




Slide 1



Public Land Orders



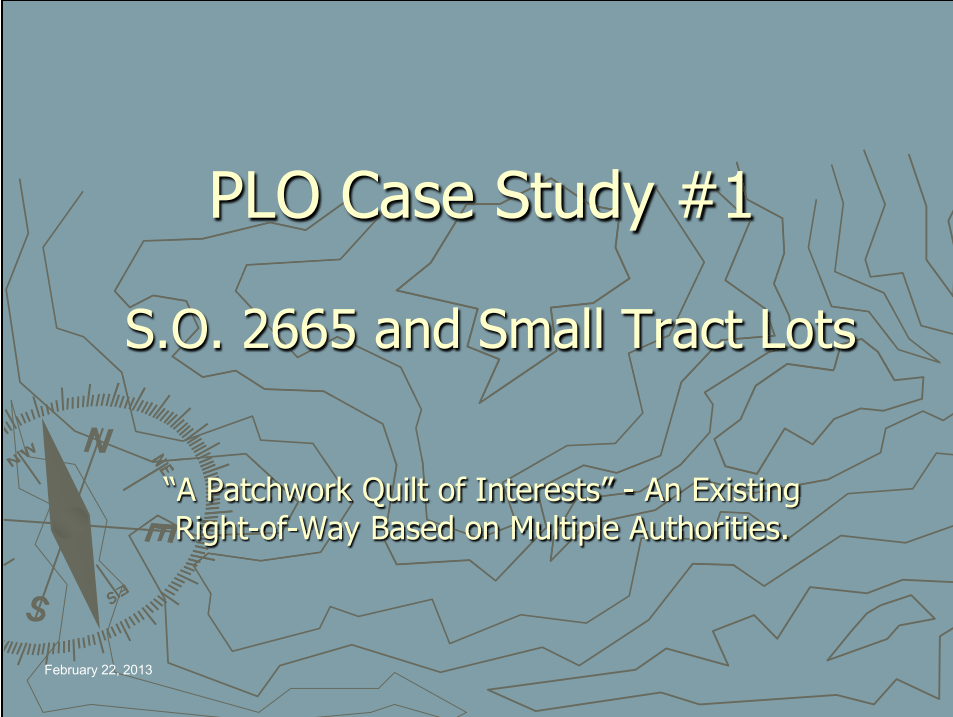
Access Law and Issues Affecting Public and Private Lands In Alaska
February 22, 2013

Slide 2

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 22, 2013

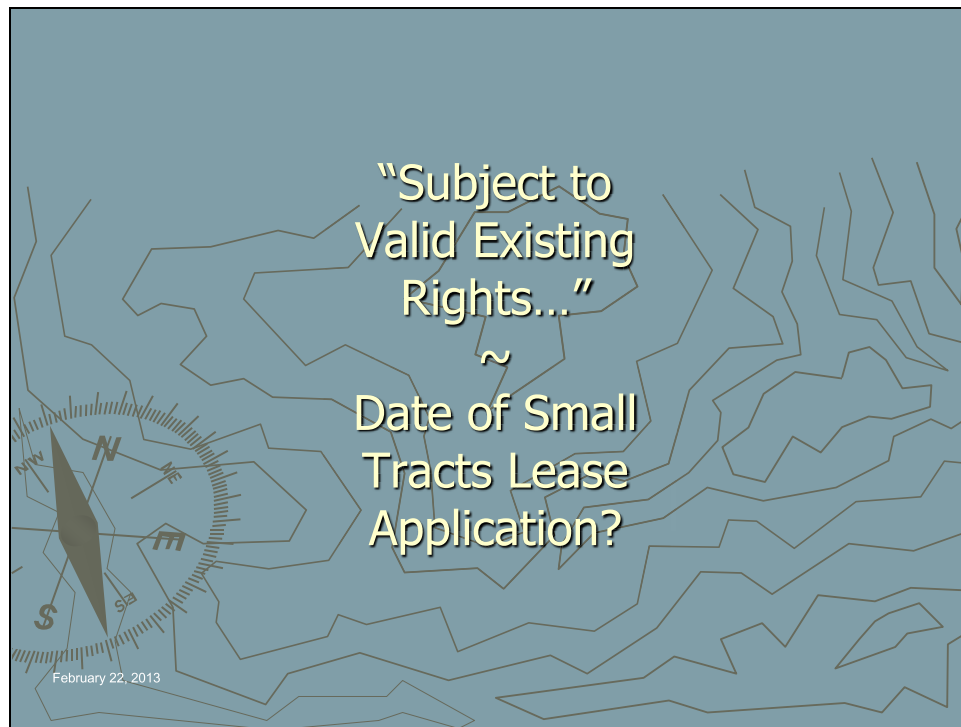
PLO Case Study #1 – Davis Road, Fairbanks.

Slide 3



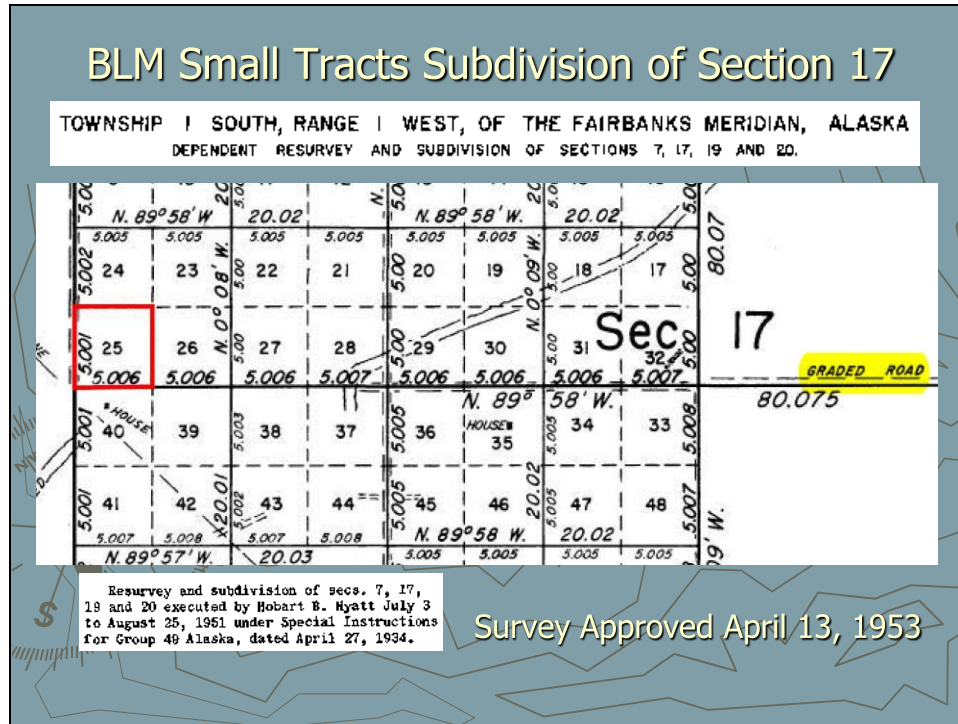
1988 Project - First ROW plans. E-W Center Section Line, 1 Mile length with the first half mile through a BLM Small Tracts Subdivision.

Slide 4



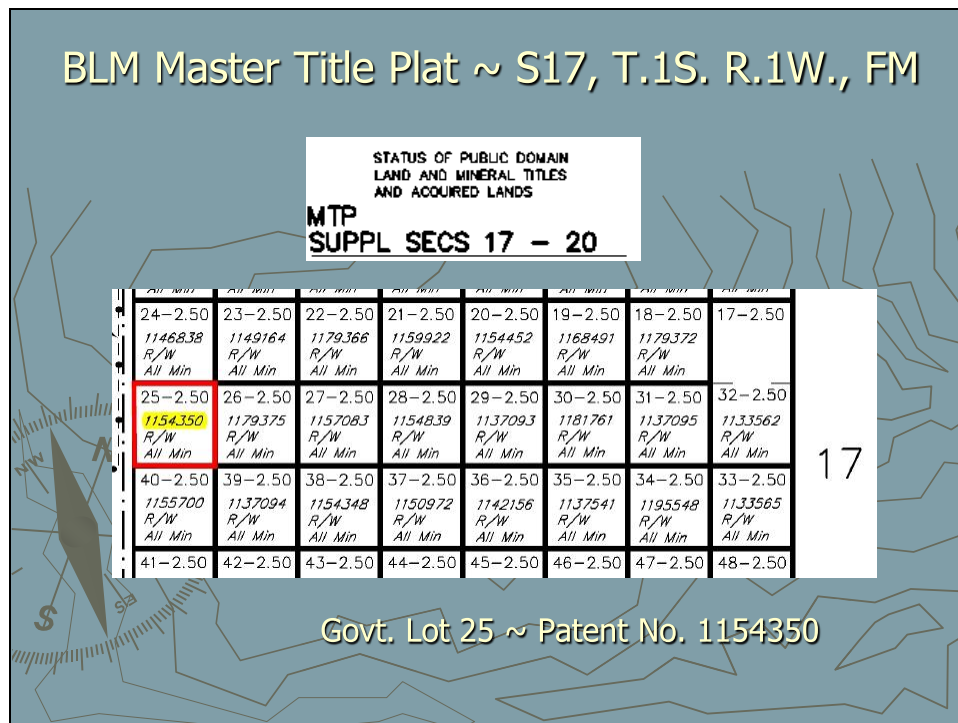
When were the public lands reserved?

Slide 5



At West end of Davis, GL 25 is subject property. Is it subject to a PLO ROW on south side? Future home of DOT ROW for a 10 year period.

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MTP provides us with the patent number for GL 25.

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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 11, 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 **2.90** 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

Patent Number from MTP allows us to pull patent for G.L. 25. Patent subject to Small Tracts 33' ROW on south & west boundaries.

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G.L. 25 ~ Abstract

Alaska Case Retrieval Enterprise System (ACRES)

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

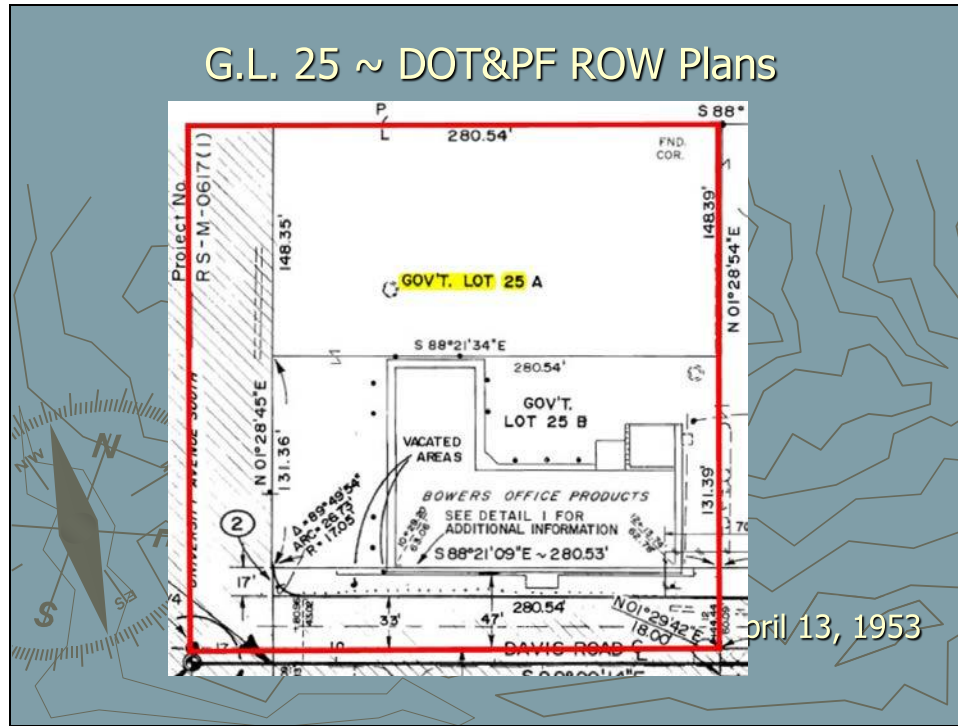
Case Abstract for: AKF 009503

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

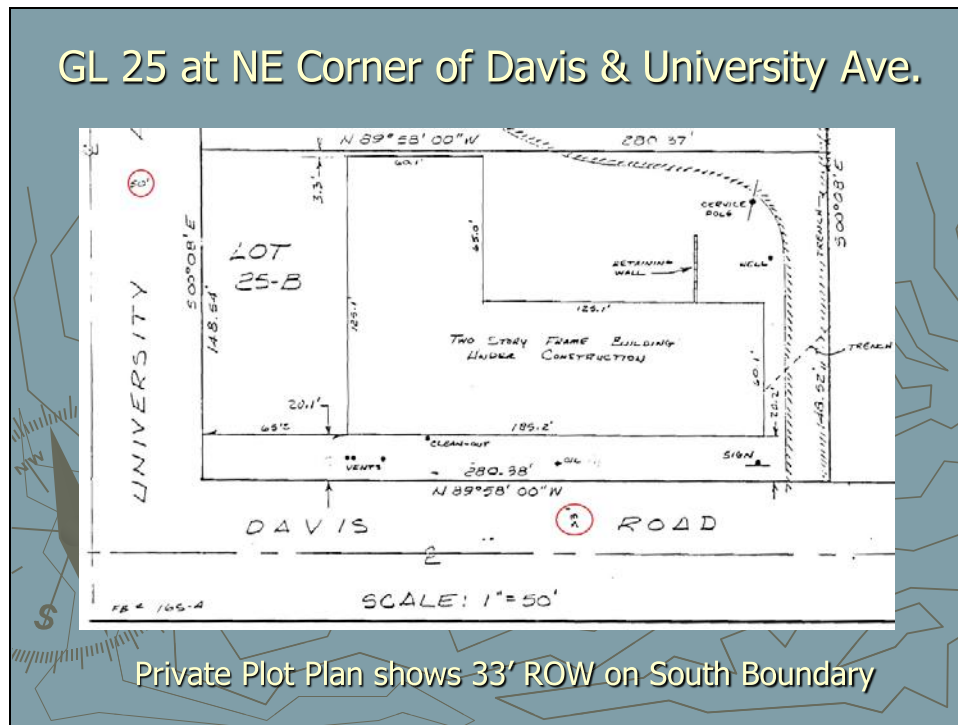
Patent number also allows us to pull title abstract from BLM "ACRES" database. Note date application received and patent issued.

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1988 DOT ROW plans for Davis Road showing G.L. 25 noting Small Tract 33' ROW and additional 17' to design width of 50' ROW.

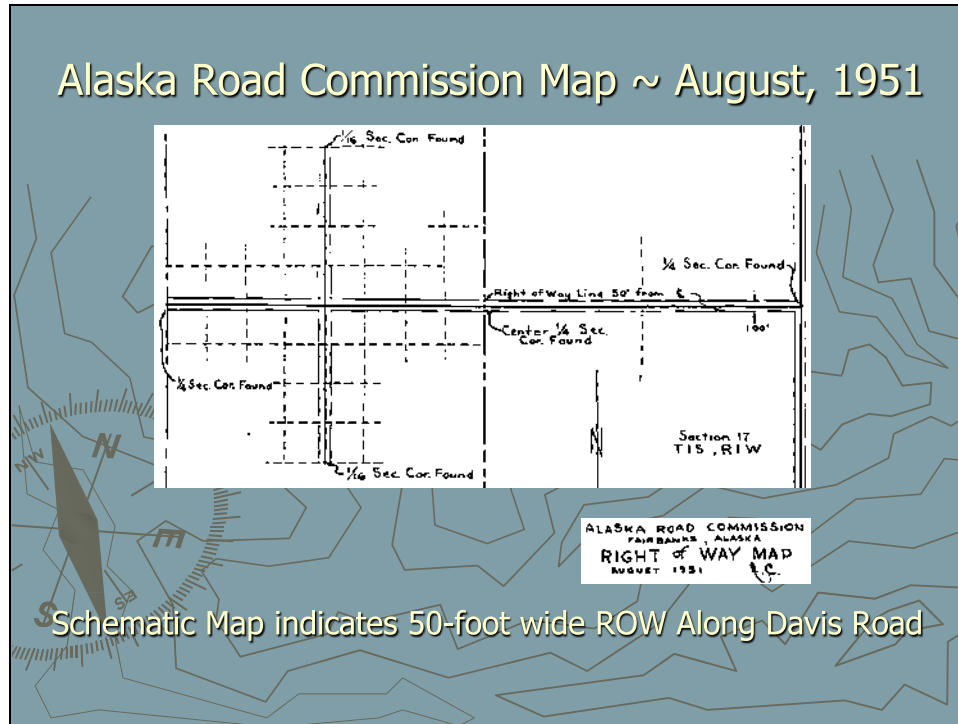
Slide 10



Private Plot Plan shows 33' ROW on South Boundary

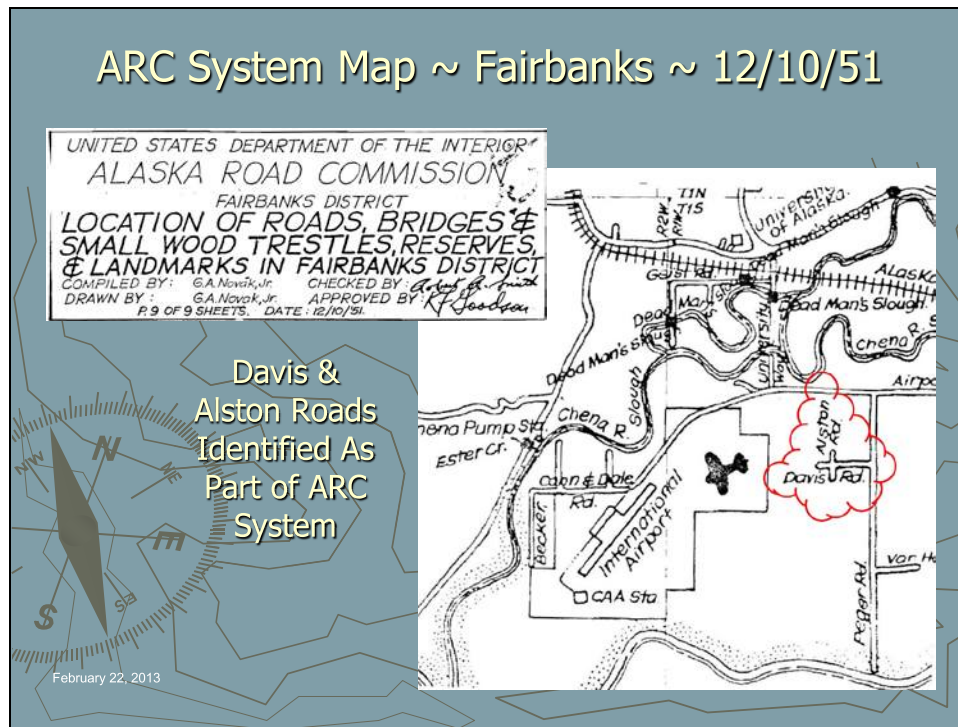
Private Plot Plan for G.L. 25 indicates 33' Small Tract ROW on southerly boundary. Note: additional 17' on west side was acquired.

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Archival evidence. Davis E-W and Alston N-S shown on 1951 ARC Map with a 50' wide ROW.

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General ARC System Map identifies Davis and Alston as a part of ARC jurisdiction.

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ARC Order No. 40 ~ August 11, 1952

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

RECEIVED
AUG 29 1952
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

NO.	NAME	NEW LENGTH
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

ARC Order No. 40 was a precursor to the State Highway System Inventory listing route names, numbers and lengths.

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

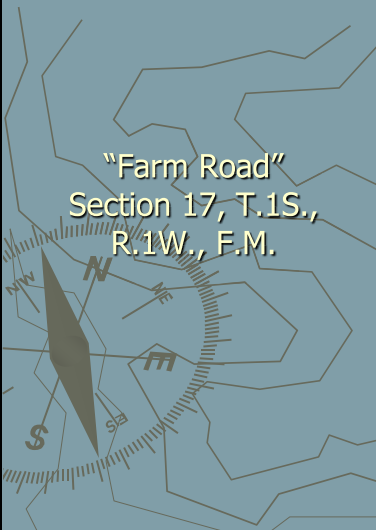
February 22, 2013

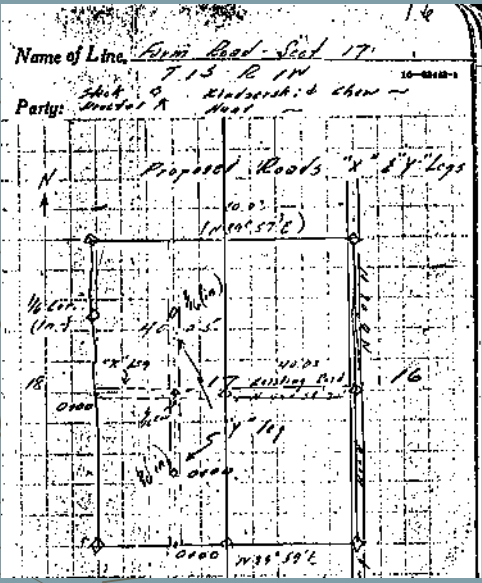
Date that "New Construction" Provision of S.O. 2665 takes effect.

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Staking Field Notes ~ August 17, 1951

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





Original Field Book fixes date of "staking" as required by S.O. 2665.

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SOA v. Keener Excerpt ~ May 23, 1990

CHRONOLOGY^{4/}

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

^{4/}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.

At the time of construction, the road was not named "Davis. ARC Weekly and monthly situation reports reference "Work Order #349", "Priority #6, "Priority #9", "Small Tracts Road", "Route 132.1" and "Farm Road – Sect 17"

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Priority 6 Petition ~ May 3, 1950

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

Priority 6

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.

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

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

Requested 1050 pages of documents from National Archives which revealed this Petition to the ARC for a local road in Section 17. Only 19 pages were relevant.

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Omnibus Quitclaim Deed ~ Route 661

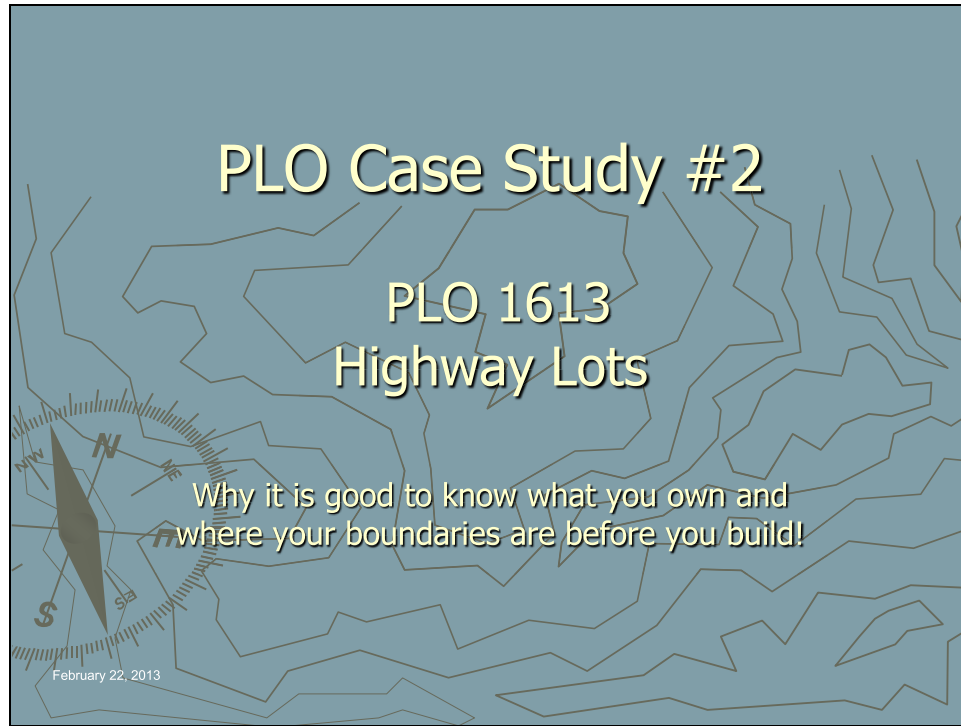
Federal-aid Secondary Class "A" Routes -10-				
FAS Route No.	Description	Highway District No.	Constructed Mileage	System Mileage
651	From a point on FAP Route 37 approximately 0.6 miles northwest of intersection of FAS Route 645 northwesterly to junction with FAS Route 6491; thence northerly to the junction of Sheep, Moose and Goldstream Creeks	20	5.5	5.5
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					
FAS Route No.	Name	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

Title to Route 661 (Fairbanks Davis Road) conveyed to SOA. Owners attorney argued that lot was not subject to PLO as length was only 0.7 miles and not the 1.0 miles (east-west). Attorney erroneously focused on "Davis" road in Wasilla, not Fairbanks.

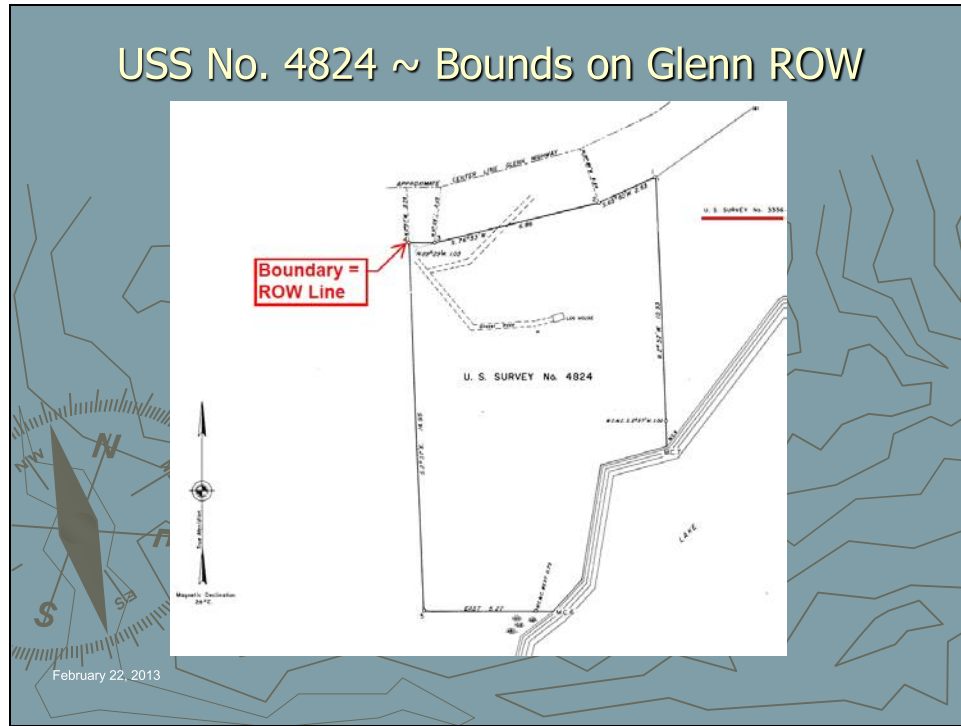


PLO Case Study #3 – MP 143 Old Glenn Highway



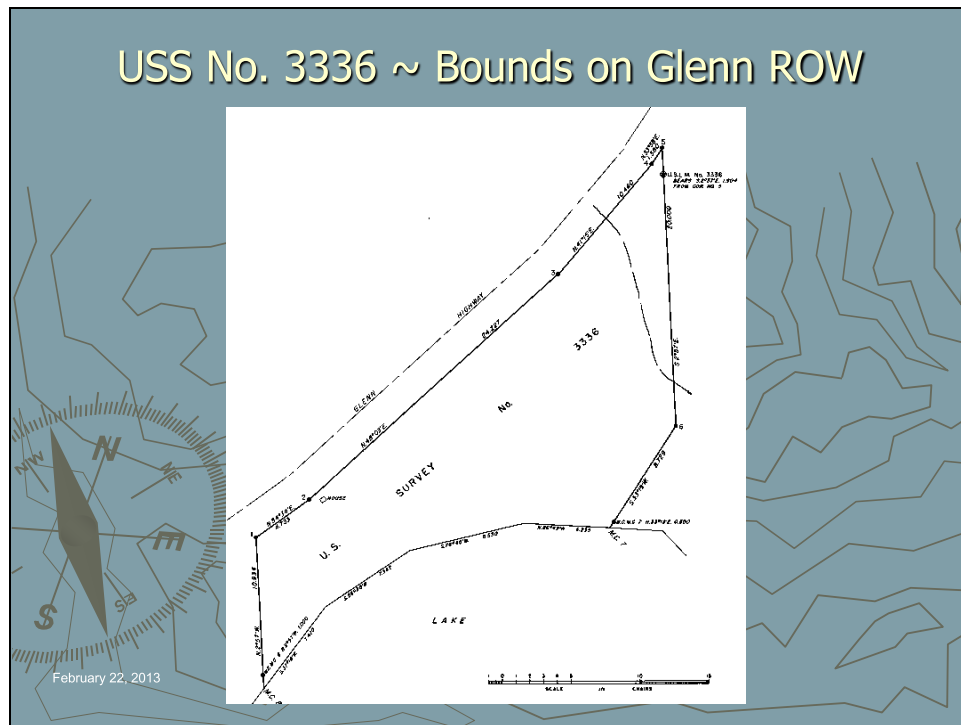
Current owner of USS 4824 requested evaluation of old ROW at MP 143. House may be in existing right of way. Old road realigned in 1975-6. Note old alignment to south in S1 & S6.

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Owner of USS 4824 constructed house in ROW off NE corner of USS. Note lot to East is USS 3336. Both USS bound on Old Glenn ROW.


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Neighbor to East of USS 4824. Bounds on the southerly ROW of Old Glenn Highway.

PLO 1613 "Preference Rights"

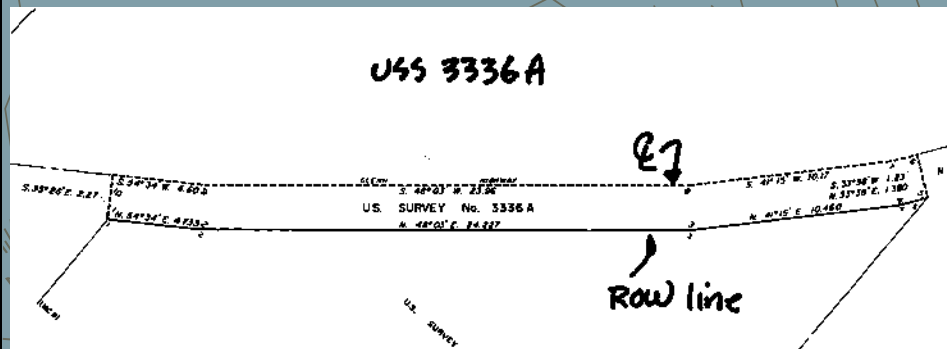
7. The lands released from withdrawal by paragraphs 1 and 2 of this order, which, at the date of this order, adjoin lands in private ownership, shall be offered for sale at not less than their appraised value, as determined by the authorized officer of the Bureau of Land Management, and pursuant to section 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



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Owner of USS 3336 had a preference right under PLO 1613 to acquire land under highway easement up to centerline.

USS No. 3336A Highway Lot



USS 3336A

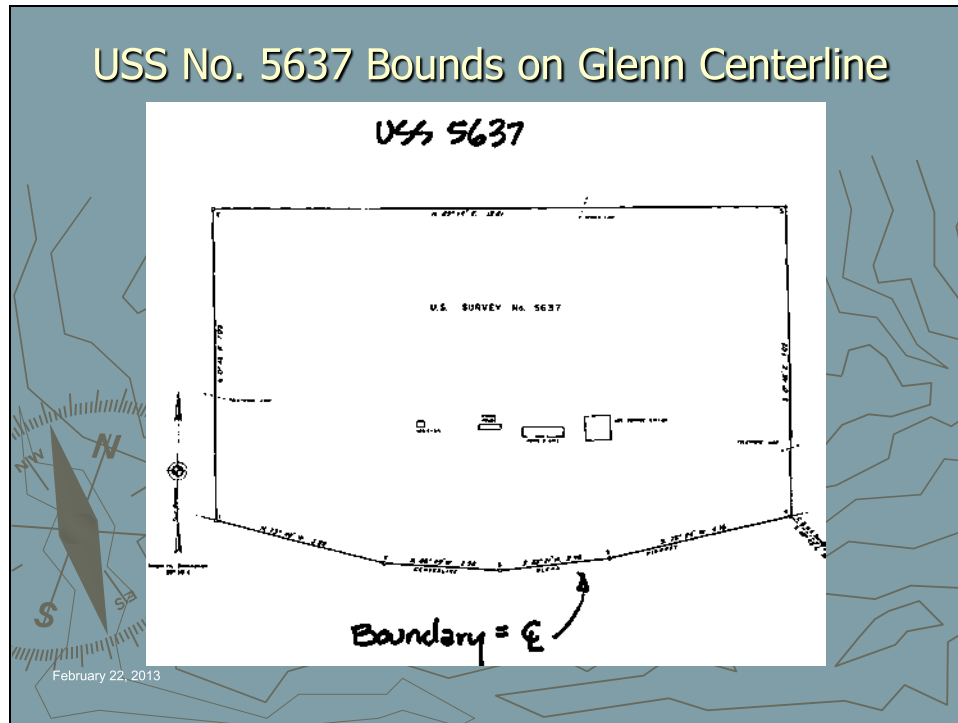
U.S. SURVEY No. 3336 A
N. 48°01' E. 24.327

Row line

February 22, 2013

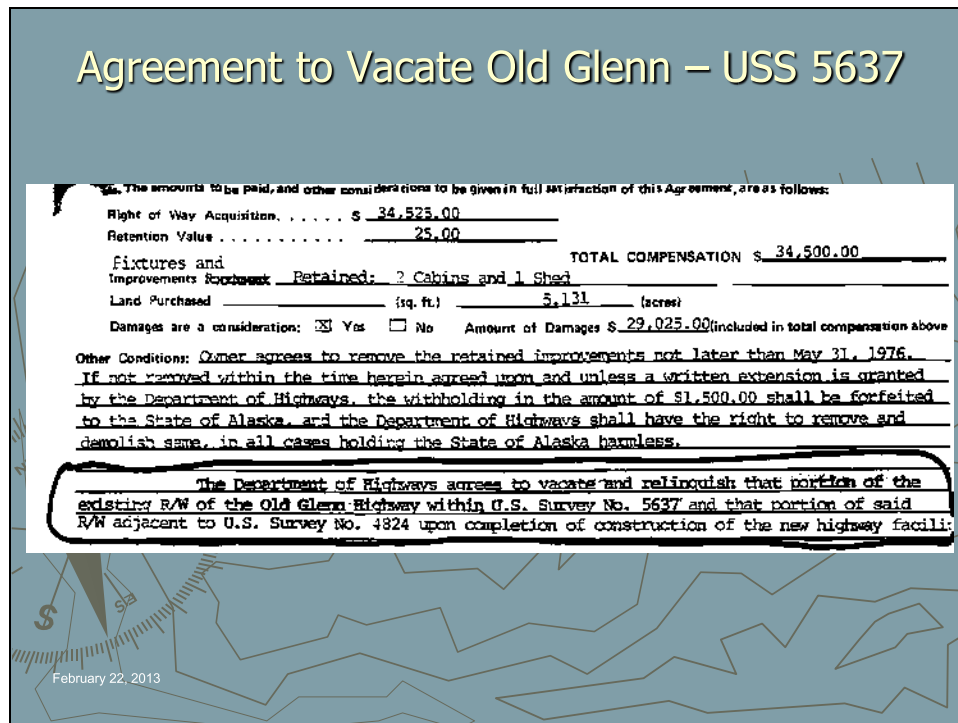
USS 3336A was defined as a highway lot from the northerly boundary of USS 3336 to the centerline of the Old Glenn. Owner of USS 3336 acquired the highway lot as a PLO 1613 preference right.

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USS 5637 is north of the subject USS 4824. During the Glenn realignment, both USS 5637 & USS 4824 were under common ownership.

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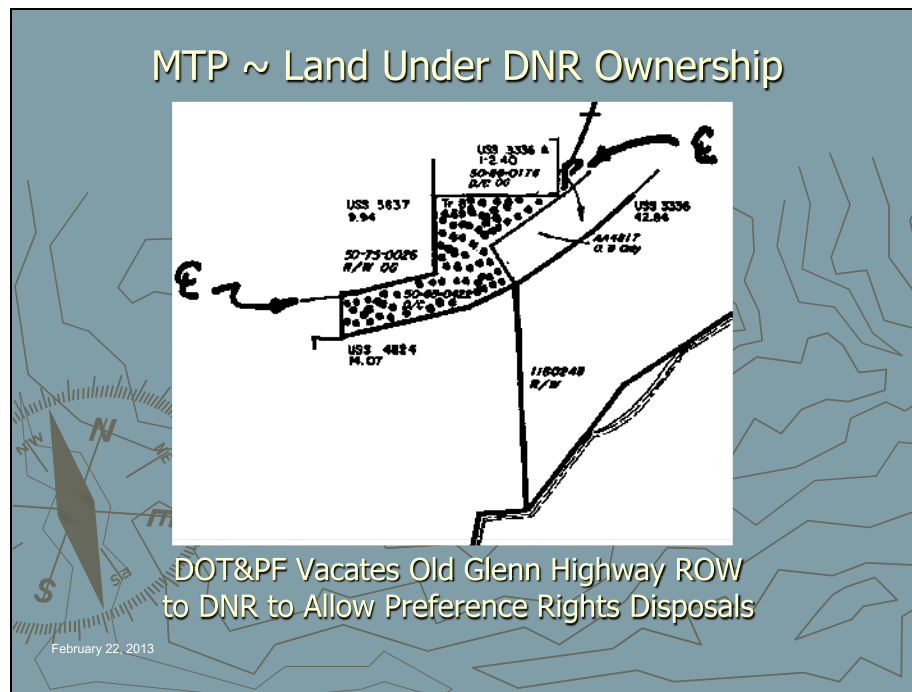
As a part of acquisition for new alignment, MOA states DOT will vacate old Glenn within USS 5637 and adjacent to USS 4824 – common owner.

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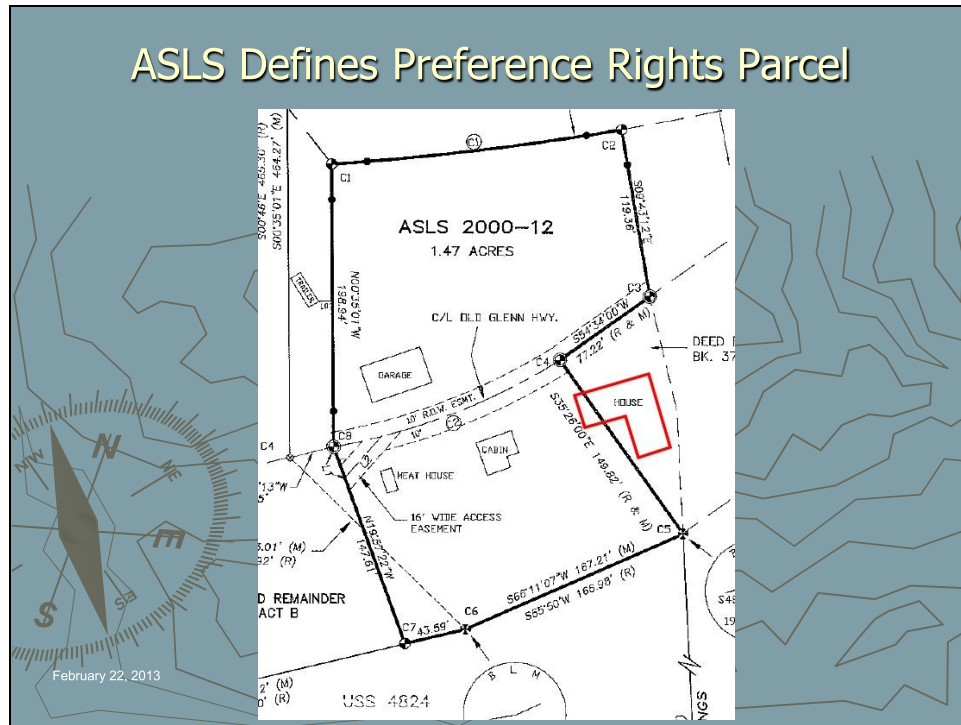
Note USS 5637 bounds on old Centerline – ROW was vacated in 1991. But USS 4824 only bounds on the Old Glenn ROW – nothing to vacate. PLO 1613 – if application made before, USS owner may have a preference right to purchase highway lot. If made after, boundary can go to CL. Owner of USS 3336 did acquire patent to 3336A and had a portion vacated in 1989. House is in part on 3336A and in part in the old ROW.

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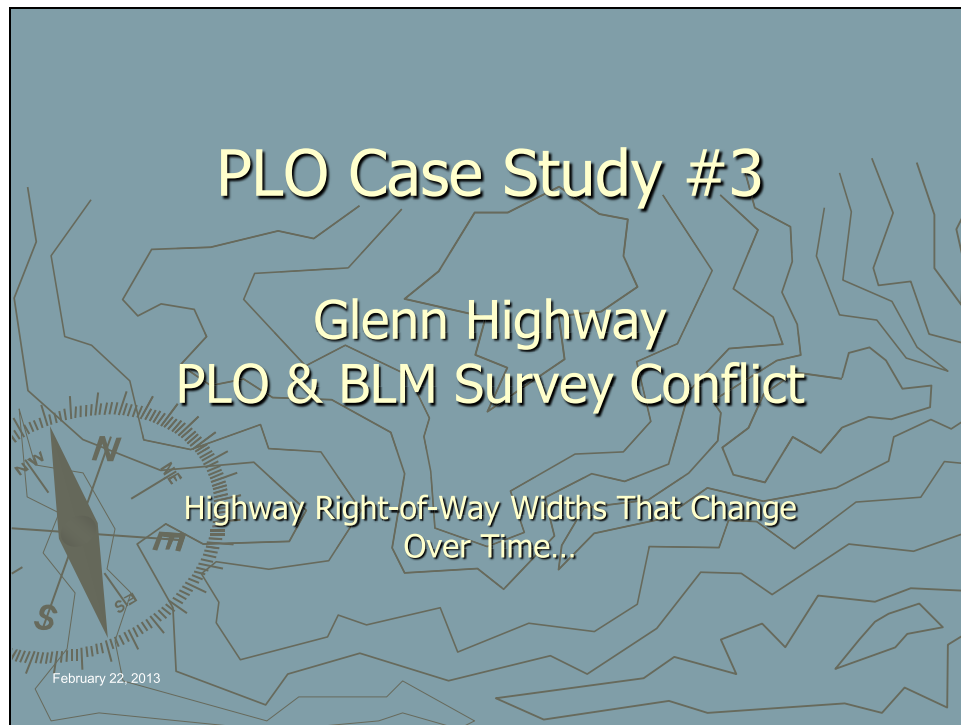
Dotted lands conveyed to DNR under patent 50-85-0422. Portion subject to Glenn ROW must be vacated to DNR before DNR can deal with preference rights disposals. Deed of Vacation to DNR on September 13, 1994.

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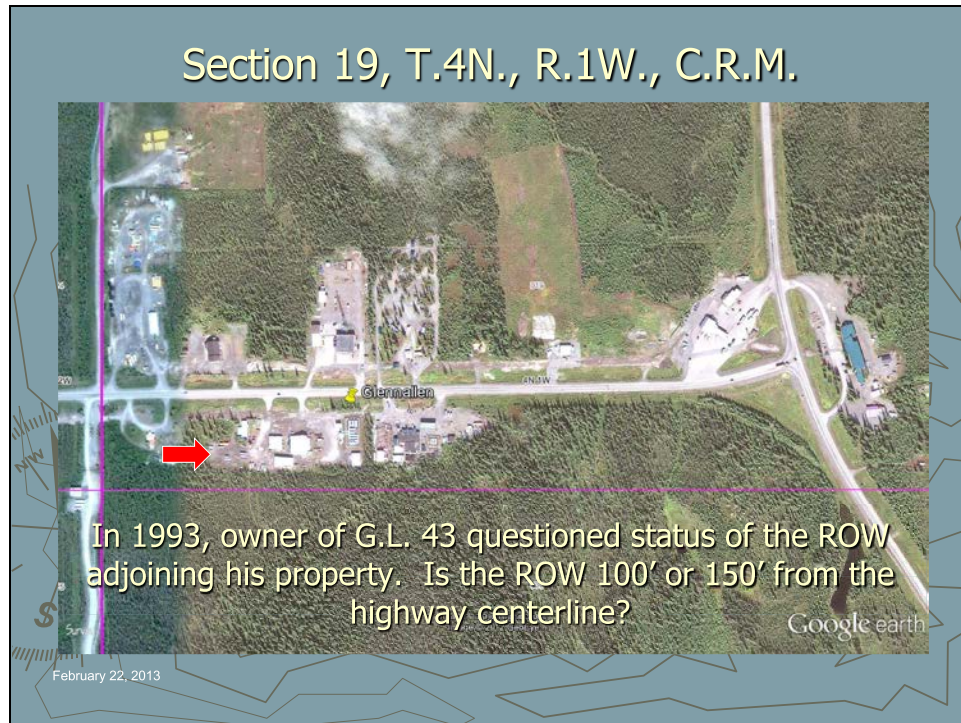


Portion of USS 3336A deeded to House Owner on 9/2/92. Owner also acquires DNR lands under preference rights now that Glenn Hwy ROW is vacated.

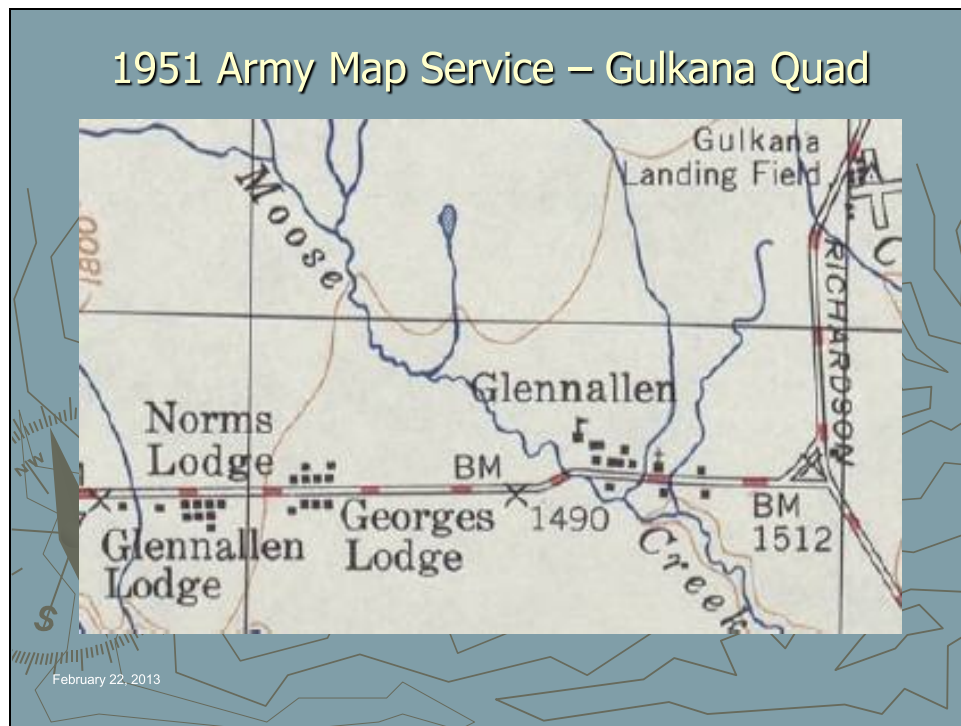
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PLO Case Study #3 near Glenn/Richardson Intersection. The Alaska Highway, Tok Cutoff, Copper River Highway, Denali Highway & Glenn Highways are a few of the roads where the PLO's modified the width of the ROW over the years.



Glenn-Richardson junction at MP 189 of the Glenn Highway and MP 115 of the Richardson.



10,000 meter Grid



February 22, 2013

EXECUTIVE ORDER 9145
RESERVING PUBLIC LANDS FOR THE USE OF THE ALASKA ROAD COMMISSION IN CONNECTION WITH THE CONSTRUCTION, OPERATION 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. 5592 of March 18, 1931, No. 9035 of January 21, 1942, No. 9085 of March 4, 1942, 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 30, T. 20 N., R. 5 E., Seward Meridian, and extending easterly and northeasterly 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 148 miles, as shown on the map, dated March 14, 1942, No. 1877269, on file in the General Land Office.


FRANKLIN D. ROOSEVELT
 THE WHITE HOUSE
 April 23, 1942.

[F. R. Doc. 42-3697; Filed April 24, 1942; 2:59 p. m.]

*7 F.R. 457.
 *7 F.R. 1946.

Executive Order No. 9145
 Palmer-Richardson Highway (Glenn)
 200-Foot ROW
 ~
 April 23, 1942

Initial PLO for Glenn Highway



February 22, 2013

[Public Land Order 46]
 ALASKA *Oct. 23 1942*

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, W¼ sec. 29, E½ sec. 30, and N½ 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.

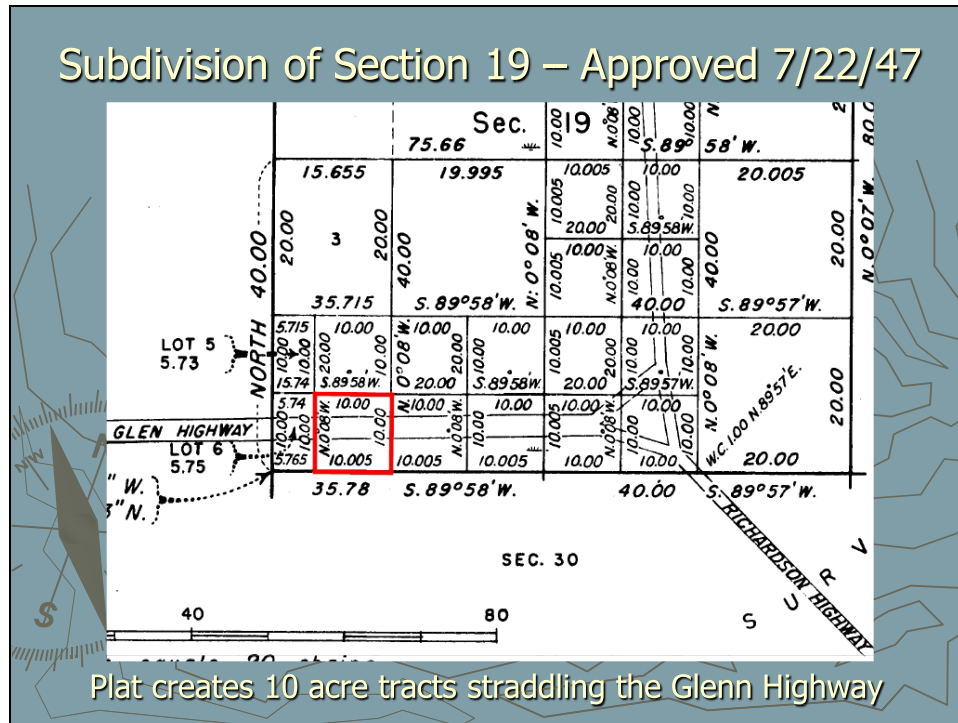
HAROLD L. ICKES,
 Secretary of the Interior.

OCTOBER 8, 1942.

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

PLO 46
 Public Land Withdrawal
 ~
 Including Section 19
 ~
 10/23/42

Would PLO 46 constitute a reservation that would prevent the application of the coming PLO 601 widening?



The highway is graphically represented but no ROW is reserved or dimensioned.

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.

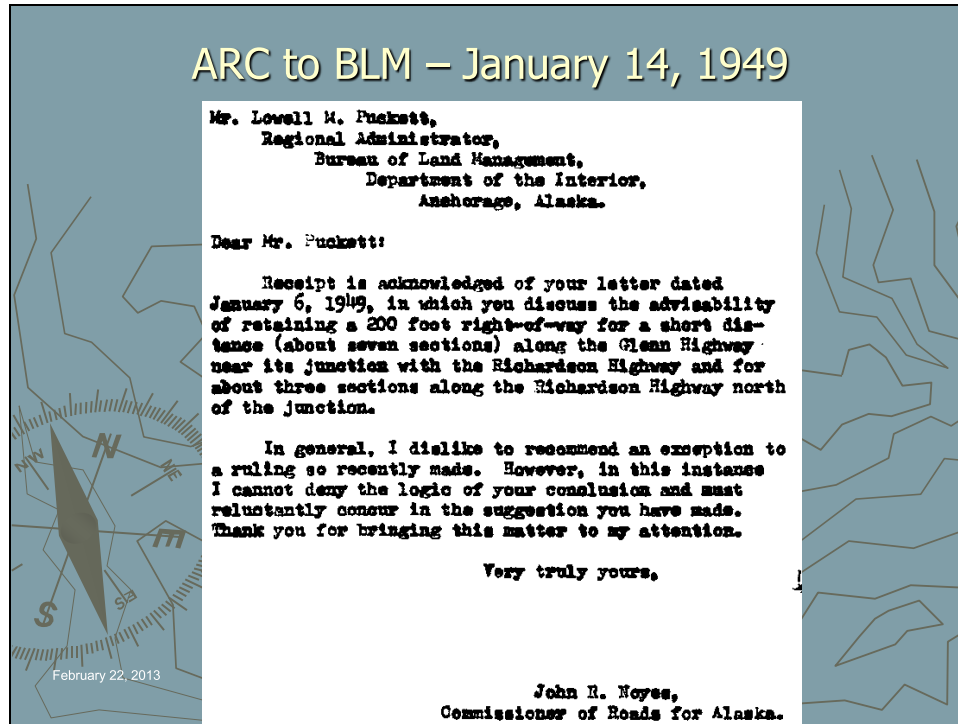
Small tracts have already been surveyed, and it was my thought that perhaps less confusion and more land would result if the width was not disturbed there.



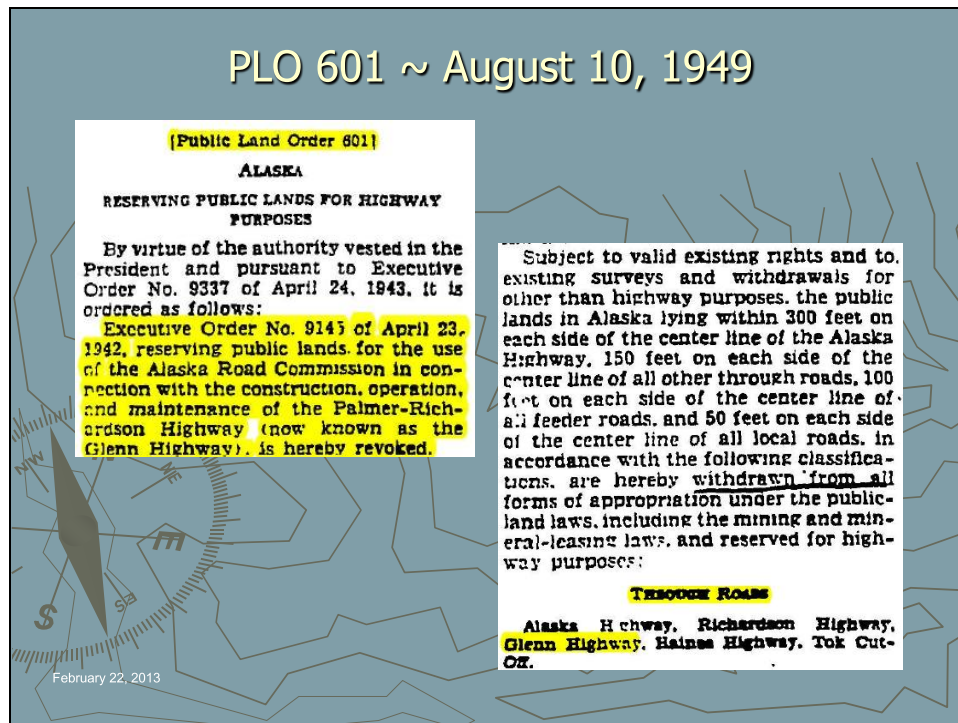
In anticipation of PLO 601...

February 22, 2013

PLO 601 is in the mill!!!! BLM recognizes potential conflict when PLO 601 increases ROW width on the Glenn to 300 feet from the existing EO 9145 width of 200 feet.



ARC Administrator Col. Noyes grudgingly agrees to retain the 200-foot wide ROW in Glennallen.



PLO 601 is now effective. No special exception is made for the stretch of the Glenn passing through Glennallen.