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20 OCT 1963

From: Commanding Officer, Eastern Division, Naval Facilities Engineering Command
To: Commander, Naval Facilities Engineering Command
Subj: Naval Ammunition Depot, Earle, New Jersey, adjacent to former NHB Battery Site NY53, Middletown Township, Monmouth County, New Jersey

Ref: (a) COM SECDC ltr OZBIE/WFI/11g of 14 Oct 1966
(b) MND Earle NJ General Development Map, YED Dag. No. 973,507

Encl: (1) Dept of the Army Real Estate Map of NHB Battery NY53 area 6-17-58
(2) Copy of GSA BLD Invitation
(3) Copy of GSA Memo of 12 Sep 1963
(4) GSA ltr RHM to DFWO 32D of 12 Sep 1963
(5) CO MND Earle ltr to DFWO 32D of 6 Nov 1963
(6) DFWO 32D ltr NY 1-34/RIM:gh/61.1 of 13 Nov 1963 to GSA
(7) Mr. J. Soriano's ltr to Capt A Regulator, CO MND Earle of 27 Jul 1963
(8) CO MND Earle ltr RHM/DJH:msh to Mr. J. Soriano of 29 Jul '63
(9) CO MND Earle ltr RHM/DJH:msh to Mr. J. Soriano of 13 Mar 1966
(10) GSA ltr RHM to Mr. D. J. Boudreau of MND Colts Neck, NJ of 23 Jul 1963

1. By reference (a) certain information was requested to facilitate preparation of a reply to an inquiry from Congressman James J. Howard relating to access to a former NHB site, adjacent to the subject facility, and now privately owned.

2. For ease of reference, the information requested is submitted in the same order, as follows:

a. Enclosure (1) is a map of the site showing potentially available access roads. The NHB site may also be located on reference (b).

b. Enclosure (2) is a copy of GSA's request for sealed bids.

c. It is considered that the Navy land is not the only property which can reasonably be used for access.

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4. Enclosures (3), (4), (5) and (6) indicate an operational objection to granting an easement for access over Depot land.

4. This Command would recommend against the granting of an access easement even if the Depot approved.

3. Prior to offering the access Hill site for public bid, the GSA made every effort to obtain an easement for access thereto. Had they been successful it is considered that the property sold would have produced many more offers of purchase than were received and the purchase price would undoubtedly have been greater. As may be seen from enclosures (3) through (6), GSA endeavored to obtain from the Navy a right of public access. Similar efforts was directed to adjacent land owners without success. Although the last mentioned enclosures deal primarily with access to the Lumber area (the site west of Boundary Road), the reasons given for refusal to grant public access may be more forcibly applied to a similar grant for access to the Control area (the premises in question). Prior to the sale all prospective bidders who made inquiry were advised by Depot personnel that access to the Control area would be denied.

4. On the bid opening, it was found that (b)(6) submitted the highest bid (enclosure (10)). The next highest bid by one (b)(6), an adjoining land owner whose property fronts on Mountain Hill Road, was less than \$100.00 below that of the higher bidder. In the presence of witnesses at the bid opening, (b)(6) offered to purchase the property from Mr. Soriano who refused the offer.

5. Subsequently, (b)(6) applied to the Depot for a temporary permit to obtain access to his property (enclosure (7)). By enclosure (8), this application was granted and permission was issued on a temporary basis. By enclosure (9), (b)(6) as ultimately refused further access to his property for the reasons stated therein. In spite of the prohibition in enclosure (9) and the inconvenience involved, the Commanding Officer has continued to issue temporary weekend passes to (b)(6) for the purpose of visiting his property up to the present time.

6. Recently, this Command has been informally advised that (b)(6) commenced construction of a driveway over and across the utility line easement located on the property owned (b)(6). As a result of legal proceedings instituted by the adjoining land owner in the local State court, a permanent injunction was issued prohibiting (b)(6) from such means of access.

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7. In Summary, it would appear that (b)(6) purchased the property in question with full knowledge that it was landlocked and access thereto would be denied; that the purchase price therefore was at a reduced rate because of such landlocked condition; that it would not seem fair to other persons who may have had an interest in purchasing this property to now grant an easement to (b)(6) that although the purchase price of an easement may be high, (b)(6) has more reasonable access to his property than could be obtained over and across that property of the Navy.

(b)(6)
Executive Officer

Copy to:
CO M1B Earle w/csla