-34-IN-IN-G

Ø



BOOK 34-K PACE 337

SEWARD 43. 506

CLEAR ZONE EASTMENT

WHEREAS Momen's Division of Christian Service of the Board of Missions of The Perhodishurch, a Corporation of the City of New York, State of New York, GRANTOR, is the owner of certain lands in the Seward Recording District, Alaska, which lands are in close proximity to the Seward Municipal Airport, and

WHEREAS, the State of Alaska, Department of Public Works, Division of Aviation, is the owner and operator of the Seward Municipal Airport, and

whereas, it is deemed necessary that that portion of the land owned by the Grantor which lies within the clear zone approach area described below be and remain free and clear of any structure, tree, or other object which is or would constitute an obstruction or hazard to the flight of sircraft in landing and taking-off at said sirport, which said clear zone approach area is more particularly described as follows:

All of that part of U. S. Survey No. 149 and all of that part of Lot 1, Section 34 T. 1 N., R. 1 W., Seward Meridian which lie both West of the Alaska Railroad Right-of-Way and within Tract II as shown on the Plat of Seward Property Acquisition hereto attached and made a part of this instrument."

NOW THEREFORE:

In consideration of the public benefit to be derived from said airport, the Grantor, for itself, its heirs, successors, and assigns, does hereby covenant and agree with the Grantee, that, for the benefit of the public in its use of said sirport, it will not hereafter, during the term hereof, erect, or permit the erection or growth, of any structure, term hereof, erect, or permit the herein described clear zone approach stree, or other object within the herein described clear zone approach area, to a height above the clear zone approach surface for that approach erea, said clear zone approach surface being an inclined plane with a slope of 40:1 or 2.5 feet vertical for each 100 feet horizontal starting 100 teet 40:1 or 2.5 feet vertical for each 100 feet horizontal starting 100 teet from the nearest end of the existing landing srea or, if the runway is from the nearest end of the existing paved runway as an elevation equal to the highest point of the existing landing strip or paved runway, subject to the following conditions:

- It is recognized that the Grantee may: (a) grant a waiver of the height restrictions in event an intended structure will not rise above the clear zone approach surface a greater distance than an existing structure; or (b) grant a waiver of the height restrictions providing the obstructing structure is painted or lighted.
- The covenants and agreements herein are not intended to restrict the Grantor's rights to maintain and use the property and its improvements for the purposes for which it is held.
- 3. In any exercise of its rights of enforcement granted by this easement the Grantee agrees to give liberal interpretation to regulations pertaining to the clear zone approach surface and waivers granted thereunder to the end that any interference with the Grantor's operations be held to a minimum.

Page One of Two

State of Alaska SERIAL NO.

ADA 1034.

Dent. of Public World



4. Any lights or painting of structures within said easement area shall have the prior written approval of the Grantor.

The Crantor, for itself, its heirs, successors, and assigns, for the said consideration, does hereby grant and convey to the Grantee, its agents, servants and employees, a continuing right and easement to take any action necessary to prevent the erection or growth of any object into or through the clear zone approach surface, and to remove from such airspace, or mark or light as obstructions to air navigation, any and all structures, trees, or other objects that may hereafter project or extend above the said approach surface, together with the right of ingress to, egress from, and passage over the land of the Grantor within the said clear zone approach area for such purposes, subject to the conditions outlined above.

TO HAVE AND TO HOLD said easement and all rights appertaining thereto unto the Grantee, its successors and assigns, until said airport shall be abandoned and shall cease to be used for public airport purposes.

IT IS UNDERSTOOD AND AGREED that these covenants and agreements shall be binding upon the heirs, administrators, executors, and assigns of the Grantor, that these covenants and agreements shall run with the land, and that, for the purposes of this instrument, that portion of the Grantor's property which lies within the clear zone approach area shall be the serwient tenement and the said clear zone approach area shall be the dominant

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and 115 . 11 11.00 // day of _ seal this

WOMAN'S DIVISION OF CHRISTIAN SERVICE OF THE BOARD OF MISSIONS OF THE METH-ODIST THURCH

President

UNITED STATES OF AMERICA)

STATE OF NEW YORK

On this day of , 1963, before me, a Notary Public in and for the State of New York, personally appeared known to me to be the person who executed the above CLEAR ZONE EASEMENT, and

She acknowledged to me that she had the authority to and did sign the same voluntarily and of his own free will for the purposes stated therein.

IN WITNESS WHEREOF I have set my hand and seal the day and year above written.

I REPORT HE PORTAY

NOTAGE TO THE TANK AT NOW YORK

N. CONTROL

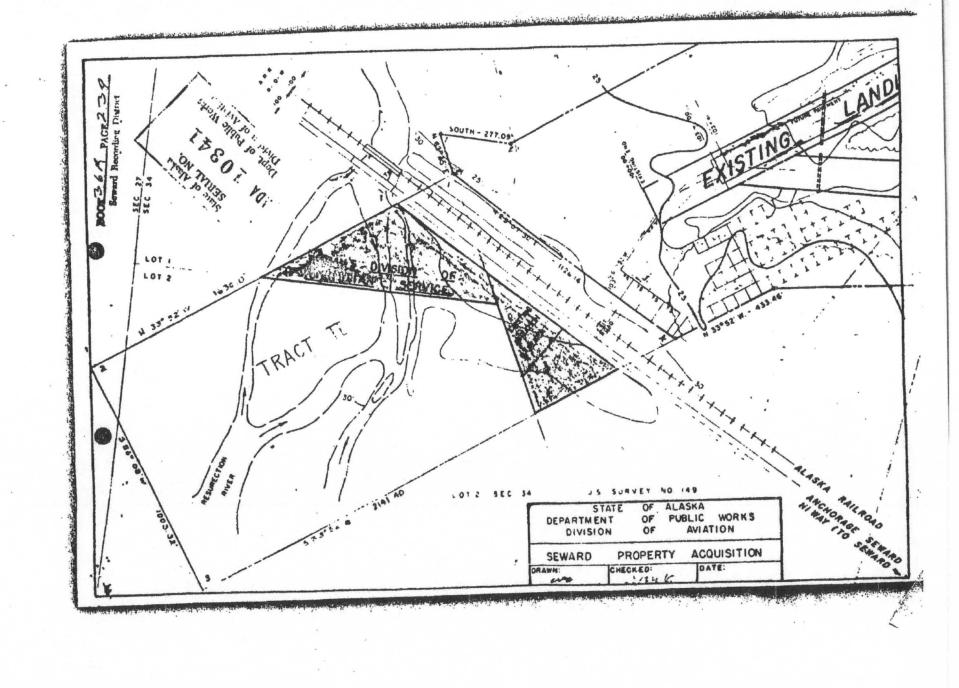
Quide to New York Country

Toron Ex. res March 30, 1963

state of Alaska

WA 1034.

Dot. of Public Wor' .



BOOK 36 K PAGE 240 Seward Recording Limited

STATE OF ALASKA DEPARTMENT OF PUBLIC WORKS DIVISION OF AVIATION 523 Eighth Avenue Anchorage, Alaska

CLEAR ZONE EASEMENT

ADA 10341

ADDENDUM NO. 1

In order to clarify the rights and obligations of the Grantor and Grantee and further amend the subject Clear Zone Easement between the Women's Division of Christian Service of the Board of Missions of the Methodist Church and the State of Alaska, this Addendum No. 1 is attached and made a part of said Clear Zone Easement, to wit:

- 1. In the event it is necessary to remove any obstruction caused by tree growth, the Grantee will assume the responsibility for such removal, and agrees to coordinate such removal with the Administrator or Manager of the Jesse Lee Home, and further agrees that such removal will be done without harmful effect to the land itself.
- 2. It is understood that pursuant to regulations governing height restrictions, a waiver of such restrictions in the instance of the subject land would permit a structure anywhere along the East boundary of such land 25 feet higher in elevation than the present elevation of the railroad tracks adjacent to the area under easement; and that higher structures would be permitted in the direction away from the landing strip at a ratio of 40 feet horizontal to one foot vertical.
- 3. Notwithstanding other terminology in the Clear Zone Easement, the duration of such grant of easement shall endure for a period of 20 years from date of such execution.

GRANTOR Woman's Division of Christian Service of the Board of Missions of The Methodist Churck'

GRANTEE

Siars of Alama SERIAL NO.

ADA 10341

RECORDED - FIRE sees a les cist

Dept. of Public Works