

**From:** John F. Bennett <johnf\_bennett@dot.state.ak.us>  
**Sent:** Friday, November 29, 2002 3:36 PM  
**To:** Bill Brown  
**Subject:** Re: Section Line Esement Question  
**Attachments:** BennettJ.vcf

Bill, sorry I am so slow in responding. We moved our office this week and we are still unpacking. I remember talking to Charlie on the phone about this. Unfortunately, our discussion was limited to the phone and I never reviewed any plats related to this. I believe Charlie told me he had noted in the BLM field notes that the monuments for the east line of section 22 were set before the magic cutoff date of Jan. 18, 1949. I believe the critical date we evaluate for "township plat approval" has less to do with the property encompassed by the survey than the survey that monumented a particular line. I don't have all of the plats for that area handy so I can't verify what I am about to say, but, for determining whether there is a section line easement on the east line of section 22, we should be looking at the plat approval date for the survey that ran and monumented the east line as opposed to the plat date for the survey that encompassed section 22, if they are different. I did note that the south line of section 22 was monumented as noted on the partial township plat approved on August 5, 1922. Assuming there were no reservations that prevented the section line easement from applying, then the section line easement along the south boundary of section 22 came into effect on April 5, 1923 when the territorial legislature originally accepted the RS2477 grant. I don't have the plats handy to tell what the plat date is for the survey that monumented the east line of section 22, but if it was prior to Jan 18, 1949 and no reservations prevented application of the SLE, then a 33' section line easement might apply there also. There could be an exception to all this in that the field notes Charlie spoke of might indicate the line was run and monumented prior to Jan 18, 1949, but if the relevant plat wasn't approved prior to reservations and Jan 18, 1949, there would be no SLE. I recollect doing a DNR Cadastral Survey out in Goldstream Valley years ago where we received several miles of GLO section corners and 1/4 corners from the mid-teens all properly witnessed and such, but without benefit of an approved rectangular plat. I don't know why that happened, but without the approved plat, they were no more than meaningless chunks of iron and brass. And that might be the situation that Charlie has on his east section line. So the bottom line is first to identify the approval date of the plat for the monuments along the east line of section 22 that Charlie says were set prior to Jan 18, 1949. That will be the critical date to use in the analysis. JohnB

----- Original Message -----

**From:** Bill Brown  
**To:** Bennett, John  
**Sent:** Monday, November 25, 2002 1:27 PM  
**Subject:** Section Line Esement Question

John:

I am doing some research for a section line easement on the East side of Section 22, T7S,R8E, FM. The BLM rectangular plat was accepted on Dec.

10, 1951. Homestead entry for the SE 1/4 of Section 22 was filed October 23, 1952 and patented on Jan. 27, 1956. I have a Section Line Easement Reservation Report prepared by Charles L. Parr of Land Field Services, Inc. that states there is a 33' section line easement along the East Boundary. the report goes on to state that Final proof for the Homestead Entry occurred in 1955.

I was always of the belief that if the plat was approved between Jan. 18, 1949 and March 20, 1953 and date of entry also falls within this period, there is no section line easement. Also, I always thought that the effective date of entry was the application date, not the patent date or date of Final Proof.

I would appreciate it if could clarify this for me. Thanks for your cooperation, wsb