

DEPARTMENT OF NATURAL RESOURCES

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FINAL DECISION

City and Borough of Sitka
P.O. Box 79
Sitka, Alaska 99835

SELECTION APPROVED
STATE SELECTED LANDS

The Municipal Land Entitlement Act of 1978 (AS 29.18.201-213), which went into effect on July 1, 1978, provides for the conveyance of land to those municipalities granted a state land entitlement. The purpose of this decision is to approve the conveyance of certain land to the above-named municipality, subject to the State's acquisition of Tentative Approval or Patent.

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Municipal land selections were filed with the Division of Forest, Land & Water Management on February 28, 1980, ADL #101030 and July 11, 1980, ADL 101592. Lands contained in these selections were found to be primarily of local concern and to be suitable for municipal ownership. State interest areas were identified, public access needs were considered and public easements are reserved in this decision for such purposes.

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In compliance with statutory requirements, the following described lands are approved for conveyance to the above-named municipality, subject to:

- * All valid existing rights, if any, but not limited to those herein listed;
- * all section line rights-of-way granted or reserved to the Territory or State of Alaska pursuant to 43 U.S.C. Section 932 (R.S. 2477) and AS 19.10.010;
- * reservation to the United States of America such valid rights-of-way and easements for ditches, canals, railroads, highways, communication lines and other uses defined in 38 State. 308, 48 U.S.C. Sec. 305, 26 Stat. 391, 43 U.S.C. Sec. 943, 41 Stat. 1075 as amended (16 U.S.C. 818) and such other reservations as may appear in the patents by which the State acquired the selected lands;
- * reservation of perpetual public easements, as required by AS 38.05.127 and regulations implementing that statute, to and along navigable and public waters, as those terms are defined in AS 38.05.365(22) and (23), which are determined to be reasonably necessary to insure free public access.

* The State of Alaska reserves unto itself all tide, submerged, and shorelands and land underlying public or navigable waters, as defined in AS 38.05.365, to which it has received tentative approval, patent or title by operation of law, and the effect of said reservation is reflected, insofar as possible in the acreage approved for conveyance.

* The State of Alaska hereby expressly saves, excepts and reserves out of the conveyance hereby made, unto itself and its lessees, successors, and assigns forever, all oil, gases, coal, ores, minerals (including fissionable minerals), geothermal resources, and fossil fuels of every name, kind or description, which may be in or upon the lands herein conveyed, or any part thereof, together with the right to prospect for, mine, and remove the same. Prior to the exercise of any rights reserved pursuant to this mineral reservation, the State or its lessees, successors, or assigns shall provide full payment to the owner of the land upon which the rights are sought to be exercised, or shall post a surety bond sufficient as to form, amount and security to secure said owner for all damages sustained by reason of entry upon the land and exercise of rights reserved pursuant to this mineral reservation.

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DECLARATION OF PUBLIC AND/OR NAVIGABLE WATERS

As per AS 38.05.127 and 11 AAC 53.310 the following waters are determined to be public and/or navigable.

1. Takatz Bay
2. Takatz Creek
3. Two unnamed streams within Sec. 35, T.54S., R.66E.
4. Unnamed lake within Sec. 36, T.54S., R.66E.
5. Chatham Strait
6. Takatz Lake
7. Unnamed lake within Sec. 2, T.55S., R.66E.
8. Unnamed tributary of Takatz Lake within Sec. 4, T.55S., R.66E.
9. Two unnamed tributaries of Takatz Lake within Sec. 5, T.55S., R.66E.
10. Unnamed lake within Sec. 10, T.55S., R.66E.
11. Unnamed tributary of Takatz Lake within Sec. 10, T.55S., R.66E.
12. Kliuchevoi Bay
13. Hot Springs Bay

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ACCESS TO AND ALONG
NAVIGABLE OR PUBLIC WATERS

Pursuant to AS 38.05.127(2) reservation for public access will be retained 50 feet upland and 50 feet seaward of the mean high water along any water affected by tidal action, and a reservation for public access will be retained 50 feet upland of the ordinary high water mark along all navigable or public waters unless otherwise specified.

Management authority over such access easements will be transferred to the municipal grantee unless otherwise specified in this conveyance document, but no such easements may be vacated, abandoned or otherwise extinguished or rendered incapable of reasonable use by the public for the purposes for which it was reserved without the approval of the grantor, and unless an alternative means for reasonable public access is provided.

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MANAGEMENT AUTHORITY

Lands within this conveyance are State Selected and will be conveyed upon approval to the State from the Federal Government. At such time of conveyance pursuant to AS 29.18.207(d) the municipality will be authorized to execute conditional leases and make conditional sales on all lands within this decision.

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STATE SELECTED LANDS APPROVED
DECISION

T.54S., R.66E., C.R.M.

Sec. 35 S $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ 370 acres \pm

Subject to:
A 50 foot reservation for access to and along public or navigable water along Takatz Bay and along both sides of Takatz Creek and its two unnamed tributaries within Sec. 35.

Sec. 36 SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ 202 acres \pm

Subject to:
A 50 foot reservation for access to and along public or navigable water along Takatz Bay and along the shores of an unnamed lake within Sec. 36.

T.55S., R.66E., C.R.M.

Sec. 1 N $\frac{1}{2}$ 173 acres \pm

Subject to:
A 50 foot reservation for access to and along public or navigable water along Takatz Bay and along the shore of Chatham Strait due west of Takatz Island.

Sec. 2 $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ 406 acres ±

Subject to:

A 50 foot reservation for access to and along public or navigable water along Takatz Bay, Takatz Lake, both sides of Takatz Creek, and along an unnamed lake.

Sec. 3 $S\frac{1}{2}$, $S\frac{1}{2}N\frac{1}{2}$, $NW\frac{1}{4}NW\frac{1}{4}$ 270 acres ±

Subject to:

A 50 foot reservation for access to and along public or navigable water along Takatz Lake and along both sides of its unnamed tributary.

Sec. 4 $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, $SE\frac{1}{4}SE\frac{1}{4}$ 437 acres ±

Subject to:

A 50 foot reservation for access to and along public or navigable water along Takatz Lake and along both sides of its unnamed tributaries.

Sec. 5 $SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$ 280 acres ±

Subject to:

A 50 foot reservation for access to and along public or navigable water along both sides of the unnamed tributaries of Takatz Lake.

Sec 10 $N\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ 170 acres ±

Subject to:

A 50 foot reservation for access to and along public or navigable water along Takatz Lake, along an unnamed lake, and along both sides of an unnamed tributary to Takatz Lake.

T. 55S., R. 67E., C.R.M.

Sec. 6 $W\frac{1}{2}NW\frac{1}{4}$ 67 acres ±

Subject to:

A 50 foot reservation for access to and along public or navigable water along the shore of Chatham Strait due west of Takatz Island.

T.58S., R.64E., C.R.M.

Sec. 17 $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ 26 acres ±
Excluding U.S.S. 1401 and U.S.S. 3505

Subject to:
A 50 foot reservation for access to and along public or navigable water along Kliuchevoi Bay.

Sec. 19 $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ 12 acres ±

Subject to:
A 50 foot reservation for access to and along public or navigable waters along Hot Springs Bay.

Sec. 20 $W\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$ 110 acres ±
Excluding U.S.S. 1401.

Subject to:
A 50 foot reservation for access to and along public or navigable water along Hot Springs Bay.

TOTAL 2,523 acres ±

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Robert D. Evers
Mar Winegar, Manager *Mar Winegar*
Southeastern Lands District
Division of Forest, Land & Water Mgmt.
Department of Natural Resources

1/26/81
Date

This is to certify that on the 26th day of January, 1981, before the undersigned, a notary public in and for the State of Alaska personally appeared Mar Winegar and acknowledged to me that he executed the foregoing instrument. *Andy Pickouch*

In testimony whereof, I have set my hand and affixed my official seal the day and year of this certificate first above written.

The Div. of Forest, Land & Water Mgmt. finds that the proposed action is consistent with the Alaska Coastal Management Act and regulations promulgated thereunder.

William F. Newman
Notary Public in and for the State of Alaska
My Commission Expires July 1, 1984

ATTACHMENT A

Exclusions

- 1.
- 3.

U.S.S. 1401
U.S.S. 3505