

The original of this form is blue and indicates that a response is due.
It is always forwarded to whomever prepares or reviews the response.

<p><i>When you receive a request: Fill out the form below. Call the clerk at 451-5151 and ask for a legislative log number. Assign a person to prepare the response. For help assigning this person, call Martin S. Ott, Chief of Planning.</i></p>	<p><i>When you receive a request: Fill out the form below. Write the response for the Regional Director's signature and route to him. Keep this form attached to the response. If you respond verbally, route this form to the Chief of Planning and Administrative Services.</i></p>
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<p>Legislator: Scott Ogen</p>	<p>Who received the request? John F. Bennett</p>
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Who made
The request? **Loreli, Ogens Asst.**

Who is assigned
to respond? **John F. Bennett**

Phone number **376-4866**

Who composed
the response? **John F. Bennett**

Topic **McCarthy Road ROW at McCarthy**

Date response
was sent: **8/17/99**

Date request received: **8/16/99**

Date request
Due:

Letter (attach below) Phone call (summarize below)

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Summary of request: Stephen Syren lives in Ogen's district. He has property in McCarthy. His father was developer of McCarthy West Subdivision in 1970's. Syren claims that DOT is taking property from him without compensation. When Syren's father subdivided, DOT advised him that the existing ROW was 200' in width. The subdivision dedicated 200' for the McCarthy road to the public. In recent years there has been some question as to whether DOT actually had title to a 200' wide ROW or a 100' wide ROW. Syren believes he was misled into dedicating the 200' ROW and that DOT has effectively taken the additional 100'.

Response: I provided a history of the McCarthy road ROW and the basis of the federal opinion as to why they believe it is only 100' wide. Syren has been the subject of many phone in complaints for charging a fee to park in the McCarthy road ROW at the end of the road. Although the Department has not yet reached a conclusion as to whether the McCarthy road ROW is based on a 200' wide railroad ROW or a 100' wide PLO ROW, the fact remains that Syren dedicated a 200' wide ROW through the subdivision process. The only way it could be reduced at this time would be to go through the vacation process with DNR who is now the Platting Authority in the unorganized borough. The vacation would require a public hearing and be subject to our concurrence as operator and manager of the road. If this was to be vacated, title reverts to the owner of the adjoining property, so if Syren has sold lots adjoining the ROW, he would not receive title to them.

Sent to Commissioner

Sent to Dennis Poshard