



F-48841-AP
NON-DEVELOPMENT COVENANT FTAA
EAGLE RIVER GREENBELT CONSERVATION EASEMENT

(1)

COOK INLET REGION, INC. ("CIRI"), an Alaska Corporation, whose business address is P.O. Box 93330, Anchorage, Alaska 99509-3330, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto Eklutna, Inc., (hereinafter called "Surface Owner"), whose address is 16515 Centerfield Drive, Eagle River, Alaska, 99577, a Non-Development Covenant in consideration of the foregoing and the terms and conditions hereinafter set forth.

RECITALS

A. CIRI owns title to the Subsurface Estate pursuant to the Alaska Native Claims Settlement Act (ANCSA) (Public Law 92-203, 85 Stat. 688, 43. U.S.C. 1601 et. seq., as amended), in the following described lands, recorded in the Anchorage Recording District, Third Judicial District, State of Alaska (the "Property"):

SEE EXHIBIT "A".

- B. The Surface Owner owns the title to the Surface Estate in the Property.
- C. The Surface Owner has requested CIRI to covenant to limit its rights to develop and use the Subsurface Estate, and CIRI is willing to covenant under the terms and conditions hereinafter provided.

TERMS

SECTION 1. DEFINITIONS

- A. "Gravel Resources" includes gravel, sand, pumicite, rock, stone and other stony materials that are not (and are not proposed to be) mined or milled or smelted as mineral ore.

- B. "Commercial Use" means, with respect to Gravel Resources, any use of Gravel Resources for or in the reasonable expectation of profit or commercial benefit, including but not limited to the sale, lease or use of Gravel Resources for an airstrip, road, highway, railroad or dock.
- C. "Off-Premises Use" means, with respect to Gravel Resources, any use of Gravel Resources either (i) off the premises of the Property, or (ii) if the Property is divided or subdivided into two or more parcels, off the Premises of any such parcel even though the use is or would be on another parcel divided or subdivided from the Property.

SECTION 2. NON-DEVELOPMENT BY CIRI

- A. CIRI shall not disrupt the surface estate, disturb the lateral or subjacent support of the Property or exercise any of its rights to the Subsurface Estate to a vertical depth of 250 feet below the Surface Estate.
- B. CIRI shall not object to the entry and use of the Property by the Surface Owner.
1. To a depth not to exceed two hundred fifty (250) feet from the natural surface contour of the Property as of the date of this Non-Development Covenant for purposes of excavation for and placement and maintenance of foundations, pilings, pipe and septic systems and utility facilities; and
 2. To such a greater depth than two hundred fifty (250) feet as may be necessary or convenient for purposes of drilling a well to produce a sufficient and adequate supply of water for use on the premises of the property;

Provided, however, that this subsection 2(B)(2) of this Non-Development Covenant does not and shall not authorize any extraction or use of resources, other than water, from the Subsurface Estate of the Property.

SECTION 3. USE OF GRAVEL RESOURCES

CIRI shall not object to an Incidental Use of Gravel Resources on, within or under the Property, for the purposes of fill for grade and contour leveling and road construction, backfill for foundations and the construction of building pads and driveways. Commercial and/or Off-Premises uses by the Surface Owner are prohibited.



EXHIBIT A

Eagle River Greenbelt Legal Description

The south one-half of the southeast one-quarter (S1/2 SE1/4) of Section 16, Township 14 North, Range 1 West, Seward Meridian, according to the official Bureau of Land Management Survey thereof, being located in the Anchorage Recording District, Third Judicial District, State of Alaska; and

the southwest one-quarter of the northeast one-quarter (SW1/4 NE1/4) of Section 22, Township 14 North, Range 1 West, Seward Meridian, according to the official Bureau of Land Management Survey thereof, being located in the Anchorage Recording District, Third Judicial District, State of Alaska; and

the northeast one-quarter of the northwest one-quarter (NE1/4 NW1/4) of Section 22, Township 14 North, Range 1 West, Seward Meridian, according to the official Bureau of Land Management Survey thereof, being located in the Anchorage Recording District, Third Judicial District, State of Alaska.



