



PUBLIC ROAD EASEMENT

THIS EASEMENT, dated this 2nd day of February, 1993, from the UNITED STATES OF AMERICA, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to the City of Thorne Bay, Alaska, hereinafter called Grantee.

WITNESSETH:

WHEREAS, the Grantee has applied for a grant of an easement under the Act of October 13, 1964 (78 Stat. 1089, 16 U.S.C. 532-538), for a road over certain lands or assignable easements owned by the United States in the Ketchikan Recording District, State of Alaska, and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor does hereby grant to Grantee an easement for a public road and highway along and across a strip of land, hereinafter defined as the right-of-way over and across the lands in the Ketchikan Recording District, State of Alaska, as described on Exhibit A attached hereto.

The word "right-of-way" when used herein means said strip of land whether or not there is an existing road or highway located thereon. Except where it is defined more specifically, the word "highway" shall mean roads or highways now existing or hereafter constructed on the right-of-way or any segment of such roads or highways.

Right-of-way segment #1 is located on FDR 2030 through the E2NE4 Section 26, T71S, R83E, CRM, for a distance of 750 feet and a width of 200 feet. Segment #2 continues on FDR 2030 through the W 1/2 NW 1/4 of Section 25, T71S, R83E, CRM a distance of approximately 2750 feet to the junction of Road 2030970. The right-of-way width for this segment is 66 feet. Segment #3 is along Road 2030970 in the E 1/2 of Section 30 and a portion of Section 29, T71S, R84E, CRM to a point on the north boundary of State Selection #AA-53987. The width of this segment is 200 feet. These right-of-way segments are more specifically described in exhibit A, and are shown on the plat attached hereto and made a part hereof.

The center lines of the existing roads as now located and constructed is hereby deemed accepted by both Grantor and Grantee as the true center line of the easement granted.

This grant supercedes all previous existing grants to the grantee over the above described right-of-way.

This grant is made subject to the following terms, provisions, and conditions:

1. The Grantor reserves the right to use the road for itself and by its contractors for vehicles weighing up to 160,000 pounds gross vehicle weight (U-80 loads). The grantee agrees not to take actions as part of the reconstruction, operation, or maintenance of the road which would reduce the load limits. Seasonal load restrictions needed to protect the road from damage may be applied upon consultation with the government.
2. Outstanding valid claims, if any, existing on the date of this grant.
3. The easement herein granted is limited to use of the described right-of-way for the purpose of construction, operation, and maintenance of a highway in accordance with approved

plans, specifications, and stipulations described in the following conditions numbered 4 and 5, and does not include the grant of any rights for nonhighway purposes or facilities; Provided, That the Forest Service shall not exercise its right to use or authorize the use of any portion of the right-of-way for nonhighway purposes when such use would interfere with the free flow of traffic or impair the full use and safety of the highway; and Provided further, That nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction limits.

4. The design and construction of the highway project situated on this right-of-way shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor.
5. Any reconstruction of the highway situated on this right-of-way shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor or authorized representative prior to beginning such reconstruction.
6. Consistent with highway safety standards, the Grantee shall:
 - (a) Protect and preserve soil and vegetative cover and scenic and aesthetic values on the right-of-way outside of construction limits.
 - (b) Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation, or maintenance of the highway, and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed. The Grantee shall perform these activities where it is deemed necessary during a joint review between the authorized Forest Officer and Grantee prior to completion of the highway. The Grantee also shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be necessary to accomplish this objective. This provision also shall apply to waste disposal areas and slopes that are reshaped following slides that occur during or after construction.
7. The Grantee shall:

Establish no borrow, sand, or gravel pits; stone quarry; permanent storage areas; sites for highway-operation and maintenance facilities; camps; supply depots; or disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the authorized Forest Officer.
8. The Grantee shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.
9. The Grantee does by the acceptance of this document covenant and agree for itself, its assigns, and its successors in interest to the property here granted or any part thereof, that the covenant set forth below shall attach to and run with the land:
 - (a) That the Grantee shall operate the described property and its appurtenant areas and its buildings and facilities whether or not on the land therein granted as a public road, in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Department of

Agriculture and in effect on the date of this document to the end that no person in the United States shall, on the grounds of race, sex, color, religion, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activities provided thereon; and

(b) That the United States shall have the right to judicial enforcement of these covenants not only as to the Grantee, its successors and assigns, but also as to lessees and licensees doing business or extending services under contractual or other arrangements on the land therein conveyed.

The Chief, Forest Service, may terminate this easement, or any segment thereof, (1) by consent of the Grantee, (2) by condemnation, or (3) after a five (5) year period of nonuse, by a determination to cancel after notification and opportunity for hearing as prescribed by law.

IN WITNESS WHEREOF, the Grantor, by its Director of Lands, Minerals and Watershed Management, Alaska Region, USDA Forest Service, has executed this easement pursuant to the delegation of authority to the Chief, Forest Service, 7 CFR 2.60, and the delegation of authority by the Chief, Forest Service, dated August 22, 1984 (49 FR 34283), on the day and year first above written.

UNITED STATES OF AMERICA

By William G. Edwards

WILLIAM G. EDWARDS,
Director of Lands, Minerals and Watershed Management
Alaska Region
Forest Service
Department of Agriculture

CITY OF THORNE BAY, ALASKA)
1st JUDICIAL DISTRICT)SS)

This certifies that on this 2nd day of February, 1993 there personally appeared before me, a notary in and for the State of Alaska, William G. Edwards, who then and there in my presence executed the above instrument and he/she acknowledged to me under oath duly administered according to law by me that he/she had full authority as the Director, Lands, Minerals & Watershed so to do and that he/she had signed the above instrument freely and voluntarily of and that he/she had thus signed said instrument for the uses and purposes stated therein.

IN WITNESS WHEREOF I have affixed my signature and seal on the day and year above written.

Jacqueline R. Swanson
My Commission expires 11/16/96

Forest Service

The three rights-of-way are for an existing road which crosses National Forest land providing access to City of Thorne Bay and/or State of Alaska land.

Segment one begins approximately six miles west of the City of Thorne Bay at a point in the intersection of existing State Highway 929 (Previously Forest Development Road 30) and Forest Development Road (FDR) 2030, S68°17'W, 640 feet from the protracted position of the North 1/16th corner between Sections 26 and 25, T71S, R83E, Copper River Meridian (CRM); thence southeasterly approx 250 feet, thence easterly approximately 500 feet on FDR 2030 through the E 1/2 NE 1/4, Section 26, T71S, R83E, CRM to a point in the center of the roadway which is on the section line between sections 26 and 25, the west boundary of State Selection #AA-71739, which is S0°01'16"E, 305 feet from the protracted position of the North 1/16th corner between Sections 26 and 25, T71S, R83E, CRM. This road is locally known as Goose Creek Road. The right-of-way width is 200 feet.

Segment two begins at the same point where Segment one ends on the section line on the west boundary of State Selection #AA-71739; thence northeasterly on FDR 2030 through the W 1/2 NW 1/4 of Section 25, T71S, R83E, CRM a distance of approximately 2750 feet to the junction of Road 2030970 at a point which is N86°16'E, 1230 feet from the protracted position of the North 1/16th Corner between Sections 26 and 25, T71S, R83E, CRM. The right-of-way width is 66 feet. This portion of road is a continuation of the road known locally as the Goose Creek Road (FDR 2030).

Segment three begins on the east boundary of State Selection #AA71739 on the north-south centerline of Section 30, T71S, R84E, CRM at a point in the center of Road 2030970 which is N0°07'W, 150 feet from the protracted location of the Center 1/4 of Section 30, T71S, R84E, CRM; thence southeasterly approximately 250 feet, thence northwesterly approximately 5,500 feet, thence southeasterly approximately 12,000 feet, thence southernly approximately 800 feet along Road 2030970 through National Forest System land in the E 1/2 of Section 30 and a portion of Section 29, T71S, R84E, CRM to a point in the center of the road which is on the north boundary of State Selection #AA-53987 and on the section line between Sections 29 and 32, 375 feet West from the protracted position of the East 1/16th Corner between Sections 29 and 32, T71S, R84E, CRM. This segment of road is locally known as the South Thorne Bay Road. The right-of-way width is 200 feet.

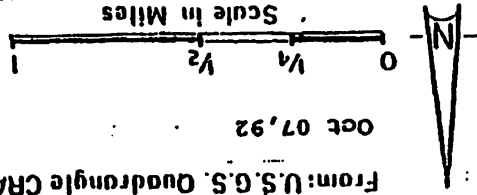
The center lines of the existing roads as now located and constructed is hereby deemed accepted by both Grantor and Grantee as the true center line of the easement granted.

This township has not been surveyed. The legal descriptions are based on the Bureau of Land Management Master Title Plat projection diagrams.

LEGEND

— PROPOSED ROAD EASEMENT
 --- STATE BOUNDARY

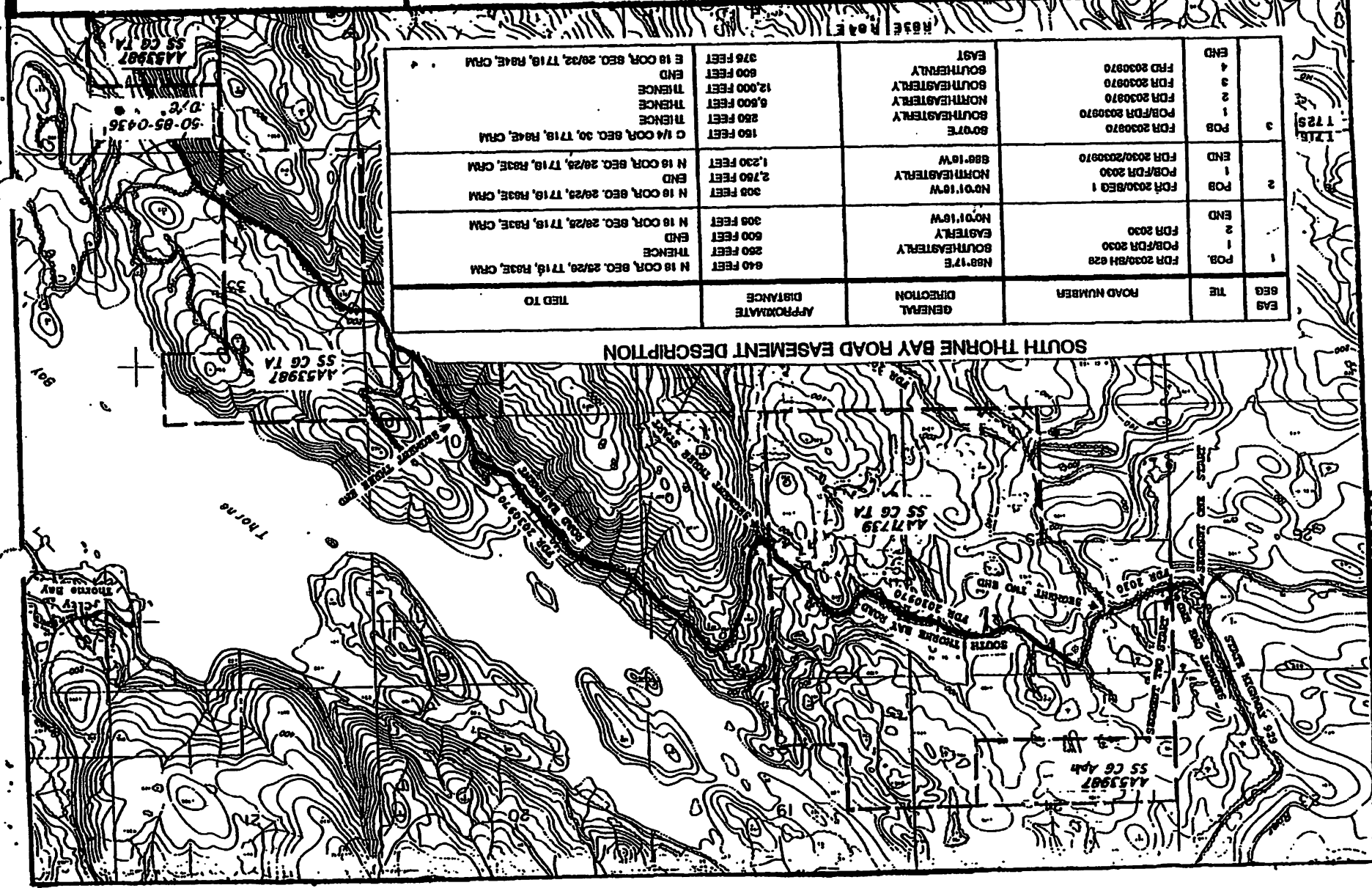
From: U.S.G.S. Quadrangle CRAIG (C-2), N.W.
 Oct 07, '92



THORNE BAY EASEMENT
 T71S, R83E, C.R.M.
 T71S, R84E, C.R.M.

EAS	SEG	TI	ROAD NUMBER	GENERAL DIRECTION	APPROXIMATE DISTANCE	TIED TO
		1	POB. FOR 2030/8H 828 FOR/DR 2030	SOUTHEASTERLY EASTERLY	640 FEET 200 FEET 600 FEET	N 18 COR. SEC. 29/29, T71S, R83E, C.R.M. THENCE E 18 COR. SEC. 29/29, T71S, R83E, C.R.M.
		2	FOR 2030	N00'16W	308 FEET	N 18 COR. SEC. 29/29, T71S, R83E, C.R.M.
		1	POB/DR 2030 FOR 2030/8EG 1	N00'16W NORTH-EASTERLY	308 FEET 2,760 FEET	N 18 COR. SEC. 29/29, T71S, R83E, C.R.M. E 18 COR. SEC. 29/29, T71S, R83E, C.R.M.
		2	FOR 2030/8EG 1 FOR 2030/2030	N00'16W	308 FEET 1,230 FEET	N 18 COR. SEC. 29/29, T71S, R83E, C.R.M.
		3	FOR 2030/820 FOR/DR 2030/820	SOUTHEASTERLY SOUTHEASTERLY	150 FEET 850 FEET	C 1/4 COR. SEC. 30, T71S, R84E, C.R.M.
		1	POB/DR 2030/820	SOUTHEASTERLY	250 FEET	THENCE
		2	FOR 2030/820	NORTH-EASTERLY	8,600 FEET	THENCE
		3	FOR 2030/820	SOUTHEASTERLY	12,000 FEET	THENCE
		4	FRD 2030/820	SOUTHERLY	800 FEET	END
		4	FRD 2030/820	EAST	378 FEET	E 18 COR. SEC. 29/29, T71S, R84E, C.R.M.

SOUTH THORNE BAY ROAD EASEMENT DESCRIPTION



50-85-0436
 0/2
 A453987
 SS CG TA

A453987
 SS CG TA

A453987
 SS CG 1/4

A47739
 SS CG TA

Q3-515

KETCHIKAN

30

FEBRUARY 8 93

1:50 P

RETURN TO US FOREST

FEDERAL BUILDING
KETCHIKAN AK 99901

ATTN: R L + M

**U.S. Patent****50-2007-0528**

Please record this cover page as the first page of the document. Document should be indexed as follows:

RECORDING DISTRICT:

Ketchikan Recording District

DOCUMENT TYPE:

Deed

FILE TYPE/NUMBER:

NFCG-354

GRANTOR:

1. United States of America
2. Department of the Interior
3. Bureau of Land Management

LEGAL DESCRIPTION:

See attached document for legal description

GRANTEE:

1. State of Alaska
2. Department of Natural Resources
3. Division of Mining Land and Water

AFTER RECORDING RETURN TO:

State of Alaska
Department of Natural Resources
Division of Mining, Land & Water
Realty Services/Title Administration
550 W. 7th Avenue, Suite 1050A
Anchorage, AK 99501-3579

STATE BUSINESS NO CHARGE

The United States of America

To all to whom these presents shall come, Greetings:

Patent

AA-71739
NFCG

This Patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska, 99513-7504, as GRANTEE, to the State of Alaska, Department of Natural Resources, Division of Mining, Land and Water, 550 West Seventh Avenue, Suite 1050A, Anchorage, Alaska, 99501-3579, for lands in the Ketchikan Recording District.

WHEREAS

State of Alaska

is entitled to a Land Patent for the purpose of furthering the development of and expansion of communities, pursuant to Sec. 6(a) of the Alaska Statehood Act of July 7, 1958, Pub. L. 85-508, 72 Stat. 339, as amended, for the following described lands:

Copper River Meridian, Alaska

T. 71 S., R. 83 E.,
Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 25, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

Containing 760.00 acres as shown on plat of survey officially filed October 11, 1996.

T. 71 S., R. 84 E.,
Sec. 19, lots 1 and 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$.

Containing 423.51 acres as shown on plat of survey officially filed October 11, 1996.

Aggregating 1,183.51 acres.

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NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant, the land above-described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, forever.

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890. 43 U.S.C. 945; and
2. The following right-of-way appropriated by the United States, over or upon the lands, together with the right of the United States, its officers, employees, agents, contractees, lessees, permittees, or assignees to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated, under the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371 at 2442. 43 U.S.C. 1635.
 - a. Forest Development Road No. 2030000, AA-73192, sixty-six (66) feet in width across Sec. 25, T. 71 S., R. 83 E., Copper River Meridian.

Additional information regarding the use and location of the above-described roads can be obtained from the following office of the U.S. Forest Service:

Tongass National Forest
Thorne Bay Ranger District
1312 Federal Way
P.O. Box 19001
Thorne Bay, Alaska 99919-0001

Patent No. 50-2007-0528

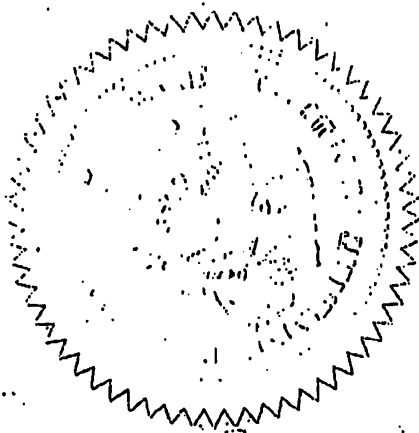
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PROVIDED, that if the Regional Forester determines that the said right-of-way or easement, or any portion thereof, is no longer needed for the purposes reserved, and that the Commissioner, Department of Natural Resources, accepts said right-of-way or easement, the right-of-way or easement shall terminate upon execution and delivery of a statement in recordable form furnished by the Regional Forester to the State of Alaska, or its successors or assigns in interest.



In TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in ANCHORAGE, ALASKA the EIGHTEENTH day of JUNE in the year of our Lord Two Thousand and SEVEN and of the Independence of the United States the two hundred and THIRTY-FIRST.

By Richard Thwaites
Richard Thwaites
Chief, Branch of Land Transfer Services

Return Recorded Document to:

Allen Eddy
State of Alaska, Department of Natural Resources
Realty Services Section
550 West 7th Avenue, Suite 1050 A
Anchorage, AK 99501-3579

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