

No. 24583

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
UNITED STATES OF AMERICA**

Exchange of notes constituting an agreement further amending and supplementing the Agreement of 27 March 1941 regarding leased naval and air bases on Bermuda, as amended and supplemented (with appendices). Washington, 7 March 1985

Authentic text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 11 December 1986.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ÉTATS-UNIS D'AMÉRIQUE**

Échange de notes constituant un accord modifiant et complétant l'Accord du 27 mars 1941 relatif aux bases navales et aériennes des Bermudes cédées à bail, tel que modifié et complété (avec appendices). Washington, 7 mars 1985

Texte authentique : anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 11 décembre 1986.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FURTHER AMENDING AND SUPPLEMENTING THE AGREEMENT OF 27 MARCH 1941,² AS AMENDED, REGARDING LEASED NAVAL AND AIR BASES ON BERMUDA

I

*The Secretary of State of the United States of America
to Her Majesty's Ambassador at Washington*

DEPARTMENT OF STATE
WASHINGTON

March 7, 1985

Excellency,

1. I have the honor to refer to the Agreement of March 27, 1941,² between our two Governments, regarding leased naval and air bases, as amended,³ and to the related lease and other arrangements regarding the establishment, use, operation and defense of the United States naval and air bases in Bermuda.

2. Discussions between officials of the Government of the United States and the Government of Bermuda have identified certain lands now within the leased area in Bermuda which no longer are required for the United States' naval and air bases and certain lands which were subleased to the Government of Bermuda, on 25 February 1980, which shall be returned to the control of the United States. As the result of these discussions, I have the honor to propose the following arrangements to make these lands available for use by the respective Governments.

A. The Government of the United States hereby gives notice of its intention to abandon the portion of the leased area in Bermuda referred to below, in accordance with Article XXI of the Agreement of March 27, 1941. Notwithstanding the one-year minimum notice required by that Article, I propose that this abandonment shall become effective on the date on which a detailed description of the land to be abandoned shall be transmitted by the Government of the United States to the Government of Bermuda, which date shall simultaneously be communicated to the Government of the United Kingdom.

The location of the land to be abandoned is delineated on the map attached to this Note as Appendix I and is more particularly described in Appendix I-A. This land includes 7.07 acres, more or less, at the south-west corner of the Naval Air Station Annex.

¹ Came into force on 7 March 1985, the date of the note in reply, in accordance with the provisions of the said notes.

² League of Nations, *Treaty Series*, vol. CCIV, p. 15.

³ United Nations, *Treaty Series*, vol. 88, p. 273; vol. 1179, p. 385.

B. The Government of the United States agrees to a mutual termination of the Sublease of 25 February 1980 relating to that part of the land described therein as "Parcel A", and consisting of 25 acres, more or less, situated at the U.S. Naval Air Station. The location of the land subject to this partial termination of the sublease is delineated in the map attached to this Note as Appendix I, and is more particularly described in Appendix I-B. The partial termination of the Sublease will enter into force upon the date of transmittal to the Government of Bermuda by the Government of the United States of a detailed description of the land to be abandoned in accordance with paragraph 2.A of this Note.

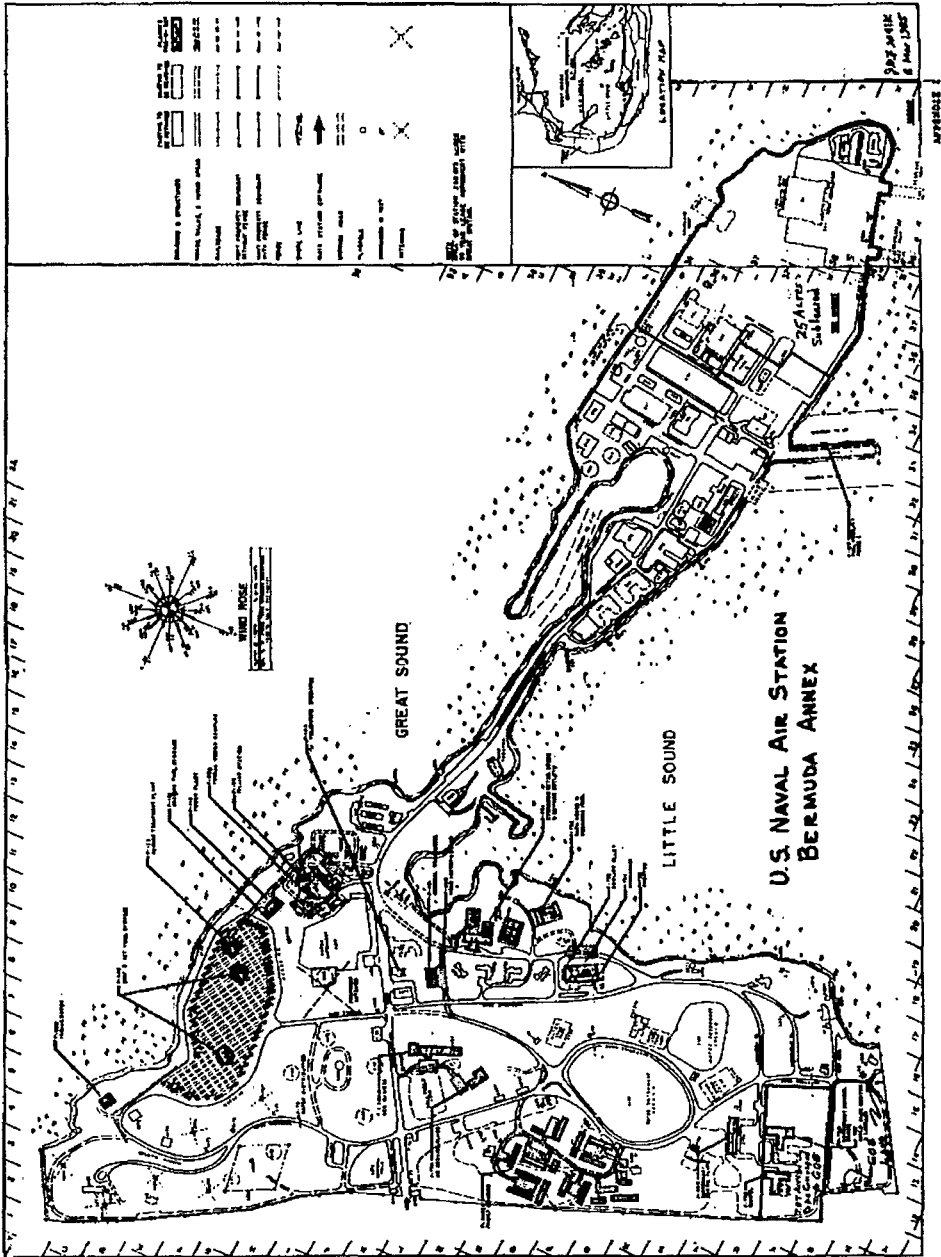
C. I propose that the abandonment set forth in paragraph 2.A herein and the partial termination of the Sublease set forth in paragraph 2.B herein shall be subject to such additional terms and conditions regarding disposition and replacement of the improvements located thereon as may be agreed in advance of the effective date of said abandonment and termination by the appropriate authorities of the United States and Bermuda.

D. If the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honor to propose that this Note, together with your Excellency's confirming reply, shall constitute an agreement further amending and supplementing the Agreement of March 27, 1941, which shall enter into force upon the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

R. BURT



APPENDIX I-A

ADDITIONAL LAND SOUTH-WEST CORNER OF THE NAVAL AIR STATION ANNEX:
METES AND BOUND DESCRIPTION

All that certain parcel or tract of land locally known as the Additional South-West Corner of Naval Air Station Annex, situated in Southampton Parish, Hamilton Island, Bermuda containing seven and zero seventy-fourths Acres (7.074± and being more particularly bounded and described as follows, to wit:

Beginning at an iron pin in the Easterly line of lands of Bermuda Government (formerly the Railway Right of Way), being 16.00 feet North Westerly along said Right of Way from the Northerly line of Tribe Road No. 5, Southampton. Thence, N 62° 10' 50" E a distance of 161.29 feet along lands now of Bermuda Government to a point; thence, N 82° 12' 03" E a distance of 45.87 feet along lands now of Bermuda Government to a point; thence, N 62° 10' 50" E a distance of 6.89 feet along lands now of Bermuda Government to a point; thence, S 28° 18' 20" E a distance of 10.00 feet along lands now of Bermuda Government to a point; thence, N 67° 30' 00" E a distance of 602.00 feet along lands now of Bermuda Government to an iron pin; thence, N 23° 58' 46" W a distance of 373.33 feet through lands of U.S. Navy to an iron pin, situated 20± feet from center line of Lexington Road; thence S 68° 34' 46" W a distance of 813.77 feet through lands of U.S. Navy and 20± feet Southerly from Lexington Road center line and through rough ground to an iron pin in the Easterly line of lands of Bermuda Government (formerly Railway Right of Way); thence, S 21° 31' 20" E a distance of 61.42 feet along Easterly line of lands of Bermuda Government (formerly Railway Right of Way) to a point; thence, S 21° 33' 50" E a distance of 49.60 feet along aforesaid lands of Bermuda Government to a point; thence, N 45° 00' 00" E a distance of 0.73 feet along aforesaid lands of Bermuda Government to a point; thence, S 23° 50' 50" E a distance of 194.60 feet along aforesaid lands of Bermuda Government to a point; thence, S 26° 14' 00" E a distance of 77.43 feet along aforesaid lands of Bermuda Government to the point of beginning. Being a polygonal shaped tract, bounded North by U.S. Navy, East by U.S. Navy, South by Bermuda Government and West by Bermuda Government, all as more fully shown on a map of survey number T-46 dated 22 November 1982, on file at the U.S. Naval Air Station, Public Works Department.

APPENDIX I-B

METES AND BOUNDS DESCRIPTION OF LEASE PROPERTY PARCEL "A"

Beginning at a point located northerly of the mooring dolphins at the U.S. Naval Air Station, Annex, said point being identified as the southeast corner of a concrete seawall; thence, leaving said point and running eastward along the mean high water line of Little Sound 198.5 feet to a point located in the mean high water line of Little Sound and identified as the true point of beginning; thence, N 6° 56' E, a distance of 356 feet, more or less; thence, N 84° 05' W, a distance of 64.15 feet; thence, N 3° 19' E, a distance of 183 feet; thence, N 82° 30' W, a distance of 201.2 feet; thence, N 6° 69' E, a distance of 575 feet, more or less, to a point located in the mean high water line of Great Sound; thence, eastward, southward and westward along the mean high water line of Great Sound and Little Sound to the true point of beginning; containing 25 acres of land, more or less, and being as shown on NAS Bermuda Drawing No. LP1-78.

II

*Her Majesty's Ambassador at Washington to the Secretary of State
of the United States of America*BRITISH EMBASSY
WASHINGTON

7 March 1985

Note No. 38

Sir,

I have the honour to acknowledge receipt of your Note of 7 March 1985 which reads as follows:

[*See note I*]

I have the honour to inform you that the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that your Note, together with its Appendices, and together with the present reply, shall constitute an agreement between the two Governments in this matter, which shall enter into force on the date of the present reply.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

D. H. A. HANNAY
For HM Ambassador