



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

October 13, 2000

Office of Counsel

SUBJECT: Marshallberg Small Boat Harbor

Mr. Pelham T. Jones
142 Harbor Road
PO Box 266
Marshallberg, North Carolina 28553

✓ Mr. Gary Davis
Sleepy Creek Boatworks
PO Box 250
Marshallberg, North Carolina 28553

Dear Messrs. Jones & Davis:

This letter is in response to a telephone inquiry made to this office by Mr. Jones. He asked that I also address this letter to Mr. Davis. Both of you are property owners adjacent Federal Marshallberg Small Boat Harbor project, and have questions concerning the scope of the Government's easement over your property.

The Government's easement, a copy of which is attached, is recorded in Book 169 of Page 505 of the Carteret County Registry. The easement describes the property subject to the easement by a metes and bounds description, which a surveyor ought to be able to re-establish on the ground for you.

The easement to the United States allows the Government the perpetual right and easement to enter the property, and to dig, or cut away any or all of the property covered by the easement, for the purpose of constructing and maintaining the Marshallberg Small Boat Harbor project, and to maintain the property which is cut away and removed as part of the navigable waters of the United States.

I understand from our telephone conversation that some members of the general public may believe that the Government's easement creates a right of public access in those portions of your property subject to the easement, which have not been cut away and removed as part of the Marshallberg Small Boat Harbor project. The Government does not concur in that position.

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Government employees and contractors are allowed to go on the property for the purposes described in the easement; however, it does not create any rights of access to the public over the portions of your property which have not been cut away and removed.

I hope this satisfies your concerns.

Sincerely,

A handwritten signature in cursive script that reads "M. Brooke Lamson". The signature is written in dark ink and is positioned above the printed name.

M. Brooke Lamson
Assistant District Counsel

Enclosure