

RESTRICTIVE COVENANT
RELATING TO
SITKA PLAT 81-40

Herring Cove

Alaska Pulp Corporation, an Alaskan Corporation (APC) -- as fee holder of 12.522 acres quitclaimed to Alaska Lumber and Pulp Co., Inc. by deed recorded on January 25, 1982 in Book 55, Page 305, Sitka Recording District and shown on a plat filed with the Sitka Recorder's Office on October 5, 1981 as Access Easement Vacation Plat 81-40 (the property) -- in consideration of having received approval from the Alaska Department of Environmental Conservation (ADEC) to allow to persist on the property concentrations of contaminants that are consistent with risks attendant to industrial use of the property but inconsistent with risks attendant to residential use, hereby creates an equitable servitude, to be held in gross by the City - Borough of Sitka and the State of Alaska Department of Law, for the benefit of all residents of the State of Alaska. Said servitude shall run appurtenant to the property, binding APC and its successors in title. The servitude is as follows:

The property shall not, at any time, be used, in whole or in part, for human habitation, schooling of children, hospital care, child care or any purpose necessitating around-the-clock residency by humans unless said property is first investigated for the presence of dioxins/furans and any such dioxins/furans are reduced to a concentration, or determined to be present at a concentration, which is at or below a site-specific, risk-based, cleanup level established by ADEC, based upon actual or reasonably foreseeable exposure pathways for children.


This servitude is intended to benefit all residents of the State of Alaska and the benefits of this servitude shall be enforceable through injunction by the City - Borough of Sitka, Alaska and the State of Alaska Department of Law, without regard to the existence or nonexistence of any dominant estate.

This servitude shall exist until July 11, 2097 or until dioxins and furans are no longer present on the property in concentrations exceeding site-specific, risk-based, residential cleanup levels, whichever comes first. This servitude may be modified by joint agreement of the Alaska Attorney General and APC, or their successors in

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interest, which shall be the only entities with authority to modify this servitude.

August 31, 1997
Date


Franklin C. Roppel
Executive Vice Pres.
Alaska Pulp Corporation, Grantor

Upon recording please return to: James F. Clark
Robertson, Monagle & Eastaugh, P.C.
P.O. Box 21211
Juneau, Alaska 99802

97-1554

cc	Sitta	18.00
DATE	9-4	REC. DIST.
TIME	1:31	1997
Requested By	Ch. P. [unclear]	P.M.
Address		

Restrictive Covenant
Access Easement Vacation Plat 81-40