

## City of Valdez Application for Lease of City Owned Land Attachment

### QUESTION #4. LEGAL DESCRIPTIONS

#### **(Tract L – Fish Processing Plant): Tax parcel #70300120000. Acreage: 52502 Sq.Ft.**

The leasehold estate created by that certain unrecorded lease, dated July 13, 1984, as disclosed by Memorandum of Lease, executed by City of Valdez, Alaska, a municipal corporation, as lessor, and between Uncle Jim's Alaska Seafoods, Inc., an Alaska corporation, as lessee, for a term is 55 years beginning July 1, 1984 and ending June 3, 2039, as recorded in Book 101 at Page 544, and any amendments thereto; by various instruments the lessee's interest is held of record by the vestee herein, as it affects the following described property:

Tract L, THE AMENDED REPLAT SOUTH PORTION OF MINERAL CREEK SUBDIVISION and HARBOR SUBDIVISION, according to the official plat thereof, filed under Plat No. 86-4, in the records of the Valdez Recording District, Third Judicial District, State of Alaska.

Together with a Private Non-exclusive Easement ADL 232217, including terms and provisions thereof: in favor of Peter Pan Seafoods, Inc. Recorded: May 9, 2019, as Reception No.: 2019-000202-0 For: The operation and maintenance of a portion of a seafood processing outfall line.

Affects: A portion lying within the NE 1/4 of Section 6, Township 9 South, Range 6 West, Copper River Meridian in the Valdez Recording District. The easement is 320.31 feet in length and 30 feet in width for a total area of 0.22 acres, more or less. The easement is depicted on the record of survey EPF 20180010, approved by DNR on February 20, 2019, a reduced copy of which is included as "Attachment A" to said document and was also recorded February 11, 2019, as Plat No. 2019-2, and re-recorded on June 5, 2019 as Plat No. 2019-6, records of the Valdez Recording District, Third Judicial District, State of Alaska.

And together with the certain easement relating to an offal line as granted in Section 1.02(b) of the lease referenced above, as assigned by that certain Bill of Sale and Assignment dated March 2, 1988, between Uncle Jim's and Peter Pan, as recorded at Book 107, Page 798.

Amendment No. 1 and Assignment No. 1 to Private Non-Exclusive Easement ADL 232217 Recorded: December 31, 2020 as Reception No.: 2020-000755-0.

#### **(Tract C – Egghouse): Tax parcel # 06200000002. Acreage: 47249 Sq.Ft.**

The leasehold estate created by that certain unrecorded lease, dated June 4, 1990, as disclosed by Memorandum of Lease, executed by City of Valdez, Alaska, a municipal corporation, as lessor, and between Peter Pan Seafoods, Inc., as lessee, for a term of 49 years beginning on the 4th day of June 1990, and ending on the 31st day of June 2039, as recorded in Book 111 at Page 624, and any amendments thereto; by various instruments the lessee's interest is held of record by the vestee herein, as it affects the following described property:

Tracts C, THE AMENDED REPLAT SOUTH PORTION OF MINERAL CREEK SUBDIVISION and HARBOR SUBDIVISION, less the West 41 feet and the Northern portion of ATS 620, less the West 41 feet, according to the official plat thereof, filed under Plat No. 86-4, in the records of the Valdez Recording District, Third Judicial District, State of Alaska.

#### **(Tract F –Warehouse & Bunkhouses): Tax parcel # 70300060000 Acreage: 20000 Sq.Ft.**

The leasehold estate created by that certain unrecorded lease, dated May 8, 1988, as disclosed by Memorandum of Lease, executed by City of Valdez, Alaska, a municipal corporation, as lessor, and between Peter Pan Seafoods, Inc., as lessee, for a term of 51 years beginning on the 8th day of May 1988, and ending on the last day of June 2039, as recorded February 3, 2004 as Reception No.: 2004-000099-0, and any amendments thereto; by various instruments the lessee's interest is held of record by the vestee herein, as it affects the following described property:

Tracts F, THE AMENDED REPLAT SOUTH PORTION OF MINERAL CREEK SUBDIVISION and HARBOR SUBDIVISION, according to the official plat thereof, filed under Plat No. 86-4, in the records of the Valdez Recording District, Third Judicial District, State of Alaska.

**(Dock Tidelands): Tax parcel # 06200000003 Acreage: 39375 Sq.Ft.**

The leasehold estate created by that certain unrecorded lease, dated October 1, 2002, as disclosed by Memorandum of Lease, executed by City of Valdez, Alaska, a municipal corporation, as lessor, and between Peter Pan Seafoods, Inc., as lessee, for a term of 12 years beginning the 1st day of December 2001 and ending on the last day of November 2013, as recorded as Reception No.: 2004-000100-0, and any amendments thereto; by various instruments the lessee's interest is held of record by the vestee herein, as it affects the following described property:

A portion of U.S. SURVEY 495 Tidelands, and as more particularly described as follows, located in the Valdez Recording District, Third Judicial District, State of Alaska.:

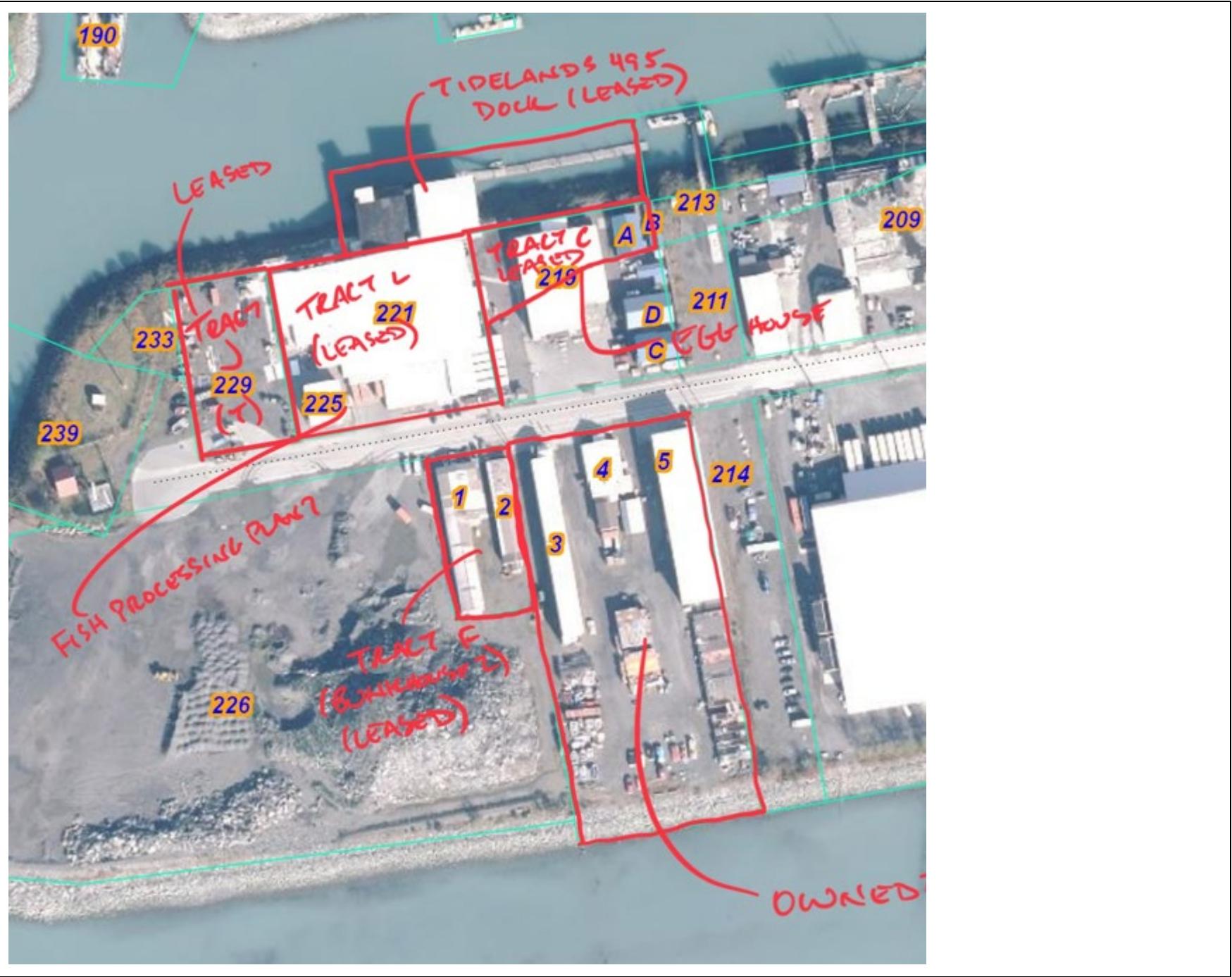
Commencing at Corner No. 1 at Tract B, Harbor Subdivision, thence North 10°0'0" West 105.00 feet, thence South 80°0'0" West, 80.00 feet to the True Point of Beginning; thence South 80°0'00" West, 375.01 feet; thence South 10°0'0" East, 105.00 feet, thence North 80°0'0" East, 375.01 feet; thence North 10°0'0" West, 105.00 feet returning to the Point of Beginning.

**(Tract T – Portion of Fish Processing Plant/Parking): Tax parcel # 70300460050 Acreage: 25200 Sq.Ft.**

The leasehold estate created by that certain unrecorded lease, dated February 26, 2013, as disclosed by Memorandum of Lease, executed by City of Valdez, Alaska, a municipal corporation, as lessor, and between Peter Pan Seafoods, Inc., as lessee, as recorded February 27, 2013 as Reception No. 2013-000126-0 and by the last Amendment Recorded March 5, 2015 as Reception No. 2015-000079-0 for a term as described therein; by various instruments the lessee's interest is held of record by the vestee herein, as it affects the following described property:

Tract T, SOUTH HARBOR 2014 SUBDIVISION, according to the official plat thereof, filed under Plat No. 2014-16, in the records of the Valdez Recording District, Third Judicial District, State of Alaska.

**MAP OF PARCELS BELOW:**



**From:** [Hattenburg, Adam J.](#)  
**To:** [Nicole LeRoy](#)  
**Cc:** [Kate Huber](#); [Jones, Brent](#); [Gregg, Cody D.](#)  
**Subject:** RE: Lease Assignment Silver Bay Seafoods/PPSF  
**Date:** Tuesday, March 12, 2024 10:20:31 AM  
**Attachments:** [image001.png](#)

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Hi Nicole,

Our intent is to amend the use of the lease to be accessory storage and parking associated with the fish processing plant. Thank you for confirming.

**Adam Hattenburg** | Attorney

Direct: (206) 386-7544

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**From:** Nicole LeRoy <NLeRoy@ValdezAK.Gov>  
**Sent:** Monday, March 11, 2024 4:47 PM  
**To:** Hattenburg, Adam J. <adam.hattenburg@stoel.com>  
**Cc:** Kate Huber <KHuber@ValdezAK.Gov>; \_Luce, Nathan A. <nathan.luce@stoel.com>  
**Subject:** RE: Lease Assignment Silver Bay Seafoods/PPSF

Hi Adam,

Tract T Harbor Subdivision is currently leased for a fish oil plant that was never constructed. SBSF indicates in their application they want to continue to use it for parking and accessory storage associated with the fish processing plant. I am wondering if you could clarify if your intent is to amend the use of this lease to accessory storage and parking associated with the fish processing plant.

Thanks,

Nicole

Nicole LeRoy  
Planner  
City of Valdez – Community Development Department  
907.834.3427 | [nleroy@valdezak.gov](mailto:nleroy@valdezak.gov)

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## QUESTION #6 – TERM OF LEASES

**Tract L – Fish Processing Plant:** The current term of the lease with the existing tenant expires on June 30, 2039. We want the same term end date.

**Tract C – Egghouse:** The current term of the lease with the existing tenant expires on June 30, 2039. We want the same term end date.

**Tract F –Warehouse & Bunkhouses:** The current term of the lease with the existing tenant expires on June 30, 2039. We want the same term end date.

**Dock Tidelands:** Current term of the lease expired on November 20, 2023. We want the term to match the other leases, so the term would expire on June 30, 2039.

**Tract T – Portion of Fish Processing Plant/Parking:** The current term of the lease with the existing tenant expires on June 30, 2039. We want the same term end date.

## QUESTION #9 – STATUS OF LAND

**Tract L – Is being used as a Fish Processing Plant.**

**Tract C – is being used as a Egghouse.**

**Tract F –Is being used as a Warehouse & Bunkhouses for the fish processing plant business.**

**Dock Tidelands is being used as a dock for the fish processing plant business.**

**Tract T – Is being used as part of the fish processing plant business and as a parking lot.**

**See picture above of the improvements.**

## QUESTION #10 – CURRENT LEASED LAND WITH THE CITY

### **Lease 1**

Lease Agreement between City of Valdez (as lessor) and Sea Hawk Seafoods, Inc. (as lessee) dated November 6, 2002, a memorandum of which is recorded in the Valdez Recording District as Doc. No. 2010-000052-0.

As assigned pursuant to that certain Assignment of Lease between Sea Hawk Seafoods, Inc. (as assignor) and PS Acquisition, LLC (as assignee) dated September 16, 2009, recorded in the Valdez Recording Districts as Doc. No. 2010-000054-0;

As assigned pursuant to that certain Assignment of Lease between Northern Reach Seafoods, formerly known as PS Acquisition, LLC, (as assignor) and Silver Bay Seafoods, LLC (as assignee) dated January 20, 2010, recorded in the Valdez Recording District as Doc. No. 2010-000069-0;

As amended by that Lease Amendment No. 1 dated March 11, 2013, record in the Valdez Recording District as Document No. 2013-000149-0;

As amended by that Lease Amendment No. 2 dated December 27, 2013, recorded in the Valdez Recording District as Document No. 2014-000079-0;

As amended by that certain unrecorded Lease Amendment No. 3 dated October 2, 2018.

As amended by that certain unrecorded Lease Amendment No. 4 dated August 10, 2023.

#### **Legal Description of Lease 1**

Parcel 4, of the Replat of Portions of Amended South Portion of Mineral Creek Subdivision and the Harbor Subdivision, according to the official plat thereof, filed as Plat No. 86-4, records of the Valdez Recording District, Third Judicial District, State of Alaska

Together with a 5 foot side strip of land within US Survey 495, lying adjacent to and running parallel with the Northwesterly boundary line of said Parcel 4

#### **Lease 2**

Lease Agreement between City of Valdez (as lessor) and Silver Bay Seafoods, L.L.C. (as lessee) dated February 26, 2019, a memorandum of which is recorded in the Valdez Recording District as Doc. No. 2023-000199-0.

As amended by that certain unrecorded Lease Amendment No. dated August 10, 2023.

#### **Legal Description of Lease 2**

Tract E, Harbor Subdivision pursuant to Plat No. 86-4, located in the Valdez Recording District, Third Judicial District, State of Alaska



THE STATE  
*of* **ALASKA**

GOVERNOR MIKE DUNLEAVY

June 05, 2023

**Department of Revenue**

TAX DIVISION

Robert B. Atwood Building  
550 West Seventh Avenue, Suite 500  
Anchorage, Alaska 99501-3555  
Main: 907.269.6620  
Fax: 907.269.6644

[www.tax.alaska.gov](http://www.tax.alaska.gov)

Letter ID: L0250572800

SILVER BAY SEAFOODS VALDEZ LLC  
DBA: SILVER BAY SEAFOODS - VALDEZ, LLC  
208 LAKE ST STE 2E  
SITKA AK 99835-7582

**Fisheries Business License**

FEIN:	XX-XXX7407
Tax Type:	Fisheries Business License
License #:	8744
License Period End:	Dec 31, 2023

Dear Licensee:

Your fisheries business license is enclosed. Please post this license at your facility or on your vessel.

As a license holder, you are responsible for filing and paying a **Fisheries Business Tax Return** by April 01, 2024. If the total value of the fishery resources processed or exported exceeds \$50,000, you must also file and pay **Seafood Marketing Assessment Return**. In addition, you are responsible for **all other taxes and assessments applicable** to your license type, activity, and location as required by Alaska statute and regulation governing fishery taxes. If you had no activity, you are still required to file a return indicating that you did not operate during the period.

Enclosed with your license is a one-page tax type, rates, and due dates schedule. If you need access to additional tax type returns to meet your filing responsibilities you are required to request those from the Department of Revenue, Tax Division.

If you have a surety bonding requirement, you will see a blue stamp at the bottom left corner of the license representing certification that you have fulfilled the bonding requirements. Any restriction to your fisheries activities will also be listed at the bottom of the license.

If you have any questions or concerns, please contact the Department of Revenue at [dor.tax.fishexcise@alaska.gov](mailto:dor.tax.fishexcise@alaska.gov) or by phone at 907.269.6620.

Alaska Department of Revenue

Tax Division

Enclosure

# ALASKA DEPARTMENT OF REVENUE

## Fisheries Business License

Valid Jun 02, 2023 through Dec 31, 2023

License No  
**8744**

**Licensee**  
SILVER BAY SEAFOODS VALDEZ LLC  
DBA: SILVER BAY SEAFOODS - VALDEZ, LLC

**Licensed Activity:** Shore-based Processor

Licensed to perform activity as a Shore-based Processor described under AS 43.75.

This certifies that the licensee agrees to file a fisheries business tax return stating the value of fisheries resources processed or exported from the state for the license period and to pay fisheries business taxes in full on or before March 31 following the end of the license period. Licensee agrees to comply with all statutes and regulations governing fisheries business taxes. This license cannot be transferred or assigned.

**Licensed Location**  
VALDEZ PLANT  
209 S HARBOR DRIVE  
Valdez, AK 99686-0000



**Wayne Cook**

Licensing Specialist

6/2/2023

**Issue Date**

**Caution: This does not permit you to do business in Alaska without complying with other State or US Laws.**

# Tax types, rates and due dates for BUYERS

Tax Type	Rate	2023 Due Dates	2024 Due Dates	Comments
<b>FISHERIES BUSINESS TAX</b> <i>Established Commercial Fisheries</i>				
Floating Processor	5%			
Salmon Cannery: Shore-based	4.5%			
Shore-based Processor	3%			
Exporting Unprocessed from Alaska to a shore-based processor	3%			
Exporting Unprocessed from Alaska to a floating processor	5%			
<i>Developing Commercial Fisheries</i>				
Floating Processor	3%			
Shore-based Processor	1%			
Exporting Unprocessed from Alaska to a shore-based processor	1%			
Exporting Unprocessed from Alaska to a floating processor	3%			
<b>ALASKA SEAFOOD MARKETING ASSESSMENT</b>	0.5%	Before April 1, 2024 - for taxes incurred in 2023	Before April 1, 2025 - for taxes incurred in 2024	Annual return - imposed only if aggregate value of ALL seafood products produced > \$50,000
<b>SALMON ENHANCEMENT TAX</b> <i>Aquaculture Region:</i>				
Southern Southeast	3%			
Northern Southeast	3%			
Prince William Sound	2%			
Cook Inlet	2%			
Kodiak	2%			
Chignik	2%			
Yakutat	2%			
<b>SALMON ENHANCEMENT BUYER'S ANNUAL REPORT</b>	N/A	Before March 1, 2024 - for taxes incurred in 2023	Before March 3, 2025 - for taxes incurred in 2024	Annual Return
<b>REGIONAL SEAFOOD DEVELOPMENT TAX</b> <i>Development Region &amp; Gear Type:</i>				
PWS - Salmon Drift Gillnet	1%			
PWS - Salmon Set Gillnet	1%			
Bristol Bay - Salmon Drift Gillnet	1%			
<b>DIVE FISHERY MANAGEMENT ASSESSMENT</b> <i>Dive Region: Southeast</i>				
Species:				
Geoduck	7%			
Sea Cucumber	1%			
Sea Urchin	1%			
<b>COMMON PROPERTY FISHERY ASSESSMENT</b> <i>Hidden Falls Hatchery:</i>				
Species: Chum Salmon				
Stat. Areas: 112-11,21 & 22	To be determined	By Oct 31, 2023 for chum salmon harvested June 1 through July 31	By Oct 31, 2024 for chum salmon harvested June 1 through July 31	Annual Return