

ALASKA

STATUTES

ALASKA STAT. § 19.10.010 (1988 & Supp. 1992) (section lines dedicated for use as public highways, enacted 1953)

ALASKA STAT. § 19.10.015 (1988) (establishment of highway widths, enacted 1963, amended 1980)

ALASKA STAT. § 19.45.001(9) (1988 & Supp. 1992) (definition of highway, enacted 1961)

Note: The Alaska territorial legislature accepted the federal grant of public lands for highway purposes in 1923. (19 SLA 1923, reenacted as 1721 CLA 1933, repealed by 1 SLA 1949). 19 SLA 1923 had similar provisions to ALASKA STAT. § 19.10.010. Brice v. State, Div. of Forest, Land & Water, 669 P.2d 1311 (Alaska 1983)

CASES

Hammerly v. Denton, 359 P.2d 121 (Alaska 1961)

Mercer v. Yutan Construction Co., 420 P.2d 323 (Alaska 1966)

Girves v. Kenai Peninsula Borough, 536 P.2d 1221 (Alaska 1975) (citing ALASKA STAT. § 19.10.010)

Fisher v. Golden Valley Elec. Ass'n, Inc., 658 P.2d 127 (Alaska 1983) (citing ALASKA STAT. § 19.10.010)

State v. Alaska Land Title Ass'n, 667 P.2d 714 (Alaska 1983)

Brice v. State, Div. of Forest, Land & Water, 669 P.2d 1311 (Alaska 1983)

Dillingham Comm. Co., Inc. v. City of Dillingham, 705 P.2d 410 (Alaska 1985)

Summary: To complete the grant offered in 43 U.S.C. § 932, there must be either some positive act on the part of the appropriate public authorities of the state, clearly manifesting an intention to accept a grant, or there must be public user for such a period of time and under such conditions as to prove that the grant has been accepted. Dillingham at 413 citing Hammerly. ALASKA STAT. § 19.10.010 was held to constitute an acceptance of the grant. Girves at 1226. The statutory period of use is ten years. Dillingham at 415.

LAW REVIEW ARTICLES

Leroy K. Latta, Jr., Public Access Over Alaska Public Lands As Granted by Section 8 of the Lode Mining Act of 1866, 28 Santa Clara L. Rev. 811 (1988).