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From: Thatcher, Garrett <Garrett.Thatcher@mbakerintl.com>
Sent: Wednesday, February 25, 2015 2:42 PM
To: John Bennett
Cc: Charlie Parr; Gabrielson, Eric; Christianson, Derek M
Subject: RE: IGU - ARRC ROW ownership question

Okay thanks I'll touch base with Gail. Sounds like any solution in this location will be difficult. For the number of houses to serve we may need to touch base with IGU to decide whether it's worth moving forward.

Thanks for the help I'll keep you up to date.

From: John Bennett [mailto:JBennett@rmconsult.com]
Sent: Wednesday, February 25, 2015 2:26 PM
To: Thatcher, Garrett
Cc: Christianson, Derek M; Gabrielson, Eric; Charlie Parr
Subject: RE: IGU - ARRC ROW ownership question

Garrett: it appears that we only have a graphic representation of how far the Old Rich ROW overlaps into the subdivision boundary. I think to know for sure what you have you will have to locate a couple of corners along the south boundary of the subdivision and then take some shots on centerline splits of the Old Rich so you can lay out a 150' offset line. Then you will know what you have to work with. Well, you might also want to tie in a couple of poles and ACS pedestals to make sure. The concern I have about DOT permitting is how close you will be to the other utilities. They might find that the other utilities aren't permitted. It would be worth a phone call to Gail. And I suspect that when the property owner sees what the situation is they are also going to get pretty excited. The reason it is never simple is because of Karma. You were an evil bureaucrat in your past life and are now paying the price. Me too. JohnB

From: Thatcher, Garrett [mailto:Garrett.Thatcher@mbakerintl.com]
Sent: Wednesday, February 25, 2015 2:17 PM
To: John Bennett
Cc: Christianson, Derek M; Gabrielson, Eric; Charlie Parr
Subject: RE: IGU - ARRC ROW ownership question

Thanks John.

How come it's never simple? I think I want to put my pipe in what looks to be the "old" Old Rich Hwy Easement (if I can avoid disturbing any of the gas-station infrastructure AND deal with potential contaminated soils.)

Do you think DOT would be open to permitting this and have records of their ownership? Or would we need to basemap their ROW?

Garrett

From: John Bennett [mailto:JBennett@rmconsult.com]
Sent: Wednesday, February 25, 2015 1:11 PM
To: Thatcher, Garrett

Cc: Christianson, Derek M; Gabrielson, Eric; Charlie Parr

Subject: RE: IGU - ARRC ROW ownership question

Garrett: Focusing on GL-5, here's what I've got –

- GL-5 is one of several government lots north of the old Richardson centerline within Section 29, T2S, R3E, FM
- GL-6 is directly to the south of GL-5 and represents what is called a “highway” lot in that it is the full 150' from centerline PLO ROW for the Old Rich ROW. Even though these lots are entirely impressed with the highway ROW, they were made available for patent to homesteaders in case the highway was vacated in the future.
- On February 11, 1964 John J. Hill applied for a homestead over all of the GL north of the Old Rich centerline in Section 29.
- On December 29, 1964 John J. Hill granted an easement to GVEA across all of his lots within Section 29. (B178/P21 May 1, 1965) This was a blanket easement.
- The DOT ROW plans F-062-4(26) shows the “G.V.E.A. Power Line” just north of the northerly ROW of the Old Richardson (150' north of centerline)
- GL5 & 6 along with other lots within Section 29 north of the Old Rich centerline were patented to John J. Hill on 2/11/66. The patent was subject to the PLO 1613 highway ROW (for the Old Richardson) and reserved to the US the telephone lines, pipelines, and railroad spur lines in Lots 1, 3, 6, 10 & 17.
 - The graphics on the rectangular survey suggest that the railroad centerline is north of the highway centerline with the railroad ROW being subject to a 200' wide ROW
 - A line north of the railroad centerline is labeled as the telephone line
 - A line north of the telephone line is labeled as the pipeline
 - The DOT ROW plans F-062-4(26) labels the telephone line as the RCA Telephone line. PLO 1613 defined a 50' ROW for this line, 25' each side of centerline.
 - The DOT ROW plans labels the pipeline as the “Canol Pipeline (Abandoned)” As the old pipeline and telephone rights of way are within both the 300' highway easement and the 200' railroad ROW they do not appear to conflict with the gas line layout.
- The 5/28/58 Rectangular Survey plat indicates that within GL-6 (South of GL-5) there did exist a “railroad, telephone line, & pipeline” within the 150' wide PLO highway easement for the Old Richardson.
- On May 23, 1966 John J. Hill granted an easement to GVEA across all of his lots within Section 29 (B197/P290 October 13, 1966) This is a duplicate of the previous GVEA easement but may have been executed now that Hill has his patent. It is also a blanket easement.
- Hill conveys his interest in several of his Section 29 lots including GL-5 & GL-6 to Al's Texaco. (B215/P17 May 21, 1968)
- Al's Texaco conveys several lots including GL-5 and GL-6 to Al Cory (B28/P492 December 22, 1975)
- Plat 76-106 Recorded 8/9/76 Moose Creek Subdivision 1st Addition
- Al Cory to Patrick Lafferty SE Corner of GL-5 (Not a part of Moose Creek Subdivision)(B210/P616 April 24, 1981) This is the parcel to the NW of the intersection of Al Cory Drive and Claude Street.

Here's what I think: The only utility easements that I could find within Lot 5 are the GVEA blanket easements. During the platting process of Moose Creek Subdivision, GVEA may have allowed the blanket easement to be replaced by the new utility easements dedicated by the plat and the notation of the “existing utility easement” along the south subdivision boundary given that the line was in place prior to the subdivision. It is shown as existing on the 1971 DOT ROW plans. I believe that ACS eventually received the RCA telephone easement but it is not in the same location as the GVEA line. You say that there is an ACS below ground under the GVEA line. I believe they have a co-location agreement but I thought that only applied if they are hanging off the same pole. I did not find any specific ACS easement. We would have to contact ACS and GVEA to get more info on this.

I checked with the FNSB and they pulled the subdivision file for Moose Creek 1st Addition. At the preliminary approval hearing in the summer of 1976, there is a letter from FNSB to the surveyor Roger Snyder stating that before they can grant final approval, he will need to provide evidence that he has acquired an easement from the railroad that provides legal access to the subdivision lots along Al Cory Drive. While the plat was eventually approved and recorded, there is

nothing in the file that indicates that an easement was received from the railroad. There was also not a copy of the Planning Commission meeting notes in the file so we don't know if it was discussed prior to approval. One thing we do know in the surveying community is that Snyder's plats have a reputation of not being reliable. Note on the plat that other than the purported ROW for Al Cory drive, the southern boundary of the subdivision appears to be coincident with the northern ROW for the railroad. The Richardson highway ROW being 150' from centerline should be north of the railroad ROW and likely overlaps the GVEA line. If the existing ACS line is not there by agreement with GVEA, one possibility is that it is there by permit from DOT as it would appear to be within the Old Rich ROW. See the attached FAP-61 sheet where I have highlighted the overlapping highway ROW. Now that I look at it again, I'm wondering if that overlap was mistaken by Snyder as an "existing utility easement" instead of what it is, a highway easement. Or he just is basing that on the location of the GVEA line. If it wasn't already occupied, that would be an option for you to avoid dealing with the railroad. Next you might want to coordinate with the railroad to see what kind of an easement was issued for Al Cory Drive. If they are already telling you that you need a separate permit then it is unlikely that it includes the right to place utilities. That's all I've got. JohnB

John F. Bennett, PLS, SR/WA Senior Land Surveyor – Right of Way Services

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Innovating Today for Alaska's Tomorrow

From: Thatcher, Garrett [<mailto:Garrett.Thatcher@mbakerintl.com>]

Sent: Tuesday, February 24, 2015 2:06 PM

To: John Bennett

Cc: Christianson, Derek M; Gabrielson, Eric; Charlie Parr

Subject: RE: IGU - ARRC ROW ownership question

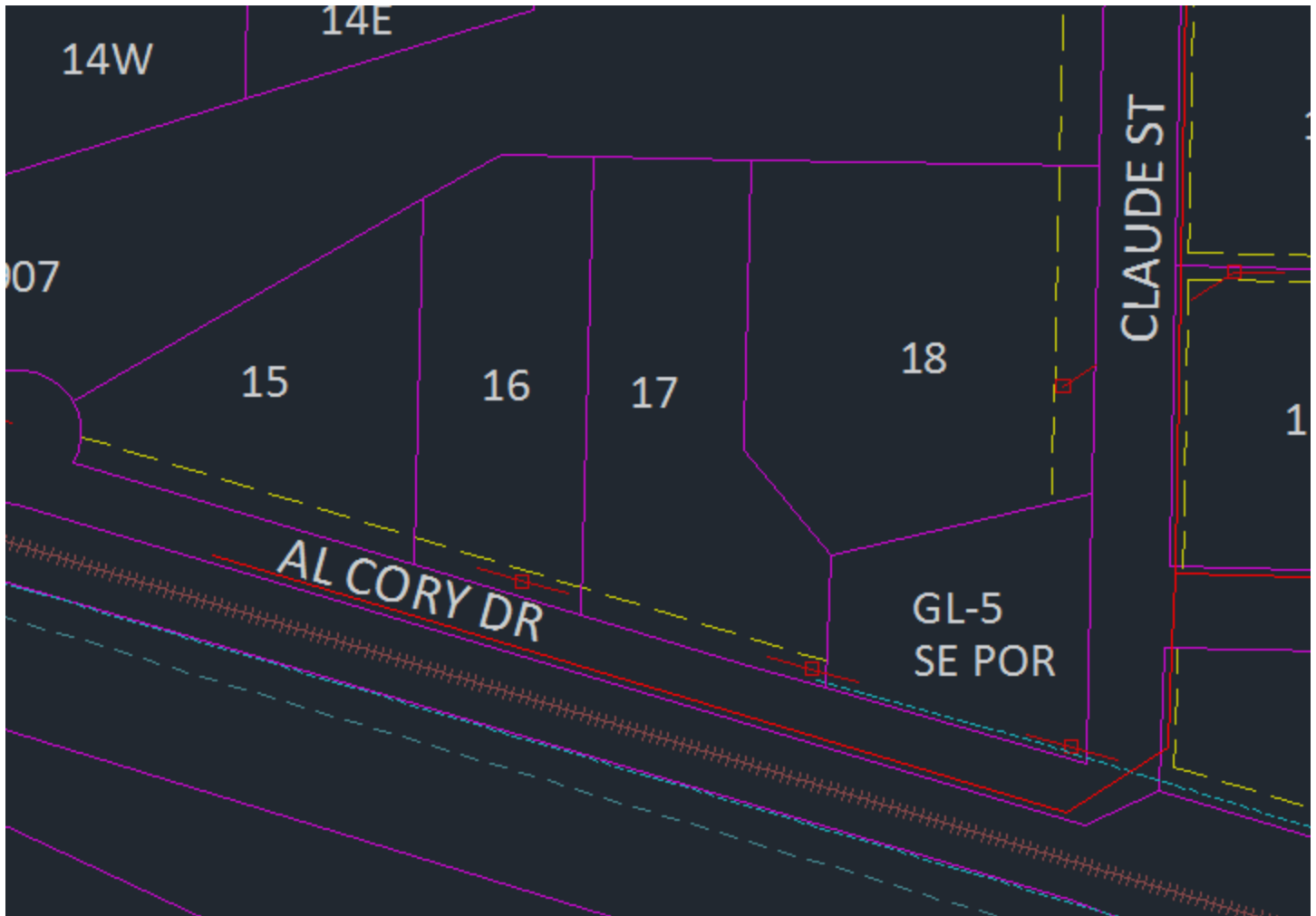
Okay John thanks.

My preferred alternative would be to avoid dealing with ARRC and stay on the north side of the road. For now, do you mind just checking the status of "GL-5" to see if it has a PUE? It looks like there is a GVEA line above ground and an ACS line below ground in this location so there has to be some kind of easement out there.

I'm already thinking of other problems with this scheme (underground storage tanks). But trying to compartmentalize 😊

Here are a few more screenshots for your reference.





From: John Bennett [<mailto:JBennett@rmconsult.com>]
Sent: Tuesday, February 24, 2015 1:41 PM
To: Thatcher, Garrett
Cc: Christianson, Derek M; Gabrielson, Eric; Charlie Parr
Subject: RE: IGU - ARRC ROW ownership question

Yes, the nature of the interest held by ARRC just seems to give title examiners headaches. But I think it is fair to say that with a review of the ARRC title on this and other projects that for all intents and purposes, we will have to treat them as if they own fee to the 200' wide Railroad ROW. If there exists a permit from the railroad to the subdivider for the access, it would not have included the right to place utilities, so if we intend to place pipe there we will likely need a permit from ARRC. What I will do to get better info is:

1. Check with FNSB to see if they still retain the subdivision file for this plat and see if there is any discussion of the railroad interest and the dedication of Al Cory Drive
2. Run a cursory title review of the subdivider's interest to see if they held the underlying fee under the railroad interest when the subdivision was platted in 1976.
3. See if I can find evidence of an existing utility easement north of the railroad ROW.

JohnB

From: Thatcher, Garrett [<mailto:Garrett.Thatcher@mbakerintl.com>]
Sent: Tuesday, February 24, 2015 12:32 PM
To: John Bennett

Cc: Christianson, Derek M; Gabrielson, Eric; Charlie Parr
Subject: RE: IGU - ARRC ROW ownership question

Thanks John,

Do you mind confirming the three main points I pulled from your email:

1. The ARRC is more than likely the underlying landowner. If they are we would need a permit from them to place a pipe in Al Cory Drive.
2. Verification would require title searches.
3. Even if they don't technically have ownership they may assert that they do.

Additional context for your information:

1. I am currently operating under the assumption that we will continue with Moose Creek until IGU pulls the plug on it.
2. I suspect we will finish preconstruction efforts and shelf the design for future construction. However, we're still trying to be aware of design costs if they start to balloon for Moose Creek.
3. Ideally I would like to avoid this ROW issue through alignment changes. One possibility is to use the PUE on the north side of Al Cory which would be outside ARRC's ROW. However, the existing basemap indicates the PUE isn't continuous across the parcel at the corner of Al Cory and Claude. Surprisingly, the subdivision plat you provided indicates there may actually be a PUE here. Is this confirmed?
4. An additional complication is excavating into contaminated soils across this lot. The lot is actually a gas station.

Right now I'm trying to figure out what would be the path of least resistance and cost.

Thoughts would be appreciated.

Thanks,

Garrett Thatcher, P.E.
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3605 Cartwright Court, Fairbanks, AK 99701
Office 907-341-4555



From: John Bennett [<mailto:JBennett@rmconsult.com>]
Sent: Tuesday, February 24, 2015 11:43 AM
To: Thatcher, Garrett
Cc: Christianson, Derek M; Gabrielson, Eric; Charlie Parr
Subject: RE: IGU - ARRC ROW ownership question

Garrett: Well this is kind of special. Strangely, I received a phone call from Doug Stephens last week. He is the resident land surveyor at ARRC now and holds the title of "Manager, Land Services". He was calling about an unrelated project which he really didn't have much to say about. It was just a lead in to asking a question about the Richardson in the Moose Creek area. He wasn't very specific and I'm pretty sure he didn't know I was working on the IGU project. He just asked whether DOT would have vacated the Old Richardson ROW when we realigned to the new 4 lane many years ago. I told him that vacations are never automatic, even when DOT doesn't see a need to retain old ROW. A vacation has to be requested by the owner of the underlying fee estate. I'm not sure how his question relates to your question except that they are in the same area.

With regard to your question, I looked at three maps. First the ROW plans for F-062-4(26) which shows the ROW acquired for the new Richardson 4-lane. These 1971 plans show the Old Richardson/ARRC corridor diverging from the New Richardson in the vicinity of Claude Street. Next we have the ROW Study "FAP -62" Old Richardson Highway that was prepared in the early '80's. These plans show the Old and New Richardson, the ARRC corridor and the Moose Creek Subdivision 1st Addition. I then went to the Subdivision plat because its representation on the FAP-62 drawings looked odd. A couple of things stand out on the subdivision plat. First, it only shows the 200' wide ARRC ROW corridor and not the 300' wide PLO Highway ROW for the Old Richardson. Assuming that the northerly ROW for the Old Richardson was never vacated, the southerly lots of the subdivision would still be subject to some amount of the Old Richardson where it goes beyond the ARRC ROW. Even stranger we have the 40' width of Al Cory Drive appearing to reside entirely within the ARRC ROW. There is nothing on the plat that mentions how or why this happened and under what authority. This was back when the Railroad was still owned by the federal government so the subdivider may have been able to make a case for an access permit within the railroad ROW because the alternative would require access from the north that would require crossing the slough. If it were necessary to get into the details we would likely find more information in the platting file at the FNSB or at ARRC. Also the chain of title might show that the subdivider owned the fee interest under the railroad corridor subject to the railroad easement. As such, they may have reached the conclusion that they had full rights to dedicate Al Cory Drive in the platting process to the extent that it did not conflict or interfere with the operation of the railroad. So there may not be an access permit from the railroad for Al Cory drive.

I do know that ARRC today will argue that their interest is tantamount to fee. (the full 200' wide corridor) That they received a "not less than an exclusive use easement" from the federal government and that the Alaska Railroad Transfer Act was subsequently amended to eliminate all reversionary interests. The current railroad staff may have been unaware of this particular situation. But before I go digging any further, weren't we about to drop the SE leg of the project beyond the flood control project due to difficulty in dealing with the COE issues? Let me know if you want anything further. JohnB

John F. Bennett, PLS, SR/WA Senior Land Surveyor – Right of Way Services

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Innovating Today for Alaska's Tomorrow

From: Thatcher, Garrett [<mailto:Garrett.Thatcher@mbakerintl.com>]

Sent: Monday, February 23, 2015 4:27 PM

To: John Bennett

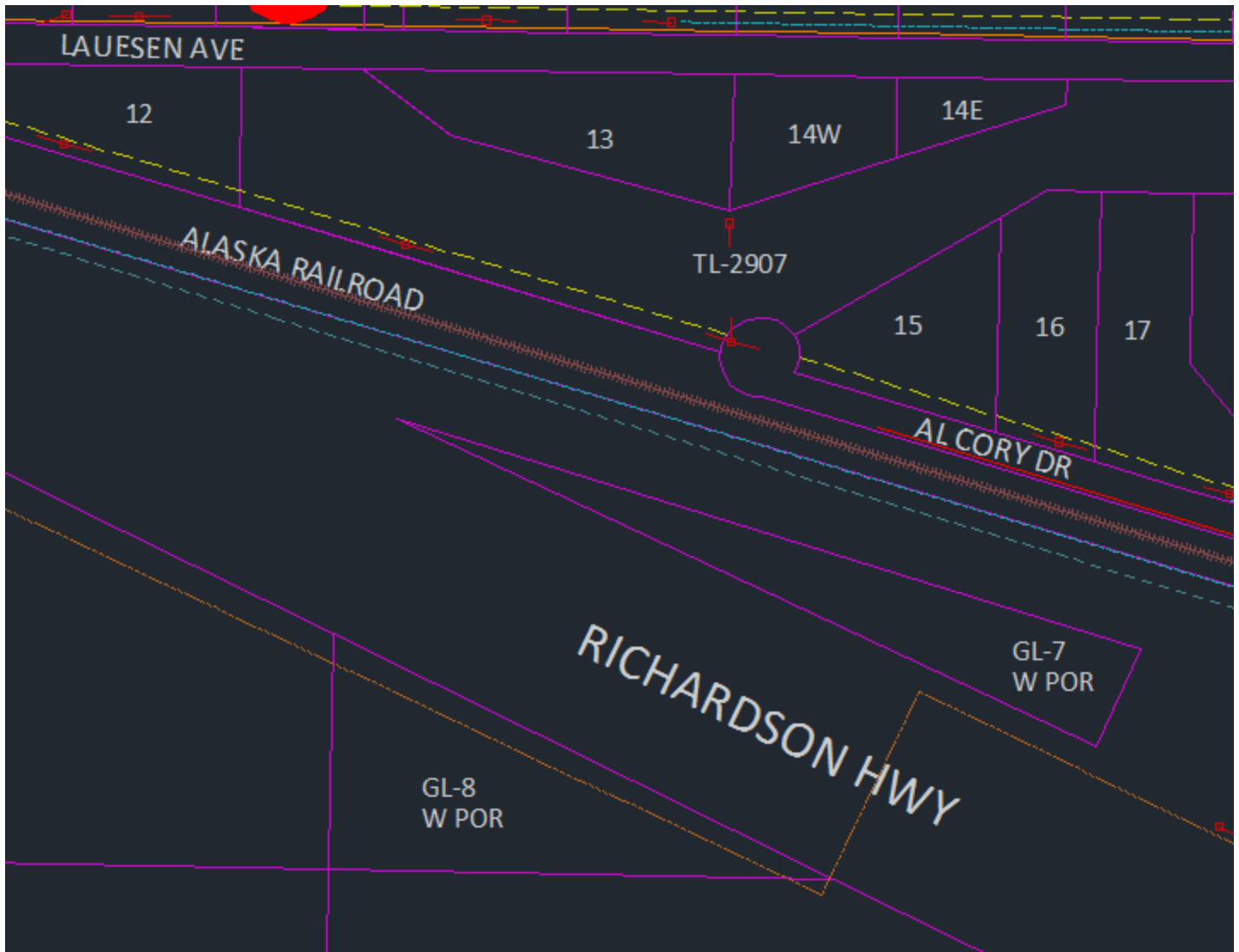
Cc: Christianson, Derek M; Gabrielson, Eric

Subject: IGU - ARRC ROW ownership question

Hi John,

Got a comment from ARRC regarding a section of pipe on Al Cory Drive in the Moose Creek Area. They said we will need to discuss a utility permit, technical detail, and real estate coordination etc.

According to the Borough's basemapping the pipe along Al Cory Dr isn't in ARRC ROW, however I suspect the basemap is wrong, and it is ARRC ROW. Can you verify one way or the other?



Thanks,
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