



# Public Land Orders



**Access Law and Issues Affecting Public and Private Lands In Alaska  
February 26, 2016**

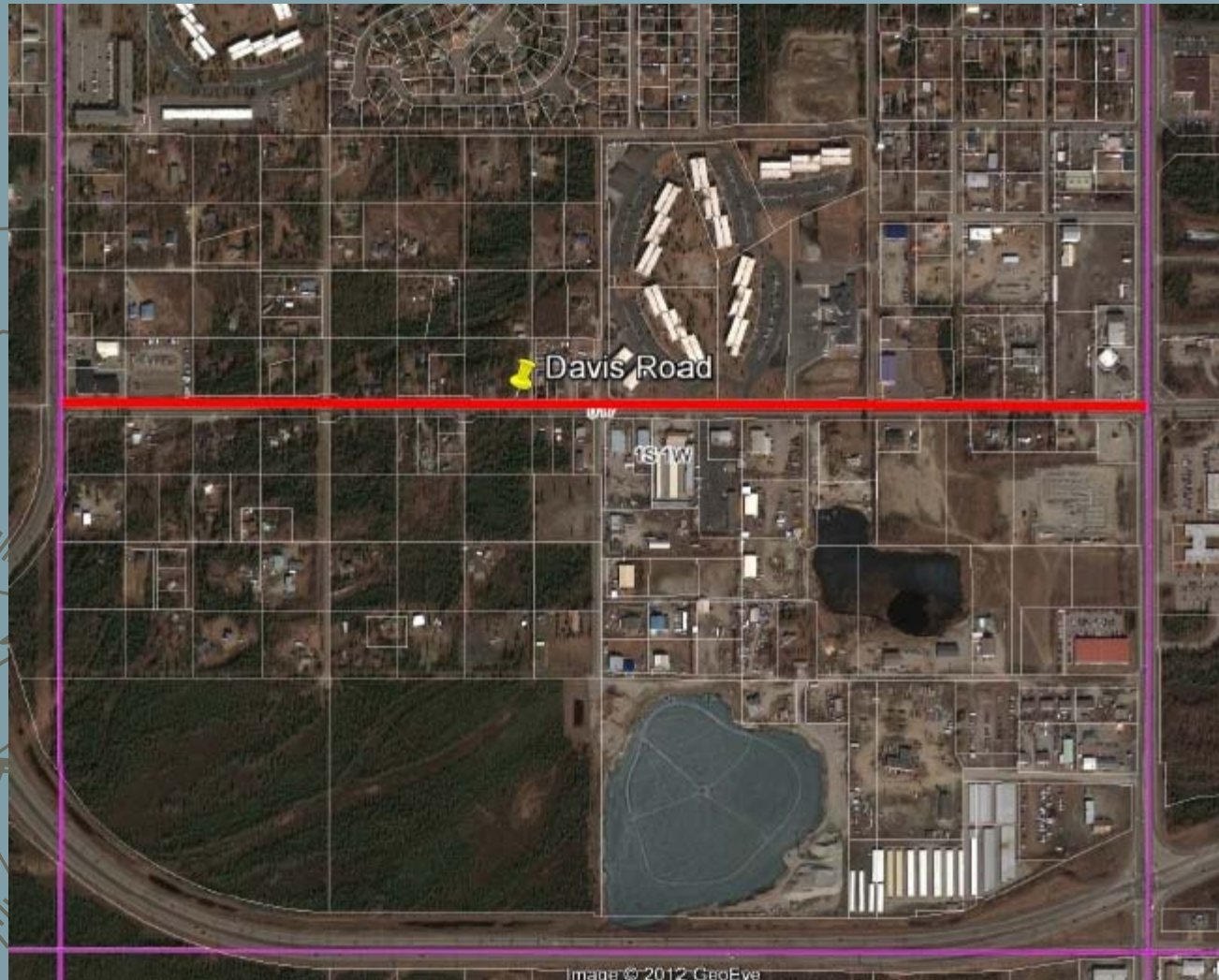
# PLO Case Study #1

## S.O. 2665 and Small Tract Lots

“A Patchwork Quilt of Interests” - An Existing  
Right-of-Way Based on Multiple Authorities.

February 26, 2016

# Davis Road – Fairbanks



S.O. 2665 and BLM Small Tracts



“Subject to  
Valid Existing  
Rights...”

~

Date of Small  
Tracts Lease  
Application?

February 26, 2016

# BLM Small Tracts Subdivision of Section 17

TOWNSHIP 1 SOUTH, RANGE 1 WEST, OF THE FAIRBANKS MERIDIAN, ALASKA  
 DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS 7, 17, 19 AND 20.



Resurvey and subdivision of secs. 7, 17, 19 and 20 executed by Hobart B. Hyatt July 3 to August 25, 1951 under Special Instructions for Group 49 Alaska, dated April 27, 1934.

Survey Approved April 13, 1953

# BLM Master Title Plat ~ S17, T.1S. R.1W., FM

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES  
AND ACQUIRED LANDS

**MTP**  
**SUPPL SECS 17 - 20**

24-2.50 1146838 R/W All Min	23-2.50 1149164 R/W All Min	22-2.50 1179366 R/W All Min	21-2.50 1159922 R/W All Min	20-2.50 1154452 R/W All Min	19-2.50 1168491 R/W All Min	18-2.50 1179372 R/W All Min	17-2.50
25-2.50 <b>1154350</b> R/W All Min	26-2.50 1179375 R/W All Min	27-2.50 1157083 R/W All Min	28-2.50 1154839 R/W All Min	29-2.50 1137093 R/W All Min	30-2.50 1181761 R/W All Min	31-2.50 1137095 R/W All Min	32-2.50 1133562 R/W All Min
40-2.50 1155700 R/W All Min	39-2.50 1137094 R/W All Min	38-2.50 1154348 R/W All Min	37-2.50 1150972 R/W All Min	36-2.50 1142156 R/W All Min	35-2.50 1137541 R/W All Min	34-2.50 1195548 R/W All Min	33-2.50 1133565 R/W All Min
41-2.50	42-2.50	43-2.50	44-2.50	45-2.50	46-2.50	47-2.50	48-2.50

17

Govt. Lot 25 ~ Patent No. 1154350

# G.L. 25 ~ BLM Patent

WHEREAS, a certificate of the Land Office at **Fairbanks**, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to the act of Congress of **June 1, 1938 (52 Stat. 609)**, as amended by the Act of **July 14, 1945 (59 Stat. 467)**, the claim of Edward U. Branch has been established and that the requirements of law pertaining to the claim have been met, for the following-described land:

**Fairbanks Meridian, Alaska.**

**T. 1 S., R. 1 W.,**

**sec. 17, Lot 25.**

The area described contains **2.50** acres, according to the official plat of the survey of the said land, on file in the Bureau of Land Management: **Dependent Resurvey officially filed June 3, 1953:**

Excepting and reserving, also, to the United States, all oil, gas, and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938. This patent is subject to a right of way not exceeding 33 feet in width, for roadway and public utilities purposes, to be located along the south and west boundaries of said land.

Patent No. 1154350 ~ September 16, 1955

# G.L. 25 ~ Abstract

## Alaska Case Retrieval Enterprise System (ACRES)

Note: Reports are generated from a replicated database. Information can be one week old.

### Case Abstract for: AKF 009503

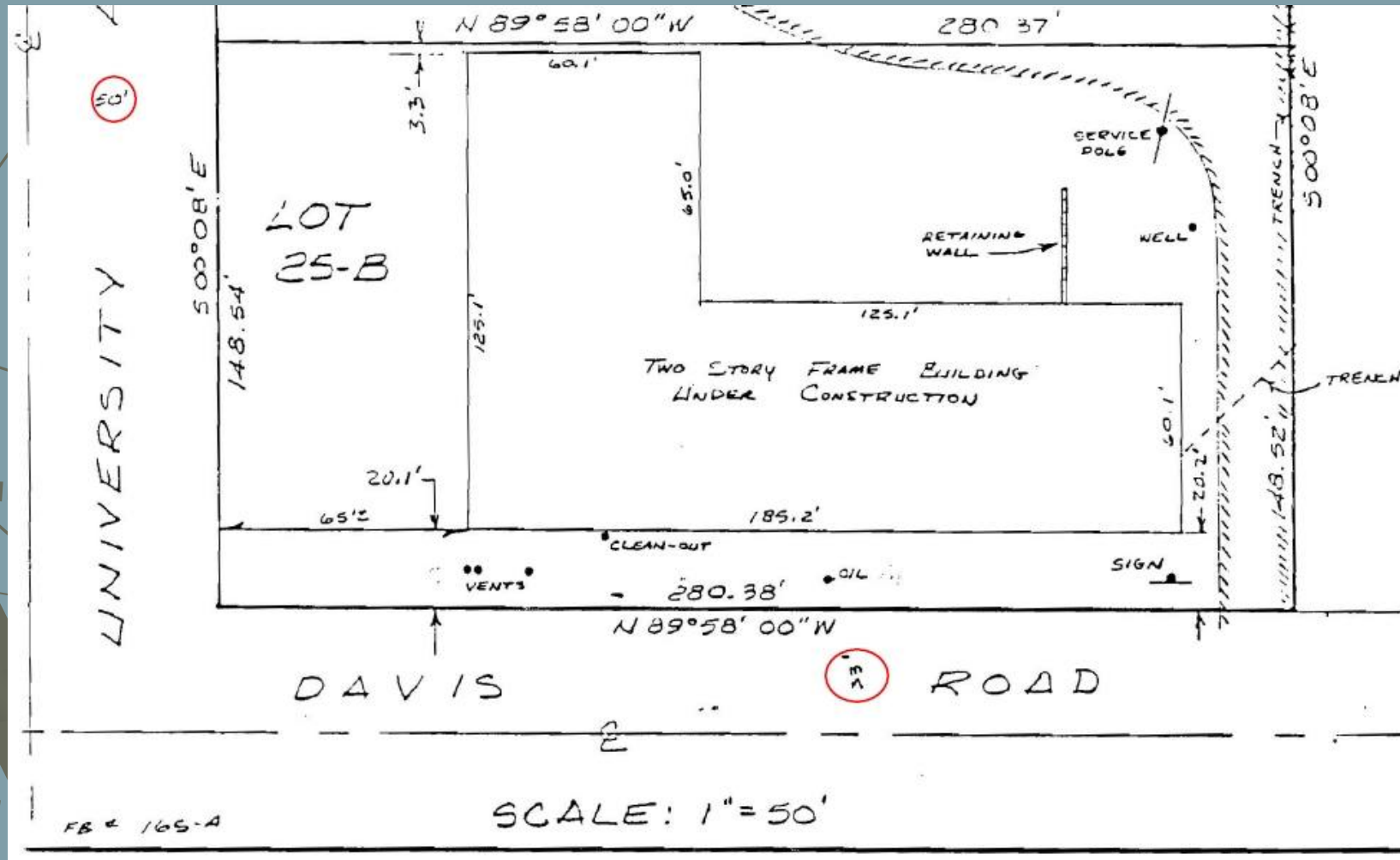
Date	Code Description:	Remarks	Doc ID
14-APR-1952	001 Apln Recd/Case Establi	APPLICATION RECEIVED	--
14-APR-1952	176 Lease Issued	LEASE	--
27-OCT-1954	521 Field Report Received	--	--
01-MAR-1955	523 Purchase Apln Recd	--	--
02-MAY-1955	521 Field Report Received	--	--
12-MAY-1955	087 Purchase Price Request	--	--
16-SEP-1955	879 Patent Issued	--	PA0001154350

Rights Vested as of Date Application Received



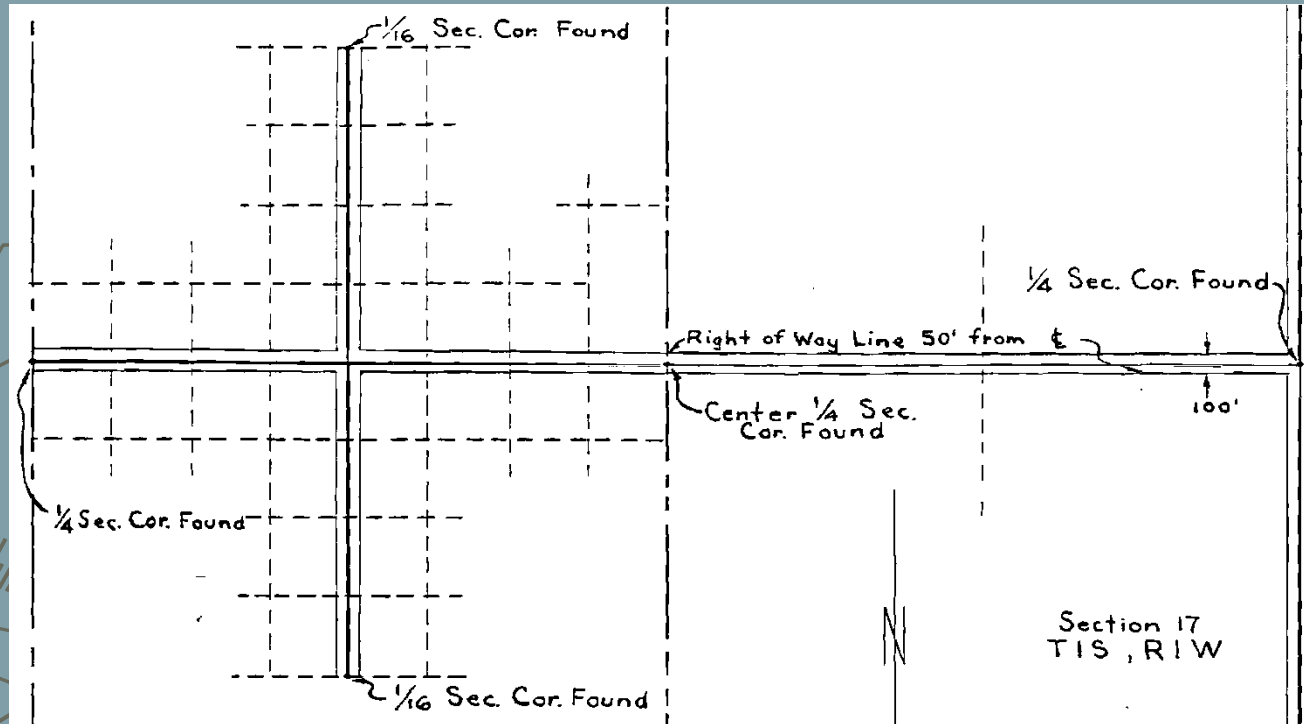


# GL 25 at NE Corner of Davis & University Ave.



Private Plot Plan shows 33' ROW on South Boundary

# Alaska Road Commission Map ~ August, 1951

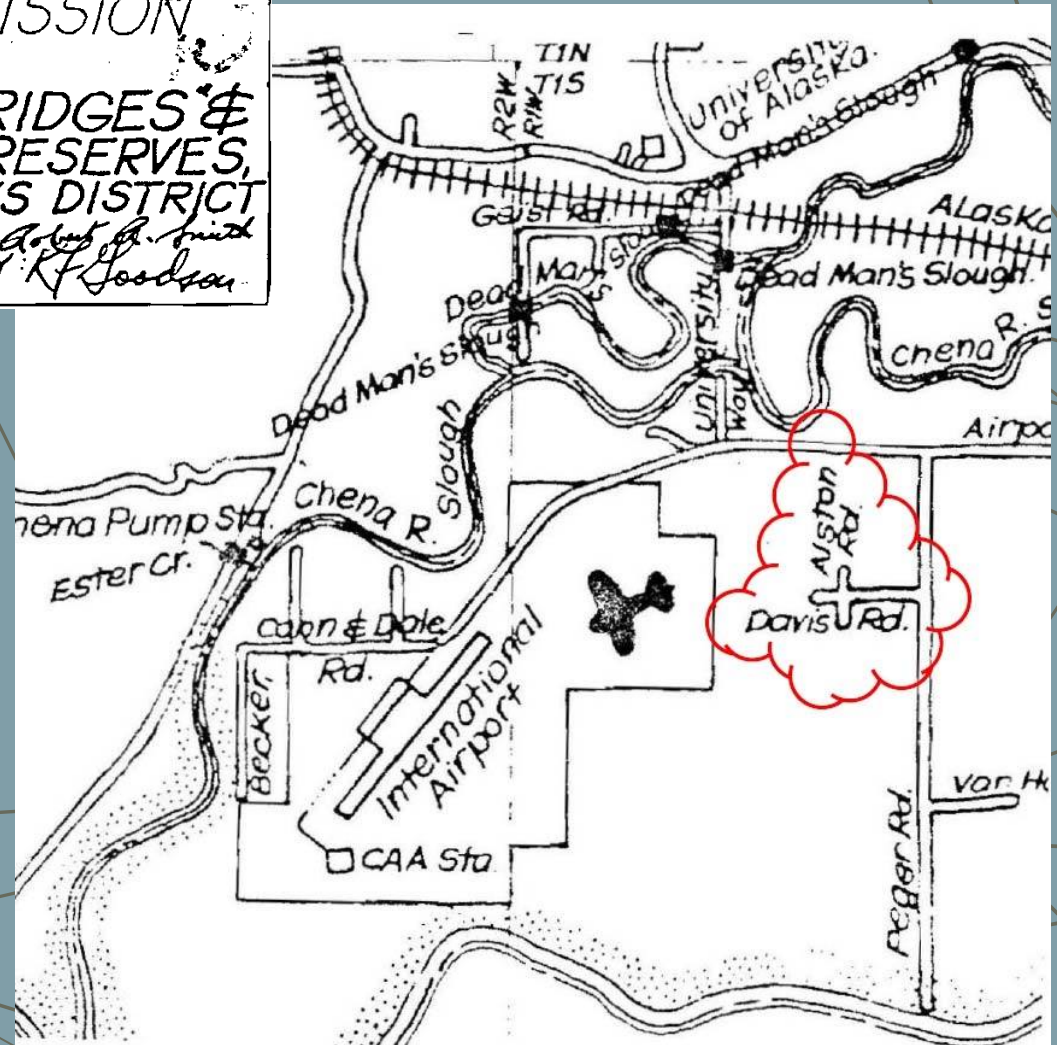


ALASKA ROAD COMMISSION  
FAIRBANKS, ALASKA  
RIGHT OF WAY MAP  
AUGUST 1951  
t.c.

Schematic Map indicates 50-foot wide ROW Along Davis Road

# ARC System Map ~ Fairbanks ~ 12/10/51

UNITED STATES DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION  
FAIRBANKS DISTRICT  
**LOCATION OF ROADS, BRIDGES &  
SMALL WOOD TRESTLES, RESERVES,  
& LANDMARKS IN FAIRBANKS DISTRICT**  
COMPILED BY: G.A. Novak, Jr. CHECKED BY: *Robert B. Smith*  
DRAWN BY: G.A. Novak, Jr. APPROVED BY: *R.F. Goodson*  
P. 9 OF 9 SHEETS. DATE: 12/10/51.



Davis &  
Alston Roads  
Identified As  
Part of ARC  
System

# ARC Order No. 40 ~ August 11, 1952

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION  
Juneau, Alaska



August 11, 1952

ARC ORDER NO. 40, Supplement No. 1

Subject: Numbering System for Alaska Roads

Sheets 4 to 12 inclusive, of ARC Order No. 40 dated February 6, 1951, are revoked in their entirety and the attached sheets are to be substituted therefor.

The revised sheets have been compiled from data received from the various districts and reflect the district changes and recommendations as well as such changes as deemed advisable by Headquarters.

## LOCAL ROADS

<u>NO.</u>	<u>NAME</u>	<u>NEW LENGTH</u>
120.1	Valdez-Mineral Creek	10.7
120.2	Robe Lake Branch	0.5
121.1	Chitina-Native School	1.0
121.2	Chitina-Chitina River	1.0
130.1	Cushman St. Extension	1.9
	West Fairbanks	3.4
130.2	Badger Farm Road Loop	12.1
	Brock Road	2.0
	Peede Road	3.6
	Thirty Mile Slough Road	2.2
130.3	Old Richardson Highway	14.5
130.4	Lake Harding Branch-	2.8
	Birch Lake Branch	1.7
130.5	Richardson Highway-Democrat Cr.	4.0
130.6	Big Delta Firing Range Road	17.1
132.1	Alston Road	0.5
	Becker-Dale-Conn Road	2.1
	Davis Road	1.0

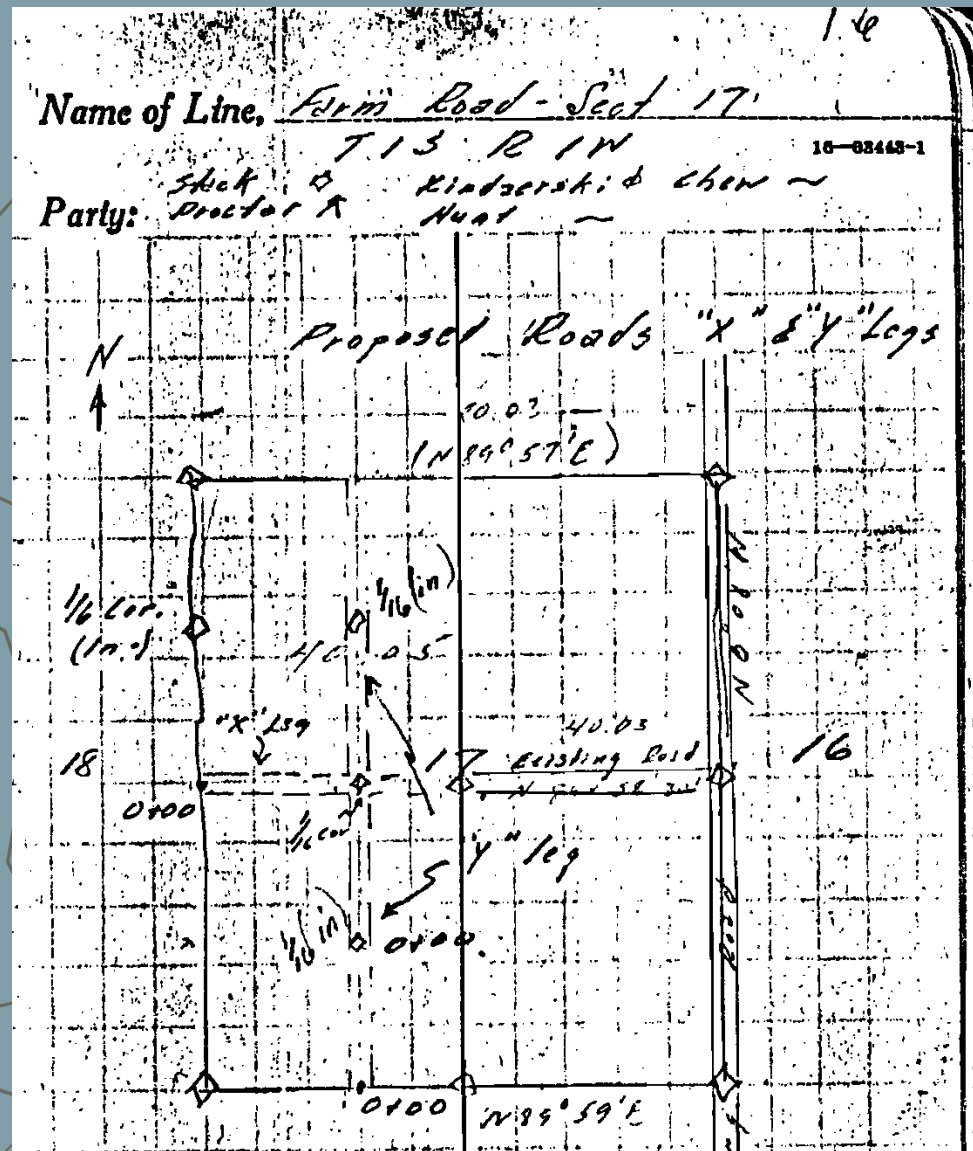
ARC System  
Inventory Lists  
Davis Road as  
a Part of Route  
No. 132.1

# What Was the Date of Staking or Posting For New Road Construction?

February 26, 2016

# Staking Field Notes ~ August 17, 1951

"Farm Road"  
Section 17, T.1S.,  
R.1W., F.M.



# SOA v. Keener Excerpt ~ May 23, 1990

## CHRONOLOGY<sup>4/</sup>

08-17-51 Staking for construction begins  
09-10-51 Work Order #349 is 50% completed  
10-08-51 Work Order #349 is completed

---

<sup>4/</sup>Davis Road is also referred to as Priority #6, Priority #9, Work Order #349, Small Tracts Road, and Route 132.1.

The above chronology is supported by documentary evidence and establishes that construction on Davis Road began in August of 1951 and was completed (except for gravel surfacing) by October 8, 1951.

Keener owned a lot on the South side of Davis Road opposite subject lot. Superior Court decision noted a variety of cross-referenced ARC documents concluding that S.O. 2665 "Staking" occurred prior to lease application.



# Priority 6 Petition ~ May 3, 1950

Road Petition  
Associates  
"Priority 6"  
with Section  
17, T.1S,  
R.1W.

Priority 6

9  
Eielson Air Force Base  
Fairbanks, Alaska  
May 3, 1950

Alaska Road Commission  
Fairbanks, Alaska  
Attention: Mr. Frank Nash  
District Engineer

Dear Sir:

The U. S. Land Office recently announced that tracts of land for use as homesites and cabin sites were available to interested persons in Section 17, T. 1 S, R. 1 W, F. M. Since the announcement of availability was made claims have been filed on most of the tracts.

At present there are no roads on section 17. There is a road leading to the East side of the section, to the Kenneth Cross Homesite (tract number 3). In order that applicants can build homes or cabins and fulfill the pre-requisites for buying the tract on which they have filed claim it is necessary that some roads be built dividing the section into smaller sub-sections. It is therefore requested by the undersigned that the Alaska Road Commission build roads, so far as is within their means, on section 17. Enclosed is a sketch showing breakdown of section into tracts and the numbers which have been assigned to them. Proposed roads as shown on sketch in U. S. Land Office are shown drawn in red.

*Robert A. Isaacson*  
ROBERT A. ISAACSON  
Eielson A. F. B.  
% A. I. O.  
Fairbanks, Alaska

Yours truly,  
*Leonard F. Vik*  
LEONARD F. VIK  
1st Lt., USAF  
Tract number 17  
*W. H. Hammond*

# Omnibus Quitclaim Deed ~ Route 661

Federal-aid Secondary Class "A" Routes -10-

Anchorage Recording	FAS Route No.	Description	Highway District No.	Constructed Mileage	System Mileage
	651	From a point on FAP Route 37 approximately 0.6 miles northwest of intersection of FAS Route 645 northwesterly to junction with FAS Route 6491; thence northerly to the junction of Sheep, Moose and Goldstream Creeks	20	5.5	5.5
107 Valdez District	661	From FAP Route 62 Spur at FAP Route 37 Spur intersection south 0.75 miles; thence east 1 mile to FAS Route 665	20	1.8	1.8

Above: Route 661 runs south from the University Ave./Airport Road Intersection, then along University Ave. to the Davis Intersection, then east along Davis Road for 1 mile to Peger Road. Below: Route 5621 "Davis Road is in Wasilla, not Fairbanks!!! Omnibus QCD Descriptions are obscure...make sure you have referenced the correct route!

ALASKA  
FEDERAL-AID SECONDARY HIGHWAY SYSTEM, CLASS "B" ROUTES E-15

BOOK 391 PAGE 14  
Anchorage Recording District  
BOOK 54 PAGE 104  
Aleutian Islands Recording District  
Homer Recording District

FAS Route No.	Name	Valdez Recording District	Description	Highway District No.	Constructed Mileage	System Mileage
5621	Davis Road		From a point on FAS Route 562 approx. 0.9 mile southwest of junction at FAS Route 562 and 570, southwest 0.7 mile.	10	0.7	0.7

Title Conveyed to State of Alaska on June 30, 1959

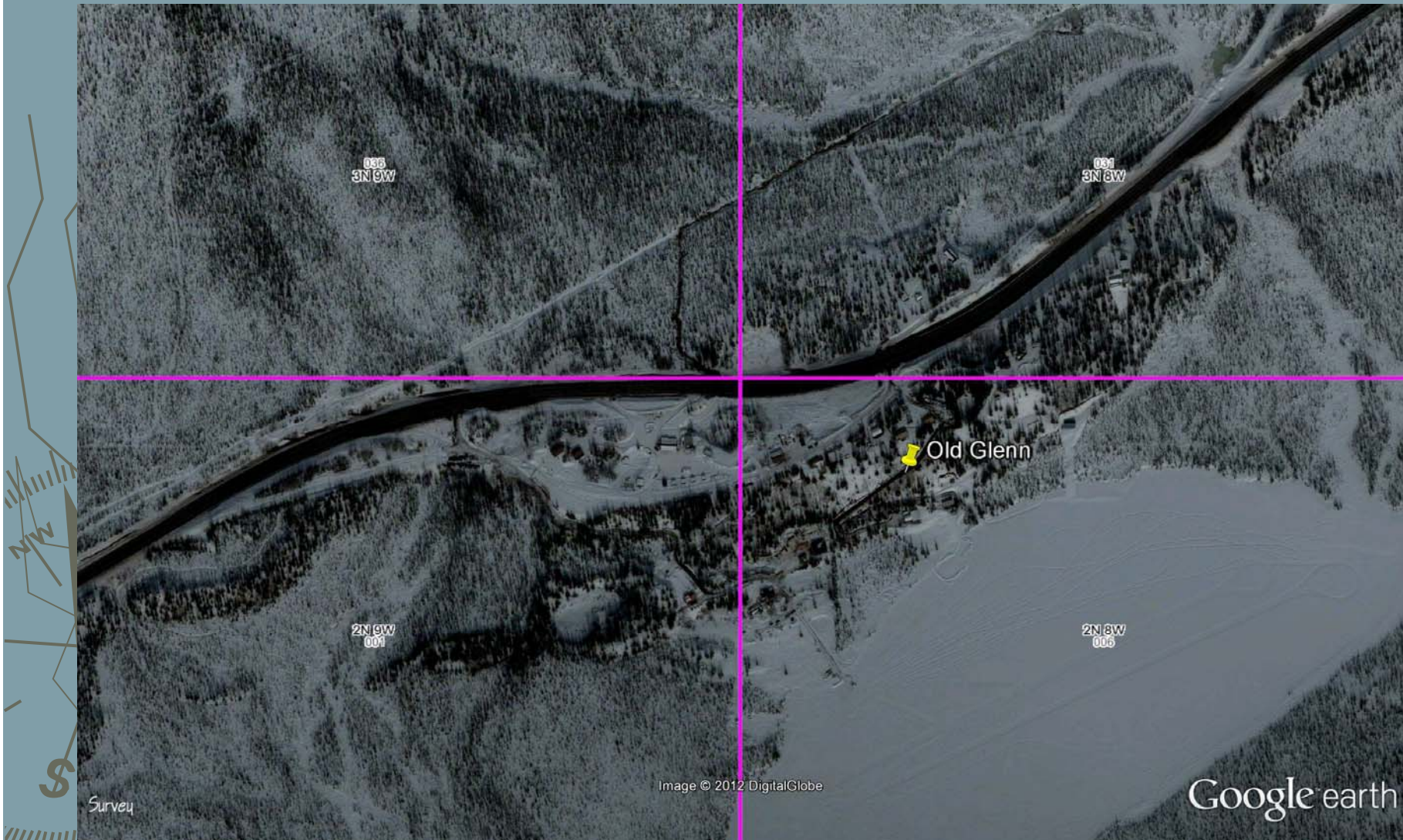
# PLO Case Study #2

## PLO 1613 Highway Lots

Why it is good to know what you own and  
where your boundaries are before you build!

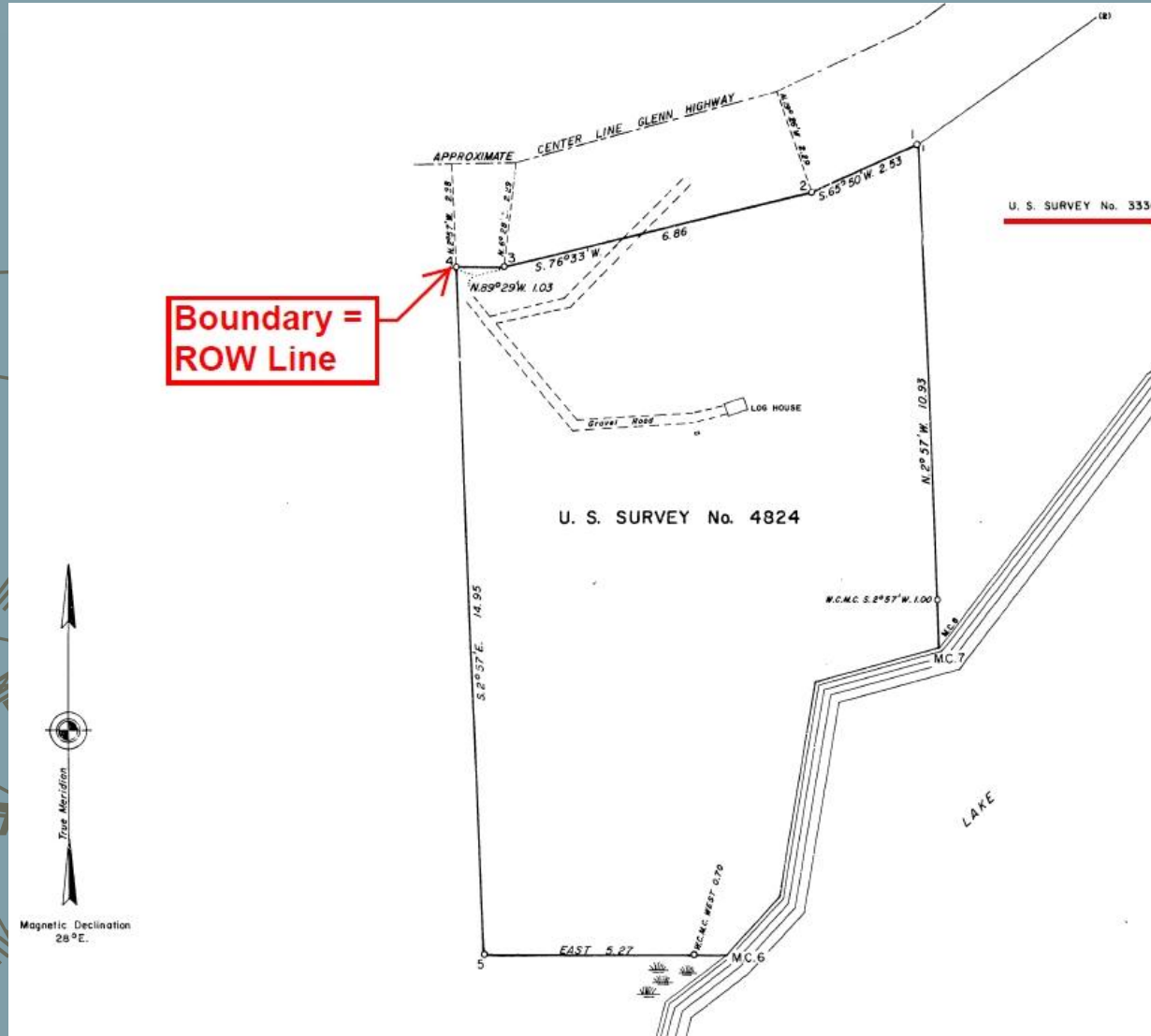
February 26, 2016

# Glenn Highway MP 143



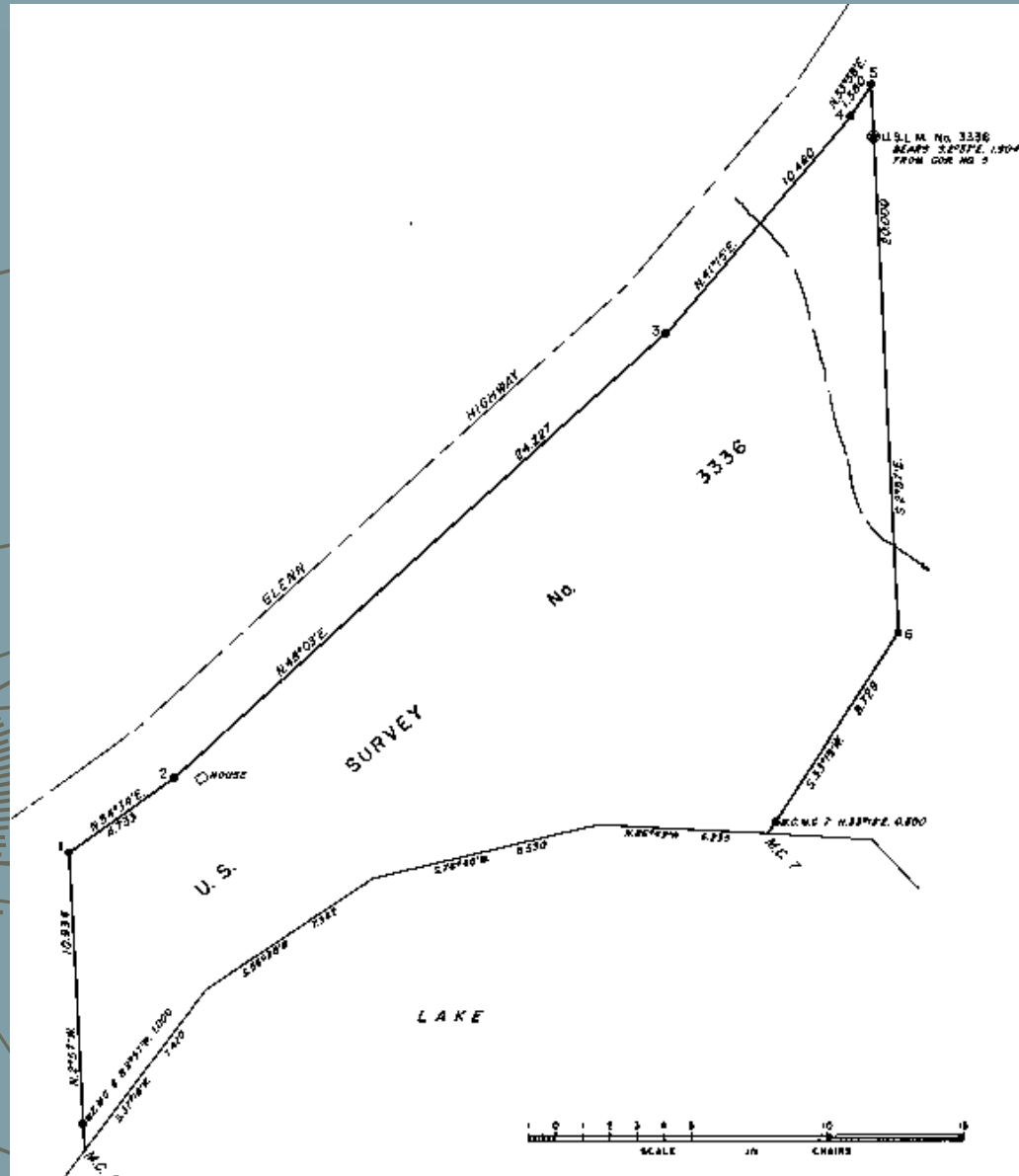
February 26, 2016

# USS No. 4824 ~ Bounds on Glenn ROW



February 26, 2016

# USS No. 3336 ~ Bounds on Glenn ROW



February 26, 2016

# PLO 1613 "Preference Rights"

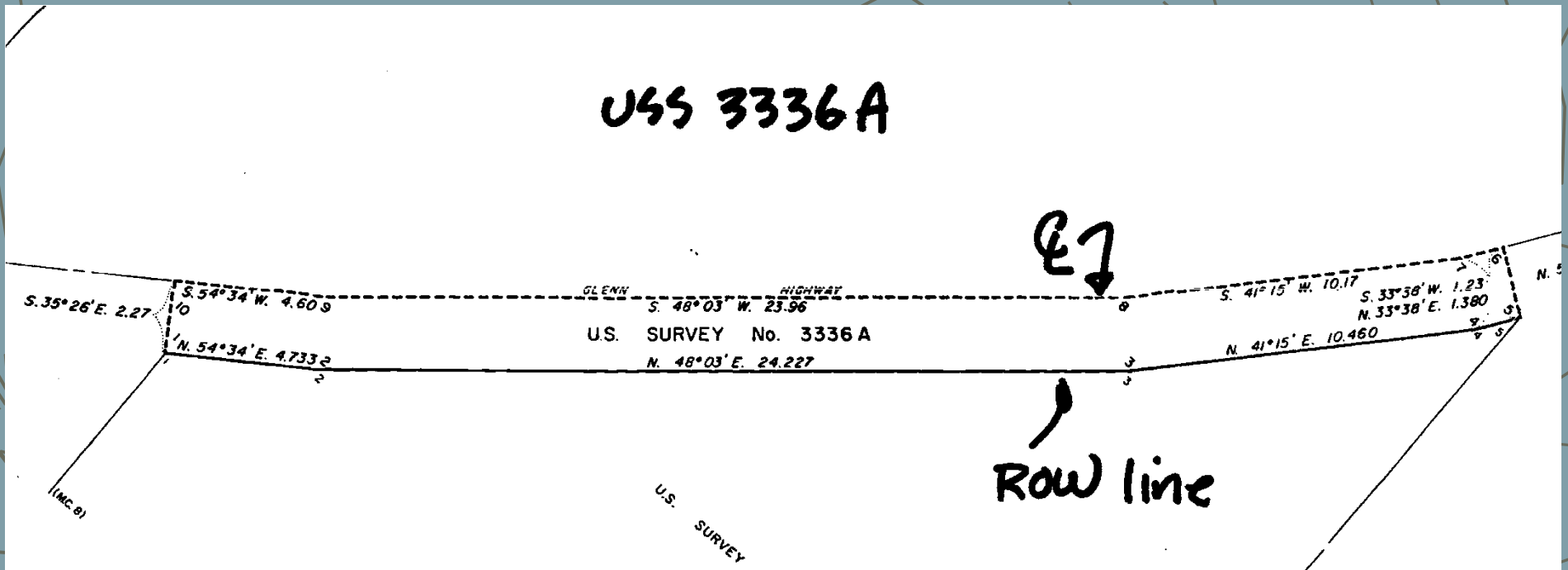
7. The lands released from withdrawal by paragraphs 1 and 2 of this order, which, at the date of this order, adjoin lands in private ownership, shall be offered for sale at not less than their appraised value, as determined by the authorized officer of the Bureau of Land Management, and pursuant to section 2 of the act of August 1, 1956, supra. Owners of such private lands shall have a preference right to purchase at the appraised value so much of the released lands adjoining their private property as the authorized officer of the Bureau of Land Management deems equitable, provided, that ordinarily, owners of private lands adjoining the lands described in paragraph 1 of this order will have a preference right to purchase released lands adjoining their property, only up to the centerline of the highways located therein. Preference right claimants may make application for purchase of released lands at any time after the date of this order by giving notice to the appropriate land office of the Bureau of Land Management. Lands described in



February 26, 2016

# USS No. 3336A Highway Lot

USS 3336A

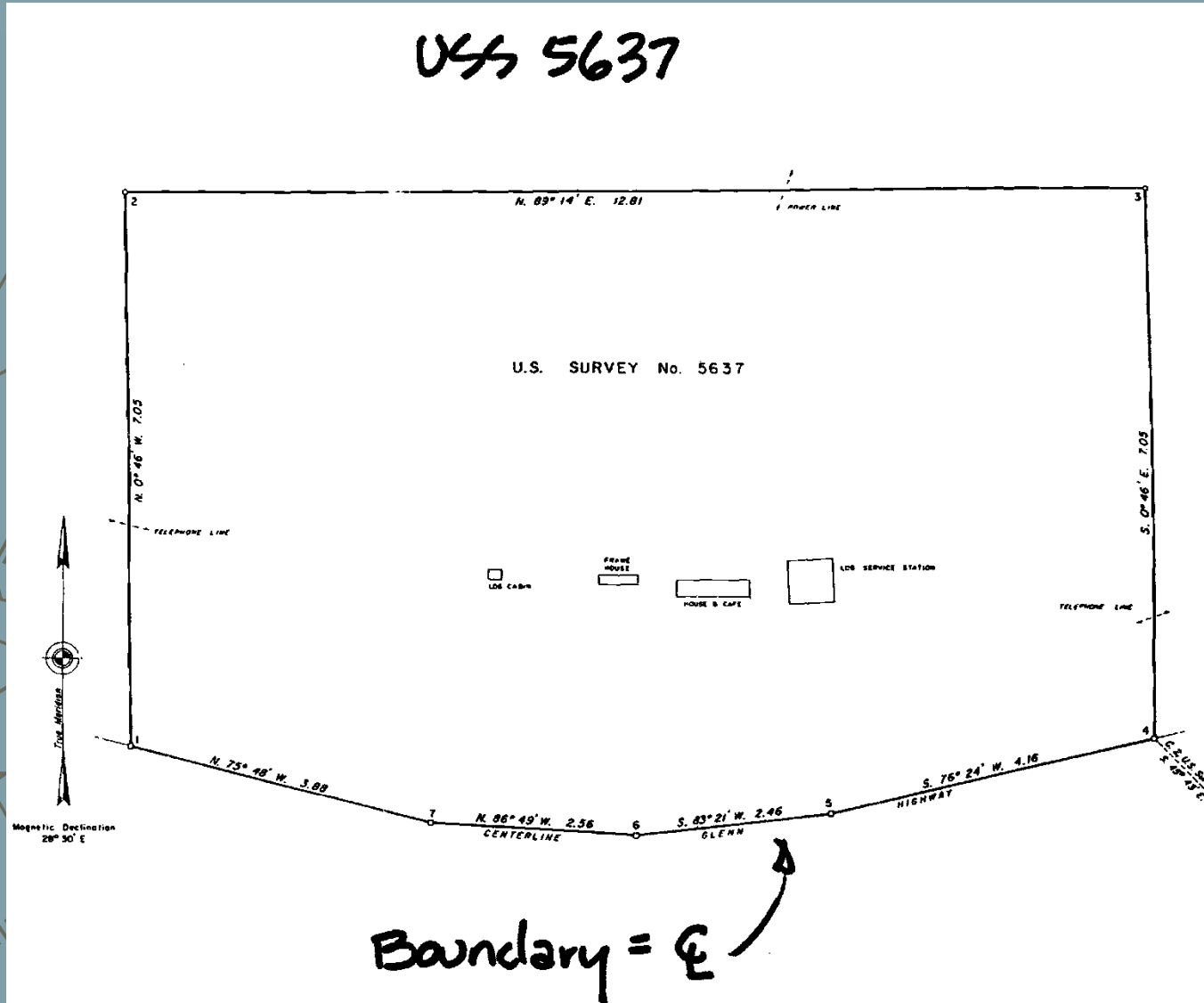


February 26, 2016



# USS No. 5637 Bounds on Glenn Centerline

USS 5637



February 26, 2016

# Agreement to Vacate Old Glenn – USS 5637

The amounts to be paid, and other considerations to be given in full satisfaction of this Agreement, are as follows:

Right of Way Acquisition. . . . . \$ 34,525.00  
Retention Value . . . . . 25.00

TOTAL COMPENSATION \$ 34,500.00

Fixtures and Improvements ~~Retained~~ Retained: 2 Cabins and 1 Shed

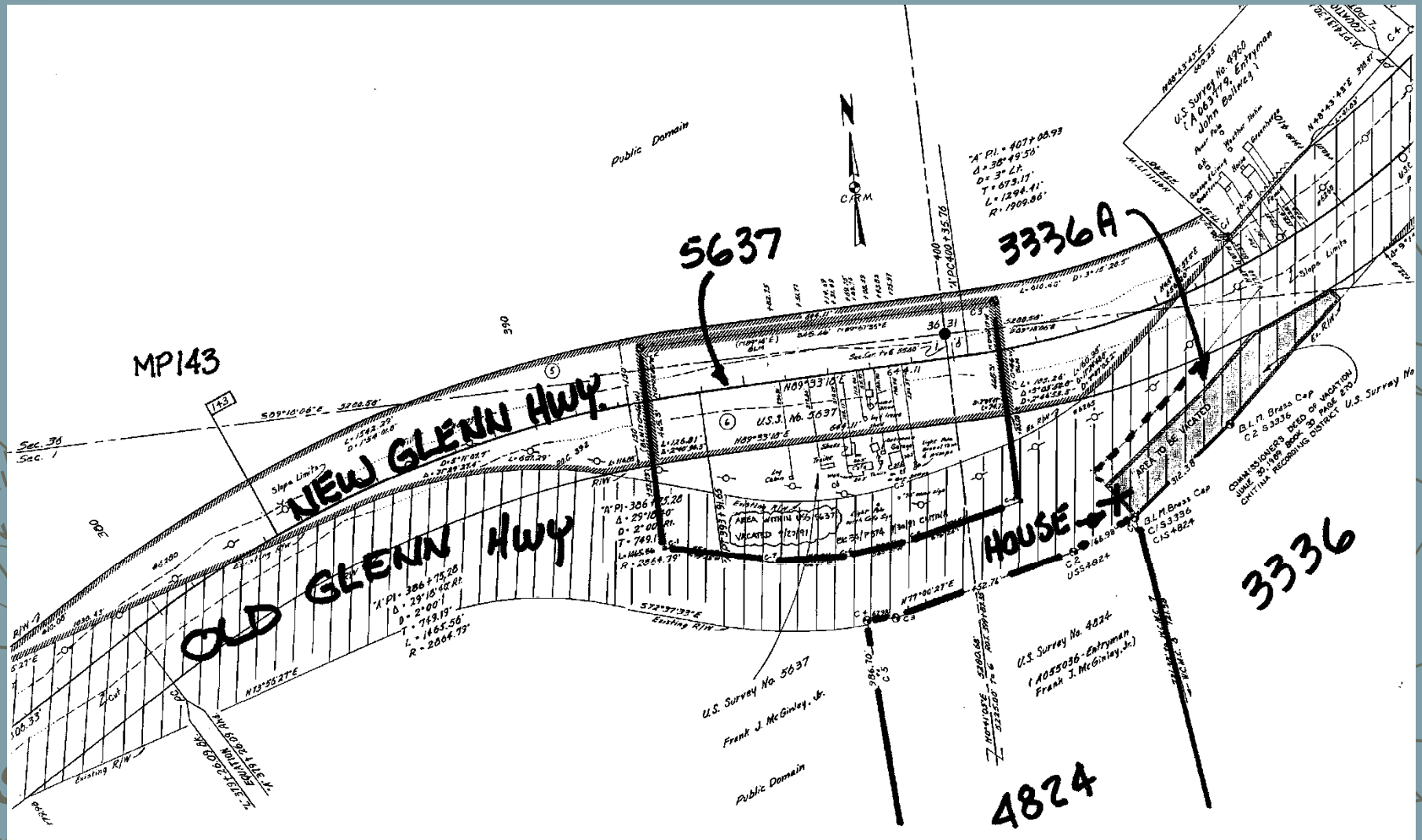
Land Purchased \_\_\_\_\_ (sq. ft.) 5.131 (acres)

Damages are a consideration:  Yes  No Amount of Damages \$ 29,025.00 (included in total compensation above.)

Other Conditions: Owner agrees to remove the retained improvements not later than May 31, 1976. If not removed within the time herein agreed upon and unless a written extension is granted by the Department of Highways, the withholding in the amount of \$1,500.00 shall be forfeited to the State of Alaska, and the Department of Highways shall have the right to remove and demolish same, in all cases holding the State of Alaska harmless.

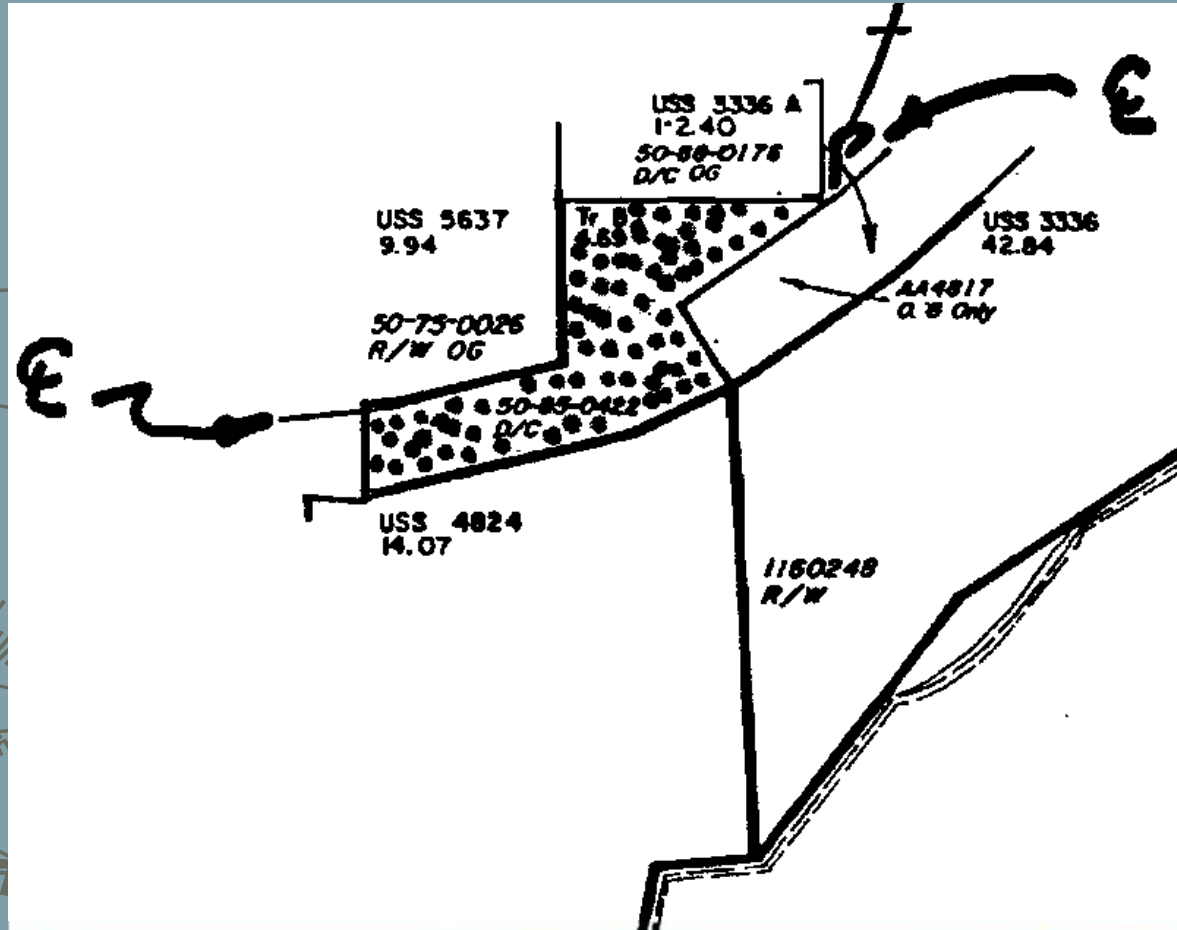
The Department of Highways agrees to vacate and relinquish that portion of the existing R/W of the Old Glenn Highway within U.S. Survey No. 5637 and that portion of said R/W adjacent to U.S. Survey No. 4824 upon completion of construction of the new highway facility.

# ROW Plans – Glenn Highway Realignment



February 26, 2016

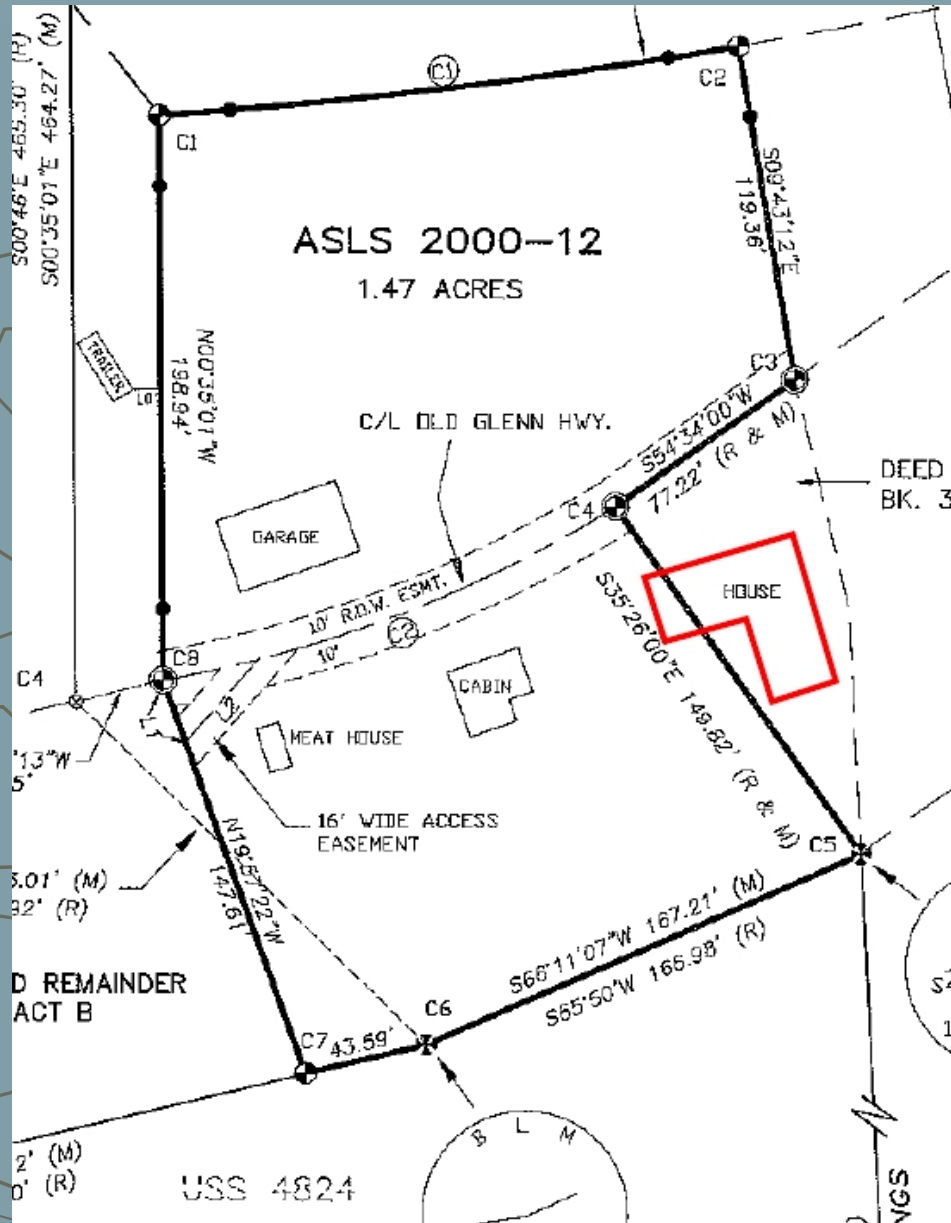
# MTP ~ Land Under DNR Ownership



DOT&PF Vacates Old Glenn Highway ROW  
to DNR to Allow Preference Rights Disposals

February 26, 2016

# ASLS Defines Preference Rights Parcel



February 26, 2016

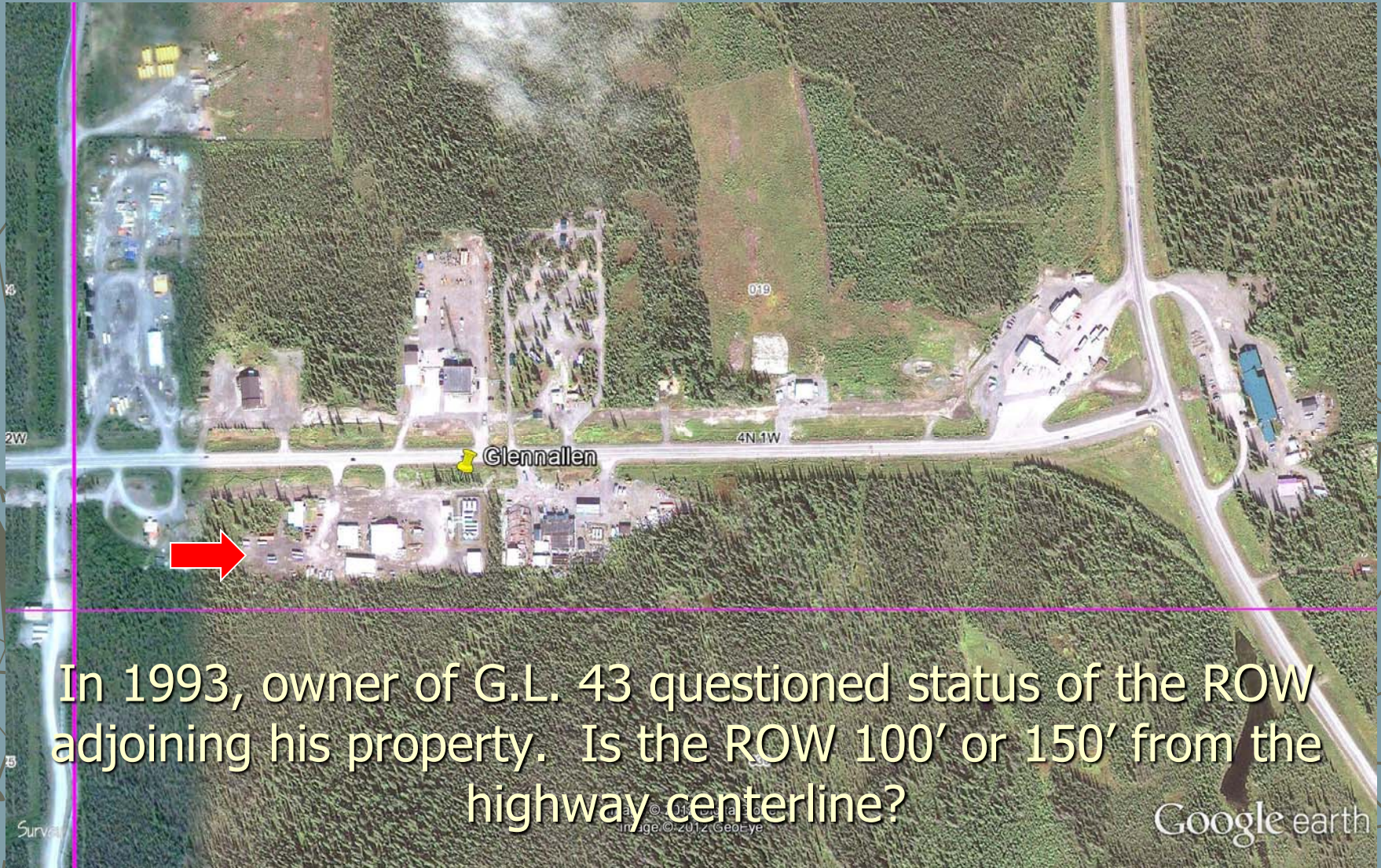
# PLO Case Study #3

## Glenn Highway PLO & BLM Survey Conflict

Highway Right-of-Way Widths That Change  
Over Time...

February 26, 2016

# Section 19, T.4N., R.1W., C.R.M.

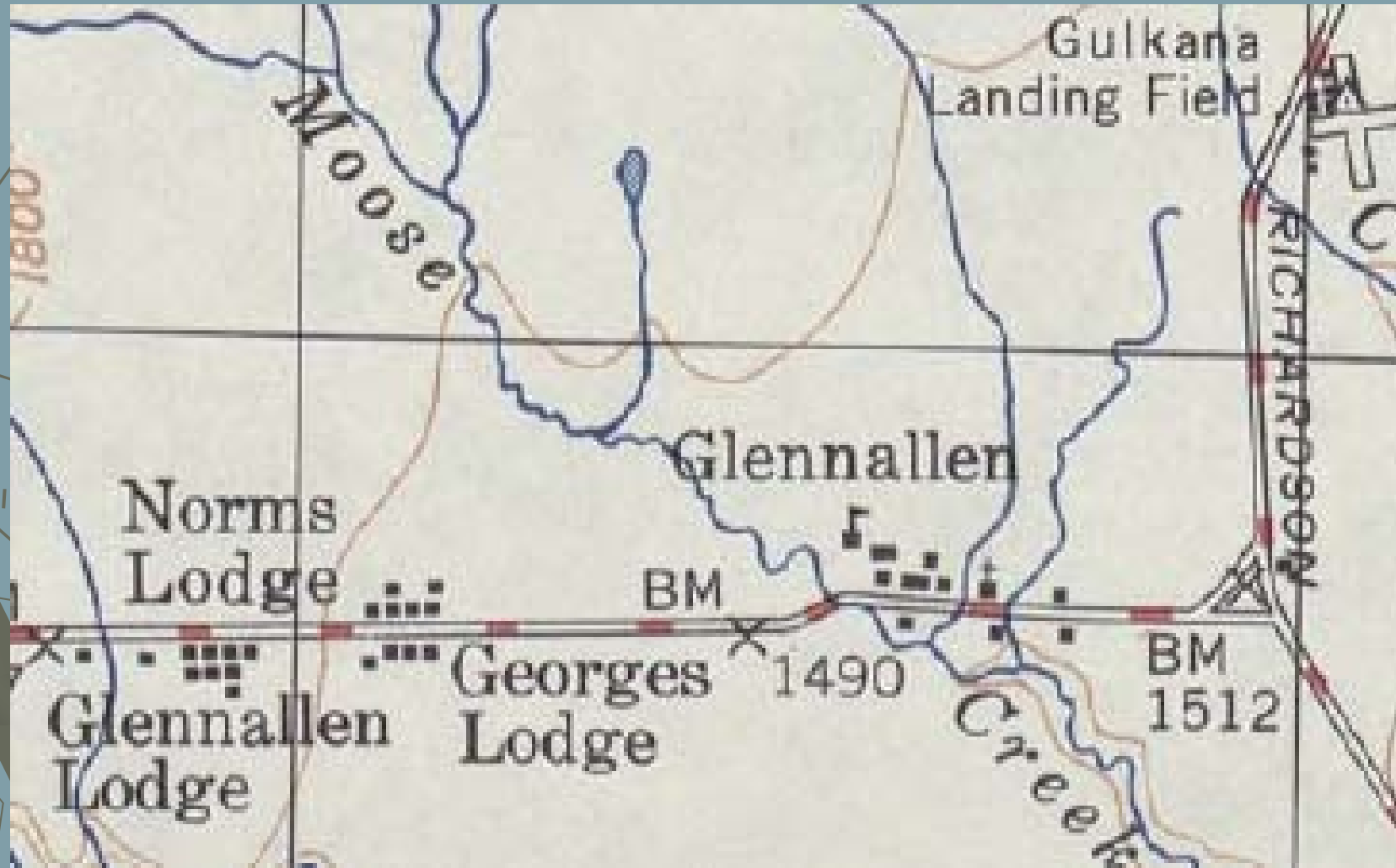


In 1993, owner of G.L. 43 questioned status of the ROW adjoining his property. Is the ROW 100' or 150' from the highway centerline?

Google earth

February 26, 2016

# 1951 Army Map Service – Gulkana Quad



February 26, 2016



**EXECUTIVE ORDER 9145**

**RESERVING PUBLIC LANDS FOR THE USE OF  
THE ALASKA ROAD COMMISSION IN CON-  
NECTION WITH THE CONSTRUCTION, OP-  
ERATION AND MAINTENANCE OF THE  
PALMER-RICHARDSON HIGHWAY**

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. Executive Orders No. 2319 of February 16, 1916, No. 5582 of March 18, 1931, No. 9035 of January 21, 1942,<sup>1</sup> No. 9085 of March 4, 1942,<sup>2</sup> withdrawing certain lands for townsite purpose, examination and classification, supply base and repair shop site, administrative and fire patrol station site, and other purposes, are hereby modified to the extent necessary to permit the reservation described in Section 2 of this order.

SECTION 2. Subject to all valid existing rights, there is hereby reserved for the use of the Alaska Road Commission, in connection with the construction, operation and maintenance of the Palmer-Richardson Highway, a right-of-way 200 feet wide, 100 feet on each side of the center line, beginning from terminal point Station 1369-42.8, in the NE¼ Section 36, T. 20 N., R. 5 E., Seward Meridian, and extending easterly and north-easterly over surveyed and unsurveyed lands to its point of connection with the Richardson Highway in the SE¼ Section 19, T. 4 N., R. 1 W., Copper River Meridian, Alaska, a distance of approximately 145 miles, as shown on the map, dated March 14, 1942, No. 1877260, on file in the General Land Office.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 23, 1942.

[F. R. Doc. 42-3667; Filed April 24, 1942;  
2:59 p. m.]

<sup>1</sup>7 F.R. 457.

<sup>2</sup>7 F.R. 1746.

Executive  
Order No.

9145

Palmer-  
Richardson

Highway  
(Glenn)

200-Foot ROW

~

April 23, 1942



February 26, 2016

[Public Land Order 46]

ALASKA

*Order 1027*

**WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION AND IN AID OF LEGISLATION**

By virtue of the authority contained in the act of June 25, 1910, C. 421, 36 Stat. 847, as amended by the act of August 24, 1912, C. 369, 37 Stat. 497 (U.S.C. title 43, secs. 141-143), and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby temporarily withdrawn from settlement, location, sale, or entry, for classification and in aid of legislation:

**COPPER RIVER MERIDIAN**

**T. 4 N., R. 1 W.,**

Secs. 7, 18 and 19, W $\frac{1}{2}$  sec. 29, E $\frac{1}{2}$  sec. 30, and N $\frac{1}{2}$  sec. 32.

**T. 4 N., R. 2 W.,**

Secs. 19 to 24, inclusive, unsurveyed.

The areas described aggregate 6720 acres.

So far as any of the above described lands are affected, this order shall be subject to (1) the withdrawal for a supply and repair shop for the Alaska Road Commission by Executive Order No. 9035 of January 21, 1942, (2) the withdrawal for a patrol station for the Alaska Fire Control Service by Executive Order No. 9085 of March 4, 1942, (3) the withdrawal for the Alaska Road Commission of a 200 foot right of way by Executive Order No. 9145 of April 23, 1942, and (4) the withdrawal for the location and construction of the Canadian-Alaska Military Highway by Public Land Order No. 12 of July 20, 1942.

HAROLD L. ICKES,  
*Secretary of the Interior.*

OCTOBER 8, 1942.

[F. R. Doc. 42-10713; Filed, October 23, 1942;  
9:52 a. m.]

PLO 46  
Public Land  
Withdrawal

~

Including  
Section 19

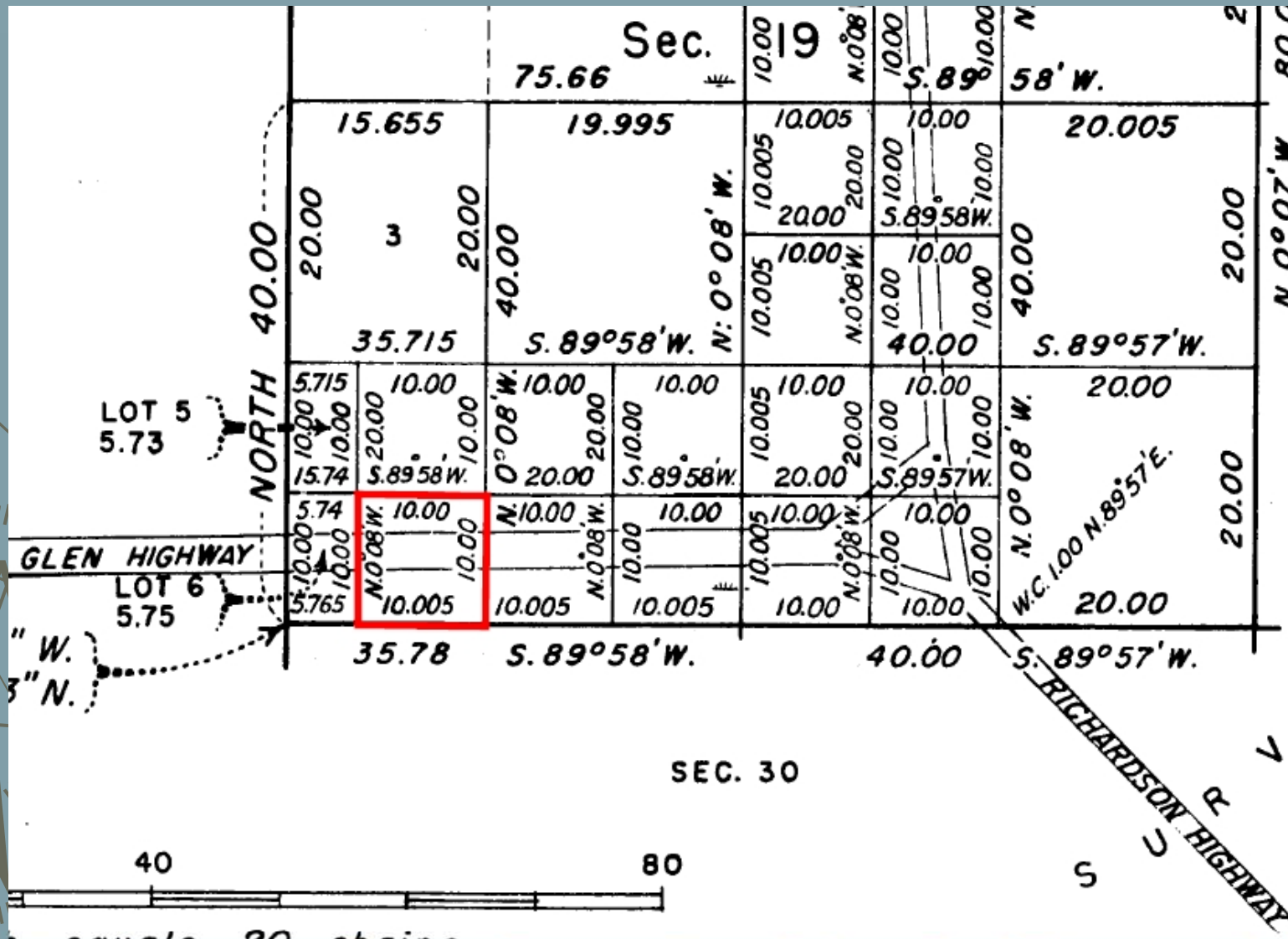
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10/23/42



February 26, 2016

# Subdivision of Section 19 – Approved 7/22/47



Plat creates 10 acre tracts straddling the Glenn Highway

# BLM to ARC – January 6, 1949

January 6, 1949

Colonel John Noyes,  
Commissioner of Roads,  
Alaska Road Commission  
Juneau, Alaska



Dear Colonel Noyes:

In connection with our efforts to make available small tracts at Glenallen, some of which will no doubt be obtained by employees of the Alaska Road Commission, I have suggested to my Washington office the advisability of retaining the 200-foot right-of-way for a short distance along the Glenn Highway.

Small tracts have already been surveyed, and it was my thought that perhaps less confusion and more land would result if the width was not disturbed there.

In anticipation of PLO 601...

# ARC to BLM – January 14, 1949

**Mr. Lowell M. Puckett,  
Regional Administrator,  
Bureau of Land Management,  
Department of the Interior,  
Anchorage, Alaska.**

**Dear Mr. Puckett:**

**Receipt is acknowledged of your letter dated January 6, 1949, in which you discuss the advisability of retaining a 200 foot right-of-way for a short distance (about seven sections) along the Glenn Highway near its junction with the Richardson Highway and for about three sections along the Richardson Highway north of the junction.**

**In general, I dislike to recommend an exception to a ruling so recently made. However, in this instance I cannot deny the logic of your conclusion and must reluctantly concur in the suggestion you have made. Thank you for bringing this matter to my attention.**

**Very truly yours,**

**John R. Noyes,  
Commissioner of Roads for Alaska.**

February 26, 2016

# PLO 601 ~ August 10, 1949

**[Public Land Order 601]**

## **ALASKA**

### **RESERVING PUBLIC LANDS FOR HIGHWAY PURPOSES**

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 9145 of April 23, 1942, reserving public lands for the use of the Alaska Road Commission in connection with the construction, operation, and maintenance of the Palmer-Richardson Highway (now known as the Glenn Highway), is hereby revoked.

Subject to valid existing rights and to existing surveys and withdrawals for other than highway purposes, the public lands in Alaska lying within 300 feet on each side of the center line of the Alaska Highway, 150 feet on each side of the center line of all other through roads, 100 feet on each side of the center line of all feeder roads, and 50 feet on each side of the center line of all local roads, in accordance with the following classifications, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for highway purposes:

#### **THROUGH ROADS**

**Alaska Highway, Richardson Highway, Glenn Highway, Haines Highway, Tok Cut-off.**

**[Public Land Order 616]**

**ALASKA**

**REVOKING IN PART PUBLIC LAND ORDER NO.  
46 OF OCTOBER 8, 1942**

By virtue of the authority contained in the act of June 25, 1910, 36 Stat. 847 (43 U. S. C. 141-143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 46 of October 8, 1942, withdrawing lands for classification and in aid of legislation, is hereby revoked so far as it affects the following-described public lands:

**COPPER RIVER MERIDIAN**

**T. 4 N., R. 1 W.,**

Sec. 7;

Sec. 18;

Sec. 19, NE $\frac{1}{4}$  and W $\frac{1}{2}$ .

**T. 4 N., R. 2 W.,**

Secs. 20 to 24 inclusive.

The lands shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. sec. 682a) as amended, with a ninety-day preference right period for filing such applications by Veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended.

**J. A. KRUG,**

*Secretary of the Interior.*

**NOVEMBER 15, 1949.**

[F. R. Doc. 49-9370; Filed, Nov. 21, 1949;  
8:47 a. m.]

**PL0 616  
Partial  
Revocation  
of PLO 46**

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**Including  
West 1/2  
Section 19**

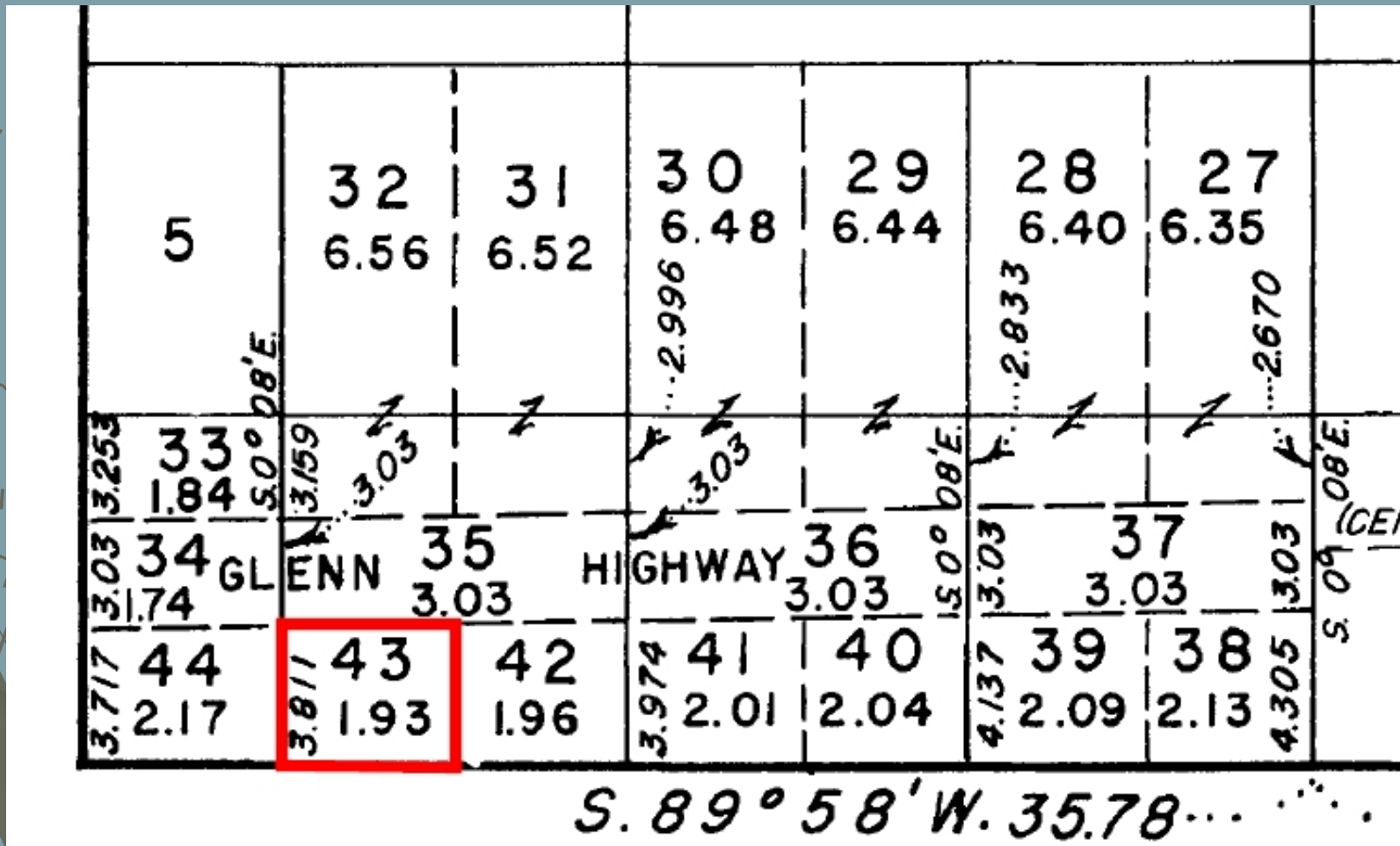
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**11/15/49**



February 26, 2016

# ROW Segregation Plat ~ October 1, 1953



Gov't Lots replatted to include highway lots...



# Omnibus Quitclaim Deed ~ FAP Route 42

BOOK Misc PAGE 77 Fairbanks Recording District  
 Rampart Recording District

BOOK 235 PAGE 178  
 STATE ALASKA

BOOK 391 PAGE 17  
 Anchorage Recording District

BOOK 771 PAGE 7  
 Nenana Recording District

FEDERAL-AID PRIMARY HIGHWAY SYSTEM  
 AS APPROVED FEBRUARY 26, 1957  
 AND SUBSEQUENTLY AMENDED

BOOK 2 PAGE 93  
 Fort Gibbon Recording District

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FAP Route Number	Description
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42 From FAP Route 31 Spur at Anchorage International Airport via Spenard and Palmer to FAP Route 71 at Glennallen.

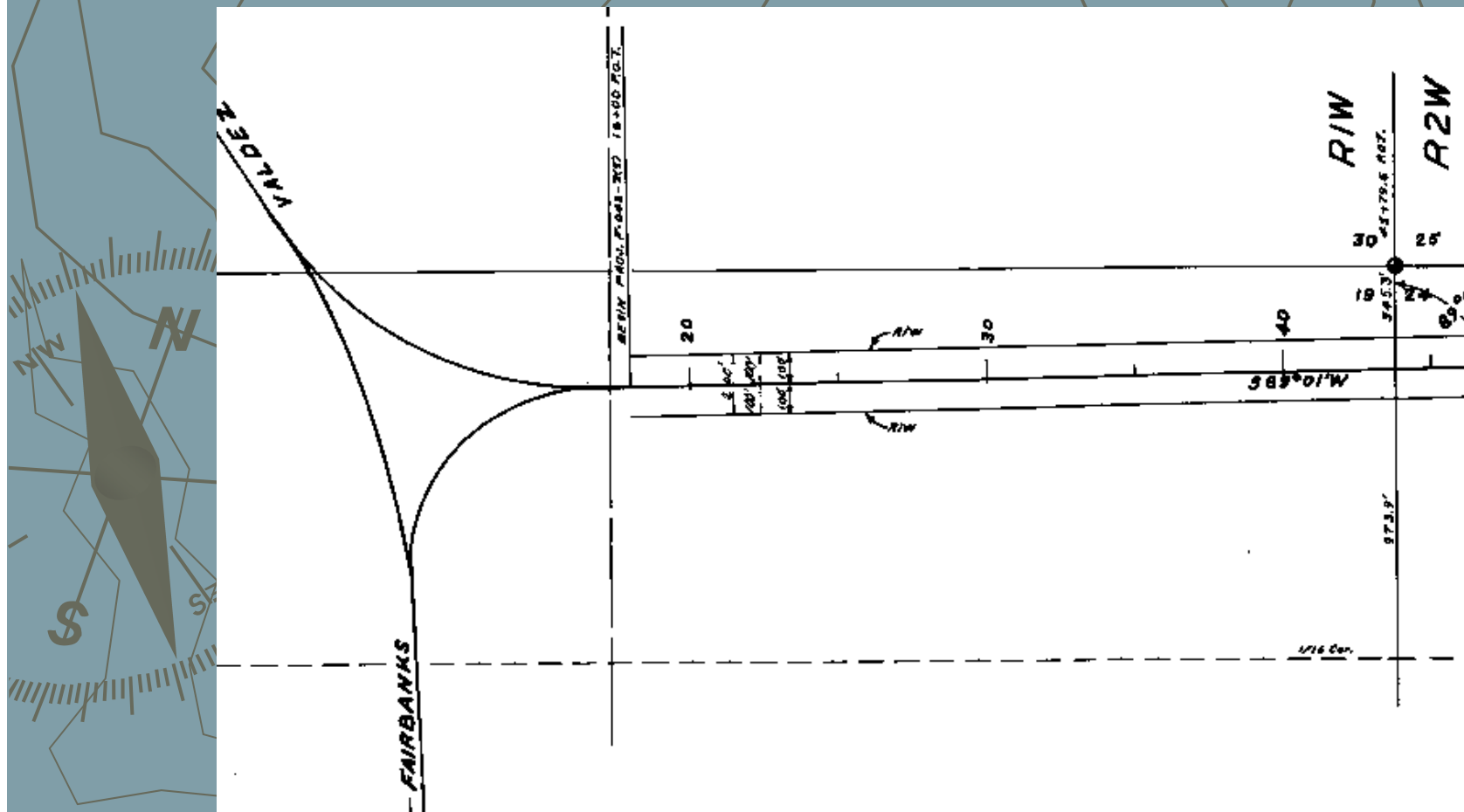
Title Conveyed to State of Alaska on June 30, 1959

STATE OF ALASKA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS

RIGHT OF WAY MAP  
ALASKA PROJECT  
**NO. F-042-3(5)**

GLENNALLEN JUNCTION - TOLSONA CREEK

# May 21, 1961 ROW Plans 200-foot Wide ROW within Section 19



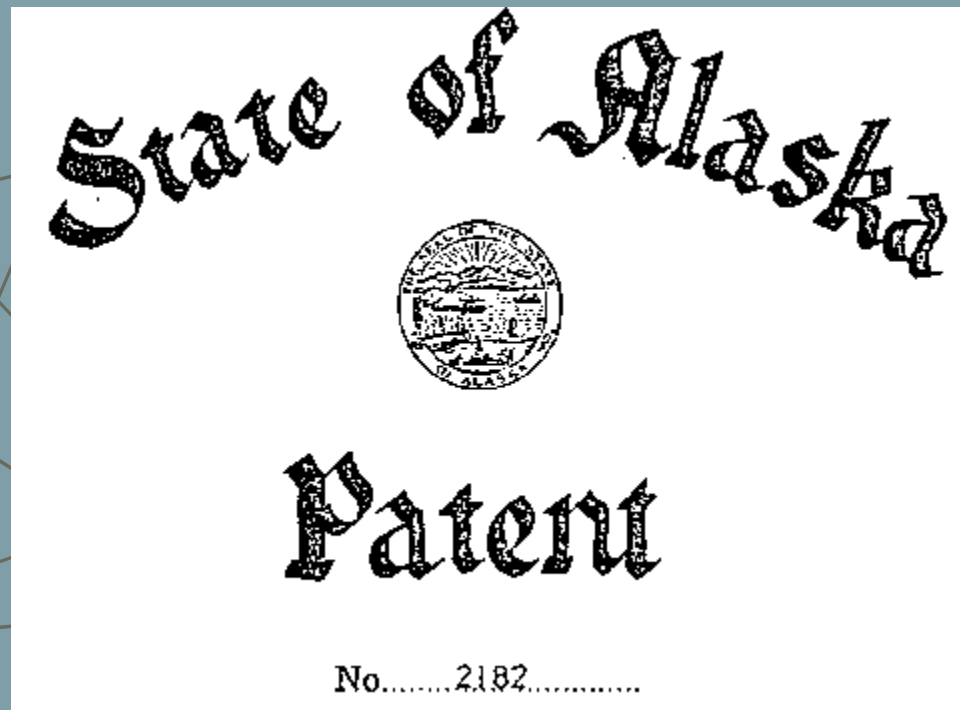
# BLM Patent 50-65-0127 ~ August 20, 1964

## BLM Conveys G.L. 43, Section 19, T.4N., R.1W., C.R.M. to State of Alaska

Sec. 7; Lots 6, 11, 16, 21, 26, 31, 36 and 41 said Sec. 18; Lots 8 and 13 said Sec. 19 and Lots 30, 31, 32, 34, 35, 37, 40, 43, 61 thru 54, Sec. 20, T. 4 N., R. 2 W., Lots 34, 37 thru 56 said Sec. 21; Lots 39, 42 thru 45, 48, 49, 54, 55, 60 and 61 said Sec. 22, subject to the easement as established by Public Land Order 1613 (23 F. R. 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898; 48 U. S. C. Sec. 420-420c), for highway purposes, including appurtenant protective, scenic and service areas.

Subject to PLO 1613 Highway Easement

State Patent No. 2182 ~ G.L. 43  
November 15, 1974



"Subject to the Glenn Highway Right-of-Way, 150 Feet south of and Parallel to the Centerline, and Such Additional Easements as Provided by Public Land Order 1613."

# DOT&PF Issues Deed of Vacation

BOOK 39 PAGE 403

## COMMISSIONER'S DEED OF VACATION

The GRANTOR, the STATE OF ALASKA, acting by and through its DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, acting under the authority of the Alaska Statutes, Section 19.05.070, conveys, quitclaims and otherwise vacates unto, the GRANTEE, Jasper Hall, DBA Service Oil & Gas Inc., P.O. Box 276, Glennallen, AK 99588,\* all interest of whatsoever nature which it has, in the following described real property:

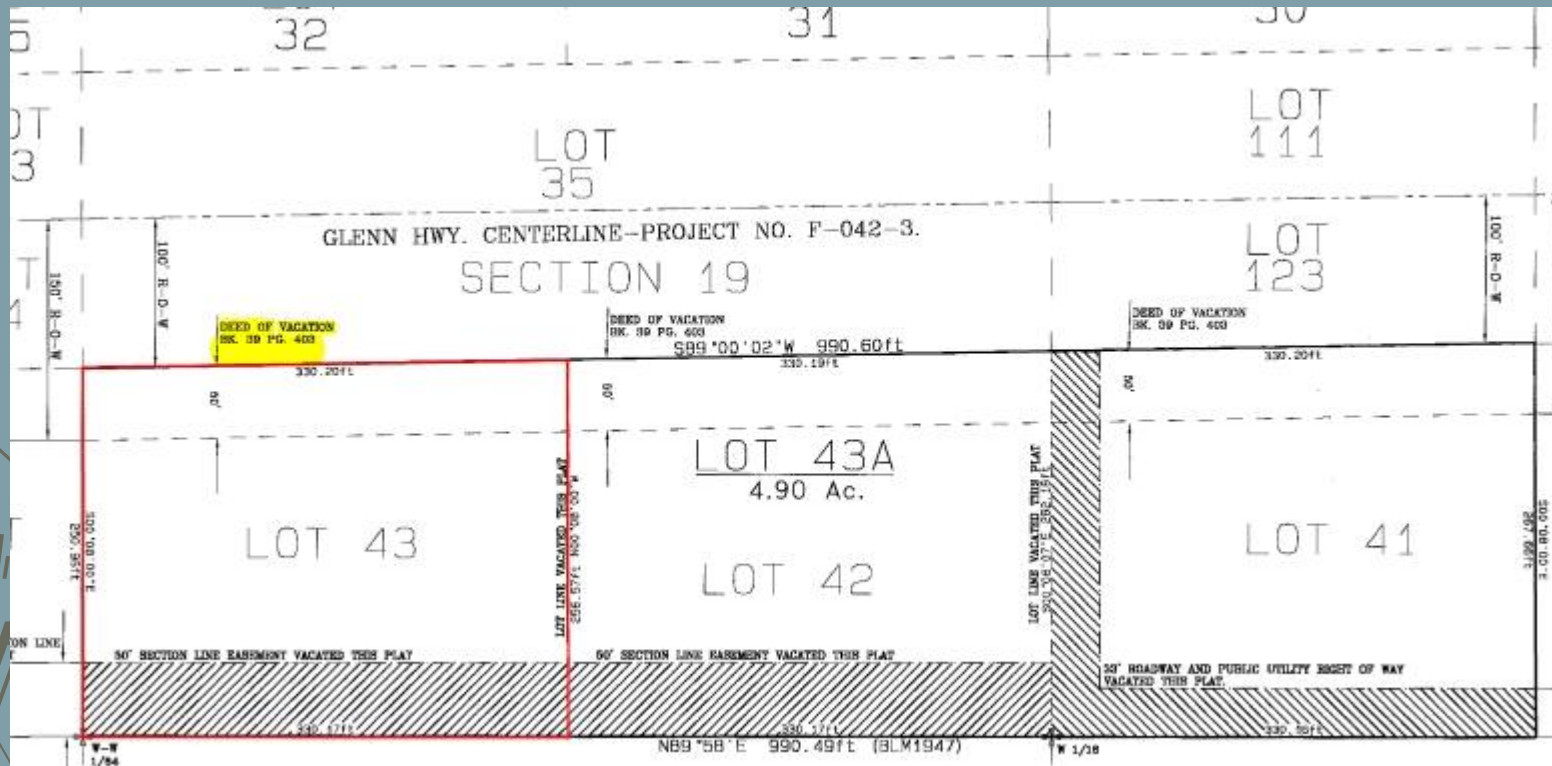
Those portions of Government Lots 41, 42 and 43, Section 19, T4N, R1W CRM, 3rd, Judicial District, State of Alaska, lying beyond 100 feet to the left of the Glenn Highway Centerline according to Alaska Project No. F-042-3(6) as shown on the plat attached hereto and made a part hereof.

Said vacated area contains 1.09 acres more or less.

Dated this 21 day of July, 1992.

Glenn ROW fronting G.L. 43 returns to its initial configuration of 100-feet from centerline.

# Plat 2001-7 Replat of G.L. 41 - 43



Replat of G.L. 43 reflects vacation of outer 50-feet of PLO 1613 highway easement.

February 26, 2016

# Small Tract Patent G.L. 41

WHEREAS, a certificate of the Land Office at **Anchorage**, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to the act of Congress of **June 1, 1938 (52 Stat. 609), as amended by the Act of July 14, 1945 (59 Stat. 467)**, and the acts supplemental thereto, the claim of **John M. Stern, Junior**, has been established and that the requirements of law pertaining to the claim have been met, for the following-described land:

**Copper River Meridian, Alaska.**

**T. 4 N., R. 1 W.,**

**Sec. 19, Lot 41.**

**This patent is subject to a right-of-way not exceeding 33 feet in width, for roadway and public utilities purposes, to be located along the west and south boundaries of said land.**

G.L. 41 & Lots to East Patented under Small Tract Act  
With 33-foot ROW Reservations

# Small Tract Parcels Subject to PLO 601?

Q: If Small Tract Applications had been filed before PLO 616 revoked the PLO 46 Classification Withdrawal, would they have been subject to the PLO 601 widening of the Glenn Highway right-of-way?

A: Yes - first, the Small Tract entry would not have been available until revocation of the PLO 46 withdrawal upon which time PLO 601 would have taken effect. Second, the 1978 "Green" Supreme Court case said: *"We already have concluded that the Small Tract Act and Small Tract Classification...did not segregate all small tracts from the operation of other discretionary right-of-way reservations."*



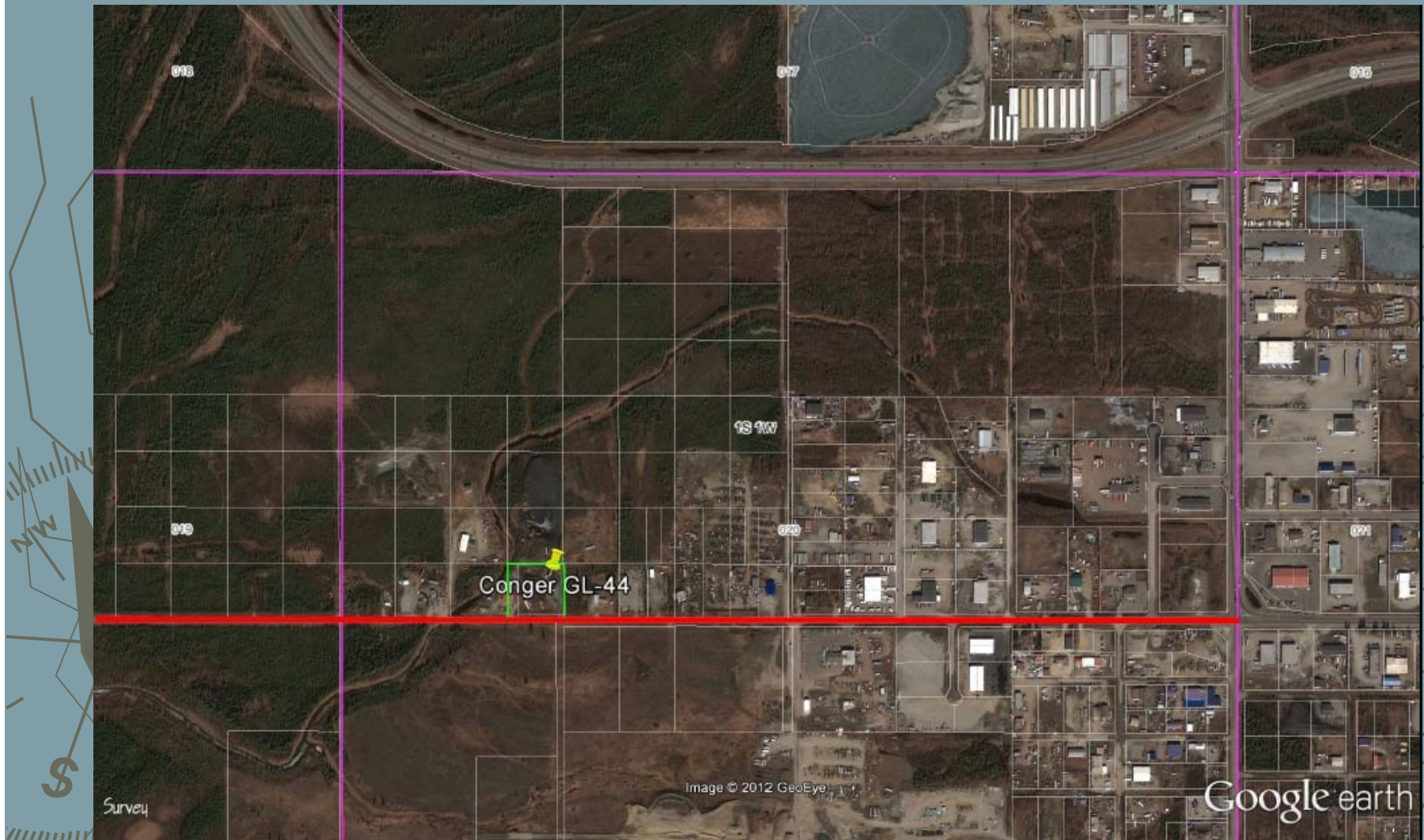
# PLO Case Study #4

## S.O. 2665 and Small Tract Lots

“A Patchwork Quilt of Interests” - An Existing  
Right-of-Way Based on Multiple Authorities.

February 26, 2016

# Cartwright Road - Fairbanks



February 26, 2016

“Subject to  
Valid Existing  
Rights...”

~

Do they exist,  
and if so...  
when were  
they  
established?



February 26, 2016

# Gov't Lot 44 – Section 20



GL-44E

Conger Trust  
Property

February 26, 2016

# MTP - T.1 S., R. 1 W, F.M.

	1136786 R/W				1213507 R/W All Min	1212408 R/W All Min	1213171 R/W All Min	1213290 R/W All Min	
2.50 35189 W Min	24-2.50 1185026 R/W All Min	23-2.50 1185052 R/W All Min	22-2.50 1185142 R/W All Min	21-2.50 1185141 R/W All Min	20-2.50 1213508 R/W All Min	19-2.50 1213175 R/W All Min	18-2.50 1213176 R/W All Min	17-2.50 1212409 R/W All Min	
2.50 35137 W Min	25-2.50 1185027 R/W All Min	26-2.50 1213613 R/W All Min	27-2.50 1210596 R/W All Min	28-2.50 1185129 R/W All Min	29-2.50 1200552 R/W All Min	30-2.50 1213174 R/W All Min	31-2.50 1213173 R/W All Min	32-2.50 1213291 R/W All Min	
2.50 35140 W Min	40-2.50 1185130 R/W All Min	39-2.50 1216832 R/W All Min	38-2.50 1210819 R/W All Min	37-2.50 1185143 R/W All Min	36-2.50 1200556 R/W All Min	35-2.50 1200553 R/W All Mini	34-2.50 1207717 R/W All Min	33-2.50 1207716 R/W All Min	
2.50 350855 W Min	41-2.50 1167663 R/W All Min	42-2.05 1189394 R/W All Min	43-2.50 1198221 R/W All Min	44-2.50 1189388 R/W All Min	45-2.50 1154422 R/W All Min	46-2.05 1149562 R/W All Min	47-2.50 1207714 R/W All Min	48-2.50 1207715 R/W All Min	
									20

Form 4-1219  
(Rev. 1-15-57)  
Fairbanks 021904

## The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, a certificate of the Land Office at Fairbanks, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to the act of Congress of June 1, 1936 (52 Stat. 609), as amended by the Act of July 14, 1945 (59 Stat. 467), and the acts supplemental thereto, the claim of William Lee Malt has been established and that the requirements of law pertaining to the claim have been met, for the following-described land:

Fairbanks Meridian, Alaska.

T. 1 S., R. 1 W.,

Sec. 20, Lot 44.

The area described contains 2.50 acres, according to the official plat of the survey of the said land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, DOES HEREBY GRANT unto the said claimant and to the heirs of the said claimant the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, therunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to (1) any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights in ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; (2) the reservation of a right-of-way for ditches or canals constructed by the authority of the United States, in accordance with the act of August 30, 1890 (26 Stat. 391, 43 U. S. C. sec. 945), and (3) the reservation of a right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under authority of the United States or by any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat., 418, 48 U. S. C. sec. 321d). There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with section 1 of the act of March 12, 1914 (38 Stat., 305, 48 U. S. C. sec. 305).

Excepting and reserving, also, to the United States all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1936, this patent is subject to a right-of-way not exceeding 33 feet in width, for roadway and public utility purposes, to be located along the south and east boundaries of said land.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the SEVENTH day of DECEMBER in the year of our Lord one thousand nine hundred and FIFTY-EIGHT and of the Independence of the United States the one hundred and THIRTY-EIGHTH.

For the Director, Bureau of Land Management.

By W. L. Seale  
Chief, Patents Section.

Patent Number 1180888

# Federal Patent

~  
Small Tract  
Govt. Lot 44  
Section 20  
12/16/58  
33' ROW on  
south & east  
boundaries

~  
Does  
S.O. 2665  
ROW Exist?

February 26, 2016

# BLM "ACRES" Abstract

Case Abstract for: AKF 011964

## CASE DATA

Case Serial Num:	AKF 011964	FRC Site Code:	WAS
Case Type:	291300 Small Tract Leases	Accession Num:	--
Case Status:	Closed	Box Num:	-- (of) --
Case Status Actn:	Case Closed	Disp Date:	--
Case Status Date:	18-FEB-1959	Location Code:	ARCHIVE
SM Acres:	0.0000	Abnd Yr:	--
Claim Name:	--		

## CUSTOMER DATA

Cust ID:	000058828		
Customer Name:	AULT WILLIAM LEE	Interest Relationship:	Applicant
Customer Address:	Withheld	Percent Interest:	0.0000

## ADMINISTRATIVE/STATUS ACTION DATA

Date	Code Description:	Remarks	Doc ID	Ofc	Emp	Doc Img *
03-NOV-1954	001 Apln Recd/Case Establi	APPLICATION RECEIVED	--	PSF	DLC	--
15-NOV-1954	176 Lease Issued	LEASE	--	AJA	DLC	--
05-DEC-1956	521 Field Report Received	--	--	AJA	DLC	--
20-NOV-1957	523 Purchase Apln Recd	--	--	AJA	DLC	--
19-FEB-1958	521 Field Report Received	--	--	AJA	DLC	--
01-APR-1958	087 Purchase Price Request	--	--	AJA	DLC	--
16-DEC-1958	879 Patent Issued	--	PA0001189388	AJA	DLC	--
18-FEB-1959	970 Case Closed	TITLE TRSF	--	PSA	DLC	--
27-AUG-1992	996 Converted To Prime	--	--	940	BKM	--

February 26, 2016

# What Is The Effective Date Of The Relevant Public Land Order?



February 26, 2016



# Secretarial Order No. 2665

Reference No. 1139

## Federal Register Data

Published: 10/20/51      Volume: 16  
No. : 205                      Page: 10752

SECRETARIAL ORDER No. 2665

Part Affected: Hwy Rights-of-Way  
Date Signed: 10/16/51

Office of the Secretary  
[Order 2665]

## RIGHTS-OF-WAY FOR HIGHWAYS IN ALASKA OCTOBER 16, 1951.

**SECTION 1. Purpose.** (a) The purpose of this order is to (1) fix the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior and (2) prescribe a uniform procedure for the establishment of rights-of-way or easements over or across the public lands for such highways. Authority for these actions is contained in section 2 of the act of June 30, 1932 (47 Stat. 446, 48 U. S. C. 321a).

**Sec. 2. Width of public highways.** (a) The width of the public highways in Alaska shall be as follows:

(1) For through roads: The Alaska Highway shall extend 300 feet on each side of the center line thereof. The Richardson Highway, Glenn Highway, Haines Highway, Seward-Anchorage Highway, Anchorage-Lake Spenard Highway and Fairbanks-College Highway shall extend 150 feet on each side of the center line thereof.

(2) For feeder roads: Abbert Road (Kodiak Island), Edgerton Cutoff, Elliott Highway, Seward Peninsula Tram road, Steese Highway, Sterling Highway, Taylor Highway, Northway Junction to Airport Road, Palmer to Matanuska to Wasilla Junction Road, Palmer to Finger Lake to Wasilla Road, Glenn Highway Junction to Fishhook Junction to Wasilla to Knik Road, Slana to Nabesna Road, Kenai Junction to Kenai Road, University to Ester Road, Central to Circle Hot Springs to Portage Creek Road, Manley Hot Springs to Eureka Road, North Park Boundary to Kantishna Road, Paxson to McKinley Park Road, Sterling Landing to Ophir Road, Iditarod to Flat Road, Dillingham to Wood River Road, Ruby to Lone to Poorman Road, Nome to Council Road and Nome to Essie Road shall each extend 100 feet on each side of the center line thereof.

(3) For local roads: All public roads not classified as through roads or feeder roads shall extend 50 feet on each side of the center line thereof.

**Sec. 3. Establishment of rights-of-way or easements.** (a) A reservation for highway purposes covering the lands embraced in the through roads mentioned in section 2 of this order was made by Public Land Order No. 601 of August 10, 1949, as amended by Public Land Order No. 757 of October 16, 1951. That order operates as a complete segregation of the land from all forms of appropriation under the public-land laws, including the mining and the mineral leasing laws.

(b) A right-of-way or easement for highway purposes covering the lands embraced in the feeder roads and the local roads equal in extent to the width of such roads as established in section 2 of this order, is hereby established for such roads over and across the public lands.

(c) The reservation mentioned in paragraph (a) and the rights-of-way or easements mentioned in paragraph (b) will attach as to all new construction involving public roads in Alaska when the survey stakes have been set on the ground and notices have been posted at appropriate points along the route of the new construction specifying the type and width of the roads.

**Sec. 4. Road maps to be filed in proper Land Office.** Maps of all public roads in Alaska heretofore or hereafter constructed showing the location of the roads, together with appropriate plans and specifications, will be filed by the Alaska Road Commission in the proper Land Office at the earliest possible date for the information of the public.

OSCAR L. CHAPMAN,  
Secretary of the Interior.

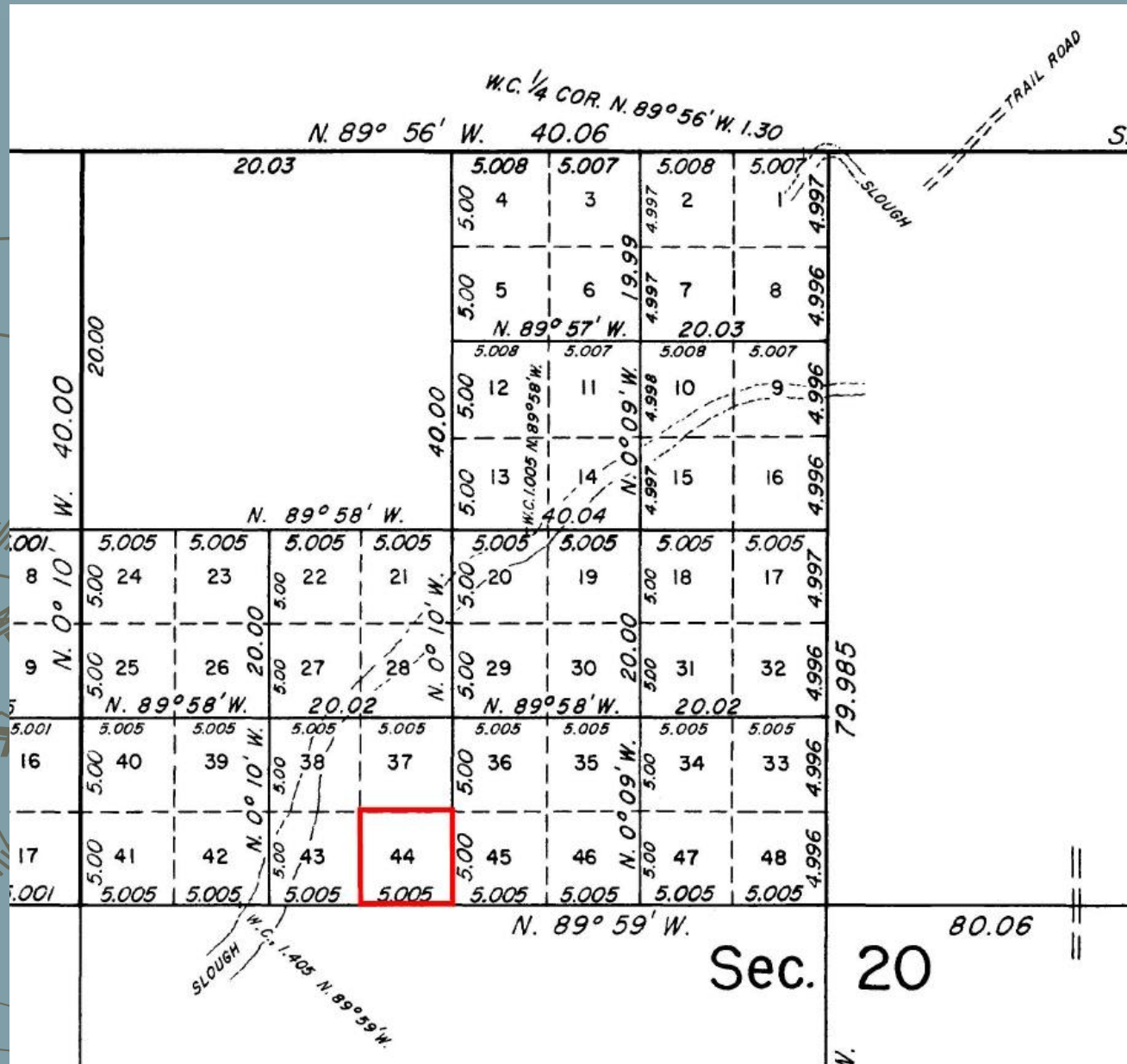
[F. R. Doc. 51-12586; Filed, Oct. 19, 1951;  
8:46 a. m.]

February 26, 2016

# What Was the Date of Staking or Posting For New Road Construction?

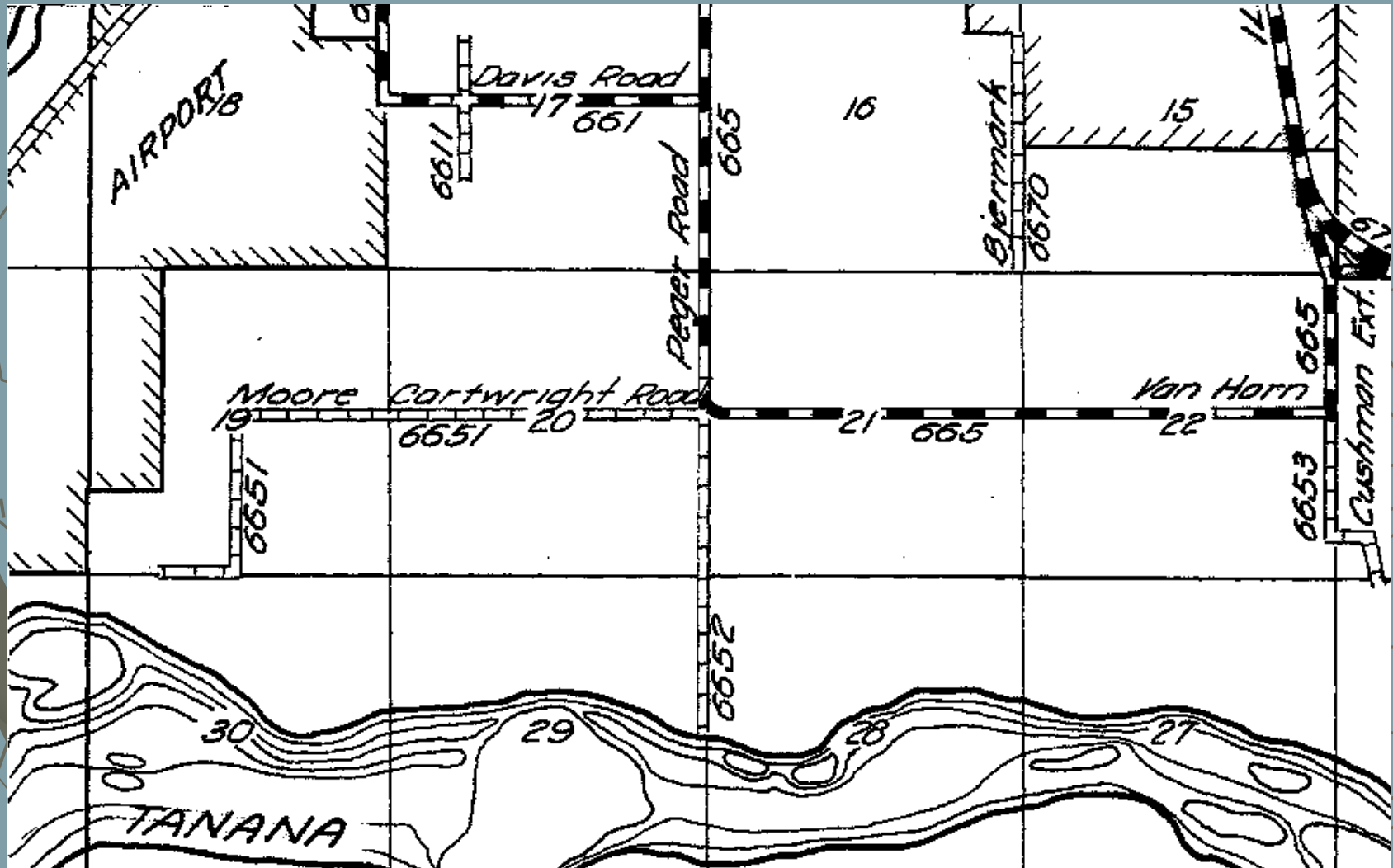
February 26, 2016

# Dependent Resurvey of Section 20



February 26, 2016

# Moore-Cartwright Road ~ Route 6651



February 26, 2016

# Omnibus Quitclaim Deed ~ Route 6651

BOOK 252 PAGE 212  
Fairbanks Recording District

BOOK 391 PAGE 59  
Anchorage Recording District

BOOK 1000 PAGE 119  
Rampart Recording District

BOOK 1070 PAGE 50  
Nenana Recording District

Book 8 Page 49  
Manley Hot Springs Recording District  
ALASKA

BOOK 7 PAGE 135  
Fort Gibbon Recording District

40

BOOK 2 PAGE 221  
Nulato Recording District

BOOK 7 PAGE 556  
Mt. McKinley Recording District

BOOK 6 PAGE 268  
Kuskokwim Recording District

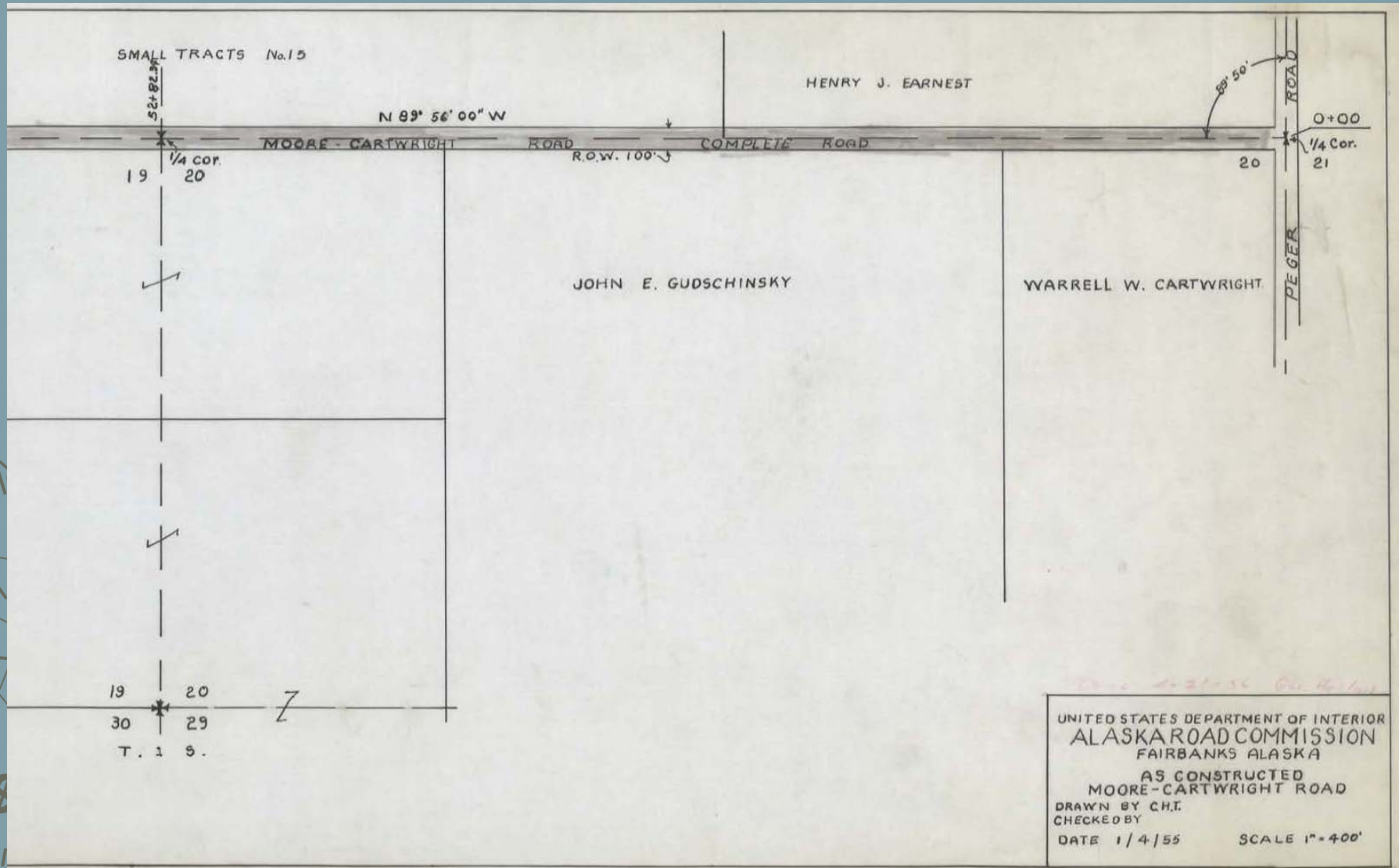
BOOK 17 PAGE 243  
Bethel Recording District

FEDERAL-AID SECONDARY HIGHWAY SYSTEM, CLASS "B" ROUTES

B-24

FAS Route No.	Name	Description	Highway District No.	Constructed Mileage	System Mileage
6491	Ester Dome Road-St. Patrick's Goldstream	From FAP Route 37 branching north and west through the Ester Dome mining area. The north branch loops northeasterly to FAS Route 651.	20	7.8	7.8
6501	Bennett Road	From FAS Route 6502 southeasterly to FAS Route 650.	20	1.5	1.5
6502	Steele Creek Branch	From FAP Route 61 looping north and then easterly through the Steele Creek homestead area to FAS Route 650.	20	3.9	3.9
6570	Becker-Dale-Conn Road	From Fairbanks International Airport west and south to Becker-Dale-Conn subdivisions with a spur north to Chena River.	20	2.7	2.7
6571	Pikes Landing Road	From FAP Route 62 spur west and north to Pike's Landing.	20	1.0	1.0
6611	Alston-Davis Spurs	Two spurs southwest of Fairbanks, one leading north and one leading south into homesite areas from FAS Route 661 at the same point.	20	0.5	0.5
6651	Moore-Cartwright Road	From FAS Route 665 westerly into a homestead area.	20	2.0	2.0
6652	Peger Road	From FAS Route 665 south through an industrial area to the Tanana River.	20	1.0	1.0
6653	Cushman Street Extension	From FAS Route 665 south through an industrial area.	20	0.7	0.7

# January 4, 1955 As-Built



February 26, 2016

# September 1952 ARC Situation Report



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION

JUNEAU, ALASKA  
Fairbanks District,  
Fairbanks, Alaska.

September 10, 1952

①	Chf. Engr. <i>W. J. Niemi</i>
②	Admin. <i>W. J. Niemi</i>
③	Op'ns <i>B. O. S.</i>
④	Engrg. <i>J. B. S.</i>
⑤	Acc't <i>W. J. Niemi</i>
	Pers. _____
	Supply _____
⑥	<i>W. J. Niemi</i>
	<i>cc Fairbanks</i>

Mr. William J. Niemi  
Chief Engineer  
Alaska Road Commission  
Juneau, Alaska

Dear Mr. Niemi:

Re: Situation Report for Period  
Ending September 7, 1952

August is usually our wettest month; however, although frequent light rains occurred during this month, the total precipitation was less than half of the normal. Temperatures were very near normal for the month. The first seven days of September were very wet and cold. The rainfall was twice the normal and the temperatures averaged four degrees colder than normal for this period. The first freeze was reported on August 23rd but light scattered frosts were reported as early as August 16th.

Visitors to the Fairbanks District include:

William J. Niemi - Chief Engineer - Juneau  
Wallace C. Sharples - Personnel Officer - Juneau  
W. S. Klockenteger - Chief, Materials Branch - Juneau  
Harry Bates - Safety Engineer - Juneau  
John G. Shepard - Office Engineer - Juneau  
Harry O. White - District Mechanic - Anchorage

#### Surveys, Investigations and Plans

##### W. O. 365 (Farm and Industrial Road Surveys)

The survey party on farm and local roads accomplished the following work this period:

Route 130.2 - Keeling Road. Easements secured and staked for construction for three-eighths miles.

Route 130.4 - Johnson Road. Two miles staked for construction.

Route 130.5 - Shaw Creek Road. Preliminary reconnaissance made on alternate route.

Route 132.1 - Moore-Cartwright-Conn Extension. This report covers the two petitions 51-9 and 50-3 which were consolidated and revised. Three miles staked for construction.

31/244

# September 1952 – Construction Status

-8-

Mr. William J. Niemi

September 10, 1952

	<u>Previous</u>	<u>This Period</u>	<u>To Date</u>
*Graded	0.00 miles	1.00 miles	1.00 miles
Gravel surfaced	0.00 "	0.00 "	0.00 "
Crushed gravel surf.	0.00 "	0.00 "	0.00 "

Personnel - 4 classified  
4 wageboard

## Route 132.1 - W.O. 363 - (Moore-Cartwright-Conn Extension)

This section is very wet and swampy. Rough grading has been completed for a distance of two miles. The material forming the subgrade will require considerable draining in order to stabilize sufficiently to permit finish grading. This project has progressed to the extent of the allotted funds. In addition to another mile of construction we must cross two sloughs with two 36 inch culverts and approximately sixty feet of fill.

	<u>Previous</u>	<u>This Period</u>	<u>To Date</u>
Cleared and grubbed	0.00 miles	2.00 miles	2.00 miles
*Graded	0.00 "	2.00 "	2.00 "
Gravel surfaced	0.00 "	0.00 "	0.00 "
Crushed gravel surf.	0.00 "	0.00 "	0.00 "

Personnel (end of period) - 0 classified  
0 wageboard



# Conclusion

10/20/51 Effective Date of S.O. 2665

9/10/52 Evidence of Construction

11/2/54 Small Tract Application Received

G.L. 44 is Subject to a PLO Easement 50-feet  
each side of Cartwright Road Centerline

February 26, 2016

# The End



February 26, 2016