



CC

**RESTRICTIVE COVENANT
AVIGATION HAZARD EASEMENT**

THE ALEUT CORPORATION, an Alaskan Corporation (hereinafter referred to as the **GRANTOR**), its mailing address being 4000 Old Seward Highway, Suite 300, Anchorage, Alaska 99507, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations in hand paid, the receipt of which is hereby acknowledged, does hereby grant, convey and set-over unto the **STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES** (hereinafter referred to as **GRANTEE**), its mailing address being P.O. Box 196900, Anchorage, Alaska 99519-6900, and its successor State agencies, for the purpose of protecting the airspace at the **ADAK AIRPORT**, a **RESTRICTIVE COVENANT**, appurtenant to the **ADAK AIRPORT**, for the unobstructed passage of all aircraft by whomsoever owned and operated, in the airspace in, over and upon the surface estate of those certain lands lying within the Third Judicial District, State of Alaska, and more particularly described as follows:

All those parcels of land lying adjacent to the boundaries of the **ADAK AIRPORT** as shown on the attached **EXHIBIT "A"**, **FIGURE 1 of 1**, more particularly described as **Parcel 2** made a part hereto as page 4 of 4, located on Adak Island, at approximately 176 degrees 45' West Longitude - 51 degrees 45' North Latitude, in the Aleutian Islands Borough, Aleutian Islands Recording District, Third Judicial District, State of Alaska

SAID PARCEL OF LAND, containing approximately 21.03 acres, more or less,

The **GRANTOR**, its successors and assigns, shall not install, place, construct, or cause to be constructed any object that would constitute a hazard to aviation and will not give permission to any third parties to install, place, or construct any such object within the land covered under this agreement.

The **GRANTOR** agrees to prohibit the use on and gives to **GRANTEE** the right to remove from the land described herein any installation or object which would create electrical interference with radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off or maneuvering of aircraft.

The **GRANTEE** has the right to clear the land described herein free from any and all obstructions installed, placed, or constructed on the property which may be deemed to be hazardous to aviation, including, but not limited to, the removal of trees, underbrush, soil, berms, stockpiles, rocks, buildings or any other structures.

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, Department of Transportation and Public Facilities grantee herein, acting by and through the Commissioner of the Department of Transportation and Public Facilities, hereby accepts for public purposes the real property, or interest therein, described in this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of March 2004.

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

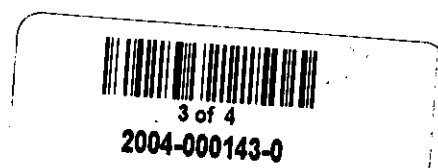
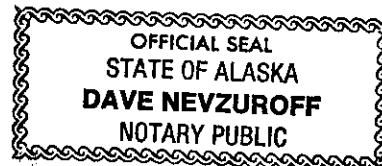
Mike Barton
Mike Barton, Commissioner

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 17th day of March, 2004, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Mike Barton, known to me and to me known to be the Commissioner of the Department of Transportation and Public Facilities, and he acknowledged to me that he executed the foregoing instrument freely and voluntarily on behalf of the State of Alaska, Department of Transportation and Public Facilities, for the uses and purposes therein set forth and that he is authorized by said State of Alaska so to do.

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

David Nevzuroff
Notary Public in and for the State of Alaska
My Commission Expires: 2-14-07





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2004-000143-0

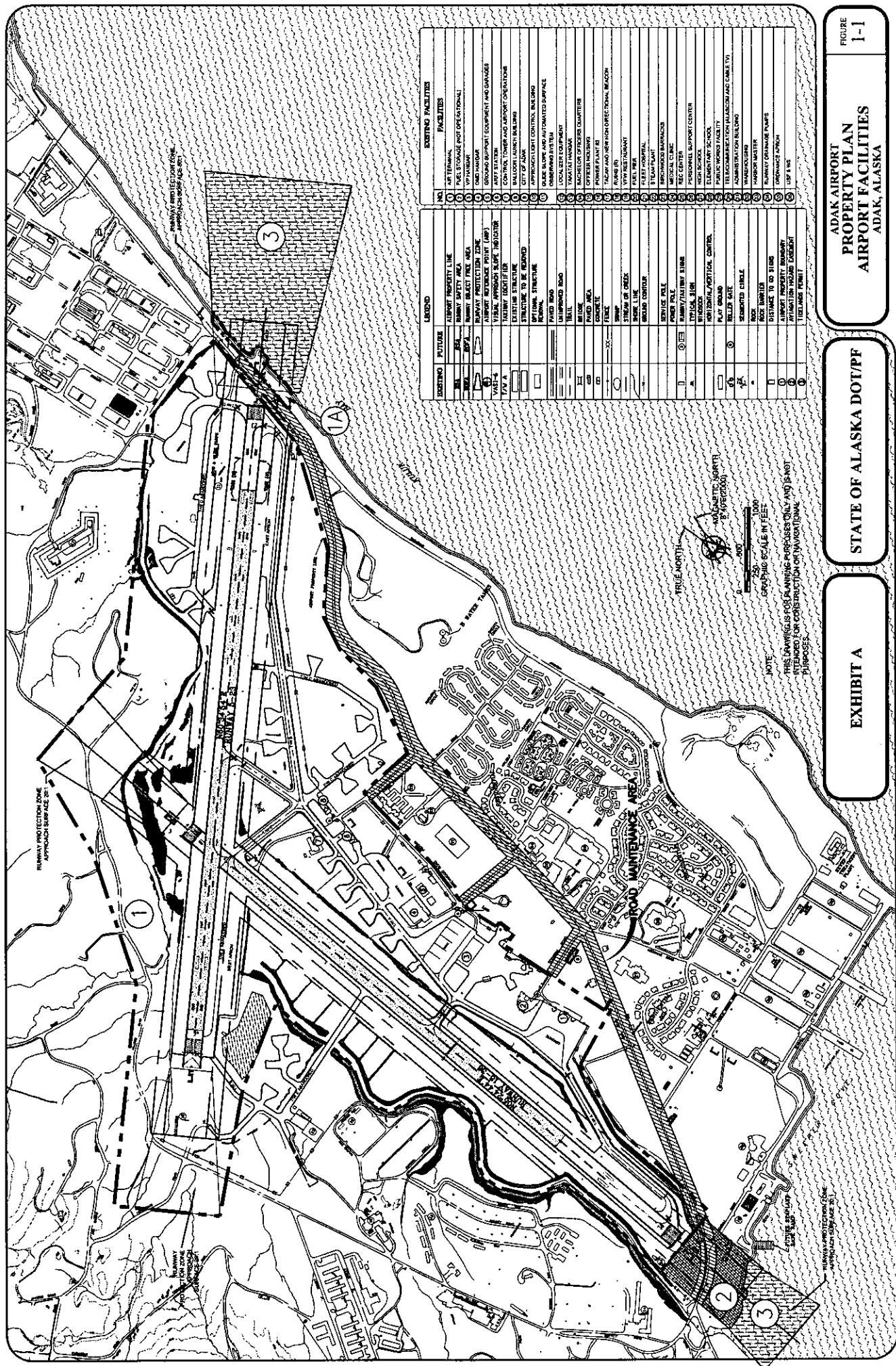


EXHIBIT A

STATE OF ALASKA DOT/FF

ADAK AIRPORT
PROPERTY PLAN
AIRPORT FACILITIES
ADAK, ALASKA

FIGURE
1-1