

MEMORANDUM

State of Alaska

DEPT. NATURAL RESOURCES DIV. MINING & GEOLOGICAL & GEOPHYSICAL SURVEYS

Deputy Commissioners
Division Directors
Special Assistants

DATE: November 19, 1986

FILE NO:

TELEPHONE NO: 465-2400

THRU:

SUBJECT: Department Order #111
Section Line Easements

FROM: Esther C. Wunnicke
Commissioner

12/17/86
EMW

SECTION LINE RIGHTS-OF-WAY POLICY

Purpose: This Department Order establishes the department's policy concerning existence, creation, survey and use of section line rights-of-way or easements on unsurveyed (protracted) section lines and the vacation of section line rights-of-way across private and State lands.

Protracted Section Lines

Prior to any land offerings or disposals, the Division of Land & Water Management shall determine and specify what, if any, rights-of-way or easements will be necessary along unsurveyed (protracted) section lines and grantees or entrypersons made aware of such reservations. It shall be noted, that for all practical purposes, these reservations are unuseable until such time as their location is determined and fixed by a state approved survey.

The Division of Land & Water Management shall, upon concluding it is in the state's best interest to establish reservations along unsurveyed section lines when disposing of surface interest in lands, include language in conveyance documents stating there is a reservation, as shown on the plat of record specifying for what purposes it may be used and, if construction or alteration of topography is required for that use, who may undertake such activities. The state shall reserve the right to brush and survey section lines when establishing the sectionalized survey.

The Chief Cadastral Surveyor will, when issuing survey instructions for parcels believed to be traversed by unsurveyed section lines, ascertain whether or not the Division of Land & Water Management intended to reserve access across these parcels. Instructions shall require sufficient ties to the rectangular survey system, in areas partially sectionalized, or control monumentation to mathematically locate the crossing of the parcel by the section line and shall graphically portray this line and the attached easement on the plat of survey. This line will be brushed and the ends monumented. The location shall be dimensioned and become a fixed easement for the purposes outlined in AS 19.01.010 but shall not be called a section line easement. This is in keeping with Draft A.G. Opinion, File No. 166-008-84, that section line easements have "probably not" attached to protracted section lines and is to be used in lieu of section line easements across the parcel.

The Chief Cadastral Surveyor shall, when issuing survey instructions to complete the sectionalized survey in areas of prior entry by random staking, require a closing corner be set at the terminus of the section lines where they intersect previously surveyed parcels. This will leave the portion of the section lines crossing the parcels unsurveyed and not create additional reservations beyond those already identified and those that may exist by law. When practical, survey instructions may allow minor shift in section line bearings to make the previously platted reservation a section line.

It will be left to the entry person to initiate action and pay any costs associated with vacation or other activities necessary to establish non-existence of the reservation.

Vacation of Section Line Reservations

General:

The Division of Land & Water Management shall review all section line reservation vacations and protect state interests in title or administration of vacated reservations. They shall also protect state and public interests by preservation of access to any lands that may be adversely affected by elimination of a section line reservation.

The Chief Cadastral Surveyor shall develop and maintain specifications and formats for the platting and filing of section line vacations, assure proper procedures and reviews are adhered to, recommend to the Director, DMGGS and the Commissioner approval and signing of those plats and assure other necessary state signatures are affixed.

DNR Platting Authority:

DL&WM and Chief Cadastral Surveyor each shall have the same responsibilities as listed under the "general" section of this order.

Acting for the Commissioner as platting authority within the third class boroughs or outside cities within unorganized boroughs the Chief Cadastral Surveyor shall:

1. Appoint a person to act as hearing officer for replat and vacation petitions. If it is impractical to appoint cadastral survey staff, assistance shall be sought from the appropriate regional office of DL&WM in designating someone to fulfill this responsibility.
2. Establish procedures to receive and act upon petitions for section line vacations. Petitions may be received directly by the Chief Cadastral Surveyor or through the affected office of DL&WM. If the Chief Cadastral Surveyor is approached directly by the applicant, a pre-petition meeting shall be arranged with DL&WM staff to discuss feasibility of the petition.
3. Provide staff support and carry out procedures for public notice and testimony, make recommendations to the Director, DMGGS for approval or denial of the petition and notify the petitioner of the decision and any rights of appeal.
4. Assure general provisions of this order are adhered to and the plat is filed.

Within Municipal or Borough Platting Authority:

1. All notifications of section line easement vacations shall be transmitted to the Chief Cadastral Surveyor.
2. DL&WM regional staff shall be notified by the Chief Cadastral Surveyor of any notification of municipal vacation petitions. Whether to make a joint response or individual response and the nature of the response shall be determined at that time.
3. DL&WM and the Chief Cadastral Surveyor each shall have the same responsibilities as listed under the "general" section of this order.