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474-2413

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Rozak Road  
Right of Way Status

As you have requested, I have looked into the status of the right of way for Rozak road between the new Richardson and the old Richardson and report the following:

This portion of Rozak road lies between the NE 1/4 of the NE 1/4 of section 34 and the NW 1/4 of the NW 1/4 of section 35 of T.1S., R.1E., F.M. Rozak road was also listed as Federal Aid Secondary "B" Route 6751 and described as being from FAP 62 (Richardson highway) south to Rozak homestead area in the 1959 Omnibus Act Quitclaim Deed which conveyed rights of way from the federal government to the State of Alaska. The constructed mileage at that time was listed as .4 miles.

The rights of way for secondary class "B" roads were primarily created by Public Land Order No. 601 dated 8/16/49 which established a right of way width of 50 feet on each side of centerline for all "local" roads constructed or maintained by the Alaska Road Commission. These rights of way were subject to valid existing rights and therefore if the road crossed homestead claims which have dates of entry prior to PLO 601, then no right of way was created. This segment of road is encompassed by 3 homestead entries. (See attached BLM master title plat) All three of the entries predate the PLO and therefore are not subject to a "local" road right of way. Two of the entries, F 006541 and F 007571 would be subject to a section line easement of 33' on each side of the section line between sections 34 and 35. The date of entry for F 000407 (4/20/15) predates the territorial legislation which accepted section line rights of way and would therefore not be subject to a section line easement. Also note that only a portion of the road follows the section line before it take a swing to the northeast and intersects the old Richardson.

The only reference that I found in the ARC annual reports regarding Rozak Road was relative to maintenance during the 1955-1956 period.

Although we still may have the potential claim of an easement by prescription, for the most part you can expect that right of way will have to be acquired for any work you might want to do on this portion of Rozak road.

Attachments: as stated