

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

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May 29, 1996

Re: McCarthy Road Right of Way
at Kennicott Mill Site

Mr. Richard Jurick
Box MXY
Glennallen, AK 99508-8998

Dear Mr. Jurick,

I was requested by Mike Gavin to respond to your request for information regarding the status of the McCarthy road right of way through the Kennicott Mill Site.

Although there still continues to be some debate as to the source of the DOT&PF interest in the McCarthy road, the Department's position is that the State of Alaska was conveyed the right of way interest that was originally created by the construction of the Copper River and Northwestern Railroad. As the McCarthy-Kennicott right of way was a part of the original railroad bed, the right of way width would be 100 feet on each side of centerline.

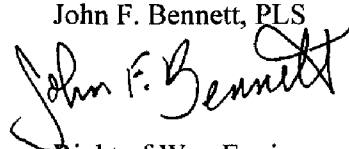
The road right of way was conveyed to the State by virtue of the 1959 "Omnibus Act" Quitclaim Deed which listed the "McCarthy-Kennicott" road as one of four "McCarthy Roads". The McCarthy road system is listed as Federal Aid Secondary Class "B" Route No. 8501 and describes the "McCarthy-Kennicott" road as being "From McCarthy north to Kennicott. Length 6.0 miles." The "Omnibus Act" QCD conveyed whatever interest the federal government had in the road system without guarantee that a valid right of way existed for each road.

The Kennicott mill site (Mineral Survey No. 770) was located in the summer of 1906 and patented in December of 1910. The railroad was not completed until 1911. As MS 770 would be considered reserved lands in 1906, it would not be subject to a subsequent right of way reservation that could only be applied to unreserved federal lands.

When the Kennicott Mill Site was subdivided by its owners, the interior roads were not dedicated to the public, but were specifically declared to be private. Therefore, it is our opinion that the public's interest in the McCarthy-Kennicott road ends where the road crosses into Mineral Survey No. 770.

If you have further questions, please feel free to contact me at 451-5426.

John F. Bennett, PLS



Right of Way Engineer
Northern Region

cc: Michael D. Gavin, P.E., Manager, Capital Projects Planning