



DRAFTING REQUEST FORM
THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS

TO: CHIEF COUNSEL

FROM: SENATOR Milton E. Potter

SIGNATURE Milton E. Potter

DATE: January 27, 2025

By Request of the Governor

I REQUEST A DRAFT FOR:

☒ **A BILL**

☐ **A CONTRACT**

☐ **A LEGAL OPINION**

☐ **AN AMENDMENT**

☐ **A RESOLUTION**

☐ **A SUBPOENA**

☐ **PETITION**

☐ **ORDERS**

☐ **COMPLAINTS**

NOTE: In the space provided below, or on an attached sheet if needed, give the details of your request. A bill to honor someone, enclose a biography. For a bill or an amendment involving a parcel of land, include the plot number, acreage and the Public Works Department Map number. For an appropriation, clearly state the amount and the funding source. For an amendment, identify the bill to be amended. For an employment contract, complete a Contract for Employment form and attach it to the drafting request. For a legal opinion, please indicate as specifically as possible the legal question to be addressed.

FOR BILLS:

1. Chapter or Section of Code/Act/Bill to be amended

2. Purpose or intent of request

Easement Agreement between the Government of the Virgin Islands and Mr. Otto
J. Martin for Grant of Permanent Easement over a portion of No. 75 Estate LaGrange

3. Details of Request, including the problems to be solved and how the measure will be implemented and enforced, if applicable (attach additional sheets, if necessary), the funding source of any appropriation, effective date or duration of the measure

4. Anticipated date of Introduction

5. Name and phone # of person to contact for details and to answer any questions

Dwane Callwood Ext 3504



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802
340-774-0001

January 23, 2025

VIA HAND DELIVERY

The Honorable Milton E. Potter
Senate President
Thirty-Sixth Legislature of the Virgin Islands
Capital Building
St. Thomas, Virgin Islands 00802

**Re: Grant of Permanent Use Easement for Ratification by the Thirty-Sixth
Legislature of the U.S. Virgin Islands**

Dear Senate President Potter:

The following Easement Agreement, submitted for ratification by the Thirty-Sixth Legislature, is transmitted herewith in accordance with the provisions of Title 31, Section 205, subsection (c) of the Virgin Islands Code:

1. To establish a perpetual access easement over a portion of GVI's property known as Plot No. 75 Estate La Grange, West End Quarter, St. Croix, U.S. Virgin Islands, consisting of 1,302.6 U.S. sq. ft or 0.0299 acres of land more or less.

Grantee owns Plot No. 74 Estate La Grange. Grantee's Property is landlocked and only accessible over the Government's property. The proposed easement will formalize prior use of this property and provide Mr. Martin with official documentation to evidence the permitted usage for ingress and egress only.

I thank you and the members of the Thirty-Sixth Legislature for your prompt action on this measure. I look forward to further collaborative efforts for the benefit of the public and the Territory and the operations of the Government.

Sincerely,

A blue ink signature of Albert Bryan Jr., consisting of stylized loops and a long horizontal stroke.

Albert Bryan Jr.
Governor

Potter
RECEIVED SEN. FRANG
JAN 24 '25 PM 12:46

GRANT OF EASEMENT

GRANT OF ACCESS EASEMENT

This Grant of Access Easement is made this 10th day of December, 2024, by and between the Government of the Virgin Islands acting through its Department of Property and Procurement, ("Grantor") whose address is 8201 Subbase Suite 4, St. Thomas U.S. Virgin Islands 00802 and Otto J. Martin, ("Grantee"), whose address is 427 Fleming Circle Frederiksted, St. Croix, U.S. Virgin Islands 00840.

WHEREAS, Grantor owns Plot No. 75 Estate La Grange, West End Quarter, St. Croix, U.S. Virgin Islands, as shown on Public Works Drawing No. 191 ("Grantor's Property"); and

WHEREAS, the Grantee owns Plot No. 74 Estate La Grange, West End Quarter, St. Croix, U.S. Virgin Islands, as shown on Public Works Drawing No. 191 ("Grantee's Property"); and

WHEREAS, Grantor's Property and Grantee's Property are adjacent to each other; and

WHEREAS, Grantee's Property is landlocked, and Grantee has been accessing Grantee's Property over a portion of Grantor's Property; and

WHEREAS the Parties agree to establish a perpetual Access Easement for purposes of ingress and egress to Grantee's Property over Grantor's Property.

NOW THEREFORE, the Grantor in consideration of One Dollar (\$1.00), the receipt of which is hereby acknowledged and the maintenance, upkeep, and repairs of the easement by the Grantee, does hereby grant and convey unto the Grantee his heirs, successors and assigns, the following easement:

Access Easement "A" over a portion of Plot No. 75 Estate La Grange, West End Quarter, St. Croix, U.S. Virgin Islands consisting of 1,302.6 U.S. sq. ft or 0.0299 U.S. acre(s) of land more or less ("Easement A"), as described on Survey of Easement "A" over a portion of Plot No. 75 Serving Plot No. 74, and attached hereto as Exhibit "A."

The Easement, which shall run with the land, for the purposes of ingress and egress, and for the Grantee's maintenance thereof, over and across that certain portion of land which presently serves as the entrance to Grantee's Property and covers that portion of Grantor's Property.

To Have and To Hold the above-described Easement unto Grantee, his heirs and assigns forever, subject to the following conditions:

1. Grantee shall be responsible, at Grantee's sole expense, for all maintenance, upkeep and repairs to the Easement and all improvements thereon;
2. All improvements shall be strictly for Grantee's ingress and egress to Grantee's Property;
3. Grantee shall not obstruct or cause to be obstructed by any improvements, Grantor's use of Grantor's Property;

4. Grantee shall not alter the Easement or construct improvements thereon unless Grantee has obtained written approval from the Grantor in each and every instance;
5. Notwithstanding any provision herein to the contrary, the size of the Easement shall not be increased;
6. Grantee shall use the Easement subject to all zoning regulations, and to covenants, restrictions, agreements, and all easements now of record privileges, appurtenances and improvements thereunto, taxes, and all other public laws and regulations applicable to the United States Virgin Islands;
7. Grantor shall not assume any responsibility to the Grantee, Grantee's heirs, successors and assigns or any person using the Easement by invitation expressed or implied or by reason of conducting business with Grantee, Grantee's heirs, successors or assigns; and
8. Nothing contained herein will result in a forfeiture of Grantor's title to the Grantor's Property in any respect.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument on the date and year set forth above.

WITNESSES:

GRANTOR: The Government of the Virgin Islands

Sign: Margdalena A. Morancie

By: [Signature]
Lisa M. Alejandro, Commissioner
Department of Property and Procurement

Print: MAGDALENE A. MORANCIE

Sign: [Signature]

Print: VINCENT RICHARDS

ACKNOWLEDGEMENT OF NOTARY PUBLIC

**TERRITORY OF THE U.S. VIRGIN ISLANDS)
DISTRICT OF ST. THOMAS/ST. JOHN)**

On this 16th day of December, 2024, before me the undersigned, personally appeared Lisa M. Alejandro known or was proven to me to the person whose name is subscribed to the within instrument and acknowledged under oath that she executed the same in that capacity for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission Expires: 6/2/28

Carole L. Oriol
Notary Public
NP-758-24

My Commission Expires: June 2, 2028
St. Thomas/St. John, U.S. Virgin Islands

APPROVALS

Approved for Legal Sufficiency
Virgin Islands Department of Justice

By: Sean P. Bailey
Assistant Attorney General

Date: 12/30/24

Approved per 31 V.I.C. § 205(b):

[Signature]
Honorable Albert Bryan Jr.
Governor
U.S. Virgin Islands

Date: 1/23/2025

Approved per 31 V.I.C. § 205(c):

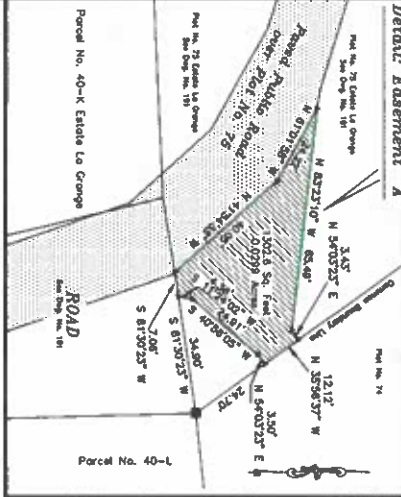
Print Name:
President
36th Legislature of the Virgin Islands

Date: _____

Drawing No. 191

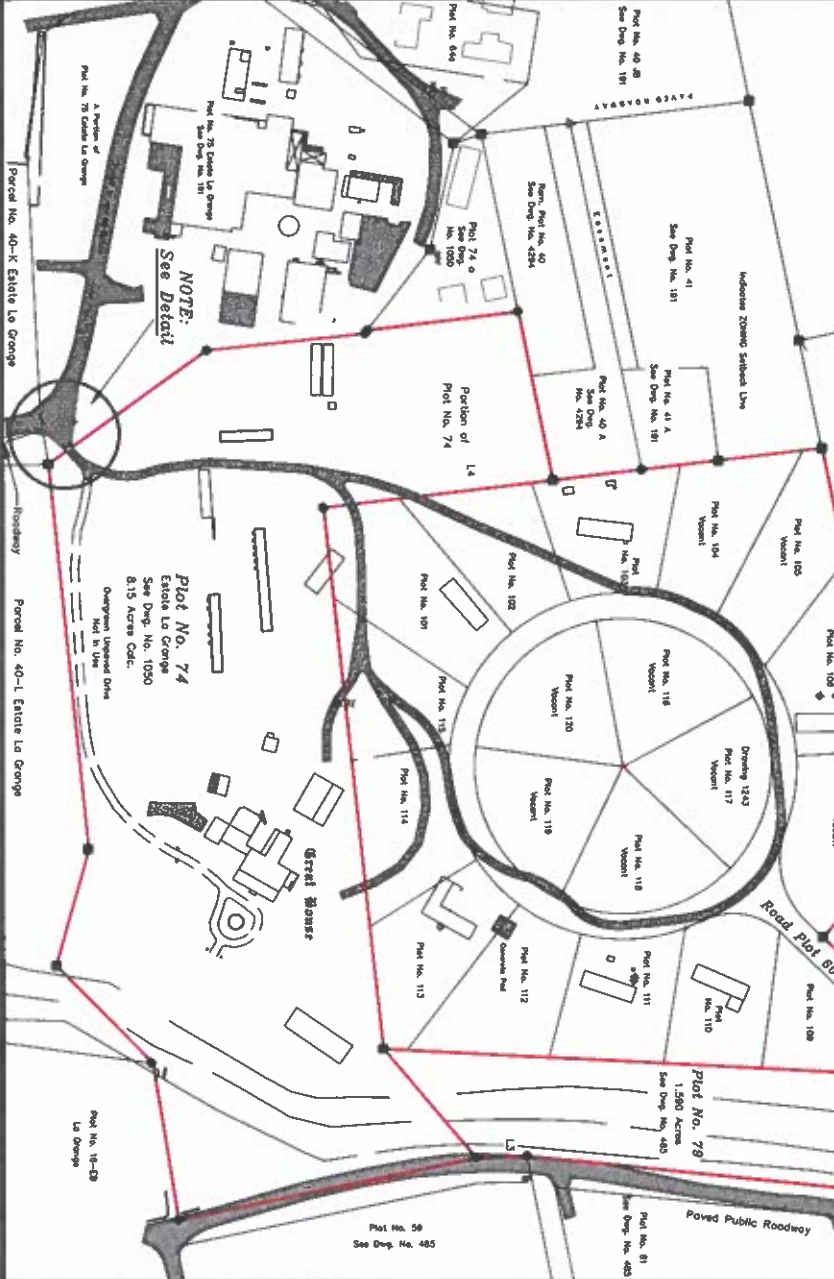
EXHIBIT A

Detail: Easement "A"



Road Plot 60 along with
Plots 101 through 107

Plots 108 through 120
6,552 Acres
See Dep. No. 1243



GRANTEE'S PROOF OF OWNERSHIP

0080508

WARRANTY DEED

INDENTURE made this 7th day of February, 2022, by and between **Leslie Rierson Smith a/k/a Leslie Smith Rierson, Paul Benedict, and Asta Henderson Werme, Co-Trustees of the La Grange Trust u/a dated June 10, 1980**, hereinafter referred to as "Grantors", and **Otto J. Martin of 15455 SW 26th Terrace, Miami FL 33185**, hereinafter referred to as "Grantee".

WITNESSETH that in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to them in hand paid, receipt of which is hereby acknowledged, Grantors do hereby grant and convey unto Grantee, and Grantee's heirs, successors and assigns, the following described real property situated in St. Croix, U.S. Virgin Islands (the "Property"), to wit:

Plot No. 74 of Estate La Grange, Westend Quarter, St. Croix, U.S. Virgin Islands, consisting of 8.390 U.S. acres, more or less, as the same is more particularly shown and described on OLG Drawing No. 1050, dated April 24, 1961.

TOGETHER with all the tenements, hereditaments, buildings, and appurtenances thereunto belonging.

SUBJECT, HOWEVER, to all easements, right of ways, conditions, covenants, agreements, and restrictions of public record; all zoning, building, environmental and other laws and regulations affecting the use or occupancy of the Property; and all real property and ad valorem taxes for the year 2022 and all years thereafter.

TO HAVE AND TO HOLD the Property unto **Otto J. Martin**, his heirs, successors and assigns, in fee simple forever.

Grantors as Co-Trustees of the La Grange Trust u/a dated June 10, 1980 covenant and warrant that they are lawfully seised of the Property in fee simple and they have good right to convey same; that Grantee shall quietly enjoy the Property; that the Property is free from encumbrances except as herein provided; that Grantors as Co-Trustees of the La Grange Trust u/a dated June 10, 1980 will execute or procure any further necessary assurances of title to the Property; and that Grantors as Co-Trustees of the La Grange Trust u/a dated June 10, 1980 will forever warrant and defend the title in the Property .

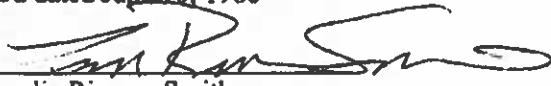
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Signatures on following pages

Warranty Deed
Various Plots Estate La Grange
St. Croix, U.S. Virgin Islands
Page 2

WITNESS:

La Grange Trust
u/a dated June 10, 1980


Leslie Rierson Smith
a/k/a Leslie Smith Rierson, Co-Trustee
Dated: 2/3/22

ACKNOWLEDGMENT

STATE OF NORTH CAROLINA)
COUNTY OF Forsyth) SS:

The foregoing instrument was acknowledged before me this 3 day of February, 2022 by Leslie Rierson Smith a/k/a Leslie Smith Rierson as Co-Trustee of the La Grange Trust u/a dated June 10, 1980.

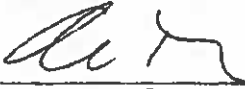

Rachel Strausser
NOTARY PUBLIC
Forsyth County, NC
My Commission Expires December 10, 2023

Rachel Strausser
Notary Public
Name: Rachel Strausser
Notary No. _____
Commission Expires: December 10, 2023

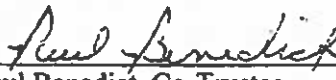
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Warranty Deed
Various Plots Estate La Grange
St. Croix, U.S. Virgin Islands
Page 3

WITNESS:

La Grange Trust
u/a dated June 10, 1980



Paul Benedict, Co-Trustee
Dated: 1-20-22

ACKNOWLEDGMENT

TERRITORY OF THE VIRGIN ISLANDS)
JUDICIAL DIVISION OF ST. CROIX) SS:

The foregoing instrument was acknowledged before me this 20 day of January, 2022 by Paul Benedict as Co-Trustee of the La Grange Trust u/a dated June 10, 1980.

GERALD T. GRONER, ESQ.
Notary Public
St. Croix, USVI, U.S. Virgin Islands
LNP-87-19
My Commission Expires November 8, 2023


Notary Public
Name: _____
Notary No. _____
Commission Expires: _____

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WITNESS:

La Grange Trust
u/a dated June 10, 1980

Lanna Ward
Lanna Ward

Asta Henderson Werme
Asta Henderson Werme, Co-Trustee
Dated: January 20, 2022

ACKNOWLEDGMENT

STATE TN)
COUNTY OF Rutherford) SS:

The foregoing instrument was acknowledged before me this 20th day of January, 2022 by Asta Henderson Werme as Co-Trustee of the La Grange Trust u/a dated June 10, 1980.



Danica M. McLaughlin
Notary Public
Name: Danica M. McLaughlin
Notary No. _____
Commission Expires: 10/22/2023

CERTIFICATE OF VALUE

IT IS HEREBY CERTIFIED that the value of the property described in the foregoing deed, for recording and transfer stamp tax purposes, does not exceed the sum of \$ 544,000.00. The 2021 property tax assessment of the property is \$ 508,400.00

Gerald T. Groner
Gerald T. Groner, Esq.

CERTIFICATE OF PUBLIC SURVEYOR

IT IS HEREBY CERTIFIED that, according to the records in the office of the Public Surveyor, the property described in the foregoing deed has undergone no changes with respect to boundary and area.

DATE: FEB 10 2022

FEE: \$95.00

Wayne D. Callwood
SURVEY & DEEDS SECTION
Wayne D. Callwood
Public Surveyor



**OFFICE OF THE LIEUTENANT GOVERNOR
DIVISION OF THE TAX COLLECTOR**

1105 King Street • Christiansted, Virgin Islands 00820 • 340.773.6446 • Fax 340.719.5581
5049 Kongens Gade • Charlotte Amalie, Virgin Islands 00802 • 340.774.2991 • Fax 340.779.7825

REAL PROPERTY TAX CLEARANCE CERTIFICATE

TO: Office of the Recorder of Deeds

FROM: Office of the Tax Collector

In accordance with 28 V.I.C. §121, as amended, I hereby certify that there are no outstanding Real Property Tax obligations for the following parcel:

PARCEL NUMBER	4-05900-0319-00
LEGAL DESCRIPTION	74 LA GRANGE
OWNER'S NAME	ONEILL, PABLO TRUSTEE & ROBERT M. RIERSON

Taxes have been researched up to and including 2021. Notwithstanding that all known tax obligations have been satisfied as of this date, 33 V.I.C. §2413 applies.

CERTIFIED TRUE AND CORRECT BY

Brent A. Leerdam

REAL PROPERTY TAX COLLECTOR


SIGNATURE

01/26/2022

DATE



Effective 10/1/2020

GRANTOR'S PROOF OF OWNERSHIP

June 29, 1955

No. 781/1955

D E E D

To all to whom these presents shall come,

GREETINGS:

Whereas, the following described parcels of land lying and being situated in the Federiksted district of St. Croix, Virgin Islands, to wit:

PLOT No. 75 OF LA GRANGE (the factory plot) of 4.53 U. S. Acres, as shown on Survey Map of Plot Nos. 74, 75 and 76 of La Grange, dated 31st July, 1949 and revised September 20th, 1951, Drawing No. 191;

PARCEL No. 1 OF LITTLE LA GRANGE, of 7.11 Acres, as shown on Map of Parcels of Little La Grange and Jolly Hill, dated 20th August, 1948, Revised May 20th, 1954, Drawing No. 104;

PARCEL No. 2 OF JOLLY HILL, of 1.8 Acres, as shown on Map of Parcel of Little La Grange and Jolly Hill, dated 20th August, 1948, Revised 20th May, 1954, Drawing No. 104;

were, for nonpayment of federal income taxes, sold, by the Sheriff of the Municipality of St. Croix, at public auction at Frederiksted, St. Croix, the said lots of said land, July 1, 1954, to the Delegate of the Secretary of the United States Treasury, the Deputy Collector of Internal Revenue for the United States, district of St. Croix, Virgin Islands, no other bids being received; and

Whereas, it appears, as the fact is, that the owner of said land has not redeemed from said sale the land which was sold as aforesaid, and said land is now unredemmed from such sale, and the time therefor having expired, whereby said described land has become forfeited and the said purchaser is entitled to a conveyance thereof; and

Whereas, it further appears that the aforesaid land was sold for federal income taxes which, and such taxes been collected in cash, would have been covered into the Treasury of the Virgin Islands pursuant to applicable law /48 U.S.C. 1397; Sec. 7851 of the Internal Revenue Code and Sec. 28(a) of the Revised Organic Act of the Virgin Islands, approved July 22, 1954; and

Whereas, the aforesaid land represents and stands in place of cash payments to the Treasury of the Virgin Islands for its sole use and benefit as provided by Sec. 28(a) of the Revised Organic Act as aforesaid and it appearing, as the fact is, that the Government of the Virgin Islands is entitled to the said land;

Now, Therefore, know all men by these presents that the Secretary of the Treasury of the United States, by his delegate, in consideration of the premises hereinabove recited and in conformity with applicable law, hereby donates, grants and conveys the tract of land above described, together with the hereditaments and appurtenances therunto belonging, to the Government of the Virgin Islands, its

successors or assigns, to its sole use and benefit forever.

In Testimony Whereof, I, Leroy Quinn, delegate of the Secretary of the Treasury of the United States, have executed this deed pursuant to and by virtue of the authority in me vested by the provisions of the Internal Revenue Code [Secs. 6335-6338 -- 1954 Edition] and have hereunto subscribed my name officially this 24 day of June, A.D. 1955.

Witnessed:

John A. Jackson

Leroy Quinn

Leroy Quinn
Collector of Internal Revenue

William L. Quinn

VIRGIN ISLANDS OF THE UNITED STATES)
DIVISION OF ST. THOMAS AND ST. JOHN)

On this 24 day of June, 1955, Leroy Quinn, known to me to be the person who signed the foregoing instrument, acknowledged before me the execution of the same for the uses and purposes therein expressed.

William L. Quinn

Notary Public

Received by the Acting Collector of Internal Revenue Office on

the 29 day of JUNE 1955 at 2:20 o'clock P.M.

Fee: \$ (Gratis) Oswald O. Schjalg