

The United States of America

To all to whom these presents shall come, Greeting:

Patent

F-84662-4

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 Fairbanks Recording District.

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 including both the right-of-way of the Alaska Railroad (railroad right-of-way), and other railroad lands (railroad parcels). A portion of the lands are under the Exclusive License issued on January 5, 1985, and recorded in the Fairbanks Recording District, Book 408, Pages 127-143. Title to the remaining lands was vested by Interim Conveyance on January 5, 1985, and recorded in the Fairbanks Recording District, Book 408, Pages 116-125. This patent is hereby issued for the real property described below:

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

Lots 1 through 8, U. S. Survey No. 9066, Alaska, situated on the Alaska Railroad, approximately 24 miles westerly from Fairbanks, Alaska.

Containing 160.00 acres, as shown in plat of survey officially filed November 10, 1988.

Lots 1 through 8, U. S. Survey No. 9067, Alaska, situated on the Alaska Railroad, approximately 17 miles westerly of the City of Fairbanks.

Containing 160.90 acres, as shown on plat of survey officially filed December 28, 1988.

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shows 28 feet wide ROW

Lots 1 through 8, U. S. Survey No. 9071, Alaska, situated on the Alaska Railroad Spur to the Fairbanks International Airport.

Containing 65.20 acres, as shown on plat of survey officially filed March 31, 1994.

Aggregating 386.10 acres.

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.

1. Pursuant to Sec. 610 of ARTA, this conveyance is subject to the following conditions:
 - a. Pursuant to Sec. 610(a) of ARTA, if, within 10 years after the date of transfer, the Secretary of Transportation finds that all or part of the real property transferred to the State of Alaska under said Act is converted to a use that would prevent the State-owned railroad from continuing to operate, the real property (including permanent improvements to the real property) shall revert to the United States, or at the option of the State (as defined in Sec. 603(14) of ARTA), the State shall pay to the United States an amount determined to be fair market value of that property at the time its conversion prevents continued operation of the railroad.
 - b. Pursuant to Sec. 610(b) of ARTA, if, after January 5, 1985, the State discontinues use of any land within the right-of-way, the interest hereby conveyed in such land shall revert to the United States when:

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- 1) The Governor of Alaska delivers to the Secretary of the Interior a notice of such discontinuance, including a legal description of the property subject to the notice, and a quit claim deed thereto; or
 - 2) The State has made no use of the land for a continuous period of eighteen years for transportation, communication, or transmission purposes. Pursuant to Sec. 610(b)(2) of ARTA, notice of such discontinuance shall promptly be published in the Federal Register by the Secretary of Transportation, the Secretary of the Interior, or the Secretary of Agriculture, and reversion shall be effected one year after such notice, unless within such one year period the State brings an appropriate action in the United States District Court for the District of Alaska to establish that the use has been continuing without an eighteen year lapse. Any such action shall have the effect of staying reversion until exhaustion of appellate review of the final judgment in that action or termination of the right to seek such review, whichever first occurs.
2. 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:
- Any interest in the Richardson 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 Sec. 24, T. 1 S., R. 1 W., Fairbanks Meridian.
3. 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).
 4. 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

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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 the appurtenances, hereditaments, improvements, facilities, trackwork, roadbed, buildings, franchises, ways, waters, minerals, rights, privileges, fixtures, licenses, lease holds, 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 this easement; and
 - 4) the right, (in the easement holder's discretion) to fence all or part of the lands subject to this easement and to affix tracks, fixtures, and structures to such lands and to exclude other persons from all or part of such lands.

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- 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 19th day of September, 1999.

UNITED STATES OF AMERICA


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

Accepted:

ALASKA RAILROAD CORPORATION

By: William J. Sheffield

Title: President - CEO

Dated: 9-17-99

Location Index for Recording Information:

Ts. 1 and 2 S., R. 5 W., FM
T. 1 S., R. 4 W., FM
T. 1 S., R. 1 W., FM

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