

Author: Rosalind Kan at FA
Date: 1/29/97 9:37 AM
Priority: Normal
TO: Jim Elieff, JohnF Bennett at FAIBWR-CCMAIL, Jerry Rafson
CC: John Miller at FAIBWR-CCMAIL, Mike Gavin
Subject: Chitina and test

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According to the e-mail from Chuck Gilbert, NPR's position on this acquisition issue is pretty clear now. They do not want to go any further. What is our position? In my opinion, I don't think we want to get involved with Ivey and Smith's property. As for the 50' strip, although it doesn't seem to be too complicated to get it, according to Bennett's explanation, but we need to open up phase 3 in order to do this. Would the 50' strip really add much to the wayside? I think the 3 sections, Design, ROW and Planning, need to have a meeting to talk this over and decide once for all.

I will arrange the meeting time and place, and let you know.

Rosalind

Forward Header

Subject: Chitina and test
Author: Chuck_Gilbert@nps.gov (Chuck Gilbert) at dotpfwan
Date: 1/27/97 3:41 PM

Rosalind: As we discussed on the phone today, the NPS has run into what appears to be insurmountable title problems in Chitina. See the note below that I tried to send to John Bennett last week (I don't know if it reached him).

1) the 50' strip lot. In John Bennett's note to you, dated 1/22, he said the owner of record (Copper Valley Trading Co.) was dissolved in 1977, and that under operation of state law (escheat), title goes to the State. It would appear that if this lot is critical to the wayside project, the State should perfect its title to this and other lots in Chitina.

2) Ivey and Smith lots. See note below regarding possibilities for clearing title. I did discuss with our lawyer the time involved in the NPS acquiring these lots through condemnation. It would take too long. A complaint in condemnation would take a couple of years to conclude the case and take title, and a declaration of taking (DT) would take the NPS many months to get the required Congressional approvals. However, a condemnation (DT) by the State should take less time. In Lyn's discussions with Ivey and Smith they indicated they would not file suit to quiet title, but may welcome a condemnation by the government for the purpose of clearing title. If you decide to pursue this route, the position of these owners should be confirmed.

3) Land costs. An appraisal prepared for the NPS a couple of years ago for land in Chitina indicated that a typical lot sells for between \$3500 and \$4000. Unless property values have really jumped in the past two years (unlikely), the cost of acquiring the Ivey and Smith lots, as well as the 50' strip should not be substantial.

Sorry we haven't been able to do the acquisitions, but I think Chitina has got us beaten this time...It would seem that with the State able to get the 50' strip through escheat, and the low value of this and other lots, you may be able to move ahead with the project.

Chuck Gilbert

Subject: Chitina and test
Author: Chuck Gilbert at NEARO
Date: 1/22/97 8:55 AM

John: I thought I'd see if you could be reached on email, as it may help move things along if this works.

I got a note from Lyn Taylor wherein she said she had told you and Rosilind the status of the lots in Chitina. As she said, we are still trying to track down the current owner of the "strip" lot that lies just south of the lots owned by Ivey. I have a meeting with our lawyer this AM and can discuss the possibility of our condemnation of this lot to clear title, however, I fear the time it would take would be too long for the project.

On the lots owned by Ivey, with the Hem encumbrance, our lawyer says title is not clear either way. The quiet title suit did not notice Hem's predecessor in interest and therefore probably was not effective in quieting him out. On the other hand, the parties in whom the suit did decide title have held it now for more than the minimum number of years to gain title through adverse possession (both under the color of title and w/o color of title). Our lawyer's position is that these are matters of state law and it would be more proper for a state AG to opine. If this could be done, and if the AG determined that Hem has been removed from title, Hem's attorney MAY live up to what he said, i.e., that Hem would QCD away the cloud. Of course, I believe all this doesn't matter to the project unless we are able to acquire the "strip" to the south that adjoins the R/W.

Chuck Gilbert