

John Bennett

From: John Bennett [johnf_bennett@dot.state.ak.us]
Sent: Friday, July 18, 1997 2:38 PM
To: 'dave_bloom@dot.state.ak.us'
Cc: 'john_miller@dot.state.ak.us'
Subject: Chitina Wayside

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Our favorite Chitina person (Earling Hem) was in yesterday. I guess he is planning on bidding on the project. He pointed out a problem with the Design Study site plan that I hadn't caught. The majority of the design is within 100' of the centerline, which is good as it is exactly what we have advised. We may be told we're wrong by the AGO at some time in the future, but for now we are holding to a claim of 100 feet from centerline.

The site plan indicates that the graded or seeded area goes further than the 100 feet in an area that appears to be within the townsite street ROW for First and Second streets. The problem is that the south townsite boundary lies 150' from centerline, leaving the questioned "no man's" land that we have been avoiding. Hem claims that there is no ROW for First and Second between the McCarthy road ROW and the south boundary of the townsite. Now it may be that there is a potential claim of a prescriptive easement if First and Second are existing streets and have been used by the public, but I don't know whether that is the case.

The fact is you are trying to build a project in the devil's triangle of the title world that will take more than mere mortals to resolve. Hopefully, right before you advertise the AGO will tell us that the McCarthy road ROW is 50' each side of centerline and we can avoid dealing with this for another 20 years.