

Patent

Nenana Recording District

WHEREAS, pursuant to Sec. 604(b)(2) and Sec. 604(b)(3) of the Alaska Railroad Transfer Act of 1982 (96 Stat. 2556 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); this patent is hereby issued for the real property described below:

Railroad Parcels:

U.S. Survey No. 7946, Alaska.

Containing: 17.63 acres.

Fairbanks Meridian, Alaska

T. 12 S., R. 7 W.

Sec. 6, lots 1 to 10, inclusive, E2NE4, NW4NE4, NE4SE4;
Sec. 7, lots 1 to 6, inclusive, S2NE4, E2NW4, E2SW4, SE4;
Sec. 8, lots 1 to 5, inclusive;
Sec. 17, lots 1 to 4, inclusive, W2SW4;
Sec. 18, lots 1 and 6, E2, E2W2;
Sec. 19, lots 1 to 4, inclusive, E2, E2W2;
Sec. 20, lots 1 to 4, inclusive, W2W2, SE4NW4, E2SW4;
Sec. 28, lot 1;
Sec. 29, lots 2 and 3, W2;
Sec. 30, lots 1 to 4, inclusive, E2, E2W2;
Sec. 31, lots 1 to 4, inclusive, E2, E2W2;
Sec. 32, lots 1 to 5, inclusive, NW4NW4, W2SW4.

Containing: 5,198.62 acres.

T. 12 S., R. 8 W.

Sec. 25, lots 1, 2, 3, 4, 7 and 8, E2E2, NW4NE4, NW4NW4.

Containing: 446.96 acres.

T. 11 S., R. 7 W.

Sec. 31, lots 5, 6 and 7, NE4SW4.

Containing: 112.82 acres.

T. 8 S., R. 8 W.

Sec. 5, lots 1 and 2, S2NE4, S2;

Sec. 6, lots 1 to 7, inclusive, S2NE4, SE4NW4, E2SW4, SE4.

Containing: 1,108.23 acres.

Aggregating: 6,885.45 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 below. And, 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 not be less than an exclusive use easement as defined by Sec. 603(6) of ARTA.

Reservations and Conditions

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 ten 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 the 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:
- (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 quitclaim 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:
- a. A right-of-way, F-12103, for a material sale, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities), within Secs. 18 and 20, T. 12 S., R. 7 W., Fairbanks Meridian, under Act of July 31, 1947 (30 U.S.C. 601) as amended.

- b. A right-of-way, F-031337, for a material site, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities), within Secs. 19 and 30, T. 12 S., R. 7 W., Fairbanks Meridian, under the Federal Aid Highway Act of November 9, 1921 (23 U.S.C. 317) as amended.
- c. A right-of-way, F-509, for a material site, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities), within U.S. Survey No. 7946 (Sec. 18, T. 12 S., R. 7 W., Fairbanks Meridian) under the Act of August 27, 1958, as amended (23 U.S.C. 317).
- d. A right-of-way, F-025044, for material site, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities), within Sec. 6, T. 8 S., R. 8 W., Fairbanks Meridian, under the Federal Aid Highway Act of November 9, 1921 (23 U.S.C. 317) as amended.
- e. A right-of-way, F-031336, for a material site, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities), within Sec. 19, T. 12 S., R. 7 W., Fairbanks Meridian, under the Federal Aid Highway Act of November 9, 1921 (23 U.S.C. 317) as amended.
- f. A right-of-way, F-031338, for a material site, issued to the State of Alaska, Department of Highways, (now Department of Transportation and Public Facilities), within Sec. 31, T. 12 S., R. 7 W., Fairbanks Meridian, under the Federal Aid Highway Act of November 9, 1921 (23 U.S.C. 317) as amended.
- g. A right-of-way, F-012577, for an access road, issued to A. Ben Shallit, within Sec. 20, T. 12 S., R. 7 W., Fairbanks Meridian, under the Act of January 21, 1895 (43 U.S.C. 946).
- h. A right-of-way, F-031387, for a highway, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities), within Secs. 19, 30 and 31, T. 12 S., R. 7 W., Fairbanks Meridian, under the Act of August 27, 1958, as amended (23 U.S.C. 317).

- i. A right-of-way, F-035083, for a transmission line, issued to Golden Valley Electric Association, Inc., within Secs. 7, 17, 18, and 20, T. 12 S., R. 7 W., and Sec. 5, T. 8 S., R. 8 W., Fairbanks Meridian, under the Act of February 15, 1901 (43 U.S.C. 959).
 - j. A right-of-way, F-025067, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities), within Sec. 6, T. 8 S., R. 8 W., Fairbanks Meridian, under the Act of August 28, 1958, as amended (23 U.S.C. 317).
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).

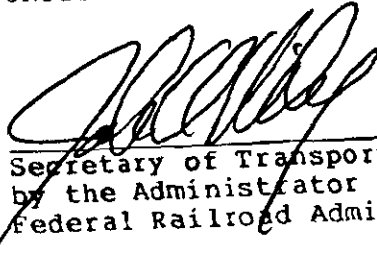
Definitions

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 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 holder's 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 5th day of January, 1985, in Nenana, Alaska.

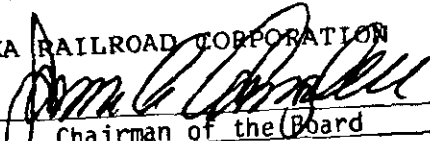
UNITED STATES OF AMERICA


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



Accepted:

ALASKA RAILROAD CORPORATION

By: 
Its: Chairman of the Board
Dated: January 5, 1985

ALASKA RAILROAD CORPORATION

Pouch 7-2111
Anchorage, Alaska 99510-7069

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Nenana Recording District

January 9, 1985

Dear District Recorder,

After recording please return the attached documents to:

Alaska Railroad Corporation

Pouch 7-2111

Anchorage, Alaska 99510-7069

Attention: James O. Campbell, Chairman
Board of Directors

85-0004
MC

RECORDED
NENANA RECORDING
DISTRICT

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REQUESTED BY Ak.
Railroad Corp.
ADDRESS

Thank you.