEMO - IN THE SAME ORDER:

1. THE TERMS PERPETUAL AND PERMANENT
WERE LEFT OUT BECAUSE THE PEOPLE
WANT AN AGREEMENT OF DEFINITE LENGTH -
WE WERE GOING TO INSERT THE TIME
PERIOD THEY ASKED FOR.

THEY ARE QUITE CONCERNED ABOUT THE
STATUS OF THE GOVERNMENT IN THE
FUTURE AND THEY WANT TO BE ABLE TO
RE-NEGOTIATE OR RECONSIDER IF THINGS
CHANGE DRASTICALLY IN THE FUTURE.
THEY ALSO FEEL THAT IF IN THE
FUTURE THE ROAD BECOMES A PRIMARY
ROAD THEY SHOULD BE ENTITLED TO
A COMPENSATION ~~IS~~ DIFFERENT THAN
1. IF IT'S A SEMI-PRIVATE ROAD.

RE-NEGOTIATE OR RECONSIDER IF THINGS
CHANGE PRACTICALLY IN THE FUTURE.
THEY ALSO FEEL THAT IF IN THE
FUTURE THE ROAD BECOMES A PRIMARY
ROAD THEY SHOULD BE ENTITLED TO
A COMPENSATION ~~IS~~ DIFFERENT THAN
- IF IT'S A SEMI-PRIVATE ROAD.

(2)

② Comments on Pg 2 - BY THE GOVT
IN LINE 12 IS OK

"WHICHEVER IS FIRST" DEFEATS THE
PURPOSE OF OUR ADDITION. THE
PEOPLE WANT TO BE ABLE TO HOLD
THEIR ~~PRIVATE~~ ^{PRIVATE} RIGHTS UNTIL THE
END OF CONSTRUCTION - AND IF
THIS IS LONGER THAN 3 MONTHS
THEN THEY WILL HAVE THE REPRESENTA-
TIVES WE SHOULD JUST SAY 4
MONTH FROM END OF CONSTRUCTION PERIOD.

③ ARTICLE 4 WAS SPECIFICALLY
PUT IN THE ROAD EASEMENT FORM
FOR THE ROAD TO SITE "B" - WE
EXPECT TO HAVE THESE LINES ALONG
THE ROAD - AND HERE IT'S APPLICABLE.

~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~32~~ ~~33~~ ~~34~~ ~~35~~ ~~36~~ ~~37~~ ~~38~~ ~~39~~ ~~40~~ ~~41~~ ~~42~~ ~~43~~ ~~44~~ ~~45~~ ~~46~~ ~~47~~ ~~48~~ ~~49~~ ~~50~~ ~~51~~ ~~52~~ ~~53~~ ~~54~~ ~~55~~ ~~56~~ ~~57~~ ~~58~~ ~~59~~ ~~60~~ ~~61~~ ~~62~~ ~~63~~ ~~64~~ ~~65~~ ~~66~~ ~~67~~ ~~68~~ ~~69~~ ~~70~~ ~~71~~ ~~72~~ ~~73~~ ~~74~~ ~~75~~ ~~76~~ ~~77~~ ~~78~~ ~~79~~ ~~80~~ ~~81~~ ~~82~~ ~~83~~ ~~84~~ ~~85~~ ~~86~~ ~~87~~ ~~88~~ ~~89~~ ~~90~~ ~~91~~ ~~92~~ ~~93~~ ~~94~~ ~~95~~ ~~96~~ ~~97~~ ~~98~~ ~~99~~ ~~100~~ ~~101~~ ~~102~~ ~~103~~ ~~104~~ ~~105~~ ~~106~~ ~~107~~ ~~108~~ ~~109~~ ~~110~~ ~~111~~ ~~112~~ ~~113~~ ~~114~~ ~~115~~ ~~116~~ ~~117~~ ~~118~~ ~~119~~ ~~120~~ ~~121~~ ~~122~~ ~~123~~ ~~124~~ ~~125~~ ~~126~~ ~~127~~ ~~128~~ ~~129~~ ~~130~~ ~~131~~ ~~132~~ ~~133~~ ~~134~~ ~~135~~ ~~136~~ ~~137~~ ~~138~~ 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LISTING - BUT
IT IS MANDATORY THAT WE
HAVE THE SPOILER SIGN TOO -
PERHAPS IT'S BEST IF WE JUST
STRIKE OUT ARTICLE 10.

⑤ My Point -

the clause in article

5 ~~the 3~~ WAS STRIKED
WHY?

THIS WAS PUT IN BY HW
IN THE ORIGINAL DOCUMENT.

IT ~~SHOULD BE~~ ESSENTIAL TO PROTECT
THE LAND OWNERS FROM NEGLIGENCE
AND DAMAGE WHICH MIGHT
BE EXCUSED AS "MAINTENANCE".

THIS IS AN EXTREMELY TIGHT
RENT WITH THE LAND OWNERS. WE
JUST ABOUT GOT 'EM CONVINCED
THAT THE NEGLIGENCE CLAUSE
PROTECTS them.

THIS IS ALL I CAN SEE WITH IT JUST
NOW

Mark

NEGLECTED
CROP DAMAGE WHICH MIGHT
BE EXCUSED AS "MAINTENANCE"

THIS IS AN EXTREMELY TOUCHY
POINT WITH THE LANDOWNERS. WE
JUST ABOUT GOT 'EM CONVINCED
THAT THE RESERVATION CLAUSE
PROTECTS THEM.

THIS IS ALL I CAN SEE WITH IT JUST
NOW

Mark

TRUST TERRITORY OF THE PACIFIC ISLANDS

Office of the High Commissioner, Saipan

TO : District Director, Land Management, Truk
Through: District Administrator, Truk

FROM : Acting Attorney General

DATE: October 14, 1969

SUBJECT: Grant of Easement Form

This office is in receipt of an altered easement form previously drawn for the new communications site. The altered form is not presently acceptable due to certain deletions and additions. The terms perpetual and permanent should be left in. Note the comments on page 2. Since this is basically a road easement, I doubt if Article 4, page 2 is apropos.

The Government's representative may be the District Administrator but not the Speaker of the Truk District Legislature. The easement is vested in the District Government (which is proper although normally all easements and ownerships of property are in the Trust Territory Government) but the representative for the agreement has to be the chief executive officer of the District Government which is the District Administrator.

Robert A. Hefner
Robert A. Hefner

Attachment



October 14, 1969

Previously
is not
ons. The
ne comments
doubt if

Administrator
ne easement
though
the
ne
istrict

TRUST TERRITORY OF THE PACIFIC ISLANDS
Truk District

GRANT OF EASEMENT AND RIGHT OF WAY
FOR ALL PUBLIC PURPOSES

THIS AGREEMENT, is made by and between the undersigned PROPERTY OWNER(S) OF MOEN MUNICIPALITY, TRUK DISTRICT, hereinafter called the "GRANTOR", and the Truk District Government of the TRUST TERRITORY OF THE PACIFIC ISLANDS, hereinafter called the "GOVERNMENT".

WITNESSETH, that

WHEREAS, the Government desires to construct and maintain on certain real property owned by the Grantor facilities sufficient for all purposes of serving the general public; and

WHEREAS, the Grantor is willing to grant a year easement and right of way to the Government for such purposes, upon reasonable terms and conditions as provided herein:

NOW, THEREFORE, FOR AND IN CONSIDERATION of the premises and agreements set forth and the mutual benefits to be derived therefrom, the parties agree as follows:

ARTICLE 1. GRANT OF EASEMENT AND RIGHT OF WAY FOR ALL PUBLIC PURPOSES

The Grantor does hereby give, grant and convey to the Government, its successors and assigns ^{an} easement and right of way

for all public purposes including: the right to grade, level, fill, drain, construct, erect, maintain, operate, inspect, repair, and rebuild the following:

- (a) a road or highway of the usual width and character sufficient for all purposes of transportation and travel together with such bridges, culverts, ramps, and cuts as may be necessary; and
- (b) underground and above ground pipelines, mains and pumps for the purpose of conveying water and sewerage; and
- (c) electric transmission, distribution and telephone poles with all necessary wires, cables and fixtures thereon; and
- (d) all other facilities that are determined by the Government to be in the Public interest,

~~Handwritten scribbles at the top of the page.~~

and fire
to maintain said right of way and keep it clear of brush, trees, buildings
The grantor further grants, without compensation, the right to the Government

except as shown below Article 5

ARTICLE 5. OTHER DAMAGE BY GOVERNMENT

such trees and crops are planted at the grantor's own risk.
the easement and right of way after the expiration of this agreement and any
destruction or removal of growing agricultural trees and crops planted within
the Government will not be responsible to compensate the grantor for the
authorized hereunder on the premises, the grantor understands and agrees that
trees and crops during the initial construction of any utility or facility
While the Government will pay for damage caused to growing agricultural

ARTICLE 6. DESTRUCTION OF AGRICULTURAL CROPS AFTER CONSTRUCTION

destroyed.
of all breadfruit and coconut trees and other agriculture crops damaged or
or one month from the date of completion of the construction, and detailed listing
as possible but no later than three months from the date such damage is caused

Handwritten notes in the left margin:
initial construction of the public facilities and utilities authorized hereunder.
The grantor agrees to present to the Government in writing as soon
as possible but no later than three months from the date such damage is caused
or one month from the date of completion of the construction, and detailed listing
of all breadfruit and coconut trees and other agriculture crops damaged or
destroyed.

under.
Initial construction of the public facilities and utilities authorized here-
under. The grantor agrees to present to the Government in writing as soon
as possible but no later than three months from the date such damage is caused
or one month from the date of completion of the construction, and detailed listing
of all breadfruit and coconut trees and other agriculture crops damaged or
destroyed.

established for the Free District for any and all damage caused to structures and

ARTICLE 7. CONSTRUCTION DAMAGE BY GOVERNMENT

the shall be borne by the Government.
The expense of construction and maintenance of these public facilities-

ARTICLE 8. COST OF CONSTRUCTION AND MAINTENANCE

public.
right of way hereinafter described, sufficient for all purposes of serving the general

on, over, across, through and under the ground embraced within the easement and

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