

AMENDMENT NO. 1

TO

PERMIT, AVIGATION AND HAZARD EASEMENT, AND
RIGHT OF WAY

ADL Serial No. 53582

WHEREAS the STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF LANDS, granted a PERMIT, AVIGATION AND HAZARD EASEMENT, AND RIGHT OF WAY, ADL Serial No. 53582, to the STATE OF ALASKA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF AVIATION, its successors and assigns, on May 15, 1969, and

WHEREAS said document granted certain rights and privileges to the STATE OF ALASKA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF AVIATION, its successors and assigns, as set forth therein, as to certain tide and submerged lands described by metes and bounds and identified as being encompassed in Alaska Tidelands Surveys No's. 20, 22, 23 and 24, and

WHEREAS a recent check disclosed that the total acreage bounded by the metes and bounds description of lands encompassed within Alaska Tidelands Survey No. 22 was designated as having an area of 13.31 acres, more or less, instead of 13.01 acres, more or less, and

WHEREAS, the Tide and Submerged Lands encompassed in Alaska Tidelands Survey No. 23 are no longer under lease, ATS 23 has been officially cancelled and has been merged within Amended Alaska Tidelands Survey No. 802, and

NOW THEREFORE, the aforementioned PERMIT, AVIGATION AND HAZARD EASEMENT, and RIGHT OF WAY, dated May 15, 1969, is amended as to the acreage encompassed in the metes and bounds description of the tide and submerged lands designated as Alaska Tidelands Survey No. 22 to 13.01 acres, more or less and that portion of the agreement serialized ADL 53582 as relates to ATS 23 is null and void.

FURTHER, the PERMIT, AVIGATION AND HAZARD EASEMENT, ADL Serial No. 53582, as amended, shall remain in full force and effect.

Dated this 16th day of March, 1971 at Anchorage, Alaska.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS

By:



F. J. Keenan, Director

EXHIBIT B

PERMIT, AVIGATION AND HAZARD EASEMENT, AND

RIGHT-OF-WAY

WHEREAS the STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF LANDS, hereinafter called the DIVISION OF LANDS, pursuant to authority vested in it by the Alaska Land Act, Chapter 169, Session Laws of Alaska, 1959 and amendments thereto, may grant interests in tide and submerged lands, and.

WHEREAS the DIVISION OF LANDS leased to the KETCHIKAN PULP COMPANY, a Corporation corporation, certain tide and submerged lands lying seaward of the mean high tide line in the Tongass Narrows, Ketchikan Recording District, First Judicial District, State of Alaska, more particularly described as follows:

Alaska Tidelands Survey No. 24 located in protracted Sections 15 and 16, Township 75 South, Range 90 East, Copper River Meridian, according to the replat thereof drawn December 27, 1968 (ADL No. 02453) as follows:

Commencing at Corner No. 1 the true point of beginning of this description and being common to M.C. No. 24 of U. S. Survey No. 3840, Alaska;

- thence N 54° 36' W a distance of 114.38 feet to Corner No. 2;
- thence N 81° 34' W a distance of 174.77 feet to Corner No. 3;
- thence N 06° 39' E a distance of 161.44 feet to Corner No. 4;
- thence N 22° 26' W a distance of 570.57 feet to Corner No. 5;
- thence S 29° 21' W a distance of 217.80 feet to Corner No. 6;
- thence N 76° 58' W a distance of 341.48 feet to Corner No. 7;
- thence N 30° 53' E a distance of 198.00 feet to Corner No. 8;
- thence N 14° 13' W a distance of 287.89 feet to Corner No. 9;
- thence N 21° 30' W a distance of 487.50 feet to Corner No. 10;
- thence East a distance of 478.00 feet to Corner No. 11;
- thence S 45° 49' 30" E a distance of 871.32 feet to Corner No. 12;
- thence S 50° 45' W a distance of 219.12 feet to Corner No. 13;
- thence S 30° 30' W a distance of 110.22 feet to Corner No. 14;
- thence S 40° 45' E a distance of 435.60 feet to Corner No. 15;
- thence S 10° 15' E a distance of 233.64 feet to Corner No. 16;
- thence S 31° 45' E a distance of 13.18 feet to Corner No. 17;
- thence S 14° 45' W a distance of 68.64 feet to Corner No. 18;
- thence S 30° 45' E a distance of 102.96 feet to Corner No. 19;
- thence S 19° 15' W a distance of 44.88 feet to Corner No. 20;
- thence N 57° 30' W a distance of 85.80 feet to Corner No. 21;

EXHIBIT B

thence S 70° 30' W a distance of 46.86 feet to Corner No. 22;

thence N 64° 00' W a distance of 89.10 feet to Corner No. 1, the true point of beginning.

This tract of tide and submerged lands having an area of 20.382 acres, more or less.

Amended Alaska Tidelands Survey No. 23 located in protracted Section 15, Township 75 South, Range 90 East, Copper River Meridian, according to the replat thereof drawn December 27, 1966, (ADL No. Amended 02431) as follows:

Commencing at Corner No. 1 the true point of beginning of this description and being common to Corner No. 2 of Alaska Tidelands Survey No. 576;

thence N 82° 37' W a distance of 50.18 feet to Corner No. 2;

thence N 67° 37' W a distance of 108.90 feet to Corner No. 3;

thence N 06° 47' W a distance of 203.74 feet to Corner No. 4;

thence N 27° 06' W a distance of 847.57 feet to Corner No. 5;

thence N 35° 55' W a distance of 282.33 feet to Corner No. 6;

thence N 59° 15' E a distance of 400.00 feet to Corner No. 7;

thence S 32° 14' 10" E a distance of 1468.758 feet to Corner No. 8;

thence S 68° 36' W a distance of 198.48 feet to Corner No. 9;

thence N 82° 37' W a distance of 198.48 feet to Corner No. 10;

thence S 07° 23' W a distance of 150.00 feet to Corner No. 1, the true point of beginning.

This tract of tide and submerged lands having an area of 13.94 acres, more or less.

Alaska Tidelands Survey No. 20, located in protracted Sections 23 and 26, Township 75 South, Range 90 East, Copper River Meridian, according to the replat thereof drawn December 24, 1968, (ADL No. 02426) as follows:

Commencing at Corner No. 1 the true point of beginning of this description from which Meander Corner No. 18 of U. S. Survey No. 1600 bears N 20° 03' W a distance of 174.24 feet;

thence N 60° 48' E a distance of 250.00 feet to Corner No. 2;

thence S 39° 01' 18" E a distance of 1126.13 feet to Corner No. 3;

thence S 57° 00' W a distance of 225.00 feet to Corner No. 4;

thence S 42° 00' E a distance of 577.00 feet to Corner No. 5;

thence S 10° 15' E a distance of 137.94 feet to Corner No. 6;

thence S 58° 57' W a distance of 130.66 feet to Corner No. 7;

AND RIGHT-OF-WAY to be granted by the DIVISION OF LANDS to the STATE OF ALASKA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF AVIATION.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the DIVISION OF LANDS, for itself, its successors and assigns, does hereby grant, bargain, sell and convey unto the DIVISION OF AVIATION, its successors and assigns, for the use and benefit of the public, a PERMIT, AVIGATION AND HAZARD EASEMENT AND RIGHT-OF-WAY, appurtenant to the Ketchikan Airport, for the unobstructed passage of all aircraft, by whomsoever owned and operated, in airspace over the above described tide and submerged lands, together with the right of all aircraft to cause such noise, vibrations, fumes, dust, fuel particles, and other effects as may be inherent in the operation of aircraft.

The right for the DIVISION OF AVIATION, its successors and assigns, to clear and keep clear the described tide and submerged lands from any and all obstructions infringing upon or penetrating the Airport Imaginary Surfaces for the Ketchikan Airport 7,500 foot runway, or any future extension thereof, as such surfaces are defined in Part 77 of the Federal Aviation Regulations, as amended. The right to clear and keep clear includes, but is not limited to, the right to remove rocks, reefs and breakwaters and to demolish or remove buildings, wharves, docks, dolphins, piles, or any other structures or obstructions of every description which may infringe upon or extend into or above the designated Airport Imaginary Surfaces; together with the right of reasonable ingress and egress for the purposes of removing obstructions and maintaining the Airport Imaginary Surfaces clear of obstructions.

The right for the DIVISION OF AVIATION to prohibit use on or remove from the above described tide and submerged lands any installation or object which would create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and other lights, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

In exercising its rights to clear and keep clear the tide and submerged lands from any and all obstructions as defined in Part 77 of the Federal Aviation Regulations, as amended, and to remove any installation or object creating hazards as defined herein, the DIVISION OF AVIATION will avoid, to the extent possible, damaging or disrupting log storage and mooring dolphins of the KETCHIKAN PULP COMPANY which may be located on and in areas described above.

FURTHER the DIVISION OF LANDS reserves for its' LESSEE, the KETCHIKAN PULP COMPANY the right to reasonable use and enjoyment of the tide and submerged lands described above, to the extent that such use and enjoyment shall never interfere with the exercise of the Permit, Avigation and Hazard Easement, and Right-of-Way rights herein granted.

It is mutually understood and agreed that this Permit, Avigation and Hazard Easement and Right-of-Way shall be granted from the _____, 1968 to and including the 6th day of February, 2017. It is further understood and agreed that this Permit, Avigation and Hazard Easement and Right-of-Way will automatically be extended for a period of twenty-five years, upon receipt of an application for extension in writing to the DIVISION OF LANDS 30 days prior to the 6th day of February, 2017.

TO HAVE AND TO HOLD unto the STATE OF ALASKA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF AVIATION, its successors and assigns to the time above specified.

1969. WITNESS my hand on this 15 day of May A.D.

STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF LANDS

By: [Signature]
Director

CONCURRENCE AND APPROVAL:

KETCHIKAN PULP COMPANY

By: [Signature]
President

By: _____