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2006-001709-0

Recording Dist: 102 - Ketchikan
5/1/2006 8:55 AM Pages: 1 of 4



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**REAFFIRMANCE OF ENVIRONMENTAL EASEMENT AND DECLARATION OF
COVENANTS AS TO 3.09 ACRE PARCEL**

This Reaffirmance Of Environmental Easement And Declaration Of Covenants As To 3.09 Acre Parcel ("this Reaffirmance"), made and entered into this 1 day of May, 2006 by and between **KETCHIKAN PULP COMPANY**, a Washington corporation, Post Office Box 6600, Ketchikan, Alaska 99901 ("KPC"), and the **KETCHIKAN GATEWAY BOROUGH**, a municipal corporation, 344 Front Street, Ketchikan, Alaska 99501 ("Borough"), WITNESSETH:

RECITALS

WHEREAS, all real property referred to in this Agreement is located in, and all documents and plats referred as filed or recorded, are filed or recorded in the **Ketchikan Recording District**, First Judicial District, State of Alaska;

WHEREAS, on or about July 14, 2003 the Borough, KPC and Gateway Forest Products, Inc., an Alaska corporation, entered into the Environmental Easement and Declaration of Covenants, recorded July 18, 2003 under Ketchikan Recording District Serial No. 2003-004128-0 and hereinafter referred to as "the **2003 Easement and Covenants**."

WHEREAS, the 2003 Easement and Covenants recognized and established certain covenant and easement rights for the benefit of KPC with respect to various parcels of real property at or near Ward Cove, Alaska;

WHEREAS, the 2003 Easement and Covenants identified as Parcel No. 6 to which the covenants thereof apply, and as Parcel No. 10 to which its easement terms apply, the parcel

described therein as "Lot 1, Sec. 34, T.74S., R.90E., C.R.M., as more particularly described" in Exhibit A to the 2003 Easement and Covenants, which parcel is hereinafter referred to as "the **3.09 Acre Parcel**;"

WHEREAS, at the time the 2003 Easement and Covenants were implemented, the Borough had selected the 3.09 Acre Parcel for conveyance to it as municipal entitlement lands and held management authority with respect thereto; however the State of Alaska ("State") only recently received the federal patent for the 3.09 Acre Parcel and the State, in turn, only recently issued its patent, conveying title to the 3.09 Acre Parcel to the Borough;

WHEREAS, the State's Patent to the 3.09 Acre Parcel was recorded on the 1ST day of ~~April~~ ^{May}, 2006 under Ketchikan Recording District Serial No. 2006-001705-0, and describes the 3.09 Acre Parcel as

Section 34: Lot 1, containing 3.09 acres more or less, according to the Survey Plat accepted by the United States Department of the Interior, Bureau of Land Management in Anchorage, Alaska on January 28, 2003, and officially filed March 3, 2003;

WHEREAS, having now received and recorded the State Patent conveying the 3.09 Acre Parcel to it, the Borough wishes to reaffirm the application of the 2003 Easement and Covenants with respect to that parcel;

NOW, THEREFORE, in consideration of the promises and of the mutual agreements and covenants set forth in the 2003 Easement and Covenants, the Borough and KPC hereby agree as follows:

1. Reaffirmance of 2003 Easement and Covenants With Respect to 3.09 Acre Parcel. The Borough and KPC hereby reaffirm that the 2003 Easement and Covenants apply, in accordance with the terms and provisions thereof, to and with respect to the 3.09 Acre Parcel.



2. Parties' Rights and Obligations Otherwise to Remain in Full Force and Effect. This Agreement shall only affect the parties' rights and obligations under the 2003 Easement and Covenants as to the reaffirmance expressly set forth herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first written above.

KETCHIKAN PULP COMPANY

Christopher M. Keyes
Assistant Secretary

By Neil Sherman
Neil Sherman
President

KETCHIKAN GATEWAY BOROUGH

Harriet Edwards
Harriet Edwards
Clerk

By Roy A. Eckert
Roy A. Eckert
Manager

STATE OF ALASKA)
: ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 1 day of MAY, 2006, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared **Roy A. Eckert** and **Harriet Edwards**, to me known to be the Manager and the Clerk of the Ketchikan Gateway Borough, a municipal corporation established pursuant to the laws of the State of Alaska which executed the above and foregoing instrument; who on oath stated that they were duly authorized to execute said instrument and affix the borough seal thereto on behalf of the Borough and that the seal affixed thereto is the borough seal thereof; and who acknowledged to me that the same was signed freely and



