

RG 30 RECORDS OF THE BUREAU OF
PUBLIC ROADS

WASHINGTON OFFICE

GENERAL CORRESPONDENCE AND
RELATED RECORDS, 1912-65.

1955-1959

ALASKA FOREST HWYS 1959 PART 1 OF 2
THRU

ALASKA INTERSTATE HWYS 15-16 1957-59

BOX NO.
1131

HM 1991

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

Alaska

Land 2-3

Land 2-3-1-6

1956-59

Part 2 of 2

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

Mr. G. M. Williams, Assistant Commissioner

October 2, 1957

C. W. Phillips, Chief, Right-of-Way Division

S. Z. Phillips

Alaska Right-of-Way Problems

I agree with Mr. Christensen's memorandum of September 3 insofar as the need for instructions to the field is concerned. However, it is not felt that such instructions can be issued until certain legal questions have been determined. We are preparing a request to the General Counsel for rulings on the most pressing questions and when they are received we can advise Mr. Swick more definitely as to the procedures that should be followed. This is a situation where we will have to more or less feel our way along depending on the courts, comptroller general, and the office of the General Counsel to give us guidance since it is an unprecedented situation.

There is no doubt but that Mr. Swick needs someone in his office, who has a legal background, to assist him in getting this situation in hand. It is going to be a long hard struggle to bring any semblance of order to the existing right-of-way situation.

SZPhillips:br

cc: Files ✓

Mr. C. W. Phillips (2)

Mr. Christensen

Alaska Land 3

Off

22-50

July 25, 1957

Mr. Edward Woolley
Director, Bureau of Land
Management
Department of the Interior
Washington 25, D. C.

Attention: Mr. E. R. Hochmuth
Your file: 5.04e:H
Fairbanks 013138

Dear Mr. Woolley:

This is in reply to your letter of June 25, 1957, concerning withdrawal of 12 acres of public lands located within section 30, T.4S, R. 4E., Fairbanks Meridian.

The Bureau of Public Roads has no objection to the withdrawal of the above-mentioned land, and it will be appreciated if you will proceed along the lines suggested.

Please keep us advised as to the progress of this matter.

Sincerely yours,

G. M. WILLIAMS
Assistant Commissioner for Engineering

JOSEPH BARNETT

By
Deputy Assistant Commissioner

HRI:Johnson:glg
cc: Central File (2)
Mr. E. H. Swick
R/W Division
R/W Folder
Mr. G. M. Williams

WJP

*R/W/16
3-7-57*

7-26-57

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. G. M. Williams, Assistant Commissioner for
Engineering, Washington, D. C. DATE: July 12, 1957

FROM : E. H. Swick, Regional Engineer
Juneau, Alaska *EHS*

SUBJECT: Withdrawal of Lands in^x Alaska

Thank you for your letter of July 9, 1957.

Federal Register dated December 6, 1956, amended by Federal Register dated February 27, 1957, has notice of the proposed withdrawal in the name of the Bureau of Public Roads.

22-51

BUREAU OF PUBLIC ROADS

*Alaska Land 3
Forest Hwy Alaska
(Richardson Hwy)*

Mr. E. H. Swick, Regional Engineer
Juneau, Alaska

C. W. PHILLIPS

July 9, 1957

G. M. Williams, Assistant Commissioner for Engineering
Washington, D. C.

Withdrawal of lands in Alaska

Attached are two copies of a letter from Mr. H. R. Hochmuth,
dated June 25, 1957, which is self-explanatory.

It will be appreciated if you will advise us whether you concur
in the request for withdrawal formerly made by the Alaska Road Commission.

Attachments

JRJohnson:glg
cc: Central Files (2) ✓
Mr. E. H. Swick
R/W Division
R/W Folder
Mr. G. M. Williams

awp

7/10

*R/W 23
6-27-57*



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

IN REPLY REFER TO:

5.04e:H
Fairbanks 013138

JUN 25 1957

Mr. C. W. Phillips
Chief, Real Estate and Right-of-Way
Division
Bureau of Public Roads
Department of Commerce
Washington 25, D. C.

Dear Mr. Phillips:

On March 28, 1956, the District Engineer, Alaska Road Commission (now the Bureau of Public Roads) filed with this Bureau an application (Fairbanks 013138) for the withdrawal of U.S. Survey No. 2285, located within section 30, T. 4 S., R. 4 E., Fairbanks Meridian, and containing 12 acres of public lands.

The tract, which straddles the Richardson Highway in the southwest corner of the old Salcha Military Reservation, some eight miles south of the Eielson Air Force Base and 35 miles southeast of Fairbanks, is to be utilized by the applicant for the construction of erosion and flood control structures. The purpose of the withdrawal is to reserve the described area as a bulkhead against future erosion of the Tanana River and subsequent damage to the Richardson Highway.

It is suggested that the land be withdrawn under the jurisdiction of the Bureau of Public Roads for the purpose requested. If you have no objection to the withdrawal of the tract as suggested, we will submit an appropriate order for consideration of the Secretary of the Interior.

Sincerely yours,

For the Director:

R. H. Hochmuth

*R/W 23
6-27-57*

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

~~4077~~
C. W. Phillips
files

Alaska Hand 2

June 28, 1957

Mr. W. R. Benson
Homer, Alaska

Dear Mr. Benson:

The Governor's office has made inquiry as to the status of construction on the Homer end of the Sterling Highway which was programmed for this season. It is greatly regretted that problems of right-of-way and fisheries would not permit initiation of the work this season.

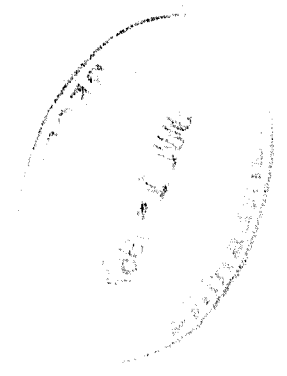
In reply to your letter of July 17, 1957, to District Engineer M. C. Zimmerman, I wish to assure you that the next improvement of the Sterling Highway will start at Homer and proceed northward to join the paving at Soldotna. Funds have already been set aside from current allotments to perform the initial grading from Homer to Ninilchik, and there will be no change in these plans.

In the section from Homer to Ninilchik, 179 easements are required for right-of-way and 7 for gravel. A large percentage of the land owners have been more than cooperative, but it takes only a few to definitely block a project until legal procedures can take effect. We are following the necessary procedures, and it is then up to the courts as to how rapidly the decisions will be reached.

The Bureau of Public Roads cannot accede to payment of exorbitant prices for right-of-way or gravel and will resort to condemnation when faced with such demands. Appraisals will be made by disinterested parties, and on the basis of these appraisals the courts will be asked to set a price. We hope that these actions can be completed in time to start construction in 1958.

Very truly yours,

E. H. Swick
Regional Engineer



cc: Governor's office
Anchorage
Washington office

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

Homer, Alaska, June 17, '57

M. C. Zimmerman,
Engineer, B.F.R.
Anchorage, Alaska

Dear Sir:

I have noted your comments as quoted in the Anchorage News, under the heading of Greed Holds Up Road Work, and in my opinion, it is the finest piece of alibi-ing that I have read in a long while. It only goes to show that your dept. is going to ignore the petitions of more than 2500 residents of Anchorage, Seward, Seldovia, and this part of the Kenai and the many tourists who have the temerity to subject their cars to some of the worse roads in the country. We were assured last year by the governor and the party that toured the Territory that we would get some consideration on this end of the road. The last Legislature passed memorials to the same effect.

We were in hopes, that the new road setup would clean their slate of the old prejudices held against this part of the peninsula, but apparently we have nothing more than a glorified A. R. C. and the chances of us being taken into consideration are nil.

You would have the public believe, that a few individuals are holding up the road construction and that this is an unheard of condition here in Alaska. Just when did the road commission or any other highway dept. ever get 100% co-operation from the property owners along a highway. And since when has a couple of individuals been able to hold up a road program. Anything to the contrary is alot of baloney. Why don't you come out and lay your cards on the table and tell the public that you are going to do the Homer end last and that they will have the Sterling tore for the next four or five years, this at your present rate, and that you wish to use the money which should be spent down here on some fantastic project used only by some few hunters and tourists.

This Sterling Highway has been built now for some five or six years and it is in worse shape now than when it was built. The dust problem is a hazard to traffic, the rocks which the contractors dump into the road way and expect tourists to drive over, or be dragged over, are a disgrace to Alaska and the B.F.R.

We, of the Kenai have been shoved around by the Road Commission long enough and we demand that we start to get some consideration. We want to see some effort made on the surfacing this end of the highway. This area has the greatest potential for growth in all Alaska, and yet you people would stymie our growth by refusing to give us serviceable roads.

We realize, that the voting pressure has a great deal to do with who gets what, but it is well for you and the A. R. C. or B.F.R. to remember that this area has a population of well over two thousand people, and is growing fast. We will continue to grow, with or without your help, but as a part of the government, it seems, that it would be your duty to aid this growth, by supplying good roads.

Money spent on advertising, might just as well be poured down a rat hole if tourists are going back to the states and broad cast the condition of these roads. You of the road commission should be interested in making the roads safe, yet you allow dust conditions to become such as no place in the States would tolerate. We are a pioneer country, I will admit, but when are we going to grow up. If the road commission is going to stay in the horse and buggy stage, how is the country going to progress?

In ending, I assure you that the Homer area is not going to take this brushoff lying down and while this letter is my own personal beef, I assure you that with very little urging, we can put thousands of letters from irate travellers in the mail. We are determined to be heard from.

Hoping you realize the seriousness of this problem, I am,

Yours truly,

CC: Gov. Stepanovich
Elli. Swick

W. R. Benson.

Cherry

Mr. E. H. Swick, Regional Engineer
Juneau, Alaska

May 2, 1957

G. W. Enfield, General Counsel
Washington, D. C.

Acquisition of Lot 6, Sec. 27, T. 6 S., R. 13 W., S. M. -
Mae Harrington Acreage

There are attached the original and three copies of a draft of a Warranty Deed from Mae Harrington, a widow of Long Beach, California, to the United States of America conveying 40.19 acres of land more or less being acquired as a source of gravel for road and highway improvement purposes for the amount of the consideration stated therein being \$5,450.00.

Also attached is Certificate of Title #551867 by Title Insurance and Trust Company of Alaska on said tract, last certified to as of October 17, 1956, together with a copy of a letter of March 28, 1957, from the Attorney General to the Secretary of Commerce, containing opinion on examination of such certificate and certain requirements which should be met prior to consummation of the acquisition.

When the requirements of the Attorney General have been met as outlined in the copy of the Attorney General's letter, attached, including registration under the 1955 Registration Act if not within public utility district boundaries, and the deed has been duly executed and recorded, will you return to this office the recorded deed; the new certificate of title; showing vesting of valid title in the United States of America; receipt of Mae Harrington for the purchase price; and satisfactory showing that the requirements of the Attorney General have been met so that we may obtain final title approval.

The file of related papers is attached.

Attachments

GJWaddell:im

cc: Central Files (2)
Mr. E. H. Swick
R/W Division
R/W Folder
Legal

5/3 ✓

54
12-27-56

Cherry (returned to R.W. 5-6-57)
attachments

Alaska Land 3
Bldg + Lands b (alaska)
(Denali Hwy.)

April 26, 1957

26-00

Files
Mr. Edward Woozley
Director, Bureau of Land
Management
Department of the Interior
Washington 25, D. C.

Attention: Mr. H. R. Hochmuth
Your file: 5.04e:H
Anchorage 031692

Dear Mr. Woozley:

This is in reply to your letter of April 8, 1957, concerning the withdrawal of a 30.27 acre parcel north of the Susitna River Bridge, for use as a permanent camp for construction and maintenance of the Denali Highway.

The Bureau of Public Roads has no objection to the withdrawal of the above-mentioned lands, and it will be appreciated if you will proceed along the lines suggested.

Please keep us advised as to the progress of this matter.

Sincerely,

C. W. PHILLIPS

C. W. Phillips, Chief
Real Estate and Right-of-Way Division

JRJohnson/jrj
cc: Central File (2) ✓
Mr. Swick ✓
R/W Division ✓
R/W Folder ✓
General Counsel ✓
CWP

4/26/57

R/W 13
4-11-57

BUREAU OF PUBLIC ROADS

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. C. W. Phillips, Chief, Real Estate and Right-of-Way Division, Washington, D. C. DATE: April 15, 1957

FROM : E. H. Swick, Regional Engineer
Juneau, Alaska

SUBJECT: Withdrawal of Lands in Alaska (Susitna River Campsite)

Reference is made to your memorandum of April 12, 1957, concerning the above subject.

It is requested that the lands located north of the Susitna River Bridge be withdrawn under the jurisdiction of the Bureau for purpose requested by the former Alaska Road Commission.

26-00

BUREAU OF PUBLIC ROADS

*Alaska Land 3
Bldg + Grounds 6 (Alaska)
(Denali Hwy)*

Mr. E. H. Swick, Regional Engineer,
Juneau, Alaska

April 12, 1957

C. W. PHILLIPS

C. W. Phillips, Chief, Real Estate and Right-of-Way Division,
Washington, D. C.

Withdrawal of lands in Alaska

Attached is a copy of a letter received from Mr. H. R. Hochmuth,
dated April 8, 1957, relative to withdrawal of lands in Alaska, which
is self-explanatory.

It will be appreciated if you will advise us whether you concur
in the request for withdrawal formerly made by the Alaska Road Commission.

Attachment

JRJohnson/jrj
cc: Central Files (2) ✓
Mr. Swick ✓
R/W Division ✓
R/W Folder ✓
Legal ✓

WJP

4/12

*R/W 13
4-11-57*



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

IN REPLY REFER TO:

5.04e:H
Anchorage 031692

APR 8 - 1957

Mr. C. W. Phillips
Real Estate and Right-of-Way Division
Bureau of Public Roads
Department of Commerce
Washington 25, D. C.

Dear Mr. Phillips:

On November 25, 1955, the Alaska Road Commission (now Bureau of Public Roads) filed with this Bureau an application, Anchorage 031692, for the withdrawal of a 30.27 acre parcel north of the Susitna River Bridge, for use as a permanent camp for construction and maintenance of the Denali Highway. The lands are being used by the Commission under a special-land use permit.

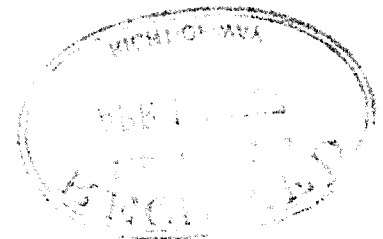
It is suggested that the lands be withdrawn under the jurisdiction of the Bureau of Public Roads for the purpose requested. If you have no objection to the withdrawal of the lands as suggested, we will submit an appropriate order for consideration of the Secretary of the Interior.

Sincerely yours,

For the Director:

R. R. Hochmuth

*R/W 13
4-11-57*



RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

Alaska Land 3
Bldg + Grounds 6 (Alaska)
(Glenn Hwy)

STANDARD FORM
00
Files

26-00

April 12, 1957

Mr. Edward Wozley
Director, Bureau of Land
Management
Department of the Interior
Washington 25, D. C.

Attention: Mr. H. R. Hochmuth
Your file: 5.04e:H
Anchorage 032961

Dear Mr. Wozley:

This is in reply to your letter of March 4, 1957, concerning the withdrawal of 10.15 acres of public lands in Alaska for use as a permanent depot for road construction and maintenance purposes. The lands are located adjacent to the Nabesna Road near its junction with the Glenn Highway.

The Bureau of Public Roads has no objection to the withdrawal of the above-mentioned lands, and it will be appreciated if you will proceed along the lines suggested.

Please keep us advised as to the progress of this matter.

Sincerely,

C. W. PHILLIPS

C. W. Phillips, Chief
Real Estate and Right-of-Way Division

JRJohnson/jrj
cc: Central Files (2) ✓
Mr. Swick
R/W Division
R/W Folder
Legal

Recpt

4/12/57

R/W 11
3-5-57

RG 30, Bur. of Public Roads
E. 6 D, Gen Carr + Related Recs, 1955-59
Box 1131

50-00

FORM NO. 64

Bureau of Public Roads

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. C. W. Phillips, Chief, Real Estate and
Right-of Way Division, Washington, D. C.

DATE: April 2, 1957

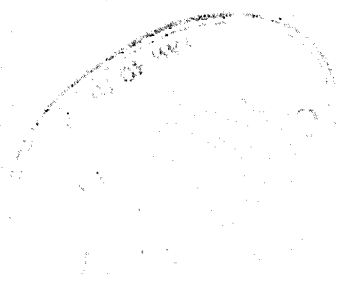
FROM : E. H. Swick, Regional Engineer
Juneau, Alaska

SUBJECT: Withdrawal of Lands in Alaska

Reference is made to your memorandum of March 13, 1957 concerning the above subject.

It is requested that the lands located adjacent to the Nabesna Road near its junction with the Glenn Highway be withdrawn under the jurisdiction of the Bureau for the purpose requested by the former Alaska Road Commission.

*Alaska
EHS
3-5-57*



RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

26-00

BUREAU OF PUBLIC ROADS

Alaska Land 3
Bldg + Funds 6 (Alaska)
(Glen Hwy Alaska) F. H.
March 13, 1957

Mr. Edgar H. Swick, Regional Engineer,
Juneau, Alaska

C. W. PHILLIPS

C. W. Phillips, Chief, Real Estate and Right-of-Way Division,
Washington, D. C.

Withdrawal of lands in Alaska

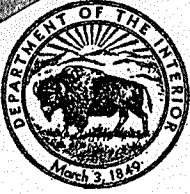
Attached is a copy of a letter received from Mr. H. R. Hochmuth,
dated March 4, 1957, relative to withdrawal of lands in Alaska, which
is self-explanatory.

It will be appreciated if you will advise us whether you concur
in the request for withdrawal formerly made by the Alaska Road
Commission.

JRJohnson/jrj
cc: Central Files (2)
Mr. H. R. Hochmuth (Interior)
Mr. Swick
R/W Division
R/W Folder
Legal

3/14/57

R/W II
3-5-57



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

IN REPLY REFER TO:

5.04e:H
Anchorage 032961

MAR 4 - 1957

Mr. C. W. Phillips
Real Estate and Right-of-Way Division
Bureau of Public Roads
Department of Commerce
Washington 25, D. C.

Dear Mr. Phillips:

On August 6, 1956, the Alaska Road Commission filed with this Bureau application, Anchorage 032961, for the withdrawal of approximately 10.15 acres of public lands in Alaska for use as a permanent depot for road construction and maintenance purposes.

The lands are located adjacent to the Nabesna Road near its junction with the Glenn Highway. It is suggested that the lands be withdrawn under the jurisdiction of the Bureau of Public Roads for the purpose requested by the Commission. If you have no objection to the withdrawal of the land as suggested, we will submit an appropriate order for consideration of the Secretary of the Interior.

Sincerely yours,

For the Director:

DR Hochmuth

D/W/H
3-5-57

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

C. W. [unclear]

*Alaska Bond 3
Alaska Account 11*

v / 0

April 8, 1957

Re: NPARO
601.4
Northway ACS Repeater Site
Water Line, Well, and Access Road

District Engineer
Alaska District
Corps of Engineers
Anchorage, Alaska

Attention: Chief, Real Estate
Division

Dear Sir:

As requested in your letter of April 1, 1957, we are enclosing Permit of Entry and Use authorizing the Department of the Army to enter upon certain lands under the jurisdiction of the Bureau in the vicinity of Northway, Alaska, and thereafter to construct, operate, and maintain a water line and access road as shown on drawing A4-85-4 captioned Northway A.C.S. Repeater Site.

Very truly yours,

E. H. Swick, Regional Engineer
By

R. J. DeLaHunt
Supervising Highway Engineer

Enclosures 2

cc: Fairbanks
Washington office ✓

RG 30, Bur. of Public Roads
E. 6 D, Gen. Corr + Related Recs, 1955-59
Box 1131

PERMIT OF ENTRY AND USE

The Alaska Communication System requires a well, water line, and access road in connection with the Northway A.C.S. Repeater Site. Portions of the water line and access road will traverse areas under the jurisdiction of the Bureau of Public Roads.

The water line right-of-way, Tract "E", is to be 10 feet wide, 5 feet on either side of the following described centerline:

Commencing at the junction of the Alaska Highway, near Mile Post 1265, and the Airport Road in the Territory of Alaska; thence northwesterly 875 feet, more or less, along the centerline of said Alaska Highway; thence N. $57^{\circ} 54'$ E., 32 feet, to Corner No. 1 of the land withdrawn by P.L.O. 765; thence N. $32^{\circ} 06'$ W., 550 feet, more or less, to the point of beginning for this description; thence S. $34^{\circ} 00'$ W., 200 feet, more or less, to a point. Containing 0.05 acres, more or less.

The Access Road right-of-way, Tract "H", is to be 100 feet wide, 50 feet on either side of the following described centerline:

Commencing at the junction of the Alaska Highway, near Mile Post 1265 and the Airport Road in the Territory of Alaska; thence northwesterly 875 feet, more or less, along the centerline of said Alaska Highway; thence N. $57^{\circ} 54'$ E., 32 feet; thence N. $32^{\circ} 06'$ W., 550 feet, more or less; thence S. $34^{\circ} 00'$ W., 1210 feet, more or less; thence S. $57^{\circ} 00'$ E., 280 feet, more or less; thence S. $82^{\circ} 00'$ E., 450 feet, more or less; thence S. $71^{\circ} 00'$ E., 410 feet, more or less, to the point of beginning for this description; thence continuing S. $71^{\circ} 00'$ E., 100 feet, more or less, to a point on the west boundary of the Northway Airport Road; said point being southwesterly 550 feet, more or less, from the junction of the Alaska Highway and the Airport Road. Containing 0.23 acres, more or less.

The water line and access road cross areas under the jurisdiction of the Bureau of Public Roads, as shown in detail on Drawing A4-85-4, captioned Northway A.C.S. Repeater Site, which is attached hereto and made a part hereof.

NOW THEREFORE, in consideration of the public necessity for installation of this nature, the Bureau of Public Roads does hereby and herein authorize the Department of the Army to enter upon lands under the jurisdiction of the Bureau and to thereafter construct, operate, and maintain said facilities.

It is understood that previous to construction of said facilities, all details thereof will be discussed with the Bureau's District Engineer at Fairbanks, and it is further understood that he must thereafter be satisfied as to requirements of construction and related details.

Further, the Bureau's right-of-way continues only so long as the said right-of-way is used for highway purposes. Should the Bureau abandon any or all of the right-of-way on which this permit is granted, this permit shall

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1455-59
Box 1131

become null and void as to such abandoned right-of-way.

BUREAU OF PUBLIC ROADS

E. H. Swick, Regional Engineer
By

R. J. DeLaHunt
Supervising Highway Engineer

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

STANDARD FORM
7-57

Alaska Land
Bldg & Grounds 6 (Alaska)
(Glen Hwy Alaska) (FH)

Or
File

26-00

April 3, 1957

Mr. Edward Woozley
Director, Bureau of Land
Management
Department of the Interior
Washington 25, D. C.

Attention: Mr. H. R. Hochmuth
Your file: 5.04e:H
Anchorage 031803

Dear Mr. Woozley:

This is in reply to your letter of March 7, 1957, concerning the withdrawal of 9.06 acres of public lands near Naknek, Alaska, for use as a permanent campsite for the construction and maintenance of roads in the Naknek area.

The Bureau of Public Roads has no objection to the withdrawal of the above-mentioned lands, and it will be appreciated if you will proceed along the lines suggested.

Please keep us advised as to the progress of this matter.

Sincerely,

C. W. PHILLIPS

C. W. Phillips, Chief
Real Estate and Right-of-Way Division

JRJohnson/jrj
cc: Central File (2) ✓
Mr. Swick
R/W Division
R/W Folder
Legal

cep

4142

R/W 16
3-9-57

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

52-00

STANDARD FORM NO. 64

BUREAU OF PUBLIC ROADS

Office Memorandum • UNITED STATES GOVERNMENT

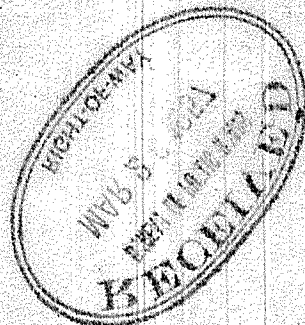
TO : Mr. C. W. Phillips, Chief, Real Estate and
Right-of-Way Division
Washington, D. C.
FROM : E. H. Swick, Regional Engineer
Juneau, Alaska

DATE: March 20, 1957

SUBJECT: Withdrawal of lands in Alaska

Reference is made to your memorandum of March 15, 1957, concerning the above subject.

It is requested that the lands near Naknek, Alaska, be withdrawn under the jurisdiction of the Bureau for the purpose requested by the former Alaska Road Commission.



RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

26-00

BUREAU OF PUBLIC ROADS

*Alaska Land 3
Eldst + Grnds 6 (Alaska)
(Glen Hwy, Alaska) 7 H*

Mr. Edgar H. Swick, Regional Engineer,
Juneau, Alaska

March 15, 1957

C. W. PHILLIPS

C. W. Phillips, Chief, Real Estate and Right-of-Way Division,
Washington, D. C.

Withdrawal of lands in Alaska

Attached is a copy of a letter received from Mr. H. R. Hochmuth dated March 7, 1957, relative to withdrawal of lands in Alaska, which is self-explanatory.

It will be appreciated if you will advise us whether you concur in the request for withdrawal formerly made by the Alaska Road Commission.

Attachment

JRJohnson/jrj

cc: Central Files (2) ✓

Mr. H. R. Hochmuth (Interior)

Mr. Swick

R/W Division

R/W Folder

Legal

Chief

3/15/57

*R/W 16
3-2-57*



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

IN REPLY REFER TO:

5.04e:H
Anchorage 031803

MAR 7 - 1957

Mr. C. W. Phillips
Real Estate and Right-of-Way Division
Bureau of Public Roads
Department of Commerce
Washington 25, D. C.

Dear Mr. Phillips:

On January 26, 1956, the Alaska Road Commission (now Bureau of Public Roads) filed with this Bureau application, Anchorage 031803, for the withdrawal of 9.06 acres of public lands near Naknek, Alaska, for use as a permanent campsite for the construction and maintenance of roads in the Naknek area.

It is suggested that the lands be withdrawn under the jurisdiction of the Bureau of Public Roads for the purpose requested by the Commission. If you have no objection to the withdrawal of the lands as suggested, we will submit an appropriate order for consideration of the Secretary of the Interior.

Sincerely yours,

For the Director:

R. H. Schmidt

*R/W 16
3-7-57*



RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

Alaska Fond 3
Alaska B + S - 1

April 3, 1957

W. J. Niemi
7/1/57

District Engineer
Alaska District
Corps of Engineers
Anchorage, Alaska

Attention: Chief, Real Estate
Division

Dear Sir:

Reference is made to your phone conversation of Thursday, March 30, concerning formal permits or letters of authority issued by the Alaska Road Commission to the Corps of Engineers covering the 8" pipeline from Haines to Fairbanks.

We have received no formal written request from the Corps of Engineers, Anchorage, covering the 8" line to be located partly within the right-of-way of the Haines Highway between Haines and the border. We have issued letters of permit or understanding and related memoranda to Headquarters, United States Army, Alaska, concerning road and highway crossings by the pipeline and also bridge crossings over the Chilkat and Salcha Rivers.

Very truly yours,

E. H. Swick, Regional Engineer
By

Wm. J. Niemi
Highway Engineer

cc: Washington office ✓

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

Charge

26-00

BUREAU OF PUBLIC ROADS

Alaska Land 2
Alaska Land 3

Mr. E. H. Swick, Regional Engineer
Juneau, Alaska

April 12, 1957

C. W. Enfield, General Counsel
Washington, D. C.

Acquisition Real Property, Edgar L. Law

Under date of December 19, 1956, Mr. Ghiglione forwarded papers relative to the transfer of 8.92 acres of land to the Alaska Road Commission from Edgar L. and Lucy E. Law. The lands in question are located in the Kenai Recording Precinct and are for use as a gravel pit and crusher site on the Sterling Highway.

The Certificate of Title prepared by the Title Insurance and Trust Company of Alaska, No. 56824, shows title to be vested in the United States of America as of October 31, 1956. The deed to the United States was not recorded until November 3, 1956, which is subsequent to the date shown on the Certificate of Title. Before the Department of Justice will render a final opinion as to title on this property, it will be necessary for the Certificate to be brought down to a date subsequent to that of the recordation of the deed. When such supplementary Certificate is received, it will be forwarded to the Department of Justice in order that a final opinion may be rendered.

SZPhillips/dws
Central Files (2) ✓
Mr. Swick ✓
R/W Division
R/W Folder
Legal

R/W
4-1-57

4-15-57

Charge (returned to RW 4-17-57)
attachments

Alaska Land

Chase

February 19, 1957

The Honorable
The Attorney General
of the United States
Washington 25, D. C.

Dear Mr. Attorney General:

Attached is a draft of a deed from Mae Harrington, a widow, to the United States of America of 49.39 acres of land in Homer Recording Precinct, Alaska, being acquired as a source of gravel. This acquisition was initiated by the Alaska Roads Commission prior to the transfer of its functions to the Department of Commerce under the Federal-Aid Highway Act of 1956 (70 Stat. 377). Also attached is a certificate of title No. 551867 by the Title Insurance and Trust Company of Alaska, together with our file covering the negotiations for the property.

It will be appreciated if you will furnish us a preliminary opinion as to title on this tract and any requirements which may have to be met to vest a clear title in the United States of America. Please return the attached file with your opinion.

Sincerely yours,

/s/ Louis S. Rothschild

Acting Secretary of Commerce

Bureau of Public Roads
G. Meddelius 2/6/57
cc: Under Secretary for Transportation
General Counsel
Signer's Copy
Return to Bureau of Public Roads

Central Files (2)
Mr. A. F. Chiglione (2)
R/W Division
R/W Folder
Legal

34
15-27-56

Chase (returned to R.W.
no attachments 2-28-57)

RG 30, Bur. of Public Roads
E. 6 D, Gen. Corr + Related Recs, 1955-59
Box 1131

Off
files

26-00

(Alaska) Land 3
Bldg + Grnds 6 (Alaska)
(Alaska, Richardson Hwy) 7 H.
(Alaska R/W) 7 H.
February 13, 1957

Mr. Edward Wooley
Director, Bureau of Land
Management
Department of the Interior
Washington 25, D. C.

Attention: Mr. H. R. Hochmuth
Your file: S.04e:H
Anchorage 027045
028162

Dear Mr. Wooley:

This is in reply to your letter of January 18, 1957, concerning withdrawal of public lands in Alaska for use as administrative sites. The lands referred to are located on the east right-of-way line of the Richardson Highway composed of one tract containing 5 acres and another tract of 9 acres, more fully described in your letter.

The Bureau of Public Roads has no objection to the withdrawal of the above-mentioned lands, and it will be appreciated if you will proceed along the lines suggested.

Please keep us advised as to the progress of this matter.

Very truly yours,

C. W. Enfield
General Counsel

JRJohnson/jrj
cc: Central File (2) ✓
Mr. Ghiglione (2) ✓
R/W Branch -
R/W Folder -
Legal

fwj
ewj

2/13/57

h 24
2-8-57
R/W 26
1-23-57

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1455-59
Box 1131

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. C. W. Enfield, General Counsel
Washington, D. C.

DATE: February 4, 1957

FROM : A. F. Chiglione, Acting Regional Engineer
Juneau, Alaska

SUBJECT: Withdrawal of lands in Alaska

In reply to your memorandum of February 1 on this subject, it is requested that action be accomplished relative to the withdrawal of the administrative sites described in Mr. H. R. Hockmuth's letter of January 18, 1957, copy of which was attached to your memorandum.

These sites are needed by the Bureau of Public Roads for a permanent campsite in connection with the maintenance of the Richardson Highway.

24
2-8-57

26-00

BUREAU OF PUBLIC ROADS

Alaska Land 3

Mr. Bill Andrews, Regional Engineer,
Juneau, Alaska

February 1, 1957

C. W. Enfield, General Counsel,
Washington, D. C.

Withdrawal of lands in Alaska

Attached is a copy of a letter received from Mr. H. R. Hochmuth, dated January 18, 1957, relative to withdrawal of lands in Alaska, which is self-explanatory.

It will be appreciated if you will advise us whether you concur in the request for withdrawal formerly made by the Alaska Road Commission.

Attachment ✓

JRJohnson/jrj

cc: Central Files (2) ✓
Mr. H. R. Hochmuth (Interior)
Bill Andrews ✓
R/W Division ✓
R/W Folder ✓
Legal ✓

awp

R/W

R/W 26
1-23-57



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

IN REPLY REFER TO:

5.04e:H
Anchorage 027045
028162

JAN 18 1957

Mr. C. W. Phillips
Real Estate and Right of Way Division
Bureau of Public Roads
Department of Commerce
Washington 25, D. C.

My dear Mr. Phillips:

By letters of June 22 and October 15, 1954, the Alaska Road Commission requested the withdrawal of the following-described lands in Alaska for use as administrative sites:

Beginning at a point on the east right-of-way line of the Richardson Highway, 150 feet from the centerline thereof and 200 feet north of the north end of Stewart Creek bridge, thence

Easterly,	311.14 feet, at right angles to centerline of road;
Northerly,	700.00 feet, parallel to centerline of road;
Westerly,	311.14 feet to right-of-way of road;
Southerly,	700.00 feet, along right-of-way to point of beginning.

The tract described contains 5.00 acres.

Tract C, lots 18A and 19A, U.S. Survey No. 3312, containing 9 acres.

As the functions of the Alaska Road Commission were transferred to the Department of Commerce by the Federal Aid Highway Act of 1956 (70 Stat. 374), it is suggested that the lands be withdrawn for use of the Bureau of Public Roads as administrative sites. If you have no objection to the withdrawal of the lands as suggested, we will submit an appropriate order for consideration of the Secretary of the Interior.

Sincerely yours,
For the Director:

R. R. Hochmuth



*R/W 26
1-23-57*

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

Alaska Land

Change

2-6-57

The Honorable
The Attorney General
of the United States
Washington 25, D. C.

Dear Mr. Attorney General:

Under date of June 29, 1956, you rendered a preliminary opinion of title covering 8.92 acres of land, more or less, being acquired by the Alaska Road Commission from Edgar L. and Lucy E. Law, in the Kenai Recording Precinct, Alaska, for use as a gravel pit and crusher site on the Sterling Highway, Alaska. Your department file number is 33-2-159.

Section 107 of the Federal-Aid Highway Act of 1956 (70 Stat. 378) transferred the functions, duties, and authority pertaining to the construction, repair, and maintenance of roads, tramways, ferries, bridges, trails, and other works in Alaska, conferred upon the Department of the Interior and heretofore administered by the Secretary of Interior under the Act of June 30, 1932 (47 Stat. 146; 48 U.S.C., sec. 321a and following) to the Department of Commerce to be administered by the Secretary of Commerce or by such officer, or officers, as may be designated by him.

Your preliminary opinion of title listed seven requirements and objections that would have to be met before a clear title could be vested in the United States of America. The requirements are discussed individually below: Requirement No. 1 excepts all taxes and assessments, including those referred to in Item 2, Schedule B, of the Preliminary Certificate of Title. There is enclosed a final Certificate of Title, No. 5682h, certified by the Title Insurance and Trust Company of Alaska, which does not show any exceptions and would seem to eliminate Requirement No. 1.

Requirement No. 2 requires a determination as to the rights or claims of persons in possession, if any, not shown of record. There are enclosed two "Certificates of Inspection and Possession" covering the periods from July 4, 1955 to July 4, 1956, and from November 20, 1955, to November 20, 1956, which show that no one, other than the grantor, is in physical possession of the property.

Requirement No. 3 covers Mechanic's Liens, if any, not shown of record. The certificate referred to in Requirement 2 would seem to also cover Requirement No. 3.

Requirement No. 4 covers the easements for roads, highways and public utilities, if any, not shown of record; and the easement referred to at Item 6, Schedule B, of the Preliminary Certificate of Title. The final Certificate of Title submitted herewith makes no exception in this regard, and there is submitted an affidavit signed by Mr. H. C. Zimmerman, District Engineer of the Alaska Road Commission which states that such rights, if any, will not interfere with the use of the land.

*File copy + extra copy
Sent to 3 Phillips
2-11-57*

RG 30, Bur. of Public Roads
E. 6 D, Gen. Corr + Related Recs, 1955-59
Box 1131

The Honorable Attorney General

Page 2

Requirement No. 5 deals with reservations contained in the patent, referred to in Item 1, Schedule B, of the Preliminary Certificate of Title. The affidavit submitted in connection with Requirement No. 4 states that such rights, if any, will not interfere with the use of the land for the purposes for which it is being acquired.

Requirement No. 6 calls for a determination of vested and accrued water rights that might be held by third parties. The final Certificate of Title makes no exception in this regard, and the affidavit submitted in connection with Requirement No. 4 also covers the matter.

Requirement No. 7 requires proof that Edgar L. Law is one and the same person as Edgar Leroy Law, the registered title holder. The original deed, which is enclosed, has been signed by Mr. Law using his full name, Edgar Leroy Law.

On Page 2 of your Preliminary Opinion of Title, you require that Items 3, 4, and 5 of Schedule B of the Preliminary Title Certificate, be completed before payment is made to the Government's grantor. The patent has been rerecorded in the Kenai Recording District, and appropriate evidence was submitted to the title company in connection with these items to enable the title company to eliminate the objections from its final certificate. The consideration of \$1,000 has been paid, and there is enclosed a receipt dated September 24, 1956, covering such payment.

It will be appreciated if you will examine the enclosures and advise us whether a valid title to the lands in question now exists in the United States of America.

Sincerely yours,

Secretary of Commerce

Enclosures (6)

Bureau of Public Roads
SZPhillips:dws - 1-23-57
General Counsel
Signer's Copy
Under Secretary for Transportation
Return to Bureau of Public Roads

1-31-57

RG 30, Bur. of Public Roads
E. G. D., Gen. Corr + Related Recs, 1955-57
Box 1131

30-03

BUREAU OF PUBLIC ROADS

(Alaska) Land 3

Mr. A. F. Ghiglione, Acting Division Engineer
Juneau, Alaska

December 17, 1956

C. W. Enfield, Solicitor
Washington, D. C.

KFQD Road, Anchorage, Alaska

Reference is made to your memorandum of December 7, 1956, concerning negotiations with Mr. Plummer relative to the right-of-way for the KFQD Road, Anchorage.

It was not the intention of our memorandum of November 27, 1956, to suggest that any payments be made to Mr. Plummer for the right-of-way easement. It was our thought that perhaps Mr. Plummer would be willing to formalize the matter in order that there would be no misunderstanding in the future. Since it appears that the Government has a right-of-way over this land, regardless of such a formal grant, we do not feel that it is necessary to make any payments at this time. If Mr. Plummer is unwilling to execute the grant of easement, it is suggested that the matter be held in abeyance until such time as additional right-of-way is required.

SZPhillips/dws
cc: Central Files (2)
Mr. A. F. Ghiglione
R/W Branch
Legal

12/19

refer to
L11
11-2-56

[Handwritten initials]

COVERED BY
TITLE & ANNOTATION
COMMISSION, D. C.

(Alaska) Land 3

files

30-03

December 11, 1956

Mr. Edward Woozley
Director, Bureau of Land
Management
Department of the Interior
Washington 25, D. C.

Attention: Mr. H. R. Hochmuth
Your file: 5.04e:H
Fairbanks 011607

Dear Mr. Woozley:

This is in reply to your letter of December 5, 1956, concerning an application for withdrawal made by the Alaska Road Commission on July 9, 1954, for use as a camp site and apparently used in connection with work on the Denali Highway. These lands consist of 12.98 acres, more or less, more fully described in your letter.

You suggest that the above-mentioned public lands be withdrawn under the jurisdiction of the Bureau of Public Roads for purpose requested by the Alaska Road Commission.

The Bureau of Public Roads has no objection to the withdrawal of these lands, and it will be appreciated if you will proceed along the lines suggested.

Please keep us advised as to the progress of this matter.

Very truly yours,

C. W. Phillips, Chief
Real Estate and Right-of-Way Branch

JRJohnson/jrj
cc: Central File (2) ✓
Mr. F. C. Turner ✓
Mr. Ghiglione ✓
R/W Branch ✓
R/W Folder ✓
Legal ✓

*Dee
Cref*

12/14/56

*R/W 4
12-10-56*

*See Federal Register
Feb. 19, 1957, Page 003*

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1455-59
Box 1131



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

IN REPLY REFER TO:

5.04e:H
Fairbanks 011607

DEC 6 - 1956

Mr. C. W. Phillips
Real Estate and Right-of-Way Division
Bureau of Public Roads
Department of Commerce
Washington 25, D. C.

My dear Mr. Phillips:

On July 9, 1954, the Alaska Road Commission (now, Bureau of Public Roads) filed with this Bureau application, Fairbanks 011607, for the withdrawal of the following described public lands in Alaska for use as a camp site:

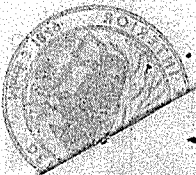
Beginning at a point on the centerline of the Denali Highway, Station 1139 / 00, which lies N. 7° 17' E., 137.6 feet from B.L.M. Bronze Marker, W.C.M.C. 1, Tract No. 2, Lot No. 4, U.S.S. No. 3298; thence S. 72° 11' W., and being identical with the centerline of the Denali Highway for a distance of 401.1 feet, to centerline station 1143 / 01.1, being Corner No. 1 of the tract; thence N. 17° 49' W. for a distance of 150.0 feet to Corner No. 2; thence N. 47° 11' E. for a distance of 1378.54 feet to Corner No. 3; thence S. 42° 49' E. a distance of approximately 420 feet to Corner No. 4, being an intersection with the meander line of the left bank of the Tangle River; thence in a southwesterly direction along the meander line of the west bank of the Tangle River for a distance of approximately 445.0 feet to Corner No. 5, being an intersection with the north boundary of a 100 foot Denali Highway Right-of-Way; thence S. 17° 49' E. for a distance of 100 feet to a point on the centerline of the Denali Highway, being Corner No. 6; thence S. 72° 11' W., identical with the centerline of the Denali Highway for a distance of approximately 660 feet to the point of beginning, aggregating 12.98 acres, more or less.

It is suggested that the lands be withdrawn under the jurisdiction of the Bureau of Public Roads for the purpose requested by the

R/W 4
12-10-56

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

STB
DEB/BI



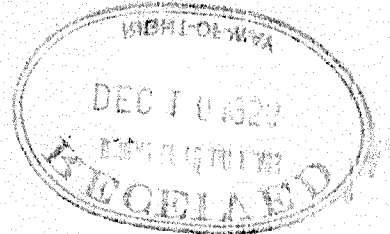
Commission. If you have no objection to the withdrawal of the lands as suggested, we will submit an appropriate order for consideration of the Secretary of the Interior.

Sincerely yours,

For the Director:

W. R. Hochmuth

2.



RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

File

30-03

December 7, 1956

*Alaska Land 3 (Alaska) R. no 5
Rtdg + Grnds 6 (Alaska)*

Mr. Edward Wozzley
Director, Bureau of Land
Management
Department of the Interior
Washington 25, D. C.

Attention: Mr. H. R. Hochmuth
Your file: 5.04e:H
Fairbanks 012347
Anchorage 020553

Dear Mr. Wozzley:

This is in reply to your letter of November 26, 1956, concerning withdrawal of public lands in Alaska for use as administrative sites. The lands referred to are contained in U. S. Survey 2778, located on the Richardson Highway at Big Delta, more fully described in your letter.

The Bureau of Public Roads has no objection to the withdrawal of the above-mentioned lands, and it will be appreciated if you will proceed along the lines suggested.

Please keep us advised as to the progress of this matter.

Very truly yours,

C. W. PHILLIPS

C. W. Phillips, Chief
Real Estate and Right-of-Way Branch

JRJohnson/jrj
cc: Central File (2)
Mr. F. G. Turner
Mr. Ghiglione
R/W Branch
R/W Folder
Legal

awp

*R/W 33
11-28-56*

12/10/56

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

IN REPLY REFER TO:

5.04e:H
Fairbanks 012347
Anchorage 020553

Mr. C. W. Phillips
Real Estate and Right-of-Way
Division
Bureau of Public Roads
Department of Commerce
Washington 25, D. C.

NOV 26 1956

My dear Mr. Phillips:

On March 28, 1952 and June 15, 1955, the Alaska Road Commission filed with this Bureau applications, Fairbanks 012347 and Anchorage 020553, for the withdrawal of the following-described public lands in Alaska for use as administrative sites:

A tract of land adjoining the present Alaska Road Commission administrative site contained in U. S. Survey 2778, located on the Richardson Highway at Big Delta, described as follows:

Beginning at corner No. 1, U.S. Survey No. 2778, thence

N. 74° 53' E., 150.02 feet;
On a curve to the right, having a radius of 5579.58 feet to a point which is 150 feet left and at right angle from P.C. Station 2064/ 15.6 Richardson Highway;
S. 10° 02' E., 468.97 feet;
S. 79° 58' W., 153.18 feet to corner No. 2, U.S. Survey 2778;
N. 10° 02' W., 660.00 feet to point of beginning, containing 2.34 acres.

Seward Meridian

T. 20 N., R. 8 E.,
sec. 28, SW $\frac{1}{2}$ NE $\frac{1}{2}$ and E $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$, containing 60 acres.

As the functions of the Alaska Road Commission were transferred to the Department of Commerce by the Federal Aid Highway Act of 1956 (70 Stat. 374), it is suggested that the lands be withdrawn under the jurisdiction of the Bureau of Public Roads for the purpose requested by the Commission.

R/W 33
11-21-56

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

If you have no objection to the withdrawal of the lands as suggested, we will submit an appropriate order for consideration of the Secretary of the Interior.

Sincerely yours,

For the Director:

A. R. Hochmuth



BUREAU OF PUBLIC ROADS

Alaska Land 3
Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. H. E. Cunningham, Acting Solicitor
Washington, D. C.

FROM : A. F. Ghiglione, Acting Division Engineer
Juneau, Alaska

SUBJECT: KFQD Road, Anchorage, Alaska

DATE: December 7, 1956

Reference is made to your memorandum of November 27, 1956, concerning KFQD Road, Anchorage.

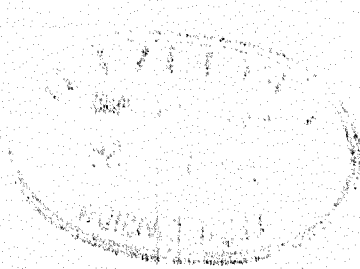
Mr. Plummer's letter of April 3, 1956 was received in Juneau on April 5 and, on April 6, was referred to the Attorney-Adviser, Department of the Interior, Juneau, for appropriate action. He, thereafter, referred copy of this letter with related correspondence to Field Solicitor, Juneau Region, Department of the Interior, Anchorage.

We will proceed to negotiate with Mr. Plummer as you suggest, and ask for an easement for a 50' x 204' right-of-way north of the centerline of KFQD Road, as shown by colored plat attached. Such an easement, if granted, will clarify a present prescriptive right already established, but not delineated as to width.

Mr. Plummer will insist that the Bureau compensate him for any extension of the right-of-way beyond the existing north shoulder of the road, that determination having been made very clear in his discussions with the Field Solicitor. If necessary to thus compensate Mr. Plummer, is it your desire that we expend appropriated funds for this needed easement?

We will keep you advised of further developments in this matter.

Attachment



Plummer

refer to

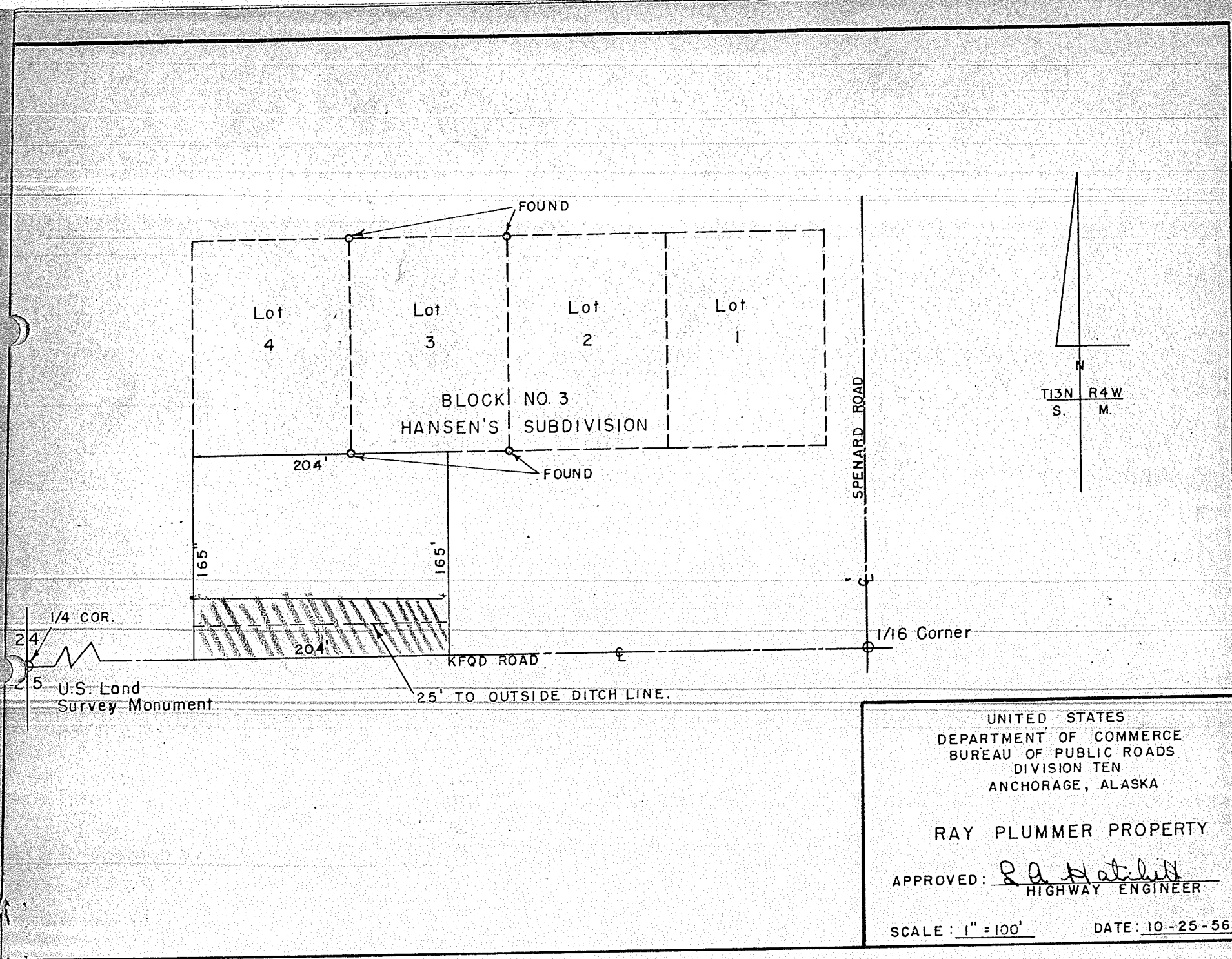
211

11-2-56

ADDRESS: KLEID ROAD, ANCHORAGE, ALASKA
 FROM: W. E. HANSEN, ANCHORAGE, ALASKA
 TO: MR. H. L. PLUMMER, ANCHORAGE, ALASKA

DATE: December 13, 1956

Office Memorandum • UNITED STATES GOVERNMENT
 BUREAU OF PUBLIC ROADS



UNITED STATES
 DEPARTMENT OF COMMERCE
 BUREAU OF PUBLIC ROADS
 DIVISION TEN
 ANCHORAGE, ALASKA

RAY PLUMMER PROPERTY

APPROVED: R. A. Hatchell
 HIGHWAY ENGINEER

SCALE: 1" = 100' DATE: 10-25-56

Rg 30, Bur. of Public Roads
 E. 6 D, Gen Corr + Related Recs, 1955-59
 Box 1131

(Alaska) *fr*

File

30-03

December 6, 1956

Mr. Edward Wozley
Director, Bureau of Land
Management
Department of Interior
Washington 25, D. C.

Attention: Mr. H. R. Hochmuth
Your file: S.04e:H
Fairbanks 08595

Dear Mr. Wozley:

This is in reply to your letter of November 26, 1956, concerning a special land-use permit which was issued to the Alaska Road Commission for lot 10, U. S. Survey No. 3229, containing 59.048 acres of public lands.

The Bureau of Public Roads has no objection to the withdrawal of the above-mentioned lands, and it will be appreciated if you will proceed along the lines suggested.

Please keep us advised as to the progress of this matter.

Very truly yours,

C. W. PHILLIPS

C. W. Phillips, Chief
Real Estate and Right-of-Way Branch

JRJohnson/jrj
cc: Central File (2) ✓
Mr. F. C. Turner
Mr. Ghiglione
R/W Branch
R/W Folder
Legal

Chief

12/7

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

IN REPLY REFER TO:

5.04e:H
Fairbanks 08595

NOV 26 1956

Mr. C. W. Phillips
Real Estate and Right-of-Way
Division
Bureau of Public Roads
Department of Commerce
Washington 25, D. C.

My dear Mr. Phillips:

On November 7, 1950, a special land-use permit was issued the Alaska Road Commission for lot 10, U. S. Survey No. 3229, containing 59.048 acres of public lands. On November 9, 1950, the Commission filed an application for the withdrawal of the tract for use as an administrative site in connection with the construction and maintenance of the Denali and Mt. McKinley Highways.

As the functions of the Alaska Road Commission were transferred to the Department of Commerce by the Federal Aid Highway Act of 1956 (70 Stat. 374), it is suggested that the lands be withdrawn for use of the Bureau of Public Roads as an administrative site.

If you have no objection to the withdrawal of the tract as suggested, we will submit an appropriate order for consideration of the Secretary of the Interior.

Sincerely yours,

For the Director:

W. R. Hochmuth

*RIW 35
11-29-56*

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-59
Box 1131

30-03

BUREAU OF PUBLIC ROADS

Alaska Road 3

Mr. S. K. Booth
~~Mr. Ross W. Langdon~~

X-Ref

November 1, 1956

G. W. Phillips C. W. PHILLIPS

Alaska Right-of-Way Problems

Reference is made to the letter from the Territorial Highway Engineer, dated September 21, 1956, requesting answers to certain questions relative to right-of-way procedures in Alaska. Questions numbers 3, 4, 5, 6, and 7 appear to apply directly to right-of-way matters. The answers are as follows:

- Question No. 3: The inclusion of the highway activities in Alaska within the Federal-aid program would be adequate "authority of the United States" for the former Alaska Roads Commission to take rights-of-way across private property as reserved by 48 USCA 321(d). The Organic Act would not seem to limit the activities in any manner.
- Question No. 4: Under the provisions of the Federal-Aid Highway Act of 1956, the Department of Commerce succeeded to all authority formerly vested in the Department of the Interior, and the Bureau of Public Roads would now have the right to take rights-of-way across public domain to the same extent that the Alaska Roads Commission formerly had such authority.
- Question No. 5: Actual title to the right-of-way for roads constructed and maintained with Federal-aid moneys would be vested in the United States of America.
- Question No. 6: Title to the right-of-way for roads constructed by the Federal Government and maintained with Federal-aid moneys would be in the name of the United States of America.
- Question No. 7: Title to the right-of-way for roads constructed by the Territory or municipalities and maintained with Federal-aid moneys would be vested in the Territory or the appropriate municipality.

See Alaska

30-03
08-00

BUREAU OF PUBLIC ROADS

(Alaska) *Handwritten note*

Mr. F. E. Andrews, Division Engineer
Portland, Oregon

June 26, 1956

Henry J. Kaltenbach, Solicitor
Washington, D. C.

HENRY J. KALTENBACH

Right-of-Way Easement

Reference is made to your memorandum of June 11, 1956, transmitting a letter from the Chugach Electric Association, Inc., requesting an easement across lands held by the Bureau of Public Roads in the town of Girwood, Alaska.

The Bureau of Public Roads is without authority to grant such an easement in the absence of specific Congressional approval, however, there would be no objection to your granting permission to the Electric Association to erect its lines as requested on the conditions that (1) the permission does not create or establish in the Association any rights or easements in the land involved; (2) the permission is revocable at the will of the United States; and (3) the permission does not create or establish any liability on the part of the United States.

[Signature]
SZPhillips:dws
cc: Central Files ✓

[Signature]

Prof
Mr. F. E. Andrews
R/W Branch
Legal
6-29-56

31
6-14-56

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. H. J. Kaltenbach, Solicitor
Washington, D. C.

FROM : F. E. Andrews, Division Engineer
Portland, Oregon

SUBJECT: Right-of-way Easement

DATE: June 11, 1956

By *RCL*
R. C. Luckow, Jr.
Administrative Officer

Enclosed is a proposed Easement to the Chugach Electric Association, Inc., Anchorage, Alaska for construction of a power distribution line in the town of Girwood, Alaska.

If in order, it is recommended the easement be granted.

Encl:

31
6-14-56

Chugach Electric Association, Inc.

Eighth Avenue and Gambell Street • Telephone 57401

Post Office Box 3518, Eastchester Branch

Anchorage, Alaska

May 2, 1956

Action	Info.		
		Wyller	
		Killewich	PK
		Earley	
		Tousley	
		Clark	
		Kew	
		Garrison	
		Mill	
		Hartman	
		Files	
		Answered by	

Mr. Chris Wyller
Chief, Bureau of Public Roads
Juneau, Alaska

Dear Mr. Wyller:

The Chugach Electric Association is building a power distribution line to Girdwood and Portage. We are locating the main distribution line on Gold Avenue one block North of the Seward Highway, with branches in the alleys to serve domestic and commercial consumers. The poles will be located in the alley rights-of-way, but we are requesting an easement of ten feet on adjacent lots to allow for crossarm overhang and to permit us to clear dangerous trees and brush which may be in the path of the line. The poles and lines will clear any structures you may have within the right-of-way line.

The records of the Anchorage Land Office reveal that the Bureau of Public Roads has jurisdiction over lots 7 to 10, block 2, under Public Land Order 609, and lots 12 to 14, block 2, under an unnumbered executive order dated August 24, 1934. We have authority from the Bureau of Land Management, Anchorage serial 029885 to construct the power line on public lands provided we have clearance from other agencies having interest in any land along the route.

We are enclosing our standard easement for your convenience, but we will not object to your modification of it or substitution of a different form or permit so long as it authorizes the desired use. We hope we may hear from you at an early date concerning the easements requested.

Very sincerely yours,

Milton H. Lightwood
Milton H. Lightwood
Right-of-Way Agent

Enclosure

Easement to Civil Defense complicates this?
This wasn't an easement
See Curtis' 3/29/56 memo in
Buildings and Grounds file 6.1
PK

RG 30, Bur. of Public Roads
E.6D, Gen Corr + Related Recs, 1455-59
Box 1131

CHUGACH ELECTRIC ASSOCIATION, INC.

FAIRVIEW, ALASKA

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that (I) (We) the undersigned _____

BUREAU OF PUBLIC ROADS _____, for a good and valuable consideration,

the receipt of which is hereby acknowledged, do hereby grant unto the CHUGACH ELECTRIC ASSOCIATION, INC., a cooperative corporation, (hereinafter called the "Cooperative") of Fairview, Alaska, and to its successors or assigns, a sole and exclusive easement, for the purpose of constructing, operating, and maintaining electric transmission and distribution lines, and telephone lines, through, over, in, and across

the lands of the undersigned, situated in the _____ Anchorage _____ Recording Precinct, Third Division, Territory of Alaska and more particularly described as follows:

- Townsite of Girdwood - U. S. Survey No. 1177:
- Block 2 Lot 6 - 10' adjacent to alley within Lot 6
 - Block 2 Lot 7 - 10' adjacent to alley within Lot 7
 - Block 2 Lot 8 - 10' adjacent to alley within Lot 8
 - Block 2 Lot 9 - 10' adjacent to alley within Lot 9
 - Block 2 Lot 10 - 10' adjacent to alley within Lot 10
10' on Gold Avenue
 - Block 2 Lot 12 - 10' adjacent to alley within Lot 12
 - Block 2 Lot 13 - 10' adjacent to alley within Lot 13
 - Block 2 Lot 14 - 10' adjacent to alley within Lot 14

AND specifically, there is hereby granted to the said Cooperative the sole and exclusive right to construct, operate, and maintain any and all facilities for said electric transmission and distribution lines, and telephone lines, through, over, in, and across said property as may be from time to time necessary or desirable for the exclusive use and enjoyment of such easement, including the right of ingress and egress to said property, and the right to cut and keep clear all trees and shrubbery, and undergrowth, and other obstructions on said property as may be required for the construction, operation and maintenance of such facilities.

TO HAVE AND TO HOLD the same to the Cooperative, its successors and assigns, FOREVER.

THE COOPERATIVE agrees, in constructing and maintaining said lines or facilities to do such work in such a way as not to damage said real property any more than is necessary to carry out the purposes of this easement.

THE UNDERSIGNED agree(s) that all poles, wires and other facilities, including any main service entrance equipment, installed on the above-described lands at the Cooperative's expense shall remain the property of the Cooperative, removable at the option of the Cooperative, upon termination of service to or on said lands.

THE UNDERSIGNED covenant(s) that (they are) (he is) the owner(s) of the above-described lands, and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons: _____

IN WITNESS WHEREOF, the undersigned (have) (has) set (their) (his) hand(s) and seal(s) this _____ day of _____, 195_____.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

_____	} _____ (L.S.)
_____	} _____ (L.S.)
_____	} _____ (L.S.)
_____	} _____ (L.S.)

UNITED STATES OF AMERICA
TERRITORY OF ALASKA

ss.

THIS IS TO CERTIFY that on this _____ day of _____, 195_____ before me, a Notary Public in and for the Territory of Alaska, residing therein, duly commissioned and sworn, personally appeared

(unmarried) (husband and wife), known to me to be the identical individual(s) described in and who executed the foregoing instrument, and (he) (they) personally acknowledged to me that (he) (they) executed the same freely and voluntarily for the uses and purposes therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the above-named Territory the day and year in this certificate first above written.

Notary Public for Alaska, residing at _____

My commission expires: _____

RG 30, Bur. of Public Roads
E. 6 D, Gen. Corr + Related Recs, 1455-59
Box 1131

CHUGACH ELECTRIC ASSOCIATION, INC.

FAIRVIEW, ALASKA

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that (I) (We) the undersigned

BUREAU OF PUBLIC ROADS

for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant unto the CHUGACH ELECTRIC ASSOCIATION, INC., a cooperative corporation, (hereinafter called the "Cooperative") of Fairview, Alaska, and to its successors or assigns, a sole and exclusive easement, for the purpose of constructing, operating, and maintaining electric transmission and distribution lines, and telephone lines, through, over, in, and across the lands of the undersigned, situated in the Anchorage Recording Precinct, Third Division, Territory of Alaska and more particularly described as follows:

- Townsite of Girdwood - U. S. Survey No. 1177:
Block 2 Lot 6 - 10' adjacent to alley within Lot 6
Block 2 Lot 7 - 10' adjacent to alley within Lot 7
Block 2 Lot 8 - 10' adjacent to alley within Lot 8
Block 2 Lot 9 - 10' adjacent to alley within Lot 9
Block 2 Lot 10 - 10' adjacent to alley within Lot 10
10' on Gold Avenue
Block 2 Lot 12 - 10' adjacent to alley within Lot 12
Block 2 Lot 13 - 10' adjacent to alley within Lot 13
Block 2 Lot 14 - 10' adjacent to alley within Lot 14

AND specifically, there is hereby granted to the said Cooperative the sole and exclusive right to construct, operate, and maintain any and all facilities for said electric transmission and distribution lines, and telephone lines, through, over, in, and across said property as may be from time to time necessary or desirable for the exclusive use and enjoyment of such easement, including the right of ingress and egress to said property, and the right to cut and keep clear all trees and shrubbery, and undergrowth, and other obstructions on said property as may be required for the construction, operation and maintenance of such facilities.

TO HAVE AND TO HOLD the same to the Cooperative, its successors and assigns, FOREVER.

THE COOPERATIVE agrees, in constructing and maintaining said lines or facilities to do such work in such a way as not to damage said real property any more than is necessary to carry out the purposes of this easement.

THE UNDERSIGNED agree(s) that all poles, wires and other facilities, including any main service entrance equipment, installed on the above-described lands at the Cooperative's expense shall remain the property of the Cooperative, removable at the option of the Cooperative, upon termination of service to or on said lands.

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IN WITNESS WHEREOF, the undersigned (have) (has) set (their) (his) hand(s) and seal(s) this day of, 195

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

(L.S.)
(L.S.)
(L.S.)
(L.S.)

UNITED STATES OF AMERICA
TERRITORY OF ALASKA

ss.

THIS IS TO CERTIFY that on this day of, 195 before me, a Notary Public in and for the Territory of Alaska, residing therein, duly commissioned and sworn, personally appeared

(unmarried) (husband and wife), known to me to be the identical individual(s) described in and who executed the foregoing instrument, and (he) (they) personally acknowledged to me that (he) (they) executed the same freely and voluntarily for the uses and purposes therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the above-named Territory the day and year in this certificate first above written.

Notary Public for Alaska, residing at

commission expires:

RG 30, Bur. of Public Roads
E. 6 D, Gen. Corr + Related Recs, 1955-59
Box 1131

Alaska Lands 3-1
Alaska Land 2

Mr. E. H. Swift, Regional Engineer
Juneau, Alaska 10

August 18, 1958

C. W. Enfield, General Counsel

By:

Henry H. Krover, Acting Assistant General Counsel

Memorandum of April 1, 1958, Concerning Legal Problems Relating to
Right-of-Way Acquisition in Alaska

This is to supplement the comments made at page 3 of said memorandum with regard to Case No. 4. The view that an entryman has an inchoate right even against the United States is controversial. The early law appears contra. (*Russian-American Packing Company vs. United States*, 199 U.S. 570; *Frisbie vs. Whitney*, 9 Wall. 187) Under these cases, it would seem that the United States could obtain gravel from land as needed, under valid entry, free of cost. However, we are advised that, in a recent Alaska case involving acquisition by the Corps of Engineers, the Federal District Court held that an entryman was entitled to compensation. Although the Department of Justice did not appeal, we understand that it did not concede the legal position. An earlier opinion by the Department of the Interior (34 LS 155) indicated also that entrymen might have some right to compensation. Further, the Field Solicitor of the Department of the Interior at Reno, Nevada, concerning a Navy acquisition for reclamation purposes, held that an entryman in good standing has a compensable interest and is entitled to some compensation in a condemnation suit. The Solicitor held that the general property rights of an entryman in his unpatented reclamation homestead are similar to those of an entryman under the general homestead laws.

Under the circumstances, and because of the difficulty of determining the proper basis for compensation, if any, it would not be proper to purchase gravel from entrymen. Rather, if compensation is claimed, the question should be resolved through a court proceeding.

HHK:revor:ram
cc: Mr. C. W. Enfield
Division Engineer
Files (2)
Lanis
Chron
Right-of-Way

8/1/58

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