

John F. Bennett, PLS, SR/WA

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Summary Statement

My specialty as a professional land surveyor has primarily involved research and analysis of historic rights-of-ways (ROW) and their effect on land title in Alaska.

Education

1978 Associate of Science in Survey Technology, Anchorage Community College

1971 - 1974 Civil Engineering, University of Alaska Fairbanks

1980 - 2020 More than 1500 continuing education hours relating to ROW and surveying issues.

Work Experience

JOHN F. BENNETT CONSULTING | Fairbanks, Alaska | 2021 - 2020 | Right-of-Way/Land Access Consultant

- Consulting and expert witness services relating to land status access, historic rights-of-way, and access review.

R&M CONSULTANTS, INC. | Fairbanks, Alaska | May 2014 – October 2020 | Senior Land Surveyor

- Provide ROW/title research and analysis for a variety of mapping boundary and civil design projects. Experience including preparation of expert reports and presentation of expert testimony in boundary dispute and ROW litigation. Assignments for each of the three Department of Transportation Regions included title assessment for existing ROW, guidance related to ROW plan development and land acquisition and support for resolution of complex property management conflicts. Other assignments include access reviews for new subdivisions and mining claims, and ROW research for gas distribution systems and transmission pipelines.

State of Alaska, Department of Transportation & Public Facilities, Northern Region | Fairbanks, Alaska | 1999 - 2014 | Chief, Right-of-Way

- Supervised the title and plans, utilities, appraisal, negotiations, relocation, property management, pre-audit and surveying activities for the aviation, highway and public facility programs. Participated in the development of ROW- related legislation, regulation and policy and advised our HQ staff on land acquisition issues. Assisted the Attorney General's Office in condemnation and defense of ROW litigation and have testified as an expert and provided affidavits in title and survey cases. As a support group section chief to the regional pre-construction group, I managed the delivery and quality control of right-of-way services in a manner that was both timely and compliant with requirements of our funding agencies.

State of Alaska, Department of Transportation & Public Facilities, Northern Region | Fairbanks, Alaska | 1986 - 1999 | Right-of- Way Engineering Supervisor

- Professional land surveyor and unit manager responsible for survey specifications and development of title reports, mapping, property descriptions and platting for land acquisition projects.

Professional Licenses/Certifications

1984 Professional Land Surveyor, Alaska #LS6278 – Expires December 31, 2021

1986 United States Mineral Surveyor – Appointment in effect to December 31, 2021

1989 Senior Right of Way Professional (SR/WA) IRWA #3675 – Recertified to November 1, 2024

Expert Witness Experience

Qualified as an Expert Witness in Alaska State Court

Professional Affiliations

Alaska Society of Professional Land Surveyors | Member and Past President, Fairbanks Chapter; Secretary and Past President, Statewide Chapter; 1994-1997 Alaska Land Surveying Exam Workshop; 1993-2005 Standards of Practice Chairman and Website Manager; 1999 ASPLS Surveyor of the Year.

International Right of Way Association | Member and Past President, Fairbanks Chapter; 1990 Fairbanks Chapter Professional of the Year.

50th Alaska Surveying & Mapping Conference | 2016 Hall of Fame Inductee

Professional Presentations & Papers

No Boundaries – A Brief Discussion of Alaska Boundary Law – authored by John F. Bennett, PLS, SR/WA to be presented at the 54th Annual Alaska Surveying & Mapping Conference, Anchorage, 2020 (Note: Conference cancelled due to Covid)

Small Tract Rights-of-Way: McCarrey v. Kaylor – authored and presented by John F. Bennett, PLS, SR/WA – 53rd Annual Alaska Surveying & Mapping Conference, Anchorage, 2019

Legacy maps: Intent, accuracy, precision, and suitability to purpose (The implementation of the 2005 Federal Highway Bill Section 4407 easements) - John F. Bennett, PLS, SR/WA, Tom Heinrichs (UAF-GINA), Dan Garner, PLS (ADOT&PF) – 51st Alaska Surveying & Mapping Conference, Anchorage, 2017

Access Law & Issues Affecting Public & Private Lands in Alaska - John F. Bennett PLS, SR/WA & Daniel W. Beardsley, SR/WA – Multiple seminar presentations between 1992 & 2016

Highway Rights of Way In Alaska - authored and presented by John F. Bennett as a part of the above noted Access Law seminar. 1993, revised 2013.

Highway Right-of-way Surveys - authored and presented by John F. Bennett, PLS, SR/WA – 31st Alaska Surveying & Mapping Conference, Anchorage, 1996.

Records of Survey: Interpreting the Intent – authored and presented by John F. Bennett, PLS, SR/WA – 32nd Alaska Surveying & Mapping Conference, 1997.

Property Descriptions for Rural Alaska – authored and presented by John F. Bennett, PLS, SR/WA – 8 hour seminar sponsored by IRWA, DOT&PF & UAA.

RS 2477 Trails and Section Line Easements – Authored and presented by John F. Bennett, PLS, SR/WA – Access 2003 Seminar, Fairbanks, 2003.

IRWA 101 Principals of Real Estate Acquisition – Engineering: A 24-hour course instructed multiple times in Alaska since 1992.

IRWA 901 Engineering Plan Development & Application – 1-day course instructed multiple times in Alaska and Washington since 1992.

IRWA 902 Property Descriptions – 1-day course instructed multiple times in Alaska and Washington since 1992.

IRWA 900 Principles of Real Estate Engineering – 2-day course instructed multiple times in Alaska and Washington since 2001.

RS2477, PLO's & Section Line Easements – an in-house seminar presented by John F. Bennett and Daniel W. Beardsley to the Attorney General's Transportation staff, Anchorage - 1998.

Alaska Society of Professional Land Surveyors – Standards of Practice Manual – 1994 Edition: Editor and Distribution manager.

References available upon request.

John F. Bennett, PLS, SR/WA – Summary of Expert Testimony – 7/25/20

Case 4FA-13-02333 CI Orth v. Largent – I was retained by John Tiemessen (Clapp Peterson Tiemessen Thorsness & Johnson, P.C.) for Walter Largent to prepare an expert report regarding the validity of certain trails in the Ester Creek vicinity. Report dated 6/15/18; Current Trial date: 5/9/2021.

Case No. 4FA-18-03111 CI Vezey v. Carpenter: Retained by A. Vezey (Represented by William R. Satterberg, Jr.) The case relates to a disputed access trail through the Vezey property at Shaw Creek (Richardson Highway MP 287). Report dated June 5, 2019; Case settled.

Case No. 1JU-14-00771 CI Collins v. Hall – I was retained by Lael Harrison, Attorney (Faulkner Banfield P.C.) for the Halls. I prepared two expert reports and testified at trial on a case regarding a boundary dispute. Initial report dated 12/17/15; Secondary report dated 1/21/16; Trial testimony 12/1/16. The Superior Court ruled in favor of client Hall on 7/6/17. The case was appealed to the Supreme Court who affirmed the Superior Court decision on 9/27/19. The Supreme Court opinion cites my review of the conflicting surveys and conclusions.

Case No. 3AN-08-06337 CI Ahtna, Inc. v. SOA – I was retained by the Department of Law (AAG Jessie Alloway) to prepare an expert report regarding the Klutina Lake Road (Brenwick-Craig road) RS-2477 assertion. Report dated 12/19/16; Deposition 1/12/17, Case tentatively settled.

Case 1JU-13-596 CI Loewen v. SOA, et al – I was retained by Kristen P. Miller, Attorney (Simpson, Tillinghast, Sorenson & Sheehan, P.C.) for Sealaska Corp. and Haines Alaska Native Brotherhood to provide an expert report regarding the status of Lutak Road and to testify at trial. Report dated 3/11/16; Trial testimony 4/12/16; The Superior Court ruled in favor of client in its 9/19/16 order.

Case No. 3KN-08-453 CI State v. Offshore Systems – Kenai (OSK) – I was retained by the Department of Law (AAG Dana S. Burke) to prepare an expert report regarding the status of the Nikishka Beach Road right-of-way approximately 16 miles northerly of Kenai, Alaska. Report dated 3/10/09; Deposition dated 4/3/09; Trial testimony dated 7/28/09. The Superior Court ruled in favor of the State in its 4/6/10 order. The case was appealed to the Supreme Court who affirmed the Superior Court decision on 7/27/12.