

cl

A
L
A
S
K
A

2014-011098-0

Recording District 302 Kenai

12/22/2014 11:55 AM Page 1 of 7



THIS COVER SHEET HAS BEEN ADDED TO THIS DOCUMENT TO PROVIDE RECORDING DATA.

Record in: Kenai Recording District

Document Type: Miscellaneous

Document Title: Order Granting Joint Motion for Approval of Survey Pending Outcome of Appeal: Alaska v Offshore Systems – Kenai, Third Judicial District at Kenai, Case No. 3KN-08-453

Associated Document: Alaska Patent 5124 recorded in Book 157, page 818, Kenai Recording District.

Property Description: Lot 1,
N ½ Gov't Lot 3 and
NW ¼ of NW ¼ of SE ¼
All in Section 36 T8N, R12W, Seward Meridian

Index: Legal Description (above)
Nikishka Beach Road Public Access Easement and Right of Way

Return to:

Alaska Dep't of Transportation & Public Facilities
 Central Region – Right of Way Engineering
 P.O. Box 196900
 Anchorage, AK 99519-6900

STATE BUSINESS – NO CHARGE

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT KENAI

STATE OF ALASKA

Plaintiff,

KENAI PENINSULA BOROUGH, a
municipal corporation

Intervenor,

v.

OFFSHORE SYSTEMS – KENAI, an
Alaskan partnership

Defendant.

Case No. 3KN-08-453 Civ.

**ORDER GRANTING JOINT MOTION FOR APPROVAL OF SURVEY
PENDING OUTCOME OF APPEAL**

The Court, having received the parties' Joint Motion for Approval of Survey, and having reviewed the 4-page survey, Exhibit A to this order, hereby grants the motion. Therefore, it is ordered:

(1) that although the parties continue to disagree with one another about whether the survey, Exhibit A, precisely depicts the roads, rights of way, and easements declared in the Court's memorandum order dated April 6, 2010, the survey sufficiently describes the declared roads, rights of way, and easements so as to protect the State's, the Borough's, and OSK's interests until the Alaska Supreme Court renders its decision on OSK's appeal;

RONALD L. BAIRD
ATTORNEY AT LAW

P.O. Box 100440
ANCHORAGE, ALASKA
99510-0440

431 W. 7TH AVENUE, B
SUITE 204
ANCHORAGE, ALASKA

907-565-8818
FAX 907-565-8819

State of Alaska v. Offshore Systems-Kenai
Case No. 3KN-08-453 Civ



Page 2 of 7
2014-011088-0

Order Granting Joint Motion
Page 1 of 2

FEB 14 2011

(2) that the survey, Exhibit A, and this order approving the survey, are without prejudice to any party's position in the appellate proceedings in this matter, now pending before the Alaska Supreme Court; and

(3) that consistent with this Court's June 2, 2010 order authorizing the survey, the survey (Exhibit A) does not describe and is therefore without prejudice to rights of way, easements, or encumbrances other than those specifically declared in the Court's April 6, 2010 memorandum order.

IT IS SO ORDERED this 17th day of February, 2011.

Anna M. Moran
Superior Court Judge

Certificate of Service

The undersigned hereby certifies that a true and accurate copy of the foregoing proposed document was delivered/mailed on the ___ day of _____, 2011 to:

Dana S. Burke
Assistant Attorney General
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501

Scott Bloom
Assistant Borough Attorney
144 N. Binkley Street
Soldotna, Alaska 99669-7520

Clay A. Young
Delaney Wiles, Inc.
1007 West 3rd Avenue, Suite 400
Anchorage, AK 99501

Ronald L. Baird
P.O. Box 100440
Anchorage, AK 99510-0440

CERTIFICATION OF DISTRIBUTION

I certify that a copy of the foregoing was mailed/faxed/court box to the following at their addresses of record: Burke,

Bloom, Young, Baird

Date: 2-18-11 Clerk JSD

I certify that this is a full, true and correct copy of an original document on file in the Alaska Trial Courts at Kenai.

Witness my hand and the seal of this court.

Date: 2/17/11
Magistrate/Clerk

RONALD L. BAIRD
ATTORNEY AT LAW
P.O. Box 100440
ANCHORAGE, ALASKA
99510-0440

431 W. 7TH AVENUE
SUITE 204
ANCHORAGE, ALASKA

907-565-8818
FAX 907-565-8819

State of Alaska v. Offshore Systems-Kenai
Case No. 3KN-08-453 Civ



Page 3 of 7
2014-011098-0

Order Granting Joint Motion
Page 2 of 2



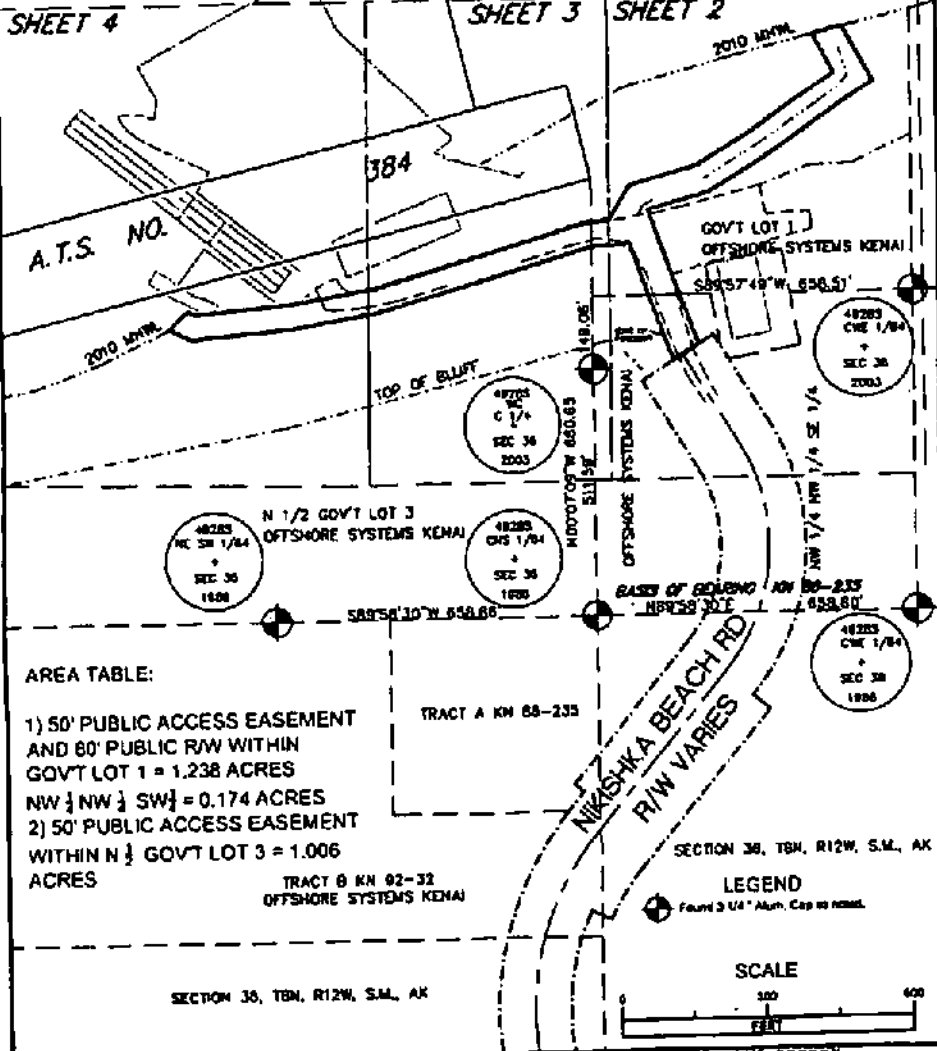
A.T.S. NO. 647

COOK INLET

SHEET 4

SHEET 3

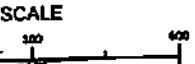
SHEET 2



AREA TABLE:

- 1) 50' PUBLIC ACCESS EASEMENT AND 60' PUBLIC R/W WITHIN GOVT LOT 1 = 1.238 ACRES
NW 1/4 NW 1/4 SW 1/4 = 0.174 ACRES
- 2) 50' PUBLIC ACCESS EASEMENT WITHIN N 1/2 GOVT LOT 3 = 1.006 ACRES

LEGEND
Found 3 1/4" Alum. Cap in road.



<p>EASEMENT EXHIBIT</p>	<p>OFFSHORE SYSTEMS KENAI NIKISKI, ALASKA</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>PROJECT: 093003</td> <td>SCALE: 1"=300'</td> </tr> <tr> <td>DRAWN: _____</td> <td>DATE: 2/10/11</td> </tr> <tr> <td>CHECKED: _____</td> <td>SHEET #: 1 OF 4</td> </tr> <tr> <td>APPRVD: _____</td> <td>REV.#: 3</td> </tr> </table>	PROJECT: 093003	SCALE: 1"=300'	DRAWN: _____	DATE: 2/10/11	CHECKED: _____	SHEET #: 1 OF 4	APPRVD: _____	REV.#: 3
	PROJECT: 093003	SCALE: 1"=300'								
DRAWN: _____	DATE: 2/10/11									
CHECKED: _____	SHEET #: 1 OF 4									
APPRVD: _____	REV.#: 3									
<p>PUBLIC ACCESS EASEMENT & R/W LOT 1, N1/2 GOVT LOT 3 & NW1/4 NW1/4 SW 1/4 SECTION 36 T8N R12W S.M. AK KENAI RECORDING DIST.</p>										

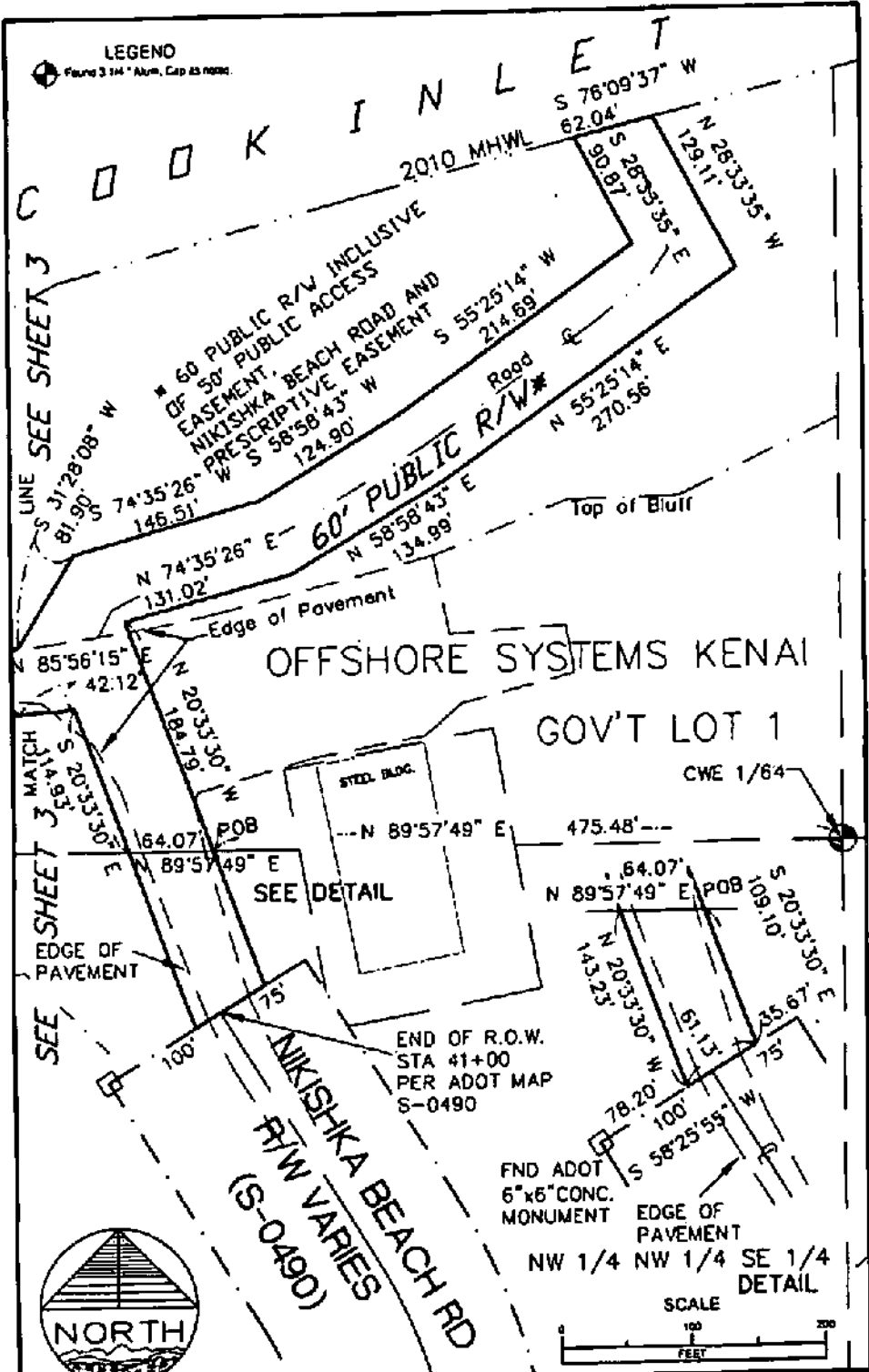
ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 488
SOLOOTNA, AK 99589
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECS.COM

DRAWING NUMBER:
093003 OSK_ESMT

\\MCLANE001\JOBS\MCLANE_JOBS - 2009\3000 CONSTRUCTION SURVEYS\093003 OSK.DWG\093003_OSK_ESMT_VERS3.DWG

EXHIBIT
Page 1 of 4

Page 4 of 7
2014-011098-0



LEGEND
 Found 3 1/4" Alum. Cap 63 10222

LINE SEE SHEET 3

SEE SHEET 3 MATCH

SEE SHEET 3



EASEMENT EXHIBIT

MCLANE
 Consulting Inc.
 ENGINEERING - TESTING
 SURVEYING - MAPPING
 P.O. BOX 480
 SOLDOTNA, AK 99589
 VOICE: (907) 283-4711
 FAX: (907) 283-5285
 WWW.MCLANE.CO.COM



OFFSHORE SYSTEMS
 KENAI
 NIKISKI, ALASKA

PROJECT: 093003
SCALE: 1"=100'
DRAWN: DATE: 2/10/11
CHECKED: SHEET # 4
APPRVD: 2 OF 4

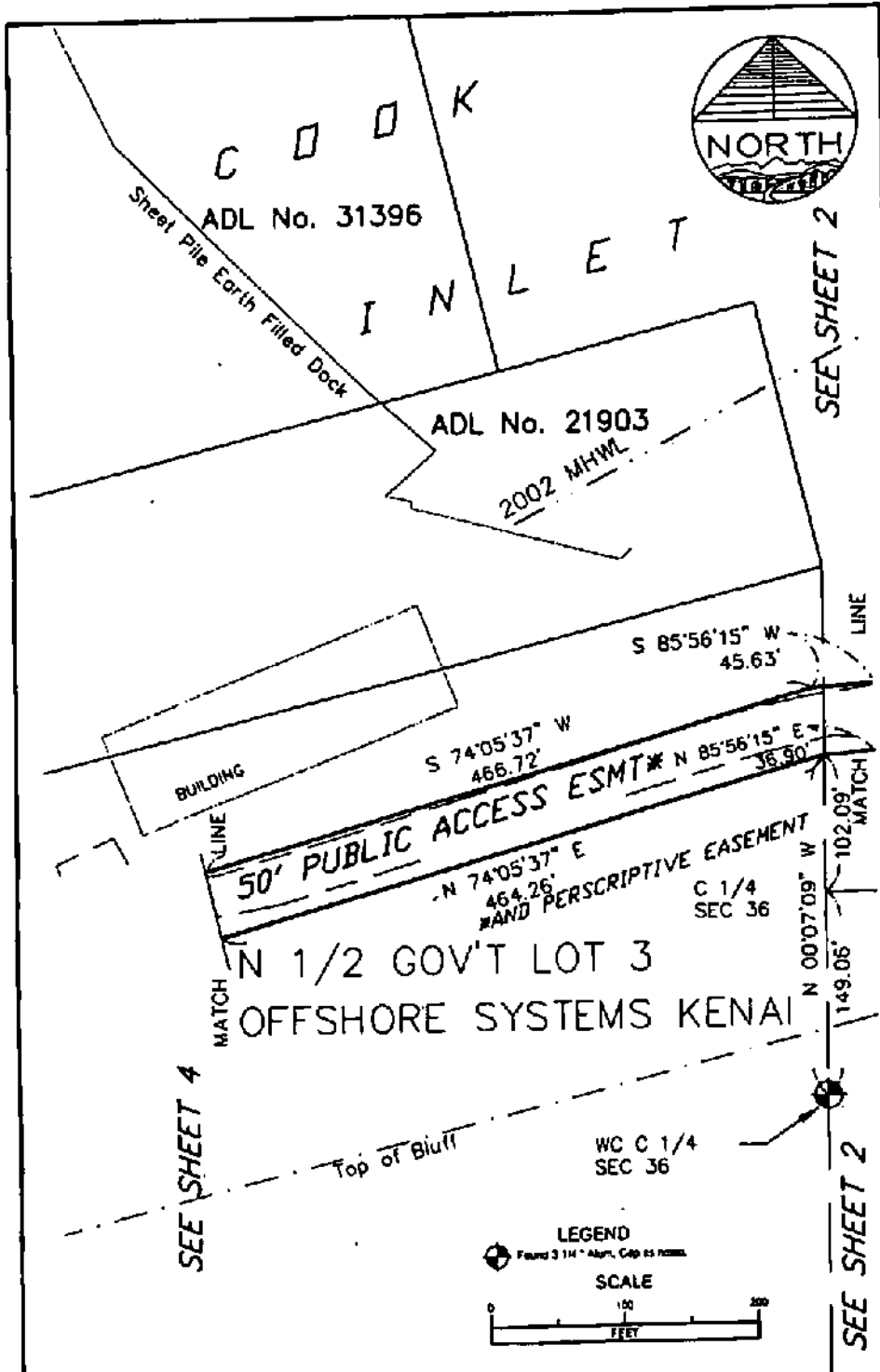
PUBLIC ACCESS EASEMENT & R/W
 LOT 1, N1/2 GOV'T LOT 3 & NW1/4 NW1/4 SW 1/4
 SECTION 36 T8N R12W S.M. AK KENAI RECORDING DIST.

DRAWING NUMBER: 093003_OSK_ESMT
 REV.#: 3

\\MCLAN2001\JOBS\MCLANE JOBS - 2009\3000 CONSTRUCTION SURVEYING\093003 OSK.DWG\093003_OSK_ESMT_VERS3.DWG

EXHIBIT
 Page 2 of 4

Page 5 of 7
 2014-011098-0



EASEMENT EXHIBIT



OFFSHORE SYSTEMS
KENAI
NIKISKI, ALASKA

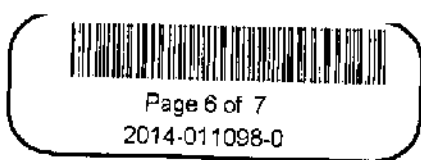
PROJECT: 093003
SCALE: 1"=100'
DRAWN: DATE: 2/10/11
CHECKED: 3 SHEET # 4
APPRVD: OF

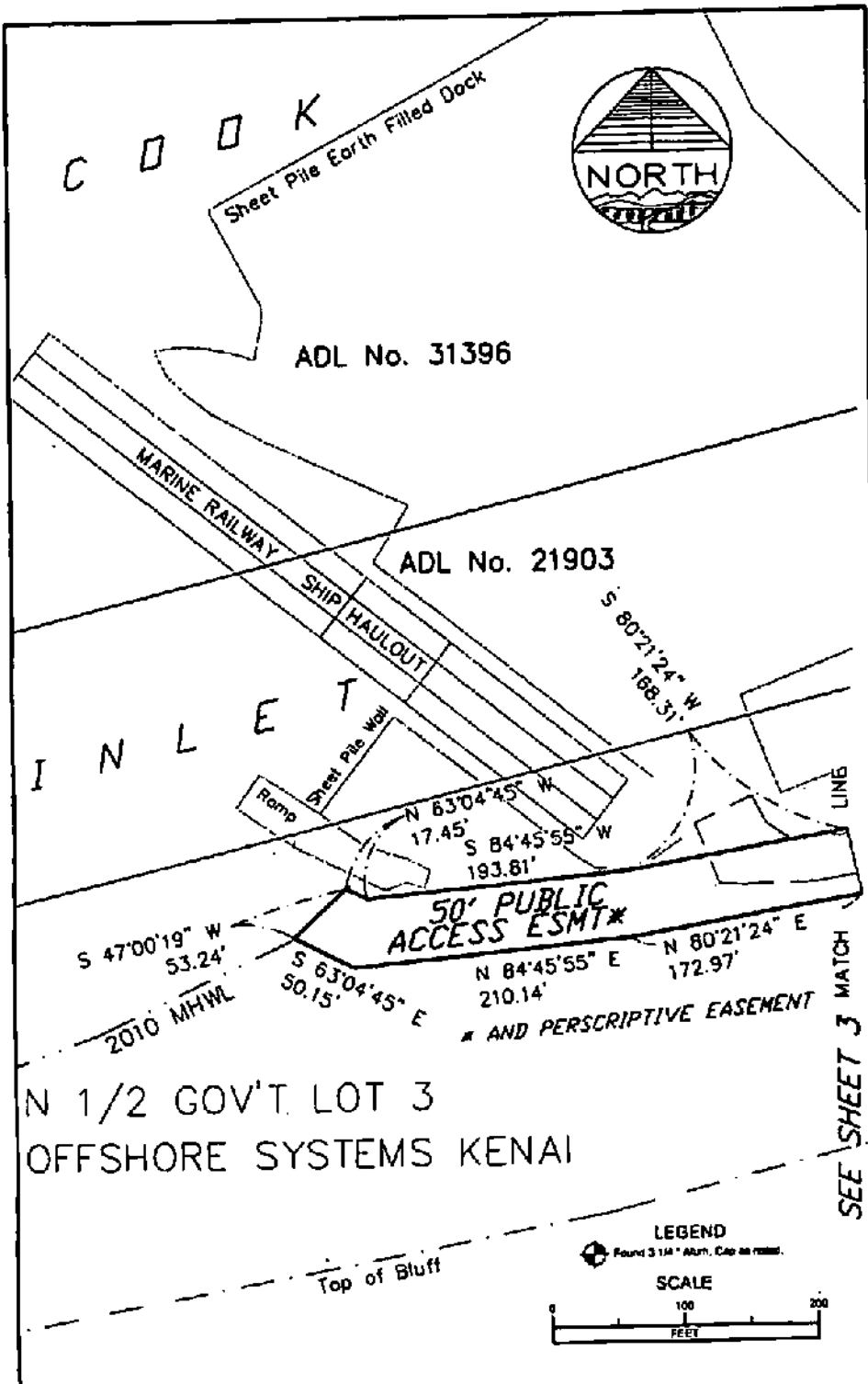
ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 484
SOLADOTNA, AK 99688
VOICE: (907) 283-4218
FAX: (907) 283-3283
WWW.MCLAKECD.COM

PUBLIC ACCESS EASEMENT & R/W
LOT 1, N1/2 GOV'T LOT 3 & NW1/4 NW1/4 SW 1/4
SECTION 36 T8N R12W S.M. AK KENAI RECORDING DIST.
DRAWING NUMBER: 093003_OSK_ESMT
REV. # 3

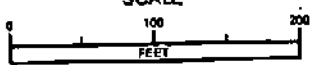
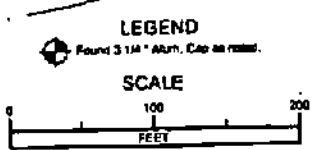
\\MCLANZD01\JOBS\MCLANE JOBS - 2009\3000 CONSTRUCTION SURVEYS\093003 OSK\DWG\093003_OSK_ESMT_VERS.DWG


EXHIBIT A
Page 3 of 4





N 1/2 GOV'T LOT 3
OFFSHORE SYSTEMS KENAI



EASEMENT EXHIBIT		OFFSHORE SYSTEMS	PROJECT: 093003
		KENAI	SCALE: 1"=100'
		NIKISKI, ALASKA	DATE: 2/10/11
			CHECKED: 4 SHEET # 4
			APPRVD: 4 OF 4
PUBLIC ACCESS EASEMENT & R/W LOT 1, N1/2 GOV'T LOT 3 & NW1/4 NW1/4 SW 1/4 SECTION 36 T8N R12W S.M. AK KENAI RECORDING DIST.			REV. # 3
DRAWING NUMBER: 093003_OSK_ESMT			

ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 481
SOLDOTHA, AK 99669
VOICE: (907) 283-4218
FAX: (907) 283-3265
www.mclane.co.com

I certify that this is a true and correct copy of an original document on file in the Alaska Trial Courts at Kenai.
Witness my hand and the seal of this court.
12/4/11 [Signature]
Magistrate/Clerk

\\MCLANE001\JOBS\MCLANE JOBS - 2009\3008 CONSTRUCTION SURVEYS\093003 OSK\DWG\093003_OSK_ESMT_VERS.DWG

EXHIBIT A
Page 4 of 4

Page 7 of 7
2014-011098-0