

ATTACHMENT A

COPY

USE AND OCCUPANCY AGREEMENT

for

AREA NO. 15, SAIPAN, MARIANA ISLANDS

Government of the Trust Territory of  
the Pacific Islands, Saipan District

GRANTOR

United States of America

GRANTEE

COPY

USE AND OCCUPANCY AGREEMENT FOR LAND IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS, SAIPAN DISTRICT

This agreement made as of the 9th day of July, 1954, by and between the Government of the Trust Territory of the Pacific Islands, Saipan District, hereinafter called "Grantor", and the United States of America, hereinafter called "Grantee":

WITNESSETH:

Whereas, Grantor is the owner of a certain parcel of land more particularly identified as Area 15 (Bomb Dumps and Administration Areas), and situated on the island of Saipan, Mariana Islands, described as follows:

Beginning at a point designated as Corner 1, having plane grid coordinates (Base Development 1951 Saipan Grid) of North 45,207.15 meters (148,317.12 feet) and East 48,272.30 meters (158,373.37 feet) being North 56 degrees 05 minutes 50 seconds West for 2,391.02 meters (7,844.54 feet) from triangulation station OBIAM; thence North 73 degrees 39 minutes 39 seconds East for 83.79 meters (274.90 feet) to Corner 2; thence South 16 degrees 20 minutes 21 seconds East for 115.33 meters (378.39 feet) to Corner 3; thence along the arc of a curve for 64.15 meters (210.48 feet) to Corner 4, the curve data being central angle 36 degrees 50 minutes 03 seconds and a radius of 99.79 meters (327.40 feet); thence South 53 degrees 10 minutes 24 seconds East for .52 meters (1.69 feet) to Corner 5; thence South 11 degrees 01 minute 18 seconds West for 192.05 meters (630.03 feet) to Corner 6; thence South 57 degrees 16 minutes 53 seconds East for 90.32 meters (296.33 feet) to Corner 7; thence South 67 degrees 53 minutes 42 seconds West for 76.01 meters (249.37 feet) to Corner 8; thence South 24 degrees 40 minutes 37 seconds East for 61.30 meters (201.10 feet) to Corner 9; thence North 67 degrees 52 minutes 05 seconds East for 116.31 meters (381.60 feet) to Corner 10; thence South 57 degrees 17 minutes 06 seconds East for 25.34 meters (83.14 feet) to Corner 11; thence along the arc of a curve for 131.48 meters (431.37 feet) to Corner 12; the curve data being central angle 12 degrees 36 minutes 34 seconds and a radius of 597.43 meters (1,960.03 feet); thence South 69 degrees 53 minutes 40 seconds East for 201.10 meters (659.78 feet) to Corner 13; thence along the arc of a curve for 94.03 meters (308.67 feet) to Corner 14, the curve data being central angle 20 degrees 21 minutes 03 seconds and a radius of 264.53 meters (869.02 feet); thence North 69 degrees 45 minutes 17 seconds East for 79.21 meters (259.87 feet) to Corner 15; thence along the arc of a curve for 126.58 meters (413.65 feet) to Corner 16, the curve data being central angle 33 degrees 03 minutes 53 seconds and a radius of 218.47 meters (716.78 feet); thence South 57 degrees 10 minutes 50 seconds East for 142.77 meters (468.55 feet) to Corner 17; thence South 49 degrees 09 minutes 16 seconds East for 103.09 meters (337.92 feet) to Corner 18; thence along the arc of a curve for 158.27 meters (519.27 feet) to Corner 19, the curve data being central angle 05 degrees 08 minutes 52 seconds and a radius of 1,761.64 meters (5,779.65 feet); thence

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South 54 degrees 18 minutes 08 seconds East for 455.69 meters (1,495.04 feet) to Corner 20; thence along the arc of a curve for 73.09 meters (239.78 feet) to Corner 21, the curve data being central angle 84 degrees 46 minutes 27 seconds and a radius of 49.40 meters (162.06 feet); thence North 40 degrees 55 minutes 26 seconds East for 83.53 meters (274.04 feet) to Corner 22; thence along the arc of a curve for 96.43 meters (316.36 feet) to Corner 23, the curve data being central angle 20 degrees 01 minute 34 seconds and a radius of 275.53 meters (905.13 feet); thence North 60 degrees 57 minutes 00 seconds East for 62.33 meters (204.50 feet) to Corner 24; thence along the arc of a curve for 88.44 meters (290.15 feet) to Corner 25, the curve data being central angle 18 degrees 22 minutes 01 second and a radius of 275.53 meters (905.13 feet); thence North 79 degrees 19 minutes 01 second East for 18.75 meters (61.53 feet) to Corner 26; thence along the arc of a curve for 104.84 meters (343.96 feet) to Corner 27, the curve data being central angle 81 degrees 02 minutes 10 seconds and a radius of 74.12 meters (243.19 feet); thence South 87 degrees 45 minutes 21 seconds East for 83.79 meters (274.89 feet) to Corner 28; thence along the arc of a curve for 156.06 meters (512.00) to Corner 29, the curve data being central angle 21 degrees 19 minutes 43 seconds and a radius of 419.22 meters (1,375.40 feet); thence North 70 degrees 54 minutes 56 seconds East for 220.98 meters (724.99 feet) to Corner 30; thence along the arc of a curve for 74.83 meters (245.50 feet) to Corner 31, the curve data being central angle 26 degrees 51 minutes 36 seconds and a radius of 159.61 meters (523.67 feet); thence South 82 degrees 13 minutes 20 seconds East for 390.60 meters (1,301.36 feet) to Corner 32; thence along the arc of a curve for 98.35 meters (322.67 feet) to Corner 33; the curve data being central angle 29 degrees 33 minutes 35 seconds and a radius of 190.09 meters (623.67 feet); thence North 68 degrees 08 minutes 05 seconds East for 156.10 meters (512.14 feet) to Corner 34; thence along the arc of a curve for 157.44 meters (516.55 feet) to Corner 35, the curve data being central angle 44 degrees 57 minutes 36 seconds and a radius of 203.23 meters (666.78 feet); thence South 66 degrees 54 minutes 19 seconds East for 151.45 meters (496.89 feet) to Corner 36; thence along the arc of a curve for 55.28 meters (181.36 feet) to Corner 37, the curve data being central angle 07 degrees 00 minutes 30 seconds and a radius of 451.92 meters (1,482.69 feet); thence South 73 degrees 54 minutes 49 seconds East for 643.05 meters (2,109.75 feet) to Corner 38; thence along the arc of a curve for 191.67 meters (628.33 feet) to Corner 39; the curve data being central angle 41 degrees 27 minutes 35 seconds and a radius of 264.86 meters (869.02 feet); thence North 64 degrees 37 minutes 36 seconds East for 365.25 meters (1,200.16 feet) to Corner 40; thence along the arc of a curve for 160.55 meters (526.75 feet) to Corner 41, the curve data being central angle 42 degrees 58 minutes 52 seconds and a radius of 214.02 meters (702.18 feet); thence North 21 degrees 38 minutes 44 seconds East for 152.21 meters (497.37 feet) to Corner 42; thence North 52 degrees 57 minutes 30 seconds East for 562.87 meters (1,846.16 feet) to Corner 43; thence along the arc of a curve for 98.36 meters (322.69 feet) to Corner 44, the curve data being central angle 87 degrees 17 minutes 31 seconds and a radius of 64.56 meters (211.80 feet);

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thence North 34 degrees 19 minutes 41 seconds West for 165.66 meters  
(543.51 feet) to Corner 45; thence along the arc of a curve for 157.87 meters  
(517.94 feet) to Corner 46, the curve data being central angle 29 degrees  
20 minutes 17 seconds and a radius of 303.31 meters (1,011.51 feet); thence  
North 04 degrees 59 minutes 24 seconds West for 305.43 meters (1,002.07 feet)  
to Corner 47; thence along the arc of a curve for 44.65 meters (146.49 feet)  
to Corner 48, the curve data being central angle 32 degrees 42 minutes 01 second  
and a radius of 78.24 meters (256.63 feet); thence North 37 degrees 41 minutes  
25 seconds West for 164.65 meters (540.13 feet) to Corner 49; thence along the  
arc of a curve for 54.29 meters (178.12 feet) to Corner 50, the curve data  
being central angle 07 degrees 22 minutes 51 seconds and a radius of 421.44  
meters (1,382.69 feet); thence North 30 degrees 18 minutes 34 seconds West  
for 59.95 meters (196.68 feet) to Corner 51; thence along the arc of a curve  
for 32.95 meters (108.10 feet) to Corner 52, the curve data being central  
angle 05 degrees 10 minutes 39 seconds and a radius of 364.63 meters (1,195.28  
feet); thence North 35 degrees 29 minutes 13 seconds West for 371.12 meters  
(1,217.57 feet) to Corner 53; thence along the arc of a curve for 242.71 meters  
(796.30 feet) to Corner 54, the curve data being central angle 92 degrees 47  
minutes 33 seconds and a radius of 149.76 meters (491.68 feet); thence South  
51 degrees 43 minutes 14 seconds West for 297.51 meters (976.08 feet) to  
Corner 55; thence along the arc of a curve for 31.80 meters (104.33 feet) to  
Corner 56; the curve data being central angle 06 degrees 36 minutes 02 seconds  
and a radius of 275.95 meters (905.37 feet); thence South 58 degrees 19 minutes  
22 seconds West for 30.86 meters (101.24 feet) to Corner 57; thence along the  
arc of a curve for 88.53 meters (290.44 feet) to Corner 58, the curve data  
being central angle 74 degrees 02 minutes 59 seconds and a radius of 68.39  
meters (224.37 feet); thence North 47 degrees 30 minutes 39 seconds West for  
192.95 meters (633.03 feet) to Corner 59; thence along the arc of a curve for  
184.45 meters (605.15 feet) to Corner 60, the curve data being central angle  
31 degrees 15 minutes 21 seconds and a radius of 338.12 meters (1,109.33 feet);  
thence North 16 degrees 13 minutes 13 seconds West for 63.60 meters (208.67  
feet) to Corner 61; thence along the arc of a curve for 63.47 meters (208.24  
feet) to Corner 62, the curve data being central angle 57 degrees 28 minutes  
39 seconds and a radius of 63.27 meters (207.53 feet); thence North 73 degrees  
43 minutes 57 seconds West for 196.92 meters (646.33 feet) to Corner 63;  
thence along the arc of a curve for 112.95 meters (370.57 feet) to Corner 64;  
the curve data being central angle 51 degrees 52 minutes 42 seconds and a  
radius of 124.75 meters (409.27 feet); thence South 54 degrees 23 minutes 21  
seconds West for 60.03 meters (196.95 feet) to Corner 65; thence South 51  
degrees 36 minutes 42 seconds West for 14.43 meters (47.32 feet) to Corner 66;  
thence North 33 degrees 11 minutes 19 seconds West for 30.70 meters (101.37  
feet) to Corner 67; thence along the arc of a curve for 147.40 meters (483.79  
feet) to Corner 68, the curve data being central angle 42 degrees 34 minutes  
38 seconds and a radius of 198.43 meters (651.03 feet); thence North 09 degrees  
20 minutes 19 seconds East for 196.21 meters (643.72 feet) to Corner 69; thence

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along the arc of a curve for 56.20 meters (184.38 feet) to Corner 70, curve data being central angle 04 degrees 06 minutes 06 seconds and a radius of 785.02 meters (2,575.53 feet); thence North 05 degrees 14 minutes 13 seconds East for 66.51 meters (218.21 feet) to Corner 71; thence along the arc of a curve for 104.99 meters (344.44 feet) to Corner 72, the curve data being central angle 10 degrees 16 minutes 50 seconds and a radius of 585.11 meters (1,919.65 feet); thence North 15 degrees 31 minutes 03 seconds East for 532.38 meters (1,746.64 feet) to Corner 73; thence along the arc of a curve for 75.43 meters (247.47 feet) to Corner 74, the curve data being central angle 17 degrees 44 minutes 45 seconds and a radius of 243.54 meters (799.00 feet); thence South 65 degrees 03 minutes 33 seconds East for 796.15 meters (2,612.02 feet) to Corner 75; thence South 07 degrees 17 minutes 48 seconds West for 330.22 meters (1,083.44 feet) to Corner 76; thence North 89 degrees 42 minutes 09 seconds East for 584.37 meters (1,917.23 feet) to Corner 77; thence along Mean Lower Low Water Line approximately 15,250 meters (50,033.00 feet) to Corner 1, the point of beginning, containing an area of 9,080.000 square meters (2,244 Acres), more or less; and

as delineated on the attached Marianas Area Drawing No. 10353 (revised 16 November 1953) marked Exhibit "A", and made a part hereof; and

Whereas, Grantor is agreeable to conveying ~~to conveying~~ to grantee the use and occupancy of the land described aforesaid for an indefinite period of time, subject to certain conditions; and

Whereas, the grantee desires to acquire the use and occupancy of the land described aforesaid for an indefinite period of time;

NOW, THEREFORE, in consideration of the mutual agreements hereinafter set forth and the mutual benefits to be derived therefrom, it is agreed as follows:

1. Estate Granted. Grantor for and in consideration of the sum of \$89,760.00, hereby grants and conveys to the grantee, the right to use and occupy the land described aforesaid for an indefinite period of time, to continue so long as the grantee has a use for said land.

2. Conditions of Grant. (A) Use To Be Consistent With Trusteeship Agreement. The use to which the land is put by the grantee shall be consistent with the provisions and purposes of the Trusteeship Agreement relating to the Administration of the Trust Territory of the Pacific Islands.

(B) Review of Need for Land Every Five Years. On or about June 30, 1961 and on a similar date each five year period thereafter, the agency of grantee having the use and occupancy of said land or the Department of the Navy as the representative thereof, and the grantor, shall jointly review and determine the need for continuing the use and occupancy granted hereby.

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(C) Review by the President. In the event the review provided for in paragraph (B) does not result in agreement as to the need for continuing grantee's use and occupancy, the matter shall be presented to the President of the United States for final decision.

(D) Termination of Use and Occupancy. In the event of a decision pursuant to paragraphs (B) or (C) that a need for the continued use and occupancy of said land does not exist, the estate granted hereby shall terminate thirty days from the date of such decision, and revert to the grantor. During said thirty day period the grantee may if it elects remove any structure or improvements it has heretofore erected or may hereafter erect on the land and if the structures or improvements cannot be removed during said thirty day period, the grantee shall be permitted such additional reasonable time as may be required.

3. Use of Land By Grantor. When not actively used by the grantee, said lands and improvements will be made available to the grantor on a license basis, for the use and benefit of the people of the Trust Territory. The license shall be subject to the following conditions:

(A) The license may be revoked at any time by the grantee so advising the grantor in writing.

(B) The grantor shall reimburse the grantee for any utilities and services furnished.

(C) Grantor shall maintain and be responsible for any loss or damage to the real property and personal property owned by the grantee, except for loss or damage caused by ordinary wear and tear, and conditions beyond the control of the grantor.

(D) Grantor shall be responsible for any damage or injury to others arising from the use by the grantor or the people of the Trust Territory of said land or any improvements of facilities located thereon.

(E) No permanent native dwellings or settlements shall be established on said land without the grantor obtaining prior written approval from the grantee.

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In Witness Whereof, the parties hereto have executed this agreement  
of the day and year first above written.

Government of the Trust Territory of the  
Pacific Islands, Saipan District

By /s/ W. B. Armon  
W. B. ARMON, RADM., USN  
COMMANDER NAVAL FORCES MARIANAS  
By direction of the Commander in Chief  
U. S. Pacific Fleet acting under the  
direction of the Secretary of the Navy

The United States of America

By /s/ J. F. JELLEY  
J. F. JELLEY, RADM., CEC, USN  
DIRECTOR, PACIFIC DIVISION  
BUREAU OF YARDS AND DOCKS  
By direction of the Chief of the Bureau  
of Yards and Docks, acting under the  
direction of the Secretary of the Navy

CERTIFIED TO BE A TRUE COPY

/s/ P. M. Boothe  
P. M. BOOTH  
CAPT, CEC, USN

JUN 25 1956

Filed this 22nd day of August 1956

/s/ O. T. Borja  
Olympio T. Borja  
Clerk of Courts  
Saipan District

/s/ J. G. DODD

CERTIFIED TO BE A TRUE COPY

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