

FILED

FEB 27 1985

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

By [Signature] Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

CHARLES W. DeBOER,

Plaintiff,

vs.

UNITED STATES OF AMERICA and
STATE OF ALASKA,

Defendants.

NO. J-76-9 CIVIL

JUDGMENT QUIETING TITLE

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Pursuant to stipulation of the parties, the court
enters the following judgment:

1. Fee simple title to the following described lands
is quieted in Charles W. DeBoer:

A tract of land adjacent to Lot 2,
Section 17 and Lots 8 and 9, Section 18,
Township 40 South, Range 59 East of the
Copper River Meridian, Juneau Recording
District, First Judicial District, State of
Alaska, described as:

Judgment - 1

Certified to be a true and correct
copy of original filed in my office.

Dated March 27, 1985

John M. [Signature] Clerk

By [Signature] Deputy

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Beginning at the point on the original GLO meander line being the Southeast corner of Lot 2, Section-17; thence S 0°06'30"E 1772 feet, more or less, to the existing mean high water line of Icy Passage; thence meandering westerly along said mean high water line the following courses, more or less;

- 1) N 84°21'50"W 86 feet
- 2) N 27°50'40"W 608 feet
- 3) S 2°56'30"E 802 feet
- 4) S 13°57'10"W 324 feet
- 5) S 44°13'30"W 362 feet
- 6) S 71°18'30"W 633 feet
- 7) S 74°57'20"W 527 feet
- 8) S 82°55'40"W 463 feet

to the point common to the easterly boundary of State designated Tract B; thence N 7°13'30"E along said common boundary 970 feet, more or less; thence West along the common northerly boundary of said Tract 753.48 feet to the centerline of the existing road; thence continuing West 711 feet, more or less, along the common northerly boundary of State designated Tract A to the mean high water mark of the Salmon River; thence meandering northerly along said high water mark the following courses, more or less;

- 1) N 2°07'40"W 279 feet
- 2) N 21°14'15"W 176 feet
- 3) N 17°20'30"W 174 feet
- 4) N 21°50'00"E 251 feet
- 5) N 31°05'20"W 488 feet
- 6) N 29°02'30"W 170 feet
- 7) N 20°57'00"W 268 feet
- 8) N 14°39'20"W 247 feet
- 9) N 7°00'00"E 702 feet

to a point West of the original Northwest corner of GLO Lot 8; thence East 188 feet, more or less, to said corner of GLO Lot 8; thence along the original record GLO meander line of said Lots 8, 9 and 2

- 1) S 7°00'W 283.48 feet
 - 2) S 11°15'E 1056.00 feet
 - 3) N 89°30'E 1735.80 feet
 - 4) N 38°00'E 957.00 feet
- to the original meander corner of Sections 17 and 18

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5) S 89°30'E 1319.80 feet
to the point of beginning. The hereon
described parcel contains 170.30 acres,
more or less.

2. Fee simple title to the following described lands
is quieted in the State of Alaska:

TRACT "A"

The following unsurveyed parcel of land
described and designated herein as Tract A,
is located within Township 40 South, Range
59 East, Copper River Meridian, Alaska and
is located on the Easterly side of the
Salmon River at its confluence with Icy
Passage.

The point of beginning of this description
being the intersection of the southerly
extension of the centerline of the existing
road to the dock, with the mean high
water line of Icy Passage; thence northerly
along the centerline of the existing road a
distance of 900 feet; thence West a
distance of 711 feet, more or less, to the
mean high water line of the Salmon River;
thence meandering southerly along the mean
high water line of the Salmon River and Icy
Passage the following courses:

- 1) South 2°07'40" East 266 feet, more or less;
- 2) North 77°19'20" West 232 feet, more or less;
- 3) South 63°12'00" West 76 feet, more or less;
- 4) South 6°37'30" West 336 feet, more or less;
- 5) South 11°40'40" East 117 feet, more or less;
- 6) South 74°36'20" East 600 feet, more or less;
- 7) South 83°29'00" East 320 feet, more or less, to the point of beginning.

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The herein described parcel contains 16.26 acres, more or less.

and

TRACT "B"

The following unsurveyed parcel of land, described and designated herein as Tract B, is located within Township 40 South, Range 59 East, Copper River Meridian, Alaska and is located east of the centerline of the existing road to the dock and being easterly of the confluence of the Salmon River with Icy Passage.

The point of beginning of this description being the intersection of the southerly extension of the centerline of the existing road to the dock, with the mean high water line of Icy Passage; thence northerly along the centerline of the existing road a distance of 900 feet; thence East a distance of 753.48 feet; thence South 7°13'30" West, parallel to the centerline of the road, a distance of 970 feet, more or less, to the mean high water line of the Icy Passage; thence South 82°55'40" West along the mean high water line of Icy Passage a distance of 80 feet, more or less; thence North 83°11'25" West along the mean high water line of Icy Passage a distance of 670 feet, more or less, to the point of beginning. The herein described parcel contains 16.19 acres, more or less.

subject to the following restrictive covenant: The State of Alaska and Charles W. DeBoer, each claiming an interest in the accretions seaward of the DeBoer homestead, agree that the state shall use the above-described property for the purpose of continuing the historic recreational uses of the land without interference or disruption and that the land vested in the state will be used for recreational purposes, including

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1 walking, jogging, horseback riding, picnicking, camping,
2 sun-bathing, hunting, fishing, recreational boating, beach
3 combing, berry picking, cross-country skiing and other similar
4 recreational uses. It is intended that the recreational use
5 shall be consistent with the natural state of the land and be
6 of a low intensity nature. This covenant does not restrict the
7 state from using the area in proximity to the dock for more
8 intensive recreational development consistent with and inciden-
9 tal to the above recreational uses. This covenant does not
10 prevent the state from conducting public protection and erosion
11 control activities as it deems appropriate. This covenant does
12 not restrict the state from placing improvements upon the land
13 which are compatible with and incidental to these recreational
14 uses. Finally, the covenant does not restrict historic use of
15 the land for barge loading, but no permanent alterations or
16 changes to the land may be made in conjunction with barge
17 loading and materials which are off-loaded may not be stored
18 outside of the dock road right-of-way, which is described in
19 paragraph 4. The state, however, has no obligation to enforce
20 this storage restriction.

21 3. Charles W. DeBoer grants to the State of Alaska
22 an easement for purposes of obtaining access to and maintaining
23 what is commonly known as Glen's Ditch, to the extent Glen's
24 Ditch lies upon the DeBoer homestead and the tract of land
25 described in paragraph 1 of this stipulated entry of judgment.
26

1 This easement shall extend 25 feet on either side of the
2 boundaries of Glen's Ditch.

3 4. Charles W. DeBoer grants to the State of Alaska a
4 right-of-way extending fifty feet on either side of the
5 centerline of the existing dock road where that road crosses
6 the DeBoer homestead and the property described in paragraphs 1
7 and 2 of this stipulation. The State of Alaska relinquishes
8 and grants to Charles W. DeBoer whatever right, title, and
9 interest it may have in that right-of-way retained by the
10 United States in United States Homestead Patent No. 1224602 to
11 Charles DeBoer done on December 22, 1961.

12 5. The parties agree that Charles W. DeBoer may have
13 an easement for ingress and egress by non-track vehicles across
14 the property described in paragraph 2 for access to the
15 property described in paragraph 1.

16 6. The United States renounces and disclaims any and
17 all interest in the land that is the subject of this action,
18 provided that the land quieted in Charles W. DeBoer shall be
19 subject to the same reservations and restrictions set forth in
20 United States Homestead Patent No. 1224602 to Charles DeBoer
21 done on December 22, 1961, except that paragraph 4 of this
22 stipulation shall control over the right-of-way exclusion
23 described in that patent: provided further that the land
24 quieted in the State of Alaska shall be subject to the
25 provisions of the Alaska Statehood Act, 72 Stat. 339.
26

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7. The state shall be charged 183 acres against its entitlement under § 6(b) of the Alaska Statehood Act, 72 Stat. 339.

8. The State of Alaska shall perform the survey and engineering work and place appropriate monumentation necessary to provide a metes and bounds description of the property described in paragraph 2 as well as the easement described in paragraph 3.

9. Any deed, lease, conveyance, or contract made in violation of this stipulation shall be void and may be set aside on petition by one or more of the parties hereto, and all successors in interest, heirs, executors, administrators, or assigns shall be deemed parties to the same effect as the original signers. This paragraph, however, does not prohibit the State of Alaska from making any lease, conveyance, or contract for the sole purpose of improving, but not expanding, the currently existing fuel storage area or in compliance with land use, safety or environmental statutes and regulations of the State of Alaska.

10. The stipulation and agreement constitutes a mutual covenant running with the land and all successive future owners shall have the same right to revoke and enforce its provisions as the original signers.

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11. It is agreed that all parties shall bear their own costs and attorney's fees.

DATED this 25 day of February, 1985.

James A. ...
United States District Judge

85-002277
NC

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JANUARY 23
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REQUESTED BY *Dept of Natural Resources*
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