

**DECLARATION OF EASEMENT AND INTEREST  
IN MARINE OUTFALL SYSTEM;  
MAINTENANCE AND OPERATION AGREEMENT**

**DECLARATION** made this 6th day of December, 1991, by Tatitlek Corporation, who is the owner of the below described real property. Declarant's address is P.O. Box 650, Cordova, Alaska 99574.

1. Declarant is the owner of the following described real property, to-wit:

Lots 1 through 120, inclusive, TWO MOON SUBDIVISION, according to the official Plat No. 91-16, filed December 10, 1991, located in the Valdez Recording District, Third Judicial District, State of Alaska.

2. This Declaration pertains to the above described property.

3. The owners of each two lots sharing a sanitary sewer easement in TWO MOON BAY SUBDIVISION may construct a common/shared marine outfall line as part of an individual wastewater system that services each lot. Only one marine outfall line may be constructed for every two lots within the above-described subdivision. The location of each marine outfall shall be immediately seaward to the sanitary sewer easements as shown on the above-referenced plat.

4. In consideration of their general plans of development and to the benefit of all lot owners, any owner that constructs a marine outfall does hereby grant and convey to the lot owner with an adjacent sewer easement an undivided one-half interest, AS TENANTS IN COMMON, in and to the above-mentioned marine outfall line falling; and the right of each lot owner to use such system for disposal of effluents from their respective residences.

5. This Declaration is made upon the condition that grantees, their heirs, successors and assigns of each adjoining lot with adjacent sewer easements shall bear all of the cost of operation, maintenance and repair associated with said marine outfall line with each lot owner bearing one-half of such expenses. Each lot owner shall bear one-half of the actual construction costs. In the event that one lot owner constructs a marine outfall, the adjacent lot owner shall reimburse the first lot owner for one-half of the actual construction costs at the time of connection. Each grantee shall be responsible for paying its own hook-up cost to the marine outfall line. The grantees shall cooperate with each other so as to maintain the most advantageous and efficient system as may be required by any applicable governmental agency such as the State of Alaska, Department of Environmental Conservation.

6. To provide for future development of said lots, the lot owners reserve the right to transfer the said marine outfall and all appurtenances thereunto as well as the easement created hereby to a private utility as Declarant may deem appropriate under the circumstances.

7. Further, this easement and maintenance agreement is superior and paramount to the rights of any of the lot owners bound hereby and the Declarant further declares that the interests and easement created herein shall run with the land.

8. Declarant reserves the right to amend this agreement or supersede this agreement based on development of said lots, with such amendment subject to approval by the State of Alaska, Department of Environmental Conservation.

DECLARANT/OWNERS

Mary A. Gerdloff Pass.

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY, that on the 9 day of December, 1991, before the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared Mary A. Gerdloff and \_\_\_\_\_, known to me to be the persons named in and who executed the above and foregoing instrument and they acknowledged to me that they signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

Michael J. Stone  
NOTARY PUBLIC in and for Alaska  
My commission expires: 160281992.



AFTER READING

RETURN TO:

HPCE  
Name

203 W 15<sup>th</sup> SUITE 104  
Address

Anchorage, AK 99501

91-1116

#1800

RECORDED-FILED  
VALDEZ RECORDING  
DISTRICT

Dec 10 9 06 AM '91

REQUESTED BY HPCE

ADDRESS 203 W 15<sup>th</sup> Ste 104  
ANCHORAGE, AK. 99501