

HIGHWAY EASEMENT DEED

THIS DEED, made this 25th day of October, 19 78.

by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, hereinafter referred to as the DEPARTMENT, and the State of Alaska; Department of Transportation and Public Facilities; hereinafter referred to as the GRANTEE:

WITNESSETH:

WHEREAS, the GRANTEE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. 317) for the right-of-way of a highway over certain land owned by the United States in the State of Alaska which is under the jurisdiction of the Department of Agriculture, United States Forest Service; and,

WHEREAS, this transfer is further authorized under the provisions of the Act of Congress approved October 15, 1966 [80 Stat. 931, 937, Section 6(a)(1)(A)]; and,

WHEREAS, the Regional Federal Highway Administrator, pursuant to delegations of authority from the Secretary of Transportation, has determined that an easement over the land covered by the application is reasonably necessary for a right-of-way for the existing Alaska Federal Aid Primary Highway, Route FAP-31; "Seward Highway"; and

WHEREAS, the Department of Agriculture, acting by and through the Forest Service, has agreed to the transfer by the DEPARTMENT of an easement over the land to the GRANTEE:

NOW THEREFORE, the DEPARTMENT, as authorized by law, does hereby grant to the GRANTEE an easement for a right-of-way for the construction, operation, and maintenance of a highway, and use of the space above and below the established grade line of the highway pavement for highway purposes on, over, across, in and upon the following described lands of the United States within the Chugack National Forest, State of Alaska :

State of Alaska
Department of Transportation
& Public Facilities
1000 W. Section
Fairbanks, Alaska 99701

SURVEYED

BOOK 48 PAGE 158

RANGE 1 West Township 1 North Sections 13 and 14 Seward Meridian

UNSURVEYED

<u>RANGE</u>	<u>TOWNSHIP</u>	<u>SECTION(S)</u>	<u>MERIDIAN</u>
1 W	1 N	1, 12	SEWARD
1 W	2 N	24,25,36	SEWARD
1 E	2 N	6,7,18,19	SEWARD
1 E	3 N	6,7,18,19,31	SEWARD
1 W	2 N	24,25,36	SEWARD
1 E	4 N	31	SEWARD
1 W	4 N	1,12,13,24,25,36	SEWARD
1 W	5 N	7,17,18,20,21,22	SEWARD
2 W	5 N	2,11,12	SEWARD
2 W	6 N	13,24,25,26,35	SEWARD
1 W	6 N	5,6,7,18	SEWARD
1 W	7 N	4,9,16,17,20 29,32	SEWARD
1 W	8 N	14,15,21,22,23,25, 26,28,33,36	SEWARD
1 E	7 N	3,4,5,6	SEWARD
1 E	8 N	12,13,14,23,26, 27,31,34	SEWARD
2 E	8 N	5,6,7	SEWARD
2 E	9 N	26,27,28,32,33, 35,36	SEWARD

and as shown on the following described plats:

Right-of-Way map, Alaska Project FAP81, "Seward Highway, 15 sheets marked "EXHIBIT A" attached hereto and made a part hereof, subject, however, to the following terms, conditions and covenants:

- (1) Outstanding valid claims, if any, existing on the date of this grant, and the GRANTEE shall obtain such permission as may be necessary on account of any such claims.

(2) The GRANTEE and the Regional Forester shall make determinations as to the necessity for archaeological and paleontological reconnaissance and salvage within the right-of-way, and such reconnaissance and salvage to the extent determined necessary because of construction of the highway facility is to be undertaken by the GRANTEE in compliance with the Act entitled "An Act for the preservation of American antiquities" approved June 8, 1906 (34 Stat. 225, 16 USC 432-433), and State laws where applicable.

(3) Unless the GRANTEE and Regional Forester stipulate as to a shorter time, the easement herein granted shall terminate ten (10) years from the date of the execution of this deed by the United States of America in the event construction of a highway on the right-of-way is not started during such ten year period.

(4) The easement herein granted is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purposes of construction, operation and maintenance of a highway in accordance with the approved plans described in the condition numbered (5) and does not include the grant of any rights for non-highway purposes or facilities:

Provided, That the right of the Forest Service to use or authorize the use of any portion of the right-of-way for non-highway purposes shall not be exercised when such use would be inconsistent with the provisions of Title 23 of the United States Code and of the Federal Highway Administration Regulations issued pursuant thereto to would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the GRANTEE and the Federal Highway Administration shall be consulted prior to the exercise of such rights: And Provided, Further that nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction clearing limits.

(5) Consistent with highway safety standards, the GRANTEE

shall:

- (a) Protect and preserve soil and vegetative cover and scenic and esthetic values on the right-of-way outside of construction limits.
 - (b) Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation or maintenance of the highway, and shall vegetate and keep vegetated with suitable species, all earth cut or fill slopes feasible for revegetation, or other areas on which ground cover is destroyed where it is deemed necessary during a joint review between the Regional Forester and the GRANTEE, shall maintain all terracing, waterbars, lead-off ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.
- (6) The GRANTEE shall establish no borrow, sand, or gravel pits, stone quarry, or permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depots or disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the Regional Forester.
- (7) The GRANTEE shall maintain the right-of-way clearing limits by means of chemicals only after specific written approval has been given by the Regional Forester. Application for such approval must be in writing and specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

(8) The GRANTEE, in consideration of the grant of this easement, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that:

(a) No person shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed;

(b) The GRANTEE shall use said easement and right-of-way so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(9) When need for the easement herein granted shall no longer exist, the Grantee shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and the land shall immediately revert to the full control of the Department of Agriculture.

IN WITNESS WHEREOF, I, Robert B. Rutledge,
Regional Counsel, pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator, the Regional Federal Highway Administrator, and Chief Counsel, Federal Highway Administration, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

By Robert B. Rutledge
Robert B. Rutledge
Regional Counsel

STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

I, J. J. Amundson, a Notary Public in and for the State of Oregon, do hereby certify that on this the 25th day of October, 19 78, before me personally appeared Robert B. Regional Counsel, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of Oct. 25, 19 78, was executed by him in his official capacity and by authority in him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed as Regional Counsel, Federal Highway Administration.

Witness my hand and seal this 25th day of October, 19 78.

J. J. Amundson
Notary Public

My Commission expires Aug. 14, 1980.

In compliance with the conditions set forth in the foregoing deed, the State of Alaska, Department of Transportation and Public Facilities; certifies, and by the acceptance of this deed, accepts the right-of-way over certain lands herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

By Donald Harris

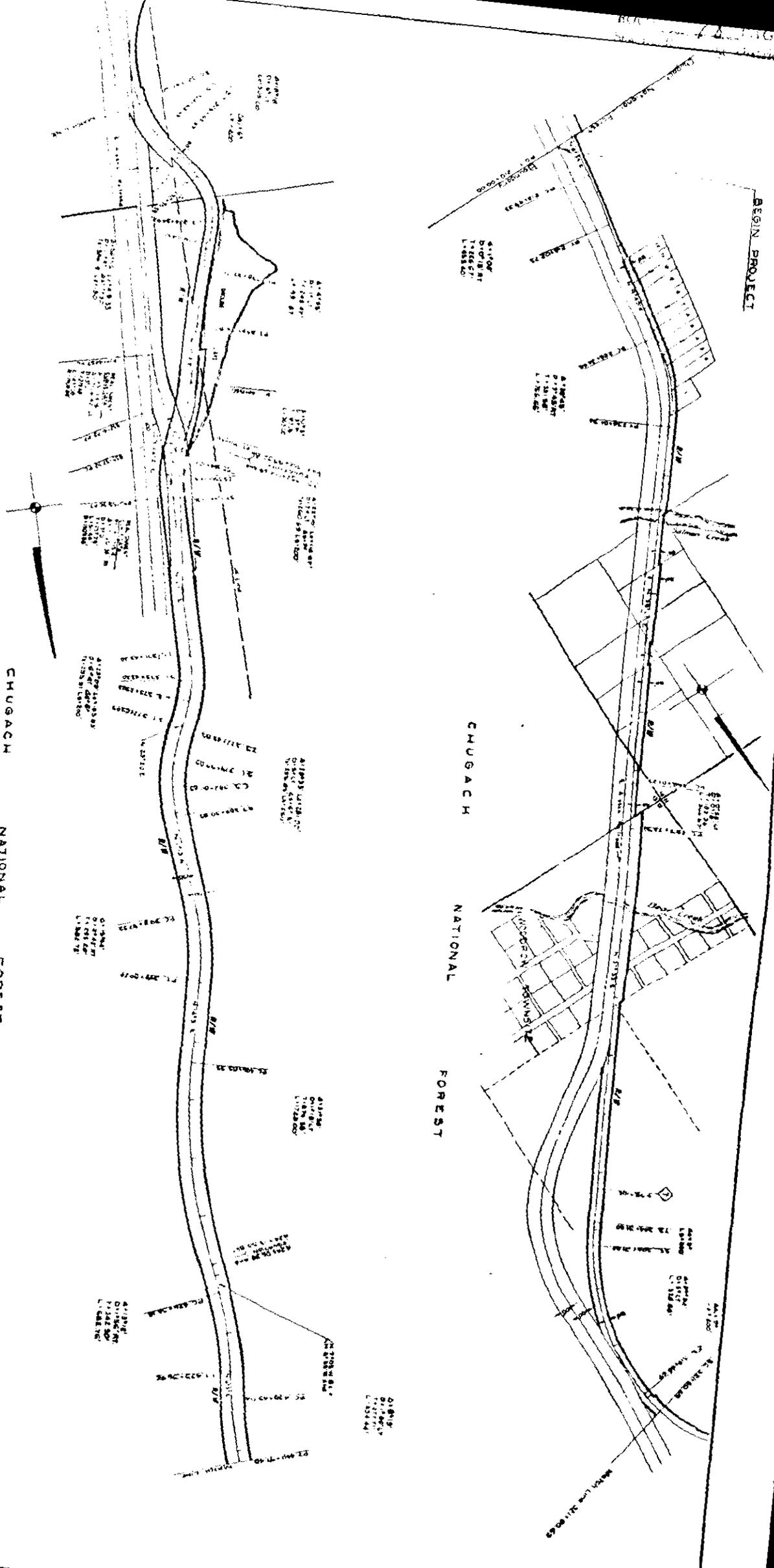
STATE OF ALASKA)
)
)
CITY AND BOROUGH OF JUNEAU)

I, LINDA J. HARTENBERGER, Notary Public in and for said Borough and State, hereby certify that Donald Harris whose name is signed to the foregoing conveyances and who is known to me, acknowledged before me on this day that, being informed of the conveyance, he in his capacity as Commissioner DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES executed the same voluntarily on this day.

Given under my hand and seal of office this 25th day of October, 1978.

Linda J. Hartenberger
Notary Public

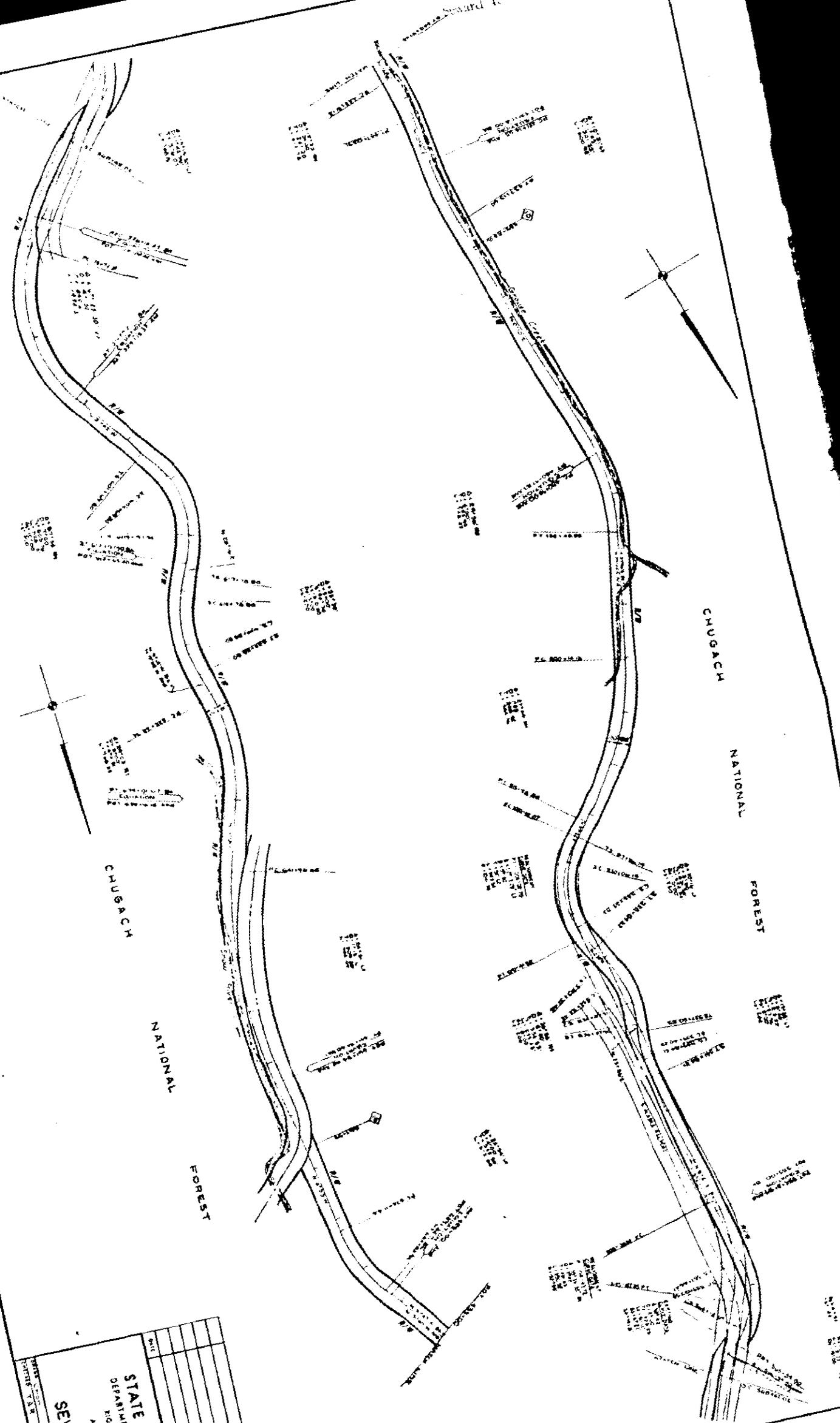
(SEAL)
My Commission Expires May 1, 1979



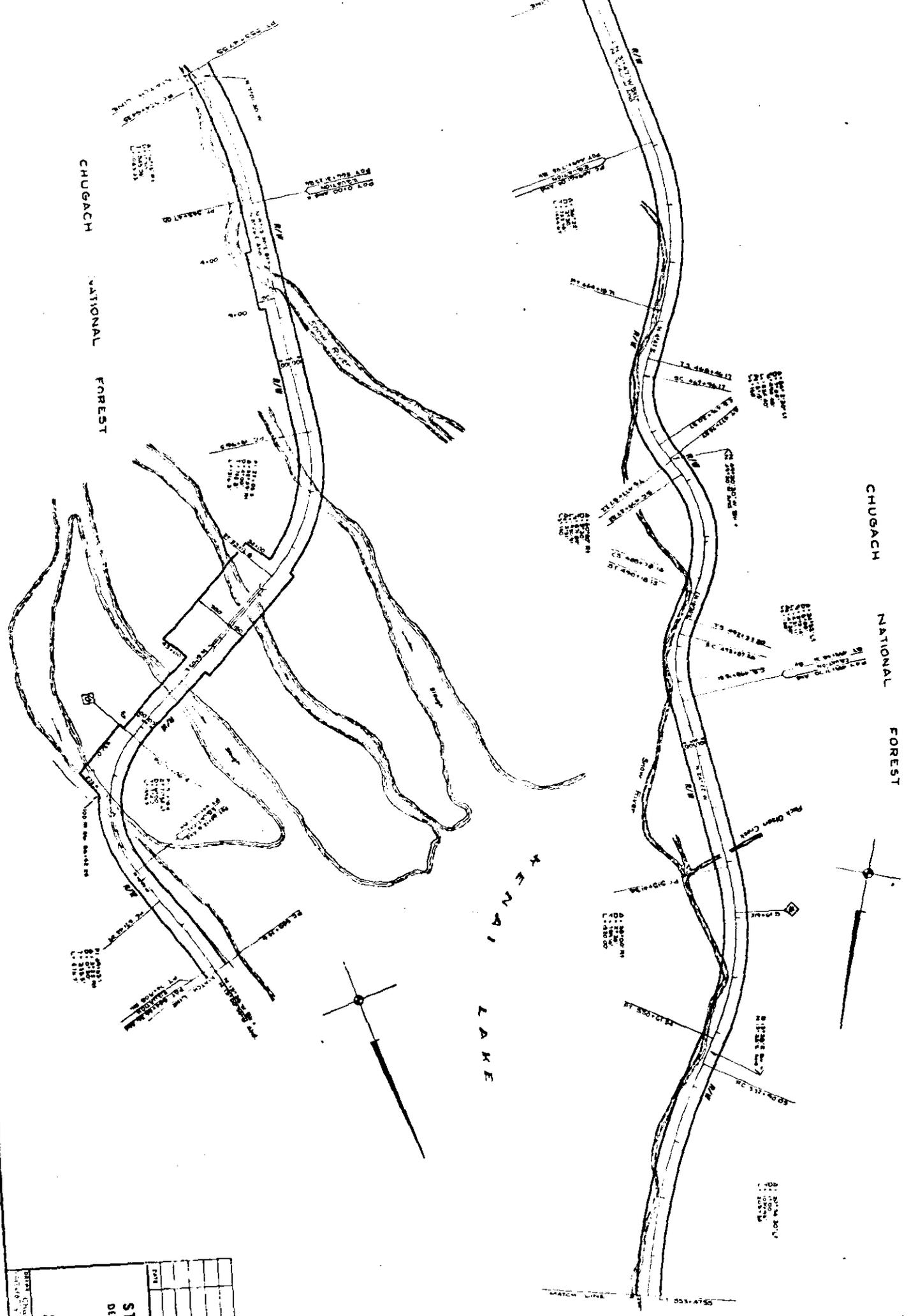
DATE	BY	REVISION

STATE OF ALASKA
 DEPARTMENT OF HIGHWAYS
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 ALASKA PROJECT NO. 44 P 31
 SEWARD HIGHWAY

DATE: 10/1/54
 BY: J. W. ...
 REVISION: ...

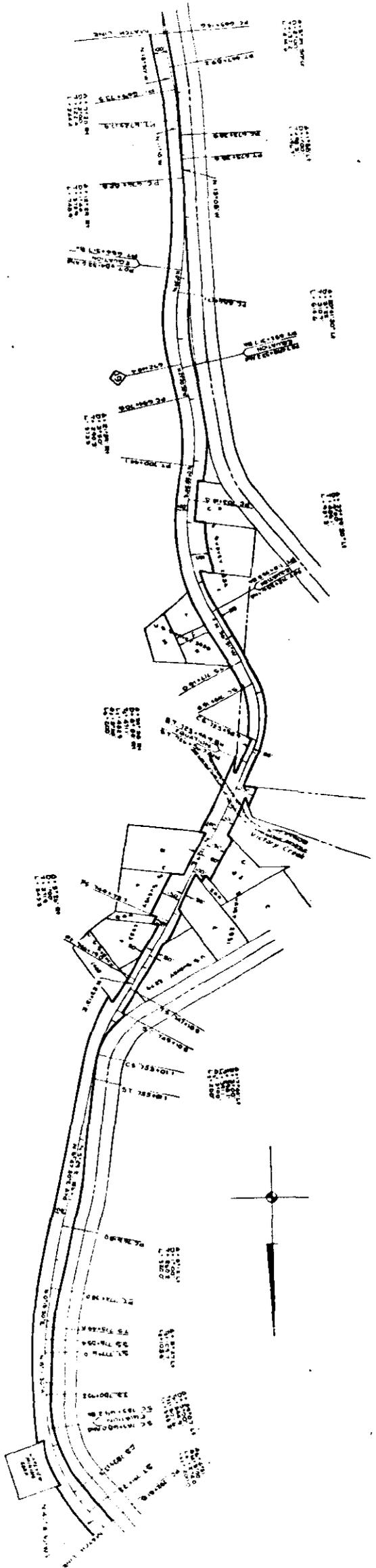


STATE OF ALASKA
 DEPARTMENT OF HIGHWAYS
 RIGHT OF WAY MAP
 ALASKA PROJECT NO.
 F.A.R. 31
SEWARD HIGHWAY
 SHEET NO. 1
 DATE: 1958

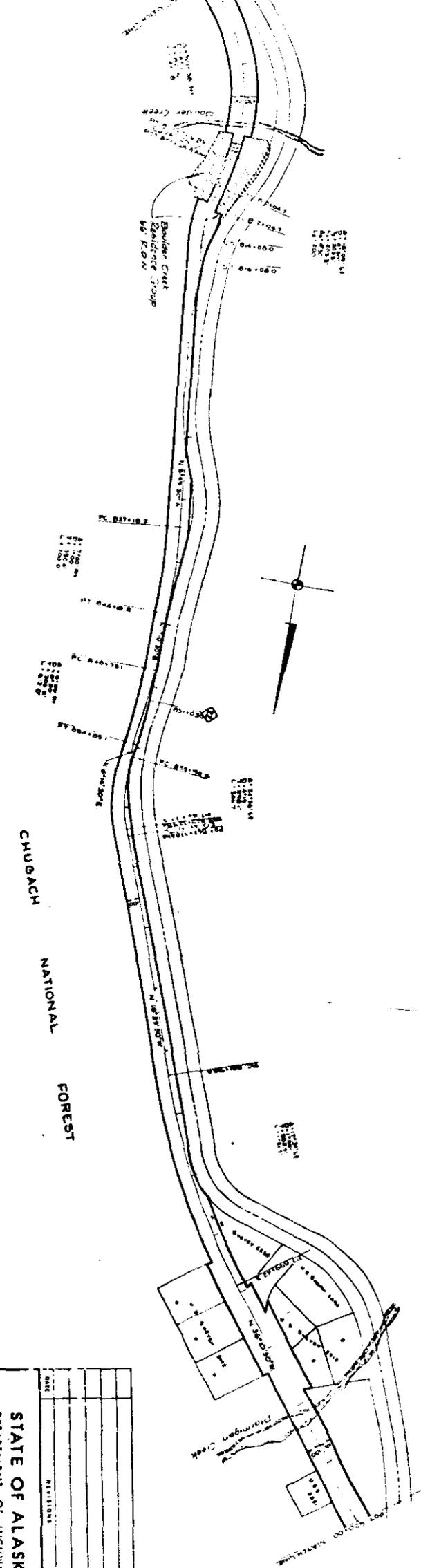


<p>STATE OF ALASKA DEPARTMENT OF HIGHWAYS RIGHT OF WAY MAP ALASKA PROJECT NO. FAR 31</p>	
<p>SEWARD HIGHWAY</p>	
DATE	
SCALE	
PROJECT NO.	
SECTION	
REVISIONS	
NO.	
DATE	
BY	
CHECKED	
APPROVED	

CHUGACH NATIONAL FOREST



CHUGACH NATIONAL FOREST



DATE	REVISIONS

STATE OF ALASKA
 DEPARTMENT OF HIGHWAYS
 RIGHT OF WAY MAP
 ALASKA PROJECT NO.
 F.A.P. 31
SEWARD HIGHWAY

PROJECT NO. 1000
 SHEET NO. 4 OF 4

CHUGACH NATIONAL FOREST

CHUGACH NATIONAL FOREST

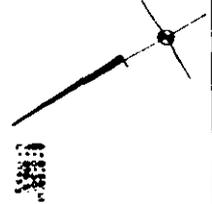
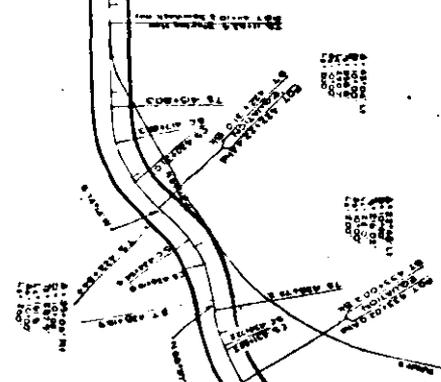
CHUGACH NATIONAL FOREST

CHUGACH NATIONAL FOREST

N.E.S. NO. 140
WILLIAM H. ESTES

N.E.S. NO. 140
WILLIAM H. ESTES

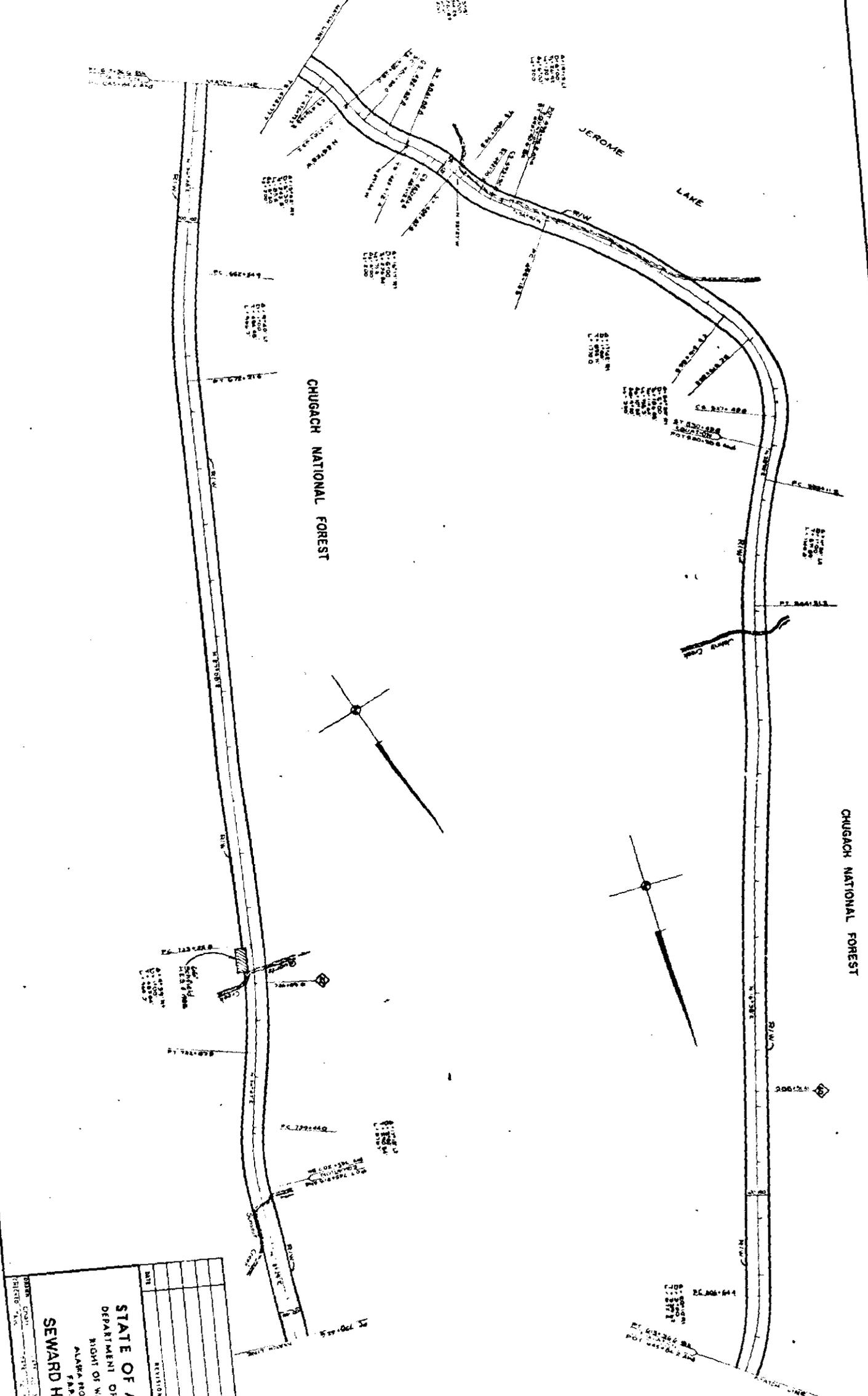
N.E.S. NO. 89
STAFFORD



NO.	REVISIONS

STATE OF ALASKA
 DEPARTMENT OF HIGHWAYS
 RIGHT OF WAY MAP
 ALASKA PROJECT NO.
 F.A.P. 51
SEWARD HIGHWAY

DATE: 1-1-55
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 SCALE: 1" = 400'



DRAWN: COOK
 CHECKED: EVANS
 DATE: 8/1/50

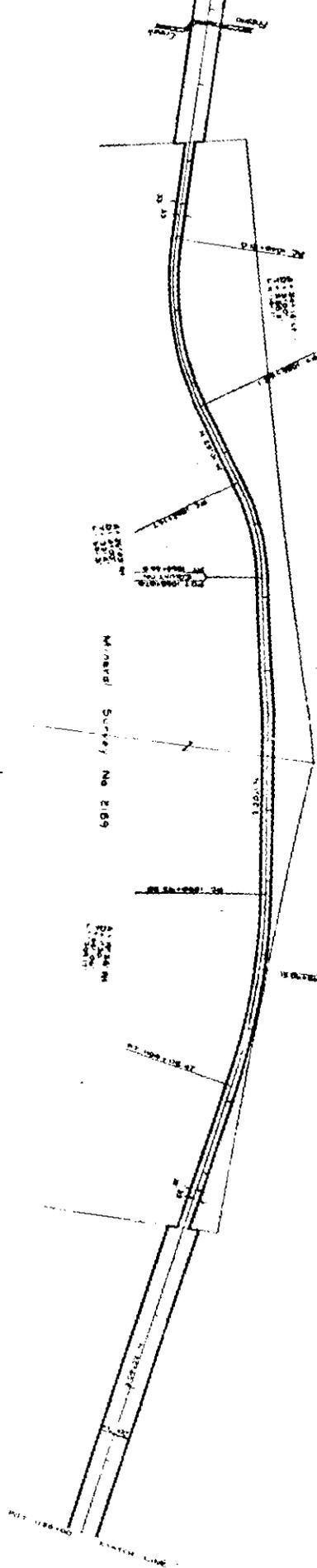
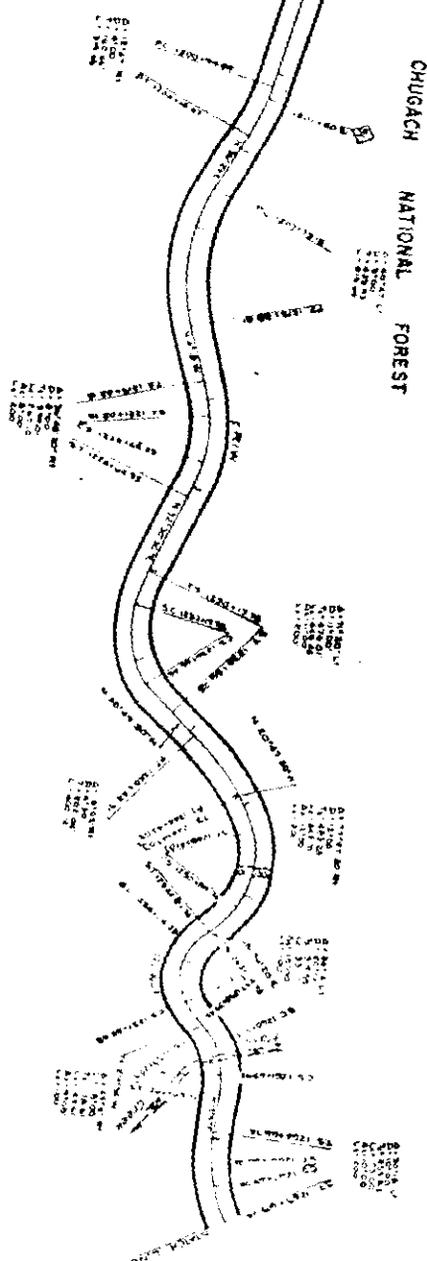
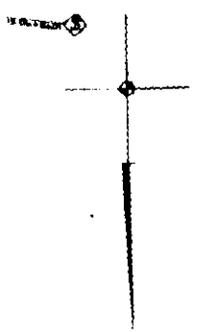
STATE OF ALASKA
 DEPARTMENT OF HIGHWAYS
 RIGHT OF WAY MAP
 ALASKA PROJECT NO.
 52A.P.31

SEWARD HIGHWAY

NO.	REVISIONS

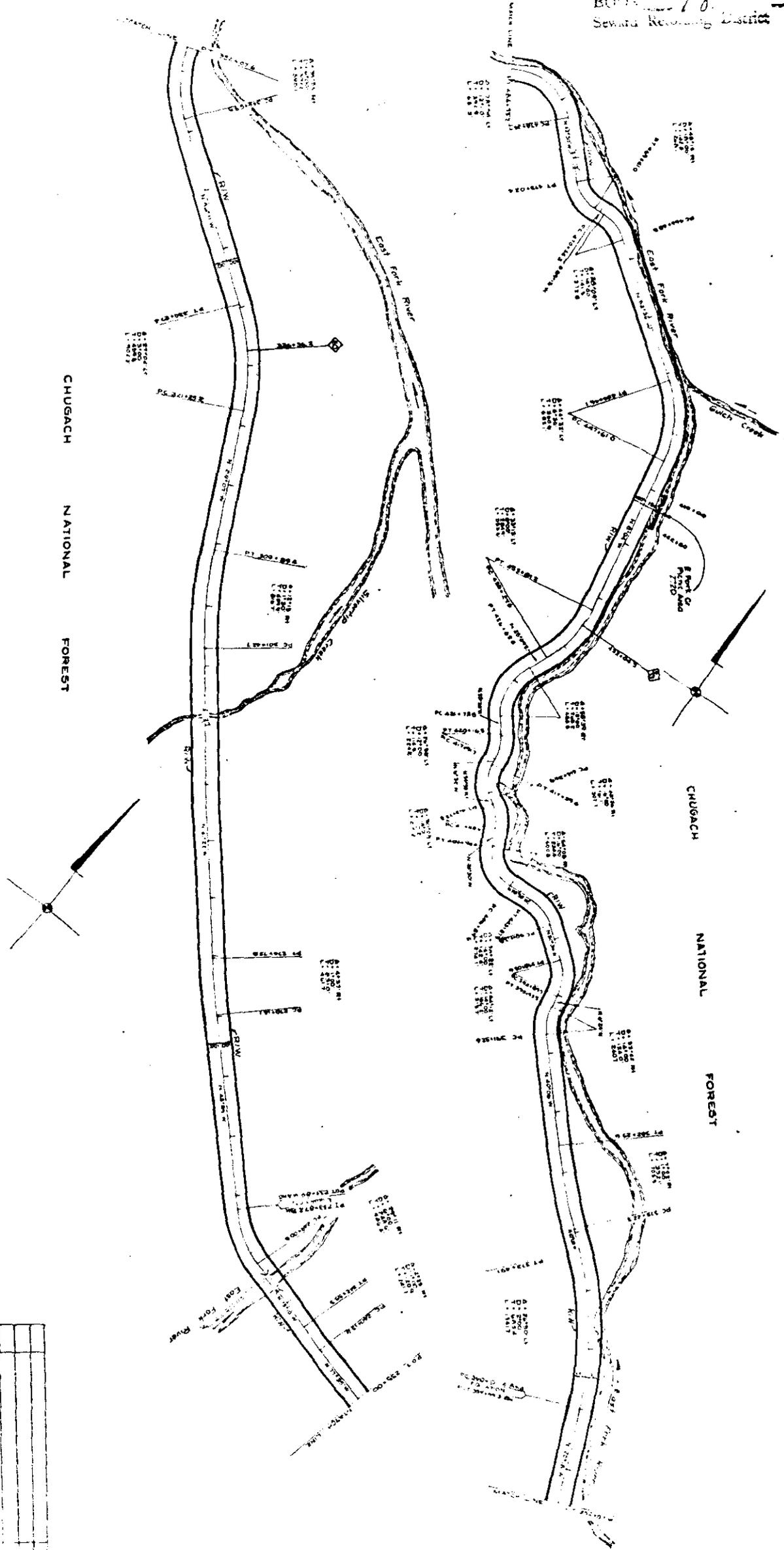
18 miles

CHUGACH NATIONAL FOREST



DATE	BY	REVISION

STATE OF ALASKA
 DEPARTMENT OF HIGHWAYS
 NORTH OF WAY MAP
 ALASKA PROJECT NO.
 TAB 51
 SEWARD HIGHWAY

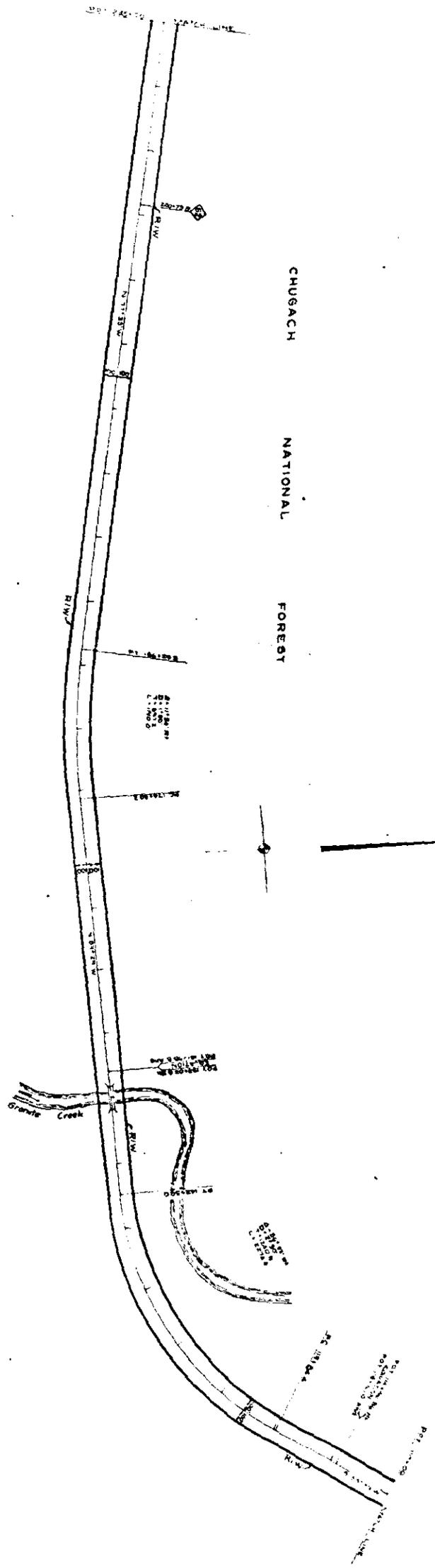
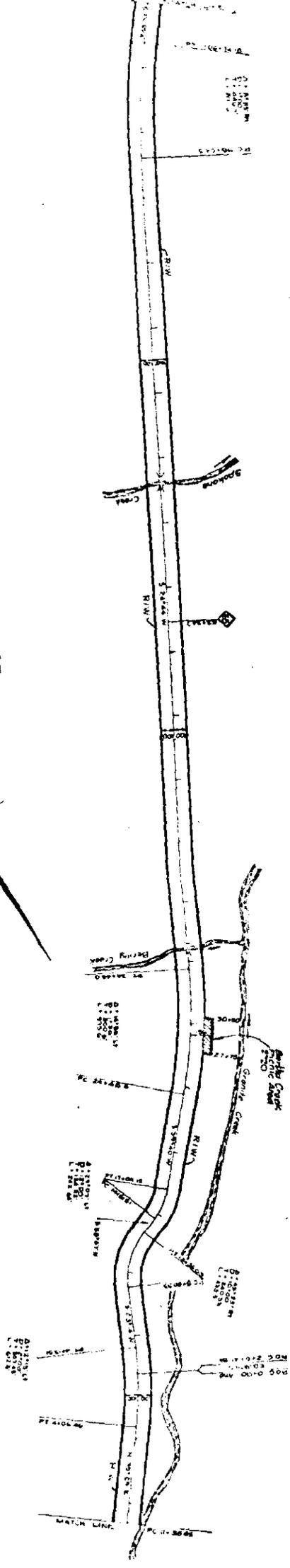
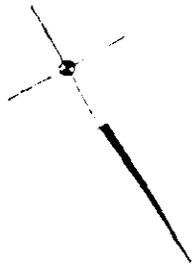


DATE	REVISION

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS
RIGHT OF WAY MAP
ALASKA PROJECT NO.
FAP 51
SEWARD HIGHWAY

CHUGACH NATIONAL FOREST

CHUGACH NATIONAL FOREST



DATE	REVISIONS

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS
RIGHT OF WAY MAP
ALASKA PROJECT NO.
PAP 31
SEWARD HIGHWAY

DATE: 12-15-72
DRAWN BY: [illegible]

