

The United States of America

To all to whom these presents shall come, Greeting:

Patent

AA-55129-3

This Patent is issued by the UNITED STATES, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, as GRANTOR, to the Alaska Railroad Corporation, P.O. Box 107500, Anchorage, Alaska, 99510-7500, as GRANTEE, for lands in the Seward and Anchorage Recording Districts.

WHEREAS

Alaska Railroad Corporation

Pursuant to Sec. 604(b)(2) and Sec. 604(b)(3) of the Alaska Railroad Transfer Act of 1982, 45 U.S.C. 1201, et seq., (hereinafter referred to as "ARTA"), the Alaska Railroad Corporation is entitled to a patent for real property of the Alaska Railroad (railroad right-of-way) and other railroad lands (railroad parcels). An Exclusive License was issued for these lands on January 5, 1985, and recorded in the Anchorage Recording District, Book 1212, Pages 297-352. This patent is hereby issued for the real property described below:

Railroad Right-of-Way as defined by Section 603(11) of ARTA:

Lot J, and Parcels A to K, U.S. Survey No. 9011, Alaska.

Containing 149.75 acres, as shown on plat of survey officially filed April 4, 1988.

Lots 1 through 4, and Parcels A to K, U.S. Survey No. 9012.

Containing 193.49 acres as shown on plat of survey officially filed May 17, 1988.

Aggregating 343.24 acres.

50-2005-0044

Page 1 of 5

CORRECTED PATENT NO. 50-2006-0161
ISSUED IN LIEU OF THIS DOCUMENT
DATED MARCH 28, 2006 ISSUED TO
ALASKA RAILROAD CORPORATION

NOW KNOW YE that the UNITED STATES OF AMERICA, has given and granted, and by these presents in conformity with ARTA does give, grant, and convey unto the Alaska Railroad Corporation, its assigns and successors the real property described above to have and to hold forever.

The right, title, and interest hereby granted and conveyed in and to the real property described above are the full and complete right, title, and interest of the United States in and to said real property, subject to the Reservations and Conditions set out below. Pursuant to Sec. 606(b)(4)(b) of ARTA, the right, title, and interest granted by the United States in the above-described real property that is located within the right-of-way of the Alaska Railroad shall be not less than an exclusive use easement as defined in Sec. 603(6) of ARTA.

Reservations and Conditions:

1. The grant of the above-described real property is subject to the following rights and interests granted by the United States prior to this conveyance:
 - a. The granted license under Power Project 2170 as to those lands herein conveyed within Secs. 20 to 24, inclusive, T. 10 N., R. 1 W., Seward Meridian.
 - b. Any interest in the Seward/Anchorage Highway, transferred to the State of Alaska by the quit claim deed dated June 30, 1959, executed by the Secretary of Commerce under the Authority of the Alaska Omnibus Act, Public Law 86-70, 73 Stat. 141, as to Secs. 20 to 24 inclusive, 28, 29, and 30, T. 10 N., R. 1 E., and Secs. 5, 6, 8, 9, 10, 13, 14, 15, and 24, T. 10 N., R. 1 W., Seward Meridian.
 - c. A right-of-way, A-029885, for an electric distribution line issued to Chugach Electric Association, Inc., within Secs. 20 to 24 inclusive, T. 10 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901, 43 U.S.C. 959.
 - d. A right-of-way, A-046811, for a transmission line, issued to Chugach Electric Association, Inc., within Sec. 30, T. 10 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901, 43 U.S.C. 959.
 - e. A right-of-way, A-067568, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Secs. 23 and 24, T. 10 N., R. 1 E., and Secs. 14, 23, 24, and 25, T. 10 N., R. 1 W., Seward Meridian, under the Act of August 27, 1958, as amended, 23 U.S.C. 317.

50-2005-0044

2. Pursuant to Sec. 604(c)(1) of ARTA, there is excluded from this conveyance any unexercised right-of-way that may exist under 43 U.S.C. 975(d).
3. Subject to the right, title, and interest, if any, that has otherwise vested in the State of Alaska in any submerged lands among the above-described lands which are situated beneath nontidal navigable waters up to the ordinary high water mark or which are permanently or periodically covered by tidal waters up to the line of mean high tide.

Definitions

1. "Real property", as used herein, means land and all of the appurtenances, hereditaments, improvements, facilities, trackwork, roadbed, buildings, franchises, ways, waters, minerals, rights, privileges, fixtures, licenses, leaseholds, reversions, easements, rights under operating, trackage and joint facilities agreements, rents, issues, profits and other interests and items belonging to or in any way appertaining to the above-described land.
2. All of the terms used in this instrument that are defined in Sec. 603(6) of ARTA have the same meaning herein as provided in said section including but not limited to the following terms:
 - a. "exclusive-use easement", as used herein, means as provided by Sec. 603(6) of ARTA an easement which affords to the easement holder the following:
 - 1) the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;
 - 2) the right to use so much of the subsurface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;
 - 3) subjacent and lateral support of the lands subject to the easement; and
 - 4) the right (in the easement holders discretion) to fence all or part of the lands subject to this easement and to affix track, fixtures, and structures to such lands and to exclude other persons from all or part of such lands.

b. "right-of-way", as used herein, means as provided in Sec. 603(11) of ARTA:

- 1) an area extending not less than one hundred feet on both sides of the center line of any main line or branch line of the Alaska Railroad; or
- 2) an area extending on both sides of the center line of any main line or branch line of the Alaska Railroad appropriated or retained by or for the Alaska Railroad that, as a result of military jurisdiction over, or non-federal ownership of, lands abutting the main line or branch line, is of a width less than that described in subparagraph (1) of this paragraph.

IN WITNESS WHEREOF, the undersigned authorized officer of the Department of Transportation has in the name of the United States, set his/her hand and caused the seal of the Department to be hereunto affixed on this 23rd day of March 2004.

UNITED STATES OF AMERICA

Billy Moss
Secretary of Transportation, by the
Administrator of the Federal
Railroad Administration

Accepted:

ALASKA RAILROAD CORPORATION

BY: PK Gable

TITLE: Pres / CEO

DATED: 12/10/04

50-2005-0044

Location Index for Recording Information

Lot 1, and Parcels A to K, U.S. Survey No. 9011 located within Secs 20, 21, 22, 23, 24, and 30, T. 10 N., R. 1 E., SM.

Lots 1 to 4, and Parcels A to K, U.S. Survey No. 9012, located within Secs. 5, 6, 9, 10, 14, 15, 23, 24, and 25, T. 10 N., R. 1 W., SM.

Return Recorded Document to:

Alaska Railroad Corporation
Mr. James Blasingame
Vice President, Corporate Affairs
P.O. Box 107500
Anchorage, Alaska 99510-7500

50-2005-0044

The United States of America

To all to whom these presents shall come, Greetings:

Corrected Patent

This corrected patent is issued in lieu of Patent No. 50-2005-0044, dated March 23, 2004, and recorded January 3, 2005, number 2005-000042-0, to reflect the correct description of U. S. Survey No. 9012, Alaska.

AA-55129-3

This Patent is issued by the UNITED STATES, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, as GRANTOR, to the Alaska Railroad Corporation, P.O. Box 107500, Anchorage, Alaska, 99510-7500, as GRANTEE, for lands in the Seward and Anchorage Recording Districts.

WHEREAS

Alaska Railroad Corporation

Pursuant to Sec. 604(b)(2) and Sec. 604(b)(3) of the Alaska Railroad Transfer Act of 1982, 45 U.S.C. 1201, et seq., (hereinafter referred to as "ARTA"), the Alaska Railroad Corporation is entitled to a patent for real property of the Alaska Railroad (railroad right-of-way) and other railroad lands (railroad parcels). An Exclusive License was issued for these lands on January 5, 1985, and recorded in the Anchorage Recording District, Book 1212, Pages 297-352. This patent is hereby issued for the real property described below:

Railroad Right-of-Way as defined by Section 603(11) of ARTA:

Lot 1, and Parcels A to K, U.S. Survey No. 9011, Alaska.

Containing 149.75 acres, as shown on plat of survey officially filed April 4, 1988.

Lots 1, 2, 3, and 13, and Parcels A to K, U.S. Survey No. 9012, Alaska.

Containing 193.22 acres as shown on plat of survey officially filed May 17, 1988, and supplemental plat of survey officially filed February 3, 1999.

Aggregating 342.97 acres.

Patent No. **50-2006-0161**

NOW KNOW YE that the UNITED STATES OF AMERICA, has given and granted, and by these presents in conformity with ARTA does give, grant, and convey unto the Alaska Railroad Corporation, its assigns and successors the real property described above to have and to hold forever.

The right, title, and interest hereby granted and conveyed in and to the real property described above are the full and complete right, title, and interest of the United States in and to said real property, subject to the Reservations and Conditions set out below. Pursuant to Sec. 606(b)(4)(b) of ARTA, the right, title, and interest granted by the United States in the above-described real property that is located within the right-of-way of the Alaska Railroad shall be not less than an exclusive use easement as defined in Sec. 603(6) of ARTA.

Reservations and Conditions:

1. The grant of the above-described real property is subject to the following rights and interests granted by the United States prior to this conveyance:
 - a. The granted license under Power Project 2170 as to those lands herein conveyed within Secs. 20 to 24, inclusive, T. 10 N., R. 1 W., Seward Meridian.
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 - c. A right-of-way, A-029885, for an electric distribution line issued to Chugach Electric Association, Inc., within Secs. 20 to 24 inclusive, T. 10 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901, 43 U.S.C. 959.
 - d. A right-of-way, A-046811, for a transmission line, issued to Chugach Electric Association, Inc., within Sec. 30, T. 10 N., R. 1 E., Seward Meridian, under the Act of February 15, 1901, 43 U.S.C. 959.
 - e. A right-of-way, A-067568, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities) within Secs. 23 and 24, T. 10 N., R. 1 E., and Secs. 14, 23, 24, and 25, T. 10 N., R. 1 W., Seward Meridian, under the Act of August 27, 1958, as amended, 23 U.S.C. 317.

2. Pursuant to Sec. 604(c)(1) of ARTA, there is excluded from this conveyance any unexercised right-of-way that may exist under 43 U.S.C. 975(d).
3. Subject to the right, title, and interest, if any, that has otherwise vested in the State of Alaska in any submerged lands among the above-described lands which are situated beneath nontidal navigable waters up to the ordinary high water mark or which are permanently or periodically covered by tidal waters up to the line of mean high tide.

Definitions

1. "Real property", as used herein, means land and all of the appurtenances, hereditaments, improvements, facilities, trackwork, roadbed, buildings, franchises, ways, waters, minerals, rights, privileges, fixtures, licenses, leaseholds, reversions, easements, rights under operating, trackage and joint facilities agreements, rents, issues, profits and other interests and items belonging to or in any way appertaining to the above-described land.
2. All of the terms used in this instrument that are defined in Sec. 603(6) of ARTA have the same meaning herein as provided in said section including but not limited to the following terms:
 - a. "exclusive-use easement", as used herein, means as provided by Sec. 603(6) of ARTA an easement which affords to the easement holder the following:
 - 1) the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;
 - 2) the right to use so much of the subsurface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;
 - 3) subjacent and lateral support of the lands subject to the easement; and
 - 4) the right (in the easement holders discretion) to fence all or part of the lands subject to this easement and to affix track, fixtures, and structures to such lands and to exclude other persons from all or part of such lands.
 - b. "right-of-way", as used herein, means as provided in Sec. 603(11) of ARTA:

- 1) an area extending not less than one hundred feet on both sides of the center line of any main line or branch line of the Alaska Railroad; or
- 2) an area extending on both sides of the center line of any main line or branch line of the Alaska Railroad appropriated or retained by or for the Alaska Railroad that, as a result of military jurisdiction over, or non-federal ownership of, lands abutting the main line or branch line, is of a width less than that described in subparagraph (1) of this paragraph.

IN WITNESS WHEREOF, the undersigned authorized officer of the Department of Transportation has in the name of the United States, set his/her hand and caused the seal of the Department to be hereunto affixed on this 17th day of MARCH, 2006.

Eveline H. Stubbs

EVELINE H. STUBBS
 Notary Public of District of Columbia
 My Commission Expires March 14, 2008

UNITED STATES OF AMERICA

John F. Bunker
 Secretary of Transportation, by the
 Administrator of the Federal
 Railroad Administration

Accepted:

ALASKA RAILROAD CORPORATION

BY: *PK Gault*

TITLE: *Pres/CEO*

DATED: *24 Feb 06*

Location Index for Recording Information

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Lots 1, 2, 3, and 13, and Parcels A to K, U.S. Survey No. 9012, located within Secs. 5, 6, 9, 10, 14, 15, 23, 24, and 25, T. 10 N., R. 1 W., SM.

Return Recorded Document to:

Alaska Railroad Corporation
Mr. James Blasingame
Vice President, Corporate Affairs
P.O. Box 107500
Anchorage, Alaska 99510-7500

Patent No. **50-2006-0161**