



**FILE  
START**

Computer # \_\_\_\_\_

TRUST TERRITORY OF THE PACIFIC ISLANDS--ARCHIVES SURVEY FORM

Primary Branch, Department, Bureau, or Office producing materials:

R&D

Subgroup of the above: Lan

Author/Title/Date of publication (if any) of specific materials:

Subject of materials: (See schedule in TTPI Files System Manual)

Lan 5-4 Lan 6/ Lan 3  
Brief description: Transfer of Public Lands (to Districts  
& Executive Outclaims Deeds) - Yap

Geographic area dealt with in materials:

TTPI at large:

Individual districts:

Individual governments:

Individual islands:

Other:

Span of years covered by materials: 1976-1979

Format of information:

Correspondence:

Reports:

Clippings:

Other:

Physical arrangement of materials: (How are they organized within the file?)

Geographically:

Chronologically:

By subjects:

By organization:

Other:

Physical location of materials: (Area where presently located)

Office: R&D

Subgroup: Lan

File cabinet number: 97813

Drawer number: 4

File folder number: 178-88.5-1

Estimated quantity of materials: 2 folders

Recorded by: TG

Date: 10/3/81

Disposition of originals:

Microfilm roll No.: 6

Frame #:

Computer # \_\_\_\_\_

TRUST TERRITORY OF THE PACIFIC ISLANDS--ARCHIVES SURVEY FORM

Primary Branch, Department, Bureau, or Office producing materials:

RED

Subgroup of the above: Lan

Author/Title/Date of publication (if any) of specific materials:

Subject of materials: (See schedule in TTPI Files System Manual)

Lan 5-4 Lan 6/ Lan 3  
Brief description: Transfer of Public Lands (to Districts  
& Executed Quitclaims Deeds) - Yap

Geographic area dealt with in materials:

- TTPI at large:
- Individual districts:
- Individual governments:
- Individual islands:
- Other:

Span of years covered by materials: 1976-1979

Format of information:

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Microfilm roll No.: 6

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TRUST TERRITORY OF THE PACIFIC ISLANDS

OFFICE OF THE DISTRICT ADMINISTRATOR

YAP DISTRICT

YAP, WESTERN CAROLINE ISLANDS 96943

CABLE ADDRESS

DISTAD YAP

May 16, 1979

Honorable Adrian P. Winkel  
Trust Territory High Commissioner  
Saipan, CM 96950

Re: Request for Transfer of Public Lands

Dear Mr. High Commissioner:

Pursuant to subsection 5 of Secretarial Order No. 3039, I officially request the transfer of title to all real and personal property covered by said order from the Trust Territory of The Pacific Islands to the Yap State Government. Attached for your convenience is a copy of Yap District Law 6-7 which designates the Yap State Government as recipient of Trust Territory properties under the requirements of Secretarial Order 2969, as amended.

Upon receipt of title to the real and personal property involved, the Government of Yap State shall assume all rights and obligations as more specifically contained in subsections 5 (a), (b), and (c) of Secretarial Order No. 3039. In addition to the assumption of the above designated rights and obligations the Yap State Government will assume any obligations or assurances to the FAA for the operation of the current Yap Airport. We have been advised also, by the Office of the Trust Territory Attorney General, that the transmitter site may or may not be conveyed to the State Government at this time.

If I may do anything in addition to the above to facilitate the implementation of Secretarial Order 3039, please do not hesitate to contact me.

Sincerely yours,

JOHN A. MANGEFEL Governor

cc: Kent Harvey Esquire, Assistant Attorney General  
Kozo Yamada, Chief Lands and Surveys  
Acting Attorney General, Yap State



TRUST TERRITORY OF THE PACIFIC ISLANDS

OFFICE OF THE DISTRICT ADMINISTRATOR  
YAP DISTRICT  
YAP, WESTERN CAROLINE ISLANDS 96943

CABLE ADDRESS  
DISTAD YAP

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If I may do anything in addition to the above to facilitate the implementation of Secretarial Order 3039, please do not hesitate to contact me.

Sincerely yours,

*John A. Mangefel*  
JOHN A. MANGEFEL Governor

cc: Kent Harvey Esquire, Assistant Attorney General  
Kozo Yamada, Chief Lands and Surveys  
Acting Attorney General, Yap State



Serial: L18810  
File: 178.88.5  
6-15-79

JUN 15 1979

Honorable John J. Mangefel  
Governor  
Yap State  
Western Caroline Islands 96943

Dear Governor Mangefel:

This is to acknowledge receipt of your letter dated May 16, 1979, regarding a request for transfer of title of all real and personal property, currently used or held by the Trust Territory Government, to the Yap State Government.

With respect to the transfer, the Division of Lands and the Attorney General have been instructed to progress as rapidly as possible.

Your offer of assistance to facilitate the implementation of Secretarial Order 3039 is appreciated.

Sincerely yours,

*Adrian P. Winkel*  
Adrian P. Winkel  
High Commissioner

cc: HC a.f.

ROUTING

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Serial: L18810  
File: 178.88.5  
6-15-79

JUN. 15 1979

Honorable John J. Mangafel  
Governor  
Yap State  
Western Caroline Islands 96943

Dear Governor Mangafel:

This is to acknowledge receipt of your letter dated May 16, 1979, regarding a request for transfer of title of all real and personal property, currently used or held by the Trust Territory Government, to the Yap State Government.

With respect to the transfer, the Division of Lands and the Attorney General have been instructed to progress as rapidly as possible.

Your offer of assistance to facilitate the implementation of Secretarial Order 3039 is appreciated.

Sincerely yours,

*Adrian P. Winkel*  
Adrian P. Winkel  
High Commissioner

cc: HC a.f.

ROUTING	
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GREEN LADDER  
TT-1063 (Rev. June 1978)  
OFFICE OF THE HIGH COMMISSIONER

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PASS TO INT DEPT/DOIA FROM HIICM

TIPI NO. 353

SUBJECT: PUBLIC LAND TRANSFER (SUPPLEMENTAL INFORMATION)

RE: YOUR DOTA NO. 214-TT AND OUR TIPI NO. 347

1. PONAPE COMMUNICATION SITE RETAINED PURSUANT TO SECRETARIAL ORDER NO. 3039 SECTION 3(A)(7). AIRPORT PROPERTY RETAINED PENDING FAA APPROVAL OF TRANSFER.
2. PALAU PUBLIC LAND AUTHORITY EXPRESSED UNWILLINGNESS TO ACCEPT TRANSFERS OF LAND SUBJECT TO EXISTING LONG-TERM COMMERCIAL LEASES. SECRETARIAL ORDER NO. 2969 SECTION 6(D) REQUIRES RECOGNITION OF EXISTING LEASE HOLD INTEREST. ANTICIPATE CHANGE OF POSITION BY PALAU PUBLIC LAND AUTHORITY SOON.
3. YAP LEGISLATION DESIGNATING PUBLIC LAND AUTHORITY AS ENTITY TO RECEIVE LAND WAS REPEALED AND STATE GOVERNMENT DESIGNATED. EXPECT TO DEED APPLICABLE LAND BY 15 JULY 1979.
4. KOSRAE CREATED PUBLIC LAND AUTHORITY BUT REQUESTS FOR TRANSFER DID NOT COMPLY WITH KOSRAE LEGISLATION. EXPECT TO RESOLVE PROBLEM FORTHWITH AND EFFECT TRANSFER.
5. SINCE TRUK AND MARSHALLS HAVE NOT DESIGNATED A PUBLIC ENTITY PURSUANT TO SECRETARIAL ORDER 2969 TRANSFERS WILL BE MADE TO TRUK STATE GOVERNMENT AND MARSHALL ISLANDS GOVERNMENT PURSUANT TO SECRETARIAL ORDER NO. 3039 SECTION 3(A)(5) (B) AS SOON AS POSSIBLE BUT NO LATER THAN JULY 31, 1979. HIGH COMMISSIONER ADRIAN P. WINKEL SENDS.  
BT

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MARSHALLS

YAP

*Copies distributed to files*  
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MARSHALLS

YAP

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3

PUBLIC LAND TRANSFER (SUPPLEMENTAL INFORMATION)

TA NO. 214-TT AND OUR TTPI NO. 347

COMMUNICATION SITE RETAINED PURSUANT TO SECRETARIAL ORDER  
SECTION 3(A)(7). AIRPORT PROPERTY RETAINED PENDING FAA  
TRANSFER.

PUBLIC LAND AUTHORITY EXPRESSED UNWILLINGNESS TO ACCEPT  
PUBLIC LAND SUBJECT TO EXISTING LONG-TERM COMMERCIAL LEASES.  
ORDER NO. 2969 SECTION (C) REQUIRES RECOGNITION OF EXISTING  
INTEREST. ANTICIPATE CHANGE OF POSITION BY PALAU PUBLIC  
ENTITY SOON.

LEGISLATION DESIGNATING PUBLIC LAND AUTHORITY AS ENTITY TO  
WHICH WAS REPEALED AND STATE GOVERNMENT DESIGNATED. EXPECT TO  
ACQUIRE LAND BY 15 JULY 1979.

LEGISLATION DESIGNATING PUBLIC LAND AUTHORITY BUT REQUESTS FOR TRANSFER DID  
NOT PASS WITH KOSRAE LEGISLATION. EXPECT TO RESOLVE PROBLEM FORTHWITH  
TRANSFER.

TRUK AND MARSHALLS HAVE NOT DESIGNATED A PUBLIC ENTITY  
SECRETARIAL ORDER 2969 TRANSFERS WILL BE MADE TO TRUK STATE  
AND MARSHALL ISLANDS GOVERNMENT PURSUANT TO SECRETARIAL  
ORDER 2939 SECTION 3(A)(5) (E) AS SOON AS POSSIBLE BUT NO LATER  
15 JULY 1979. HIGH COMMISSIONER ADRIAN P. WINKEL SENDS.

*per distribution to files*  
KOROR  
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MARSHALLS

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ACTION.....PES DEV  
INFO.....D/BR

18 JUN 75 23 46Z

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PASS TO DIRECTOR OF RESOURCES AND DEVELOPMENT X REUR DISPATCH  
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LANDS X YAP LHO SENDS  
BT

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9-7-56

TRUST TERRITORY OF THE PACIFIC ISLANDS Office of the High Commissioner, Saipan

From ~~TO~~ : High Commissioner

DATE: 7/9/79

To ~~FROM~~ : Assistant Attorney General *H*

SUBJECT: Reservation of use rights for communication sites in deeds pursuant to Secretarial Order No. 3039

Secretarial Order 3039, Section 3A(5)(a) requires that all real property used for governmental purposes "to the extent not needed to carry out the purposes of this order, be transferred on an equitable basis to the Federated States of Micronesia..." Subsection (7) of Section 3A provides that the High Commissioner shall continue to have the authority and responsibility for the operation and maintenance of telecommunications within the Trust Territory. The Governors of the States of the Federated States have asked that the Trust Territory convey title to the communication sites to their respective states but retain the necessary use rights to comply with the High Commissioner's responsibilities under subsection (7) paraphrased above. It is our opinion that retention of use rights for the telecommunication facilities would comply with the secretarial order and it is not necessary for the Trust Territory to retain the fee title to the property. We have discussed the matter with Kozo Yamada who concurs with the Governors' request and our opinion.

If you have no objection to granting the fee simple interest in the communication sites subject to a retained right to use the property for telecommunication purposes so long as the High Commissioner shall have authority and responsibility for telecommunications within the Trust Territory, we will advise the Director of the Bureau of Resources to prepare the deeds to accomplish that purpose.

*Kent Harvey*  
Kent Harvey

cc: - Kozo Yamada

*No objection. Concur in your request.*

*G.P.W. - H.C. - 7/9/79*

ACTION ..... RES DEV  
INFO ..... D/BR

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DIRECTOR OF RESOURCES AND DEVELOPMENT X REUR DISPATCH  
JUN 79 X YAP STATE HAS SOME TENANTS BY SUFFERANCE ON PUBLIC  
AP LMO SENDS

178.535

7-7-50

TERRITORY OF THE PACIFIC ISLANDS

Office of the High Commissioner, Saipan

High Commissioner

DATE: 7/9/79

Assistant Attorney General *H*

Reservation of use rights for communication sites in deeds pursuant to Secretarial Order No. 3039

Secretarial Order 3039, Section 3A(5)(a) requires that all real property used for governmental purposes "to the extent not needed by but the purposes of this order, be transferred on an equal basis to the Federated States of Micronesia..." Subsection 3A provides that the High Commissioner shall have the authority and responsibility for the operation and maintenance of telecommunications within the Trust Territory. The Governors of the States of the Federated States have asked the Trust Territory convey title to the communication sites in their respective states but retain the necessary use rights to the High Commissioner's responsibilities under subsection 3A(5)(a) as paraphrased above. It is our opinion that retention of use rights for the telecommunication facilities would comply with the Secretarial order and it is not necessary for the Trust Territory to convey the fee title to the property. We have discussed this with Kojo Yamada who concurs with the Governors' request in our opinion.

We have no objection to granting the fee simple interest in communication sites subject to a retained right to use the property for telecommunication purposes so long as the High Commissioner shall have authority and responsibility for telecommunications in the Trust Territory, we will advise the Director of the Department of Resources to prepare the deeds to accomplish that purpose.

*K. Yamada*  
Kojo Yamada

*objection. concurs in your request.*

*AW-H.C. - 7/9/79*

**ACTION**

*lands  
file in Transfer  
of Public Lands - Yap.*

*key*

RTD *JS*

26 JUN 79 13 55  
ACTION.....D/BR

ZCZC SHAD01 ZCZC YSA074/26/JY ZCZC DYAD15/26/IK SHA  
P 262305Z JUN 79  
FM GOV YAP CAROLINE ISLANDS  
TO HICOMTERPACIS SAIPAN  
BT

PASS TO DIRECTOR OF RESOURCES AND DEVELOPMENT X FOLLOWING INFORMATION ON LEASED PUBLIC LANDS AS REQUESTED X DOWNTOWN MOBIL FACILITY, LOT NO 003 H 17, LESSEE MOBIL OIL CO, EFFECTIVE DATE 20 DEC 1968, RECORDED 30 SEP 1975 LC X MOBIL AIRPORT, 204 H 05, MOBIL OIL CO, 30 AUG 1972, RECORDED 19 SEP 1972 C OF C X POST OFFICE, 002 F 06, UNITED STATES, 1 JULY 1970, RECORDED 15 OCT 1970 C OF C X WAAB TRANSPORTATION CO, ON THREE PARCELS 012 F 05, 012 F 06, 012 F 06, LESSEE WAAB TRANS CO, 21 DEC 1977, RECORDED 5 JAN 1978 LC X PW FREEZER FACILITY IS NOT A LAND LEASE X LEASE COPIES OF ABOVE FOLLOW BY POUCH X CAROLINE SHIPPING, YAP WOMENS ASSOCIATION AND OICC FACILITIES HAVE NO AGREEMENT X YAP LHO SENDS  
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*Lands  
file in Transfer  
of Public Lands - Yap.*

*109*

**ACTION**

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TO DIRECTOR OF RESOURCES AND DEVELOPMENT X FOLLOWING INFORMATION  
ON LEASED PUBLIC LANDS AS REQUESTED X DOWNTOWN MOBIL FACILITY,  
NO 003 H 17, LESSEE MOBIL OIL CO, EFFECTIVE DATE 20 DEC 1966,  
DED 30 SEP 1975 LC X MOBIL AIRPORT, 334 H 02, MOBIL OIL CO,  
IG 1972, RECORDED 19 SEP 1972 C OF C X POST OFFICE, 002 F 06,  
ED STATES, 1 JULY 1970, RECORDED 15 OCT 1970 C OF C X WAAB  
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FACILITIES HAVE NO AGREEMENT X YAP LMO SENDS

AND: 7003  
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178.88.5

Chief of Lands

October 1, 1979

Thru : Governors Office, Yap State  
Acting Land Management Officer, Yap State

QUITCLAIM DEED

Attached herewith the copy of the Quitclaim Deeds which has been already approved and sign.

*Recd 10/5/79  
g*

Nonos Ngirnakur

gov:Govern of Yap, State  
Attorney General, Yap State

October 1, 197

<u>Lot Number</u>	<u>Lessee's Name</u>	<u>Effective Date</u>	<u>Registration Date</u>
50071	Yap Hotel Corporation	10/8/70	12/23/70
50037	Bank of Hawaii	10/1/70	6/26/75
50799	Weather Service	7/9/78	8/18/78
001 H 03	Weather Service	2/10/76	2/24/76
003 H 17	Mobil Oil Co	12/20/66	9/30/75
034 H 05	Mobil Oil Co	8/30/72	9/19/72
002 F 06	Post Office	7/1/70	10/15/70
012 F 05	WAAB Transportation	12/21/77	1/5/78
012 F 06	WAAB Transportation	12/21/77	1/5/78
012 F 08	WAAB Transportation	12/21/77	1/5/78

already approved

TRUST TERRITORY OF THE PACIFIC ISLANDS  
Office of the High Commissioner  
Saipan, Mariana Islands



QUITCLAIM DEED

THIS QUITCLAIM DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, between the GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, represented by the High Commissioner, and the GOVERNMENT of the State of Yap represented by the Governor of Yap.

WITNESSETH: that

WHEREAS, the Governor of State of Yap has requested the High Commissioner of the Trust Territory of the Pacific Islands to convey the lands hereinafter described to the Government of State of Yap pursuant to Yap District Law Number 4-46, as amended by Yap District Bill Number 6-65, and Order Number 2969 issued by the Secretary of the Interior effective as of December 26, 1974; and

WHEREAS, the Order Number 2969 issued by the Secretary of the Interior effective as of December 26, 1974 was amended by the Secretary of the Interior effective as of December 28, 1978, authorizing the charter district government to be designated by a district legislature with the powers, duties and competence set forth in Section 3.

WHEREAS, the High Commissioner finds that the hereinafter described lands requested by the State of Yap are no longer needed by the central Government of the Trust Territory of the Pacific Islands and are a proper subject of conveyance under Secretarial Order Number 2969; and

WHEREAS, the conditions precedent to such a conveyance, prescribed by such Order and Public Law, have been fulfilled;

NOW, THEREFORE, pursuant to the authority and subject to the terms and conditions of Secretarial Order Number 2969 issued by the Secretary of the Interior and effective as of December 26, 1974, the Government of the Trust Territory of the Pacific Islands, by these presents, does remise,

release, and quitclaim to the Government of Yap, its successors and assigns, all its right, title and interest in and to the following described real property in trust for the people of State of Yap in accordance with the provisions of said Secretarial Order Number 2969:

All public lands as defined in Section 2(c) of said Secretarial Order Number 2969 located above the ordinary high water mark within the geographic boundaries of the State of Yap, Trust Territory of the Pacific Islands, as defined in Section 1(3) of Title 3 of the Trust Territory Code;

AND

All public lands as defined in Section 2(c) of said Secretarial Order Number 2969 located below the ordinary high water mark within the geographic boundaries of the State of Yap, Trust Territory of the Pacific Islands, as defined in Section 1(3) of Title 3 of the Trust Territory Code;

AND

All interests, including mineral rights, reserved by the Government of the Trust Territory of the Pacific Islands unto itself in deeds of conveyance issued to whomsoever and for whatever reasons and covering parcels of land located in the State of Yap, Trust Territory of the Pacific Islands;

AND

All interests, including mineral rights, reserved by the Government of the Trust Territory of the Pacific Islands unto itself in parcels of land located in the State of Yap, Trust Territory of the Pacific Islands, as to which there are valid homestead entry permits, or certificates evidencing compliance with such permits, and as to which deeds of conveyance have not been issued, as of the effective date of this Quitclaim Deed,

BUT EXCEPTING THEREFROM, the following described real property located in the State of Yap, Trust Territory of the Pacific Islands:

All those lands within the boundary of Yap International Airport, located on Yap, Western Caroline Islands, Yap District, Trust Territory of the Pacific Islands, said lands being more particularly described in Determination of Ownership and Release, numbers AS-1 through AS-3, filed in the office of the Clerk of Court, Yap District;

AND

All that land known as Tanifan, parking lot for the Yap International Airport, located in Rull Municipality, Yap District, Trust Territory of the Pacific Islands, said land being more particularly described as follows:

From U.S.G.S. survey control marker ORC, 1960, Lat. 09 28 56 N, Long. 138 04 35 E, N 44 30 00 E, 1414 ft. To corner #1, a concrete monument at the Northern boundary of the Yap airstrip, Rull Municipality;

Thence, N 22 40 41 W, 280 ft. to corner #2

" , S 67 19 19 W, 325 ft. to corner #3

" , S 22 40 41 E, 280 ft. to corner #4

" , N 67 19 19 E, 325 ft. to corner #1

containing an area of 2.09 acres, more or less;

AND

All those lands within the boundary of Yap Communication Receiver Site, Yap District, Trust Territory of the Pacific Islands, said lands being more particularly described as follows:

Beginning at corner #1 (corner "B" of the U.S. Weather Bureau Property); thence N 71 07 17 E, 152.40 meters, to corner #2 (corner "C" of the U.S. Weather Bureau Property); thence N 71 07 17 E, 137.16 meters, to corner #3; thence N 21 28 52 W, 139.17 meters, to corner #4; thence N 42 24 47 E, 78.90 meters, to corner #5; thence N 30 05 47 E, 390.75 meters, to corner #6; thence S 69 53 39 E, 39.29 meters, to corner #7; thence N 72 06 21 E, 288.81 meters, to corner #8; thence N 34 27 23 W, 266.29 meters, to corner #9; thence N 27 46 31 W, 85.99 meters, to corner #10; thence S 60 46 50 W, 9.14 meters,

to corner #11; thence S 27 46 31 E, 88.85 meters, to corner #12;  
thence S 43 30 53 W, 352.35 meters, to corner #13; thence S 69  
53 39 E, 87.71 meters, to corner #14; thence S 30 05 47 W, 389.02  
meters, to corner #15; thence S 42 24 47 W, 75.26 meters, to  
corner #16; thence N 57 14 37 W, 14.64 meters, to corner #17;  
thence N 66 23 56 W, 43.93 meters, to corner #18; thence N 76  
48 56 W, 24.64 meters, to corner #19; thence N 13 47 34 E, 59.35  
meters to corner #20; thence N 52 24 50 W, 18.08 meters, to  
corner #21; thence S 84 43 16 W, 50.43 meters, to corner #22;  
thence N 72 50 22 W, 35.69 meters to corner #23; thence N 77 29  
02 W, 29.16 meters, to corner #24; thence N 76 22 58 W, 28.84  
meters, to corner #25; thence S 89 46 14 W, 21.76 meters, to  
corner #26; thence S 71 07 17 W, 94.86 meters, to corner #27;  
thence S 08 58 17 W, 22.50 meters, to corner #28; thence  
S 05 26 43 E, 91.45 meters, to corner #29; thence S 26 50 09 E, 228.98  
meters, to the point of beginning; all corners except corners  
#4 and #16 marked by standard 4x4 Land Management concrete monu-  
ments; all bearings, distance and coordinates based on the Yap  
District Airport Control System; containing an area of 15.074  
hectares (37.248 acres); designated as Tract No. 50009 and re-  
ferred to as "Trust Territory Communications Receiver Site" on  
Yap District Drawing No. 5005/68, as approved on July 12, 1969;

AND

All those lands within the boundary of Yap Communication Transmitter  
Site, located in Yinuf Village, Rull Municipality, Yap District,  
Trust Territory of the Pacific Islands, said lands being more parti-  
cularly described as follows:

Beginning at corner #1, which is S 50 39 20 W, 115.87 meters, from  
road monument #28 (corner #1 of Tract No. 50016) which is N 13  
58 05 E, 279.72 meters from road monument #27; thence S 50 39 20 W,  
32.73 meters, to corner #2; thence S 83 22 21 W, 177.97 meters,

to corner #3; thence S 00 23 44 E, 152.13 meters, to corner #4; thence S 89 39 48 E, 25.52 meters, to corner #5; thence S 33 06 23 E, 143.45 meters, to corner #6; thence S 70 06 08 E, 133.78 meters, to corner #7; thence S 89 06 08 E, 112.00 meters, to corner #8; thence N 27 23 52 E, 98.67 meters, to corner #9; thence S 71 04 53 W, 170.65 meters, to corner #10; thence N 04 16 32 W, 329.66 meters, to the point of beginning; all corners marked with standard 4x4 Land Management concrete monuments; all bearings, distances and coordinates based on Yap District's Colonia-Airport road control system; containing an area of 6.361 hectares (15.717 acres); designated as Tract No. 50018 and described more fully on Yap District Drawing No. 5007/69, as approved on SUBJECT, NEVERTHELESS, to the following terms, conditions and reservations:

1. Tenants at will and tenants by sufferance who actually occupy lands conveyed hereby with the concurrence of the Government shall be allowed continued possession of the lands they occupy for a period of three (3) years from the date of this Quitclaim Deed.
2. The continuance of instruments entitled "Lease Agreement" covering certain parcels of land, said instruments being: (1) made between the Government of the Trust Territory of the Pacific Islands, as lessor, and the lessees set forth on the listing attached hereto and made a part hereof by reference as Exhibit A; (2) made for the initial term plus renewal option; (3) effective as of the date set forth on said Exhibit A hereto; and (4) numbered and registered with the Yap District Registrar pursuant to Section 119 of Title 67 and Section 11201 of Title 57 of the Trust Territory Code also as set forth on said Exhibit A hereto, but with the full right of the State to receive and benefit of the rent thereby reserved and of the lessee's covenants and agreements therein contained.

IN WITNESS WHEREOF, I, in the name of the Government of the Trust Territory of the Pacific Islands, have caused this quitclaim deed to be made.

Given under my hand and official seal, this \_\_\_\_\_ day of

\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
High Commissioner

High Commissioner

IN WITNESS WHEREOF, I, Governor of the State of Yap, do hereby accept the above conveyance, subject to the terms, conditions and reservations set forth.

ACCEPTED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By: \_\_\_\_\_  
John A. Mangefel  
Governor  
State of Yap

\*\*\*\*\*  
GOVERNMENTAL APPROVALS

APPROVED AS TO FORM

APPROVED FOR THE STATE OF YAP  
OFFICE OF LAND MANAGEMENT

By: \_\_\_\_\_  
Attorney General

By: \_\_\_\_\_  
Land Management Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED FOR THE DIVISION OF LANDS

By: \_\_\_\_\_  
Chief of Lands

Date: \_\_\_\_\_

\*\*\*\*\*  
RECORDING DATA

Filed and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By: \_\_\_\_\_  
Clerk of Courts  
Ponape District

REGISTRATION OF QUITCLAIM DEED

Registered this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at \_\_\_\_\_ A.M./P.M., as document number \_\_\_\_\_ at the  
District Registrar's Office pursuant to 67 TTC 119.

\_\_\_\_\_  
Registrar  
Ponape District

SIXTH YAP DISTRICT LEGISLATURE  
FIRST REGULAR SESSION, 1979

AN ACT

To designate the District Government to receive public lands pursuant to Secretarial Order No. 2969, as amended, to provide for the transfer, to repeal Yap District Law No. 4-46, creating a public land authority to receive public lands pursuant to Secretarial Order No. 2969, and for other purposes.

Be it enacted by the Legislature of Yap District.

1       Section 1. Purposes. The purpose of this act is to designate the District  
2       Government to hold title to public lands within the District in trust for the  
3       people of the District, to manage or dispose of the same, and to provide for the  
4       conveyance of public lands to the District Government pursuant to Department of  
5       Interior Order No. 2969, as amended.

6       Section 2. Designation. The District Government is designated as the  
7       legal entity:

- 8               (1) to receive and hold title to public lands in trust for the  
9               people of the District;
- 10              (2) to administer, manage, and regulate the use of public lands and  
11              income arising therefrom in trust for the people of the District;
- 12              (3) to sell, lease, exchange, use, dedicate for public purposes, or  
13              make other disposition of such public lands pursuant to the laws  
14              of the District;
- 15              (4) to negotiate in good faith, and execute binding formal agree-  
16              ments to meet the land requirements of the United States as  
17              designated under the terms of a future status agreement, subject  
18              to the provisions of the Constitution of the Federated States of  
19              Micronesia and such future status agreement; and

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1 (5) to exercise other powers and duties as may be necessary and  
 2 appropriate to further the purposes of Department of the  
 3 Interior Order No. 2969, as amended.

4 Section 3. District Government. The power and duties of the District  
 5 Government enumerated in Section 2 of this act shall be exercised by the re-  
 6 spective branches of the District Government pursuant to the Charter for Yap  
 7 District Government.

8 Section 4. Limitations.

9 (1) The paramount power of eminent domain is reserved  
 10 in the central government of the Trust Territory of  
 11 the Pacific Islands for public purposes pursuant to  
 12 applicable law.

13 (2) The right of the central government of the Trust  
 14 Territory of the Pacific Islands to regulate all  
 15 activities affecting conservation, navigation, or  
 16 commerce in and to the navigable waters and tide-  
 17 lands, filled lands, submerged lands and lagoons is  
 18 reserved, provided that, in the exercise of such  
 19 right, the central government will not unnecessarily  
 20 interfere with exercise of all prior traditional  
 21 rights in and to such lands.

22 (3) The District Government shall comply with all pro-  
 23 visions of existing leases and land use and occupancy  
 24 agreements previously entered into by the central or  
 25 District Government of the Trust Territory of the  
 26 Pacific Islands, their agencies, instrumentalities,  
 27 or political subdivisions.

- 1 (4) Tenants at will and tenants by sufferance may continue  
2 possession of public land actually occupied and used at  
3 the effective date of the Department of the Interior Order  
4 No. 2969, with the concurrence of the Government of the  
5 Trust Territory of the Pacific Islands, for a reasonable  
6 period of additional years to be mutually agreed to by the  
7 District Government and the High Commissioner.
- 8 (5) All revenues derived by the District Government from  
9 public lands transferred to the District Government pur-  
10 suant to Department of the Interior Order No. 2969, as  
11 amended, shall be deposited in the General Fund of the  
12 Legislature for appropriation for public purposes.
- 13 (6) All transfers and conveyances of public lands shall be  
14 made subject to all valid and existing claims relating to  
15 such land.
- 16 (7) The United States Government and the Central government  
17 of the Trust Territory of the Pacific Islands and their  
18 agencies or political subdivisions shall be held harmless  
19 from any and all claims arising out of the use of  
20 public lands other than those claims resulting directly  
21 from the action of the United States Government, the Go-  
22 vernment of the Trust Territory of the Pacific Islands or  
23 their duly authorized agents.

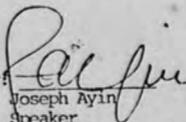
1           Section 5. Reservation of Power. The powers of eminent domain, es-  
2           tablishment of adjudicatory bodies to resolve claims disputes as to titles  
3           or rights in public lands transferred to the District Government, and es-  
4           tablishment of a program for homesteading on said lands, granted to the  
5           Legislature by Department of the Interior Order No. 2969, as amended, is  
6           reserved by the Legislature for future enactment of laws pursuant to said  
7           Order.

8           Section 6. Request by Governor. The Governor shall request the  
9           High Commissioner to transfer and convey all right, title and interest  
10          of the Government of the Trust Territory of the Pacific Islands in public  
11          lands to the District Government. The request shall be made in writing on  
12          the effective date of this act.

13          Section 7. Repeal. Yap District Law No. 4-46, creating a public  
14          land authority to receive public lands pursuant to Secretarial Order No.  
15          2969, is hereby repealed in its entirety.

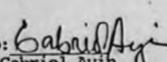
16          Section 8. Effective Date. This act shall take effect upon the  
17          approval by the Governor, or upon its becoming law without such approval.

Signed by:

  
Joseph Ayin  
Speaker  
Yap District Legislature

Date: 3/2/65

Attested to:

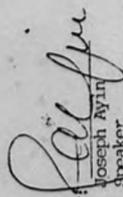
  
Gabriel Ayin  
Chief Clerk  
Yap District Legislature

Approved by:

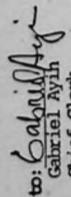
  
John A. Mangefel  
Governor  
Yap District

Date: 3/2/65

- 14. land authority to receive public lands.
- 15. 2969, is hereby repealed in its entirety.
- 16. Section 8. Effective Date. This act shall take effect upon the approval by the Governor, or upon its becoming law without such approval.
- 17.

Signed by:   
 Joseph Ayin  
 Speaker  
 Yap District Legislature

Date: 3/2/78

Attested to:   
 Gabriel Ayin  
 Chief Clerk  
 Yap District Legislature

Approved by: John A. Mangefel  
 Governor  
 Yap District

Date: 3/2/78

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 TO GOV YAP CAROLINE ISLANDS  
 BT

PLS PASS TO LMO. INRE TELECON BETWEEN LMO AND YAMADA ON  
 TRANSFER OF PUBLIC LANDS WITHIN THE STATE OF YAP HELD 14  
 JUNE, 79. AS PER SUBSECTION (4), SECTION 4 OF YAP BILL  
 NO. 6-65, ADVISE HQL IF THERE ARE TENANTS AT WILL OR BY  
 SUFFERANCE ON PUBLIC LANDS WITHIN STATE OF YAP. HQL SEND S.  
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INFO.....D/PR

RTD--

May 16, 1979

Honorable Adrian P. Winkel  
Trust Territory High Commissioner  
Saipan, CM 96950

Re: Request for Transfer of Public Lands

Dear Mr. High Commissioner:

Pursuant to subsection 5 of Secretarial Order No. 3039, I officially request the transfer of title to all real and personal property covered by said order from the Trust Territory of The Pacific Islands to the Yap State Government. Attached for your convenience is a copy of Yap District Law 6-7 which designates the Yap State Government as recipient of Trust Territory properties under the requirements of Secretarial Order 2969, as amended.

Upon receipt of title to the real and personal property involved, the Government of Yap State shall assume all rights and obligations as more specifically contained in subsections 5 (a), (b), and (c) of Secretarial Order No. 3039. In addition to the assumption of the above designated rights and obligations the Yap State Government will assume any obligations or assurances to the FAA for the operation of the current Yap Airport. We have been advised also, by the Office of the Trust Territory Attorney General, that the transmitter site may or may not be conveyed to the State Government at this time.

If I may do anything in addition to the above to facilitate the implementation of Secretarial Order 3039, please do not hesitate to contact me.

Sincerely yours,

JOHN A. MANGFEL, Governor

cc: Kent Harvey Esquire, Assistant Attorney General  
Kozo Yamada, Chief Lands and Surveys  
Acting Attorney General, Yap State



178. 88. 5

178 88.5

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Trust Territory High Commissioner  
Saipan, CM 96950

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Sincerely yours,

JOHN A. MANGEFEL, Governor

cc: Kent Harvey Esquire, Assistant Attorney General  
Kozo Yamada, Chief Lands and Surveys  
Acting Attorney General, Yap State

178.88.5



January 29, 1979

Resio Moses  
Administrator of the Department  
of Community Services  
Trust Territory of the Pacific Islands  
Capitol Hill  
Saipan, Mariana Islands 96950

Dear Mr. Moses,

In July of 1976, District Administrator Edmund Gilmar signed Yap District Law No. 4-46, "An act to create a district public land authority as a legal entity qualified to receive certain public lands pursuant to the provisions of Secretarial Order No. 2969, and for other purposes." The entity was never organized, no members being appointed.

As you recall, you wrote a letter to the Director of the Office of Territorial Affairs last Spring, in your capacity as Acting High Commissioner; a letter in support of a Resolution adopted by the Truk Legislature requesting public lands be returned to the chartered District Government. The Yap Legislature is now considering repealing Yap District Law No. 4-46, and adopting a Resolution similar to the one adopted in Truk. In considering such a bill and resolution, the Yap Legislature would be interested in whatever progress has been made on the Truk Resolution since your letter to DOTA.

For your information, I met with Ruth Van Cleve and James Joseph last Summer in Truk, a few days prior to their unfortunate plane accident, on the Truk Resolution and your letter. Mrs. Van Cleve could not remember your letter at the time, but promised to respond to it by September or October 1978, and copy Truk.

I realize this subject is more appropriately within the jurisdiction of the Department of Development Services, but I am initially contacting you because of your action as Acting High Commissioner.

I hope all is well with you, and look forward to seeing you someplace in this Trust Territory.

Sincerely,

Daniel R. Foley  
Legislative Counsel

cc: Lazarus Sali  
Administrator  
Department of Development Services



178.88.5

AD/BR 104  
Lands -

7  
7/1/79  
AD/BR  
Land

January 29, 1979

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Administrator of the Department  
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Trust Territory of the Pacific Islands  
Capitol Hill  
Saipan, Mariana Islands 96950

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Sincerely,

*Daniel R. Foley*  
Daniel R. Foley  
Legislative Counsel



cc: Lazarus Salii  
Administrator  
Department of Development Services

178.88.5



United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JUL 8 1976

Dear Mr. Sablan:

By letter of June 23, 1976, you requested guidance from this as to Yap District Legislature Act No. 4-73 relative to the transfer of certain public lands in Yap District to a newly created land authority. This office finds that Act 4-73 is in conformance with Secretarial Order No. 2969 and has no objection to its approval by the District Administrator. We also note that this Act can serve as a good model for other district legislatures when they move in this direction.

Sincerely yours,

*Emmett M. Rice*  
Emmett M. Rice  
Acting Director of  
Territorial Affairs

Mr. Juan Sablan  
Acting Deputy High  
Commissioner  
Trust Territory of the  
Pacific Islands  
Saipan, Mariana Islands 96950

178.88.5

United States Department of the Interior

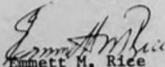
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

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Sincerely yours,

  
Emmett M. Rice  
Acting Director of  
Territorial Affairs

Mr. Juan Sablan  
Acting Deputy High  
Commissioner  
Trust Territory of the  
Pacific Islands  
Saipan, Mariana Islands 96950

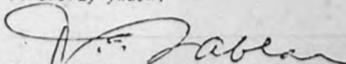
JUL 13 1976

Mr. Sablan  
Director  
Office of Territorial Affairs  
Department of the Interior  
Washington, D.C. 20240

Dear Mr. Sablan:

As indicated in our letter of June 14, 1976, we are taking available to you a copy of the engrossed Act passed by the Yap District Legislature to implement the provisions of Secretarial Order No. 2969. We are of the understanding that the District Administrator, Yap, must take action on the matter by July 15, 1976, and therefore, he has solicited our guidance on or before July 12, 1976.

Sincerely yours,

  
Acting Deputy  
High Commissioner

Enclosure Copy of Act

178.88.5

FOURTH YAP DISTRICT LEGISLATURE  
FIRST SPECIAL SESSION, 1976

AN ACT

To create a district public land authority as a legal entity qualified to receive certain public lands pursuant to the provisions of Secretarial Order No. 2969 and for other purposes.

BE IT ENACTED BY THE YAP DISTRICT LEGISLATURE THAT:

1 Section 1. PURPOSE

2 The purpose of this Act is to create a public lands authority as the legal  
3 entity to receive certain public lands in Yap District under the provisions of  
4 Secretarial Order No. 2969, dated December 26, 1974.

5 Section 2. DEFINITIONS

6 As used in this Act, unless it is otherwise provided or the context requires  
7 a different construction, application or meaning:

- 8 (1) "Authority" means the Yap District Public Lands Authority as  
9 created by Section 3 of this Act.  
10 (2) "Order" means Secretarial Order No. 2969 promulgated by the  
11 Secretary of the Interior December 26, 1974.  
12 (3) "Board" means the Board of Directors of the Authority established  
13 in Section 4 of this Act.  
14 (4) "Central Government" means the Government of the Trust Territory  
15 of the Pacific Islands.  
16 (5) "Legislature" means the Yap District Legislature.  
17 (6) "Eminent domain" means the right to condemn property for public  
18 use or purposes and to appropriate the ownership and possession  
19 of such public use upon paying the owner a just compensation to  
20 be ascertained according to law.

21 Section 3. DISTRICT PUBLIC LANDS AUTHORITY

22 There is hereby created a legal entity to be designated and known as the  
23 Yap District Public Lands Authority. The Authority shall have such rights,  
24 powers, duties and obligations as provided for and prescribed in this Act.

Hand carried by R. Green on  
27 Sep 76

D

Hand carried by R. Green on  
27 Sep 76

D

YAP DISTRICT ACT NO. 4-73

YAP DISTRICT LAW NO. 4-46

PAGE 2

1 Section 4. GOVERNING BODY

2 The Authority shall be governed by a board of directors consisting of ten  
3 (10) members appointed by the District Administrator with the advice and consent  
4 of the Legislature, provided that such advice and consent shall be given by the  
5 interim committee or another committee designated by the Legislature if such  
6 appointments be made when the Legislature is not in session. Initial appoint-  
7 ments shall be as follows: Five members shall be named for a term of two (2)  
8 years; and five members shall be named for a term of three (3) year. Subsequent  
9 appointments shall be for a term of three (3) years, provided further that prior  
10 membership on the board shall not be a disqualification for appointment.

11 Section 5. VACANCIES

12 A member may be removed from the Board for inability to serve, neglect,  
13 misconduct or gross inefficiency in office, by a two thirds majority of the  
14 Board. In the event of a vacancy on the board by death, resignation, removal  
15 or any other reason, such vacancy shall be filled for the remainder of the  
16 unexpired term of the predecessor in the same manner as an original appointment.

17 Section 6. OFFICERS

18 At the first meeting of the Board and annually thereafter, the Board shall  
19 elect, from among the members, a chairman, vice-chairman, secretary, treasurer  
20 and such other officers as the Board may desire, by majority vote. The Board  
21 shall define the duties and powers and term of office of each officer.

22 Section 7. MEETINGS OF THE BOARD

23 The first meeting of the Board shall be called by the District Adminis-  
24 trator within thirty days after all members are named as provided herein.  
25 Thereafter, meetings may be held on a regular schedule as determined by the  
26 Board. Meetings may also be called by the Chairman or by any six members of the  
27 Board upon five days notice to all members. Seven members shall constitute a  
28 quorum for the purpose of conducting business and the affirmative vote of six  
29 members shall be required to pass any question or measure presented. The Board  
30 shall keep and maintain a written record of all official actions taken.

1 Section 8: COMPENSATION OF BOARD MEMBERS

2 Each member shall receive, as compensation, the sum of fifteen dollars  
3 (\$15.00) for each day of attendance at an official Board meeting, not to exceed  
4 5 working days in any one month. Members of the Board who are employed by the  
5 Trust Territory Government or any agency or subdivision thereof, shall be afforded  
6 administrative leave to attend official Board meetings. In the event a member  
7 earns less than the amount of compensation per working day, the Authority shall  
8 pay such the member the difference between his daily wage rate and the amount of  
9 compensation specified herein.

10 Section 9: POWERS, DUTIES, LEGAL CAPACITIES AND CHARACTERISTICS OF THE AUTHORITY

11 The Authority shall have the following powers, duties, legal capacities  
12 and characteristics:

- 13 (1) The Authority shall have perpetual juridical existence;
- 14 (2) To receive and hold title to public lands in trust for the  
15 people of Yap District;
- 16 (3) To administer, manage and regulate the use of lands and income  
17 arising therefrom in trust for the people of the district;
- 18 (4) To sell, lease, exchange, use, dedicate for public purposes, or  
19 make other disposition of such public lands pursuant to the laws  
20 of the district in which the land is located;
- 21 (5) To exercise the power of eminent domain to acquire land for  
22 district public purposes;
- 23 (6) To acquire such lands by negotiation as necessary and required  
24 to fill the needs of the general public;
- 25 (7) To enter into contracts, sue and be sued, and have other powers  
26 and duties as may be necessary or appropriate to further the  
27 purposes of the Order;
- 28 (8) To negotiate in good faith, and execute binding formal agreements  
29 to meet the land requirements to the United States as may be  
30 designated under the terms of a future status agreement;

- 1 \* (9) To employ staff as may be required, to manage the normal opera-  
2 tional and administrative affairs of the Authority and to perform  
3 such other duties as may, from time to time, be directed by the  
4 Board;
- 5 (10) To propose legislation to the Legislature pertaining to its  
6 programs, powers and duties; and
- 7 (11) To establish rules and regulations, in accordance with applicable  
8 law and procedure, for the conduct of its business and programs.

9 Section 10. RECOGNITION AND RESERVATION OF CERTAIN POWERS OF THE CENTRAL GOVERN-  
10 MENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

- 11 (1) The paramount power of the central government of the Trust Territory  
12 of the Pacific Islands to take lands for public purposes pursuant to  
13 applicable law is hereby recognized and reserved to said government.
- 14 (2) The right of the central government of the Trust Territory of the  
15 Pacific Islands to regulate all activities affecting conservation,  
16 navigation, or commerce in and to the navigable waters and tidelands,  
17 filled lands, submerged lands and lagoons; provided that in the  
18 exercise of such rights, the central government will not unnecessarily  
19 interfere with the exercise in any particular district of all prior  
20 traditional rights in and to such lands is hereby recognized and  
21 reserved to said government.

22 Section 11. COMPLIANCE WITH EXISTING LEASES AND AGREEMENTS

23 On receiving public lands, the Authority shall be bound by and comply with  
24 all provisions of existing leases and land use and occupancy agreements previously  
25 entered into by the Government of the Trust Territory of the Pacific Islands,  
26 their agencies, instrumentalities, or political subdivisions pertaining to the  
27 land so returned.

1 Section 12. CONTINUATION OF OCCUPANCY BY TENANTS

2 The Authority shall permit the continued possession of public lands occupied  
3 and used on December 26, 1974, with the concurrence of the Government of the Trust  
4 Territory of the Pacific Islands, by tenants at will and tenants by sufferance,  
5 for a reasonable period of additional years to be agreed upon by the Authority  
6 and the High Commissioner.

7 Section 13. BUDGET

8 Each year, the Authority will submit to the Legislature, within the first  
9 10 days of the regular annual session, its proposed budget for its complete  
10 operation for the forthcoming fiscal year with complete justifications therefor.  
11 The proposed budget will be in such form as the Legislature may, from time to  
12 time, prescribe. The Authority is hereby prohibited from making any disbursement  
13 of funds which exceed those permitted by the current authorized budget.

14 Section 14. RECEIPT, USE, AND DISPOSITION OF FUNDS

15 All revenue received by the Authority generated from the administration  
16 and management of public lands received by the Authority shall be transmitted to  
17 the District Treasurer for inclusion in the General Fund of the Legislature.

18 Section 15. APPROPRIATION

19 There is hereby authorized a continuing annual appropriation from the general  
20 fund of the Yap District Legislature in an amount to be determined by general  
21 appropriation legislation to be expended solely for the purposes of this Act.  
22 Such funds shall be expended by the Board and accounted for as provided herein.

23 Section 16. STATEMENT OF ACTIVITIES AND AUDITS

24 The Authority shall submit to the Legislature, within the first 10 days of  
25 its regular annual session, its annual statement of the activities of the  
26 Authority. The Authority will cause to be made an annual audit of all funds  
27 received and disbursed during the preceding calendar year. The result of the  
28 audit will be submitted to the Legislature each year with the statement of  
29 activities. The extent and content of the statements and audits will be as  
30 prescribed, from time to time, by the Legislature.

1     Section 17. REQUEST FOR THE CONVEYANCE OF PUBLIC LANDS

2             The Authority is hereby delegated the authority to formally request the  
3     High Commissioner, subject to valid existing rights, to transfer and convey,  
4     pursuant to the provisions of the Order, all right, title and interest of the  
5     Government of the Trust Territory of the Pacific Islands in certain public lands  
6     in Yap District to the Authority, either in whole or in part or by particular  
7     parcels, as the Authority deems is in the best interests of the people of the  
8     district.

9     Section 18. HOLD HARMLESS PROVISION

10            The Legislature and the Authority hereby hold the United States Government  
11     and the Government of the Trust Territory of the Pacific Islands and their agen-  
12     cies or political subdivisions harmless from any and all claims arising after  
13     the conveyance of public lands other than those resulting directly from actions  
14     of the United States Government, the Government of the Trust Territory of the  
15     Pacific Islands or their duly authorized agents.

16     Section 19. RESERVATION OF ENACTMENT OF CERTAIN EMINENT DOMAIN, ADJUDICATORY  
17             BODIES AND HOMESTEAD PROVISIONS.

18            The Legislature has been empowered by the Order to enact laws granting  
19     certain powers of eminent domain, establishment of adjudicatory bodies to determine  
20     the validity of possible private claims pertaining to public land returned, and  
21     providing for the establishment of homestead rights and the administration thereof.  
22     This granted power is hereby reserved by the Legislature for possible future  
23     enactment of laws pertaining to any or all of the above subjects.

24     Section 20. EFFECTIVE DATE

25            This Act shall take effect upon its approval by the District Administrator,  
26     or upon its becoming law without such approval.

Approved this 15 day of July, 1976

  
Edmund Gilmer  
District Administrator  
Yap District

BODIES AND HOMESTEAD PROVISIONS.

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The Legislature has been empowered by the Order to enact laws granting certain powers of eminent domain, establishment of adjudicatory bodies to determine the validity of possible private claims pertaining to public land returned, and providing for the establishment of homestead rights and the administration thereof. This granted power is hereby reserved by the Legislature for possible future enactment of laws pertaining to any or all of the above subjects.

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This Act shall take effect upon its approval by the District Administrator, or upon its becoming law without such approval.

Approved this 15 day of July, 1976

  
\_\_\_\_\_  
Edmund Gilman  
District Administrator  
Yap District

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IN FO.....DHC  
INFO.....ATTY GEN

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BT  
ACT DHC X PLS REFERENCE LR P150899Z JULY RETURN OF PUBLIC LAND X  
CHAIRMAN RECOMMENDS FOLLOWING CHANGES SECT 10 NO. 2.  
LINE 17 INSERT AFTER "LAGOONS" AND BEFORE SEMI-COLON  
QUOTE IS HEREBY RECOGNIZED UNQUOTE  
LINE 23 STRIKE ALL AFTER THE WORD "LANDS"  
PLS ADZ LR CONCURRENCE ON ABOVE CHANGES. DEARHILL ON APPROVING  
THE ACT IN ITS PRESENT FORM SUBJECT TO NECESSARY AMENDMENTS TO  
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*Action  
Completed 7/16*

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*near 178.88.5*



178.88.5



ACTION.....C/LAS ✓  
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INFO.....ATTY GEN

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JUL 76  
YAP CAROLINE ISLANDS  
PACIFIC SAIPAN MARIANAS ISLANDS

PLS REFERENCE UR P130659Z JULY RETURN OF PUBLIC LAND X  
RECOMMENDS FOLLOWING CHANGES SECT 10 NO. 2.  
7 INSERT AFTER "LAGOONS" AND BEFORE SEMI-COLON  
IS HEREBY RECOGNIZED UNQUOTE

2-STRIKE ALL AFTER THE WORD "LANDS"  
3-CONCURRENCE OR ABOVE CHARGES. MEANWHILE AN APPROVING  
4-ITS PRESENT FORM SUBJECT TO NECESSARY AMENDMENTS TO  
5-TR SECRETARIAL ORDER X DISTAD GILMAR SENDS

*Action  
Completed 7/16*

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# ACTION

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INFO.....ADH

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JUL-76 1110.....CALAS  
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INFO.....DHC  
INFO.....ATTY GEN

SUBJECT YAP DISTRICT LEGISLATURE ACT NO. 4-74 RE RETURN OF PUBLIC  
LANDS. DEPARTMENT OF INTERIOR AND THIS HEADQUARTERS HAVE NO  
OBJECTION TO SUBJECT BILL BEING SIGNED INTO LAW, BUT YOUR  
APPROVAL MESSAGE SHOULD INDICATE THAT THE LANDS IN QUESTION WILL  
NOT BE TRANSFERRED TO THE YAP LAND AUTHORITY CREATED BY THE BILL  
UNTIL THE FOLLOWING AMENDMENT ARE MADE TO THE ACT: A. SECTION 8  
SHOULD READ QUOTE EACH MEMBER SHALL RECEIVE, AS COMPENSATION, THE  
SUM OF FIFTEEN DOLLARS (515.00) FOR EACH DAY OF ATTENDANCE AT AN  
OFFICIAL BOARD MEETING, NOT TO EXCEED 5 WORKING DAYS IN ANY ONE  
MONTH. MEMBERS OF THE BOARD WHO ARE EMPLOYED BY THE TRUST TERRITORY  
GOVERNMENT OR ANY AGENCY OR SUBDIVISION THEREOF MAY REQUEST AND, UPON  
APPROVAL BE AFFORDED ADMINISTRATIVE LEAVE TO ATTEND OFFICIAL BOARD  
MEETINGS. IN THE EVENT A MEMBER EARNS LESS THAN THE AMOUNT OF COM-  
PENSATION PER WORKING DAY, THE AUTHORITY SHALL PAY SUCH THE MEMBER  
THE DIFFERENCE BETWEEN HIS DAILY WAGE RATE AND THE AMOUNT OF COM-  
PENSATION SPECIFIED HEREIN. UNQUOTE B. SECTION 10(2) SHOULD READ  
QUOTE THE RIGHT OF THE CENTRAL GOVERNMENT OF THE TRUST TERRITORY OF  
THE PACIFIC ISLANDS TO REGULATE ALL ACTIVITIES AFFECTING CONSERVATION,  
NAVIGATION, OR COMMERCE IN AND TO THE NAVIGABLE WATERS AND TIDELANDS,  
FILLED LANDS, SUBMERGED LANDS AND LAGOONS: PROVIDED THAT IN THE  
EXERCISE OF ALL PRIOR TRADITIONAL RIGHTS IN AND TO SUCH LANDS IS  
HEREBY RECOGNIZED AND RESERVED TO SAID GOVERNMENT. UNQUOTE C. SECTION  
12 SHOULD READ QUOTE THE AUTHORITY SHALL PERMIT THE CONTINUED POSSESSION  
OF PUBLIC LANDS OCCUPIED AND USED WITH THE CONCURRENCE OF THE GOVERNMENT  
OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS AT THE TIME OF TRANSFER  
OF THE SAID LANDS TO THE AUTHORITY, BY TENANTS AT WILL AND TENANTS BY  
SUFFERANCE, FOR A REASONABLE PERIOD OF ADDITIONAL YEARS TO BE AGREED  
UPON BY THE AUTHORITY AND THE HIGH COMMISSIONER. UNQUOTE  
REMAINING SECTIONS OF THE ACT APPEAR TO BE CONSISTENT WITH ORDER NO.  
2269. WHILE THE ABOVE CHANGES ARE TECHNICAL IN NATURE, THEY ARE  
NECESSARY TO MAKE YAP BILL FULLY CONSISTENT WITH ORDER. PLEASE TRANSMIT  
TO HQ COPY OF YOUR LETTER TO LEGISLATURE. ACTING DEPUTY HIGH COMMISSIONER

SABLAN SENDS.  
BT



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59/13/MD SYA  
JUL 76  
FRENCH POLYNESIA  
YAP CAROLINE ISLANDS

JUL 76 1976  
INFO.....D/LAS  
INFO.....D/RD  
INFO.....DHC  
INFO.....ATTY GEN

DISTRICT LEGISLATURE ACT NO. 4-74 RE RETURN OF PUBLIC  
DEPARTMENT OF INTERIOR AND THIS HEADQUARTERS HAVE NO  
SUBJECT BILL BEING SIGNED INTO LAW, BUT YOUR  
MESSAGE SHOULD INDICATE THAT THE LANDS IN QUESTION WILL  
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ANY AGENCY OR SUBDIVISION THEREOF BY THE TRUST TERRITORY  
UNQUOTE ADMINISTRATIVE LEAVE TO ATTEND OFFICIAL BOARD  
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COMMERCE IN AND TO THE NAVIGABLE WATERS AND TIDELANDS,  
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OCCUPIED AND USED WITH THE CONCURRENCE OF THE GOVERNMENT  
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TO THE AUTHORITY, BY TENANTS AT WILL AND TENANTS BY  
REASONABLE PERIOD OF ADDITIONAL YEARS TO BE AGREED  
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VE CHANGES ARE TECHNICAL IN NATURE, THEY ARE  
AP BILL FULLY CONSISTENT WITH ORDER. PLEASE TRANSMIT  
LETTER TO LEGISLATURE. ACTING DEPUTY HIGH COMMISSIONER

RECEIVED  
JUL 15 1976  
cc

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JUL 13 1976  
REC'D

Orig. file routed to: A/DHC  
S/PA  
D/PA  
D/RED

United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Dear Mr. Sablan:

By letter of June 23, 1976, you requested guidance from this  
as to Yap District Legislature Act No. 4-73 relative to the transfer  
of certain public lands in Yap District to a newly created land  
authority. This office finds that Act 4-73 is in conformance with  
Secretarial Order No. 2969 and has no objection to its approval  
by the District Administrator. We also note that this Act can  
serve as a good model for other district legislatures when they move  
in this direction.

Sincerely yours,

*Emmett M. Rice*  
Emmett M. Rice  
Acting Director of  
Territorial Affairs

Mr. Juan Sablan  
Acting Deputy High  
Commissioner  
Trust Territory of the  
Pacific Islands  
Saipan, Mariana Islands 96950

JUL 13 1976 RECD

Orig. ltr. routed to: A/ONE  
S/ASST  
D/PA  
D/REC'D

United States Department of the Interior  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20500

Dear Mr. Sablan:

By letter of June 23, 1976, you requested guidance from this office as to Yap District Legislature Act No. 4-73 relative to the transfer of certain public lands in Yap District to a newly created land authority. This office finds that Act 4-73 is in conformance with Secretarial Order No. 2969 and has no objection to its approval by the District Administrator. We also note that this Act can serve as a good model for other district legislatures when they move in this direction.

Sincerely yours,

*Emmett M. Rice*  
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Acting Director of  
Territorial Affairs

Mr. Juan Sablan  
Acting Deputy High  
Commissioner  
Trust Territory of the  
Pacific Islands  
Saipan, Mariana Islands 96950

Attorney General

Chief, Lands and Surveys

Review of Yap District Act No. 4-73: AN ACT To Create a district public land authority

As requested by a staff member of your Office, we have reviewed the subject legislation, and our comments follow.

- Section 8 (Compensation of Board Members) will require modification if the Executive Branch is to be consistent with actions taken regard to Palau District legislation on this matter. Palau was required to amend similar language appearing on line 5 of Section 3 of the Yap Act as follows: ".....subdivision thereof may require and, upon approval, shall be afforded...."
- We believe the phrase "in any particular district" appearing in Section 10(2) of the Act (line 19 of page 4) is extraneous and should be deleted.
- We note that confusion may result from a reading of Section 12 of the Act. It was not the intent of Secretarial Order No. 2969 to limit continued possession of public lands by tenants at will and tenants by sufferance to those instances existing on December 28, 1974 (see page 4 of attachment to Acting Director of Territorial Affairs' letter dated January 16, 1976). We feel this matter should best be resolved by an amendment to line 2 of page 5 of the Yap Act as follows: ".... and used at the time of transfer of the said lands to the Authority, ~~as follows:~~ with...."

We believe these matters should be handled in the same manner as for the Palau legislation, i.e., approval of the subject act but the District Administrator's approval message noting that the changes must be made in the future by amendment to make the act consistent with the Secretarial Order.

Kozo Yamada

*[Signature]*  
DFACTH:sp

JUN 26 1976  
Serial 151620  
File 175-88-5

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executive branch nor does it require the executive branch to furnish the entity with any services or material other than the services mentioned in the Order."

2. Section 12 raised a question regarding the leases and Homestead secured after Dec. 26, 1974. Will the entity recognize the lease granted under lease or Homestead?

I may be wrong but if proposed an enactment by Gap Dist. Legislature is signed into law, any lease or Homestead granted or entered into may be null and void. This is how I read Gap ~~paper~~ law.

The Washington study paper states " - Homestead permits and leases executed after the date of the Order are to be considered an encumbrance against the land involved in that there is no specific injunction preventing the issuance of such permit and leases after Dec. 26, 1974."

The Working for study Saper states  
 " - Instead permits and leases issued  
 after the date of the Order are  
 to be considered an encumbrance  
 against the land involved in  
 that there is no specific  
 injunction preventing the issuance  
 of such permit and leases after  
 Dec. 26, 1974."

June 23, 1976

Mr. Fred W. Eder  
 Director  
 Office of Territorial Affairs  
 Department of the Interior  
 Washington, D. C. 20240

Dear Mr. Eder:

As indicated in our letter of June 14, 1976, we are making available  
 to you a copy of the engrossed Act passed by the Yap District Legislature  
 to implement the provisions of Secretarial Order No. 2969. We are  
 of the understanding that the District Administrator, Yap, must take  
 action on the matter by July 15, 1976, and therefore, he has solicited  
 our guidance on or before July 12, 1976.

Sincerely yours,

*J. Fabian*  
 Acting Deputy  
 High Commissioner

Enclosure: Copy of Act

cc: Attorney General  
 H.C. s.f.  
 H.C. r.f.

*Robert*  
 DPACHT:dp

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June 23, 1976

Mr. Fred M. Zeder  
Director  
Office of Territorial Affairs  
Department of the Interior  
Washington, D. C. 20240

Dear Mr. Zeder:

As indicated in our letter of June 14, 1976, we are making available to you a copy of the engrossed Act passed by the Yap District Legislature to implement the provisions of Secretarial Order No. 2969. We are of the understanding that the District Administrator, Yap, must take action on the matter by July 15, 1976, and therefore, he has solicited our guidance on or before July 12, 1976.

Sincerely yours,

*J. Fabian*

Acting Deputy  
High Commissioner

Enclosure: Copy of Act

cc: Attorney General  
H.C. s.f.  
H.C. r.f.

*Print*  
DPACHT:dp

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JUN 22 1976

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TRUST TERRITORY OF THE PACIFIC ISLANDS

Office of the District Administrator, Yap

TO : Acting Attorney General

DATE: June 16, 1976

FROM : District Attorney, Yap

SUBJECT: Yap District Act No. 4-73

Enclosed is true and correct copy of Yap District Act No. 4-73. This act establishes Yap District Public Land Authority to receive all public land from the government of the Trust Territory.

The District Administrator must take action on the above mentioned act no later than July 15, 1976. Please review it and send your comments to our office on or before July 12, 1976.

*John K. Reschuchor*  
John K. Reschuchor

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FOURTH YAP DISTRICT LEGISLATURE  
FIRST SPECIAL SESSION, 1976

AN ACT

To create a district public land authority as a legal entity qualified to receive certain public lands pursuant to the provisions of Secretarial Order No. 2969 and for other purposes.

BE IT ENACTED BY THE YAP DISTRICT LEGISLATURE THAT:

1 Section 1. PURPOSE

2 The purpose of this Act is to create a public lands authority as the legal  
3 entity to receive certain public lands in Yap District under the provisions of  
4 Secretarial Order No. 2969, dated December 26, 1974.

5 Section 2. DEFINITIONS

6 As used in this Act, unless it is otherwise provided or the context requires  
7 a different construction, application or meaning:

- 8 (1) "Authority" means the Yap District Public Lands Authority as  
9 created by Section 3 of this Act.
- 10 (2) "Order" means Secretarial Order No. 2969 promulgated by the  
11 Secretary of the Interior December 26, 1974.
- 12 (3) "Board" means the Board of Directors of the Authority established  
13 in Section 4 of this Act.
- 14 (4) "Central Government" means the Government of the Trust Territory  
15 of the Pacific Islands.
- 16 (5) "Legislature" means the Yap District Legislature.
- 17 (6) "Eminent domain" means the right to condemn property for public  
18 use or purposes and to appropriate the ownership and possession  
19 of such public use upon paying the owner a just compensation to  
20 be ascertained according to law.

21 Section 3. DISTRICT PUBLIC LANDS AUTHORITY

22 There is hereby created a legal entity to be designated and known as the  
23 Yap District Public Lands Authority. The Authority shall have such rights,  
24 powers, duties and obligations as provided for and prescribed in this Act.

TWP DISTRICT ACT NO. 4-73

TWP DISTRICT LAW NO. \_\_\_\_\_

PAGE 2

1 Section 4. GOVERNING BODY

2 The Authority shall be governed by a board of directors consisting of ten  
3 (10) members appointed by the District Administrator with the advice and consent  
4 of the Legislature, provided that such advice and consent shall be given by the  
5 interim committee or another committee designated by the Legislature if such  
6 appointments be made when the Legislature is not in session. Initial appoint-  
7 ments shall be as follows: Five members shall be named for a term of two (2)  
8 years; and five members shall be named for a term of three (3) years. Subsequent  
9 appointments shall be for a term of three (3) years, provided further that prior  
10 membership on the Board shall not be a disqualification for appointment.

11 Section 5. VACANCIES

12 A member may be removed from the Board for inability to serve, neglect,  
13 misconduct or gross inefficiency in office, by a two thirds majority of the  
14 Board. In the event of a vacancy on the board by death, resignation, removal  
15 or any other reason, such vacancy shall be filled for the remainder of the  
16 unexpired term of the predecessor in the same manner as an original appointee.

17 Section 6. OFFICERS

18 At the first meeting of the Board and annually thereafter, the Board shall  
19 elect, from among the members, a chairman, vice-chairman, secretary, treasurer  
20 and such other officers as the Board may desire, by majority vote. The Board  
21 shall define the duties and powers and term of office of each officer.

22 Section 7. MEETINGS OF THE BOARD

23 The first meeting of the Board shall be called by the District Adminis-  
24 trator within thirty days after all members are named as provided herein.  
25 Thereafter, meetings may be held on a regular schedule as determined by the  
26 Board. Meetings may also be called by the Chairman or by any six members of the  
27 Board upon five days notice to all members. Seven members shall constitute a  
28 quorum for the purpose of conducting business and the affirmative vote of six  
29 members shall be required to pass any question or measure presented. The Board  
30 shall keep and maintain a written record of all official actions taken.

1     Section 6. COMPENSATION OF BOARD MEMBERS

2             Each member shall receive, as compensation, the sum of fifteen dollars  
3     (\$15.00) for each day of attendance at an official Board meeting, not to exceed  
4     5 working days in any one month. Members of the Board who are employed by the  
5     Trust Territory Government or any agency or subdivision thereof, shall be afforded  
6     administrative leave to attend official Board meetings. In the event a member  
7     earns less than one square of compensation per working day, the Authority shall  
8     pay such the member the difference between his daily wage rate and the amount of  
9     compensation specified herein.

10    Section 9. POWERS, DUTIES, LEGAL CAPACITIES AND CHARACTERISTICS OF THE AUTHORITY

11            The Authority shall have the following powers, duties, legal capacities  
12    and characteristics:

- 13            (1) The Authority shall have perpetual juridical existence;
- 14            (2) To receive and hold title to public lands in trust for the  
15            people of Yap District;
- 16            (3) To administer, manage and regulate the use of lands and income  
17            arising therefrom in trust for the people of the district;
- 18            (4) To sell, lease, exchange, use, dedicate for public purposes, or  
19            make other disposition of such public lands pursuant to the laws  
20            of the district in which the land is located;
- 21            (5) To exercise the power of eminent domain to acquire land for  
22            district public purposes;
- 23            (6) To acquire such lands by negotiation as necessary and required  
24            to fill the needs of the general public;
- 25            (7) To enter into contracts, sue and be sued, and have other powers  
26            and duties as may be necessary or appropriate to further the  
27            purposes of the Order;
- 28            (8) To negotiate in good faith, and execute binding formal agreements  
29            to meet the land requirements to the United States as may be  
30            designated under the terms of a future status agreement,

- 1 (9) To employ staff as may be required, to manage the normal opera-  
2 tions and administrative affairs of the Authority and to perform  
3 such other duties as may, from time to time, be directed by the  
4 Board;
- 5 (10) To propose legislation to the Legislature pertaining to its  
6 programs, powers and duties; and
- 7 (11) To establish rules and regulations, in accordance with applicable  
8 law and procedure, for the conduct of its business and programs.

9 SECTION 10. SUPREMACY OF CENTRAL GOVERNMENT OF THE TRUST TERRITORY OF  
10 THE PACIFIC ISLANDS

- 11 (1) The paramount power of the central government of the Trust Territory  
12 of the Pacific Islands to take lands for public purposes pursuant to  
13 applicable law is hereby recognized and reserved to said government.
- 14 (2) The right of the central government of the Trust Territory of the  
15 Pacific Islands to regulate all activities affecting conservation,  
16 navigation, or commerce in and to the navigable waters and wharves,  
17 filled lands, submerged lands and lagoons; provided that in the  
18 exercise of such rights, the central government will not unnecessarily  
19 interfere with the exercise in any particular district of all prior  
20 traditional rights in and to such lands is hereby recognized and  
21 reserved to said government.

22 Section 11. COMPLIANCE WITH EXISTING LEASES AND AGREEMENTS

23 On receiving public lands, the Authority shall be bound by and comply with  
24 all provisions of existing leases and land use and occupancy agreements previously  
25 entered into by the Government of the Trust Territory of the Pacific Islands,  
26 their agencies, instrumentalities, or political subdivisions pertaining to the  
27 land so returned.

1       Section 12. CONTINUATION OF OCCUPANCY BY TENANTS

2           The Authority shall permit the continued possession of public lands occupied  
3       and used on December 26, 1974, with the concurrence of the Government of the Trust  
4       Territory of the Pacific Islands, by tenants at will and tenants by sufferance,  
5       for a reasonable period of additional years to be agreed upon by the Authority  
6       and the High Commissioner.

7       Section 13. BUDGET

8           Each year, the Authority will submit to the Legislature, within the first  
9       10 days of the regular annual session, its proposed budget for its complete  
10      operation for the forthcoming fiscal year with complete justifications therefor.  
11      The proposed budget will be in such form as the Legislature may, from time to  
12      time, prescribe. The Authority is hereby prohibited from making any disbursement  
13      of funds which exceed those permitted by the current authorized budget.

14      Section 14. RECEIPT, USE, AND DISPOSITION OF FUNDS

15           All revenue received by the Authority generated from the administration  
16      and management of public lands received by the Authority shall be transmitted to  
17      the District Treasurer for inclusion in the General Fund of the Legislature.

18      Section 15. APPROPRIATION

19           There is hereby authorized a continuing annual appropriation from the general  
20      fund of the Yap District Legislature in an amount to be determined by general  
21      appropriation legislation to be expended solely for the purposes of this Act.  
22      Such funds shall be expended by the Board and accounted for as provided herein.

23      Section 16. STATEMENT OF ACTIVITIES AND AUDITS

24           The Authority shall submit to the Legislature, within the first 10 days of  
25      its regular annual session, its annual statement of the activities of the  
26      Authority. The Authority will cause to be made an annual audit of all funds  
27      received and disbursed during the preceding calendar year. The result of the  
28      audit will be submitted to the Legislature each year with the statement of  
29      activities. The extent and content of the statements and audits will be as  
30      prescribed, from time to time, by the Legislature.

1     Section 17. REQUEST FOR THE CONVEYANCE OF PUBLIC LANDS

2             The Authority is hereby delegated the authority to formally request the  
3     right of conveyance, subject to valid existing rights, to transfer and convey,  
4     pursuant to the provisions of the Order, all right, title and interest of the  
5     Government of the Trust Territory of the Pacific Islands in certain public lands  
6     in Yap District to the Authority, either in whole or in part or by particular  
7     parcels, as the Authority deems is in the best interests of the people of the  
8     district.

9     Section 18. RESERVATION OF EMINENT DOMAIN

10            The Legislature and the Authority hereby hold the United States Government  
11     and the Government of the Trust Territory of the Pacific Islands and their agen-  
12     cies or political subdivisions harmless from any and all claims arising after  
13     the conveyance of public lands other than those resulting directly from actions  
14     of the United States Government, the Government of the Trust Territory of the  
15     Pacific Islands or their duly authorized agents.

16     Section 19. RESERVATION OF ENACTMENT OF CERTAIN EMINENT DOMAIN, ADJUDICATORY  
17            BODIES AND HOMESTEAD PROVISIONS.

18            The Legislature has been empowered by the Order to enact laws granting  
19     certain powers of eminent domain, establishment of adjudicatory bodies to determine  
20     the validity of possible private claims pertaining to public land returned, and  
21     providing for the establishment of homestead rights and the administration thereof.  
22     This granted power is hereby reserved by the Legislature for possible future  
23     enactment of laws pertaining to any or all of the above subjects.

24     Section 20. EFFECTIVE DATE

25            This Act shall take effect upon its approval by the District Administrator,  
26     or upon its becoming law without such approval.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1976

\_\_\_\_\_  
Edward Gilmer  
District Administrator  
Yap District



Serial:1616677  
File:178.88.5

JUN 14 1976

Mr. Fred M. Zedar  
Director  
Office of Territorial Affairs  
Department of the Interior  
Washington, D. C. 20240

Dear Mr. Zedar:

Enclosed for your information is a copy of Fourth Top District  
Legislature, Second Regular Session, 1976 Bill No. 4-73, DL: A BILL  
FOR AN ACT to create a district public land authority as a legal  
entity qualified to receive certain public lands pursuant to the  
provisions of Secretarial Order No. 2969 and for other purposes.

It is our understanding that this Bill was enacted during the previous  
session of the Legislature, but that as of this date the Bill has  
not been approved and transmitted to the District Administrator for  
approval. A copy of the approved Bill will be transmitted to you  
when it becomes available.

If your Office has any comments on the legislation, it is requested  
that the same be made available at the earliest possible opportunity.

Sincerely yours,  
*[Signature]*

Acting  
High Commissioner

Enclosure: 2/3

cc: Attorney General  
H.C.s.f.  
H.C.r.f.

*[Handwritten Signature]*  
WALTON/ep

NO/FILE	
NC	
DNC	
NO	
AG	
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FI	
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PERS	
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RD	(3) 2/2
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Attorney General

Acting Chief, Lands and Surveys

The District Legislature Bill No. 4-73  
Public Lands

Enclosed for your information is a copy of Bill No. 4-73, DL: A BILL FOR AN ACT to create a district public land authority as a legal entity qualified to receive certain public lands pursuant to the provisions of Secretarial Order No. 2969 and for other purposes. This Bill was unanimously passed by the District Legislature during its Second Regular Session on June 4, 1976.

Encls: 2/3

Enclosure: 2/3

William Gilmer  
District Administrator  
Top District



YAP DISTRICT LAND COMMISSION

Trust Territory of the Pacific Islands

Yap Western Caroline Islands 96943

TO : Chief, Lands & Surveys June 4, 1976
FROM : Senior Land Commissioner, Yap
SUBJECT : Yap District Legislation re Secretarial Order 2969.

Enclosed herewith are two copies of a bill unanimously passed by the Yap District Legislature creating a Public Lands Authority as provided by Secretarial Order 2969. Our draft of a model act was used as the framework for the bill and I believe that it fully meets the requirements of the Order.

I have been informed that although they desired to create the entity at this time they did not intend to ask for the return of any public lands until the matter was studied further over the coming year. Thus, they did not fund the entity.

I will keep you informed of any developments regarding the subject.

Robert W. Green

Enclosure



Attorney General

Acting Chief, Lands and Surveys

Yap District Legislature Bill No. 4-75, re the Return of Public Lands

Enclosed for your information is a copy of the subject legislation which we understand from the Yap District Senior Land Commissioner was unanimously passed by the District Legislature. (see attached memorandum dated June 4, 1976).

Donna Dacht

Enclosure: 2/2

Vertical routing slip with handwritten '10/11' and various departmental initials (e.g., ZD, AG, ED, FI, HS, PA, PERS, PW, SD, TC, AUD, PPS, MGT, ADM, BCOM, LAND, TRAM, COMM, SIA, RCL, COB, L&S, CAD, SIGNATURE, HC, DMC, SO, AD, ED, FI, HS, PA, PERS, PW, SD, TC).

FOURTH YAP DISTRICT LEGISLATURE  
Second Regular Session  
1976

Bill No. 4-73,D1

A BILL FOR AN ACT

To create a district public land authority as a legal entity qualified to receive certain public lands pursuant to the provisions of Secretarial Order No. 2969 and for other purposes.

BE IT ENACTED BY THE YAP DISTRICT LEGISLATURE THAT:

1 Section 1. PURPOSE

2 The purpose of this Act is to create a public lands authority as the legal  
3 entity to receive certain public lands in Yap District under the provisions of  
4 Secretarial Order No. 2969, dated December 26, 1974.

5 Section 2. DEFINITIONS

6 As used in this Act, unless it is otherwise provided or the context requires  
7 a different construction, application or meaning:

- 8 (1) "Authority" means the Yap District Public Lands Authority as created  
9 by Section 3 of this Act.  
10 (2) "Order" means Secretarial Order No. 2969 promulgated by the  
11 Secretary of the Interior December 26, 1974.  
12 (3) "Board" means the Board of Directors of the Authority established  
13 in Section 4 of this Act.  
14 (4) "Central Government" means the Government of the Trust Territory  
15 of the Pacific Islands.  
16 (5) "Legislature" means the Yap District Legislature.  
17 (6) "Eminent domain" means the right to condemn property for Public  
18 use or purposes and to appropriate the ownership and possession  
19 of such public use upon paying the owner a just compensation to be  
20 ascertained according to law.

21 Section 3. DISTRICT PUBLIC LANDS AUTHORITY

22 There is hereby created a legal entity to be designated and known as the  
23 Yap District Public Lands Authority. The Authority shall have such rights,  
24 powers, duties and obligations as provided for and prescribed in this Act.

1 Section 4. GOVERNING BODY

2 The Authority shall be governed by a board of directors consisting of  
3 ten (10) members appointed by the District Administrator with the advice  
4 and consent of the Legislature, provided that such advice and consent shall  
5 be given by the interim committee or another committee designated by the  
6 Legislature if such appointments be made when the Legislature is not in  
7 session. Initial appointments shall be as follows:

8 Five members shall be named for a term of two (2) years; and five members  
9 shall be named for a term of three (3) years. Subsequent appointments shall  
10 be for a term of three (3) years, provided further that prior membership on  
11 the Board shall not be a disqualification for appointment.

12 Section 5. VACANCIES

13 A member may be removed from the Board for inability to serve, neglect  
14 misconduct or gross inefficiency in office, by a two thirds majority of the  
15 Board. In the event of a vacancy on the board by death, resignation, removal  
16 or any other reason, such vacancy shall be filled for the remainder of the  
17 unexpired term of the predecessor in the same manner as an original appointment.

18 Section 6. OFFICERS

19 At the first meeting of the Board and annually thereafter, the Board shall  
20 elect, from among the members, a chairman, vice-chairman, secretary, treasurer  
21 and such other officers as the Board may desire, by majority vote. The Board  
22 shall define the duties and powers and term of office of each officer.

23 Section 7. MEETINGS OF THE BOARD

24 The first meeting of the Board shall be called by the District Administrator  
25 within thirty days after all members are named as provided herein. Thereafter,  
26 meetings may be held on a regular schedule as determined by the Board. Meeting  
27 may also be called by the Chairman or by any six members of the Board upon  
28 five days notice to all members. Seven members shall constitute a quorum for  
29 the purpose of conducting business and the affirmative vote of six members  
30 shall be required to pass any question or measure presented. The Board shall  
31 keep and maintain a written record of all official actions taken.

1       Section 8. COMPENSATION OF BOARD MEMBERS

2           Each member shall receive, as compensation, the sum of fifteen dollars  
3       (\$15.00) for each day of attendance at an official Board meeting, not to  
4       exceed 5 working days in any one month. Members of the Board who are employed  
5       by the Trust Territory Government or any agency or subdivision thereof, shall  
6       be afforded administrative leave to attend official Board meeting. In the  
7       event a member earns less than the amount of compensation per working day,  
8       the Authority shall pay such member the difference between his daily wage  
9       rate and the amount of compensation specified herein.

10.       Section 9. POWERS, DUTIES, LEGAL CAPACITIES AND CHARACTERISTICS OF THE AUTHORITY

11           The Authority shall have the following powers, duties, legal capacities and  
12       characteristics:

- 13           (1) The Authority shall have perpetual juridical existence.
- 14           (2) To receive and hold title to public lands in trust for the people  
15           of Yap District.
- 16           (3) To administer, manage and regulate the use of lands and income  
17           arising therefrom in trust for the people of the district.
- 18           (4) To sell, lease, exchange, use, dedicate for public purposes, or  
19           make other disposition of such public lands pursuant to the  
20           laws of the district in which the land is located.
- 21           (5) To exercise the power of eminent domain to acquire land for  
22           public purposes.
- 23           (6) To acquire such lands by negotiation as necessary and required  
24           to fill the needs of the general public.
- 25           (7) To enter into contracts, sue and be sued, and have other powers  
26           and duties as may be necessary or appropriate to further the  
27           purposes of the Order, and
- 28           (8) To negotiate in good faith, and execute binding formal  
29           agreements to meet the land requirements to the United States  
30           as may be designated under the terms of a future status  
31           agreement.

- 1 (9) To employ staff as may be required, to manage the  
2 normal operational and administrative affairs of the  
3 Authority and to perform such other duties as may, from  
4 time to time, be directed by the Board.
- 5 (10) To propose legislation to the Legislature pertaining to  
6 its programs, powers and duties.
- 7 (11) To establish rules and regulations, in accordance with  
8 applicable law and procedure, for the conduct of its  
9 business and program.

10 Section 10. RECOGNIZION AND RESERVATION OF CERTAIN POWERS OF THE CENTRAL  
11 GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

- 12
- 13 (1) The paramount power of the central government of the  
14 Trust Territory of the Pacific Islands to take lands  
15 for public purpose pursuant to applicable law is hereby  
16 recognized and reserved to said government.
- 17 (2) The right of the central government of the Trust Territory  
18 of the Pacific Islands to regulate all activities  
19 affecting conservation, navigation, or commerce in and to  
20 the navigable water and tidelands, filled lands, submerged  
21 lands and lagoon; provided that in the exercise of such  
22 rights, the central government will not unnecessarily  
23 interfere with the exercise in any particular district  
24 of all prior traditional rights in and to such lands is  
25 hereby recognized and reserved to said government.

26 Section 11. COMPLIANCE WITH EXISTING LEASES AND AGREEMENTS

27 On receiving public lands, the authority shall be bound by and comply  
28 with all provisions of existing leases and land use and occupancy agreements  
29 previously entered into by the Government of the Trust Territory of the  
30 Pacific Islands, their agencies, instrumentalities, or political subdivisions  
pertaining to the land so returned.

1 Section 12. CONTINUATION OF OCCUPANCY BY TENANTS

2 . The Authority shall permit the continued possession of public lands  
3 occupied and used on December 26, 1974, with the concurrence of the  
4 Government of the Trust Territory of the Pacific Islands, by tenants at  
5 will and tenants by sufferance, for a reasonable period of additional years  
6 to be agreed upon by the Authority and the High Commissioner.

7 Section 13. BUDGET

8 Each year, the Authority will submit to the Legislature, within the first  
9 10 days of the regular annual session, its proposed budget for its complete  
10 operation for the forthcoming fiscal year with complete justifications  
11 therefore. The proposed budget will be in such form as the Legislature may,  
12 from time to time, prescribe. The Authority is hereby prohibited from  
13 making any disbursement of funds which exceed those permitted by the current  
14 authorized budget.

15 Section 14. RECEIPT, USE, AND DISPOSITION OF FUNDS

16 All revenue received by the Authority generated from the administration  
17 and management of public lands received by the Authority shall be transmitted  
18 to the District Treasurer for inclusion in the General Fund of the Legislature.

19 Section 15. APPROPRIATION

20 There is hereby authorized a continuing annual appropriation from the  
21 general fund of the Yap District Legislature in an amount to be determined  
22 by general appropriation legislation to be expended solely for the purpose  
23 of this Act. Such funds shall be expended by the Board and accounted for as  
24 provided herein.

25 Section 16. STATEMENT OF ACTIVITIES AND AUDITS

26 The Authority shall submit to the Legislature, within the first 10 days  
27 of its regular annual session, its annual statement of the activities of the  
28 Authority. The Authority will cause to be made an annual audit of all funds  
29 received and disbursed during the preceding calendar year. The result of the  
30 audit will be submitted to the Legislature each year with the statement of  
31 activities. The extent and content of the statements and audits will be as  
32 prescribed, from time to time, by the Legislature.

1 Section 17. REQUEST FOR THE CONVEYANCE OF PUBLIC LANDS

2 The Authority is hereby delegated the authority to formally request the  
3 High Commissioner, subject to valid existing rights, to transfer and convey,  
4 pursuant to the provisions of the Order, all right, title and interest of the  
5 Government of the Trust Territory of the Pacific Islands in certain public  
6 lands in Yap District to the Authority, either in whole or in part by  
7 particular parcels, as the Authority deems is in the best interests of the  
8 people of the district.

9 Section 18. HOLD HARMLESS PROVISION

10 The Legislature and the Authority hereby hold the United States Government  
11 and the Government of the Trust Territory of the Pacific Islands and their  
12 agencies or political subdivisions harmless from any and all claims arising  
13 after the conveyance of public lands other than those resulting directly from  
14 actions of the United States Government, the Government of the Trust Territory  
15 of the Pacific Islands or their duly authorized agents.

16 Section 19. RESERVATION OF ENACTMENT OF CERTAIN EMINENT DOMAIN, ADJUDICATORY  
17 BODIES AND HOMESTEAD PROVISIONS.

18 The Legislature has been empowered by the Order to enact laws granting  
19 certain powers of eminent domain, establishment of adjudicatory bodies to  
20 determine the validity of possible private claims pertaining to public land  
21 returned, and providing for the establishment of homestead rights and the  
22 administration thereof. This granted power is hereby reserved by the Legis-  
23 lature for possible future enactment of laws pertaining to any or all of the  
24 above subjects.

25 Section 20. EFFECTIVE DATE

26 This Act shall take effect upon its approval by the District Administrator,  
27 or upon its becoming law without such approval.

Dated: 5-31-75

Introduced by:

/s/ Joachim Falmog  
Joachim Falmog  
( by request )

16 Section 19. RESERVATION OF ENACTMENT OF CERTAIN EMINENT DOMAIN, ADJUDICATORY  
17 BODIES AND HOMESTEAD PROVISIONS.

18 The Legislature has been empowered by the Order to enact laws granting  
19 certain powers of eminent domain, establishment of adjudicatory bodies to  
20 determine the validity of possible private claims pertaining to public land  
21 returned, and providing for the establishment of homestead rights and the  
22 administration thereof. This granted power is hereby reserved by the Legis-  
23 lature for possible future enactment of laws pertaining to any or all of the  
24 above subjects.

25 Section 20. EFFECTIVE DATE  
26 This Act shall take effect upon its approval by the District Administrator,  
27 or upon its becoming law without such approval.

Dated: 5-31-75 Introduced by: \_\_\_\_\_ /s/ Joachim Falmog  
Joachim Falmog  
( by request )

JUN 15 1975

Honorable John J. Mangefel  
Governor  
Yap State  
Western Caroline Islands 96943

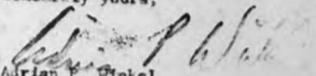
Dear Governor Mangefel:

This is to acknowledge receipt of your letter dated May 16, 1975, regarding a request for transfer of title of all real and personal property, currently used or held by the Trust Territory Government, to the Yap State Government.

With respect to the transfer, the Division of Lands and the Attorney General have been instructed to progress as rapidly as possible.

Your offer of assistance to facilitate the implementation of Secretarial Order 3039 is appreciated.

Sincerely yours,

  
Adrian Y. Wintel  
High Commissioner

cc: HC s.f.

178. 88. 5

TRUST TERRITORY OF THE PACIFIC ISLANDS  
Office of the High Commissioner  
Saipan, Mariana Islands



QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 24<sup>th</sup> day of July, 1974, between the GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, represented by the High Commissioner, and the GOVERNMENT of the State of Yap represented by the Governor of Yap.

WITNESSETH: that

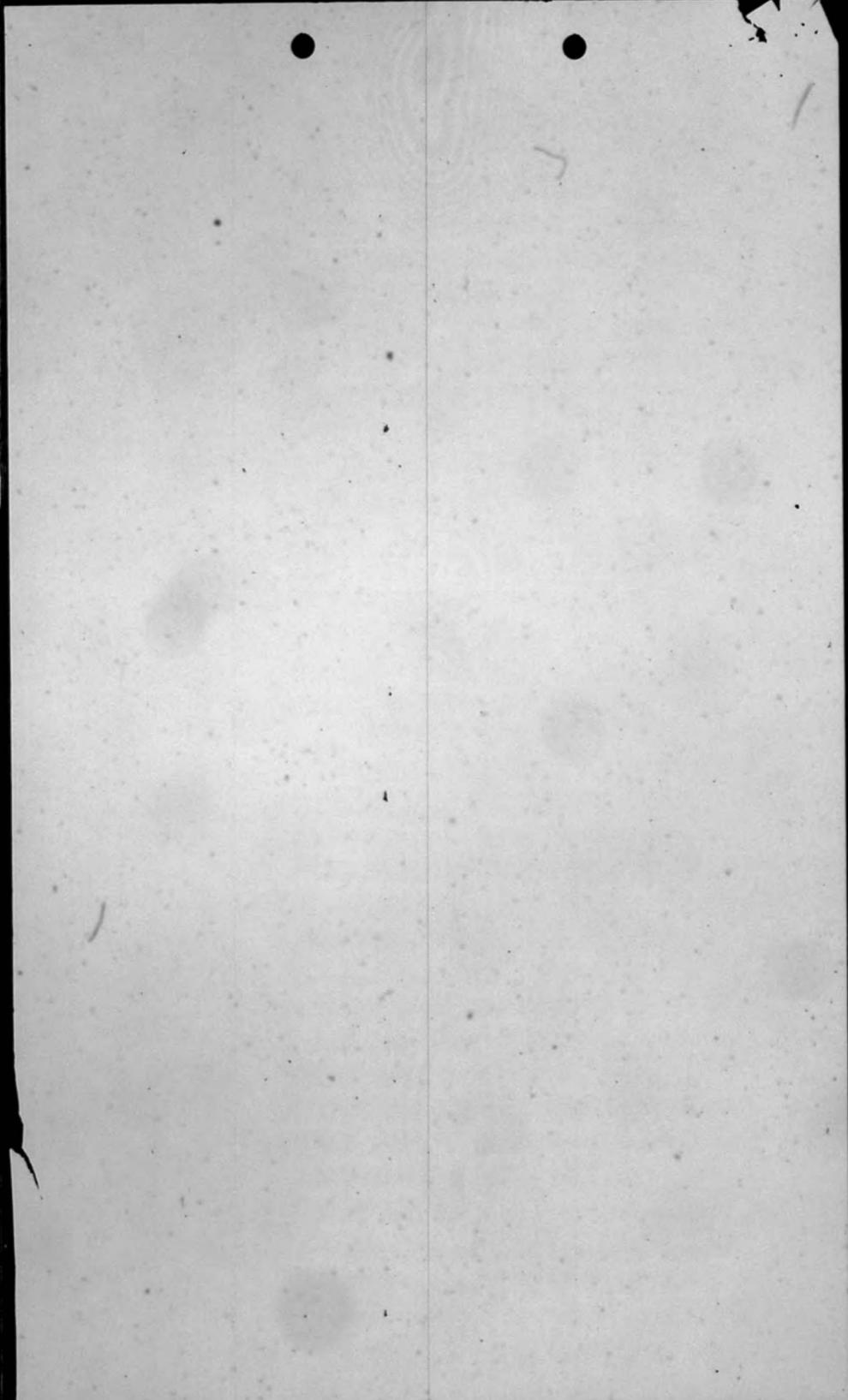
WHEREAS, the Governor of State of Yap has requested the High Commissioner of the Trust Territory of the Pacific Islands to convey the lands hereinafter described to the Government of State of Yap pursuant to Yap District Law Number 4-46, as amended by Yap District Bill Number 6-65, and Order Number 2969 issued by the Secretary of the Interior effective as of December 26, 1974; and

WHEREAS, the Order Number 2969 issued by the Secretary of the Interior effective as of December 26, 1974 was amended by the Secretary of the Interior effective as of December 28, 1978, authorizing the charter district government to be designated by a district legislature with the powers, duties and competence set forth in Section 3; and

WHEREAS, the Order Number 3039 issued by the Secretary of the Interior on April 25, 1979, requires that all real property currently used or held by the Government of the Trust Territory for governmental administrative purposes in the Federated States of Micronesia and its respective States, shall, to the extent not needed to carry out the purposes of this Order, be transferred on an equitable basis to the Federated States of Micronesia or its respective States; and

WHEREAS, the Subsection (7) of Section 3a of the Order Number 3039 provides that the High Commissioner shall continue to have the authority and responsibility for the operation and maintenance of telecommunications within the Trust Territory of the Pacific Islands in accordance with treaties, laws, and regulations of the United States applicable to the Trust Territory; and

within the  
laws, and regulations of the



TRUST TERRITORY OF THE PACIFIC ISLANDS  
Office of the High Commissioner  
Saipan, Mariana Islands



QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 24<sup>th</sup> day of July,  
1974, between the GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC  
ISLANDS, represented by the High Commissioner, and the GOVERNMENT of the  
State of Yap represented by the Governor of Yap.

WITNESSETH: that

WHEREAS, the Governor of State of Yap has requested the High  
Commissioner of the Trust Territory of the Pacific Islands to convey  
the lands hereinafter described to the Government of State of Yap pursuant  
to Yap District Law Number 4-46, as amended by Yap District Bill Number  
6-65, and Order Number 2969 issued by the Secretary of the Interior effective  
as of December 26, 1974; and

WHEREAS, the Order Number 2969 issued by the Secretary of the Interior  
effective as of December 26, 1974 was amended by the Secretary of the  
Interior effective as of December 28, 1978, authorizing the charter district  
government to be designated by a district legislature with the powers,  
duties and competence set forth in Section 3; and

WHEREAS, the Order Number 3039 issued by the Secretary of the Interior  
on April 25, 1979, requires that all real property currently used or held  
by the Government of the Trust Territory for governmental administrative  
purposes in the Federated States of Micronesia and its respective States,  
shall, to the extent not needed to carry out the purposes of this Order, be  
transferred on an equitable basis to the Federated States of Micronesia or  
its respective States; and

WHEREAS, the Subsection (7) of Section 3a of the Order Number 3039  
provides that the High Commissioner shall continue to have the authority  
and responsibility for the operation and maintenance of telecommunications  
within the Trust Territory of the Pacific Islands in accordance with treaties,  
laws, and regulations of the United States applicable to the Trust Territory; and

WHEREAS, the High Commissioner finds that the hereinafter described lands requested by the State of Yap are no longer needed by the central Government of the Trust Territory of the Pacific Islands and are a proper subject of conveyance under Secretarial Order Number 2969; and

WHEREAS, the conditions precedent to such a conveyance, prescribed by such Order and Public Law, have been fulfilled;

NOW, THEREFORE, pursuant to the authority and subject to the terms and conditions of Secretarial Order Number 2969 issued by the Secretary of the Interior and effective as of December 26, 1974, and Secretarial Order Number 3039 issued by the Secretary of the Interior on April 25, 1979, the Government of the Trust Territory of the Pacific Islands, by these presents, does remise, release, and quitclaim to the Government of Yap, its successors and assigns, all its right, title and interest in and to the following described real property in trust for the people of State of Yap:

All public lands as defined in Section 2(c) of said Secretarial Order Number 2969 located above the ordinary high water mark within the geographic boundaries of the State of Yap, Trust Territory of the Pacific Islands, as defined in Section 1(3) of Title 3 of the Trust Territory Code;

AND

All public lands as defined in Section 2(c) of said Secretarial Order Number 2969 located below the ordinary high water mark within the geographic boundaries of the State of Yap, Trust Territory of the Pacific Islands, as defined in Section 1(3) of Title 3 of the Trust Territory Code;

AND

All interests, including mineral rights, reserved by the Government of the Trust Territory of the Pacific Islands unto itself in deeds of conveyance issued to whomsoever and for whatever reasons and covering parcels of land located in the State of Yap, Trust Territory of the Pacific Islands.

BUT EXCEPTING THEREFROM, the following, described real property located in the State of Yap, Trust Territory of the Pacific Islands:

All those lands within the boundary of Yap International Airport, located on Yap, Western Caroline Islands, Yap District, Trust Territory of the Pacific Islands, said lands being more particularly described in Determination of Ownership and Release, numbers AS-1 through AS-3, filed in the office of the Clerk of Courts, Yap District;

AND

All that land known as Tanifan, parking lot for the Yap International Airport, located in Rull Municipality, Yap District, Trust Territory of the Pacific Islands, said land being more particularly described as follows:

From U.S.G.S. survey control marker ORC, 1960, Lat. 09 28 56 N, Long. 138 04 35 E, N 44 30 00 E, 1414 ft. To corner #1, a concrete monument at the Northern boundary of the Yap airstrip, Rull Municipality;

Thence, N 22 40 41 W, 280 ft. to corner #2

" , S 67 19 19 W, 325 ft. to corner #3

" , S 22 40 41 E, 280 ft. to corner #4

" , N 67 19 19 E, 325 ft. to corner #1

containing an area of 2.09 acres, more or less.

SUBJECT, NEVERTHELESS, to the following terms, conditions and reservations:

1. Tenants at will and tenants by sufferance who actually occupy lands conveyed hereby with the concurrence of the Government shall be allowed continued possession of the lands they occupy for a period of three (3) years from the date of this Quitclaim Deed.
2. Pursuant to Secretarial Order Number 3039, Subsection (7) of Section 3a, the Government of the Trust Territory of the Pacific Islands reserves the right to continue use of the communication sites and all facilities located thereon designated as Tracts No. 50009 and 50018, described more fully on Yap District Drawing No. 5005/68, as approved on July 12, 1969,

and Yap District Drawing No. 5007/69, as approved on June 10, 1969 respectively, for so long as the High Commissioner shall have authority and responsibility for the operation and maintenance of telecommunications within the Trust Territory of the Pacific Islands.

3. All contracts, lease agreements, easements, permits, licenses and other forms of rights and obligations entered into by the Government of the Trust Territory of the Pacific Islands prior to May 11, 1979, and applicable to the conveyed lands, shall remain in force and effect until their natural or legal termination, unless otherwise agreed to in writing by the involved parties.

4. This deed does not include the release or transfer of any indefinite lands use rights acquired pursuant to land settlement agreements or otherwise. There is currently pending a settlement request for such indefinite land use agreements which will be released or assigned subsequent hereto.

5. The Government of the Trust Territory of the Pacific Islands reserves the right to continue use of the Courthouse and related offices which are necessary in the opinion of the Chief Justice of the High Court to carry out the judicial functions prescribed by Section 5 of Secretarial Order Number 3039.

IN WITNESS WHEREOF, I, in the name of the Government of the Trust Territory of the Pacific Islands, have caused this quitclaim deed to be made.

Given under my hand and official seal, this 24<sup>th</sup> day of

July, 19 79.

Adrian P. White  
High Commissioner

IN WITNESS WHEREOF, I, Governor of the State of Yap, do hereby  
accept the above conveyance, subject to the terms, conditions and  
reservations set forth.

ACCEPTED this 15<sup>th</sup> day of August, 1979.

By: [Signature]  
John A. Mangefel  
Governor  
State of Yap

\*\*\*\*\*  
GOVERNMENTAL APPROVALS

APPROVED AS TO FORM

By: [Signature]  
Attorney General

Date: JUL 19 1979

APPROVED FOR THE STATE OF YAP  
OFFICE OF LAND MANAGEMENT

By: [Signature]  
Land Management Officer

Date: August 14, 1979

APPROVED FOR THE DIVISION OF LANDS

By: [Signature]  
Chief of Lands

Date: July 19, 1979

\*\*\*\*\*  
RECORDING DATA

Filed and recorded in Book I, Page 33, this 15<sup>th</sup> day of  
August, 1979.

By: [Signature]  
Clerk of Courts  
State of Yap

REGISTRATION OF QUITCLAIM DEED

Registered this 13th day of September, 19 79,  
at 10:01 A.M. ~~XXXX~~, as document number 1314 at the  
District Registrar's Office pursuant to 67 TTC 119.

/s/ Robert F. Green  
Registrar  
State of Yap

CERTIFIED TO BE A TRUE AND  
COMPLETE COPY AS FILED IN THE  
Yap State DISTRICT LAND REGISTRY  
ON THE 13<sup>th</sup> DAY OF September, 19 79.  
DOCUMENT NUMBER 1314  
4/13/79 [Signature]  
DATE Deputy REGISTRAR

LANDS  
YAP

TRUST TERRITORY OF THE PACIFIC ISLANDS  
Office of the High Commissioner  
Saipan, Mariana Islands



QUITCLAIM DEED

THIS QUITCLAIM DEED, made this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, between the GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC  
ISLANDS, represented by the High Commissioner, and the GOVERNMENT of the  
State of Yap represented by the Governor of Yap.

WITNESSETH: that

WHEREAS, the Governor of State of Yap has requested the High  
Commissioner of the Trust Territory of the Pacific Islands to convey  
the lands hereinafter described to the Government of State of Yap pursuant  
to Yap District Law Number 4-46, as amended by Yap District Bill Number  
6-65, and Order Number 2969 issued by the Secretary of the Interior effective  
as of December 26, 1974; and

WHEREAS, the Order Number 2969 issued by the Secretary of the Interior  
effective as of December 26, 1974 was amended by the Secretary of the  
Interior effective as of December 28, 1978, authorizing the charter district  
government to be designated by a district legislature with the powers,  
duties and competence set forth in Section 3; and

WHEREAS, the Order Number 3039 issued by the Secretary of the Interior  
on April 25, 1979, requires that all real property currently used or held  
by the Government of the Trust Territory for governmental administrative  
purposes in the Federated States of Micronesia and its respective States,  
shall, to the extent not needed to carry out the purposes of this Order, be  
transferred on an equitable basis to the Federated States of Micronesia or  
its respective States; and

WHEREAS, the Subsection (7) of Section 3a of the Order Number 3039  
provides that the High Commissioner shall continue to have the authority  
and responsibility for the operation and maintenance of telecommunications  
within the Trust Territory of the Pacific Islands in accordance with treaties,  
laws, and regulations of the United States applicable to the Trust Territory; and

WHEREAS, the High Commissioner finds that the hereinafter described lands requested by the State of Yap are no longer needed by the central Government of the Trust Territory of the Pacific Islands and are a proper subject of conveyance under Secretarial Order Number 2969; and

WHEREAS, the conditions precedent to such a conveyance, prescribed by such Order and Public Law, have been fulfilled;

NOW, THEREFORE, pursuant to the authority and subject to the terms and conditions of Secretarial Order Number 2969 issued by the Secretary of the Interior and effective as of December 26, 1974, and Secretarial Order Number 3039 issued by the Secretary of the Interior on April 25, 1979, the Government of the Trust Territory of the Pacific Islands, by these presents, does remise, release, and quitclaim to the Government of Yap, its successors and assigns, all its right, title and interest in and to the following described real property in trust for the people of State of Yap:

All public lands as defined in Section 2(c) of said Secretarial Order Number 2969 located above the ordinary high water mark within the geographic boundaries of the State of Yap, Trust Territory of the Pacific Islands, as defined in Section 1(3) of Title 3 of the Trust Territory Code;

AND

All public lands as defined in Section 2(c) of said Secretarial Order Number 2969 located below the ordinary high water mark within the geographic boundaries of the State of Yap, Trust Territory of the Pacific Islands, as defined in Section 1(3) of Title 3 of the Trust Territory Code;

AND

All interests, including mineral rights, reserved by the Government of the Trust Territory of the Pacific Islands unto itself in deeds of conveyance issued to whomsoever and for whatever reasons and covering parcels of land located in the State of Yap, Trust Territory of the Pacific Islands.

BUT EXCEPTING THEREFROM, the following described real property located in the State of Yap, Trust Territory of the Pacific Islands:

All those lands within the boundary of Yap International Airport, located on Yap, Western Caroline Islands, Yap District, Trust Territory of the Pacific Islands, said lands being more particularly described in Determination of Ownership and Release, numbers AS-1 through AS-3, filed in the office of the Clerk of Courts, Yap District;

AND

All that land known as Tanifan, parking lot for the Yap International Airport, located in Rull Municipality, Yap District, Trust Territory of the Pacific Islands, said land being more particularly described as follows:

From U.S.G.S. survey control marker ORC, 1960, Lat. 09 28 56 N, Long. 138 04 35 E, N 44 30 00 E, 1414 ft. To corner #1, a concrete monument at the Northern boundary of the Yap airstrip, Rull Municipality;

Thence, N 22 40 41 W, 280 ft. to corner #2

" , S 67 19 19 W, 325 ft. to corner #3

" , S 22 40 41 E, 280 ft. to corner #4

" , N 67 19 19 E, 325 ft. to corner #1

containing an area of 2.09 acres, more or less.

SUBJECT, NEVERTHELESS, to the following terms, conditions and reservations:

1. Tenants at will and tenants by sufferance who actually occupy lands conveyed hereby with the concurrence of the Government shall be allowed continued possession of the lands they occupy for a period of three (3) years from the date of this Quitclaim Deed.
2. Pursuant to Secretarial Order Number 3039, Subsection (7) of Section 3a, the Government of the Trust Territory of the Pacific Islands reserves the right to continue use of the communication sites and all facilities located thereon designated as Tracts No. 50009 and 50018, described more fully on Yap District Drawing No. 5005/68, as approved on July 12, 1969,

and Yap District Drawing No. 5007/69, as approved on June 10, 1969 respectively, for so long as the High Commissioner shall have authority and responsibility for the operation and maintenance of telecommunications within the Trust Territory of the Pacific Islands.

3. All contracts, lease agreements, easements, permits, licenses and other forms of rights and obligations entered into by the Government of the Trust Territory of the Pacific Islands prior to May 11, 1979, and applicable to the conveyed lands, shall remain in force and effect until their natural or legal termination, unless otherwise agreed to in writing by the involved parties.

4. This deed does not include the release or transfer of any indefinite lands use rights acquired pursuant to land settlement agreements or otherwise. There is currently pending a settlement request for such indefinite land use agreements which will be released or assigned subsequent hereto.

5. The Government of the Trust Territory of the Pacific Islands reserves the right to continue use of the Courthouse and related offices which are necessary in the opinion of the Chief Justice of the High Court to carry out the judicial functions prescribed by Section 5 of Secretarial Order Number 3039.

IN WITNESS WHEREOF, I, in the name of the Government of the Trust Territory of the Pacific Islands, have caused this quitclaim deed to be made.

Given under my hand and official seal, this \_\_\_\_\_ day of

\_\_\_\_\_, 19 \_\_\_\_.

High Commissioner

IN WITNESS WHEREOF, I, Governor of the State of Yap, do hereby accept the above conveyance, subject to the terms, conditions and reservations set forth.

ACCEPTED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By: \_\_\_\_\_  
John A. Mangefel  
Governor  
State of Yap

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GOVERNMENTAL APPROVALS

APPROVED AS TO FORM

APPROVED FOR THE STATE OF YAP  
OFFICE OF LAND MANAGEMENT

By: *K. Hany*  
Attorney General

By: \_\_\_\_\_  
Land Management Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED FOR THE DIVISION OF LANDS

By: *E. G. S. Baed*  
Acting Chief of Lands

Date: *July 19, 1979*

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RECORDING DATA

Filed and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By: \_\_\_\_\_  
Clerk of Courts  
State of Yap

REGISTRATION OF QUITCLAIM DEED

Registered this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at \_\_\_\_\_ A.M./P.M., as document number \_\_\_\_\_ at the  
District Registrar's Office pursuant to 67 TTC 119.

\_\_\_\_\_  
Registrar  
State of Yap



**FILE  
END**