

HENRY PASS
Closing Attorney

THE STATE OF NEW JERSEY:

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN,

GREETING:

WHEREAS, Pursuant to an act of the Legislature of said State, approved April 8, 1915, entitled "An Act creating a department to be known as the Board of Commerce and Navigation," being Title 12, Chapter 2, Section 1, of the Revised Statutes, approved December 20, 1937,

UNITED STATES OF AMERICA

being the owner of lands fronting on Parker Creek in Borough of Oceanport in the County of Monmouth and State of New Jersey, which lie above high water mark, and in front of which the lands under water hereinafter described are situated, has applied to the Board of Commerce and Navigation of said State for a grant of the said lands under water and to have the said Board of Commerce and Navigation fix the boundaries of the said lands under water, and determine the price or compensation to be paid to the said State therefor, and the terms and conditions of said grant:

AND WHEREAS, the said Board of Commerce and Navigation by a majority of the members thereof, to wit: J. SPENCER SMITH, EDWARD CRABBE, JAMES J. KELLY, LOUIS SCHIAVONE, AND WAYNE D. MC MURRAY,

having due regard to the interest of navigation and the interests of the State, have agreed to grant the lands under water hereinafter mentioned upon the terms herein set forth, and have determined the sum of

One Thousand and No Hundredths (\$1,000.00) Dollars

as the price or reasonable compensation to be paid to the State for the said lands:

NOW THEREFORE, the said State of New Jersey, by the said Board of Commerce and Navigation, the Governor approving, in consideration of the premises, the terms and conditions hereinafter contained, and the said sum of

One Thousand and No Hundredths (\$1,000.00) Dollars

duly paid by the said United States of America

to the said State, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey, subject to the terms, covenants, conditions and limitations herein contained, unto the said

United States of America

and to its - - - - - assigns forever---All that tract of land now or formerly flowed by tidewater, situate in the Borough of Oceanport in the County of Monmouth and State of New Jersey, bounded and described as follows:-

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BEGINNING at a point in the former mean high water line of the southeasterly shore of Parker Creek where the same is intersected by the Southwesterly line of Oceanport Avenue;

THENCE (1) Northwestwardly along said southwesterly line of Oceanport Avenue or the extension thereof a distance of sixty (60) feet more or less to a point in the Pierhead and Bulkhead Line established by the Board of Commerce and Navigation appointed under the authority of an act entitled "An Act creating a department to be known as the Board of Commerce and Navigation," approved April 8, 1915, being Title 12, Chapter 2, Section 1, of the Revised Statutes, approved December 10, 1937; said point in said Pierhead and Bulkhead Line being distant fifteen (15) feet southeasterly from the southeasterly end of the bridge crossing Parker Creek;

THENCE (2) Southwestwardly approximately at right angles to said Oceanport Avenue, following said Pierhead and Bulkhead Line, along the face of the existing bulkhead a distance of thirteen hundred fifty-five (1355) feet to a corner in the existing bulkhead;

THENCE (3) Southeastwardly about parallel with Oceanport Avenue, along the return of the existing bulkhead, a distance of one hundred sixty (160) feet more or less to the former mean high water line of the southeasterly shore of Parker Creek;

THENCE (4) In a general Northeastwardly direction following said former mean high water line the several courses and distances thereof to the point and place of BEGINNING.

With the right and privilege, under the covenants and conditions of this grant, to exclude the tide-water from so much of the lands above described as lie under tide-water, by filling in or otherwise improving the same, and to appropriate the lands under water above described to its and their exclusive private uses, subject to approval of plans and specifications by Board of Commerce and Navigation or its successors in office.

Lines 1 to 9

~~-----And-also-under-like-terms,-covenants,-conditions-and-limita--
 tions,-all-and-singular-the-lands-under-water-lying-between-the---
 exterior-line-for-solid-filling-and-the-exterior-line-for-piers,--
 as-fixed-by-the-Board-of-Commerce-and-Navigation-appointed-under--
 the-authority-of-the-act-aforesaid,-and-bounded-by-the-----
 -----courses-of-the-first-described-tract-extended----
 respectively,-----
 te-said-pier-line,-but-said-land-last-described-is-not-to-be-used-
 fer-any-purpose-whatever-except-the-erection-of-a-pier-or-piers-
 thereon,-underneath-which-the-tide-may-ebb-and-flow,-subject-to---
 approval-of-plans-and-specifications-by-Board-of-Commerce-and-----
 Navigation-or-its-successors-in-office,-and-no-solid-filling-shall
 be-placed-thereon,-----~~

PROVIDED, that the State of New Jersey, by its Board of Commerce and Navigation or any other lawful authority, may, from time to time, change the exterior lines for solid filling and piers, and fix the same further from the shore than formerly, even though such action may affect the lands hereby granted, whenever the State may deem it necessary for its interests so to do; and if such exterior lines shall be placed out further from the shore than formerly, then the party or parties claiming under this instrument may, within such period as may be fixed by the State, either through said Board of Commerce and Navigation or any other lawful authority, have the exclusive right to apply for and receive a lease or grant of the additional land under water lying between the present exterior lines above described and the new exterior line or lines that may hereafter be fixed, upon payment of such additional rental or compensation, and upon such terms, as shall be fixed by said Board of Commerce and Navigation or other lawful authority, under any present or future law of this State; such additional land to be used for solid filling and for piers respectively as directed by the said Board of Commerce and Navigation or their successors, or other lawful authority, under any present or future law of this State.

AND ALSO PROVIDED, that the State of New Jersey may grant or lease any of the lands of the State lying in front of the exterior line for solid filling or piers mentioned or referred to herein, for the cultivation of oysters or other fish, or for any other purpose whatever, provided that such grant or lease shall not operate to interfere with the reasonable use of and access by water to the lands under water hereby granted, and with the free and uninterrupted navigation between said lands under water and the main channel of the said

Parker Creek

AND ALSO PROVIDED, that if the said United States of America is not the owner of the land adjoining the land under water hereby granted, then and in that event this instrument and conveyance, so far as the same binds the State, and all the covenants herein on the part of the State, shall be void as affecting any part or parts of said land which joins land not owned by the said

United States of America

AND ALSO PROVIDED, that if the exterior line for solid filling and the exterior line for piers, or either of said lines, now established, or lines that may be hereafter established by the Board of Commerce and Navigation or other lawful authority of the State of New Jersey, shall be hereafter changed by the action of the authorities of the United States Government, and the grantee herein or any party claiming hereunder shall suffer damages, the claim or claims therefor must be made against the authorities of the United States Government, and not against the State of New Jersey.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging.

TO HAVE AND TO HOLD all and singular the above granted and described lands under water and premises, subject to the terms, conditions and limitations aforesaid, unto the said

United States of America, and its

heirs assigns forever.

IN WITNESS WHEREOF, the said Board of Commerce and

Navigation by a majority of the members thereof have hereunto respectively set their hands, and these presents have been signed by the ^{Acting} Governor, and the Great Seal of the said State has been affixed and attested by the Secretary of State, this Sixth day of November in the year nineteen hundred and forty-four.

Note: Nine printed lines on Page 3 and the word "and" on pages 1 and 3 all stricken out before execution.

/s/ Frank D. Holmes
Frank D. Holmes

(Great Seal of the State of New Jersey)

/s/ George W. Stanger
George W. Stanger, Acting Governor -
President of the Senate - 11/28/44

/s/ Walter D. Van Riper
Walter D. Van Riper, Attorney General

/s/ J. Spencer Smith
J. Spencer Smith

/s/ Edward Crabbe
Edward Crabbe

/s/ James Kelly
James Kelly

/s/ Louis Schiavone
Louis Schiavone

/s/ Wayne D. McMurray
Wayne D. McMurray

/s/ J. A. Brophy
J. A. Brophy
Secretary of State

Witness: /s/ Frank D. Holmes
Frank D. Holmes

Approved: /s/ Charles R. Erdman, Jr.
Charles R. Erdman, Jr.
Commissioner, Dept of Economic Development

I certify I have checked this instrument and it is drawn in accordance with the Minutes of the Board Meeting of September 13, 1943.

/s/ Mabel I. Walker
Mabel I. Walker
Accounts Receivable Book-keeper

STATE OF NEW JERSEY,)
COUNTY OF MERCER) SS.

BE IT REMEMBERED, That on this 27th day of Nov.,
nineteen hundred and forty-four before me, the subscriber,
a Master in Chancery of New Jersey, personally appeared Frank D.
Holmes who being by me duly sworn on his oath, saith that
he saw J. Spencer Smith, Edward Crabbe, James Kelly, Louis
Schiavone and Wayne D. McMurray, a majority of

the within named Board of Commerce and Navigation, sign and deliver
the within deed as their voluntary act, and that he, the said
Frank D. Holmes

thereupon subscribed his name as an attesting witness thereto.

Sworn and subscribed before me,

at Trenton

/s/ Frank D. Holmes
Frank D. Holmes

the day and year aforesaid.

/s/ Robert Peacock
Robert Peacock
Master in Chancery
of New Jersey

BOARD OF COMMERCE AND NAVIGATION
of the State of New Jersey

Recorded in Liber S-2
Folio 258, etc.

THE STATE OF NEW JERSEY

TO

UNITED STATES OF AMERICA

GRANT

Dated November 6, 1944

Received and recorded in the
Monmouth County Clerk's Office

DEC 29 1944

at 2 o'clock P. M. in Book
1985 of Deeds
Page 479 &c. &c.
/s/ J. Russell Willey CLERK

Record & return to
War Dept
422 Federal Bldg.
Trenton 9, N. J.

COMPARED

Chg. 3.00
4.00 Map