

June 8, 2015

R&M No. 2777.01

Besse Engineering
1890 W Jaime Marie Circle
Wasilla, AK 99654-8736



R&M CONSULTANTS, INC.

212 Front Street #150
Fairbanks, Alaska 99701

phone: 907.452.5270
fax: 907.522.3403

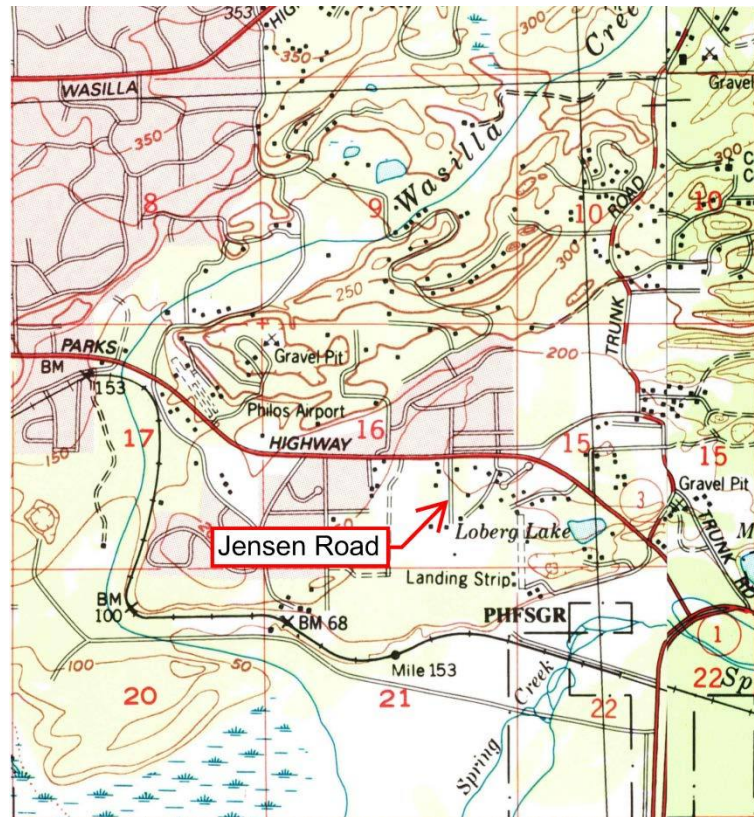
RE: Jensen Road Right-of-Way
ROW Assessment

Dear Mr. Besse:

You have requested an assessment of the existing right-of-way (ROW) for Jensen Road located south of the Parks Highway at approximate milepost 36.5 and west of Duterrow Subdivision within the Southeast One Quarter of Section 16, Township 17 North, Range 1East, Seward Meridian. Specifically, you request information regarding the basis and ownership of the Jensen Road ROW.

The short answer is that Jensen Road appears to be based in part on a subdivision dedication and in part based on a public prescriptive easement. The issue of ownership is more complex. One view is that the Mat-Su Borough has an ownership interest in Jensen Road. The better view is that the Jensen Road ROW is held in trust for the public under Mat-Su Borough management authority.

Vicinity Map



(Merged USGS 1:63,360 C-6 & C-7 Quadrangles 1994)

Homestead Entry

I often refer to the authorities that make up road and highway rights-of-way as a “patchwork” quilt of varying title interests. This is a result of the broad range of authorities by which public rights-of-way can be created. A review of many existing rights-of-way can reveal that they may not be uniform in width or in interest. Some of the more common authorities for public rights-of-way in Alaska include federal and state section line easements, federal patent reservations, federal public land orders, statutory or common law dedications, easements by prescription and interests acquired by negotiation and purchase. Many of these authorities and others dropped out of the analysis once I realized the early date of the homestead entry surrounding Jensen Road.

Jensen road runs from the north boundary of the Southeast Quarter of Section 16, south through the middle of the Southeast Quarter for approximately a quarter of a mile. The Southeast Quarter of Section 16 represented one half of the homestead patented to Rudolph Weiss in 1920. (See Master Title Plat at Chronology – 2/10/20) Weiss’ application date for the homestead was in September of 1915. The application date represents the date in which his rights were vested and would represent a “prior existing right” in comparison to certain subsequent ROW authorities. Weiss conveyed the SE Quarter of Section 16 to Chas. Marino in 1924 and as far as we can tell, no road in the location of the current Jensen Road existed at that time.

Alaska Rural Rehabilitation Corporation

The first map we have located representing the current Jensen Road was titled “Agricultural Lands – Matanuska Valley” with an initial date of 1929. (See Chronology – 1929) The map shows the SE Quarter of Section 16 labeled with Chas. Marino’s name and quartered into Tracts No. 27, 28, 29 & 30. The map also shows a dark line for Jensen Road between Tracts 27 & 28 running south from the “Wasilla – Matanuska” road. The map appears to be a preliminary map prepared in anticipation of land acquisition by the Alaska Rural Rehabilitation Corporation (ARRC). The ARRC was incorporated on April 12, 1935 under the Alaskan laws relating to charitable agencies. The ARRC was set up to facilitate land transfers for agriculture to participants in the Matanuska Colony program. By the time the Colony was founded, homesteaders had received patent to most of the better lands in the Matanuska Valley in the prior 20 years. In order to make lands available to the Colonists, the ARRC purchased many of the homesteads. Between 1935 and 1938 the Corporation bought 7,780 acres from private owners¹. In July of 1935, Chas. Marino conveyed the SE Quarter of Section 16 to the ARRC.

I have provided a map of ARRC Tract #24 (See Chronology 9/12/36) for a parcel to the west of Jensen Road. It appears to be a typical survey and tract plat for ARRC parcels. Note that to the east of Tract #24 is Tract #27, Otto Nelson and to the south of Tract #27 is Tract #29, “H. Jenson” (Note: Henry Jenson). I found this map in a collection of ARRC maps recovered by Central Region DOT&PF for a Glenn Highway project and have shown it as an example. It suggests that further research would find a similar map for each of Tracts 27, 28, 29, & 30, providing a detailed view of improvements (including roads) on each side of the current Jensen Road as of 1936.

A 1937 ARRC Map (See chronology 3/19/37) shows another representation of Jensen Road between Tracts 27 & 28 and appearing to extend a bit further between Tracts 29 & 30. The title block for this map notes that parcels marked with a “P” are “Corporation Land purchased from previous homesteaders”.

Alaska Road Commission & Successors

The chronology of Jensen Road indicates a trail of jurisdiction and management leading from the Alaska Road Commission (ARC), through the Bureau of Public Roads (BPR), the Alaska Department of Highways (DOH) and ultimately

¹ Matanuska Valley Memoir, July 1955, Alaska Experiment Station, Palmer, Alaska

the Department of Transportation & Public Facilities (DOT&PF). The first map reference to ARC is found in the drawing of the "Anchorage – Matanuska Road System", initially dated 1936. (See Chronology 1936) In a manner similar to the preceding ARRC map, it shows the SE Quarter of Section 16 quartered into Tracts 27, 28, 29 & 30 with an apparent road in the location of the current Jensen Road running approximately $\frac{3}{4}$ of the distance from the north boundary of the SE Quarter to the south boundary.

Another ARC map in 1937 (See chronology 1/1/37) reinforces the existence by map reference of Jensen Road between ARRC Tracts 27 & 28.

In 1938, the General Land Office (GLO – Predecessor to BLM) approved a township plat that subdivided several sections within T. 17 N., R. 1 E., S.M. (See chronology 2/11/38) While the plat clearly shows the east – west "Wasilla – Matanuska" road along the north boundary of the SE Quarter of Section 16, it does not show Jensen Road. This appears to conflict with the previous ARC 1936 and ARRC 1937 maps that do show Jensen Road but it is a result of a plat approval taking place several years after the survey. The subdivision survey occurred between April 26, 1935 and September 14, 1935. This suggests that Jensen Road may have been constructed sometime in the 1935 – 1936 period.

The ARC published periodic reports regarding the status of construction and maintenance activities throughout the Alaska Highway system. A 1949 report (See chronology 9/6/49) offers some general clues regarding the ARC maintenance issues throughout the Valley farm roads. In one sentence it states that "Farmers have been requested to move all fences back to give us a sixty foot right-of-way." It doesn't provide any insight regarding the practice of acquiring rights-of-way across these farm roads but the 60-foot width is consistent with ROW for other farm roads in the vicinity.

The 1951 edition of ARC Order No. 40 (See chronology 2/6/51) is the first to list Jensen Road as a road now under ARC jurisdiction. Revised editions of Order No. 40 were issued from 1951 through 1957 and essentially constitute the predecessor to today's Alaska Highway System Inventory that summarizes all of the roads currently under DOT&PF maintenance and management. The order lists Jensen Road as being 0.2 miles in length and notes that it is "new". This does not mean that it is new construction as of 1951 but that it is newly adopted into the Order and is now under ARC jurisdiction.

Prior to statehood, most of the lands in Alaska were in the federal public domain. From the 1940's through the 1950's the federal Department of the Interior issued a series of Public Land Orders (PLO) establishing highway rights-of-way of varying widths for roads constructed or maintained by the Alaska Road Commission, an agency within the Department of the Interior. The first broad based PLO to create highway ROW statewide was PLO No. 601, effective August 10, 1949. However, the PLO's were subject to prior existing rights and lands entered and patented for homesteads would defeat the application of a PLO. Even though ARC Order No. 40 assumed maintenance and management of the existing Jensen Road, this action in itself did nothing to impose a public ROW where none previously existed.

A 1954 ARC map titled "Department of the Interior Alaska Road Commission Roads in the Vicinity of the Matanuska Valley Alaska" (See chronology 4/12/54). The map and legend show Jensen Road as within the "Local roads maintained by A.R.C."

In the mid-1950's ARC handed over jurisdiction for Alaska's highways to the Department of Commerce, Bureau of Public Roads. The BPR published a set of schematic maps showing the route designations and general locations for the roads under their management. (See chronology 4/8/55) "Matanuska" vicinity map No. 259 now shows Jensen Road newly labeled as "Route 5703". The BPR issued the final "ARC Order No. 40" on January 31, 1957 (See chronology 1/31/57) identifying routes as of November 1, 1956. The Order still lists Jensen Road as Route No. 312.18, under the old ARC numbering system while the "Matanuska" map reflects the December 1956 revisions with the new BPR route numbers.

As required under the Statehood Act, in June of 1959 (See chronology 6/30/59) the Department of Commerce issued the Omnibus Act Quitclaim Deed that transferred all right, title and interest held by the Dept. of Commerce in Alaska's highways to the new State of Alaska. Jensen Road is listed along with Church and Walton Roads as Federal Aid Secondary Class "B" Route No. 5703 and describes it as "From a point approx. 0.75 mile west of FAS Routes 565 and 570 junction, south 0.2 mile. Length 0.2"

Now under the jurisdiction of the Alaska Department of Highways, Jensen Road is noted on the ROW plans for the 1968 construction of the Parks Highway, Matanuska to Wasilla section. (See chronology 12/30/68) These plans identify Jensen Road as a 20-foot wide gravel road without noting any existing ROW width.

ROW plans for the widening of the Parks Highway were prepared in 1999. (See chronology 4/23/99 – Plat 2011-37) These plans indicate that the existing Jensen Road ROW is 30-feet wide to the east of centerline (1/16 line). No ROW is shown to the west of the Jensen Road centerline (1/16 line). This project acquired ROW to the east and west of Jensen Road adjoining the south side of the Parks Highway.

In an exchange between Mat-Su Borough and DOT&PF, certain Mat-Su roads would be paved by DOT&PF and certain DOT&PF roads would be turned over to Mat-Su for maintenance and management. The Commissioner then conveyed² "all right, title and interest, if any" in Jensen Road to the Mat-Su Borough. The QCD makes reference to the DOT&PF CDS Log Route No. 170010 and the BPR Route No. 5703 as definitions for Jensen Road and the deed cites the length of the conveyed Jensen Road as being 0.241 miles, more or less. A 1990 edition of the DOT&PF CDS Road Log listed Jensen Road with a length of 0.270 miles. The above referenced widening of the Parks Highway reduced the length of Jensen Road by approximately 165 feet, reducing the reported length conveyed to 0.24 miles.

Subdivision Platting

The land to the east of Jensen Road within the SE Quarter of Section 16 was initially platted as Cottrell South Subdivision. (See chronology 6/22/72 – Plat 72-43) This plat dedicated the west 30-feet of the SE Quarter as Jensen Road using the appropriate Certificate of Ownership and Dedication.

A subsequent replatting of the east half of Cottrell South Subdivision (See chronology 12/29/77 – Plat 77-173) shows the 30-foot dedication for Jensen Road to the east of the 1/16 line (west boundary of Cottrell) but also indicates a 30-foot wide ROW to the west of the 1/16 line. The plat provides no basis for the Jensen Road ROW west of 1/16 line.

In 1975 the land to the west of Jensen Road is subdivided by waiver (See chronology 2/14/79 – Plat 79-243W) A subdivision waiver cannot dedicate ROW to the public and the waiver contains no reference to Jensen Road.

A resubdivision of Tract I of Cottrell South (See chronology 3/13/80 – Plat 80-22) reflects the 30-foot wide dedicated ROW for Jensen Road to the east of the 1/16 line and shows no dedicated public ROW to the west of the 1/16 line.

In 1983, Duterrow Subdivision creates several more lots from Tract I of Cottrell South Subdivision. (See chronology 11/29/83 – Plat 83-264) The plat shows the Jensen Road ROW in the same manner as the previously mentioned Plat 80-22.

A 1999 plat of Happy Valley Subdivision (See chronology 12/30/99 – Plat 99-136) extends the dedicated public ROW for Jensen Road to the south of the 30-foot wide Jensen Road ROW created in Cottrell South Subdivision. The ROW is extended by approximately 237 feet. To ensure a minimum 60-foot wide public ROW for Jensen Road, a corresponding 30-foot wide public use easement was created to the west of centerline (1/16 line) for the full 237-foot length of the Jensen Road extension.³ The plat also notes a 30-foot "Deed Exception For Access"⁴ along the southerly boundary of the

² Commissioner's Quitclaim Deed Recorded as Document 2003-015849-0 on 6/12/2003, Palmer Recording District.

³ "30' Public Use Easement MSB Resolution No. 1999-105 Recorded 12-30-1999 Book 1051, Page 125-129"

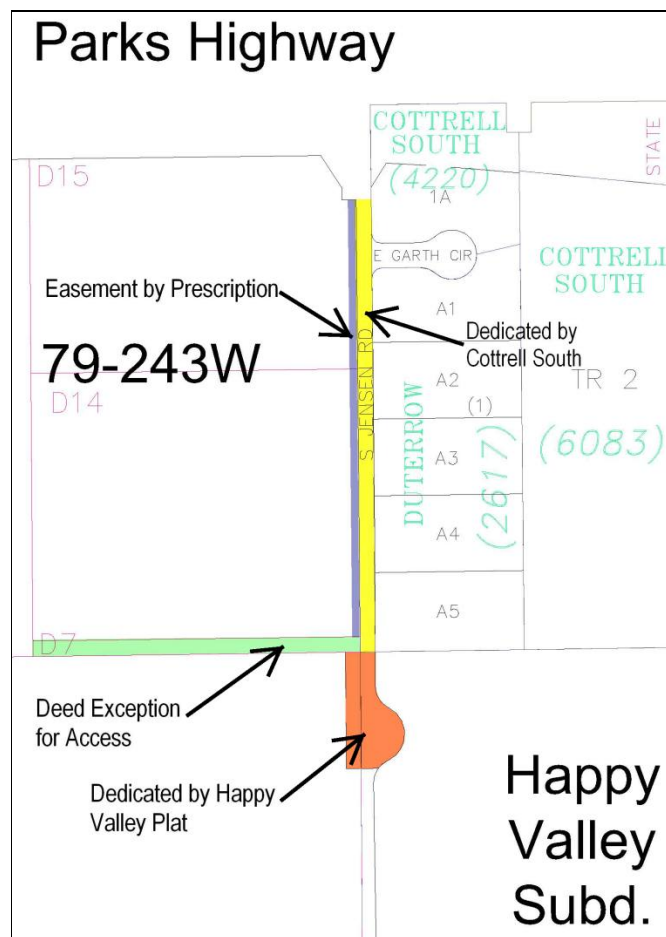
property to the west of Jensen Road subdivided by waiver as Plat 79-243W. This document was not reviewed and so it is unclear whether it constitutes a private or public access right.

Current Project

As a part of this assignment, I was provided with a draft as-built drawing of Jensen Road prepared by Besse Engineering. The following items are of note:

- Between the Parks Highway and Happy Valley Subdivision, the ROW for Jensen Road is called out as 30-feet to the east of the 1/16 line (approximate centerline).
- A feature "Existing 20' Wide Asphalt Street" is identified by line type.
- Three measurements are provided from the 1/16 line (west boundary of Duterrow Subdivision) and the west edge of asphalt. At the northerly end nearest the Parks Highway, the measurement is 6.3 feet. At the south end near the northerly boundary of Happy Valley Subdivision, the measurement is 13.2 feet. At a point approximately 1/3 the distance from the southerly measurement to the northerly measurement the distance is 9.9 feet.

Basis for Existing Right of Way



⁴ "30' Deed Exception For Access Deed Recorded 2/25/1970, Book 79d, Page 327"

The basis for the Jensen Road existing ROW is outlined in the preceding image.

- Dedication by Plat (Orange & Yellow): These are the portions of Jensen Road public ROW created by the subdivision platting process. See Mat-Su Borough Ordinance 17.55.004 Definitions for “Dedication”. “Dedication means the reservation of land to a public use by the owner manifesting the intention that it shall be accepted and used presently or in the future for such public purpose.”
- Easement by Prescription: “Prescriptive easement” is the term associated with an easement interest that accrues to an individual under Alaska’s adverse possession statutes⁵ when the use meets the “*prescribed*” period of time along with other conditions. A successful adverse claim for an access road or utility would result in a judgment granting an easement interest, as they are based on use rather than full possession. Generally, the elements of adverse possession are that:
 - a. the possession must have been continuous and uninterrupted;
 - b. the possessor must have acted as if he were the owner and not merely one acting with the permission of the owner; and
 - c. the possession must have been reasonably visible to the record owner.

Use of the claimed area cannot be with the permission of the property owner otherwise the use would not be considered to be “adverse”. Often a landowner subject to a claim of an easement by prescription will concede to the evidence of long public use and no further action is taken to secure a public ROW. However, if the landowner challenges a claim of an easement by prescription, it may be necessary to file a Quiet Title action in Superior Court to obtain a judgment in favor of the public’s rights. The evidence gathered for this ROW assessment indicates that Jensen Road was in existence as far back as 1935-1936. There exists more than a half century of mapping and report documentation indicating that Jensen Road was taken under the maintenance and management jurisdiction of the Alaska Road Commission and its successor agencies. This documentation makes a very strong case for a prescriptive easement claim to the portion of Jensen Road west of Duterrow Subdivision (west of the 1/16 line). However, the claim would not be limited to the edge of asphalt as shown on the Besse Engineering as-builts. Generally an assertion can be made for the area required to maintain the road or the so called “ditch to ditch” width. This could extend from toe of slope to top of cut but may also include additional width for drainage and sight distance if actual maintenance and use of these areas are evident.

- A copy of the document creating the area in green labeled as the “Deed exception for access” has not been reviewed, so it is unclear whether it is for private or public access. Even if it is limited to private access, the strip of area claimed as a prescriptive easement would extend through it to the ROW created for the Happy Valley subdivision.

Ownership

As stated in the short answer, ownership of public road rights-of-way is not always clear. Certainly, real property interests for road ROW can be acquired by deed as is the case with many DOT&PF highway projects. DOT&PF issued a quitclaim deed to the Mat-Su Borough in 2003 for whatever interest the Department held in Jensen Road, “if any”. A quitclaim deed can only convey the interest held by the grantor. We have found that when the ARC assumed

⁵ A.S. 9.45.052. Paragraph (a) of the statute states that “...The uninterrupted adverse notorious possession of real property under color and claim of title for seven years or more, or the uninterrupted adverse notorious possession of real property for 10 years or more because of a good faith but mistaken belief that the real property lies within the boundaries of adjacent real property owned by the adverse claimant, is conclusively presumed to give title to the property except as against the state or the United States.”

maintenance and management of Jensen Road prior to statehood, the lands crossed by Jensen Road had long since been patented out of federal ownership. As a result, Jensen Road could not be afforded the protection of the more common ROW authorities such as the Public Land Orders.

Who owns the Jensen Road ROW dedicated under the platting ordinances? These rights-of-way can be considered as easement interests with a reversionary right held by the adjoining property owners. Should these dedications be vacated, the unencumbered use of the land would return to the adjoining owners.⁶ There was no deed transferring title from the original subdivider to the Mat-Su Borough or any other entity for the dedicated ROW. However, the Mat-Su Borough has platting authority and accepted the dedication on behalf of the public. Essentially, these rights are held in trust for the public. In other areas of the State such as the North Star Borough, you have a governmental entity that has authority to create public rights-of-way by dedication through the platting process, but they do not have road powers to manage them with. They accept these dedications on behalf of the public to be taken under the management of other entities such as road service areas, cities with road powers or DOT&PF.

The same can be said for “ownership” of a public prescriptive easement. Ultimately, there could be a court judgment establishing that the public has rights to the prescriptive easement areas, but there generally would not be a deed from the property owner conveying the area of the prescriptive easement to a government agency.

So what did DOT&PF have to convey to the Mat-Su Borough? In an earlier paragraph I noted that road rights-of-way in Alaska represent a “patchwork quilt” of real property interests. When DOT&PF widens or extends their highway systems, they often incorporate existing ROW established under a variety of authorities into their projects. If a project was to be widened and an adjoining section line easement, patent reservation or dedicated street ROW was available, DOT&PF would incorporate them into the project ROW and assume maintenance and management authority over them.

In a 2001 Alaska Supreme Court Case⁷, a dedicated ROW incorporated into a DOT&PF project had been vacated by the Municipality of Anchorage over the objections of DOT&PF. The Court found that the State’s incorporation of the dedicated ROW into the project effectively constituted a second acceptance of the dedication creating a specific right in DOT&PF that could not be vacated by the Municipality’s action. The official action of the Alaska Road Commission to incorporate Jensen Road into its system and the subsequent conveyance of all highway rights-of-way to the State in 1959 appears to have been sufficient to create a ROW interest in the road in DOT&PF’s favor. The 2003 Commissioner’s QCD transferred to Mat-Su Borough the title interests in the ROW, if any, but at least it transferred the maintenance and management authority to Mat-Su. This along with Mat-Su’s platting authority would allow the Mat-Su Borough to unilaterally dispose (vacate) the Jensen Road ROW (dedication and prescriptive easement) in the future through its platting process if the road was no longer necessary for public access.

Summary

I believe this review should answer your questions regarding the basis and ownership for the Jensen Road right of way. Previously I had mentioned that as our review was limited to the materials you had provided, online sources and the R&M archives, there is a possibility that full title reports of the adjoining properties and other outside research could reveal additional information relating to Jensen Road. Given the resources we were able to uncover, I have a reasonably high level of confidence that the conclusions reached are valid

⁶ 43.15.035 Vacations (C) – Title to a vacated area shall be determined as follows: (1) Title attaches to the lot or lands bordering on the vacated area in proportionate amounts...” (Mat-Su Borough Code of Ordinances)

⁷ Safeway, Inc. v. State, Dept. of Transp. And Public Facilities, 34 P.3d 336 , Alaska 2001

Besse Engineering

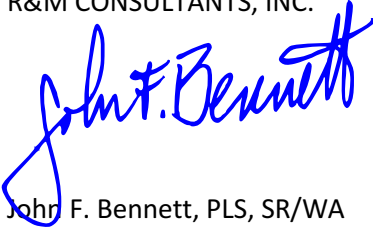
6/8/15

Page 8

We appreciate the opportunity to provide this review. Should you have any question, feel free to contact me directly at jbennett@rmconsult.com or 907.458.4304.

Sincerely,

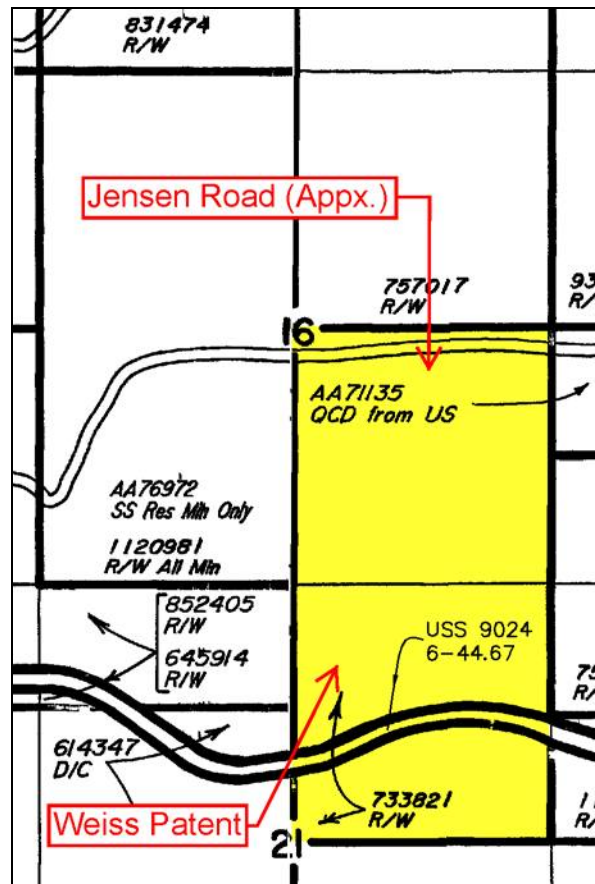
R&M CONSULTANTS, INC.



John F. Bennett, PLS, SR/WA
Senior Land Surveyor

Chronology & Exhibits

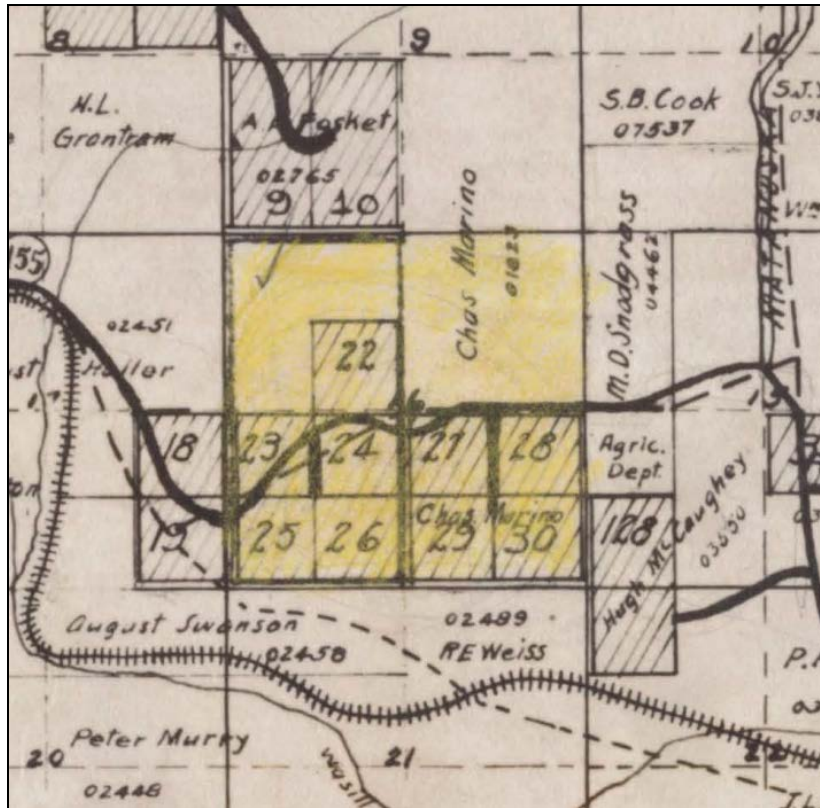
- 1/28/15:** Federal Township Survey Plat for Township 17 North, Range 1 East, Seward Meridian approved.
- 9/1/15:** Homestead application for Rudolph Weiss filed.
- 2/10/20:** Homestead patent No. 733821 issued to Rudolph Weiss for the SE Quarter of Section 16 and the NE Quarter of Section 21.



(Extract from BLM Master Title Plat for T17N, R1E, SM)

- 4/2/24:** Rudolf Weiss conveys the SE Quarter of Section 16 to Chas. Marino. Recorded January 18, 1930 in Book 12, Page 382, Anchorage Precinct Books.

1929: Agricultural Lands – Matanuska Valley, Alaska – File R 1022-173 – Rev. 1932



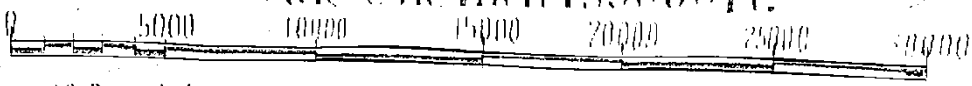
7/1/35: Chas. Marino conveys the SE Quarter of Section 16 to the Alaska Rural Rehabilitation Corporation of Alaska. The Warranty Deed was recorded at Book 14, Page 21, Anchorage Precinct books on July 11, 1935.

1936: Alaska Road Commission – Anchorage Matanuska Road System (Rev. 1947; Mar. 15, 1949; Aug. 11, 1950)

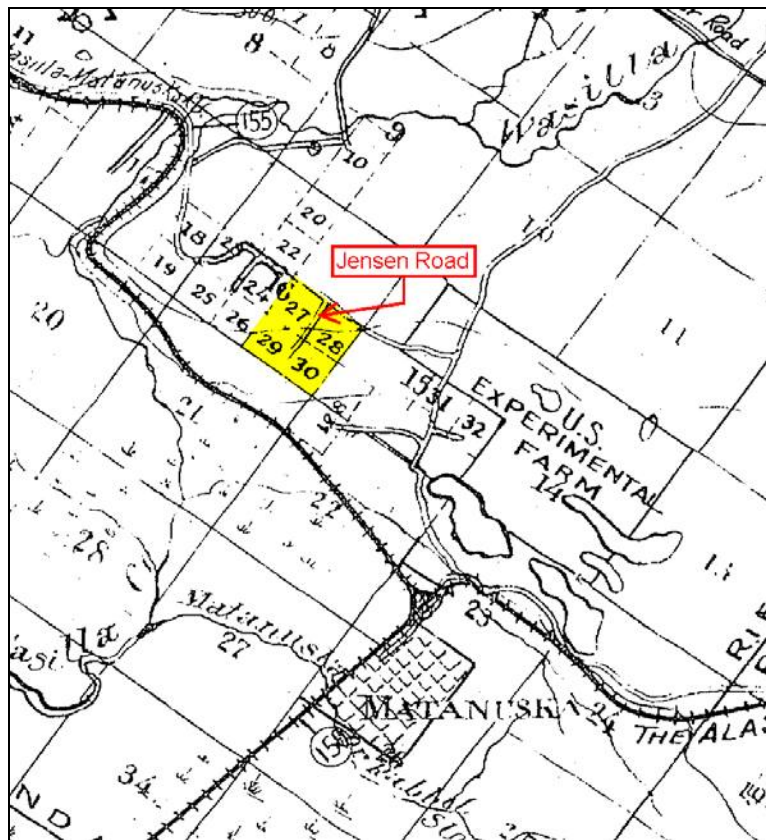
DEPARTMENT OF THE INTERIOR
ALASKA ROAD COMMISSION

ANCHORAGE-MATANUSKA ROAD SYSTEM

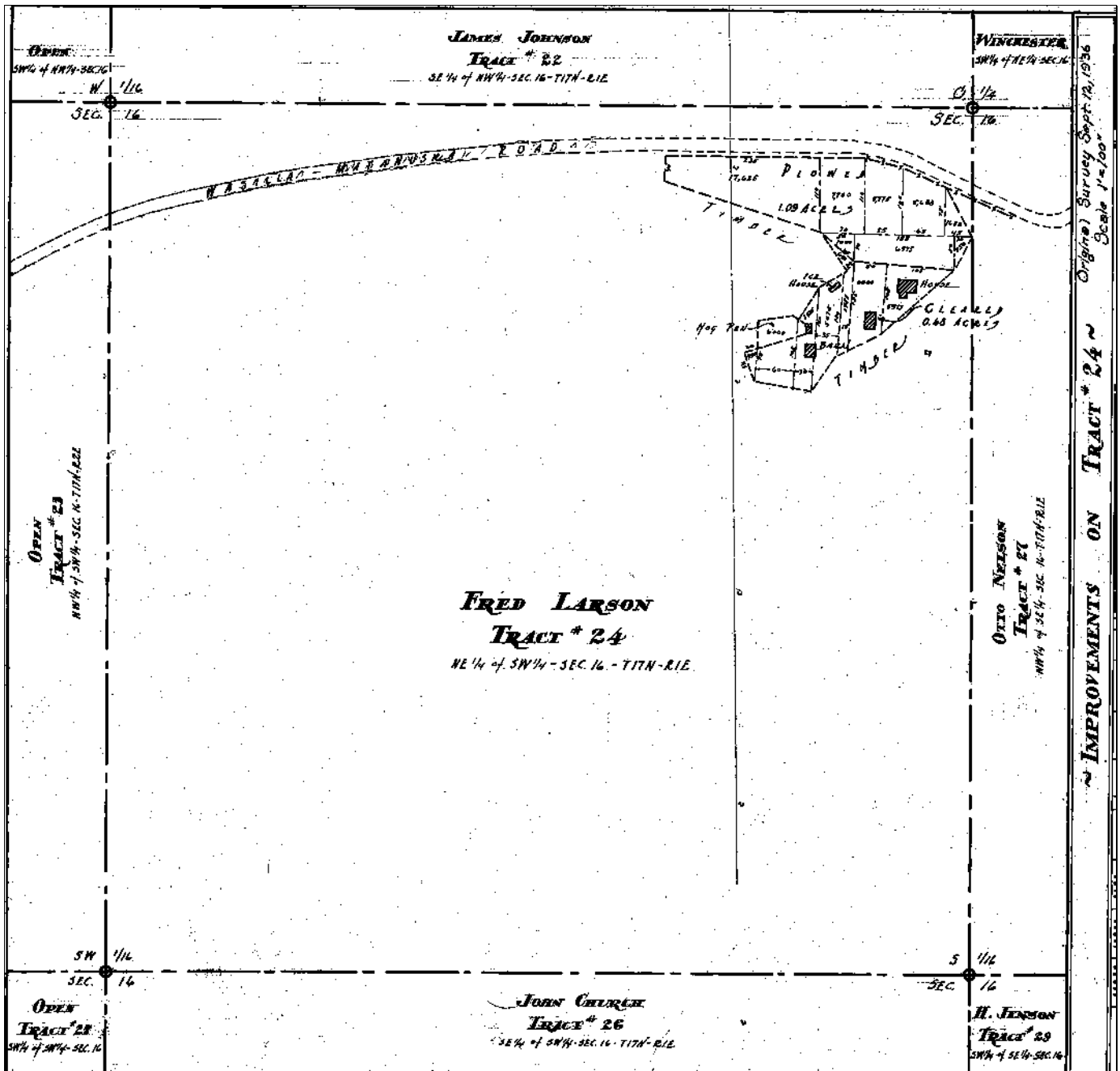
Scale One Inch Is 5000 FT.



Compiled & Drawn to the Office of the District Supt., Alutian & Aleutian Alaska by Donald MacDonald, October, 1936.
Revised... 1947; Mar. 15, 1949; Aug. 11, 1950



9/12/36: Alaska Rural Rehabilitation Corporation – Matanuska Colonization Project Tract Map #24 Fred Larson (Note: this tract is directly west of Tract #27 Otto Nelson and northwest of Tract 29 H. Jenson (Henry Jensen). This map was recovered as a part of a collection of ARRC materials collected by DOT&PF Central Region Right of Way Engineering as a part of a Glenn Highway mapping project. Tracts 27 and 29 are on the west boundary of Jensen Road and it is expected that a review of the ARRC records in Palmer would reveal similar maps for Tracts 27 and 29 as well as Tracts 28 and 30 on the east boundary of Jensen Road.



11/5/36: Alaska Rural Rehabilitation Corporation – Matanuska Colonization Project – Colonist Tract Allotment & Development.

ALASKA RURAL REHABILITATION CORPORATION

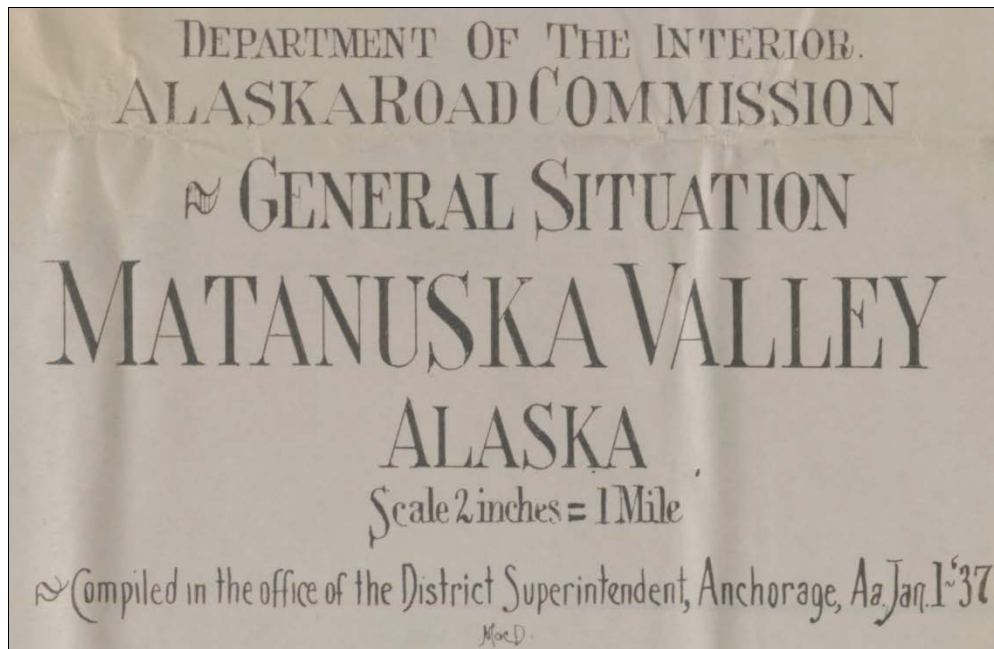
MATANUSKA COLONIZATION PROJECT

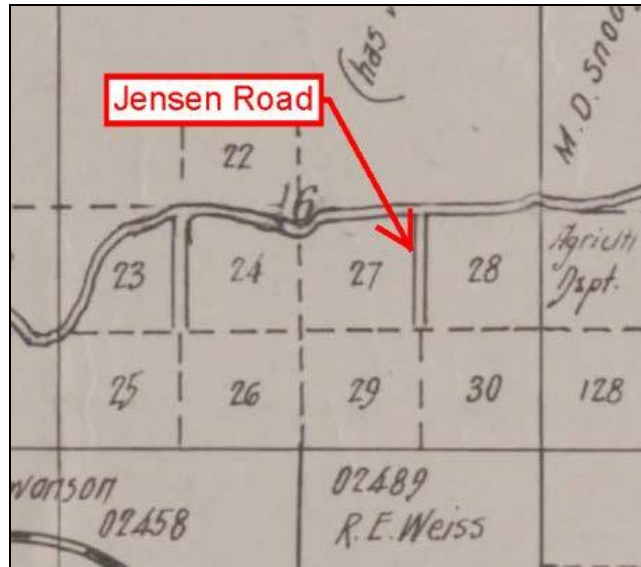
COLONIST TRACT ALLOTMENT & DEVELOPMENT

PALMER, ALASKA.
 DRAWN BY CLAY HALLIDAY
 L.S.D. ENG. APPROVED BY
 APPROVED BY *W. B. HALLIDAY* GEN. MGR.
 JAN 27 1936
 REVISED NOV 2 1936

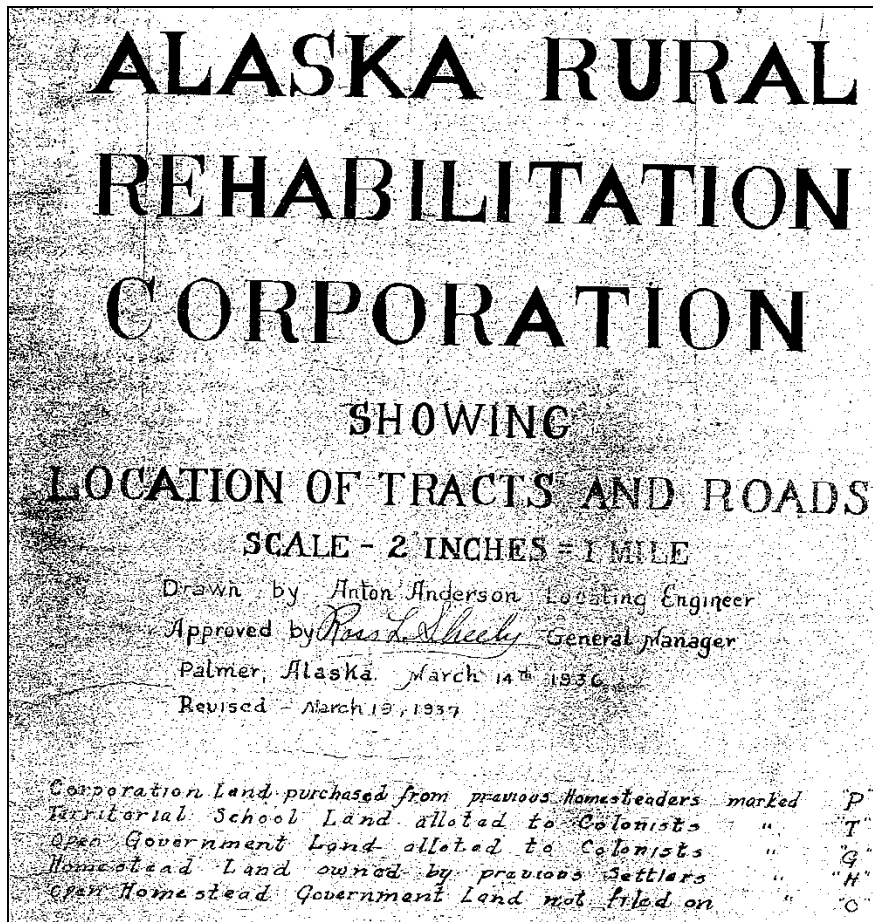
Tract No.	Allotted to	Section	Location	Location										Date	Remarks		
				Range	Section	Sub-Section	Block	Lot	Block	Lot	Block	Lot	Block			Lot	
27	Otto T. Nelson															40	40
28	Vernon Olmstead															40	40
29	Henry Jensen															40	40
30	Edward Moss															40	40

1/1/37: Alaska Road Commission – General Situation Matanuska Valley Alaska





3/19/37: Alaska Rural Rehabilitation Corporation showing Location of Tracts and Roads.



9/6/49: Alaska Road Commission Monthly progress report – Anchorage District

ALASKA ROAD COMMISSION
ANCHORAGE, ALASKA

September 6, 1949

Mr. Ike P. Taylor
Chief Engineer
Alaska Road Commission
Juneau, Alaska

SEP 8 1949
Alaska Road Commission
Juneau Alaska

IPR
3 AFG
CMPE
2 WFD
GHS

SUBJECT: Monthly progress report for Aug. 1949, Anchorage District, Anchorage, Alaska.

e. Valley Roads:

Other than grader maintenance on the main travelled roads very little work was done in the valley this month. Three miles of brush were dozed off the sides of the Palmer-Matenuska road and 3/4 of a mile of fence erected where the plows tore it down last winter. Barbed wire was furnished two farmers who put up their own fences which we tore down last winter. In the future we do not plan to furnish any more wire or labor for fences damaged by snow removal. **Farmers have been requested to move all fences back to give us a sixty foot right-of-way** — otherwise winter snow removal may not be possible without damage to fences.

2/6/51: Alaska Road Commission Order No. 40 – “Explanation – Attached hereto is a list intended to reflect all roads under A.R.C. jurisdiction. This gives old route numbers and gives mileage as accurately as it can be determined from information available to this office.” Note that this is the first Order No. 40 listing Jensen Road.

February 6, 1951

A.R.C. ORDER NO. 40

SUBJECT: Numbering System for Alaska Roads

A.R.C. Order No. 34, dated September 15, 1950 is hereby revoked in its entirety, and is superseded by the provisions of this order.

<u>LOCAL ROADS</u>				
<u>New Number</u>	<u>Old Number</u>	<u>Description</u>		<u>Miles</u>
312.1	35IA	Community Center	312.1.1	1.2
	35C	Springer System	312.1.2	9.8
	35IA	McLeod Road	312.1.3	2.5
	35IA	Schible Road	312.1.4	0.1
	35IA	Herman Road	312.1.5	0.2
	35IA	Moore Road	312.1.6	0.3
	35K	Lynn Road	312.1.7	0.7
	35K	Matanuska Trunk (To Finger Lake-Palmer Road)	312.1.8	2.5
	New	Jensen Road	312.1.9	0.2
	New	Church Road	312.1.10	0.2
	35Q	Grantram Road	312.1.11	0.6
	New	Walton Road	312.1.12	0.5

4/12/54: Alaska Road Commission – Roads in the Vicinity of the Matanuska Valley (Note: A review of the “BPR Real Estate Record Index Full.xlsx from Central Region DOT&PF reveals that a 60-foot wide easement was acquired for Lynn Road, directly to the east of Jensen Road in Section 15 and recorded in the Precinct Books, presumably in the Palmer Recording District, in Book 4 Page 266 on October 30, 1939. The ARC Order No. 40 for 1951 lists Lynn Road as Route 312.1.7 and indicates that it existed prior to the 1951 Order as Route 35k. This is notable in that it suggests that the common ROW width for the area farm roads was intended to be 60-feet and that ARC did acquire easements for these roads where it believed that none had previously existed.

DEPARTMENT OF THE INTERIOR
ALASKA ROAD COMMISSION

ROADS IN THE VICINITY OF THE

MATANUSKA VALLEY

ALASKA

Scale 2 inches = 1 Mile

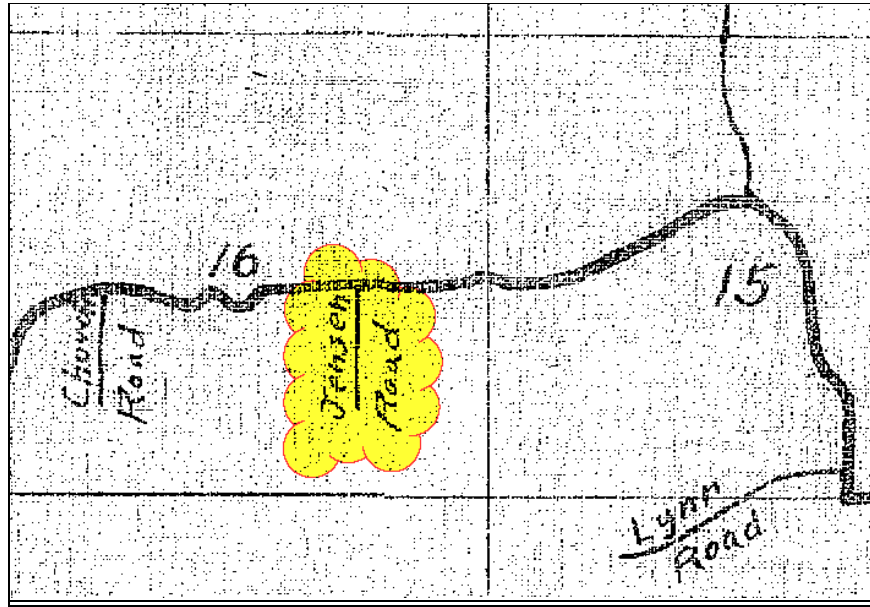
Anchorage, Alaska April 12, 1954
 JVZ

LEGEND

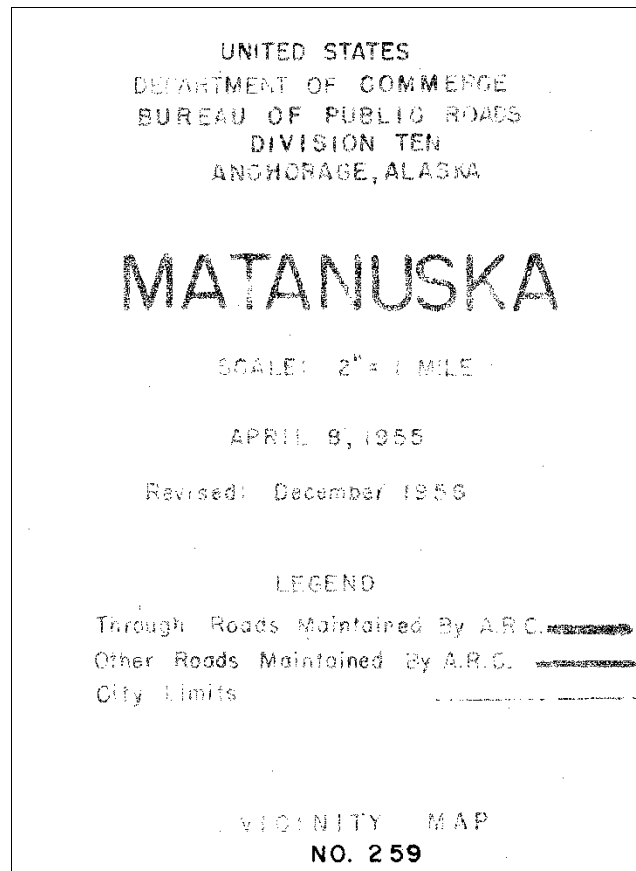
THROUGH ROADS MAINTAINED BY A.R.C.

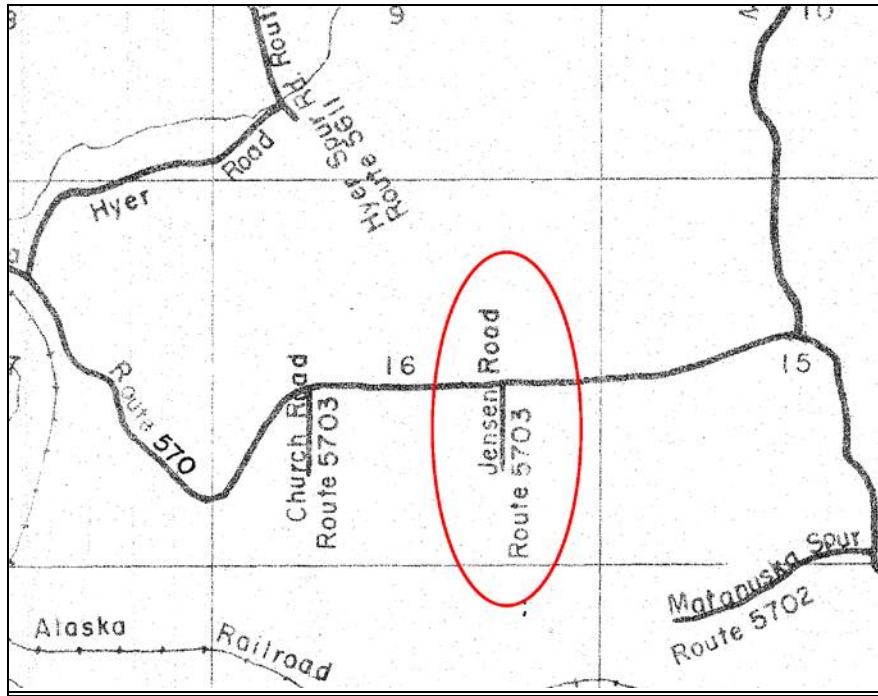
FEEDER ROADS MAINTAINED BY A.R.C.

LOCAL ROADS MAINTAINED BY A.R.C.



4/8/55: U.S. Dept. of Commerce Bureau of Public Roads Division Ten Anchorage, Alaska "Matanuska" – Vicinity Map No. 259 Revised to December 1956.





1/31/57: Alaska Road Commission Order No. 40, Revised

UNITED STATES
DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
REGION TEN

January 31, 1957

ARC ORDER NO. 40, REVISED

SUBJECT: Highway System, Routes and Mileages

The attached tabulation of the highway system reflects route numbers, route names, total mileage, and winter maintenance mileage for all routes under the jurisdiction of the Bureau as of November 1, 1956.

<u>LOCAL ROADS - CONNECTED</u>				
Route No	Name	Length	Winter Maintenance	
312.1	1 Springer System	10.4	10.4	
	2 McLeod Road	2.5	2.5	
	3 Schible Road	0.1	0.1	
	4 Herman Road	0.2	0.2	
	5 Moore Road	0.3	0.3	
	6 Lynn Road	0.7	0.7	
	7 Matanuska Trunk (Finger Lake-Palmer Road)	2.5	2.5	
	8 Jensen Road	0.2	0.2	
	9 Church Road	0.2	0.2	
	11 Walton Road	0.5	0.5	

6/30/59: Omnibus Act Quitclaim Deed – Transfers rights held by the U.S. Department of Commerce (Bureau of Public Roads) in highway rights-of-way to the State of Alaska.

SEWARD
 Serial No. 69-687 **QUITCLAIM DEED** BOOK 391 PAGE 12
 Anchorage Recording District

KNOW ALL MEN BY THESE PRESENTS that the Secretary of Commerce, United States Department of Commerce, Grantor, under and pursuant to the authority contained in Section 21 of the Act approved by the President on June 25, 1959 (75 Stat. 141), does hereby devise, release, and quitclaim unto the State of Alaska, Grantee, its successors and assigns, subject to the condition set forth below, all rights, title, and interest of the Department of Commerce in

McCARTHY 70-6
 Serial No. 70-6

Alaska Recording District

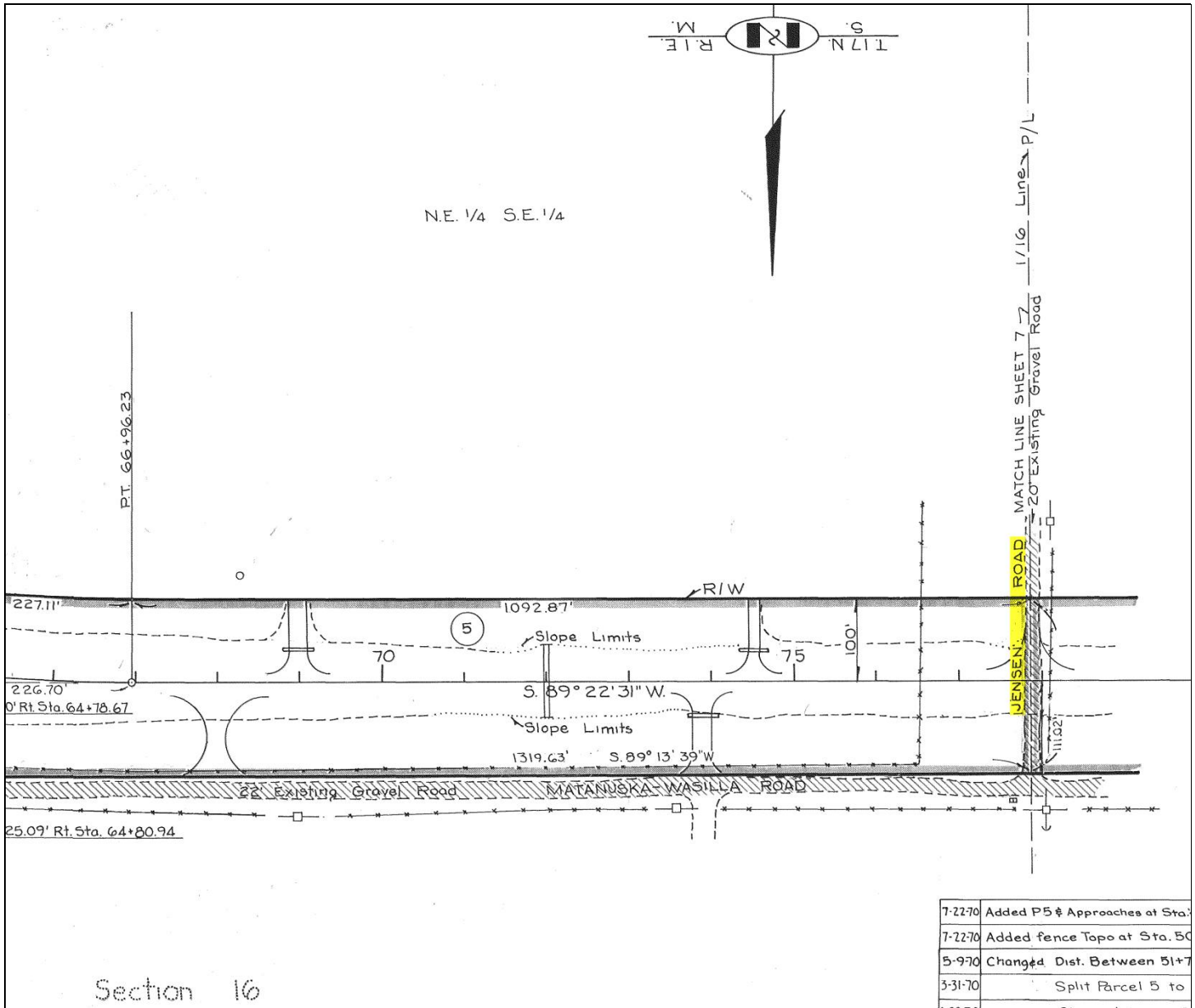
FAS Route No.	Name	Description	Highway District No.	Constructed Mileage	System Mileage
5703	Jensen-Church-Walton Roads		10	0.9	0.9
	Jensen Road	From a point approx. 0.75 mile west of FAS Routes 565 and 570 junction, south 0.2 mile. Length 0.2 mile.			

ALASKA
 FEDERAL-AID SECONDARY HIGHWAY SYSTEM, CLASS "B" ROUTES R-16

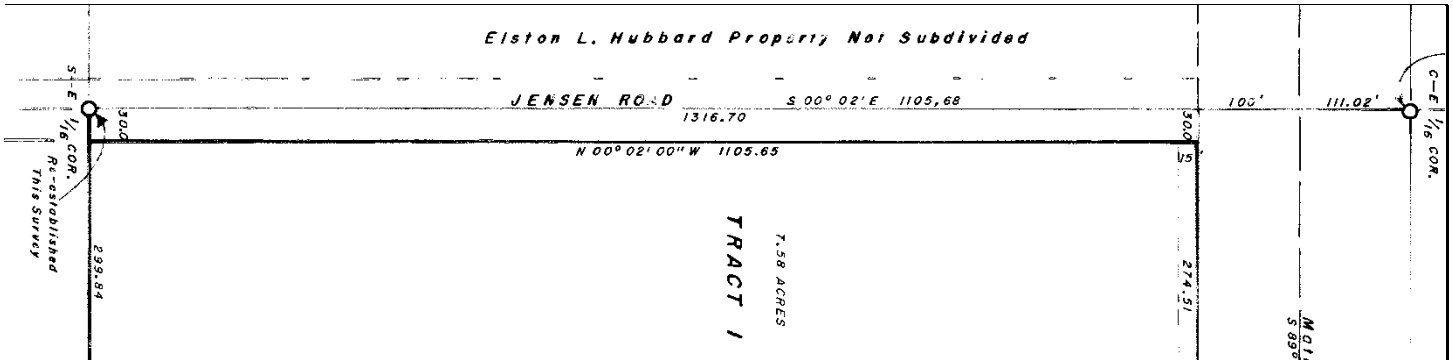
BOOK 391 PAGE 12 Anchorage Recording District
 BOOK 14 Aleutian Islands Recor.
 BOOK 54 Homer Recording

BOOK 64 PAGE 105 Valdez Recording District

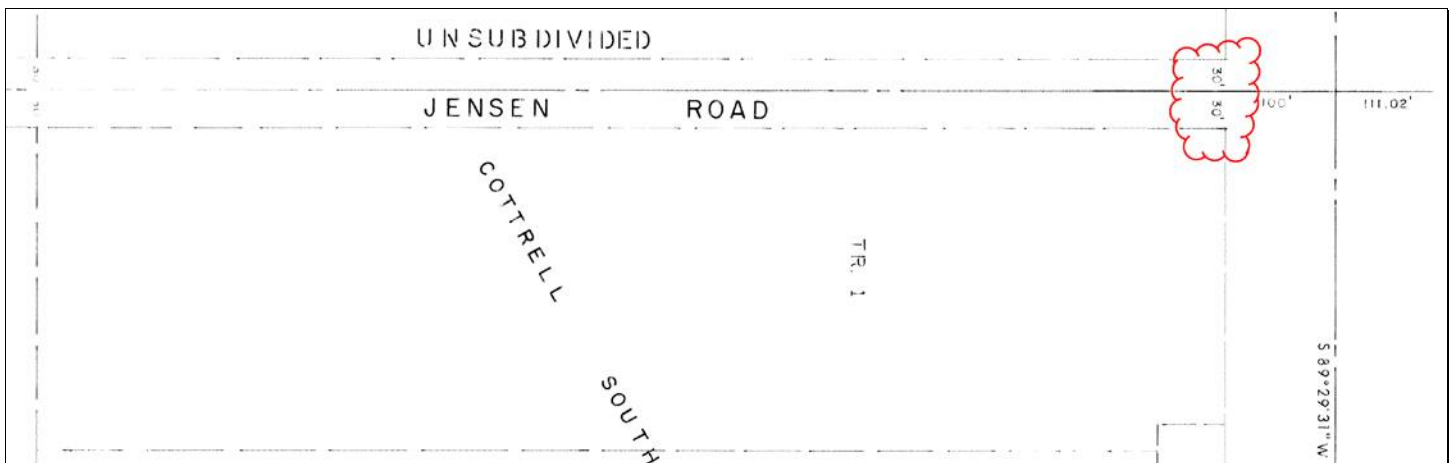
12/30/68: Alaska Department of Highways Right of Way Map F-035-1(16) SR3 From Wasilla Southeasterly to Jct. With SR 1.



6/22/72: Cottrell South Subdivision filed as Plat 72-43 in the Palmer Recording District. This plat dedicates the west 30-feet of the NE Quarter of the SE Quarter of Section 16 for the Jensen Road public right of way.

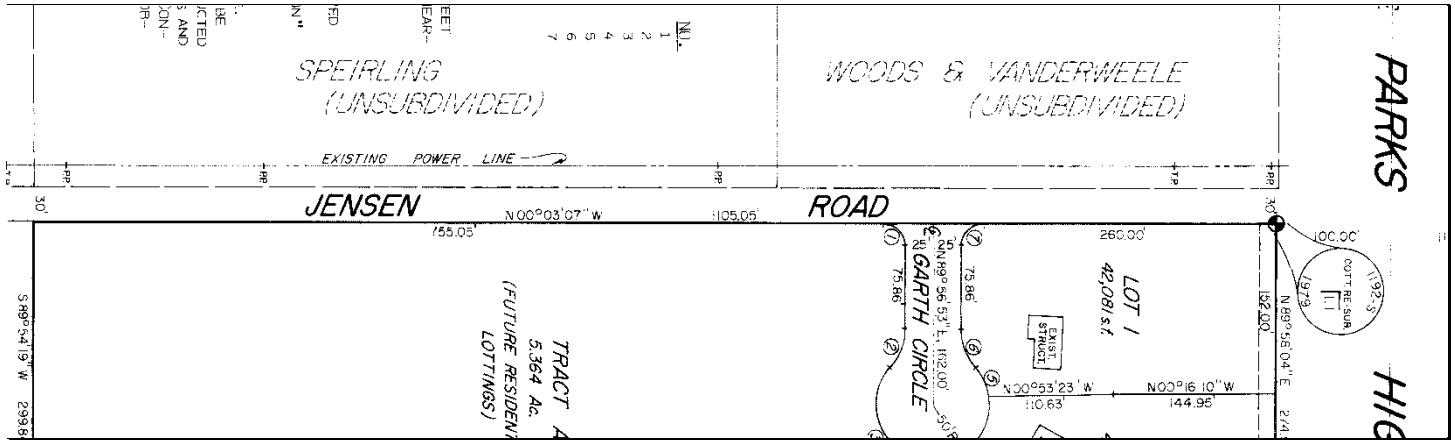


12/29/77: Resubdivision of Tract 3 & Tract 4 Cottrell South Subdivision filed as Plat 77-173 in the Palmer Recording District. Note that plat indicates an existing ROW of 30-feet on each side of the 1/16 line for Jensen Road without providing a basis for the 30-foot ROW to the west of the 1/16 line.

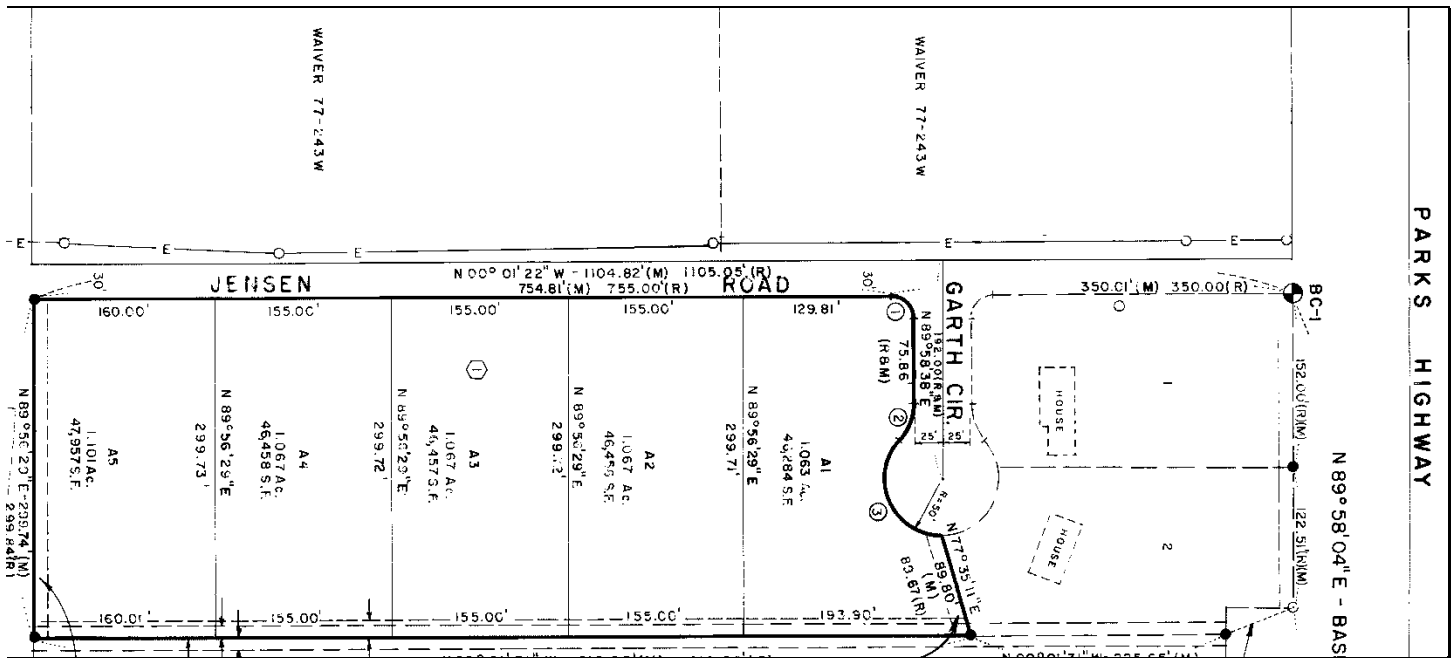


2/14/79: The property to the west of Jensen Road is subdivided by Mat-Su Waiver Resolution Serial No. 75-85. A subdivision waiver cannot dedicate public right of way. This waiver was recorded as Plat No. 79-243W in the Palmer Recording District.

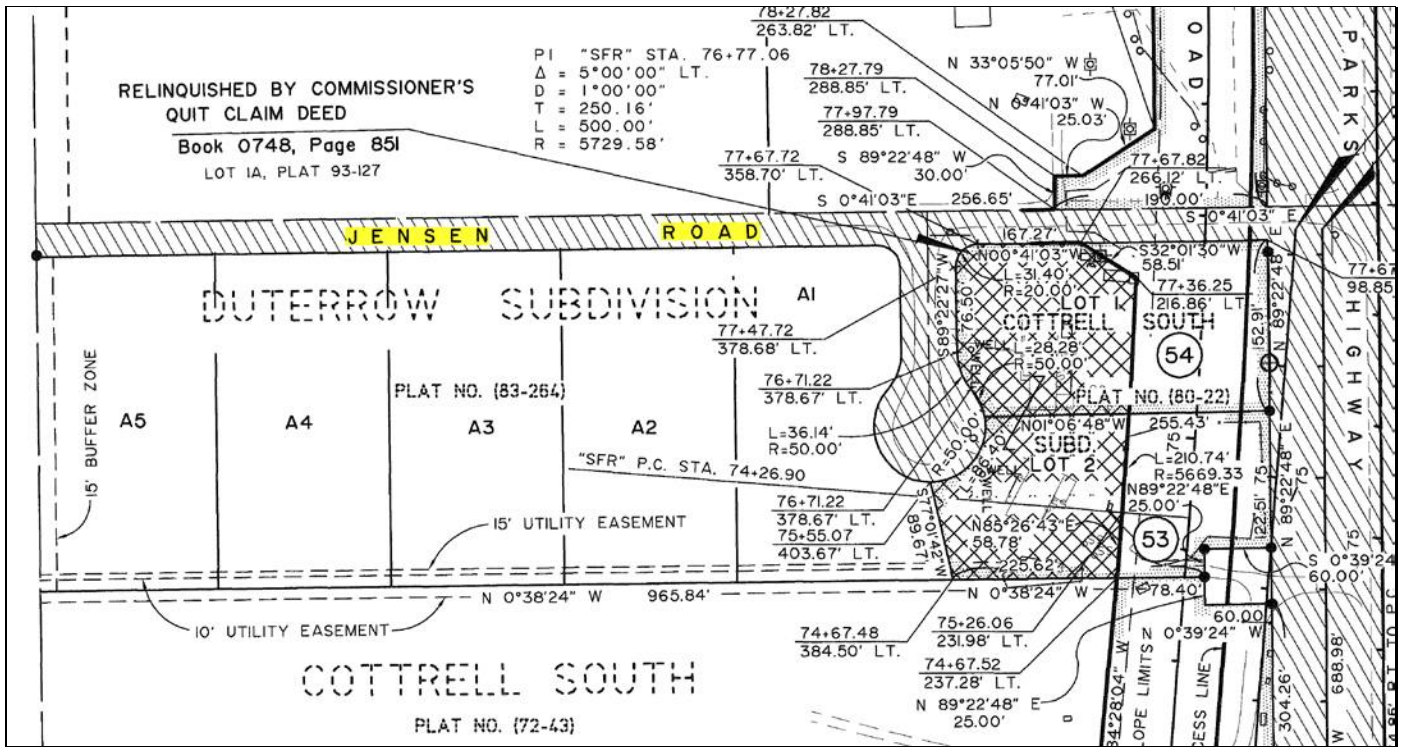
3/13/80: Resubdivision of Tract 1, Cottrell South Subdivision filed as Plat 80-22 in the Palmer Recording District. This replat shows Jensen Road with a 30-foot existing ROW to the east of the 1/16 line and no dedicated ROW to the west of the 1/16 line.



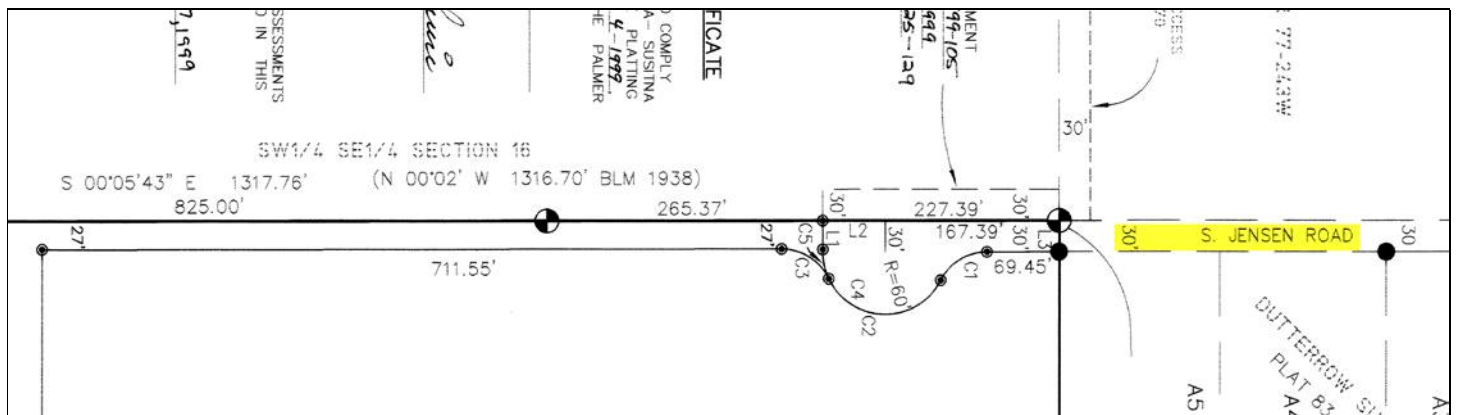
11/29/83: Duterow Subdivision – A subdivision of Tract A of the Resubdivision of Tract I of Cottrell South Subdivision filed as Plat 83-264 in the Palmer Recording District. This plat reflects a 30-foot wide existing ROW for Jensen Road to the east of the 1/16 line. No public ROW is shown to the west of the 1/16 line within the lands subdivided under Waiver 79-243W. (Note: the plat erroneously cites the waiver as 77-243W)



- 12/28/90:** Alaska DOT&PF CDS Route Log describes Jensen Road as Route No. 170010 from the Parks Highway to Road Ending. Distance: 0.270 miles.
- 12/21/93:** A Plat of Lot 1 A, Resubdivision of Tract I, Cottrell South Subdivision filed as Plat No. 93-127 in the Palmer Recording District. This replat shows Jensen Road with a 30-foot existing ROW to the east of the 1/16 line and no dedicated ROW to the west of the 1/16 line.
- 4/23/99:** DOT&PF Right of Way Map for Alaska Project Glenn Highway, Eklutna to Parks Highway Phase 2, F-I-OA1-5(1)/53065. Recorded as Plat 2011-37 in the Palmer Recording District on 6/20/11. (Sheet 9 of 14)



- 12/30/99:** Plat of Happy Valley Subdivision filed as Plat 99-136 in the Palmer Recording District. This plat extends the Jensen Road ROW to the south of Dutterrow Subdivision. The plat shows the existing Jensen Road to the North of Happy Valley with a ROW of 30-feet to the east of the 1/16 line.



- 5/14/03:** DOT&PF Commissioner's Quitclaim Deed to Matanuska-Susitna Borough conveys all of "Jensen Road (CDS #170010) right of way, acquired upon statehood as a portion of Bureau of Public Roads route #5703...from its junction with milepost 1.28 of the Parks Highway (CDS #170000), commencing from the southerly right of way boundary of the Parks Highway, thence south for approximately 0.241 miles, more or less, to the road ending..." The Deed was recorded as document No. 2003-015849-0 in the Palmer Recording District on 6/12/03.
- 5/22/15:** As-built of Jensen Road provided by Besse Engineering. The drawing calls out the existing 30-foot wide ROW east of the 1/16 line and mislabels the Subdivision waiver 79-243W to the west as 77-243W. The as-built drawing calls out three dimensions from the 1/16 line (Jensen centerline) to the edge of asphalt for the existing 20-foot wide street.

