

ROW Mapping Case Studies

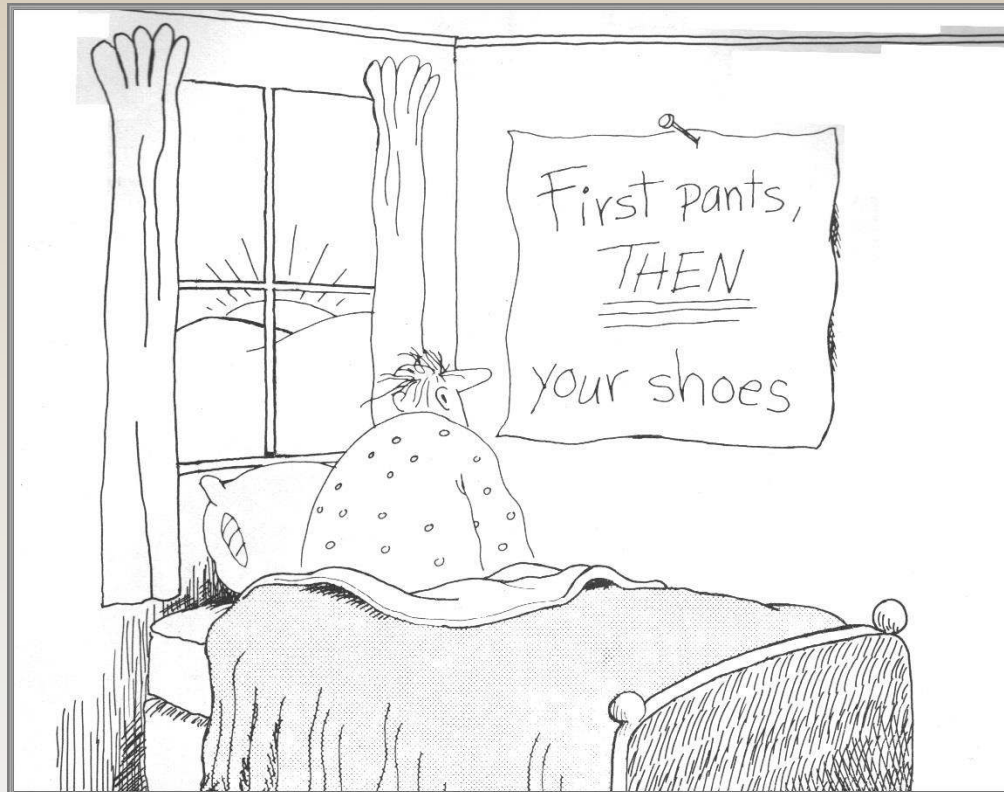
"The Older I Get, the Less I Know..."



Alaska Surveying & Mapping Conference 2015

”The Older I Get, the Less I Know...”

- This is not always a bad thing!

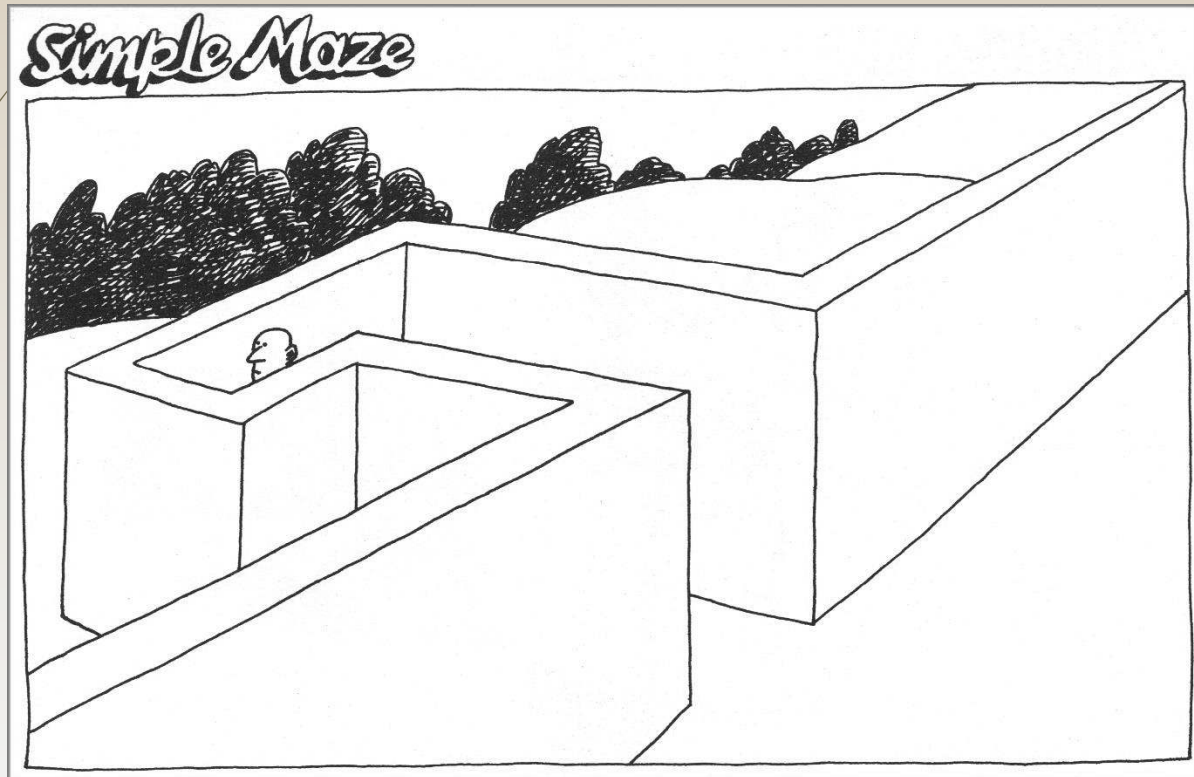


”The Older I Get, the Less I Know...”

- This is not a bad thing!
- We grow in experience & education
- Unlike our kids, we never know everything!
- The more we know what we don't know
- So relax and peel back another layer of the “Onion”

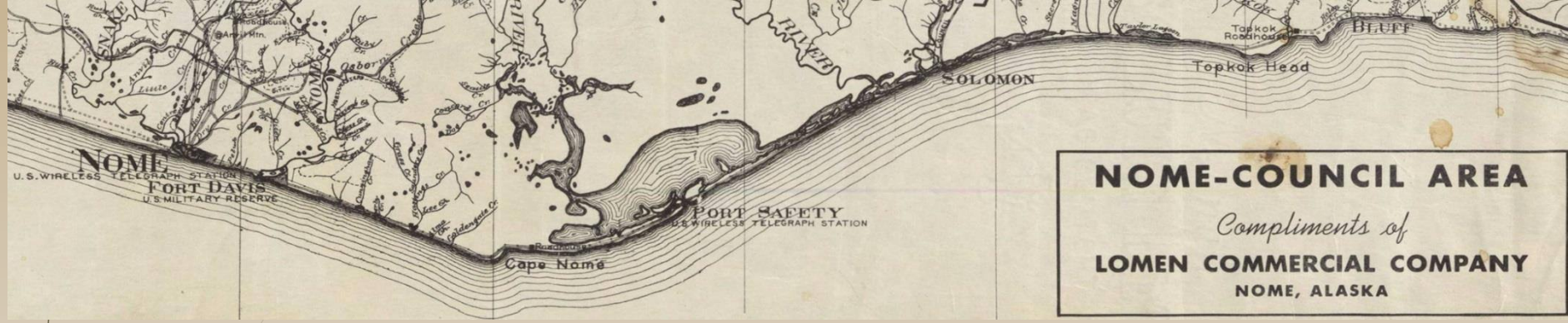
A Surveyor's Dilemma...

- What does a surveyor know about ROW?
Retracement: Locate existing ROW
Subdivision: Establish new ROW



A Surveyor's Dilemma...

- What does a surveyor know about ROW?
Retracement: Locate existing ROW
Subdivision: Establish new ROW
- Existing ROW is anything but uniform!
Authorities vary
Interests vary
Widths vary
- “A Patchwork Quilt of Title Interests...”



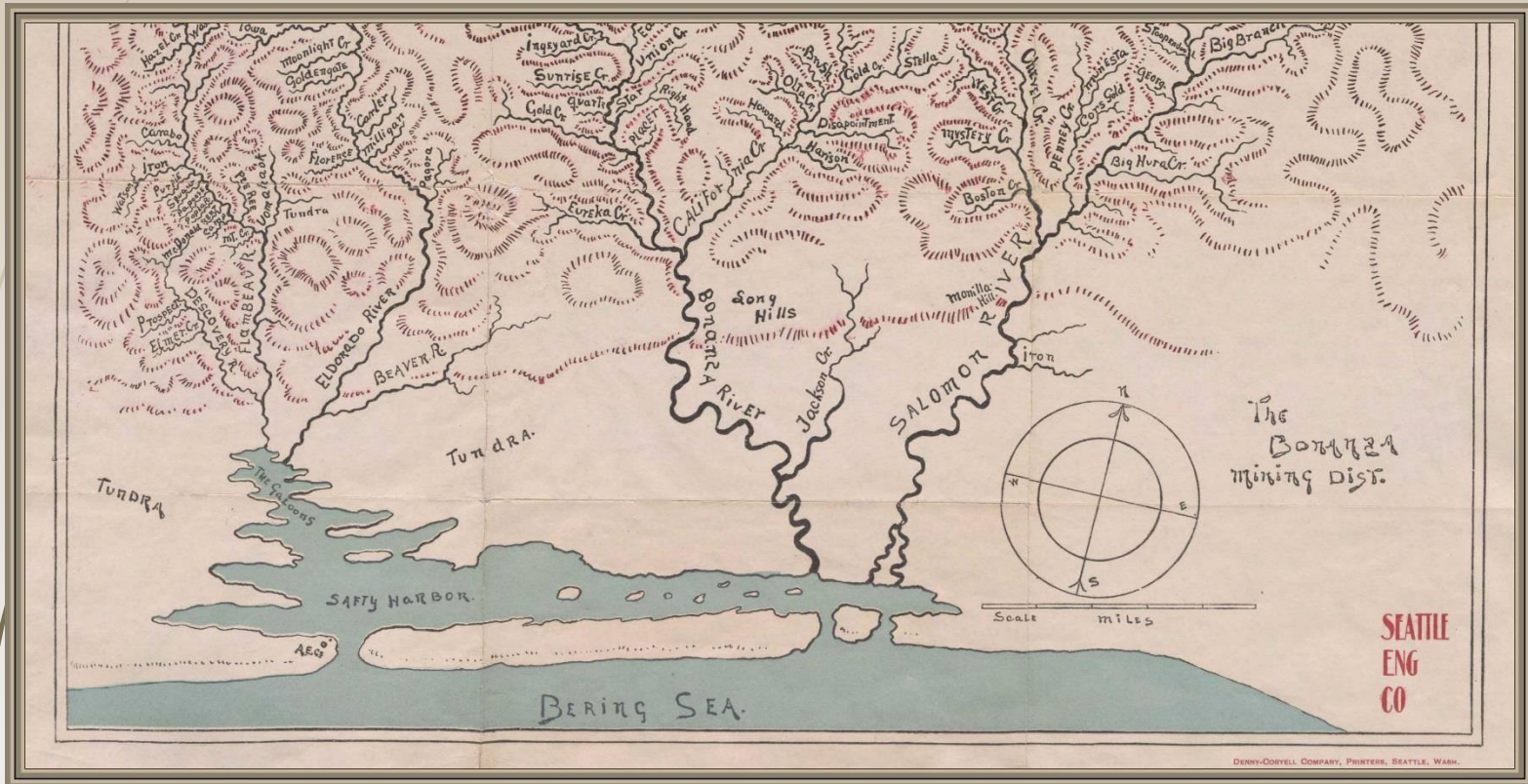
Nome-Council Road MP 14-32

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Mapping the Right-of-Way at Statehood

Getting Started

- This mapping project a long time in the making



1899 Map of Nome Mining District

Getting Started

- This mapping project a long time in the making
- Why so long? Title transferred in 1959...
- ROW mapping was not considered a priority
- Portions of primary system still without mapping
- MP 14-32 – Last gap on Nome-Council road
- Storm damage resulted relocation of road
- 2011 “Snowicane” – Equal to Cat 4 Hurricane
- Where is the ROW?...no...Where is the road?
- Federal funds require ROW “certification”
- ER funds waiver if road reconstructed in original location
- Continual lobbying for mapping funds
- Too much money....too little time

Getting Started

- Mapping funded as a part of “Nome Sea Storm Permanent Repairs – November 2011”



1913 Nome Storm

Courtesy of Carrie M. McLain Memorial Museum



2004 Nome Storm

Getting Started

- Mapping funded as a part of “Nome Sea Storm Permanent Repairs – November 2011”
 - Issued to R&M Consultants under DOT&PF Northern Region Survey Term Contract
 - NTP issued August 2013
 - Aerial Photography & Field Surveys complete by end of the year
-
- Retired in May 2014 – 29 years with Dept. of Highways and DOT&PF
 - Joined R&M Consultants – Fairbanks
 - Great opportunity to see project taken to completion

Finding the Historic ROW

- Mapping PLO ROW – Best Evidence
- Locate Centerline: By Survey or Photography
- Has Centerline Moved Since Statehood?
- Fit Geometry: Tangents & Curves
- Offset PLO Right-of-Way Width
- Ties to Adjoining Surveys & Boundaries
- What is Senior? PLO or Prior Land Actions
- Lands: State, Federal, ANCSA, Private & N/A
- Prior Mapping: USGS Quad - 1950
 - Scale – 1:63,360
 - Quality of Photography
 - Cartographic License

Research Elements

- Nome-Council Road (Current)
 - Area History
 - Aerial Photography
 - Construction & Maintenance Records
 - Other Public Mapping Records
 - Background Interviews
 - Public Land Orders
 - Public Easements by Prescription
 - Floating Easements
 - Federal Right-of-Way Grants
 - Native Allotment Use & Occupancy

Research Elements

- Nome-Council Road (Old Loop)
 - Public Land Orders
 - Omnibus Act Quitclaim Deed Issues
 - ROW Jurisdiction & Management
 - RS-2477 Trails & Territorial Act of 1917
 - Other Public Mapping Records

Research Elements

- ROW Issue Qualifiers
 - Context – What were they thinking?
 - Location – Where is it at?
 - Width – Specified or?
 - Interest – Easement, fee, or?
 - Policy – Agency Position
 - !!! – Holy Cow! This was kind of cool!!!

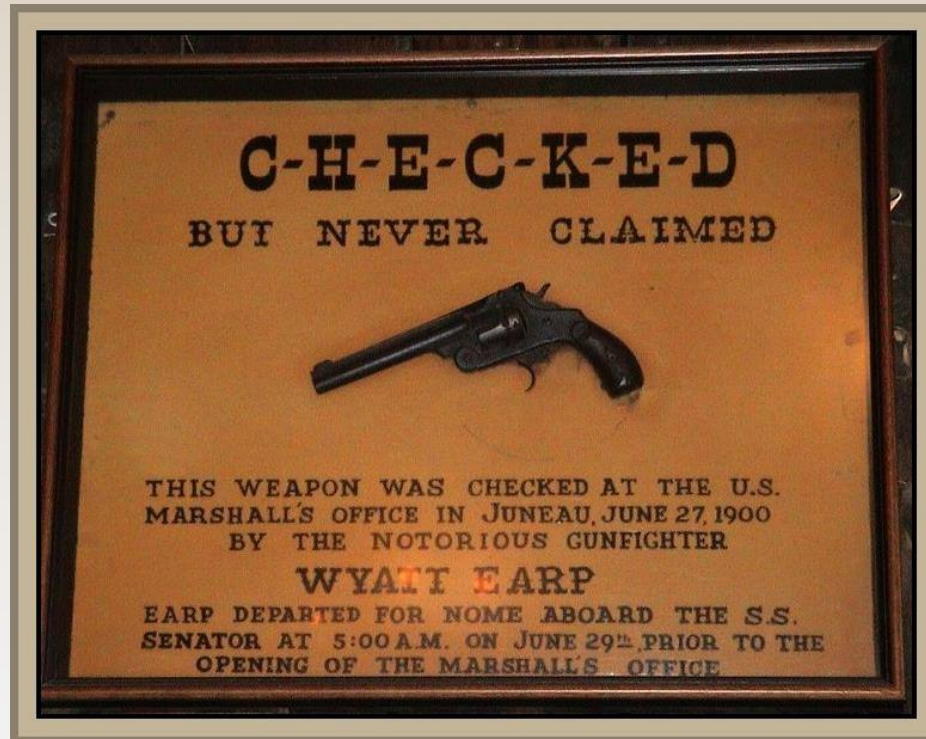
Area History

- 1898 Gold Discovery in Council Initiates Road
- 1904 Road & Bridge to MP3 Private Toll Facilities
- 1905 Alaska Road Commission Established
- Extensive ARC Maintenance in Support of Mining

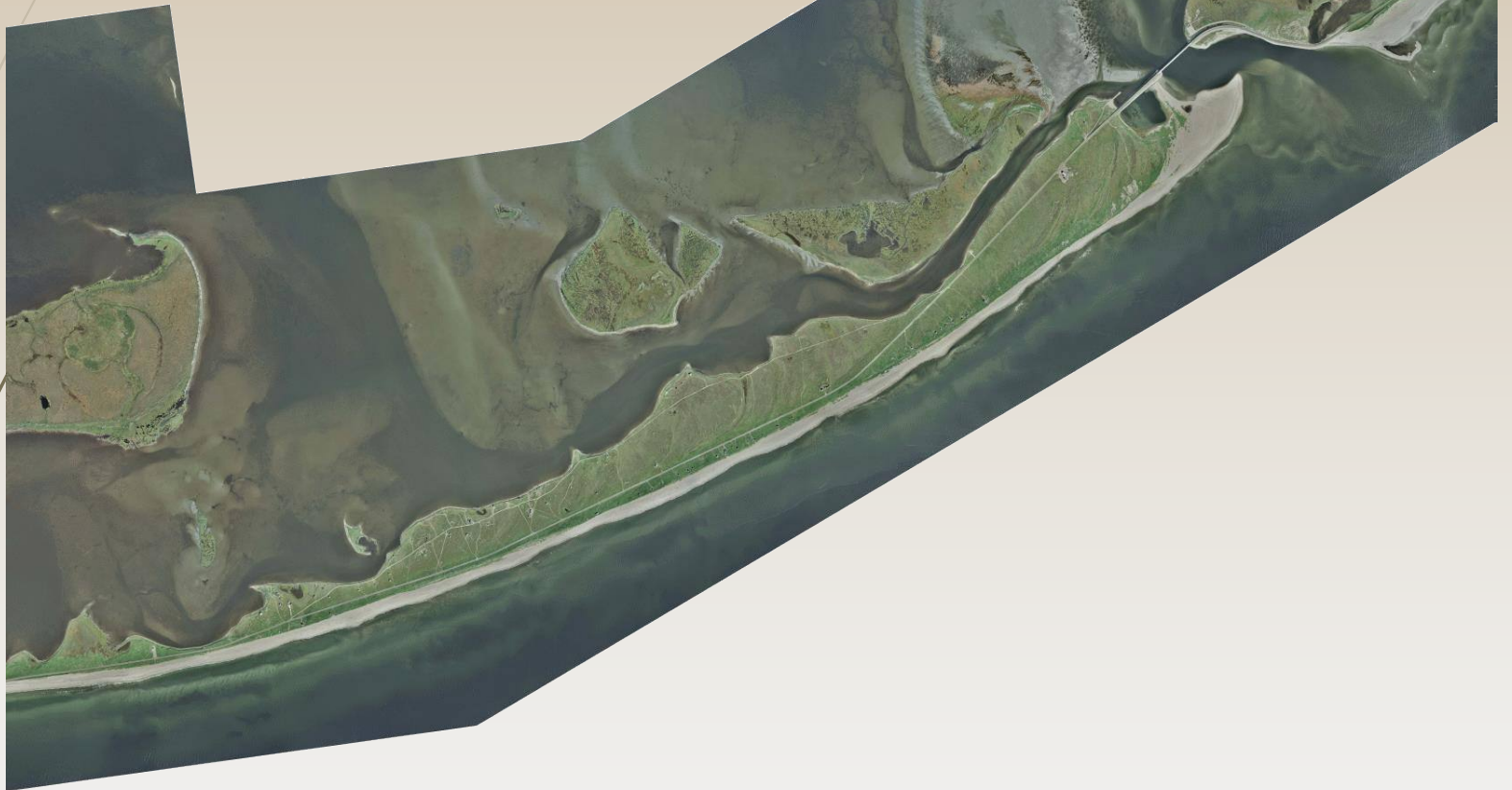


Area History

- 1913 storm destroys Nome in part, all of Solomon, large sections of the road and all of the bridges!
- 100 years later, Mother Nature still in control...
- If anyone sees Wyatt, tell him to stop in Juneau on his way home to pick up his pistol!!!



Aerial Photography

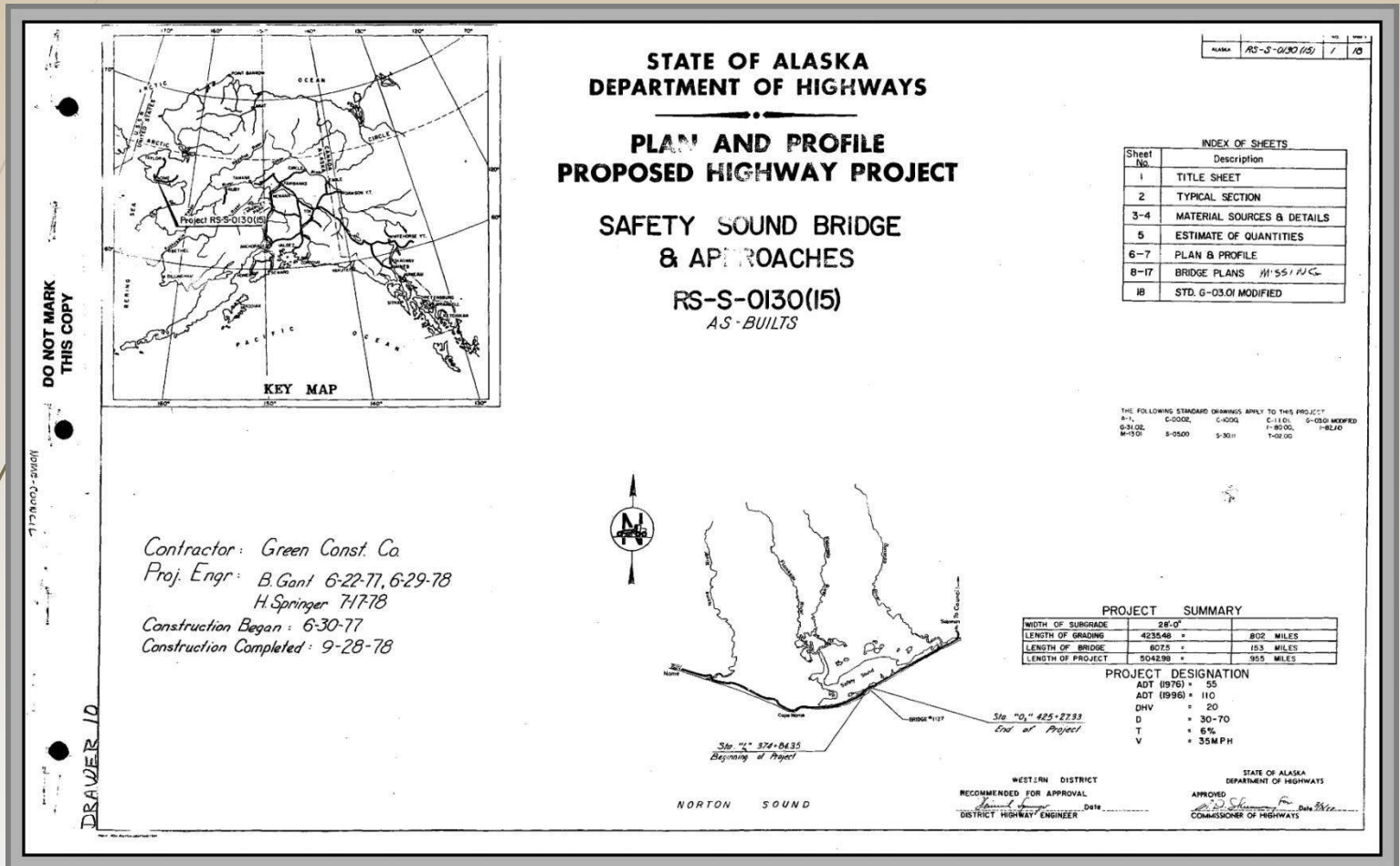


Photogrammetry by Kodiak Mapping, Inc.

Aerial Photography

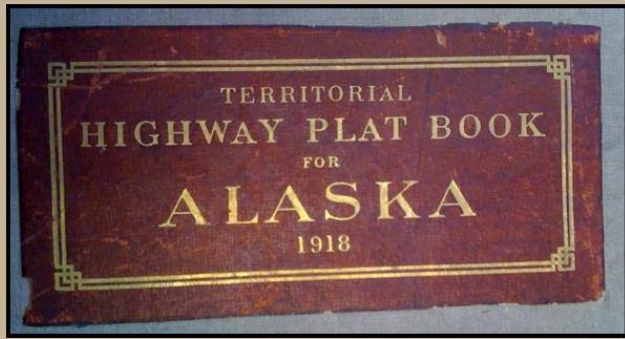
- Photogrammetry by Kodiak Mapping, Inc.
- 2013 photos acquired for as-built & design
- Existing road edge digitized with centerline splits established every 500 feet
- Best fit centerline to DOT&PF 95/5 standard
- 1950 Army Map Service for historical photos – basis of USGS Solomon B-6 Quad
- 1962 BLM photos: better imagery & date – clearly reflects realignment and old loop

Construction & Maintenance Records



As-builts, ROW Plans, Reports, Control Surveys

Historical Archives



UNITED STATES
DEPARTMENT OF THE INTERIOR
ALASKA ROAD COMMISSION
JUNEAU, ALASKA
Nome District

December 22, 1949

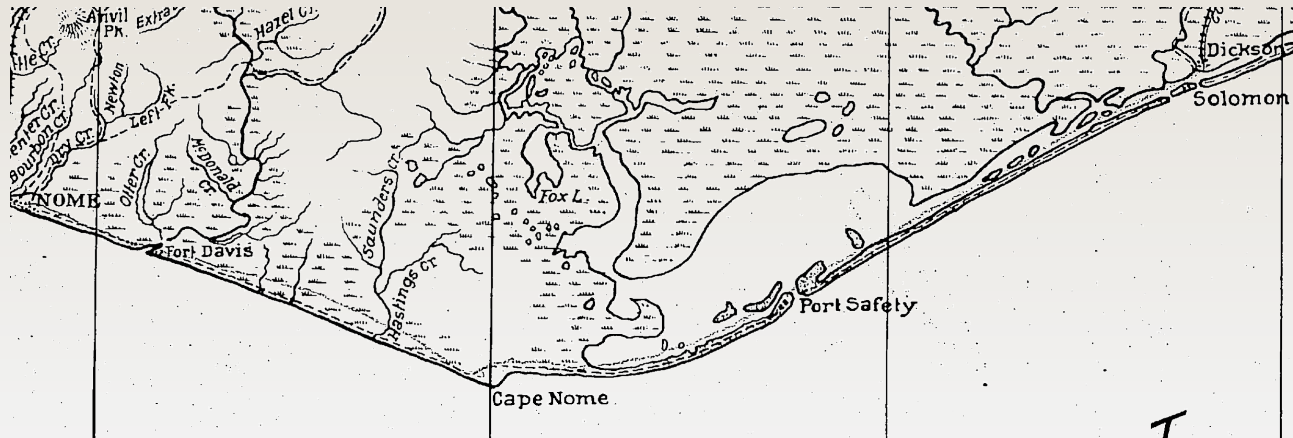
Col. N
IPT
AFG
GWT

February 6, 1951

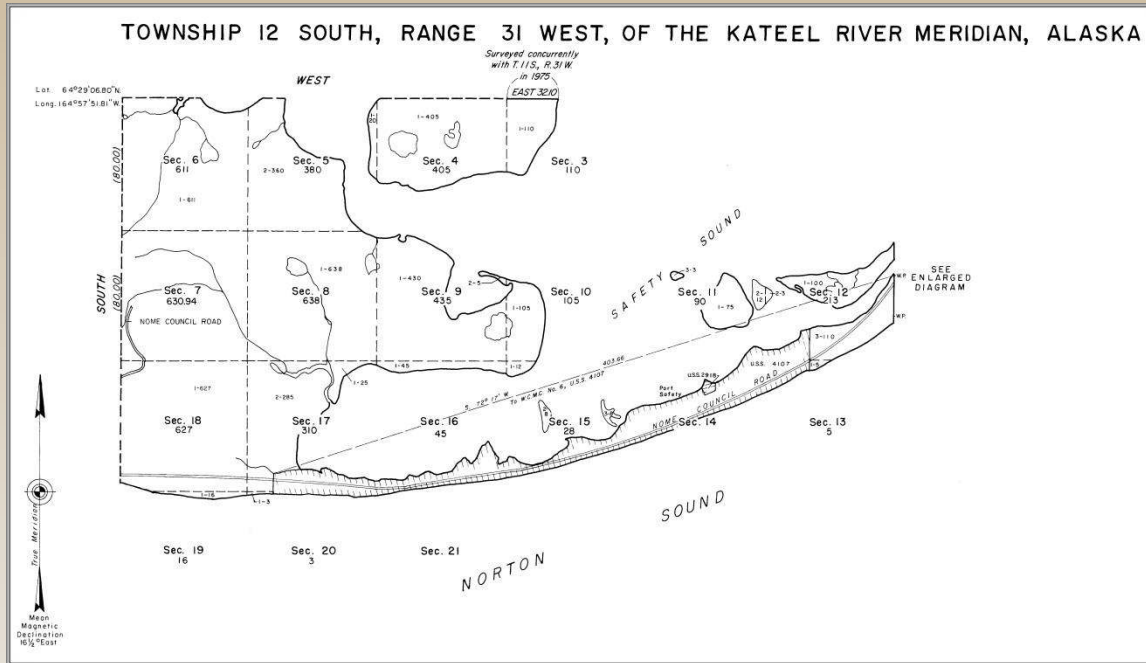
A.R.C. ORDER NO. 40

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.



Mapping Records - Federal

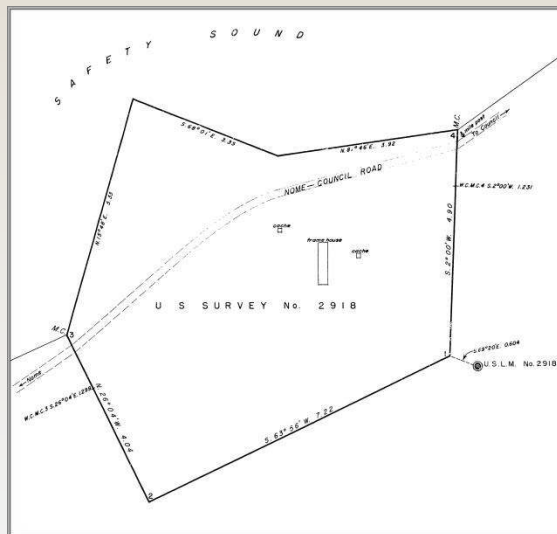


RECEIVED
S. G. O.
OCT 3 1900
ANSWERED
Recorded

FIELD NOTES
of
THE HOMESTEAD CLAIM OF
DAN MARK
situate
At Entrance and on West Bank
of
PORT SAFETY HARBOR
Near Cape Nome
District of Alaska.

000

As Surveyed by
Geo. M. Ashford,
U. S. Deputy Surveyor.



- Rectangular Surveys
- U.S. Surveys
- Field Notes

Land Records - Federal

F-14908-B

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS

Sitnasuak Native Corporation

is entitled to a Land Patent pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(a)), for the surface estate in the following described lands:

WAR DEPARTMENT,
WASHINGTON,

J.A.G.C.
(18575)

September 16, 1905.

THE PRESIDENT:

I have the honor to recommend the reservation, for military purposes, subject to private rights, of all public lands at Safety Harbor and Old Woman, Alaska, included within boundaries described, respectively, as follows, viz:

1.---At SAFETY HARBOR: Starting from an initial stake marked "No. 1, N.E. cor. U.S.M.R." true West

- Land Reservations
- ANCSA Patents
- Allotment Certificates

Fairbanks 031650

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

NATIVE ALLOTMENT

IT IS HEREBY CERTIFIED That pursuant to the authority delegated to him by Bureau Order No. 701, as amended December 18, 1964 (29 F.R. 18393) of the Director of the Bureau of Land Management, the Land Office Manager, Anchorage Land Office on October 25, 1974, approved the application, Fairbanks Serial Number F-031650, of John H. Bahnke of Nome, Alaska, filed pursuant to the Act of May 17, 1906 (34 Stat. 197; 48 U.S.C. 357), as amended, for:

Lot 87, U.S. Survey No. 4107, Alaska, situated on a spit of land between Norton Sound and Safety Sound.

Containing 3.65 acres:


Therefore, let it be known that pursuant to the said Act of May 17, 1906, as amended, the land above described shall be deemed the homestead of the allottee and his heirs in perpetuity, and shall be inalienable and nontaxable until otherwise provided by Congress or until the Secretary of the Interior or his delegate, pursuant to the provisions of the said Act of May 17, 1906, as amended, approves a deed of conveyance vesting in the purchaser a complete title to the land.

Public Land Records

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2014-000531-0

Recording District 201 Nome
05/23/2014 11:34 AM Page 1 of 3



F-17807A

9 7 8 2 7 4 4

DEED

THIS DEED, made and entered into this 29th day of August, Two Thousand and Thirteen, by and between Emerson Conger, Alaska Native of PO Box 1333, Nome, AK 99762, Grantor, and Alaska Missions and Retreats, an Alaskan Non Profit Corporation, of PO Box 230851, Anchorage, AK 99523, Grantee. This conveyance is made pursuant to the Native Allotment Act of May 17, 1906 (34 Stat. 197), as amended by the Act of August 2, 1956 (70 Stat. 954) and 25 CFR 152.25(d).

WITNESSETH, that Grantor, for and in consideration of the sum of Twenty Thousand and no/100 Dollars (\$20,000.00), in hand paid, the receipt of which is hereby acknowledged, does hereby convey and warrant unto said Grantee the following described real estate and premises in the State of Alaska, and more particularly described as follows:

Lot Forty Nine A (49A), Nook 1993 Subdivision, within T. 12 S., R. 31 W., Sections 15 and 16, Kateel River Meridian, U.S. Survey No. 4107, containing 1.31 Acres (more or less), according to Plat 94-7, as filed in the Cape Nome Recording District.

A PLAT OF

NOOK 1993 SUBDIVISION

A REPLAT OF
LOTS 46, 47, 48 AND 49 OF U.S. SURVEY NO. 4107
Near Port Safety, Alaska
LYING WITHIN

PROTRACTED SECTION 15, TOWNSHIP 12 SOUTH,
RANGE 31 WEST, KATEEL RIVER MERIDIAN, ALASKA

CAPE NOME RECORDING DISTRICT
THE WHOLE THEREOF CONTAINING 16.42 ACRES, MORE OR LESS

Alaska Rim Engineering P.O. BOX 2749
Engineers-Planners-Surveyors PALMER, ALASKA 99645
PHONE(907)745-0222
FAX(907)746-0222

W.O. 93-N02022	DATE: SEP. 1993	SCALE: 1" = 100'
DRAWN BY: J.M.C.	CHECKED BY: <i>R.D.</i>	SHEET 1 OF 1

COMMISSIONER'S DEED OF VACATION **BOOK 288 PAGE 791**
Nome Recording District

The Grantor, State of Alaska, acting by and through its Department of Highways acting under the authority of the Alaska Statutes, Section 19.05.070, conveys, quitclaims and otherwise vacates unto Valerie Sobocienski all interest of whatsoever nature which it has, in the following described real property situated in the State of Alaska, to wit:

A tract of land situate in the existing right of way of the Nome-Council Road in U.S. Survey 480 in Protracted Sections 6

- Deeds
- Vacations
- Subdivisions

Background Interviews



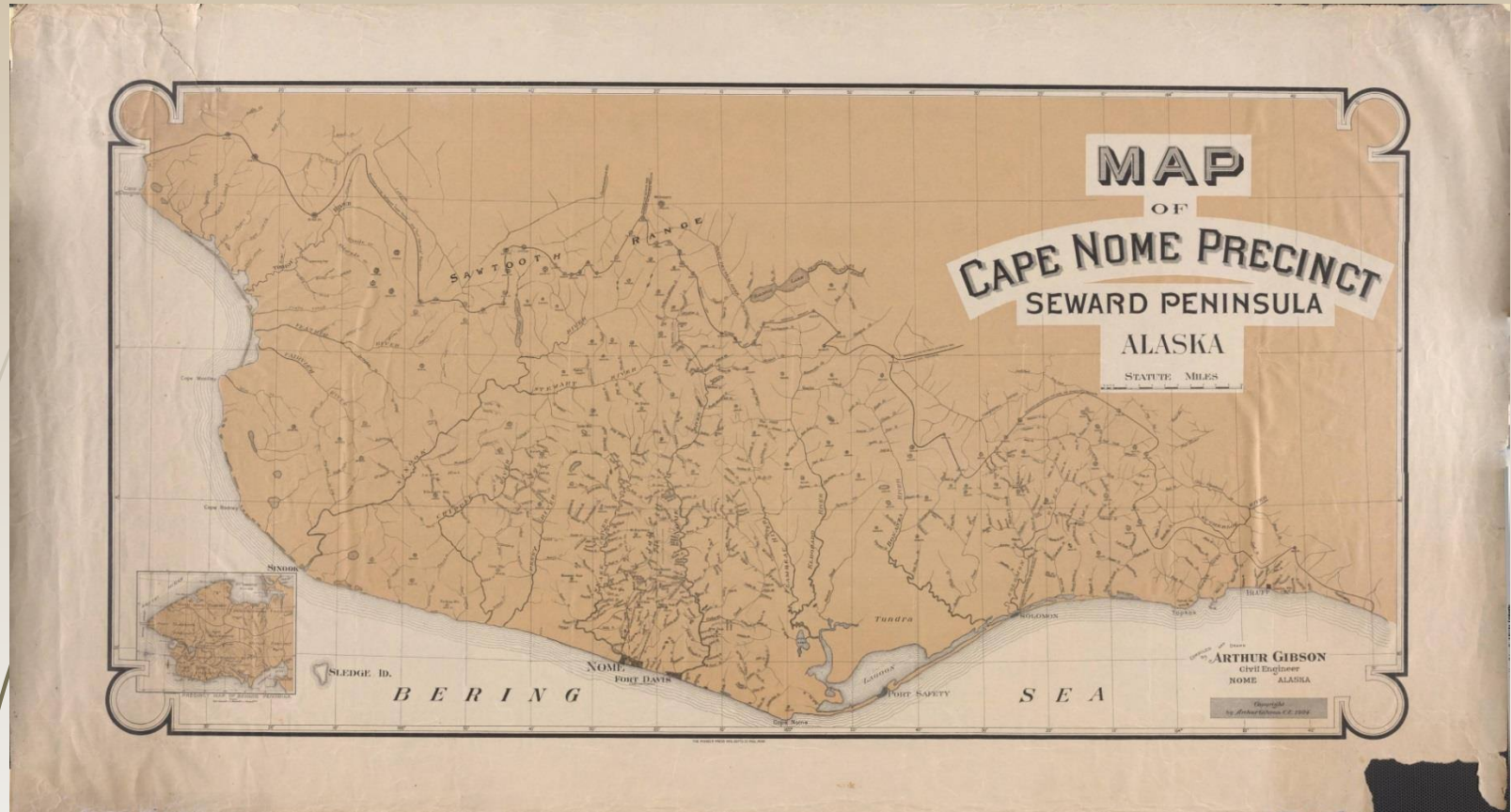
- May help to fill in some historical gaps
- Evan Booth: *“Yes, the ferry was in operated by the Dept. of Highways until the bridge opened. I was 8 years old when I first crossed.”*

Nome-Council Road (Current)



Train to Nowhere

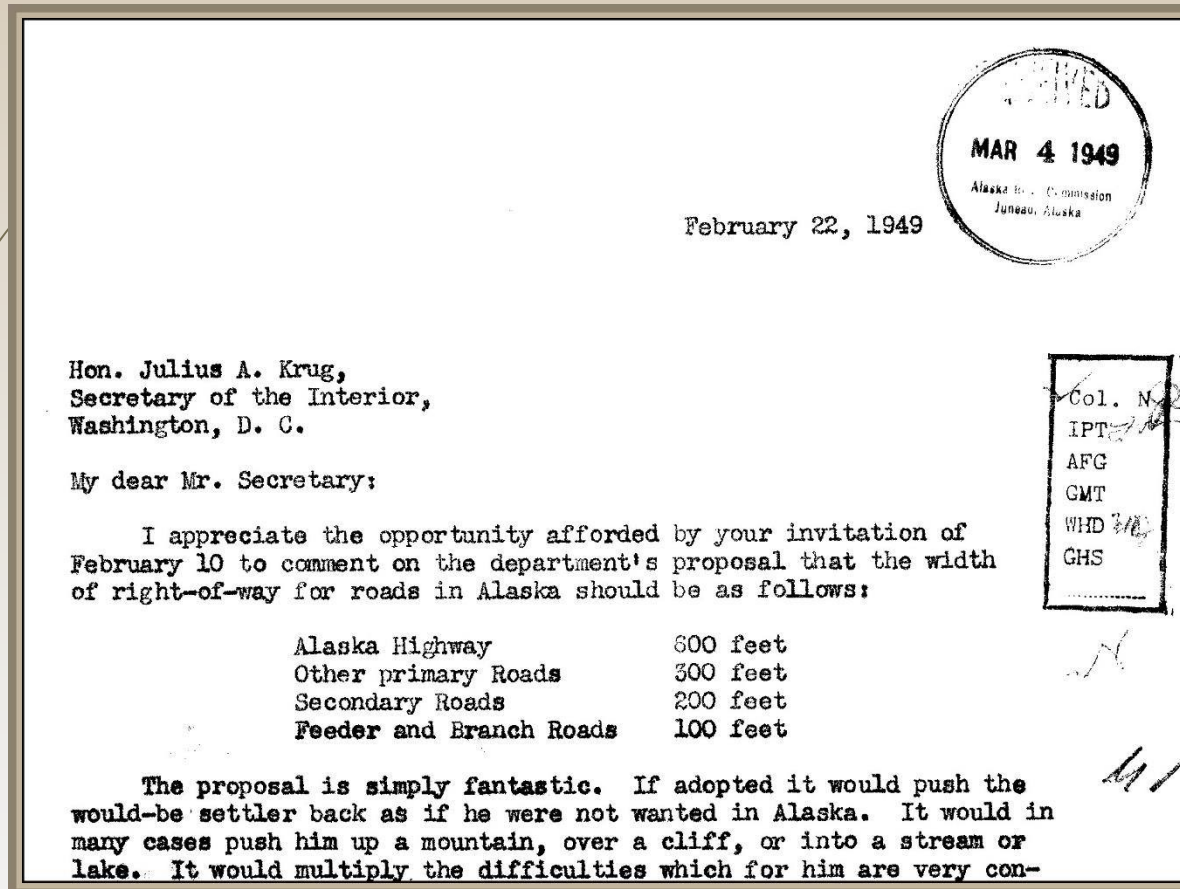
Public Land Orders



Arthur Gibson Map - 1904

Public Land Orders

- The easy part – Most Omnibus QCD ROW are PLO based due to large federal land holdings



Public Land Orders

- The easy part – Most Omnibus QCD ROW are PLO based due to large federal land holdings
- Prior to PLO, primary basis for ROW was RS-2477
- PLO 601- August 10, 1949 - Withdrawals
 - Classified: “Through”, “Feeder” & “Local”
 - Location: centerline based
 - Widths: 300’, 200’ or 100’
 - Subject to valid existing rights
- SO 2665 – 1951- Feeder/Local now easements
- Federal/State/ANCSA generally subject to PLO
- Homestead, mineral and other federal patents & native allotments require more analysis
- 200’ PLO ROW applied to most of project

Public Easements by Prescription

- When the road footprint is outside of the ROW

adn.com

Anchorage Daily News

Senate passes bill to stop 'legal thievery' of property

SQUATTERS: Measure would stop them from gaining title to land.

The Associated Press

(Published: May 14, 2003)

KENAI -- The Alaska Senate has passed a bill that would wipe the 800-year-old common law doctrine of adverse possession from Alaska law.

Senate Bill 93, sponsored by Sen. Tom Wagoner, R-Kenai, repeals Alaska's adverse possession law. The doctrine, which first was established in the Middle Ages, could allow squatters on private property to legally assume ownership of that property under certain well-defined conditions.

Wagoner said it is a doctrine the state should abandon.

Public Easements by Prescription

- When the road footprint is outside of the ROW
- Adverse Possession – By long public use
- For a “prescribed” period of time
- Creates an easement for public access
- No compensation required
- Inverse condemnation
 - By agency with eminent domain authority
 - Inadvertent taking by errant construction
 - Taking by agency representations
 - Generally, the only issue is compensation

Public Easements by Prescription

- Is this a viable tool? Maybe not!

