

## CORPORATION EASEMENT

THE GRANTOR, **AHTNA, INC.**, P.O. Box 649, Glenallen, Ak. 99588, for and in consideration of Mutual Benefit, in hand paid, convey and warrant to the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Right of Way Section, 2301 Peger Road, MS 2553, Fairbanks, Alaska 99709-5398, its successors or assignees, a perpetual, full and unrestricted easement and right of way along, over, and across the following described tracts of land, located in the State of Alaska, to wit:

All that part of the following described tract of land:

**PARCEL 2: Tok Cutoff MP 30E**

A tract of land located in the Northwest Quarter of Section 3, Township 9 North, Range 4 East, Copper River Meridian, within the Chitina Recording District, Third Judicial District, State of Alaska and being more particularly described as follows:

Commencing at Corner No. 1 of U.S. Survey 3222, a recovered BLM monument, thence S 54°07'00" E along the most northeasterly line of said U.S. Survey 3222, said line being common to the existing easterly right of way line of the Tok Cutoff Highway, a distance of 4.73 feet to the Point of Beginning;

Thence N 1°49'00" E along the existing easterly right of way line of the Tok Cutoff Highway a distance of 1599.50 feet to an intersection with the north section line of said Section 3;

Thence East along the north section line of said Section 3, being common to the south section line of Section 34, Township 10 North, Range 4 East, a distance of 80.36 feet to a point on a curve; from which the radius point of said curve bears S 73°37'16" E at a distance of 2341.12 feet;

Thence southerly on a non-tangential curve to the left, said curve having a radius of 2341.12 feet and a tangent of 335.11 feet, an arc distance of 665.70 feet to a point of curve;

Thence S 00°05'12" W, tangential to the previously described curve, a distance of 725.08 feet to a point of curvature;

Thence on a curve to the right, said curve having a radius of 2643.62 feet and a tangent of 117.48 feet, an arc distance of 234.82 feet to an intersection with the northeasterly line of U.S. Survey 3222;

Thence N 54°07'00" W along said line a distance of 29.86 feet to the Point of Beginning.

Said tract being delineated on the plats attached hereto as pages 8 and 9 of this instrument and designated as Parcel No. 2, containing 0.844 acres, more or less; this description being prepared from and subject to said plats; said plats themselves being prepared from and subject to the Right of Way Plans,

Project No. MGS-IM-IR-OA1-3(9), Tok Cutoff MP 30 East Reconstruction, Sheets 1 to 20.

AND

PARCEL 3: Tok Cutoff MP 30E

A tract of land located in the South Half of Section 34, Township 10 North, Range 4 East, Copper River Meridian, within the Chitina Recording District, Third Judicial District, State of Alaska and being more particularly described as follows:

Commencing at Corner No. 1 of U.S. Survey 3222, a recovered BLM monument, thence S 54°07'00" E along the most northeasterly line of said U.S. Survey 3222, said line being common to the existing easterly right of way line of the Tok Cutoff Highway, a distance of 4.73 feet;

Thence N 1°49'00" E along the existing easterly right of way line of the Tok Cutoff Highway a distance of 1599.50 feet to an intersection with the north section line of Section 3, Township 9 North, Range 4 East, being common to the south section line of Section 34, Township 10 North, Range 4 East, and the Point of Beginning;

Thence continuing N 1°49'00" E along the existing easterly right of way line of the Tok Cutoff Highway a distance of 466.23 feet to a point of curvature;

Thence on a curve to the right along the existing easterly right of way line of the Tok Cutoff Highway, said curve having a radius of 804.93 feet and a tangent of 360.05 feet, an arc distance of 677.13 feet to a point of tangency;

Thence N 50°00'55" E along the existing easterly right of way line of the Tok Cutoff Highway a distance of 446.35 feet to a point on the ordinary high water mark of the right bank of the Chistochina River;

Thence in a southeasterly direction along the meanders of ordinary high water mark of the Chistochina River, said meanders being generally described by the following predominant courses and distances:

S 57°17'51" E a distance of 125.44 feet;

S 73°59'27" E a distance of 165.76 feet;

Thence, departing said meanders, S 45°19'21" W a distance of 321.44 feet to a point of curvature;

Thence southwesterly on a curve to the left, said curve having a radius of 2341.12 feet and a tangent of 604.23 feet, an arc distance of 1182.64 feet to an intersection with the south section line of Section 34, Township 10 North, Range 4 East,

Thence West along the south section line of said Section 34, being common to the north section line of Section 3, Township 9 North, Range 4 East, a distance of 80.36 feet to the point of beginning.

Said tract being delineated on the plats attached hereto as pages 10 thru 12 of this instrument and designated as Parcel No. 3, containing 8.883 acres, more or less; this description being prepared from and subject to said plats; said plats themselves being prepared from and subject

to the Right of Way Plans, Project No. MGS-IM-IR-OA1-3(9), Tok Cutoff MP 30 East Reconstruction, Sheets 1 to 20.

AND

**PARCEL 5: Tok Cutoff MP 30E**

A tract of land located in the East Half of Section 34, Township 10 North, Range 4 East, Copper River Meridian, within the Chitina Recording District, Third Judicial District, State of Alaska and being more particularly described as follows:

Commencing at Corner No. 1 of U.S. Survey 3222, a recovered BLM monument, thence S 54°07'00" E along the most northeasterly line of said U.S. Survey 3222, said line being common to the existing easterly right of way line of the Tok Cutoff Highway, a distance of 4.73 feet;

Thence N 1°49'00" E along the existing easterly right of way line of the Tok Cutoff Highway a distance of 1599.50 feet to an intersection with the north section line of Section 3, Township 9 North, Range 4 East, being common to the south section line of Section 34, Township 10 North, Range 4 East;

Thence continuing N 1°49'00" E along the existing easterly right of way line of the Tok Cutoff Highway a distance of 466.23 feet to a point of curvature;

Thence on a curve to the right along the existing easterly right of way line of the Tok Cutoff Highway, said curve having a radius of 804.93 feet and a tangent of 360.05 feet, an arc distance of 677.13 feet to a point of tangency;

Thence N 50°00'55" E along the existing easterly right of way line of the Tok Cutoff Highway a distance of 446.35 feet to a point on the ordinary high water mark of the right bank of the Chistochina River;

Thence continuing N 50°00'55" E along the existing easterly right of way line of the Tok Cutoff Highway across the Chistochina River a distance of 1189.01 feet to a point on the ordinary high water mark of the left bank of the Chistochina River and the Point of Beginning;

Thence continuing N 50°00'55" E along the existing easterly right of way line of the Tok Cutoff Highway a distance of 775.96 to a point of curvature;

Thence on a curve to the left along the existing easterly right of way line of the Tok Cutoff Highway, said curve having a radius of 11609.16 feet and a tangent of 196.59 feet, an arc distance of 393.14 feet to a point of tangency;

Thence N 48°04'30" E along the existing easterly right of way line of the Tok Cutoff Highway a distance of 583.49 feet to a point of curvature;

Thence on a curve to the right along the existing easterly right of way line of the Tok Cutoff Highway, said curve having a radius of 11309.16 feet and a tangent of 236.89 feet, an arc distance of 473.72 feet to a point of tangency;

Thence, departing said curve in a non-tangential direction, S 39°31'30" E along the radial to said curve, a distance of 20.07 feet to a point;

Thence S 45°19'21" W a distance of 2140.14 feet to a point on the ordinary high water mark of the left bank of the Chistochina River;

Thence in a northwesterly direction along the meanders of ordinary high water mark of the Chistochina River, said meanders being generally described by the following predominant courses and distances:

N 69°40'06" W a distance of 187.20 feet to the Point of Beginning.

Said tract being delineated on the plats attached hereto as pages 13 thru 18 of this instrument and designated as Parcel No. 5, containing 4.429 acres, more or less; this description being prepared from and subject to said plats; said plats themselves being prepared from and subject to the Right of Way Plans, Project No. MGS-IM-IR-OA1-3(9), Tok Cutoff MP 30 East Reconstruction, Sheets 1 to 20.

The total area of **Parcels 2, 3, and 5** is approximately **14.156 acres**.

Statement of Intent: The purpose of this easement is to allow the realignment of a portion of the Tok Cutoff Highway at the Chistochina River in order to construct a new bridge. The easement granted in this document is in exchange for the vacation of an equal area of existing highway easement in the Chistochina River vicinity and at another location on the Tok Cutoff Highway. This exchange is authorized under 17 AAC 10.120 LAND EXCHANGES. In order to assure a fair and equitable exchange, the intent of this document is to create an equal but no greater easement interest than the existing easement for highway purposes that is being vacated. The easement for highway purposes that will be vacated as a part of this exchange was established under Public Land Order 1613 effective 4/7/58.

The GRANTOR hereby covenants with the State of Alaska that the Grantor has good title to the aforescribed tract of land and covenants that the State of Alaska shall have quiet and peaceable possession thereof; and shall have free and unrestricted right to maintain said facilities as long as the right of way of which this easement area is a part, remains a public way.

IN WITNESS WHEREOF, AHTNA, INC., acting in accordance with the terms and conditions of the Board of Director's Resolution hereby attached as Exhibit "B" (page 7), has caused this deed to be executed on its behalf on this 7<sup>th</sup> day of June, 2001.

AHTNA, INC.

By: JOSEPH J. HART

Joseph J. Hart  
Signature

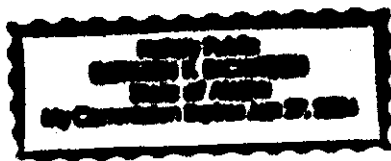
CORPORATE ACKNOWLEDGEMENT

STATE OF ALASKA            )  
  ) ss  
4<sup>th</sup> JUDICIAL DISTRICT)

ON THIS 7<sup>th</sup> day of June, 2001, before me, the undersigned, a Notary Public in and for the said State, personally appeared JOSEPH J. HART, REPRESENTATIVE OF AHTNA, INC., a company, known to me to be the identical individual who executed the foregoing instrument and he acknowledged to me that he executed the same as the free and voluntary act of said company, with full authority so to do and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year above written.

SEAL



[Signature]  
Notary Public  
My Commission Expires: 1/27/04

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof:

IN WITNESS WHEREOF, I have hereunto set my hand this 12<sup>th</sup> day of JUNE, 2001.

DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

By: John F. Bennett  
For the Commissioner

Right of Way Section  
2301 Peger Rd, MS 2553  
Fairbanks, AK 99709-5399

AFTER RECORDING RETURN TO:  
DOT&PF  
RIGHT OF WAY SECTION  
2301 PEGER ROAD, MS 2553  
FAIRBANKS, AK 99709-5399  
ATTN: Kathleen Dickinson

RECEIVED

JUN 20 2002

AHTNA

INCORPORATED

RESOLUTION 01-42  
AHTNA, INC. BOARD OF DIRECTORS

A RESOLUTION APPROVING RIGHT OF WAY EXCHANGE

WHEREAS, Ahtna, Inc. is an Alaska Native Regional Corporation established under the Alaska Native Claims Settlement Act of 1971 as a for profit corporation; and

WHEREAS, Ahtna, Inc. as a successor in interest to Cheesh-na Corporation which received Interim Conveyance No. 235 dated 11 September 1979 to the surface estate of certain lands in the vicinity of the Chistochina River and Interim Conveyance No. 236 dated 11 September 1979 to the subsurface estate of said lands, pursuant to Sections 14(a) and 22(j) of ANSCA; and

WHEREAS, the State of Alaska, Department of Transportation and Public Facilities, herein referred to as the State, plans to improve, upgrade and realign a portion of the Tok Cutoff under Project Number MGS-IM-IR-OA1-3 (9)/65416 over surface and subsurface lands owned by Ahtna, Inc.; and

WHEREAS, the Ahtna, Inc. Board of Directors has reviewed and approved the terms and conditions of the proposed Memorandum of Agreement and the attached Corporation Easement and approved the transfer of Parcels Number 2, 3 and 5 of the subject project containing 14.156 acres to the State for a land exchange of equal value to include both the surface and subsurface estates.

THEREFORE BE IT RESOLVED by the Ahtna, Incorporated Board of Directors that said Corporation Easement in, over, under and upon those lands depicted above in the aforementioned project be executed and granted to the State in exchange for land of equal value.

BE IT FURTHER RESOLVED that this action in no way obligates Ahtna, Inc. to agree to like exchanges in the future.

CERTIFICATION

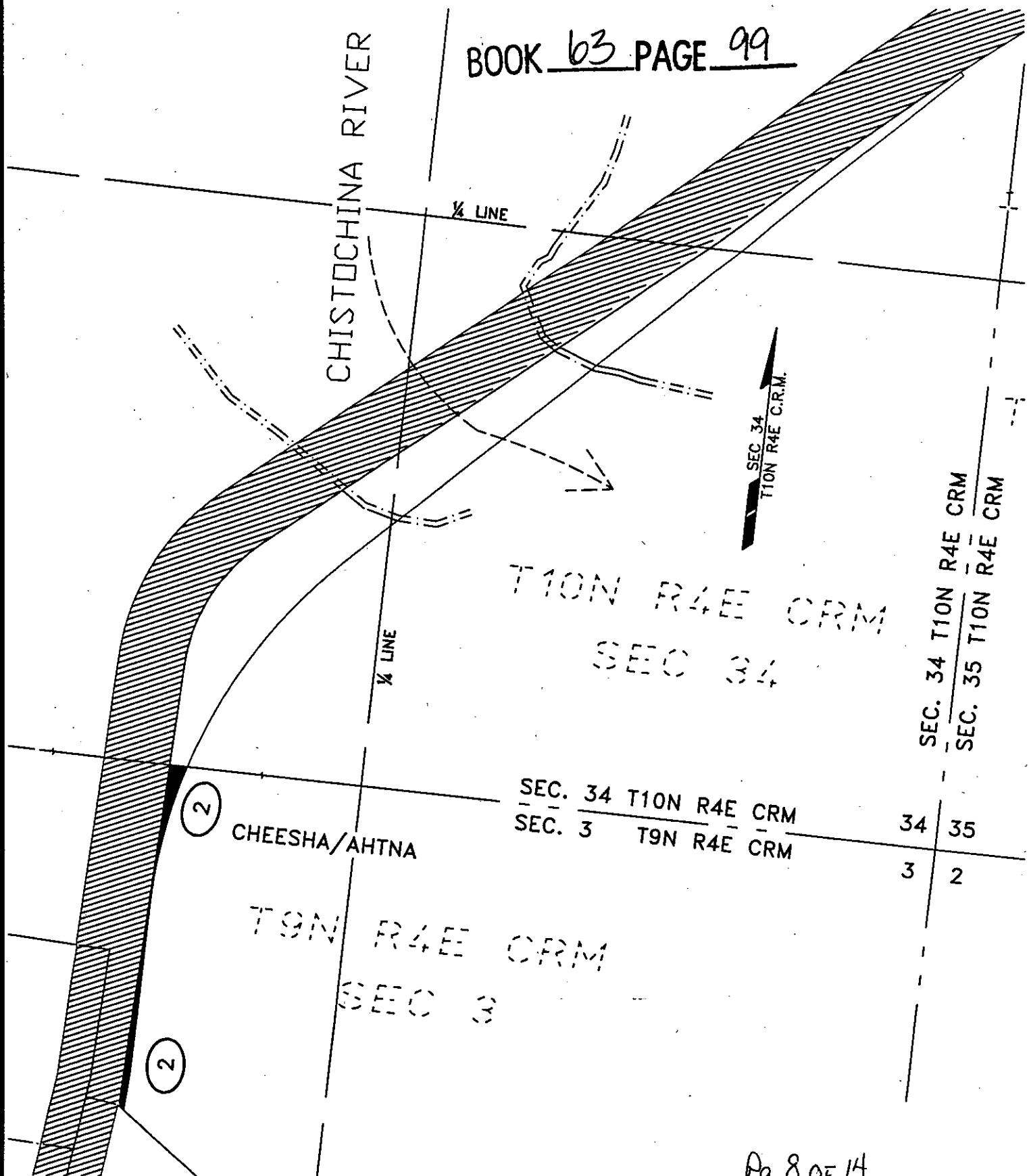
The foregoing resolution was adopted at a duly convened meeting of the Ahtna, Inc. Board of Directors, at which a quorum was present, with voting results as follows:

13 in favor; 0 opposing; and 0 abstaining, on this 6th day of October 2001.

Susan L. Taylor  
Susan L. Taylor, AI Chairperson

Eleanor Dementi  
Eleanor Dementi, AI Secretary

CHISTOCHINA RIVER



T10N R4E CRM  
SEC 34

SEC. 34 T10N R4E CRM  
SEC. 3 T9N R4E CRM

CHEESHA/AHTNA

T9N R4E CRM  
SEC 3

SEC. 34 T10N R4E CRM  
SEC. 35 T10N R4E CRM

34	35
3	2

Pg 8 OF 14

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR  
TOK CUTOFF MP 30 EAST RECONSTRUCTION

<p><i>J.J.H.</i>      <u>06/07/01</u></p>	<p>DRAWING</p>	<p>PROJECT NO. <u>MGS-IM-IR-0A1-3(9)/65416</u></p>
<p>INITIAL      DATE</p>	<p>1 OF 2</p>	<p>AREA <u>0.844 AC</u>      PARCEL NO. <u>2</u></p>
		<p>SCALE <u>1"=600'</u>      DATE <u>5-24-01</u></p>

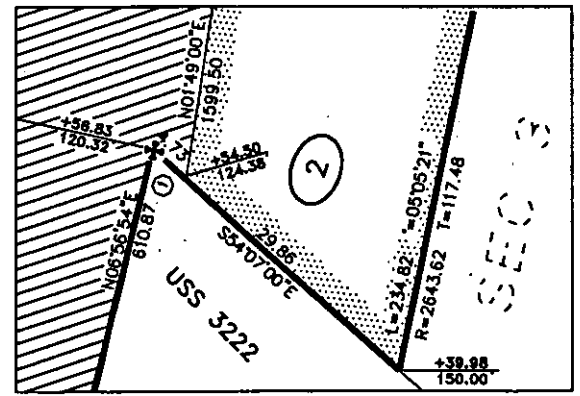
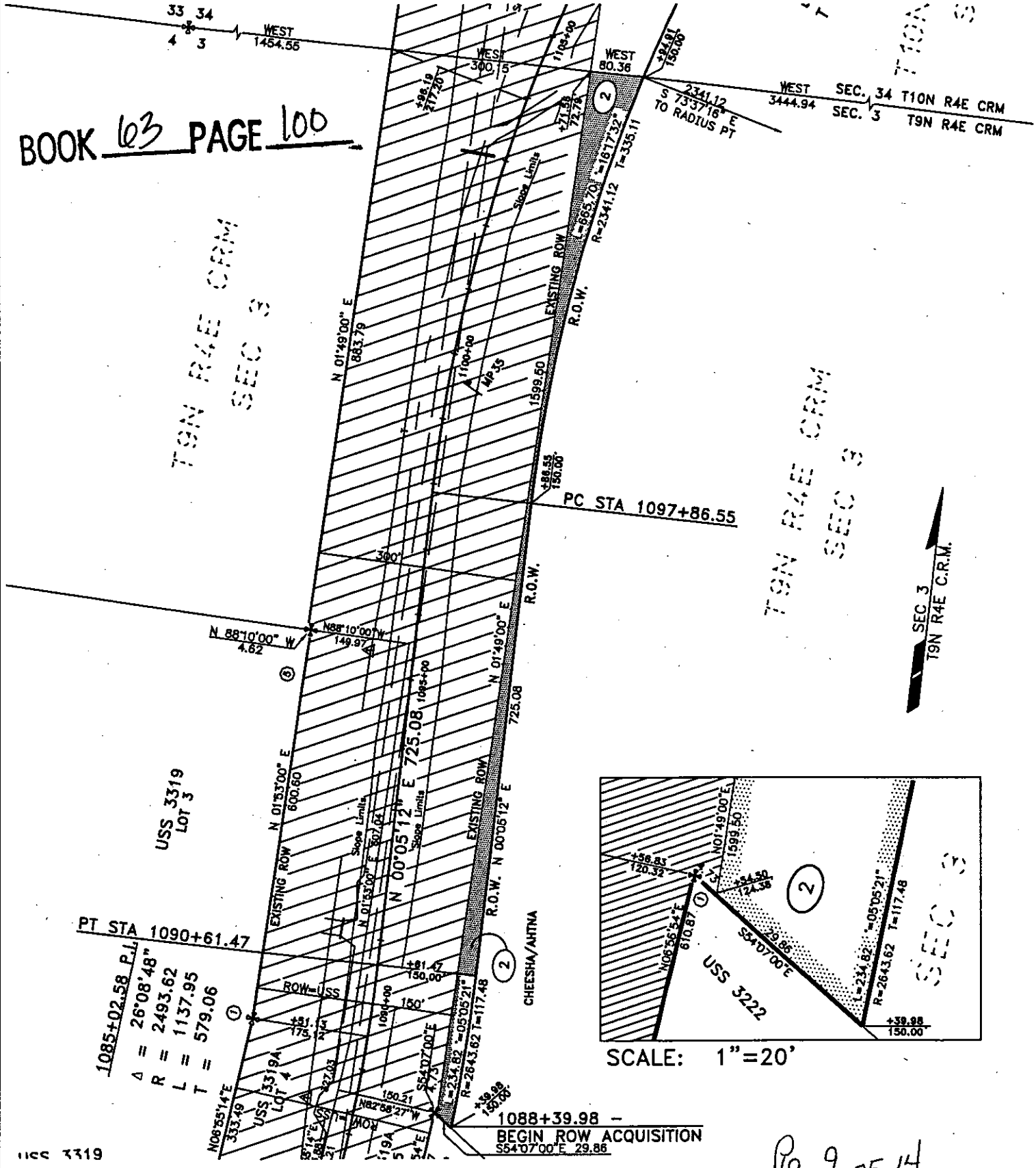


BOOK 63 PAGE 100

T10N R4E CRM  
SEC 3

T10N R4E CRM  
SEC 3

SEC 3  
T9N R4E C.R.M.



SCALE: 1"=20'

PT STA 1090+61.47

1085+02.58 P.L.  
Δ = 26°08'48"  
R = 2493.62  
L = 1137.95  
T = 579.06

USS 3319  
LOT 3

USS 3222

1088+39.98 -  
BEGIN ROW ACQUISITION  
S54°07'00"E 29.86

11CC 3319

Pg 9 of 14

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		RIGHT OF WAY REQUIRED FOR TOK CUTOFF MP 30 EAST RECONSTRUCTION	
INITIAL <u>J.D.H.</u>	DATE <u>06/07/01</u>	DRAWING	PROJECT NO. <u>MGS-IM-IR-0A1-3(9)/65416</u>
<u>2</u> OF <u>2</u>		AREA <u>0.844 AC</u>	PARCEL NO. <u>2</u>
		SCALE <u>1"=200'</u>	DATE <u>5-24-01</u>

CHISTOCHINA RIVER

¼ LINE

¼ LINE

SEC. 34  
T10N R4E C.R.M.

T10N R4E CRM  
SEC 34

SEC. 34 T10N R4E CRM  
SEC. 35 T10N R4E CRM

3  
CHEESHA/AHTNA

SEC. 34 T10N R4E CRM  
SEC. 3 T9N R4E CRM

34	35
3	2

T9N R4E CRM  
SEC 3

Pg 10 of 14

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR  
TOK CUTOFF MP 30 EAST RECONSTRUCTION

DDH	06/07/01	DRAWING	PROJECT NO. MGS-IM-IR-0A1-3(9)/65416
INITIAL	DATE	1 OF 2	AREA 8.883 AC PARCEL NO. 3
			SCALE 1"=600' DATE 5-24-01

BOOK 63 PAGE 102

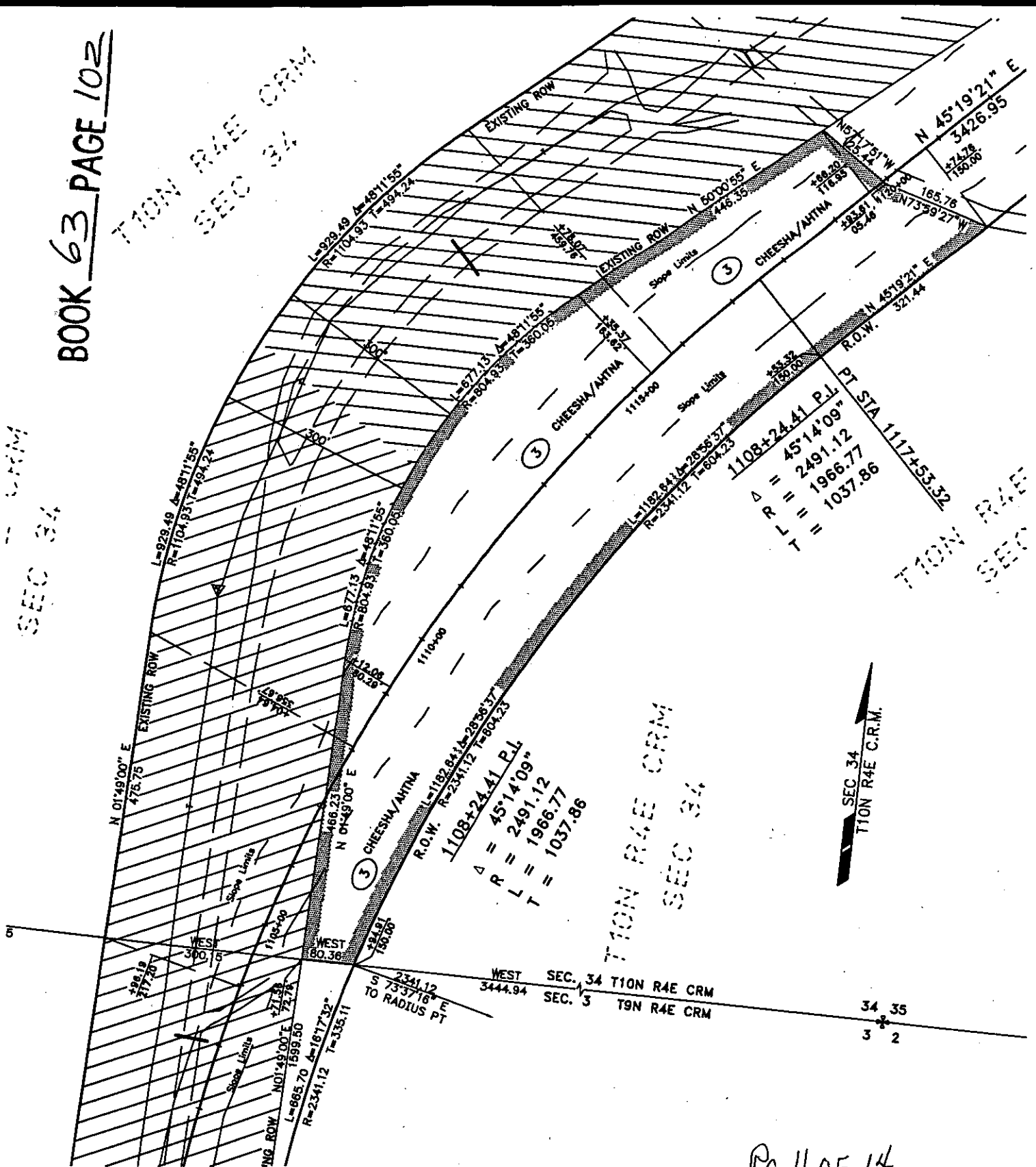
T10N R4E CRM  
SEC 34

T10N R4E CRM  
SEC 34

T10N R4E CRM  
SEC 34

T10N R4E CRM  
SEC 34

SEC 34  
T10N R4E C.R.M.



Pg 11 OF 14

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		RIGHT OF WAY REQUIRED FOR TOK CUTOFF MP 30 EAST RECONSTRUCTION	
J.A.H.	06/07/01	DRAWING	PROJECT NO. MGS-IM-IR-0A1-3(9)/65416
INITIAL	DATE	2 OF 2	AREA 8.883 AC PARCEL NO. 3
			SCALE 1"=200' DATE 5-24-01

BOOK 103 PAGE 103

CHISTOCHINA RIVER

¼ LINE

CHEESHA/AHTNA

SEC. 34  
T10N R4E C.R.M.

SEC. 34 T10N R4E CRM  
SEC. 35 T10N R4E CRM

T10N R4E CRM  
SEC 34

SEC. 34 T10N R4E CRM  
SEC. 3 T9N R4E CRM

34	35
3	2

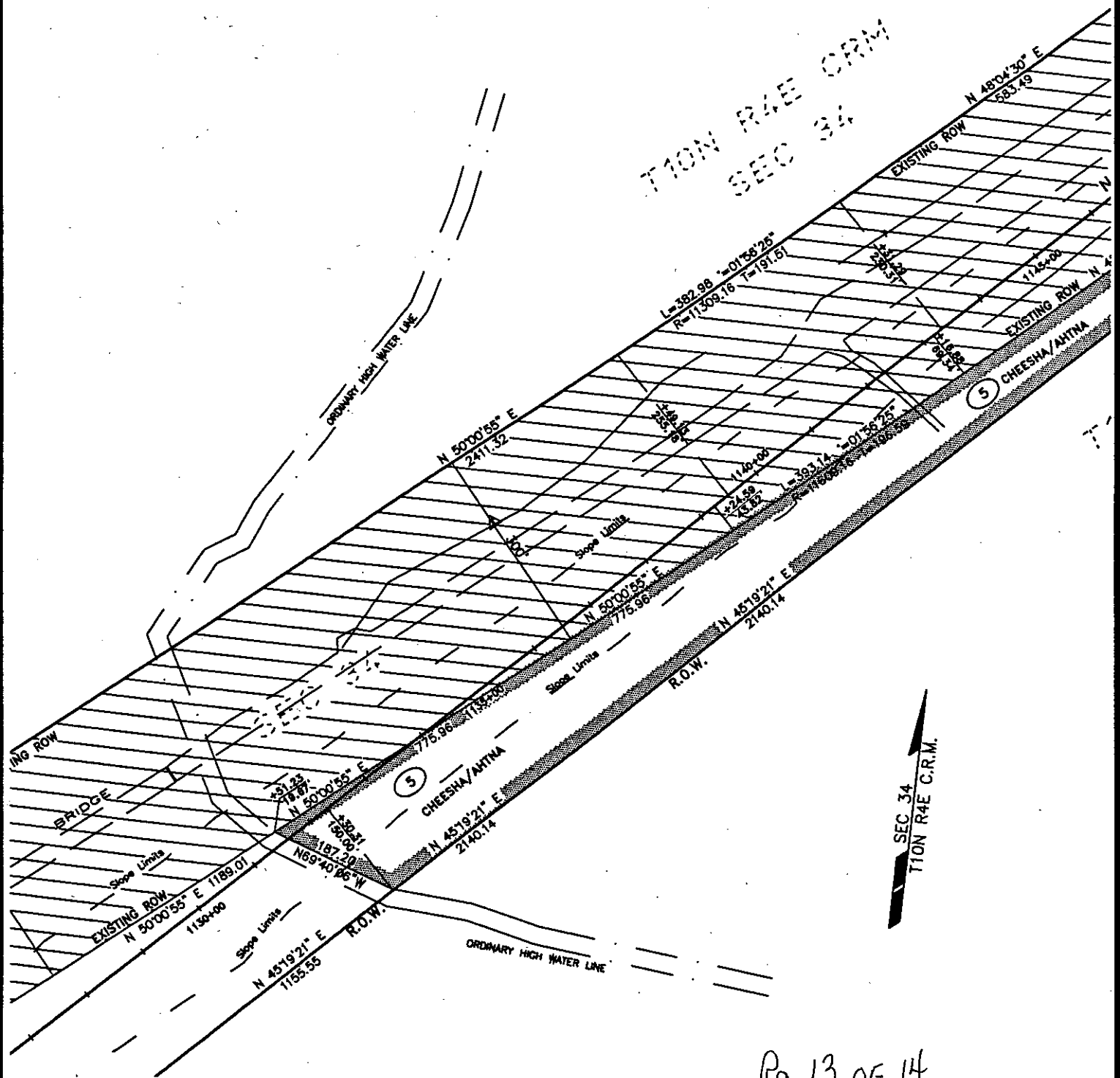
T9N R4E CRM  
SEC 3

Pg 12 OF 14

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR  
TOK CUTOFF MP 30 EAST RECONSTRUCTION

<p>● J.J.H. 10/6/01</p>	<p>DRAWING</p>	<p>PROJECT NO. MGS-IM-IR-0A1-3(9)/65416</p>
<p>INITIAL</p>	<p>DATE</p>	<p>AREA 4.429 AC</p>
<p>1 OF 3</p>	<p>SCALE 1"=600'</p>	<p>PARCEL NO. 5</p>
		<p>DATE 5-24-01</p>



Pg 13 of 14

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR  
TOK CUTOFF MP 30 EAST RECONSTRUCTION

J.J.H. INITIAL	06/07/01 DATE	DRAWING 2 OF 3	PROJECT NO. MGS-IM-IR-0A1-3(9)/65416 AREA 4.429 AC SCALE 1"=200'	PARCEL NO. 5 DATE 5-24-01
-------------------	------------------	-------------------	--	------------------------------

000464

2002 JUL -3 P 2:36

BOOK 63 PAGE 105

CHITINA  
RECORDING DISTRICT

REQUESTED BY  
SOA / DOT + PF

N/C CC

T10N R4E CRM  
SEC 34

1157+01.95 P.I.  
 $\Delta = 05^{\circ}12'47''$   
 $R = 11459.16$   
 $L = 1042.63$   
 $T = 521.68$

PC STA 1151+80.27

L=486.28  $\Delta=02^{\circ}24'00''$   
R=11809.16 T=743.18

N 5028'30" E  
808.46

N50'28'30"E  
808.46

EXISTING ROW

Slope Limits

EXISTING ROW

N39'31'30"W  
20.07

1153+74.44  
END ROW ACQUISITION

N 0005'57" W  
3793.55

SEC. 34 T10N R4E CRM  
SEC. 35 T10N R4E CRM



34  
3 2

R4E CRM  
SEC 34

T10N R4E CRM  
SEC 34

Pg 14 OF 14

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR  
TOK CUTOFF MP 30 EAST RECONSTRUCTION

J.J.H.	06/07/01	DRAWING	PROJECT NO.	MGS-IM-IR-0A1-3(9)/65416
INITIAL	DATE	3 OF 3	AREA	4.429 AC
			SCALE	1"=200'
			PARCEL NO.	5
			DATE	5-24-01