

Right of Way Acquisition Plat:

A ROW Acquisition plat has been proposed for both the Kipnuk and Chefornak airports. The purpose of a ROW acquisition plat is to recognize the Department of Natural Resources as the official platting authority for the Unorganized Borough. This jurisdiction came into effect in August of 1998 under A.S. 40.15, Article 4. Prior to that time, DNR's authority was limited to replats and vacations within the Unorganized Borough. A.S. 40.15.380 applies DNR's platting jurisdiction to governmental entities that perform ROW acquisitions in the Unorganized Borough and create subdivisions of property in the process. According to 11 AAC 53.650, the DNR Platting authority only applies to fee acquisitions that divide a parcel into two or more lots and not to the acquisition of easement interests. Also, under A.S. 40.15.360(1) DNR's authority over ROW acquisition plats in the Unorganized Borough would not extend to the transfer of leasehold interests, licenses or permits. As DOT&PF airport land acquisitions from private parties are generally in fee, these types of transactions would require ROW acquisition platting with review and approval by DNR. This appears to clearly be the case for the Kipnuk Airport. The Chefornak situation may require further investigation as the acquisitions may not be subject to the DNR platting authority. The DNR statutes for ROW acquisition platting recognize that these types of subdivisions are not performed with the intent to increase land use density and so are not required to follow the general rules of residential or commercial subdivision platting. As the transfer of title has already taken place by deed, no involvement of the prior owners is required. In effect, a ROW Acquisition Plat is a Record of Survey that is based upon the executed and recorded documents that transferred fee title, except that the drawing will be titled "Right-of-Way Acquisition Plat" rather than "Record of Survey".

Kipnuk Airport : The new airport boundaries acquired in fee were surveyed, mapped and monumented in the Record of Survey filed as Plat 2005-1RS (Bethel). Had the title of the plat been revised to "Right-of-Way Acquisition Plat", the ROS along with minor revisions and additions could have been submitted for DNR's review and approval in order to comply with DNR's platting authority. Since then, in December of 2013, portions of the old airport property have been re-conveyed by Commissioner's Quitclaim deed to the ANCSA Village Corporation from which the lands had been originally issued to DOT as a part of their ANCSA 14(c)(4) reconveyance obligation. Essentially, the Kipnuk ROW Acquisition Plat will consist of a representation of ROS 2005-1RS modified to reflect the boundary changes resulting from the Commissioner's QCD. Additional monumentation will be required to define the new airport boundary. Original ownerships, recording data for the transactions and areas will be reflected in tables along with the appropriate certificates and notes.