

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
NORTHERN REGION, RIGHT OF WAY

2301 PEGER ROAD, MAIL STOP 2553
FAIRBANKS, ALASKA 99709-5399
PHONE: (907) 451-5400
TDD: (907) 451-2363
1-800-475-2464

November 20, 1996

Re: Chitina Wayside
TEA-0850(21)/66674
Right of Way

H. Van Z. Lawrence
751 Seventh Avenue
Fairbanks, AK 99701

Dear Mr. Lawrence:

We are in receipt of your November 14, 1996 letter and believe we can clarify a few points regarding the Chitina Wayside project.

Although the Chitina Wayside project is being developed in cooperation with the National Park Service, the Department will not be involved in the acquisition of any land in addition to the existing McCarthy road right of way. It is our understanding that the National Park Service is interested in acquiring Lots 5-7 of Block "B" in the Chitina Townsite and may also be interested in acquiring the 50 foot wide strip of land that lies between the southerly boundary of Block "B" and the northerly right of way for the McCarthy road.

We are familiar with the clouded chain of title created by the conflicting deeds from Kennicott Company to both O.A. Nelson and to Gordon N. Hizey. As we have never had a reason to reach a conclusion regarding the title within Block "B", we can offer you no aid in resolving the status of the current title.

We have, however, briefly reviewed the title to the 50' strip south of Lots 5-7, and arrived at the same conclusion that was reached in the April 24, 1992 Transalaska Title report for Parcel 6 that was attached to your letter. That conclusion was that the owner of the fee estate was the Copper Valley Trading Company or whoever is currently their successor in title.

Your letter states that the Department of Highways has previously acknowledged ownership to the area south of the Chitina Townsite block boundaries by virtue of Warranty Deeds that you attached. While you have attached the documents for Parcels 1 & 3, you may not have known that the property to the east of Parcel 1 was acquired from the Copper Valley Trading Company (Parcel 2) through condemnation. This reflects the fact that the Department's title examiners recognized in 1971 that O.A. Nelson and his successors received title to certain areas south of Blocks A, B, and C by virtue of a quitclaim deed from the Kennecott Copper Corporation on 2/21/1951 (Bk 1/P 149 Deeds, Chitina). This QCD preceded Hizey's conveyance from Kennecott dated 11/17/58. Although we have a poor copy of that document, I have attached one for your reference.

The majority of the highway rights of way in Alaska are easement interests created by Public Land Orders. Therefore, the Department acknowledges that Hem and others may hold the fee estate to lands under certain highways subject to the rights of the public. The McCarthy road is unique due to its roots in the abandoned Copper River and Northwestern Railroad right of way. Therefore, we have requested an opinion from the Attorney General's office that we hope will better define the rights of the public in that right of way. We hope to receive this opinion sometime after the first of the new year.

Sincerely,
John A. Miller

A handwritten signature in black ink, appearing to read "J. Miller", with a stylized flourish extending to the right.

Chief, Right of Way
Northern Region

cc: Rosiland Kan, PE, Design Project Manager
Lyn Taylor, Realty Specialist, National Park Service