

Dana wants expert opinion on - How do PLO's work...effect of PLO 601/2665/757/1613 - Deadline march 16. - include resume - summary of papers/testimony/affidavit...

!!!Get Federal HI for 8S 12W S36 SM

AS 38.05.127 Conveyance of land adjacent to h20 - requiring easement by DNR

Merger of Title -

AS 19.05.010 - Department to Supervise Highway System

AS 19.05.040 - Department may acquire and dispose of property

AS 38.05.030 - Exception to Alaska Land Act ..provisions do not apply to DOT

Fishhook - Nature of public dedication is that public holds easement subject to state authority until affirmatively vacated. Rewak - SLE - Trust responsibility

Review Farm Road Program for 1957 (North Kenai Farm Road)

Prescription - Tacking (Review Mining Law books)

Hubbard v. Curtiss 684 P.2d 842 Alaska, 1984

[10] It is almost universally accepted that successive adverse possessors may tack their periods of possession together to satisfy the statutory duration requirements, if privity exists between them. *Ringstad v. Grannis, 171 F.2d 170, 174 (9th Cir. 1948)*. Privity is created when circumstances surrounding a conveyance of land show that the grantor intended to transfer possession of the land not described in the deed and the grantee does, in fact, take possession of that land. *Id.*, III Amer. Law of Property § 15.10 (1952).

Abandonment

Termination requires positive act

### **Deposition Information**

Dale McGahan - 12.18.08

12:21-23 Q. And do you know what year the road went in, Nikishka Beach Road?

A. I would say late '52, '53.

56:16-21 Q. So your understanding then is 1955 when you arrived that anybody that lived beyond the turnoff to Nikishka Beach Road would use the Nikishka Beach Road and then access their properties or cabins or fishing sites from the beach?

A. Yes.

**Dictionary of Alaska Place Name - Geological Survey Professional Paper 567 - 1967 reprinted 1971**

**Nikishka Bay:** bight, extends SW 4 miles from Boulder Point, along SE shore of Gompertz

Channel, 14 miles N of Kenai, Cook Inlet Lowland; 60° 45' N, 151° 18' W; BGN 1952; (map 62). Variant: Nikishki Bay, Nikiska Bay. Name published in 1943 Coast Pilot (p. 99); derived from village of Nikishka, which was formerly located here.

**Nikishka No. 1:** locality, see Nikiski Wharf.

**Nikishka No. 2:** locality, on NW coast of Kenai Peninsula, 3.2 miles SW of Boulder Point and 12 miles N of Kenai, Cook Inlet Lowland; 60° 44' 20" N, 151° 19' 30" W; (map 62). Variant: Nikishka, Nikishki. Former Tanaina Indian Village and boat landing. The 1964 USC&GS Coast Pilot (p. 78) stated it is now a barge wharf; recent USGS maps indicate a site with two or three buildings. See Nikishka No. 3.

Nikishka No. 3: locality, on NW coast of Kenai Peninsula, 6 miles E of Boulder Point and 16 miles NNE of Kenai, Cook Inlet Lowland; (map 62). Variant: Kultuk, Titukilsk. Former Tanaina Indian village reported in 1930 by de Laguna (1934, p. 134). The names "Titukilsk and Nikishka" are combined in Ivan Petroff's 1880 Census and pertain to two small villages that had a total population of 57. Correlation of these two names with the present names, "Nikiski Wharf," "Nikishka No. 2," and "Nikishka No. 3," has not been possible. It appears that the name "Nikishka" was applied several villages north of Kenai, of which Titukilsk may have been one.

Nikishka: locality, see Nikishka No. 2.

Nikishki Bay: bight, see Nikishka Bay.

Nikishki: locality, see Nikishka No. 2.

Nikiska Bay: bight, see Nikishka Bay.