

SAMPLE CONDEMNATION PACKAGE

LA - Delaware
Prime Hook NWR
Stevenson, Mabel E., et al.

Memorandum

To: Regional Solicitor, U.S. Department
of the Interior, Newton Corner, MA

From: Regional Director, Newton Corner, MA Civil No. _____

Subject: Request for Institution of Condemnation Proceedings to Acquire Certain
Land for Purposes of Prime Hook National Wildlife Refuge

It is requested that Tracts (60a) and (98) located within the designated boundaries of Prime Hook National Wildlife Refuge, Sussex County, Delaware, be acquired by condemnation with a Declaration of Taking and order for immediate possession.

The requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646 (64 Stat. 1984; 42 U.S.C. §4601-4602; §4621-4638; §4651-4655), as amended, have been met.

Compliance with the National Environmental Policy Act has been effected prior to optioning the tracts included in this package.

The following documents are transmitted:

1. Draft of a letter from the Solicitor to Attorney General and eight (8) copies.
2. Tabulation of facts pertaining to the project, and eight (8) copies.
3. Declaration of Taking with Exhibits A and B, and nineteen (19) copies.
4. Appraisal reports.
5. Title files for the above tracts.

Assistance in distribution of the copies and assembly of the transmitted material will be appreciated. Your approval and signature are needed on the transmittal letter to the Attorney General and on the Declaration of Taking.

(sgd.) Regional Director

The Honorable Edward Levi
Attorney General
Department of Justice
Washington, D.C. 20530

Dear Mr. Attorney General:

Pursuant to authority delegated to the Solicitor on February 17, 1959, by the Secretary of the Interior, 24 FR 1348, and amended December 27, 1971, 210 DM 2.2A(5) and (6), and as redelegated by the Solicitor, it has been determined that acquisition of the following described tracts of land by condemnation is necessary because of deficiencies in the chain of title restricting the vendors from delivering a good and sufficient deed of warranty conveying an insurable title to the United States.

<u>TRACT NO.</u>	<u>PURPORTED OWNER</u>	<u>HECTARES (ACRES)</u>	
60a	Stevenson, et al, Mabel E.	8.10	(20.0)
98	Thompson, et al, Patricia	4.98	(12.3)

The estate to be taken is the fee simple title in and to the lands, together with all and singular the water rights and any other rights, tenements, hereditaments, and appurtenances thereunto belonging and in anywise appertaining. A Declaration of Taking and an order for immediate possession from the court is desired. Immediate possession is in the public interest and the United States Fish and Wildlife Service, Department of the Interior, will assume the management responsibilities of the property.

The tracts are situated within the designated boundaries of the Prime Hook National Wildlife Refuge, Sussex County, Delaware, established August 8, 1963, by purchase. Acquisition of these tracts is necessary and advantageous to the United States in order to manage and develop the aforementioned refuge.

The land is to be taken under and in accordance with the Act of February 26, 1931 (46 Stat. 1421; 40 USC § 258a), and acts supplementary thereto and amendatory thereof; the Act of August 1, 1888, (25 Stat. 357, as amended; 40 USC § 257); the Act of February 18, 1929, as amended and supplemented (45 Stat. 1222; 16 USC § 715), which act authorized the acquisition of lands for wildlife refuge area purposes; and the Act of September 6, 1950, commonly known as the General Appropriation Act of 1951 (64 Stat. 595, 693), which makes funds available for such purposes.

I certify that acquisition of these tracts is in compliance with the limiting conditions of Sections 2 and 7 of the Act of February 18, 1929 (45 Stat. 1222, 1223; 16 USC § 715a, 715f) and Section 3 of the Act of October 4, 1961, (75 Stat. 813, as amended; 16 USC 715k-5). Pursuant to these sections, the State of Delaware has consented by law to the acquisition by the United States of lands in the State; and the Migratory Bird Conservation Commission has approved the acquisition of these tracts.

I request that you cause to be filed the Declaration of Taking which I enclose with the tract descriptions shown on the exhibits marked Exhibit (A) and (B), and the tract plats marked Exhibit (C) attached thereto and made a part thereof. There are also enclosed four (4) copies of the Declaration of Taking with copies of Exhibits (A), (B) and (C) and title files for the tracts to be taken.

The Regional Director, United States Fish and Wildlife Service, Department of the Interior, Newton Corner, Massachusetts, is designated as the representative to receive copies of the instruments filed and with whom action concerning this proceeding should be coordinated. He is prepared to furnish the United States Attorney, for deposit in the registry of the District Court, a check in the amount of \$15,500.00, the sum estimated as just compensation for the land and any other interests therein to be taken.

The Regional Director is prepared to furnish any additional copies of Exhibits (A), (B) and (C) and any information which may be helpful to the United States Attorney, and other members of your office in the conduct of the trial. Any additional information required by the United States Attorney may be obtained from the Regional Director, United States Fish and Wildlife Service, Department of the Interior, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Any correspondence from your Department to this office concerning this request should be addressed to the appropriate Regional Solicitor.

For additional information, please refer to the enclosed memorandum from the Regional Director.

Sincerely yours,

Enclosures

Regional Solicitor

State : Delaware
County : Sussex
Project : Prime Hook NWR
Tract No. : (60a) (98)

TABULATION OF FACTS PERTAINING TO THE PROJECT

Refuge established by : Purchase, August 8, 1963
Size of original approval : 4,548 hectares (11,233 ac.)
Expenditure authorized on initial approval : \$1,500,000.00
Acreage acquired : 3,587 hectares (8,858.7 ac.)
Cost of land acquired : \$2,685,760.49
Land involved in the condemnation request : 13.1 hectares (32.3 ac.)
Estimated value of lands in this request : \$15,500.00
Remaining lands in project : 319 hectares (\pm 787.5 ac.)
(300 hectares (742 acres)
is State owned and
proposed for exchange)
Estimated costs of remaining project lands : \$22,000.00
Number of tracts acquired to date : 87
Number of tracts in this proposal : 2
Number of tracts remaining to be acquired : 2

IN THE UNITED STATES DISTRICT COURT IN AND FOR
THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA)	
)	
Plaintiff)	
)	
13.1 hectares (32.3 acres) of land,)	
more or less in the County of)	CIVIL NO.
Sussex, State of Delaware,)	
Mabel E. Stevenson, et al.)	
)	
Defendants.)	

In the matter of the acquisition by the United States of America of certain lands situate, lying, and being in the County of Sussex, State of Delaware, for use in connection with the Prime Hook National Wildlife Refuge of the United States Fish and Wildlife Service, United States Department of the Interior.

DECLARATION OF TAKING

To the Honorable, the United States District Court:

Pursuant to the authority delegated to the Solicitor on February 17, 1959, by the Secretary of the Interior, 24 Federal Register 1348, as amended December 27, 1971, 210 Departmental Manual 2.2A(5) and (6), as redelegated by the Solicitor, I do hereby make and cause to be filed this Declaration of Taking and declare that:

1. (a) The lands hereinafter described are taken under and in accordance with the Act of February 26, 1931, (46 Stat. 1421, 40 U.S.C. § 258a), and acts supplementary thereto and amendatory thereof, the Act of August 1, 1888, as amended, (25 Stat. 357, 40 U.S.C. § 257); the Act of February 18, 1929, as amended and supplemented, (45 Stat. 1222, 16 U.S.C. § 715), which act authorizes the acquisition of lands for wildlife refuge area purposes, the Act of September 6, 1950, popularly known as the General Appropriation Act of 1951 (64 Stat. 595, 693), which makes funds available for such purpose.

(b) The public uses for which said land is taken are as follows:

The said land is situated within the boundaries of the national wildlife refuge designated in Exhibit "A" attached hereto and made a part hereof and is needed for the proper development and administration of that area to preserve the waterfowl resource and to more effectively carry out the purposes of the Act of February 18, 1929, supra. The said land has been selected for acquisition by the United States for said purposes and for such other uses as may be authorized by the Congress or by Executive Order.

(c) The State legislation consenting to the acquisition by the United States of land therein, the approval of the Governor of the State or appropriate State agency, and the approval of the Migratory Bird Conservation Commission are cited in Exhibit "A" under the respective headings entitled, State Consent Legislation, State Approval, and Migratory Bird Conservation Commission Approval.

2. The general description of the land being taken is set forth in Exhibit "B" and is the description of the same land described in the complaint in the above-entitled cause.

3. The estate taken for said public use is the full fee simple title in and to the land, together with all and singular the water rights and other rights, tenements, hereditaments, and appurtenances thereunto belonging and in anywise appertaining, subject to existing easements for public roads and highways, railroads, and subject further to such interests as are set forth in Exhibit "A" under headings entitled, Outstanding Rights and Rights-of-Way and Reservations.

4. A plat showing the land taken is annexed hereto as Exhibit "C" and made a part hereof.

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

IN WITNESS WHEREOF, I have signed this Declaration of Taking in the city of _____ State of _____, this _____ day of _____, 19____.

Regional Solicitor
Department of the Interior
United States of America

EXHIBIT "A"

The lands which are the subject matter of this proceeding aggregate 8.1 hectares (32.30 acres), more or less, situate in and being in Sussex County, Delaware, lie within the designated boundary of the Prime Hook National Wildlife Refuge.

TOTAL ESTIMATED COMPENSATION \$15,500.00

<u>TRACT NO.</u>	<u>HECTARES (ACRES)</u>		<u>AMOUNT</u>
60a	8.10	(20.00)	\$10,000
98	12.30	(4.98)	5,000

STATE CONSENT LEGISLATION

Laws of the State Delaware, 1931, Title 2, Chapter 3, pages 18-19.

STATE APPROVAL

By the State Board of Game and Fish Commissioners on March 7, 1962.

MIGRATORY BIRD CONSERVATION COMMISSION APPROVAL

May 14, 1974

TRACT NO. (60a)

NAME: Stevenson, et al., Mabel E.

PURPORTED OWNERS:

Mabel E. Stevenson, widow
Route 1, Box 220
Georgetown, Delaware 19968

Betty S. Lank and Albert H. Lank
Route 1, Box 220
Milford, Delaware 19968

Catherine S. Webb, divorced
Route 4, Box 206
Milford, Delaware 19963

Robert W. Stevenson and Phyllis D. Stevenson
Route 1, Box 118
Milford, Delaware 19968

Estate of Charles Reese Stevenson:

J. Jane Stevenson, widow of Charles Reese Stevenson
R. D. #1, Box 533
Lincoln, Delaware 19960

Children of Charles Reese Stevenson:

David Reese Stevenson
Box 265
Lincoln, Delaware 19960

Kenneth Russell Stevenson
Lincoln, Delaware 19960

Carolyn Elaine Stevenson
Lincoln, Delaware 19960

Peggy Ann Johnson
330 Collins Street
Jacksonville, North Carolina 28540

Glen Edward Stevenson, infant
Lincoln, Delaware 19960

Terri Jane Stevenson, infant
Lincoln, Delaware 19960

Terisha Marie Stevenson, infant
Lincoln, Delaware 19960

Joseph A. Stevenson, divorced
7 Glendale Street
Hanover, Pennsylvania 17331

ADVERSE CLAIMANTS:

William Carlton Clifton
c/o Robert W. Tunnell, Esquire
P. O. Box 151
Georgetown, Delaware 19947

All taxing authorities authorized to assess taxes on the land.

Other adverse claimants, if any.

OUTSTANDING RIGHTS AND RIGHTS-OF-WAY:

The rights of the State of Delaware and the public below the natural ordinary high water line of any tidal river or stream and in and to any portion of the premises now or formerly flowed by tidewater.

Rights of the United States Government, the State of Delaware and the County of Sussex, Cedar Creek Hundred; or any of their departments or agencies, to regulate and control the use of the piers, bulkhead, land under water and land adjacent thereto.

Rights of the public in and to any water course bounding, crossing or affecting the premises in question.

RESERVATIONS:

None.

EXHIBIT "B"

DESCRIPTION
OF THE
MABEL E. STEVENSON TRACT
(60a)
SUSSEX COUNTY, DELAWARE

The hereinafter-described tract of land located in the State of Delaware, Sussex County, Cedar Creek Hundred, situate approximately 3.23 meters (2.0 miles) westerly of the Village of Prime Hook Beach, lying entirely north of State Maintenance Road No. 39, being a portion of the land conveyed to Mabel E. Stevenson under the Last Will and Testament of Percy D. Stevenson, in Item 1, dated July 26, 1954, and of record in Will Book 62, Page 361, of the Will Records of said County and State at Georgetown, and being more particularly described as follows:

BEGINNING at Corner 1, from which the centerline intersections of State Road No. 38 and State Maintenance Road No. 39, bears S 49° 14' W, 61.7 chains, more or less; thence N 63° 01' E, 49.50 chains, more or less, to Corner 2; thence S 30° 14' E, 4.1 chains, more or less, to corner 3; thence S 62° 58' W 47.70 chains, more or less, to corner 4; thence N 53° 05' W, 4.6 chains, more or less, to the PLACE OF BEGINNING, containing 8.1 hectare (20 acres), more or less, and

BOUNDED from Corner 1 to Corner 2 by land of MARIE JONES TRACT (36); from Corner 2 to Corner 4 by land of William Carlton Clifton; from Corner 4 to Corner 1 by land of UNITED STATES (TRACT 34).

EXHIBIT "C"

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

PRIME HOOK NATIONAL WILDLIFE REFUGE

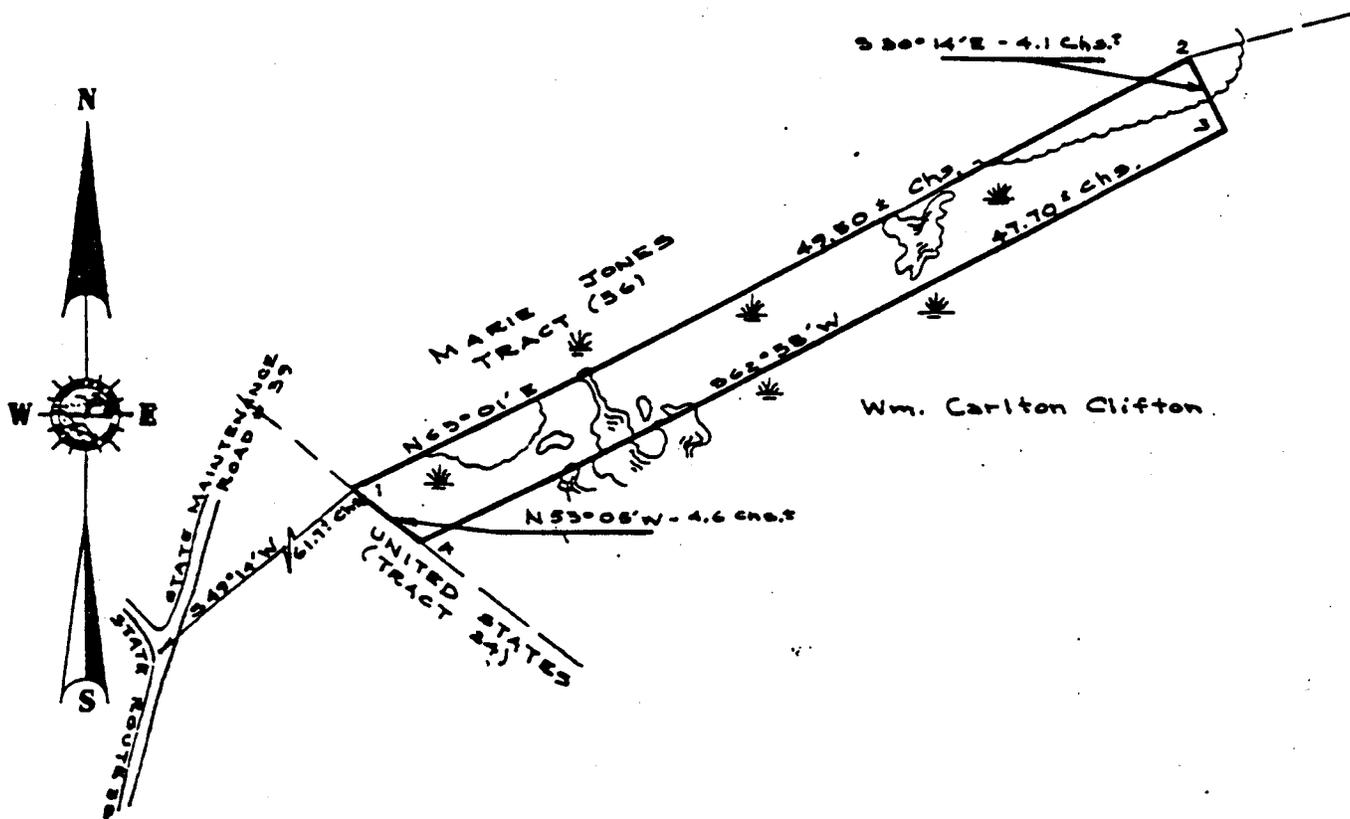
MABEL E. STEVENSON TRACT

(60a)

20.0 ACRES

Cedar Creek Hundred, Sussex County, Delaware

Scale 0 10 20 30 40 Chains



THIS MAP was compiled from surveys of
the Bureau of Sport Fisheries and Wildlife
and from records in the files thereof.

Date _____

Roger R. Tornstrom
Roger R. Tornstrom, Supr. Land Surveyor
Division of Engineering.

SRW 740220