

**From:** John Bennett  
**To:** "[Hooyer, Patricia \(DOT\); "CWeiler@whpacific.com"](mailto:Hooyer, Patricia (DOT); CWeiler@whpacific.com)  
**Cc:** [Burkholder, Matthew \(DOT\); Lindemuth, Paul F \(DOT\); Burton, Alban L \(DOT\); Kastner, Lorraine S \(DOT\)](mailto:Burkholder, Matthew (DOT); Lindemuth, Paul F (DOT); Burton, Alban L (DOT); Kastner, Lorraine S (DOT))  
**Subject:** RE: Parcel X-1D  
**Date:** Wednesday, July 22, 2015 7:45:00 AM

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Louise, the way I see it the Commissioner's QCD that conveyed Parcel X-1D to Kugkaktlik, Ltd. reserved certain rights to DOT such as the right to cut and remove trees or demolish any structure or obstruction. I suppose executing a CDV or a CQCD in favor of the allottee's heirs would remove that part of the cloud on the title. But a cloud would still remain on the allotment that was created by DOT's initial CQCD when it purportedly conveyed a portion of the allotment to Kugkaktlik. That could be cleared up by having a QCD prepared for Kugkaktlik, Ltd that quitclaims all rights and interests in Pcl X-1D to the heirs of the allottee. Ultimately, how to proceed will be up to CR. For the purposes of the survey, we just needed to ensure that DOT is not asserting any rights in the allotment parcel. JohnB

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

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**From:** Hooyer, Patricia (DOT) [<mailto:louise.hooyer@alaska.gov>]  
**Sent:** Wednesday, July 22, 2015 7:16 AM  
**To:** 'CWeiler@whpacific.com'  
**Cc:** Burkholder, Matthew (DOT); Lindemuth, Paul F (DOT); John Bennett; Burton, Alban L (DOT); Kastner, Lorraine S (DOT)  
**Subject:** RE: Parcel X-1D

Chad:

What we propose to do is a Commissioner's Deed of Vacation, which will vacate any interest, if any, on Lot 7 USS 11477. We will be putting the deed in the name of the native allottee's heirs. Al Burton was going to contact John Bennett yesterday and ask John if he had any reservations with that. I haven't heard if John had any concerns. We did on several easements (attached examples) in Anchorage this year, to try and "clean up" any title issues that might arise.

Al says he can have the deed done this week and we should be able to get it recorded by the end of this week or early next week. The hard part is getting a signature from the director.

Louise Hooyer, PLS, CFedS, SR/WA  
*ROW Engineering Supervisor*  
*State of Alaska DOT&PF*  
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**From:** Burkholder, Matthew (DOT)  
**Sent:** Monday, July 20, 2015 9:56 AM  
**To:** Lindemuth, Paul F (DOT)  
**Cc:** Hooyer, Patricia (DOT)  
**Subject:** FW: Parcel X-1D

Paul,

Could you consult with Louise on this and get an answer back to Chad. Thanks!

**MATTHEW T. BURKHOLDER, P.L.S., SR/WA**  
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**From:** Chad Weiler [<mailto:CWeiler@rmconsult.com>]  
**Sent:** Monday, July 20, 2015 8:01 AM  
**To:** Burkholder, Matthew (DOT)  
**Cc:** Keiner, Robert (DOT); John Bennett  
**Subject:** Parcel X-1D

Matt-

Everything is coming together nicely for Kipnuk Airport, however we do have a title issue that needs to be addressed. In order to complete the ROW Acquisition plat, I need to know how ADOT wants me to show parcel X-1D in light of John Bennett's findings, which questions the State's ownership where Tract 1 overlapped USS Lot 7, more particularly Parcel X-1D. Commissioner's Quit Claim Deed 2013-001421 relinquishes parcel X-1D yet reserves a right unto the State to "cut and remove trees or underbrush, and to demolish or remove any structure or obstruction more than 18 feet above the airport runway...". Does that right really exist? I've attached John's summation, the Specials and the Land Examination for Lot 7 USS 11477 from BLM, the IC which excludes the Allotment in 1982, the previously mentioned QCD, and the QCD where ADOT originally acquired Tract 1 in 1982. If you have any questions or would like to discuss please give me a call. Thanks!

**Chad Weiler, PLS** *Senior Land Surveyor*

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