

8/19/99

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**DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES
RIGHT OF WAY
FACSIMILE TRANSMITTAL FORM**

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SENDER:	John F. Bennett
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CONTACT: John Bennett AT 907-451-5423 IF THERE ARE ANY PROBLEMS WITH TRANSMITTAL OF DOCUMENTS.

MESSAGE: John, attached is a letter we received from Oles, Morrison, Rinker & Baker on August 19. It represents a blanket request for records regarding the Chitina-McCarthy road. They claim that this does not involve litigation, but I'm wondering if its an end run around discovery just prior to filing a suit. They don't tell us who their client is but I suspect it is Steven Syren. Syren has land at the end of the road on the Chitina side of the new McCarthy footbridge. Years ago, his father received patent from DNR for a large tract of land that straddled the McCarthy road and which they subsequently subdivided in the 70's. More than likely, the surveyor at the time contacted DOT regarding the width of the ROW and was told "200". Without regard to whether we received the railroad 200' or a PLO 100' width, his plat dedicated to the public a 200' wide ROW. People typically drive to the end of the road, park in the ROW and cross the bridge on foot. He has reportedly required people to pay him a fee for parking on his land. He justifies this by claiming that the State stole his land my misrepresenting the width of the existing ROW when the subdivision was dedicated. There is also issues of substantial encroachments including business operation in the ROW but I can't verify that they belong to him or others at this time. I received a call from legislator Scott Ogen about 10 days ago requesting information on Syrens behalf. I explained verbally what I know about the ROW situation up there. Although I am still working with the Juneau AGO regarding where we will go with our request for an opinion regarding the road ROW, I wanted to run this letter by you to find out what level of effort we are required to take to satisfy this request. I assume that I can tell him to look in his own copy of AS 19, AAC 17, and the federal CFR's for laws and regulations. However, to copy them everything we have on the Chitina McCarthy road will get fairly expensive for time and materials. As we are continuing on the McCarthy road Location study you can charge to LC 30833822. Please tell me what you think about this letter. Thanks, JohnB