

Upon recording please return to: Clifford J. Groh, II City and Borough Attorney City and Borough of Sitka 100 Lincoln Street Sitka, Alaska 99835

## RESCISSION OF EQUITABLE SERVITUDE RELATING TO ALASKA TIDELANDS PATENT NO. 20, AS DESCRIBED BY ALASKA TIDELAND SURVEY NO. 6

Alaska Pulp Corporation, an Alaskan Corporation (APC), through a restrictive covenant, created an equitable servitude running appurtenant to 146.22 tidal and submerged acres granted to Alaska Lumber and Pulp Co., Inc. through State of Alaska Tidelands Patent No. 20, recorded on June 26, 1962 in Book 16, Pages 404 – 405 of the Sitka Recording District, and described by Alaska Tidelands Survey (ATS) No. 6 (the property). This restrictive covenant was recorded at Book 126, Pages 713 – 714, Sitka Recording District on September 4, 1997. The equitable servitude prohibited certain uses on the property 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.

The restrictive covenant further provided that the 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."

Subsequent to the creation of the above described servitude, the Alaska Department of Environmental Conservation (ADEC) determined that chemicals of potential concern,

including dioxins/furans, were not present on the property in concentrations exceeding ADEC's site-specific, risk based, residential cleanup levels, based upon actual or reasonably foreseeable exposure pathways for children. Thus by operation of its own terms, the equitable servitude no longer exists.

In addition, the equitable servitude may be modified by joint agreement of the Alaska Attorney General and APC or its successor in interest. The City and Borough of Sitka is the successor in interest to APC for the property. Based on that authority and the determination by ADEC described above, the Alaska Attorney General and the City and Borough of Sitka hereby modify the equitable servitude by rescinding it, effective as of the later date set out below.

3/28/05	#12
Date	Hugh R. Bevan, Administrator City and Borough of Sitka
STATE OF ALASKA	)
FIRST JUDICIAL DISTRICT	) ss: )

THIS IS TO CERTIFY that on the 28th day of march, 2005, at Lika, Alaska, the foregoing instrument was acknowledged before me by HUGH R. BEVANS, Administrator of the City and Borough of Sitka on behalf of the City and Borough of Sitka.

GIVEN UNDER MY HAND and official seal the day and year last above written.

My commission expires: 11-1-2008

by Alaska Timajand Survey No. 6

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Date

Scott/J. Nordstrand, Acting Attorney General
State of Alaska

STATE OF ALASKA
) ss:
THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY that on the 35 day of Alaska, the foregoing instrument was acknowledged before me by SCOTT
J. NORDSTRAND, Acting Attorney General of the State of Alaska on behalf of the State of Alaska.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Notary Public in and for Alaska

My commission expires: 124/08

Recession of Equitable Servitude Relating To Alaska Tidelands Patent No. 20, as described by Alaska Tideland Survey No. 6



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