

IN THE
UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,
Petitioner,

Vs.

5.9 ACRES OF LAND, MORE
OR LESS, SITUATE IN MONMOUTH
COUNTY, STATE OF NEW JERSEY,
AND FANNIE BERK ET AL,
Defendants.

M-481-A

DECLARATION

OF

TAKING

filed 6-29-42

TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, Henry L. Hanson, Secretary of War of the
United States, do hereby declare that:

1. (a) The lands hereinafter described are taken under and in accordance with the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. sec. 256a), and acts supplementary thereto and amendatory thereof, and under the further authority of the Act of Congress approved August 16, 1890 (26 Stat. 316), as amended by the Acts of Congress approved July 2, 1917 (40 Stat. 241), April 11, 1918 (40 Stat. 518, 50 U.S.C. sec. 171), and March 27, 1942 (Public Law 507 - 77th Congress), which Acts authorize the acquisition of land for military purposes, and the Act of Congress approved April 26, 1942 (Public Law 528 - 77th Congress), which Act appropriated funds for such purposes.

(b) The public uses for which said lands are taken are as follows: The said lands are necessary adequately to provide for the enlargement of a military training camp and for other military purposes incident thereto. The said lands have been selected by me for acquisition by the United States

Incl 5'

TR-16

for use in connection with Fort Monmouth, New Jersey, and for such other uses as may be authorized by Congress or by Executive Order, and are required for immediate use.

2. A general description of the lands being taken is set forth in Schedule "A" attached hereto and made a part hereof and is a description of the same lands described in the petition in the above entitled cause.

3. The estate taken for said public uses is the full fee simple title thereto, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines.

4. A plan showing the lands taken is annexed hereto as Schedule "B" and made a part hereof.

5. The sum estimated by me as just compensation for said land, with all buildings and improvements thereon and all appurtenances thereto, and including any and all interests hereby taken in said lands, is set forth in Schedule "A" herein, which sum I cause to be deposited herewith in the Registry of said Court for the use and benefit of the persons entitled thereto. I am of the opinion that the ultimate award for said lands will probably be within any limits prescribed by law as the price to be paid therefor.

IN WITNESS WHEREOF, the petitioner, by its Secretary of War, thereunto authorized, has caused this declaration to be signed in its name by said Henry L. Stimson Secretary of War, this the 22^d day of June, A.D. 1942, in the City of Washington, District of Columbia.

Henry L. Stimson
Secretary of War of the
United States

SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking and of this condemnation aggregates 5.9 acres, more or less, situate and being in Monmouth County, State of New Jersey. A description of the lands taken, together with the name of the purported owner thereof and a statement of the sum estimated to be just compensation therefor is as follows:

DESCRIPTION

A tract of land containing approximately five and nine tenths (5.9) acres of land situate in the Borough of Oceanport, County of Monmouth and State of New Jersey, described as follows:

BEGINNING at a point in the easterly line of lands of Fort Monmouth where same adjoins premises owned by Fannie Berk as contained in the Deed to her from Quipadorla, Inc., a New Jersey corporation, and as described in warranty deed Book 1601, page 279 in the Office of the Clerk of Monmouth County, which point is distant 230 feet northerly from the intersection formed by the easterly boundary line of the Fort Monmouth property (formerly known as Murphy's land) and the southeasterly corner of Riverside Avenue, thence running (1) along the said easterly line of Fort Monmouth property, north 4 degrees 50 minutes west, 726 feet, to a corner which corner is also up to the property line of Fort Monmouth; thence (2) continuing along the line of said Fort Monmouth land north 84 degrees 52 minutes east 216 feet to the westerly line of the right of way to the New York and Long Branch Railroad Company; thence (3) along the westerly line of said Railroad Company's right of way, south 47 degrees 27 minutes east 465 feet more or less to Oceanport Creek; thence (4) along the shore of said Oceanport Creek in a southwesterly direction the several courses thereof to the northeasterly corner of a lot of land known as the Kennedy property, which point is described as the termination of the fourth course in the said deed to Kennedy as the high water mark of the South Shrewsbury River, Oceanport Creek branch, at said point, and which is also described as the termination of the fourth course in Release of Mortgages, book 57 page 73 in the Offices of the Clerk of Monmouth County; thence (5) from said high water mark south 86 degrees 36 minutes west along the line of the so-called Kennedy tract (now the property of Mafelde Fagnoli) 266 feet more or less to the point or place of beginning.

Together with the use of the right of way of approximately 50 feet road existing between the so-called Kennedy and Kieb tracts and extending around the said Kieb property on the easterly and southerly sides thereof and then running into Riverside Avenue.

Being part of the premises owned by Fannie Berk, by deed from Quipadorla, Inc., a New Jersey Corporation and the same as described in warrantly deed Book 1601, page 279 in the Office of the Clerk of Monmouth County, after deducting therefrom the reservations and conveyances made from said descriptions.

Name of Purported Owner: Fannie Berk and Irving Berk
Address of Purported Owner: 18 Broad Street, Red Bank, New Jersey

Estimated Compensation: \$2065

The gross sum estimated to be just compensation for the lands hereby taken is \$2065.