

Bennett, John F (DOT)

From: Bennett, John F (DOT)
Sent: Friday, December 23, 2011 9:35 AM
To: Bennett, John F (DOT)
Subject: RE: 14c Plats

Al called me on his way to Homer for the Holidays. He said proposed ROW is always tracted but like federal townsites, BLM considers them dedicated to the public. They used to show proposed ROW as named streets and roads (not lotted or tracted) but at DCED's insistence, they started tracting them and providing acreages so they could be charged against the ANCSA corporations obligations. I looked at plats for Cordova, Noorvik and Copper Center and found notes or labels on the plat that clearly indicated an intent to create a public ROW for certain corridors/tracts. In Tanacross one corridor is labeled as ROW while another tract (clearly a road) was not. In Manley, Al said that the specific intent was to not have the plat reflect the corridors as public ROW and that this had something to do with the conflict between the tribal/native faction and the community association (white faction). (Did not want the public having access to the tracts...)

From page 11 of the 1992 BLM ANCSA 14c Survey Handbook

6. Check that 14(c)(3) right-of-ways are labeled, widths dedicated, and beginning and ending points are shown (may need to be staked prior to survey). Right-of-ways may include one or more of the following within an ANCSA 14(c) Survey; proposed roads/trails, existing roads/trails/boardwalks, utility corridors for above ground installations or staked corridors for buried utilities, etc. It is helpful to have the Village Corporation indicate whether the reconveyance of the designated rights-of-ways will be for "fee simple title" or less than fee simple, which may dictate how the rights-of-way will need to be surveyed and marked.

From: Bennett, John F (DOT)
Sent: Thursday, December 22, 2011 9:21 AM
To:
Subject: 14c Plats

Good morning Al and Merry Christmas! – I was in a teleconference with Keith Jost and folks representing Manley Hot Springs. A couple of things came up that made me wonder if I knew as much about 14c plats as I thought. Recognizing that DNR and BLM consider 14c plats exempt from the normal platting authority approvals, my question is this: Can a 14c plat dedicate road rights of way to the public? We have had a related discussion before regarding townsite plats and resolved that even though there isn't a "certificate of dedication" that one would find on a state subdivision plat, the intent was that those areas shown on a townsite plat as streets and alleys were intended to be dedicated to the public. The 14c3 concept is that lands necessary for a city or future city would be reconveyed by the ANCSA Corporation. The 14c plat has several tracts that by their location and width are intended to define existing or proposes trails to be conveyed to DCED in trust for the future city. One comment I have to clear up with Keith is that these tracts require a permit from DCED before they can be used or need to be dedicated as rights of way because they were just conveyed as tracts of land. Although I don't have a copy of the Map of Boundaries, the corporation representatives argued that they had already agreed that these parcels were intended to be public rights of way and that no additional permissions were needed. While the 14c plat does specify a 60' width for the tracts which would commonly represent a road easement, they are not labeled with road names or any other indication that they are in fact dedicated public rights of way. My understanding is while Keith said his office would be willing to issue a permit or whatever, I understand it must meet the approval of the community council (the white faction) which apparently is at odds with the tribal/native faction.

In any event, there is some discussion in the old 14c survey handbook about designating proposed rights of way. If these road tracts related back to the intent of the Map of Boundaries which purportedly label them as rights of way, I'm wondering if they can be considered dedicated to the public or if the fact they were labeled as "tracts" defeated that intent. Or maybe the 14c platting process is without authority to create public rights of way and is limited to designating tracts to be reconveyed to the city. I'm looking at another project in Tanacross and see the same thing. That certain roads that were not existing ROW, were labeled as tracts. I'm thinking now that maybe 14c does not dedicate public ROW and that the city or trustee must take action to turn that road corridor into a dedicated public ROW. What do you think? JohnB