

**2005-000439-0**

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Upon recording please return to:  
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City and Borough of Sitka  
100 Lincoln Street  
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**RESCISSION OF EQUITABLE SERVITUDE  
RELATING TO U.S. SURVEY NO. 2797**

Alaska Pulp Corporation, an Alaskan Corporation (APC), through a restrictive covenant, created an equitable servitude running appurtenant to all land within U.S. Survey No. 2797, comprising 4.74 acres and more fully described in an "Agreement of Purchase and Sale" dated June 6, 1995, recorded July 5, 1995 at Book Misc. 4, Pages 510 - 512, Sitka Recording District (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.



