

USS 3200 LOT 26 ROW

- 11/14/1927**-EO 4757 adds lands along Turnagain Arm to Chugach National Forest (CNF)
- 11/5/1947**-Bill of sale for cabin between Peter R. Strong and James A. Porter
- 4/1/1948**-Date of residency claimed by James A. Porter on his Homesite application.
- 8/10/1949**-PLO 601 Reserving Public Lands for highways lists Anchorage-Potter-Indian Road as Feeder Road 200 feet wide
- 1951** Seward Anchorage Highway was constructed
- 10/16/1951** PLO 757 Amends PLO 601 lists Seward-Anchorage Hwy (exclusive of that part thereof within the boundaries of the CNF) as 300 feet wide
- 10/16/1951**-SO 2665 classifies the Seward-Anchorage Highway as a through road with a width of 150 feet on each side of centerline.
- 1/25/1952**- PLO 797 Excludes lands along Turnagain Arm from the CNF
- 1/25/1952**- PLO 601, as amended, immediately applies with a width of 150 feet either side of centerline
- 6/17/1952**-USS 3200 Special Instructions Issued
- 7/12/1952**-Field Survey Completed
- 10/06/1952**-James A. Porter files an application for (Lot 26) Homestead
- 7/09/1953**-A Field Examination Report was filed with the BLM claiming the applicant had prior valid existing right and was not subject to the 150 foot ROW established by PLO 601.
- 4/18/1954**-USS 3200 Survey Accepted showing 150 foot of ROW from centerline typically and 100 foot of ROW from centerline for Lot 26
- 4/07/1958**-PLO 1613 converted through roads to easements from withdrawals
- 1/27/1960**-USS 3200 Lot 26 Patent Issued to James A. Porter.
- 3/21/1968**- USS 3200A Lot 26A (Highway Lot) Accepted with .77 acres.
- 7/25/1968**- USS 3200A Lot 26A (Highway Lot) Patent Issued
- 1/08/1990**- USS 3200A Supplemental Plat Accepted, Lots 26B & 26C created.

A Special Use Permit (SUP) from the US Forest Service within the (CNF) was issued prior to the Seward Highway construction. There is no land interest held through the SUP only a preferential right that would protect the permit holder from another claimant. Public Land Order 601 was created to reserve public lands for highway purposes. The Seward Highway was constructed. Lands within the CNF along the Seward Highway were excluded from PLO 601 as amended by PLO 757. PLO 797 excluded lands along Turnagain Arm from the CNF and made the land available to the public. Consequently, PLO 601, as amended, applied immediately having a width of 150 feet either side of centerline. The permit holder then applied for a Homesite through the BLM. A Homesite Report noted that there were buildings (the primary residence) constructed within the outer 50 feet of the 150 Right of Way (ROW). It was also noted that at the time the buildings were constructed, neither the highway nor the US Survey existed. It was also noted that the applicant had prior valid existing rights to the land claimed within the PLO ROW. The survey was accepted with the ROW line of the Seward Highway at 150 feet off centerline, observing the PLO, except at Lot 26 where the ROW is 100 feet from centerline.

The land encompassing lot 26 was owned by the Forest Service and leased by permit but the buildings were privately owned. If the ROW within the south 50 feet of Lot 26 were asserted it would not only encumber the owner but create an encroachment. Lot 26 USS 3200 is not subject to PLO 601, as amended, because the buildings within the ROW established a valid existing right.

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