

**[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 1/4 and W 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.*

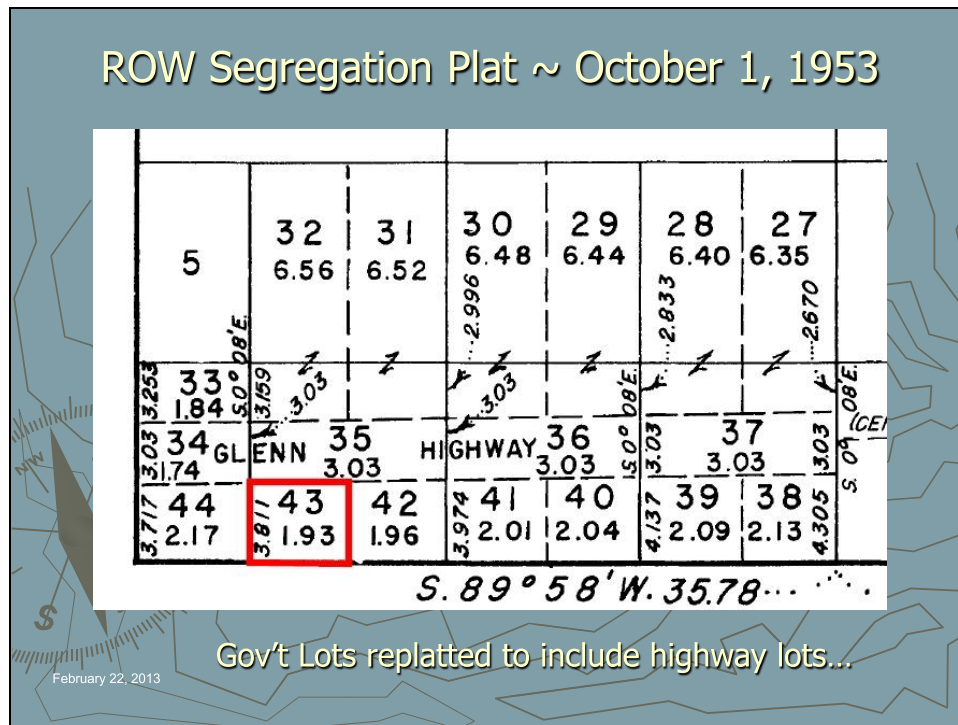
**NOVEMBER 15, 1949.**  
 [P. R. Doc. 49-9370; Filed, Nov. 21, 1949; 9:47 a. m.]

February 22, 2013

PLO 616  
 Partial  
 Revocation  
 of PLO 46  
 ~  
 Including  
 West 1/2  
 Section 19  
 ~  
 11/15/49

3 months after PLO 601 – PLO 601 now effective in subject area.

**ROW Segregation Plat ~ October 1, 1953**



	5	32 6.56	31 6.52	30 6.48	29 6.44	28 6.40	27 6.35
	3.253	1.84	3.03	2.996	3.03	2.833	2.670
	3.03	3.03	3.03	3.03	3.03	3.03	3.03
	3.717	3.811	1.96	3.974	2.01	2.04	4.305
	2.17	1.93	1.96	2.01	2.04	2.09	2.13

**GLENN HIGHWAY**

**S. 89° 58' W. 35.78...**

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

February 22, 2013

ROW Segregation Plat for Richardson and Glenn Highway – replats Government Lots to provide for highway lots based on 200' wide ROW.

Slide 41

### Omnibus Quitclaim Deed ~ FAP Route 42

BOOK <u>235</u> PAGE <u>178</u> Fairbanks Recording District	STATE ALASKA	BOOK <u>391</u> PAGE <u>17</u> Anchorage Recording District
BOOK <u>235</u> PAGE <u>178</u> Fairbanks Recording District	FEDERAL-AID PRIMARY HIGHWAY SYSTEM AS APPROVED FEBRUARY 26, 1957 AND SUBSEQUENTLY AMENDED	BOOK <u>2</u> PAGE <u>93</u> Fort Gibbon Recording District
BOOK <u>235</u> PAGE <u>178</u> Fairbanks Recording District	FAP Route Number	Description

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

February 22, 2013

### Federal Aid Primary Highway System Route No. 42 – Glenn Highway

Slide 42

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

The diagram is a technical right-of-way map showing a junction. A road labeled 'FAIRBANKS' enters from the bottom left and curves to meet a road labeled 'VAN DUSEN' at the top left. From this junction, a road extends horizontally to the right. This horizontal road is labeled '200' ROW' and has a '30' ROW' section. To the right of the horizontal road, there are two vertical lines labeled 'R1W' and 'R2W'. Dimensions of 20, 30, 40, and 50 are marked along the horizontal road. A north arrow is located on the left side of the map.

A little more than a year after statehood, Dept. of Highways issues ROW plans based on 200-foot ROW definition.

Slide 43

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, 51 thru 54, Sec. 20, T. 4 N., R. 2 W., Lots 34, 37 thru 56 said Sec. 21; Lots 39, 42 thru 46, 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

February 22, 2013

State of Alaska selects GL 43 in 1962 and receives patent from BLM in 1964. Patent states it is subject to PLO 1613 Rights of Way. Note this sometimes has been associated with a federal “Merger of Title” Decision.

Slide 44

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

State of Alaska  
Patent  
No.....2182.....

“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.”

February 22, 2013

State of Alaska issues Patent to “Alaska District Church of the Nazerene”, subject to PLO 1613 easement 150’ each side of centerline.

### 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.

February 22, 2013

Upon request of current owner of GL 43, DOT issues Commissioner's Deed of Vacation releasing the outer 50' of Glenn ROW returning to the 100' from centerline configuration initially reserved in EO 9145.

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

The diagram shows a plat with several lots. At the top, lots 32, 31, and 30 are indicated. Below them are lots 111 and 123. The central part of the plat features lots 43, 43A (4.90 Ac.), and 42. To the right of lot 42 is lot 41. A dashed line represents the 'GLENN HWY. CENTERLINE - PROJECT NO. F-042-3. SECTION 19'. A red line indicates the 'DEED OF VACATION' area, which is the outer 50 feet of the highway easement. A hatched area at the bottom represents the 'HIGHWAY AND PUBLIC UTILITY RIGHT OF WAY'. The plat includes bearings and distances for various boundaries.

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

February 22, 2013

Replat 2001-7 dated 8/10/01 Chitina Recording. Combines GL 41, 42 & 43 and vacates southerly section line and existing utility easements. The Glenn Highway ROW in this vicinity is now reflected as 100' south of centerline.

Slide 47

## 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

February 22, 2013

**GL 42 & 43 Patented to the State – GL 41 and Lots to the East were patented to private parties under the Small Tract Act with ROW reservations.**

Slide 48

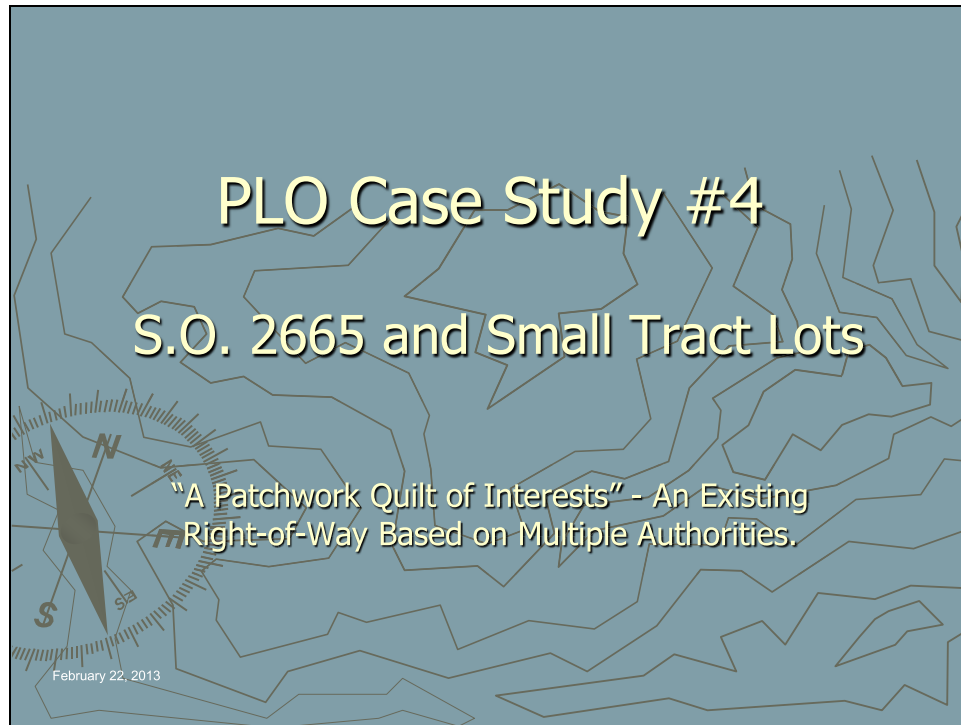
## Small Tract Parcels Subject to PLO 601?

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.*"

February 22, 2013

**With respect to GL 41, the federal and state patents clearly intended to make the lot subject to the PLO 1613 highway easement. "Green" said that as long as the PLO preceded the Small Tract Lease application, the specific Small Tract reservation and the more general PLO can coexist.**

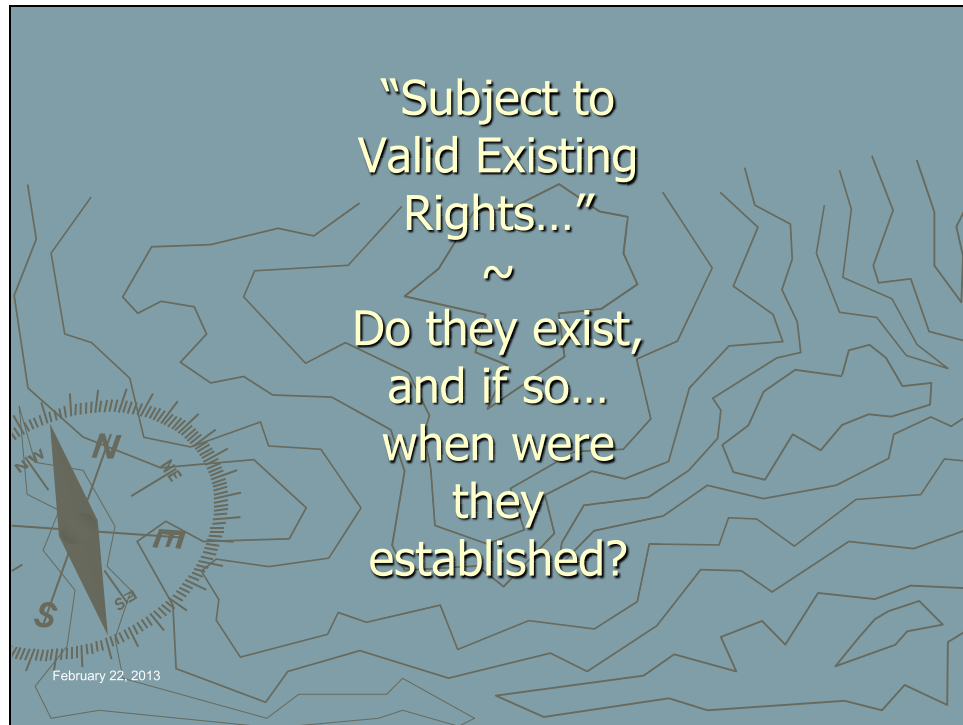


**PLO Case Study #4 – Cartwright Road, Fairbanks.**



**Gov. Lot 44 – Conger – BLM Small Tract Lot 2.5 acres – Cartwright Road on Center ¼ line**

Slide 51



Gov. Lot 44 – Conger – BLM Small Tract Lot 2.5 acres – Cartwright Road on Center ¼ line

Slide 52



Conger Trust Property is Lot 44E, the westerly portion conveyed to the owner to the west apparently due to the encroaching house.

## 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	24-2.50	23-2.50	22-2.50	21-2.50	20-2.50	19-2.50	18-2.50	17-2.50	
35189 W Min	1185026 R/W All Min	1185052 R/W All Min	1185142 R/W All Min	1185141 R/W All Min	1213508 R/W All Min	1213175 R/W All Min	1213176 R/W All Min	1212409 R/W All Min	
2.50	25-2.50	26-2.50	27-2.50	28-2.50	29-2.50	30-2.50	31-2.50	32-2.50	
35137 W Min	1185027 R/W All Min	1213613 R/W All Min	1210596 R/W All Min	1185129 R/W All Min	1200552 R/W All Min	1213174 R/W All Min	1213173 R/W All Min	1213291 R/W All Min	
2.50	40-2.50	39-2.50	38-2.50	37-2.50	36-2.50	35-2.50	34-2.50	33-2.50	
35140 W Min	1185130 R/W All Min	1216632 R/W All Min	1210819 R/W All Min	1185143 R/W All Min	1200556 R/W All Min	1200553 R/W All Min	1207717 R/W All Min	1207716 R/W All Min	
2.50	41-2.50	42-2.05	43-2.50	44-2.50	45-2.50	46-2.05	47-2.50	48-2.50	
30855 W Min	1167663 R/W All Min	1189394 R/W All Min	1198221 R/W All Min	1189388 R/W All Min	1154422 R/W All Min	1149562 R/W All Min	1207714 R/W All Min	1207715 R/W All Min	
								20	

February 22, 2013

Locate the patent number for Gov. Lot 44 – Review BLM Master Title Plat

**The United States of America**  
Do all in whom these persons shall come, decreeing:

WHEREAS, a certificate of the Land Office of **Patuxenta**, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to the act of Congress of **June 11, 1938 (52 Stat. 697)**, as amended by the act of **July 14, 1946 (59 Stat. 407)**, and the acts supplemental thereto, the claim of **William Lee Ault** has been established and that the requirements of law pertaining to the claim have been met, for the following-described land:

**Patuxenta Section, Alaska.**

**T. 1 S., R. 1 W.,**  
**Sec. 20, Lot 44.**

The area described contains **0.00** 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 his 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, thereto in anywise belonging, unto the said claimant, and to his heirs and assigns of the said claimant forever; subject to (1) any vested and reserved water rights for mining, agriculture, manufacturing, or other purposes, and rights to drain and reserve and to connect with such water rights, as may be recognized and acknowledged by the local custom, laws, and decisions of courts; (2) the reservation of a right-of-way for drainage or other purposes by the authority of the United States, in accordance with the act of August 30, 1907 (34 Stat. 224); (3) the reservation of a right-of-way for roads, canals, pipelines, telegraph lines, bridges, and other structures constructed or to be constructed by a civil authority of the United States or by any State created out of the Territory of Alaska, in accordance with the act of July 18, 1947 (61 Stat. 414, 415 U.S.C. sec. 3019). There is also reserved to the United States a right-of-way for the construction of pipeline, telegraph and telephone lines, in accordance with section 1 of the act of March 12, 1915 (39 Stat. 306, 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 11, 1938.

This patent is subject to a right-of-way not exceeding 15 feet in width, for road 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 11, 1938 (52 Stat. 697), has, in the name of the United States, caused these letters to be signed, Patented, and the Seal of the Bureau to be hereunto affixed.

Given under my hand, in the District of Columbia, this **11th** day of **February**, 1958.

By **W. L. Felt**  
Chief, Patent Division

Patent Number: **1189388**

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 22, 2013

Section 20 Lot 44 – Subject to ROW 33' wide for road and public utilities on south & west boundaries. Patent 12.16.58. Entry Date?



Slide 55

### 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	679 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 22, 2013

Patent issued on 12/16/58 but vested rights relate back to date application was filed or November 3, 1954.

Slide 56

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

February 22, 2013

Patent issued on 12/16/58 but vested rights relate back to date application was filed or November 3, 1954.

## Secretarial Order No. 2665

**Federal Register Data**

Published: 10/20/51  
No. 1: 205

Volume: 16  
Page: 10752

**Office of the Secretary**  
(Order 588)

**RIGHTS-OF-WAY FOR HIGHWAYS IN ALASKA**  
October 19, 1951.

**SECTION 1. Purpose:** (a) The purpose of this order is to fix the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior and (2) provide 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, 1933 (47 Stat. 464, 465, U. S. C. 215a).

**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, Dalton Highway, Chena Highway, Healy Highway, Stewart-Anchorage Highway, Chukchee-Lake Bennett Highway and Fairbanks-College Highway shall extend 150 feet on each side of the center line thereof.

(2) For feeder roads: Albert Road (Kodiak Island), Dalton Cutoff, Elsie Highway, Grewna, Pitmeach, Train Road, Stone Highway, Dalton Highway, Taylor Highway, Hardway Junction to Oymyakon Road, Palmer to Metchikan to Wainwright, American Road, Palmer to Yukon Lake to Wainwright, Crane Highway Junction to Pitmeach Junction to Wainwright to Kani Road, Bark to Healy Road, Kani Junction to Kani Road, Upernivik to Stone Road, Central to Circle Bay, Spruce to Portage Creek Road, Manley Hot Springs to Duran Road, North Park Boundary to Kachikoon Road, Pouch to McDieter Park Road, Gortone Landed to Ophir Road, Island to Fair Road, Dillingham to River River Road, Dakey to Leno to Peorine Road, Home to Council Road and Home to Sheshe 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.

Reference No. 1139

**SECRETARIAL ORDER No. 2665**  
Part Affected: Hwy Rights-of-Way  
Date Signed: 10/16/51

**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, 1946, as amended by Public Land Order No. 131 of October 16, 1951. That order covers a complete reservation 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 was in effect to the width of such roads as mentioned in section 2 of this order, as 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 to all new construction involving public roads in Alaska when the survey stakes have been set on the ground and notice has been posted at appropriate points along the route of the new construction specifying the type and width of the road.

**Sec. 4. Road maps to be filed in proper Land Office.** Maps of all public roads in Alaska, together with location of the roads, together with appropriate stakes and notations, 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 I. Chapman,  
Secretary of the Interior.

(P. R. Doc. 51-12288. Reel. Oct. 24, 1951; 1640 & 61.)

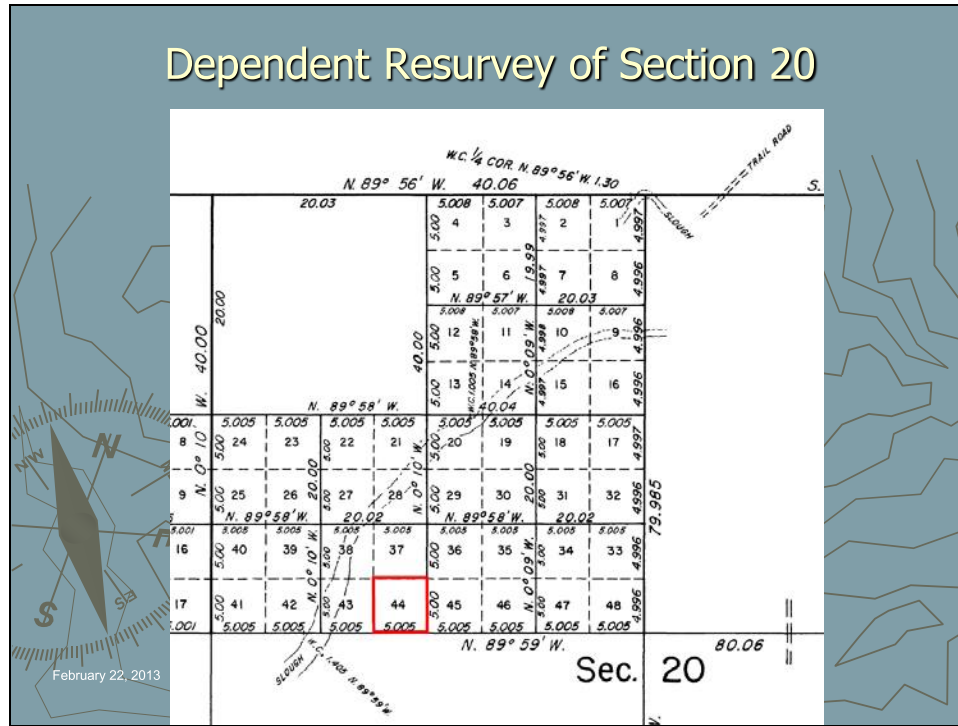
February 22, 2013

SO 2665 effective 10/20/51 – Sec 2(c) – ROW will attach to all new construction when the survey stakes have been set on the ground.

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

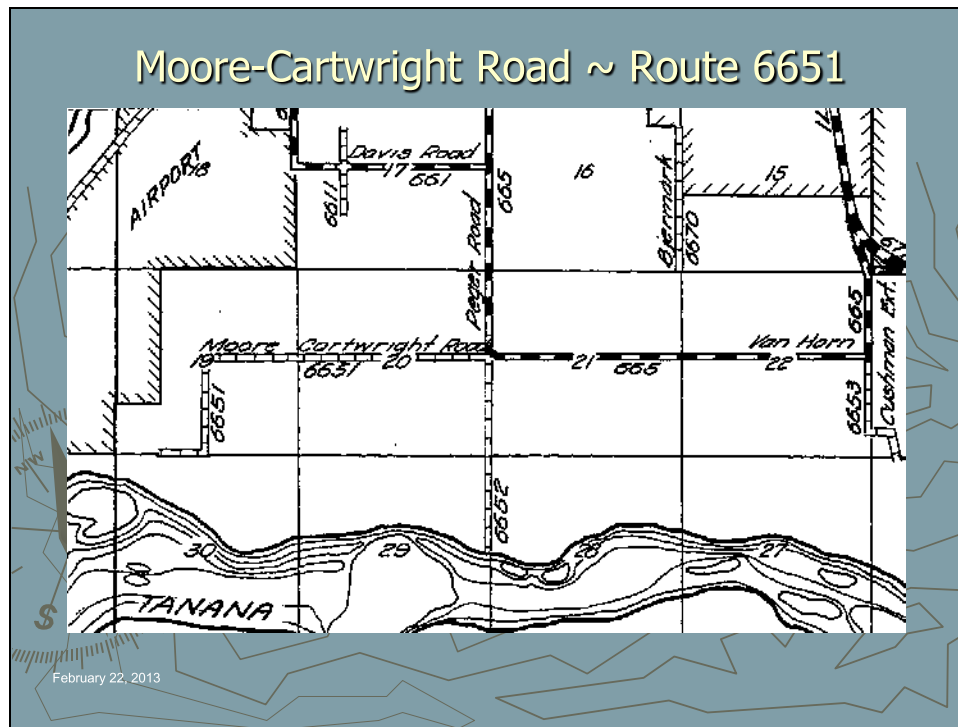
February 22, 2013

Slide 59



Plat Approved April 13, 1953. Dependent Resurvey & Subdivision of Sections 7, 17, 19 & 20 Note road crossings. No Cartwright Road.

Slide 60



Fairbanks Vicinity Map November 1957. Route 6651 Moore-Cartwright Road

Slide 61

## Omnibus Quitclaim Deed ~ Route 6651

BOOK 37 PAGE 59  
Anchorage Recording District

BOOK 38 PAGE 119  
Anchorage Recording District

BOOK 40 PAGE 65  
Anchorage Recording District

Book 8 Page 119  
Meadow Hot Springs Recording District

BOOK 7 PAGE 135  
Fairbanks Recording District

43

BOOK 2 PAGE 771  
Delta Recording District

BOOK 6 PAGE 216  
Katharine Recording District

BOOK 17 PAGE 243  
Delta Recording District

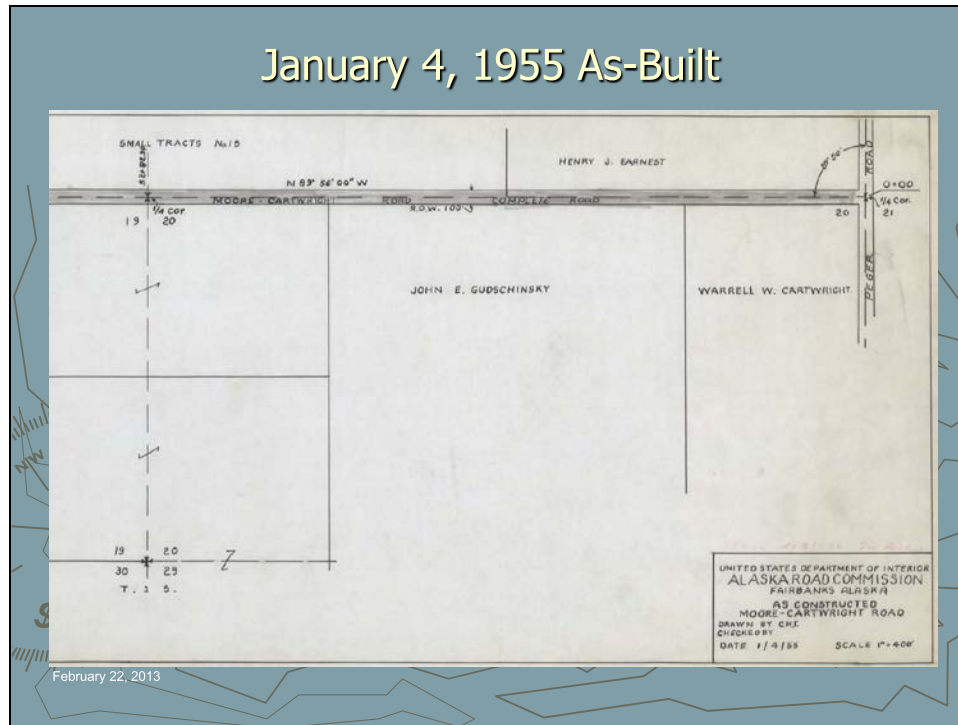
FEDERAL-AID SECONDARY HIGHWAY SYSTEM, CLASS "B" ROADS B-24

FAS Route No.	Name	Description	Highway District No.	Constructed Mileage	System Mileage
651	Ester Dome Road-St. Patrick's Goldstream	From FAS Route 37 branching north and west through the Ester Dome mining area. The north branch loops northeasterly to FAS Route 651.	20	7.0	7.8
501	Bennett Road	From FAS Route 6502 southeasterly to FAS Route 650.	20	1.5	1.5
5502	Steele Creek Branch	From FAS 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	Pike's Landing Road	From FAS Route 62 spur west and north to Pike's Landing.	20	1.0	1.0
6511	Alton-Davis Spurs	Two spurs southeast of Fairbanks, one leading north and one leading south into homestead areas from FAS Route 661 at the same point.	20	0.5	0.5
6551	Moore-Cartwright Road	From FAS Route 665 westerly into a homestead area.	20	2.0	2.0
6652	Pager Road	From FAS Route 665 south through an industrial area to the Tanana River.	20	1.0	1.0
6652	Outham Street Extension	From FAS Route 665 south through an industrial area.	20	0.7	0.7

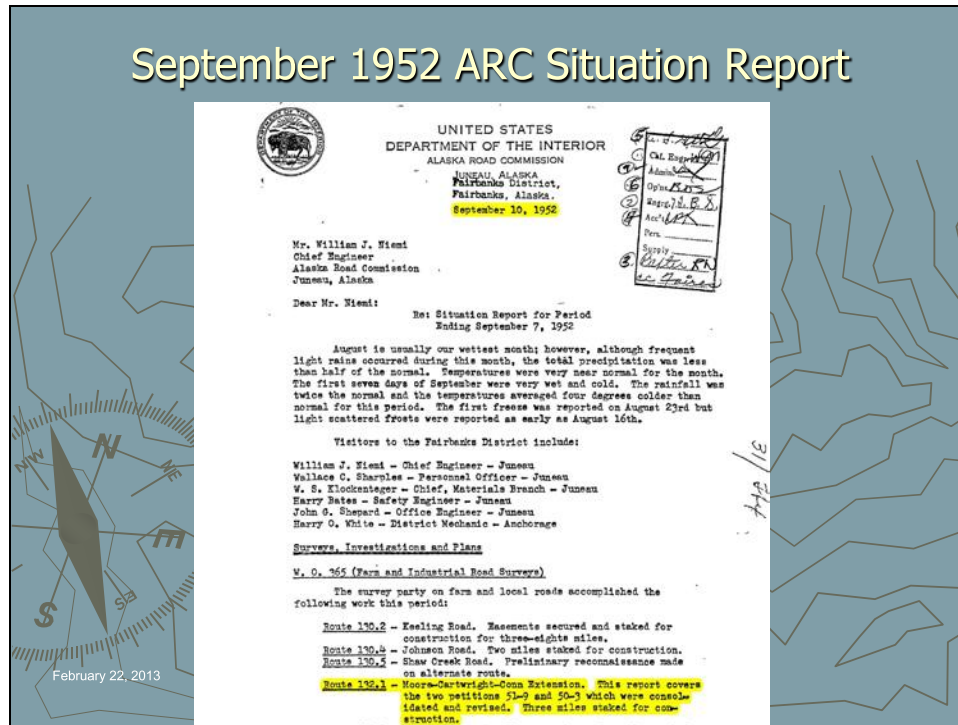
February 22, 2013

**Federal Aid Secondary Highway System Class "B" Route 6651 Moore-Cartwright Road – 2.0 Miles Constructed length.**

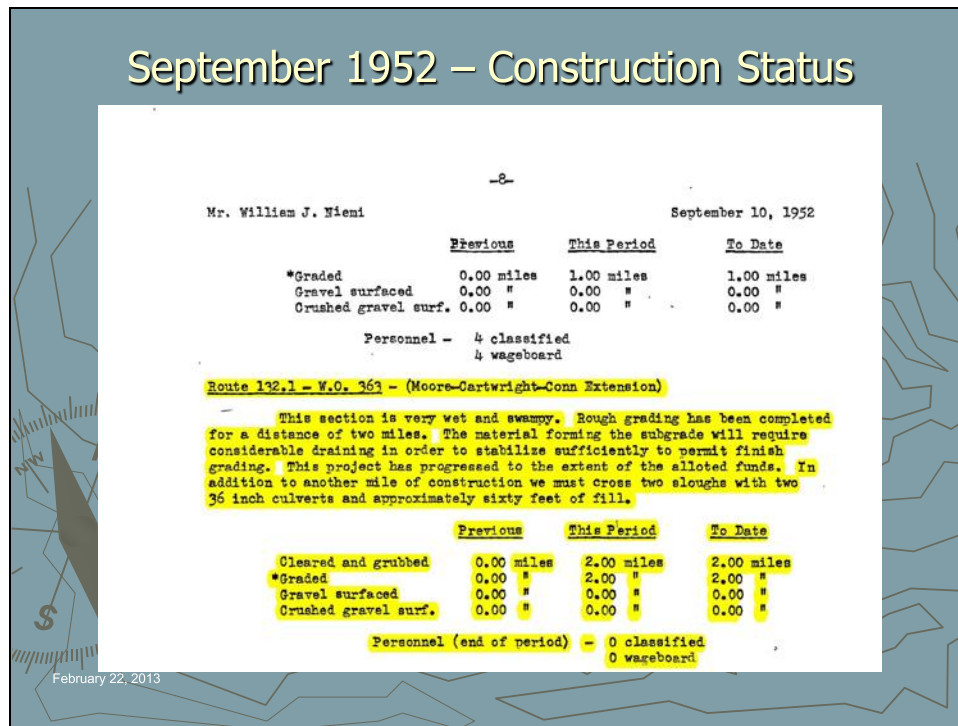
Slide 62



**January 4, 1955 As-Built for Moore Cartwright Road.**



ARC Situation Report Ending 9/7/52 – Staked for construction

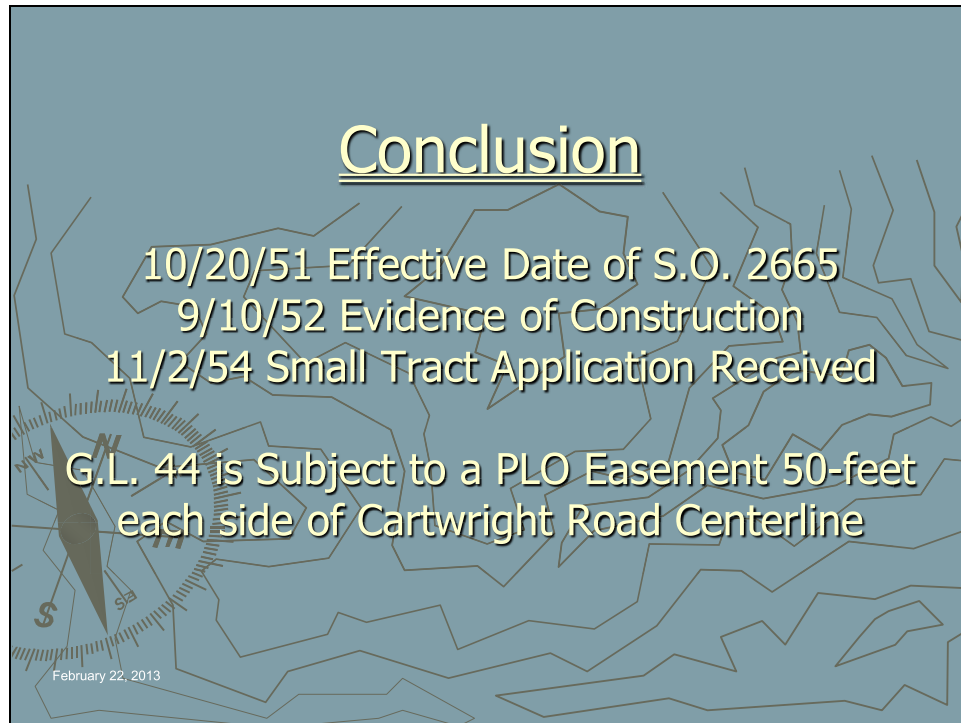


2.0 miles cleared and grubbed by September 10, 1952

## 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 22, 2013

**Basis PLO ROW Analysis.**

## The End



February 22, 2013

**Not everyone is happy with the results of our PLO Right-of-Way determinations.**