

A Resolution of the Haines Borough Assembly authorizing the Borough Mayor to sign a corrective quitclaim deed to correct a mistaken legal description of certain tidelands in a 1997 quitclaim deed by the City of Haines to Chilkats' Portage Cove Development Company.

WHEREAS, in 1997, and pursuant to City of Haines Resolution No. 96/97-22, the City of Haines ("City") and Chilkats' Portage Cove Development Company ("Chilkats'") exchanged by quitclaim deeds equal areas of tidelands located in Block 4 of Alaska Tidelands Survey (ATS) No. 55, the purpose of the exchange to allow improvements owned by and under construction by Chilkats' to be located entirely upon tidelands owned by Chilkats'; and

WHEREAS, the quitclaim deed from the City to Chilkats', recorded May 16, 1997 in Book 29 at Page 410, Haines Recording District, states that it is a conveyance of a fraction of Lot 6, Block 4, ATS 55, and contains a metes and bounds description of the tidelands being conveyed, beginning at the SE corner of Lot 6; and

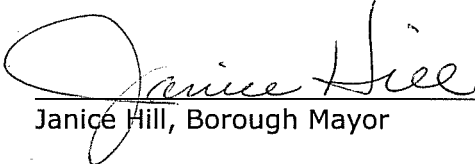
WHEREAS, the parcel of tidelands that was intended to be conveyed is actually a fraction of Lot 5 as well as a fraction of Lot 6, Block 4, ATS 55, and the metes and bounds description point of beginning should have been a point on Lot 5, Block 4, ATS 55, from which Corner No. 8, U.S. Survey 2716 bears S 59° 17' 00" E a distance of 233.67 feet, rather than the SE corner of Lot 6; and

WHEREAS, a corrective deed by the Haines Borough, as the successor in interest to the City, is both necessary and appropriate to correctly describe the parcel of tidelands that was intended to be conveyed by the City to Chilkats' pursuant to City of Haines Resolution No. 96/97-22; and

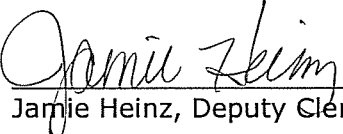
WHEREAS, the agent for the property owner has agreed to reimburse the Borough for legal and administrative staff expenses incurred in performing the research and analysis of this issue;

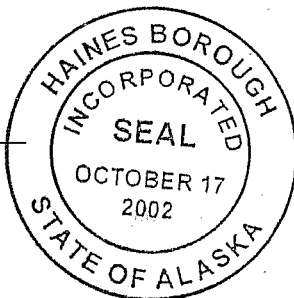
NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Mayor to sign a corrective quitclaim deed in the form attached hereto as Exhibit A.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 27th day of July, 2010.


Janice Hill, Borough Mayor

Attest:


Jamie Heinz, Deputy Clerk



CORRECTIVE QUITCLAIM DEED

The Grantor, **HAINES BOROUGH, a municipal corporation, successor in interest to CITY OF HAINES**, of P.O. Box 1209, Haines, Alaska 99827, for and in consideration of one dollar (\$1.00) and other valuable consideration, in hand paid, conveys and quitclaims to the Grantee, **CHILKATS' PORTAGE COVE DEVELOPMENT COMPANY an Alaska corporation** of P.O. Box 209, Haines, Alaska 99827, any and all interest in the following described real estate, located in the Haines Recording District, First Judicial District, State of Alaska:

A tract of land in Lots Five (5), and Six (6), Block Four (4), A.T.S. 55, according to Plat 76-7, Tidelands Addition to the City of Haines, Alaska, Haines Recording District, First Judicial District, State of Alaska, described as:

BEGIN at the a point on Lot 5, Block 4, A.T.S. 55, from which Corner No. 8, U. S. Survey 2716 bears S 59° 17' 00" E a distance of 233.67 feet (said point also being the southeast corner of Fraction A described in the deed recorded November 1, 1977 in Book 4 at Page 784 [hereafter "Fraction A"]); run thence N 59° 17' 00" W 21.65 feet; thence N 44° 46' 00" E 103.26 feet; thence S 44° 31' 17" E 11.00 feet; thence N 44° 46' 00" E 350.54 feet; thence N 45° 14' 00" W 42.00 feet; thence N 44° 46' 00" E 45.05 feet to a point on the Southerly line of Lot 5, Block 55, A.T.S. 55; thence S 55° 00' 00" E 52.76 feet to an intersection with the northeasterly corner of Fraction A; thence S 44° 46' 00" W, on the easterly boundary of Fraction A, 502.40 feet to the point of beginning.

Containing 8,191.76 square feet.

SUBJECT, HOWEVER, to any rights of way, easements or restrictions and conditions of record, if any.

This corrective quitclaim deed is executed to amend and correct the deed recorded May 16, 1997 in Book 29 at Page 410.

Dated this 28th day of July, 2010.

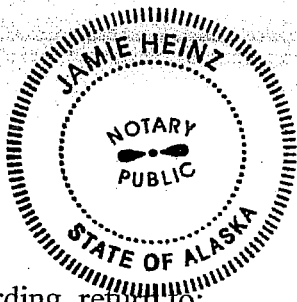
HAINES BOROUGH, a municipal corporation

By: Jan Hill
Jan Hill, Haines Borough Mayor

STATE OF ALASKA)
 : SS
FIRST JUDICIAL DISTRICT)

On this 28th day of July, 2010, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Jan Hill to me known to be the Mayor, of Haines Borough, the municipal corporation that executed the foregoing instrument, and she acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument and that the seal affixed (if any) is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above-written.



Jamie Heinz
Notary Public for Alaska
My Commission Expires: 1/28/13

After recording, return to:

Chilkats' Portage Cove Development
P.O. Box 1209
Haines, Alaska 99827