

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - DIVISION OF DESIGN AND CONSTRUCTION
RIGHT OF WAY BRANCH

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(FAX 248-9456) (907) 266-1621

July 9, 1992

Re: ADL 225842
Cook Inlet Processing
Right-of-Way Permit

Ms. Katie Farley
Natural Resource Officer
State of Alaska
Department of Natural Resources
Division of Land
Box 107005
Anchorage, AK 99510-7005

Dear Ms. Farley:

The Department of Transportation and Public Facilities has reviewed the above referenced right of way permit and has the following comments.

The state status plat included for review indicates that the right of way for Nikishka Beach Road ends some distance from the Nikishka Beach. In reality, this road, including the right of way, extends all the way to the beach. The right of way for this road was first established by Public Land Order (PLO) 601. Under PLO 601, Nikishka Beach Road is categorized as a local road. As such, the right of way reserved for Nikishka Beach Road is 100 feet in width, 50 feet each side of the centerline.

In 1959, the federal government transferred their interest in the Alaska public highway system to the State Department of Highways by virtue of a quitclaim deed referred to as the Omnibus Act. According to the Omnibus Act, the length of the right of way reserved for this road extends from its intersection with North Kenai Road, northerly to Nikishka Beach. We have enclosed copies of the applicable pages from this document for your information.

In 1963, the Department of Highways acquired additional right of way for Nikishka Beach Road in conjunction with the North Kenai Road project. The acquisition ended close to the location shown for the outfall on the state status plat included for review. However, the original 100 feet reserved for this road still exists.

Katie Farley

-2-

July 9, 1992

for the remaining length of the road. It appears from this same status plat, that the proposed outfall will lie within this right of way. If this is the case, our department will need to review the plans for the outfall in order to determine if it will impact the road.

Thank you for the opportunity to review this right of way permit. If you have any questions, please contact James H. Sharp, Right of Way Engineering Supervisor at 266-1647.

Sincerely,



Daniel W. Beardsley, SR/WA
Chief Right of Way Agent
Central Region

JS/BM

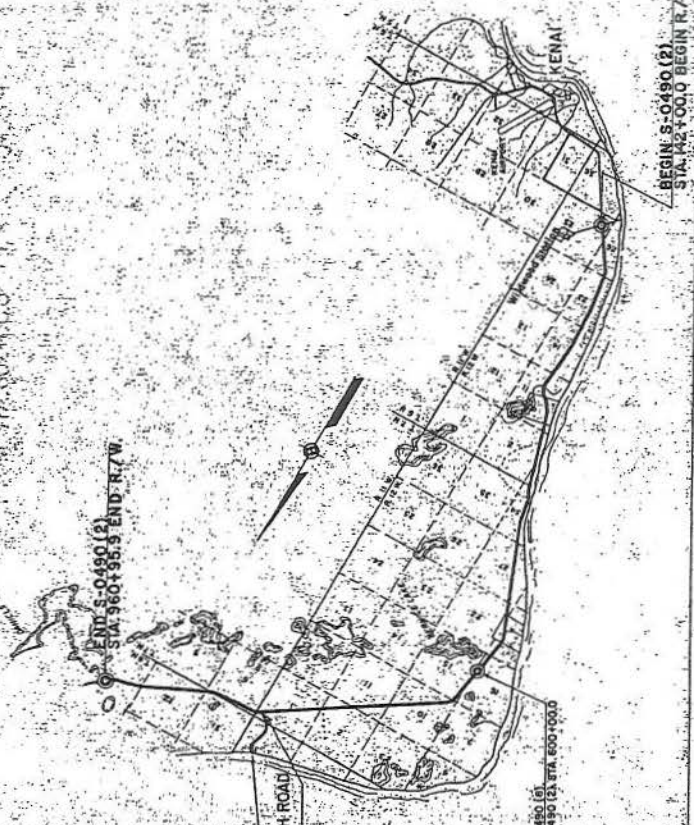
Enclosures

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS

RIGHT OF WAY MAP
 ALASKA PROJECT

S-0490(2)

WILDWOOD NORTH

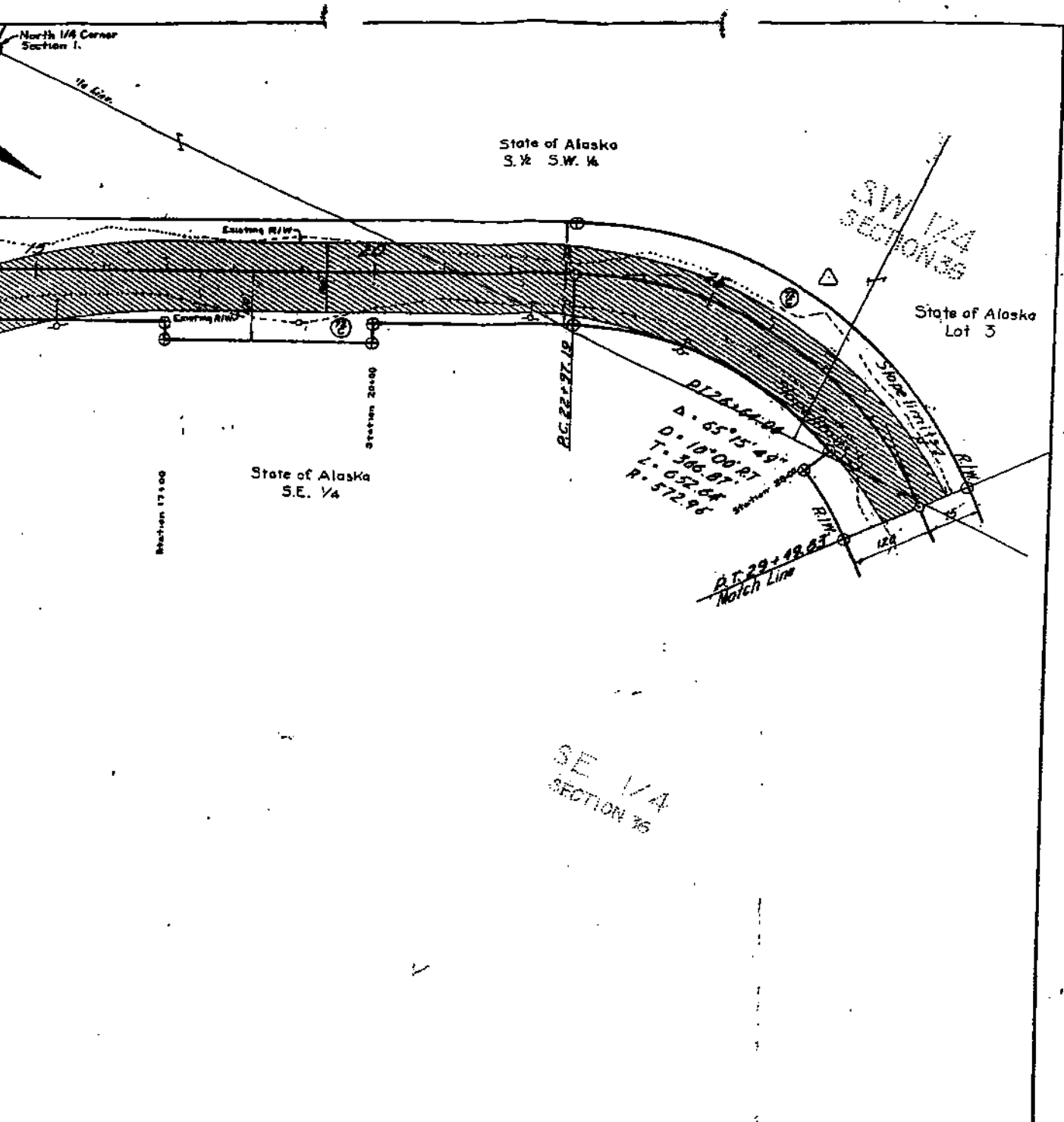


00143
 SOA DOT&PF

DEPARTMENT OF HIGHWAYS
 APPROVED: [Signature]
 DATE: 1/2 1966
 Acting COMMISSIONER

DEPARTMENT OF COMMERCE
 BUREAU OF PUBLIC ROADS
 APPROVED: [Signature]
 REGIONAL ENGINEER
 REGION TEN

PLAINTIFF
 EXHIBIT NO. 191
 ADMITTED
 3KW-08-453C



SE 1/4
SECTION 75

✓	Added Parcel T2 M	4-4-66
✓	Added Parcel T2 L	4-4-66
✓	Revised Parcel T2	4-4-66
By	Revisions	Date

**STATE OF ALASKA
DEPARTMENT OF HIGHWAYS**

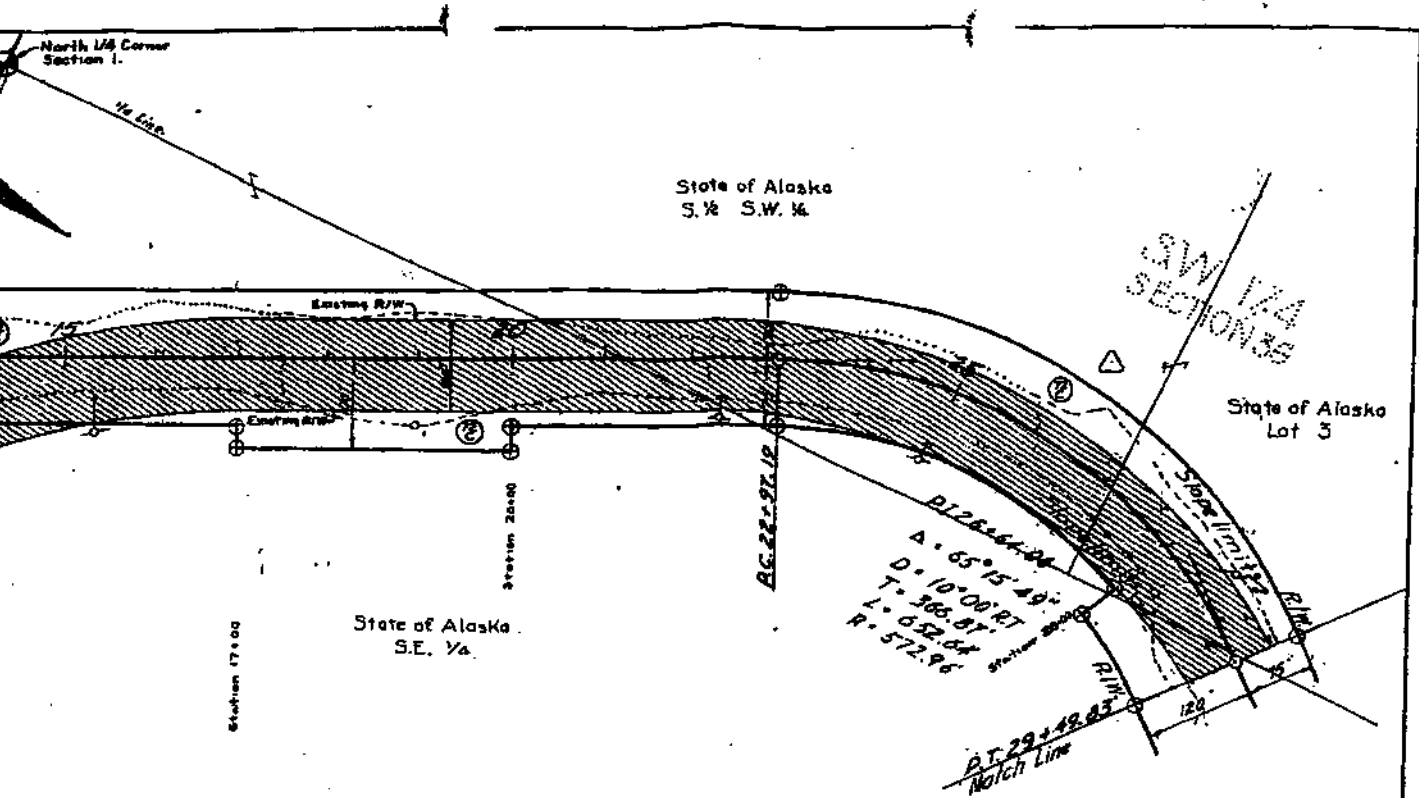
RIGHT OF WAY MAP

ALASKA PROJECT NO.
NISHKA BEACH ROAD

S-0490(2)
TOWNSHIP NORTH

SCALE 1"=100'
DATE 9-8-65
SHEET 24A OF 29

00314
SOA DOT&PF



SE 1/4
SECTION 35

✓	Added Parcel 72 M	4-4-66
✓	Added Parcel 72 L	4-4-66
✓	Revised Parcel 72	4-4-66
By	Revisions	Date

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS
RIGHT OF WAY MAP
ALASKA PROJECT NO.
NIKISHKA BEACH ROAD
S-0490(2)
WILLOWBERRY NORTH
DATE 9-8-65 SCALE 1"=100'
DATE SHEET 24 OF 29

00314
SOA DOT&PF

EXHIBIT 29

Exc. 437

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS

Form No. DL 72

ADL No. 32264

RIGHT-OF-WAY PERMIT

THIS AGREEMENT made and entered into this 8th day of August, 19 66, 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 DEPARTMENT 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: public 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:

Within Section 36, Township 8 North, Range 12 West, Seward Meridian, as per attached plat and description.

running 2,828.89 feet and/or containing 4.783 acres, more or less and shall extend a width of ----- feet on either side of the center line of said location.

until no longer used for

public highway ----- day of -----, 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 ----- dollars, said amount to be due and payable as follows:

The sum of ----- (\$ -----) dollars, the receipt of which is hereby acknowledged and (\$ -----) dollars on -----

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

PLAINTIFF
EXHIBIT NO. 16
ADMITTED
34N-08-453C
(CASE NUMBER)

OSK-00125

EXHIBIT L
Page 1 of 8

Exc. 439

22 8-25-66 J.P.P.

ult has occurred no structure, building or other equipment may be removed from 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 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 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, dilute 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 a true copy thereof with the grantor.

EXHIBIT L
Page 2 of 8

OSK-00126

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 hereon 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

By: [Signature]
Director, Division of Lands
Lands Officer

[Signature]
Permittee

UNITED STATES OF AMERICA)
State of Alaska) ss.

This is to certify that on the 17th day of August, 1966, before me, the undersigned Notary Public, personally appeared E. J. Keenan known to me and known by me to be the Lands Officer 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 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.

Charlene Butcher
Notary Public in and for the State of
Alaska. My commission expires 11-9-68

UNITED STATES OF AMERICA)
State of Alaska) ss.

This is to certify that on this 8 day of AUGUST, 1966, before me, the undersigned, a Notary Public in and for Alaska, duly commissioned and sworn, personally appeared DAVID S. JAMES to me personally known to be one of the persons described in and who executed the within instrument and the said DAVID S. JAMES 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.

Henry P. Ziegler
Notary Public in and for the State of
Alaska. My commission expires 5-11-69

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
on _____ 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
to 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

August 8, 1966
In Reply Refer To: LDS

C. E. Steen, P. E.
District Highway Engineer
Department of Highways
Cordova Building
Anchorage, Alaska 99501

Attention: David S. James
District Right of Way Agent

Re: ADM 32264 - Right-of-Way Permit
Project S-0490(2), Parcel No. 72-G

2/

Dear Mr. Steen:

Enclosed herewith is a Right-of-Way Permit in quadruplicate for the above-captioned application.

Please sign all four copies of the permit and have them notarized in the SECOND notary block. After you have signed the copies, please return same to this office. When they have been executed by this Division, the original and two copies will be returned to you for your records.

If we may be of any further assistance to you, please feel free to call on us.

Very truly yours,

ROSCOE E. BELL, Director

A

By: L. T. Main
Lands Disposal Officer

ljea

Enclosures - 4

EXHIBIT L
Page 5 of 8

OSK-00129

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPARTMENT OF HIGHWAYS

DISTRICT 1 / CORDOVA BUILDING-ANCHORAGE 99501

Disposal

February 25, 1966

Re: Project S-0490(2)
Wildwood North from
Station 600 to EOP
Parcel No. 72-G
23-2901

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

Attention: Mr. Frank J. Keenan
Lands Officer

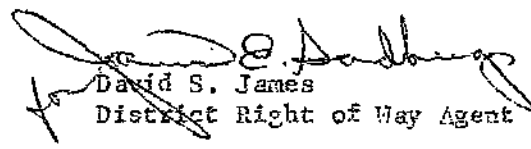
Dear Mr. Bell:

Transmitted are four (4) copies of the application, four (4) copies of the description, and four (4) prints covering the State of Alaska, Department of Highways', request for a Right of Way Permit on the land described in said attached tract description.

Your early attention to this matter will be appreciated.

Sincerely yours,

G. E. STEEN, P. E.
District Highway Engineer


David S. James
District Right of Way Agent

Enclosures: As stated,

OSK-00130

EXHIBIT L
Page 6 of 8

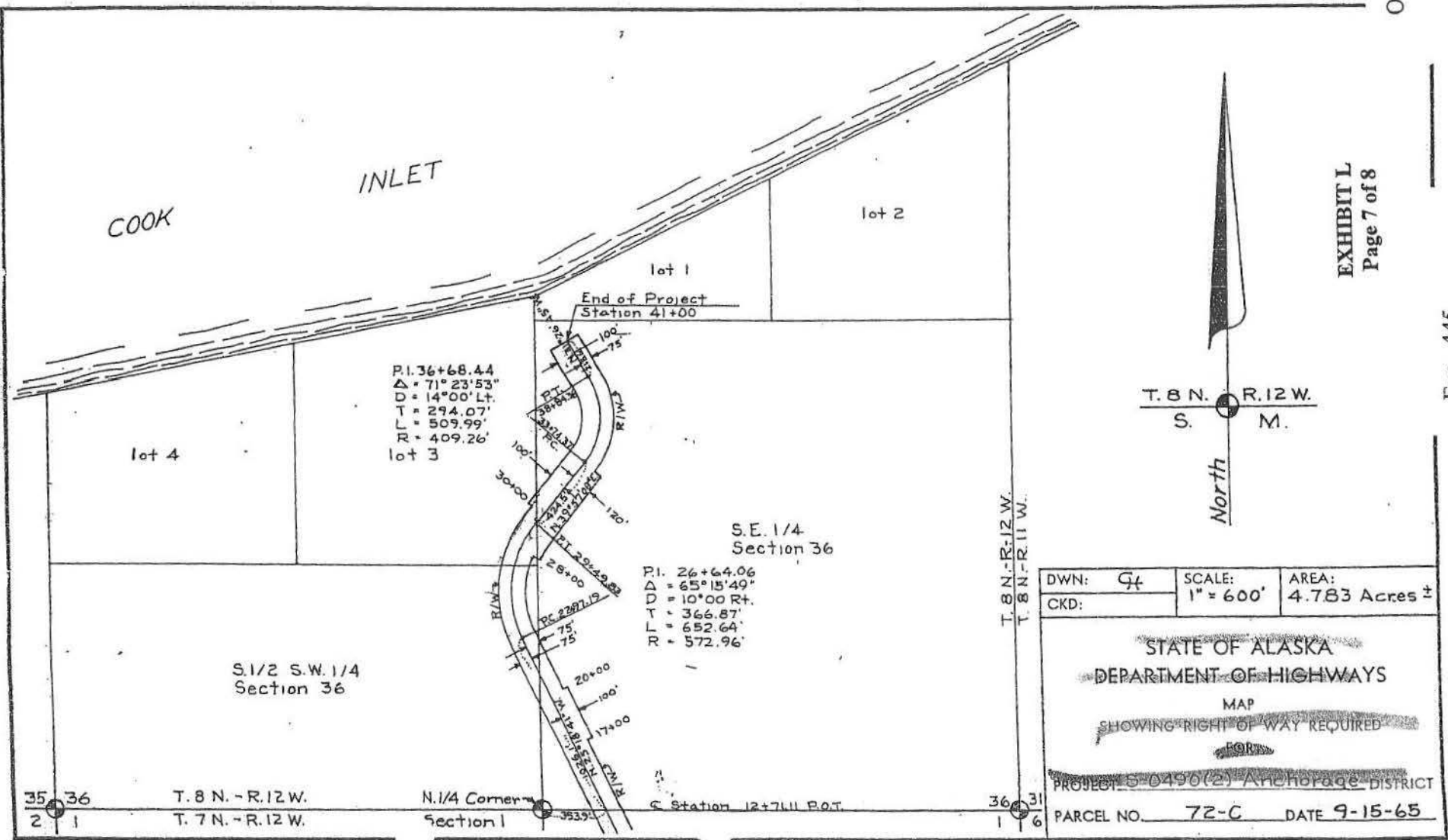
Exc. 444

32264

OSK-00131

EXHIBIT L
Page 7 of 8

Exc. 445



DWN: 94	SCALE: 1" = 600'	AREA: 4.783 Acres ±
CKD:		
STATE OF ALASKA DEPARTMENT OF HIGHWAYS		
MAP SHOWING RIGHT OF WAY REQUIRED FOR		
PROJECT 5-0490(2) Anchorage DISTRICT		
PARCEL NO. 72-C		DATE 9-15-65

32264

End of Project
Long. 151° 18' 47" W.
Lat. 60° 44' 29" N.

Beginning of Parcel 72-C
Long. 151° 18' 47" W.
Lat. 60° 44' 02" N.

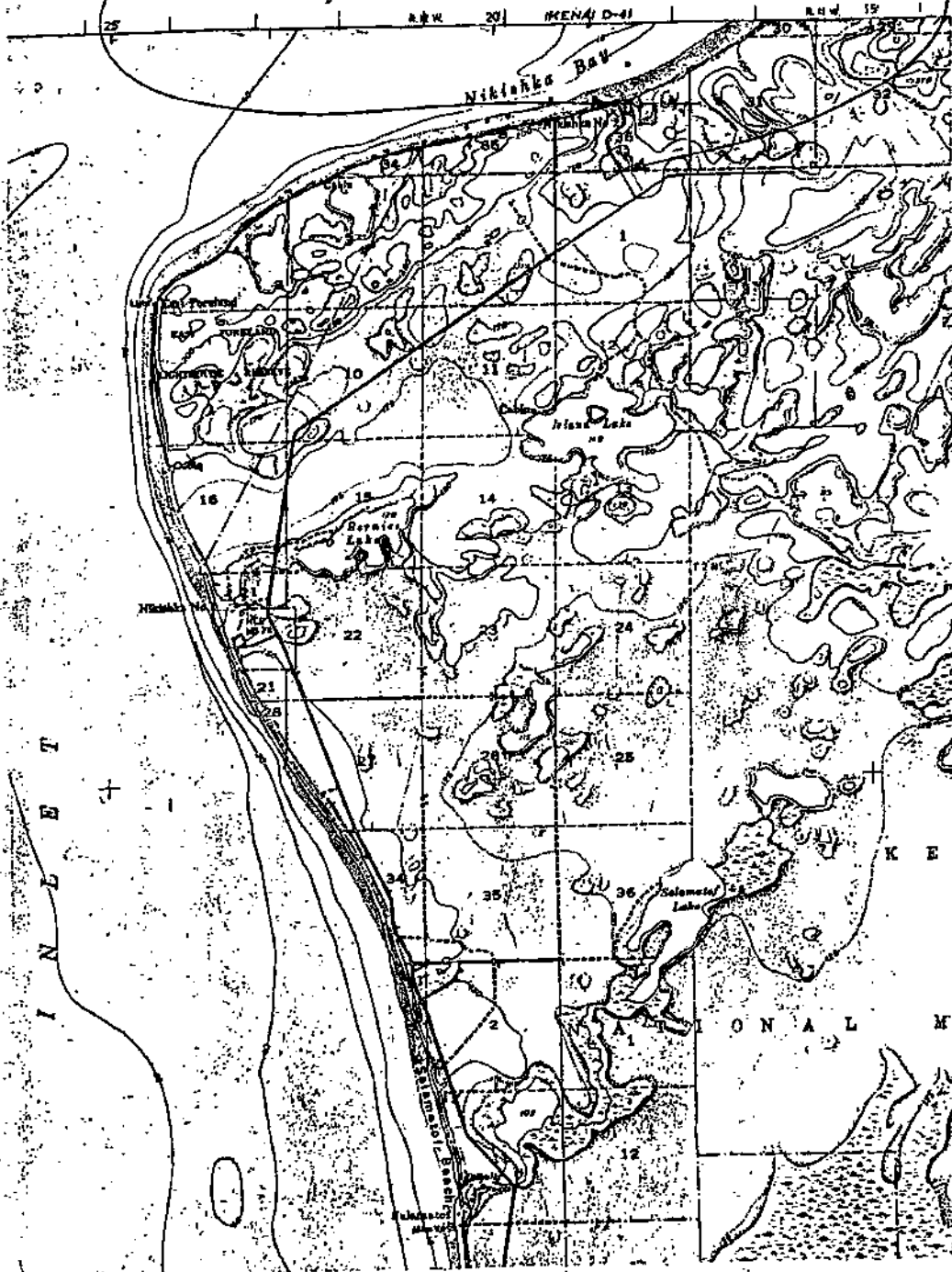


EXHIBIT L
Page 8 of 8

OSK-00132

Exc. 446

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS

32264

APPLICATION FOR RIGHT OF WAY PERMIT

Date: February 25, 1966

The undersigned DEPARTMENT OF HIGHWAYS residing at
Cordova Building, Sixth Floor, Anchorage, Alaska hereby applies
to the Director of the Division of Lands, Department of Natural Resources, for
Right-of-way varied feet in width and 2,828.89 feet in length located in
Section 36, Township 8 North, Range 12 West, Seward Meridian,
containing an area of 4.783 acres as shown on the plat attached hereto in
triplicate copies, for the purpose of constructing and maintaining thereon a
highway for ~~private~~, public, ~~intermittent~~, yearlong
use (strike inapplicable words).


State briefly the standards of construction of proposed improvements:

A.A.S.H.O. standrrds for federal aid highways.

Constructed _____ Construction to begin 1966

To be completed _____ 1968

If this application is approved, I agree to construct and maintain the improvements authorized in a workmanlike manner, to keep the area in neat and sanitary condition; if said right-of-way is to be constructed across leased lands, I agree to reimburse the lessee for all damages to crops and improvements, to the extent of the fair market value thereof, which may be damaged or destroyed as the result of the construction of said right-of-way, and to comply with all the laws, rules and regulations pertaining thereto; and provided further that upon termination or relocation of the right-of-way for which application is herein made, I agree to remove or relocate the improvements and restore the area without cost to the State and to the satisfaction of the Director.


David S. James
District Right of Way Agent

(Instructions for preparation of plat: Attach triplicate copies of letter-size plat, show centerline and boundaries of right-of-way, show ties from centerline to established monuments and section corners, show conflicts with other right-of-way, if any, scale 4" to 8" per mile, type of survey.)

OSK-00133

TRACT DESCRIPTION

32264

Project S-0490(2)

Parcel No. 72-C

A tract of land situate in Lots 1, 2, 3, and 4 of the SE $\frac{1}{4}$ and the S $\frac{1}{2}$ SW $\frac{1}{4}$ in Section 36, T. 8 N., R. 12 W., S.M. Third Judicial District, State of Alaska, more particularly described as follows, to-wit:

Beginning at a point on the southerly line of the SE $\frac{1}{4}$ of Section 36, T. 8 N., R. 12 W., S.M., said point bears easterly along said southerly line a distance of 270.9 feet from the southerly quarter corner of said Section 36; thence N.25°18'41"W. a distance of 990.44 feet to a point of curve; thence along an 8°50'33" curve to the right (radius equals 647.96 feet) through an arc of 65°15'49" a distance of 738.07 feet; thence N.39°57'08"E. a distance of 50.17 feet; thence N.50°02'52"W. a distance of 25.0 feet; thence N.39°57'08"E. a distance of 374.37 feet; thence along an 18°31'36" curve to the left (radius equals 309.26 feet) through an arc of 71°23'53" a distance of 385.38 feet; thence N.31°26'45"W. a distance of 215.64 feet; thence N.58°33'15"E. a distance of 175.00 feet; thence S.31°26'45"E. a distance of 215.64 feet; thence along an 11°49'54" curve to the right (radius equals 484.26 feet) through an arc of 71°23'53" a distance of 603.45 feet; thence S.50°02'52"E. a distance of 45.00 feet; thence S.39°57'08"W. a distance of 424.54 feet; thence along a 12°38'57" curve to the left (radius equals 452.96 feet) through an arc of 14°58'59" a distance of 118.45 feet; thence N.65°01'51"W. a distance of 45.0 feet; thence from a tangent that bears S.24°58'09"W. along an 11°30'22" curve to the left (radius equals 497.96 feet) through an arc of 50°16'50" a distance of 436.99 feet; thence S.25°18'41"E. a distance of 297.19 feet; thence N.64°41'19"E. a distance of 25.0 feet; thence S.25°18'41"E. a distance of 300.0 feet; thence S.64°41'19"W. a distance of 25.0 feet; thence S.25°18'41"E. a distance of 464.53 feet to a point on the said southerly line of the said SE $\frac{1}{4}$ of Section 36; thence westerly along said southerly line a distance of 166.07 feet to the point of beginning,

Containing 11.049 acres, more or less, of which 6.266 acres, more or less, are contained in existing right of way. Net area equals 4.783 acres, more or less.

OSK-00134