ALASKA
2006-056190-0
Recording Dist: 301 - Anchorage
8/18/2006 11:19 AM Pages: 1 of 4

The United States of America

To all to whom these presents shall come, Greeting:

Patent

AA-55129-9

This Patent is issued by the UNITED STATES, Department of Transportation, Federal Railroad Administration, 400 Seventh Street S.W., Washington D.C., 20590, as GRANTOR, to the Alaska Railroad Corporation, P.O. Box 107500, Anchorage, Alaska, 99510-7500, as GRANTEE, for lands in the Anchorage Recording District.

WHEREAS

Alaska Railroad Corporation

Pursuant to Sec. 604(b)(2) and Sec. 604(b)(3) of the Alaska Railroad Transfer Act of 1982, 45 U.S.C. 1201 et seq.(hereinafter referred to as ARTA), the Alaska Railroad Corporation is entitled to a patent for real property of the Alaska Railroad, including both the right-of-way of the Alaska Railroad (railroad right-of-way), and other railroad lands (railroad parcels). A portion of the lands are under the Exclusive License issued on January 5, 1985, and recorded in the Anchorage Recording District Book 1212, Pages 297-352. Title to the remaining lands was vested by Interim Conveyance on January 5, 1985, and recorded in the Anchorage Recording District, Book 1212, Pages 260-277. This patent is hereby issued for the real property described below:

Railroad Right-of-Way as defined by Section 603(11) of ARTA:

Lots 1 to 8, inclusive, U.S. Survey No. 9015, Alaska.

Containing 163.10 acres as shown on plat of survey officially filed December 14, 1994.

U. S. Survey No. 9016, Alaska.

Containing 74.45 acres as shown on plat of survey officially filed February 7, 1990.

Aggregating 237.55 acres.

NOW KNOW YE, that the UNITED STATES OF AMERICA, has given and granted, and by these presents in conformity with ARTA, does give, grant, and convey, unto the Alaska Railroad Corporation, its assigns and successors, the real property described above to have and to hold forever.

The right, title, and interest hereby granted and conveyed in and to the real property described above are the full and complete right, title, and interest of the United States in and to said real property, subject to the reservations and conditions set out below. Pursuant to Sec. 606(b)(4)(B) of ARTA, the right, title, and interest granted by the United States in the above-described real property that is located within the right-of-way of the Alaska Railroad shall be not less than an exclusive-use easement as defined in Sec. 603(6) of ARTA.

Reservations and Conditions:

1. The grant of the above-described real property is subject to the following rights and interests granted by the United States prior to this conveyance:

   any interest in the Seward/Anchorage highway transferred to the State of Alaska by the quit claim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70, 73 Stat. 141, as to Secs. 19, 20, 29, and 30, T. 12 N., R. 3 W., Seward Meridian.

2 Pursuant to Sec. 604(c)(1) of ARTA, there is excluded from this conveyance any unexercised right-of-way that may exist under 43 U.S.C. 975(d).

3. Subject to the right, title, and interest, if any, that has otherwise vested in the State of Alaska in any submerged lands among the above-described lands which are situated beneath nontidal navigable waters up to the ordinary high water mark or which are permanently or periodically covered by tidal waters up to the line of mean high tide.

Definitions:

1. "Real property", as used herein, means land and all of the appurtenances, hereditaments, improvements, facilities, trackwork, roadbed, buildings, franchises, ways, waters, minerals, rights, privileges, fixtures, licenses, leaseholds, reversions, easements, rights under operating, trackage and joint facilities agreements, rents, issues, profits and other interests and items belonging to or in any way appertaining to the above-described land.

2. All of the terms used in this instrument that are defined in Sec. 603(6) of ARTA have the same meaning herein as provided in said section including but not limited to the following terms:

a. "exclusive-use easement", as used herein, means as provided by Sec. 603(6) of ARTA an easement which affords to the easement holder the following:

1. the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;

2. the right to use so much of the subsurface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;

3. subjacent and lateral support of the lands subject to the easement; and

4. the right (in the easement holder's discretion) to fence all or part of the lands subject to this easement and to affix track, fixtures, and structures to such lands and to exclude other persons from all or part of such lands.

b. "right-of-way", as used herein, means as provided in Sec. 603(11) of ARTA:

1. area extending not less than one hundred feet on both sides of the center line of any main line or branch line of the Alaska Railroad; or

2. an area extending on both sides of the center line of any main line or branch line of the Alaska Railroad appropriated or retained by or for the Alaska Railroad that, as a result of military jurisdiction over, or non-federal ownership of, lands abutting the main line or branch line, is of a width less than that described in subparagraph (1) of this paragraph.

IN WITNESS WHEREOF the undersigned authorized officer of the Department of Transportation has, in the name of the United States, set his/her hand and caused the seal of the Department to be hereunto affixed on this 9th day of August, 2006.

UNITED STATES OFAMERICA

Secretary of Transportation,
by the Administrator of the
Federal Railroad Administration

Accepted:

ALASKA RAILROAD CORPORATION

By: PK Gamble

Title: Pres/CEO

Dated: 8/14/06

District of Columbia

Subscribed and sworn to before me, in my presence,
this 9th day of August, 2006
by Evelie Stubbs

Notary Public
My Commission Expires 3-14-08

Location Index for Recording Information:

Lots 1 to 8, inclusive, USS 9015 located in Secs. 6, 7, 18, 19, 20, 29, 30, 32, 33, and 34, T. 12 N., Rs. 3 and 4 W., SM; USS 9016 located in Secs. 23, 25, 26, and 36, T. 13 N., R. 4 W., SM.

Return Recorded Document to:

Alaska Railroad Corporation
Mr. James Blasingame
Vice President, Corporate Affairs
P.O. Box 107500
Anchorage, Alaska 99510-7500

EVELIE K. STUBBS NOTARY PUBLIC DISTRICT OF COLUMBIA

Patent No 50-2006-0363

4 of 4
2006-056190-0