

Project- Chitina Wayside  
Teleconference Summary  
Dec. 6, 1996, 10:30 am

People involved -

Chuck Gilbert - Head of Lands Division, NPS

Lyn Taylor, Realty Specialist, NPS

Daryl Haggstrom, Project Manager, DNR (invited but could not make it)

John Bennett, ROW, DOT

Rosalind Kan, Engineering Manager, DOT

Purpose:

- To discuss and exchange information on the land ownership status and acquisition procedure involved for the 3 private lots and the 50' no-man's land, and
- to request NPS to give us a time assessment on the acquisition so that DOT can then make an assessment on whether to wait for this to happen or to go ahead and construct the wayside within the existing right of way, if it looks like it would take too long for it to happen.

Summary of Discussions:

1. DOT's objective is to construct a wayside to meet the parking needs of the traveling public and to service the local community. We will be willing to construct the wayside extending into the community from DOT R/W, if NPS succeeds in the land acquisition. DOT does not have ROW money programmed for this project. DOT is willing to wait for NPS to do the acquisition, if the wait is not too long and will not jeopardize the project.
2. DOT needs a realistic time assessment from NPS.
3. Earling Hem's position on those 3 private lots seems clear according to his attorney's letter to Lyn Taylor - Hem is willing to comply with AG's opinion (State or Federal) on who owns those lots. In other words, if AG says that Mary Ivey is the rightful owner, Hem would back off from his claim; if AG says Hem owns the property Hem would negotiate a price and sell the lots to NPS. Therefore, the time involvement question here boils down to "How long would it take NPS to get an opinion from their AG's office."
4. NPS sent a request for opinion to AG's in the latter part of October, 1996.
5. Gilbert said that it would normally take NPS 6 months to complete the acquisition process after the land title is cleared.
6. John Bennett thinks that the 50' no-man's land belongs to Copper Valley Trading Co.

7. NPS will initiate getting a title report for the 50's no-man's land before doing the time assessment.

8. We (DOT) have requested the State AG's for an opinion on our 100' R/W (for McCarthy Project) and think that we will get an answer some time in January, 1997. We feel pretty good about the 100' ownership, because that was what we based past projects on. But, in case only 50' is confirmed by Ag's opinion, John thinks the other 50' strip will have to be Hem's. Acquisition from Hem will then be necessary. Gilbert thinks, if that is the case, it can be acquired simultaneously with the 3 private lots.

9. Ken Morton said that the 50' no-man's land is more important than the 3 private lots, because it lies next to the DOT's 100' R/W. In other words, if the 3 private lots can't be acquired successfully, the wayside can be extended from DOT R/W to the south boundary of the 3 lots to include the 50' no-man's land area. Without this 50' area, the 3 private lots will not be useful to this project, because the 50' strip sits between the R/W and the 3 lots.

10. NPS touched on the subject of condemnation. I expressed that DOT would not want to see this project get into a condemnation situation. Gilbert said that they would only do this if it were a friendly condemnation. (Is there such thing as a friendly condemnation?) Our position on this is expressed.

11. Things to do for each party:

NPS - Will proceed with getting title reports for those lots and the 50' no-man's land.  
Will give John Bennett a copy of the title reports when they get them.  
Will give us a time assessment sometime in January 1997.

DNR - Will proceed with Design Study Report and portion of the design work that are common features for both locations.

DOT - Will inform NPS & DNR of any new development on this project.