



Recording Cover Sheet

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

RECORDING DISTRICT:

Kenai

DOCUMENT TITLE:

Easement

FILE TYPE/NUMBER:

ADL 16995

GRANTOR:

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

LEGAL DESCRIPTION:

Index document according to location index and legal description listed on page(s) 1 & 6

GRANTEE:

1. Department of Public Works
2. Division of Highways

AFTER RECORDING RETURN TO:

Department of Natural Resources
Division of Mining, Land & Water
Southcentral Regional Office
Easement Unit, Attn: Recording Project
550 W. 7th Avenue, Suite 900C
Anchorage, AK 99501-3579

STATE BUSINESS NO CHARGE

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS

Form No. DL 72

ADL No. 16995

RIGHT-OF-WAY PERMIT

THIS AGREEMENT made and entered into this 18th day of September, 19 61, by and between the STATE OF ALASKA, acting by and through the Department of Natural Resources, Division of Lands, hereinafter referred to as the grantor and Dept. of Public Works, Division of Highways hereinafter referred to as the permittee.

WITNESSETH, that in accordance with the provisions of Chapter 169, SLA 1959, and the rules and regulations promulgated thereunder, the permittee having filed an application for a right-of-way for: Highway

with the Division of Lands together with a map showing the definite location thereon of the line of right-of-way which the permittee has adopted and agrees to be the specific and definite location of the aforesaid right-of-way, and

WHEREAS, it is understood and agreed by the permittee herein that, as a condition to the granting of the right-of-way applied for, the land covered by said right-of-way shall be used for no purpose other than the location, construction, operation and maintenance of the said right-of-way over and across the following described State lands, to wit:

Section Twenty-three (23). Township Eight North (T. 8 N.), Range Eleven West (R. 11 W.), Seward Meridian. (SM).

A-1844

running (see plat) 6.198 miles and/or containing 6.198 acres, more or less and shall extend a width of plat feet on either side of the center line of said location. until the above described land shall no longer be used for highway

TO HAVE AND TO HOLD the same ~~for the period ending the _____ day of _____~~ R/W purposes, ~~and~~ and subject to conditions and reservations elsewhere set forth herein, for which the permittee agrees to pay to the State of Alaska the sum of No/100 dollars, said amount to be due and payable as follows:

The sum of No/100 (\$ 00) dollars, the receipt of which is hereby acknowledged and ~~received~~ No/100

This right-of-way is granted upon the following terms and conditions, to wit:

The permittee shall pay rentals in advance for each year. Any failure to make such payment shall constitute a default and should the default continue for 60 days, the grantor may, upon written notice, terminate or revoke this permit. After

NOT APPLICABLE

NOT APPLICABLE



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9/12/62
BMS

default has occurred no structure, building or other equipment may be removed from the right-of-way without the written permission of the grantor.

At any time not less than five years after approval of this permit or after the last opportunity for revision of rates per year hereunder, the grantor may review such rates and impose new annual rates as he may deem reasonable and proper.

The sketch map revealing the right-of-way granted herein shall be attached hereto and made a part hereof.

In the event that the right-of-way herein granted shall in any manner conflict with or overlap a previously granted right-of-way the permittee herein shall use this right-of-way in such a manner as not to interfere with the peaceful use and enjoyment of the previously issued right-of-way and no improvements shall be constructed by the permittee herein upon the overlapping area unless the consent therefor has first been obtained from the permittee under the pre-existing right-of-way.

The permittee in the exercise of the rights and privileges granted by this indenture shall comply with all regulations now in effect or as hereafter established by the Division of Lands and all other Federal, State or municipal laws, regulations or ordinances applicable to the area herein granted.

Upon abandonment, termination, revocation or cancellation of this indenture, except for failure to pay rental, the permittee shall within 90 days remove all structures and improvements from the area herein granted, except those owned by the grantor, and shall restore the area to the same or similar condition as the same was upon the issuance of this permit. Should the permittee fail or refuse to remove said structures or improvements, within the time allotted, they shall revert to and become the property of the grantor. However, the permittee shall not be relieved of the cost of the removal of the structures, improvements and/or the cost of restoring the area. Provided further, however, that the grantor, in his discretion, may alter or modify the requirements contained in this provision if it is to the best interest of Alaska to do so.

The permittee shall utilize the lands herein granted consistent with the purposes of the proposed use, as revealed by the application therefor, and shall maintain the premises in a neat and orderly manner and shall adopt and apply such safety measures as shall be necessary, proper and prudent with respect to the use to which the land is subjected.

The permittee shall take all reasonable precaution to prevent and suppress brush and forest fires. No material shall be disposed of by burning in open fire during the closed season unless a permit therefor has first been obtained from the agency empowered by law to issue such permits.

Prior to any construction or development that will use, divert, obstruct, pollute or utilize any of the waters of the State, the permittee shall first obtain approval therefor from the Commissioner of the Department of Fish and Game and file an image copy thereof with the grantor.

This permit is issued subject to the special condition attached hereto, and made a part hereof, designated as page 5 of this permit.



Any lands included in this permit which are sold under a contract to purchase shall be subject to this permit and rental shall be collected thereon by the grantor until such time as the purchaser shall have completed his contract and secured title to the land. Upon issuance of title to the purchaser, this permit shall remain in effect until its date of expiration.

In case the necessity for the right-of-way shall no longer exist, or the permittee should abandon or fail to use the same, then this permit shall be revoked or terminated.

The State of Alaska shall be forever wholly absolved from any liability for damages which might result to the permittee herein on account of this permit having been cancelled, forfeited, or terminated prior to the expiration of the full time for which it was issued.

The permittee shall not sublet or assign the right-of-way herein granted, or this permit, without the written consent of the grantor.

NOW THEREFOR, in accordance with the provisions of Chapter 169, SLA 1959, and the rules and regulations promulgated thereunder and in accordance with the conditions heretofore set forth or attached hereto and made a part hereof, the permittee herein is hereby authorized to locate, construct, operate and maintain said right-of-way over and across the lands herein described.

IN WITNESS WHEREOF, the said grantor has caused these presents to be signed in duplicate and the permittee herein has hereunto affixed his signature on the day and year first above written.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

This is to certify that this is a true and correct copy as the same appears in the records of the Department of Natural Resources.

By: [Signature]
Director, Division of Lands

[Signature]
Department of Natural Resources

Date 12/13/18

x [Signature]

Permittee

UNITED STATES OF AMERICA)
State of Alaska) ss.

This is to certify that on the 9th day of October, 1961, before me, the undersigned Notary Public, personally appeared ROSCOE E. BELL known to me and known by me to be the Director of the Division of Lands of the Department of Natural Resources, and acknowledged to me that he executed the foregoing instrument for and on behalf of said State, freely and voluntarily and for the use and purposes therein set forth.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Dale J. Owen

Notary Public in and for the State of Alaska. My commission expires MARCH 27, 1965

UNITED STATES OF AMERICA)
State of Alaska) ss.

This is to certify that on this 2nd day of October, 19 61, before me, the undersigned, a Notary Public in and for Alaska duly commissioned and sworn, personally appeared T. D. Sherard to me personally known to be one of the persons described in and who executed the within instrument and the said Mr. Sherard acknowledged to me that he signed and executed the same freely and voluntarily for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Walter O. Ingram

Notary Public in and for the State of Alaska. My commission expires _____

ASSIGNMENT OF RIGHT-OF-WAY

Date: _____, 19____.

The application of _____ for permission to assign right-of-way # _____ and the application _____ for the assumption of said right-of-way, having been duly considered this _____ day of _____, 19____, and without waiver of State rights which may exist against the right-of-way assigned, and with this consent not to be construed as initiating any new rights in assignee of right-of-way, consent is hereby given for the assignment applied for and it is hereby ordered that the said right-of-way # _____ and all rights thereunder be and are hereby transferred to the said _____.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

By _____
Director, Division of Lands



The permittee accepts this permit with the express understanding that the same is conditional in nature. The Grantor has either selected the lands over which this right of way is to traverse or intends to select the same and reasonably believes that it will ultimately be vested with title thereto. Upon title being vested in the Grantor this permit shall become an unconditional right in the permittee subject, however, to all other terms and conditions stipulated herein. In the event, however, that the Grantor does not receive title to the lands herein described then this permit shall become null and void and it shall then become the obligation of the permittee to either abandon said right of way or initiate such action as shall be necessary to procure a right of way from other source or sources having the power to grant such permit over the lands herein described.

Attached to and made a part of right of way permit ADL 16995 dated September 18, 1961.

Accepted:

J. D. Shuard

Permittee

Date: _____



USE ANCHORAGE ADDRESS FOR:

DIVISION OF AVIATION
GLOVER BLDG., ROOM 202
ANCHORAGE, ALASKA

DIVISION OF AIR TERMINALS
P.O. BOX 6-243
ANCHORAGE, ALASKA

STATE OF ALASKA

DEPARTMENT OF PUBLIC WORKS

P.O. BOX 1361
JUNEAU, ALASKA

RICHARD A. DOWNING - COMMISSIONER

1306 East 4th Avenue
Anchorage, Alaska

July 10, 1961

16:05

USE JUNEAU ADDRESS FOR:

DIVISION OF HIGHWAYS

DIVISION OF BUILDINGS

DIVISION OF COMMUNICATIONS

DIVISION OF WATER & HARBORS

DIVISION OF PROPERTY & SUPPLY

DIVISION OF EQUIPMENT OPERATION

SOUTHEASTERN REGION

File Ref: 2-09-88

In reply please refer to:

Project No. S-0490(3)
from end present construction
near Nikishka Bay (N.Kenai) NE
Parcel No. A-1844

Mr. Roscoe E. Bell, Director
State of Alaska
Department of Natural Resources
Division of Lands
344 Sixth Avenue
Anchorage, Alaska

Dear Sir:

Transmitted herewith are three (3) copies of the application and three (3) prints covering the State of Alaska, Department of Public Works, Division of Highways request for Free Use Right of Way Permit on the following described lands:


All that portion of the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 23, Township 8 North, Range 11 West, Seward Meridian, more particularly described as follows:

BEGINNING at a point that is distant N 49°43'41" W 3269.7 feet from the southwest corner of said Section 23, said point being distant N 10°18'30" E 100 feet from Engineer's centerline Station 1116+97.1 P.T. Thence (1), S 79°41'30" E 1210 feet, more or less, to the intersection thereof with the easterly boundary of said northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$; thence (2), southerly 200 feet, more or less, along last said line to the intersection thereof with a line that is parallel with and 100 feet right of centerline; thence (3), N 79°41'30" W 1240 feet, more or less, along last said line to a point that is distant S 10°18'30" W 100 feet from said Engineer's centerline Station 1116+97.1 P.T.; thence (4), along a curve to the left having a radius of 2765 feet for an arc length of 100 feet, more or less, to the intersection thereof with the westerly boundary of said northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$; thence (5), northerly 200 feet, more or less, along last said line to the intersection thereof with a curved line that is concentric with and 100 feet left of the centerline; thence (6), easterly 140 feet, more or less, along last said line to the point of beginning, containing 6.198 acres, more or less.

Your early attention to this matter will be appreciated.

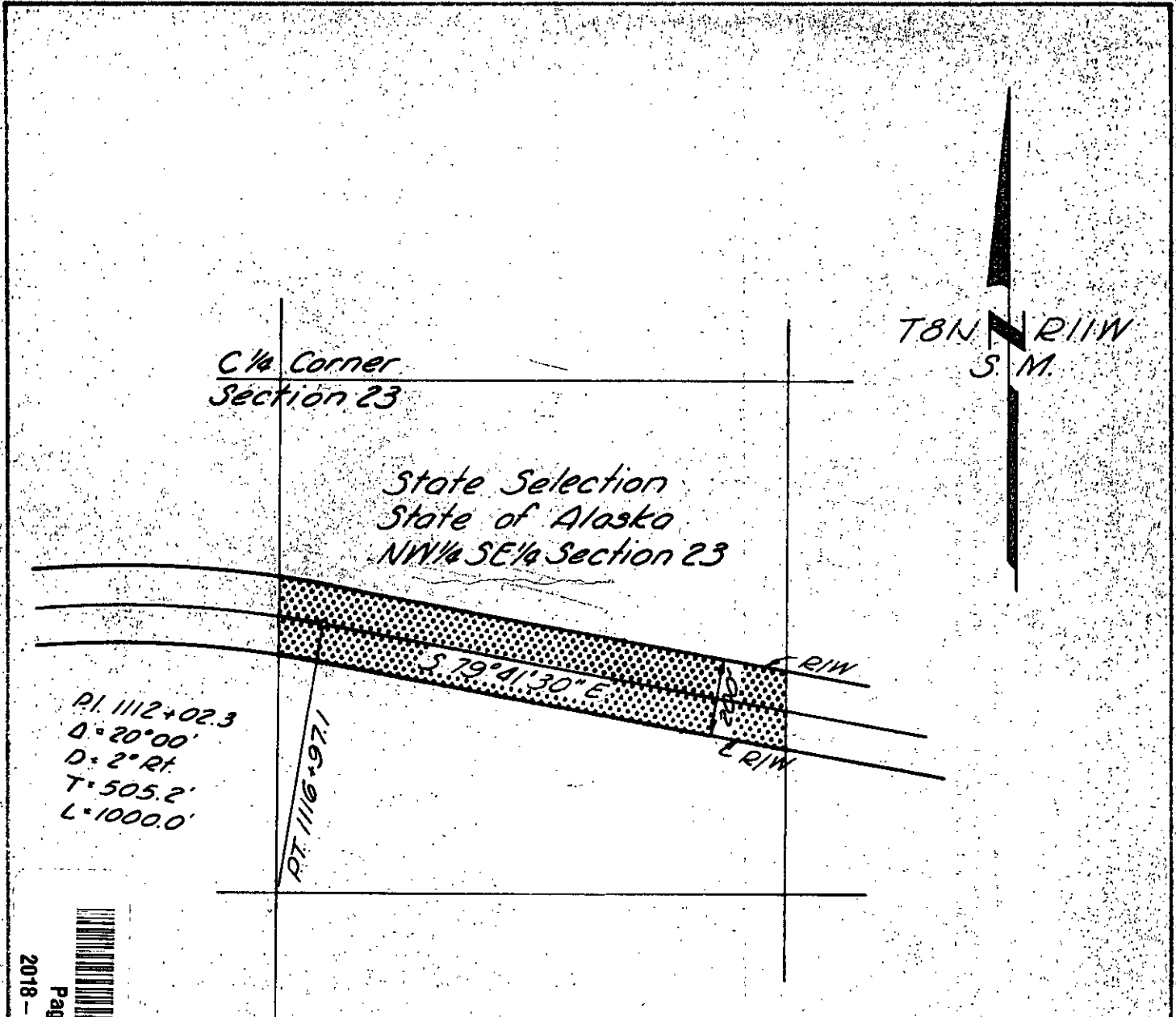
Very truly yours,

T. D. SHERARD, P.E.
Director of Highways

By 
ALFRED A. BACA
State Right of Way Agent

AOlson:ne
Encl (Application & Prints)





Area thus shown contains 6.198 acres more or less

STATE OF ALASKA DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS	RIGHT OF WAY PLAT North Kenoi Highway	
	Dwn: L.T.	Project No. S-0490(3)
	Scale: 1"=400' Date: 7-17-61	Parcel No. A-1844

