

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 1 of 2

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

BUREAU OF PUBLIC ROADS

(Alaska) Land 2

10-00 Mr. E. H. Swick, Regional Engineer
Juneau, Alaska

October 8, 1958

26-20 G. W. Enfield, General Counsel
By H. H. Krevor, Acting Assistant General Counsel

Henry H. Krevor

Acquisition of Lot 6, Sec. 27, T. 6 S., R. 13 W., S. 1. -
Nae Harrington Acreage

We have now received a final opinion from the Attorney General covering this land.

This opinion, dated September 26, 1958, and the title data, are attached for your files.

Attachments

HHKrevor:if
cc: Mr. Enfield
Chron
Lands
Files (2)

62-A-1283
BOX 66

RJL - NEP

33-2-161

September 26,

Honorable Sinclair Weeks
Secretary of Commerce
Washington, D. C.

My dear Mr. Secretary:

A re-examination has been made to 49.19 acres of land, more or less, acquired for road and highway improvement purposes in Alaska. This land was conveyed to the United States under the provisions of existing legislation by deed dated June 24, 1957, filed for record among the land records of the House of Representatives, Volume 10 of Deeds, at Page 286. The file number is 33-2-161.

The land is described in the attached as a consideration of \$5,450.00.

The certificate of title, dated and prepared by Title Insurance and Trust Company, is satisfactory.

The certificate, recorded deed, and related papers disclose valid title to be vested in the United States of America.

The certificate of title, deed and related papers are enclosed.

Sincerely yours,

Enclosures

Attorney General

Attorney General

W. H. Weeks Secy.
W. H. Weeks

FORM CD-93 (6-6-52) MAIL CONTROL RECORD U. S. DEPARTMENT OF COMMERCE A2.99

U. S. DEPARTMENT OF COMMERCE MAIL CONTROL RECORD U. S. DEPARTMENT OF COMMERCE A2.99	<input type="checkbox"/> NO REPLY REPLY DATE - BY WHOM	FILE DATE PLACE FILED - OTHER ACTION	DATE ON CORRES. 9-26-58	CONTROL NO. R
	DATE RECEIVED 9-26-58	SUSPENSE DATE	DATE ACKNOWLEDGED - BY WHOM 9-26-58	FILE DESIGNATION 33-2-161
ENCL. certificate of title, deed & related papers on land acquired as a source of gravel for road & highway improvement purposes, etc.		ACTION 33-2-161	CLASSIFICATION 33-2-161	DATE TO DATE

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

RJL - NEP

RWS

33-2-161

September 26, 1958

Honorable Sinclair Weeks
Secretary of Commerce
Washington, D. C.

My dear Mr. Secretary:

A re-examination has been made of the title data relating to 49.19 acres of land, more or less, acquired as a source of gravel for road and highway improvement purposes in Homer Recording Precinct, Alaska. This land was conveyed to the United States of America under the provisions of existing legislation by Mae Harrington, a widow, under deed dated June 24, 1957, filed for record on June 29, 1957, and recorded among the land records of the Homer Recording Precinct, in Volume 10 of Deeds, at Page 286. The file number of this Department is 33-2-161.

The land is described in the aforesaid deed, which recites a consideration of \$5,450.00.

The certificate of title, dated as of June 29, 1957, was prepared by Title Insurance and Trust Company of Alaska, and is satisfactory.

The certificate, recorded deed and accompanying data disclose valid title to be vested in the United States of America.

The certificate of title, deed and related papers are enclosed.

Sincerely yours,

Enclosures

Attorney General

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

26-21

August 27, 1958

Ferry W. Norton
Assistant Attorney General
U. S. Department of Justice
Washington 25, D. C.

Dear Mr. Norton:

Reference is made to the preliminary opinion of the title of the Attorney General dated March 28, 1957, concerning 49.19 acres of land acquired from Mrs. Mae Harrington as a source of gravel for highway purposes in Homer Recording Precinct, Alaska. Your file reference is 33-2-161.

The curative action requested in the preliminary opinion has been accomplished and evidence thereof, together with the other data required by the opinion, are contained in the enclosed file. It has been determined that objections 4 and 5, as set out in the opinion, will not interfere with the contemplated use of the land.

It is requested that a final opinion of title to this land be rendered by the Attorney General, and the file returned to us.

Sincerely yours,

C. W. ENFIELD
General Counsel

By:
Henry H. Krevor
Acting Assistant General Counsel

Enclosure

HHKrevor:ram
cc: Mr. C. W. Enfield
Files (2)
Lands
Chron
Mr. Sams

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

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. C. W. Enfield, General Counsel
Bureau of Public Roads, Washington, D. C.

DATE: August 20, 1958

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

SUBJECT: Acquisition of Lot 6, Section 27, T6S, R13W, SM Mae Harrington Acreage

Attached is the above subject file as requested in your memo-
randum dated August 13, 1958. 26-21

Unfortunately, all the material had been placed in our file
in error, instead of being forwarded to your office as directed.

Thank you for calling attention to this matter.

Attachment

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

August 13, 1958

C. W. Enfield, General Counsel

By:

Henry H. Krevor, Acting Assistant General Counsel
Acquisition of Lot 6, Sec. 27, T. 6 S., R. 13 W., S. M. --
Mae Harrington Acreage

Reference is made to our memorandum of May 2, enclosing a preliminary opinion of the Attorney General dated March 28, 1957, and related papers relating to this acquisition.

Our files do not reflect return of the papers to this office for obtaining of the Attorney General's final opinion.

Please advise as to the status of this matter.

HNKrevor:ram
cc: Mr. C. W. Enfield
Files (2)
Lands
Chron

Awaiting

Further

Information

from

*Field Office
from [unclear]*

*See
Part 10*

10

June 11, 1957

ureau Region
ice
ment of the Interior

made to our letter dated May 16, 1957, ac-
for \$5450 payable to Mae Harrington for her
, T 6 S, R 13 W., S.M.

copy of Mrs. Harrington's undated letter
received. If at all possible under the
se forward the check to her at 961 East
5th Street, Long Beach 12, California, at the earliest possible
moment.

Very truly yours,

E. H. Swick, Regional Engineer
By

Wm. J. Niemi
Assistant Regional Engineer

Attachment:
Copy of Mrs. Harrington's letter

cc: Washington office ✓

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

10

June 11, 1957

W. J. Niemi
Curtis

Mr. Eugene F. Wiles
Field Solicitor, Juneau Region
Anchorage Field Office
United States Department of the Interior
P. O. Box 480
Anchorage, Alaska

Dear Mr. Wiles:

Reference is made to our letter dated May 16, 1957, accompanied by check for \$5450 payable to Mae Harrington for her Lot 6 in Section 27, T 6 S, R 13 W., S.M.

We attach a copy of Mrs. Harrington's undated letter which has just been received. If at all possible under the circumstances, please forward the check to her at 961 East 5th Street, Long Beach 12, California, at the earliest possible moment.

Very truly yours,

E. H. Swick, Regional Engineer
By

Wm. J. Niemi
Assistant Regional Engineer

Attachment:
Copy of Mrs. Harrington's letter

cc: Washington office ✓

*File
Alaska*

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

May 2, 1957

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

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

There are attached the original and three copies of a draft of a Warranty Deed from Mac 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.

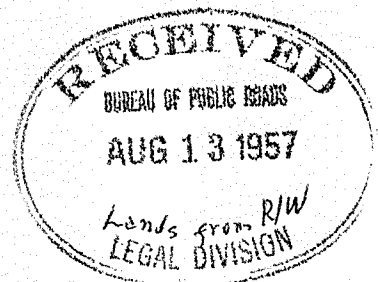
Also attached is Certificate of Title #551867 by Title Insurance and Trust Company of Alaska on said tract, last certified to as of October 17, 1956, together with a copy of a letter of March 28, 1957, from the Attorney General to the Secretary of Commerce, containing opinion on examination of such certificate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

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

*Pending**54
12-27-56*

Warranty Deed

Know all men by these presents, that Mae Harrington, a widow, of Long Beach, Los Angeles County, State of California, in consideration of five thousand four hundred fifty dollars (\$5,450.00) to her paid by the United States of America, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the United States of America all the following bounded and described real property, situated in Homer Recording Precinct, Alaska:

Lot Six (6), Section Twenty-seven (27), Township Six (6) South, Range Thirteen (13) West, Seward Meridian, in the Homer Recording Precinct, Alaska,

together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and also all her estate, right, title, and interest in and to the same, including dower and claim of dower.

TO HAVE AND TO HOLD, the above-described and granted premises unto the said United States of America forever. The grantor above-named does covenant to and with the United States of America, the above-named grantee, that she is lawfully seized in fee simple of the above-granted premises, that the above-granted premises are free from all encumbrances, and that she will and her heirs, executors and administrators, shall warrant and forever defend the above-granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

In witness whereof, Mae Harrington, the grantor above-named, has hersunto set her hand and seal this ____ day of _____, 1957.

Witnessed by:

State of California)
County of Los Angeles) ss

On this _____ day of _____, 1957, personally appeared the
above-named _____ and acknowledged the foregoing
instrument to be _____ voluntary act and deed. Before me:

(Signature)

(Title of Officer)

(Official Seal)

(Alaska) Land 2

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

May 2, 1957

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

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 consumation 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.

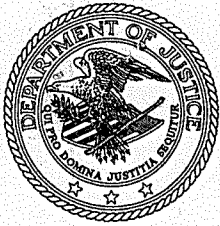
The file of related papers is attached.

Attachments ✓

J.J.W.
GJWaddel:imm
cc: Central Files (2) ←
Mr. E. H. Swick
R/W Division
R/W Folder
Legal
CWE *[Signature]*

54
12-27-56

5/3 *67-A-128*
Box 66



Office of the Attorney General
Washington, D. C.

March 28, 1957

Honorable Sinclair Weeks
Secretary of Commerce
Washington, D. C.

My dear Mr. Secretary:

An examination has been made of the title data relating to 49.19 acres of land, more or less, to be acquired as a source of gravel for road and highway improvement purposes in Homer Recording Precinct, Alaska. This land is to be acquired for a consideration of \$5,450.00 by authority of the Federal-Aid Highway Act of 1956 (70 Stat. 377). The file number of this Department is 33-2-161.

The land is described in the enclosed draft of deed from Mae Harrington, a widow, to the United States of America.

The certificate of title, dated as of October 17, 1956, was prepared by Title Insurance and Trust Company of Alaska, and is satisfactory in form.

The certificate and accompanying data disclose the title to be vested in Mae Harrington, subject to:

1. All taxes and assessments, including any Kenai Peninsula Public Utility District taxes noted at item 2 of Schedule B of the certificate.
2. Rights or claims of persons in possession, if any, not shown of record.
3. Mechanics' liens, if any, not shown of record.
4. Easements for roads, highways and public utilities, if any, not shown of record.
5. Reservations in the United States patent noted at item 1 of Schedule B of the certificate.

DEPARTMENT OF COMMERCE
SECRETARY'S
CORRESPONDENCE UNIT

1957 MAR 30 AM 10 08

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

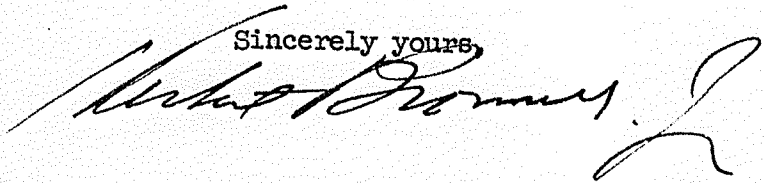
- 2 -

Prior to the consummation of this acquisition it will be necessary to complete any curative action required to effect the elimination of the matter referred to in the note in Schedule B of the certificate.

When the above requirement and objections numbered 1, 2 and 3 have been met, the enclosed draft of deed to the United States, duly executed and properly stamped, has been recorded, the purchase price has been paid, a new certificate of title has been obtained showing the vesting of valid title in the United States of America, and this Department has been informed in writing that the rights and easements noted in objections 4 and 5 will not interfere with the contemplated use of the land, the title will be approved subject to such rights and easements.

The certificate of title and related papers are enclosed.

Sincerely yours,



Attorney General

Title Insurance and Trust Company of Alaska

Territory of Alaska

CERTIFICATE OF TITLE

Certificate No. 551867

TO (..... MAE HARRINGTON, a widow and) UNITED STATES OF AMERICA:

TITLE INSURANCE AND TRUST COMPANY OF ALASKA, a Corporation organized and existing under the laws of the Territory of Alaska, with its principal office in the City of Anchorage, hereby certifies that it has made a thorough search of the title to the property described in SCHEDULE "A" hereof, beginning with the /day/ of PATENT , 1 , and that the title to said property was indefeasibly vested in fee simple of record in MAE HARRINGTON, a widow,

as of the 17 day of October , 1956, free and clear of all encumbrances, defects, interests and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in SCHEDULE "B" hereof.

The maximum liability of the undersigned under this certificate is limited to the sum of Five Thousand four hundred fifty Dollars (\$5,450.00)

In consideration of the premium paid, this certificate is issued for the use and benefit of (said MAE HARRINGTON, a widow and) and United States of America, (and each of them.)

IN WITNESS WHEREOF, said Corporation has caused these presents to be signed in its name and behalf, sealed with its corporate seal, and delivered by its proper officers thereunto duly authorized, as of the date last above mentioned.

Title Insurance and Trust Company of Alaska

By

John E. Murney
Ernest Z. Rehbock

President

~~Vice President~~
Assistant Secretary

Title Insurance and Trust Company of Alaska

SCHEDULE A

The property covered by this certificate is accurately and fully described as follows:

Lot Six (6), Section Twenty-seven (27), Township Six (6) South, Range Thirteen (13) West, Seward Meridian, in the Homer Recording Precinct, Alaska.

Title Insurance and Trust Company of Alaska

SCHEDULE B

The property described in SCHEDULE "A" hereof is free and clear from all interests, encumbrances and defects of title and all other matters whatsoever of record, or which, though not of record, are known to this Corporation to exist impairing or adversely affecting the title to said property, except the following:

1. Reservations in U. S. Patent.
2. Any taxes which may be due the Kenai Peninsula Public Utility District.

NOTE: If not within Public Utility District boundaries, property must be registered under the 1955 Registration Act.

P.R.R.s

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 49.19 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,

Louis S. Rothschild

Acting Secretary of Commerce

Bureau of Public Roads
GJWaddel:ima 2/6/57

WJ
CEE

W. H. Curtis

2-8-57
2-11-57

Robert Miller
William D. ...
2/12
W. H. Curtis

COPY TO UNDER SECRETARY FOR
TRANSPORTATION

Return to Bureau of Public Roads

MAILED
February 19, 1957
Secretary's Correspondence Section
JB

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

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Frederick C. Nash, General Counsel
Department of Commerce

DATE: February 7, 1957

FROM : C. W. Enfield, General Counsel *CWE*

SUBJECT: Request for Approval of Deed and Preliminary Opinion of Title

There is attached a draft of a letter from the Secretary to the Attorney General requesting a preliminary opinion of title covering 49.19 acres of land for use as a gravel pit in connection with highway improvements in the Homer Area of Alaska. The acquisition of this tract was initiated by the Alaska Road Commission and negotiated to the point where it may be readily closed when title can be approved.

In order that we may have a preliminary opinion as to title before closing the transaction, it will be appreciated if you will secure the signature of the Secretary to the attached letter and forward it to the Department of Justice.

Attachment

OFFICE OF THE
GENERAL COUNSEL
FEB 11 11 02 AM '57
DEPARTMENT OF
COMMERCE

1244 - Long

Guy M. Long
Land acquisition
Section

FORM CD-14 (10-27-53)	DEPARTMENT OF COMMERCE	DATE
TRANSMITTAL SLIP		2/20/57
TO:	Mr. Waddell	REF. NO. (If any)
FROM:	Marjorie T. Kramer Office of General Counsel	REF. NO. (If any)
ACTION		
<input type="checkbox"/> NOTE AND FILE	<input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE	
<input type="checkbox"/> NOTE AND RETURN TO ME	<input type="checkbox"/> TAKE APPROPRIATE ACTION	
<input type="checkbox"/> RETURN WITH MORE DETAILS	<input type="checkbox"/> PER YOUR REQUEST	
<input type="checkbox"/> NOTE AND SEE ME ABOUT THIS	<input type="checkbox"/> SIGNATURE	
<input type="checkbox"/> PLEASE ANSWER	<input type="checkbox"/> FOR YOUR INFORMATION	
<input type="checkbox"/> FOR YOUR APPROVAL	<input type="checkbox"/> INVESTIGATE AND REPORT	
<input checked="" type="checkbox"/> PER OUR CONVERSATION		
COMMENTS: Your file returned per my talk with you this date. If you have not received your copy of signed letter to Atty. Gen. I am sure you will receive it shortly.		
COMM-DC-3822		

Please return
to R/W
JY

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

Mr. Frederick C. Nash, General Counsel
Department of Commerce

February 7, 1957

C. W. Infield, General Counsel

Request for Approval of Deed and Preliminary Opinion of Title

There is attached a draft of a letter from the Secretary to the Attorney General requesting a preliminary opinion of title covering 49.19 acres of land for use as a gravel pit in connection with highway improvements in the Homer Area of Alaska. The acquisition of this tract was initiated by the Alaska Road Commission and negotiated to the point where it may be readily closed when title can be approved.

In order that we may have a preliminary opinion as to title before closing the transaction, it will be appreciated if you will secure the signature of the Secretary to the attached letter and forward it to the Department of Justice.

Attachment

EGW.
GJWaddel:imm

cc: Central Files (2) ←

Mr. A. F. Ghiglione (2)

R/W Division

R/W Folder

Legal

2-8-57

Cliff
lwe

54
12-27-56

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Clifton W. Enfield, Solicitor
Washington, D. C.

DATE: December 20, 1956

FROM : A. F. Ghiglione, ¹⁰ Acting Division Engineer
Juneau, Alaska

SUBJECT: Acquisition Lot 6, Sec. 27, T 6 S, R 13 W, S.M., Mae Harrington
acreage

Attached is copy of letter of Field Solicitor, Juneau Region, Department of the Interior, Anchorage concerning the acquisition of real property from Mae Harrington. Also attached is Preliminary Title Certificate No. 551867, together with complete case file captioned "Acquisition of title for ARC (Mae Harrington)", which we request be returned to Division 10 files when it has served your purpose.

If further action by this office is desired, please advise.

Attachment





UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
Juneau Region
Anchorage Field Office
P.O. Box 480
Anchorage, Alaska

December 14, 1956

Certified Mail
Return Receipt Requested

Mr. A. F. Ghiglione
Department of Commerce
Bureau of Public Roads
Division Ten - Box 1961
Juneau, Alaska

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

Dear Mr. Ghiglione:

At our meeting on October 24, 1956, it was agreed that I would retain the subject file until I received the preliminary Certificate of Title from the Title Insurance and Trust Company of Alaska, and that when such certificate was received I would forward the file to your office for further action.

Preliminary Title Certificate No. 551867 was received by us on December 11, 1956, and is enclosed herewith along with our complete case file. We believe that you will wish to submit this material to your attorney with the request that he take the necessary steps to obtain title approval by the Attorney General. For your information we have attached hereto a copy of a letter from the Attorney General's office in which the procedure to obtain a title opinion from the Attorney General is set forth.

Also enclosed herewith is the title company's bill in the amount of \$60.00 for preparing the Certificate of Title. It is to be noted from the correspondence in the file that Mrs. Harrington has agreed to pay this amount. Therefore, appropriate action should be taken to protect the Government's interest in this matter.

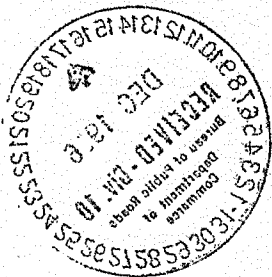
If we can be of further assistance, please let us know.

Very truly yours,

For the Regional Solicitor

Eugene F. Wiles, Field Solicitor
Juneau Region

Enclosures



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

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
ENTRALS AND NUMBER

RJL-GFN

33-2-0

UNITED STATES
DEPARTMENT OF JUSTICE
WASHINGTON 25, D. C.

March 14, 1955

AIR MAIL

Charles M. Soller, Esquire
Regional Solicitor
Department of the Interior
Post Office Box 480
Anchorage, Alaska

Dear Mr. Soller:

In compliance with your recent informal request while you were in the Department, the following information is submitted in connection with obtaining title evidence and the opinions of the Attorney General for lands to be acquired for the Bureau of Reclamation in the Territory of Alaska.

To obtain the approval of this Department of attorneys to prepare abstracts of title to lands to be acquired by the United States, a statement of their training and experience and methods of searching titles should be submitted to the United States Attorney in order that he may transmit this information to this Department, together with his recommendations as to their ability. Upon receipt of this information, you will be promptly advised as to whether abstracts of title prepared by these attorneys will be accepted. The same information should be submitted in connection with title corporations who desire to issue certificates of title or title insurance policies. However, this information should be supplemented by a financial statement of the title corporations and a description of their title plants including any privately owned indices of the matters of record relating to real property. Consideration will be given to the approval of any title corporation, including the Title Insurance and Trust Company of Alaska, upon receipt of this data. If the title corporation does not have sufficient assets to justify acceptance of its certificates of title or title policies covering extremely large acquisitions, its certificates, if otherwise acceptable, will be considered satisfactory when they are reinsured by another title corporation having sufficient assets. Of course, the abstracts of title or other title evidence should be prepared in accordance with the Regulations for the Preparation of Title Evidence in Land Acquisitions by the United States.

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

To obtain the preliminary opinions of the Attorney General, the following data should be submitted to this Department:

1. Reference to the statutory authority under which the properties are being acquired.
2. Certificate of title, title insurance policy, abstract of title or title report preliminary to the issuance of a certificate or title insurance policy in the form approved by this Department.
3. A legally adequate description of the land in which the interest is proposed to be acquired, certified by an engineer of your Department.
4. When the title evidence consists of an abstract of title, all available information with reference to mortgages, claims of ownership, and other data that may have been obtained by your field representatives. In the event the record owner of the property is deceased, if complete probate proceedings are not disclosed by the abstract, certified copies of the will and probate proceedings must be submitted or proof must accompany the papers showing that the owner died intestate, the names, ages, and marital status of his heirs at law, and whether all debts and estate taxes have been paid and satisfied.
5. If title is to be taken subject to certain easements or outstanding rights, evidence of a determination by an administrative officer of your Department that those easements or outstanding rights will or will not interfere with the proposed use of the property.
6. If available, copies of the executed purchase contract, draft of proposed deed, field attorneys' title opinions, and curative data obtained to satisfy title objections or to prove vendors' titles, and copies of powers of attorney, if the conveyance to the United States is to be executed by an attorney in fact.

note to 4. 1/22/57

*that covered
in previous report
electronically
sent to final op.*

In those instances where the title papers do not include copies of the executed purchase contract, drafts of deeds and necessary curative data, appropriate requirements will be made in the preliminary opinions of the Attorney General.

When the title objections indicated by the Attorney General's preliminary opinion have been met, your Department will forward to this Department a request for a final opinion by the Attorney General. This request must be accompanied by the following data:

1. The original recorded deed.
2. The final certificate of title, title insurance policy, or the abstract of title continued to a date subsequent to the recordation of the deed to the United States.
3. An executed certificate of inspection and possession on the form set out in the Regulations for the Preparation of Title Evidence in Land Acquisitions by the United States.
4. Curative data obtained by your personnel to meet title objections.
5. Receipt executed by the Government's vendors for the purchase price.
6. A copy of the land purchase contract if a copy thereof was not forwarded to this Department with the preliminary title assembly or if the title evidence does not disclose its substantive provisions.

There are enclosed three forms of certificate of inspection and possession. The Department's supply of these forms has been exhausted and when they have been reprinted additional copies will

33-2-0

- 4 -

be transmitted to you.

Sincerely,

PERRY W. MORTON
Assistant Attorney General
Lands Division

By: *Ralph J. Luttrell*
RALPH J. LUTTRELL
Chief, Land Acquisition Section

cc: J. Reuel Armstrong, Esquire
Acting Solicitor
Department of the Interior
Washington 25, D. C.

William T. Plummer, Esquire
United States Attorney
Anchorage, Alaska

Enclosure
No. 31119

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

BUREAU OF PUBLIC ROADS

Alaska Land 3

10-00

Mr. W. J. Niemi, Regional Engineer
Juneau, Alaska

December 14, 1959

22-51

G. M. Williams, Assistant Commissioner
By: C. W. Phillips, Chief, Right-of-Way Division
Washington, D. C.

Transfer of a Portion of U. S. Survey 381 to the State of Alaska

Under date of August 4, 1959, we returned for correction, the State's application for right-of-way over lands under the jurisdiction of the Federal Aviation Agency.

To date we have not received the revised application and it will be appreciated if you will advise us of the present status thereof.

SZPhillips:jp

cc: Files (2) ✓
W. J. Niemi ✓
C. W. Phillips (2)
G. M. Williams

[Handwritten signatures]

*Jan
12-15-59*

*P/W 68
7-30-59*

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

BUREAU OF PUBLIC ROADS

10-00

Mr. William J. Niemi, Regional Engineer
Juneau, Alaska

August 4, 1959

22-51

G. M. Williams, Assistant Commissioner
By: C. W. Phillips, Chief, Right-of-Way Division
Washington, D. C.

C. W. PHILLIPS

Transfer of a Portion of U. S. Survey 381 to the State of Alaska

Reference is made to your memorandum of July 22, 1959, regarding transfer of right-of-way to the State of Alaska for highway purposes. This area is under control of the Federal Aviation Agency. The transfer will be handled under provisions of Policy and Procedure Memorandum No. 21-4.3.

It will be appreciated if you will let us know the Federal-aid project NO. on which this parcel is located and let us know the date on which right-of-way acquisition was authorized.

We have contacted Mr. Enfield's office and there are enclosed nine copies of the legal description and eight copies of the sketch plat. Please enclose with your reply the original and four copies of the legal description and five copies of the plat.

The plats adequately locate the point of beginning, or corner 1, of the tract in accordance with the tract description, but the information contained in the description for the parcel itself is not shown on the plat. It will be appreciated if you will have the plats amended to show bearings and distances for the parcel to be transferred.

Attachments

HET

HETaylor:llr

cc: Files (2)

Mr. William J. Niemi

Mr. C. W. Phillips (2)

Mr. G. M. Williams

Mr. C. W. Enfield

WJP

R/W 68
7-30-59

Brought Forward

909 Office Memorandum 030 UNITED STATES GOVERNMENT CN

TO : Mr. G. M. Williams, Assist. Commissioner for DATE: July 22, 1959
 22-00 Engineering, Washington, D. C.
 ATTENTION: Mr. S. Z. Phillips Ref: RW/F-095
 FROM : Wm. J. Niemi, Regional Engineer WJN
 10-00 Juneau, Alaska
 SUBJECT: Transfer of a Portion of U. S. Survey 381 to the State of Alaska

Attached are copies of correspondence and documentation regarding the application by the State of Alaska for a portion of U. S. Survey 381, located on Route 95, Juneau Area.

Copies of this correspondence regarding the application were transmitted on June 23, 1959 to the Office of the General Counsel.

It would be appreciated if your office would make the necessary arrangements for the completion of this transfer.

Attachments:

Letter to Federal Aviation Agency dated June 18, 1959
 Letter to Bureau of Public Roads dated June 18, 1959
 Memo to Mr. C. W. Enfield, General Counsel dated June 23, 1959
 Letter to Bureau of Public Roads dated July 9, 1959
 4 Tract Descriptions
 4 Prints

C

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

FEDERAL AVIATION AGENCY
WASHINGTON
D. C. 20515
Anchorage, Alaska

JUL 9 1959

Bureau of Public Roads
Region Ten
P. O. Box 1131
Juneau, Alaska

Attention: Mr. R. D. Stewart, Jr.
Construction and Maintenance
Engineer

Gentlemen:

Referring to your letter dated June 23, 1959 (Ref: HA/PA-695), this Agency has no objection to your Department transferring, to the State of Alaska for highway purposes, the 0.05 acre tract of land within U. S. Survey No. 311 for which you have furnished a legal description and an illustrative plan showing "Proposed Right of Way across the Property of Federal Aviation Agency Glacier Highway Bureau of Public Roads Juneau, Alaska April 1959"; provided, if any of our property is damaged or destroyed as a result of the State's use of the land, the State will repair or replace such property promptly to this Agency's satisfaction at the State's expense; furthermore, if any of our poles or other property must be moved as a result of such utilization, the cost of moving will be borne by the State and the property will be put in a condition equal to that which existed before such moving began. Enclosed is a plan of the sketch that you forwarded.

Sincerely yours,

A. L. Brown, Acting Chief
General Services Division

Enclosure

BUREAU OF PUBLIC ROADS

Mr. C. W. Infield, General Counsel
Washington, D. C.

June 23, 1959

Ref: RA/F-095

10-00.33 Mr. J. Niemi, Regional Engineer
Juneau, Alaska

Correspondence regarding Portion of U. S. Survey 381, Juneau Area

Attached for your information are copies of correspondence and documentation regarding the State of Alaska's acquisition of a portion of U. S. Survey 381, located on Route F-095, Juneau area.

Attachments

- Letter to Bureau of Public Roads dated June 16, 1959
- Letter to Federal Aviation Agency dated June 18, 1959
- Letter to Federal Aviation Agency dated June 23, 1959
- Plat (4 copies)
- Land Description (4 copies)

cc: H. F. Cunningham

JBCottle:jbc

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

DIVISION OF HIGHWAYS
FIELD OFFICE
1226 E. 7TH AVENUE
ANCHORAGE, ALASKA

State
~~TERRESTRIAL~~ OF ALASKA
ALASKA HIGHWAY & PUBLIC WORKS DEPARTMENT
~~BOX 1361~~ 1361
JUNEAU, ALASKA

Richard A. Downing
~~XXXXXXXXXXXX~~
COMMISSIONER

June 18, 1959

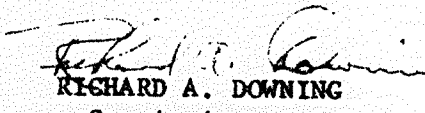
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2	R/W	R				

Mr. Wm. J. Niemi
Regional Engineer
Bureau of Public Roads
Region 10
P. O. Box 1961
Juneau, Alaska

Dear Mr. Niemi:

Under procedures outlined in PPM 21-43, paragraph 2, subsection c, dated March 27, 1957, we enclose an application for transfer of interest of a portion of U.S.S. 381 from the Federal Aviation Agency to the State of Alaska through this Department.

Sincerely yours,


RICHARD A. DOWNING
Commissioner

^{AMM}
Encis.

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

DIVISION OF HIGHWAYS
FIELD OFFICE
1228 E. 7TH AVENUE
ANCHORAGE, ALASKA

State
TERRITORY OF ALASKA
ALASKA HIGHWAY & PUBLIC WORKS DEPARTMENT
BOX 1361
JUNEAU, ALASKA

Richard A. Downing
COMMISSIONER

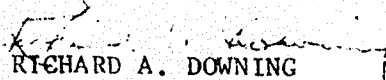
June 18, 1959

Mr. Wm. J. Niemi
Regional Engineer
Bureau of Public Roads
Region 10
P. O. Box 1961
Juneau, Alaska

Dear Mr. Niemi:

Under procedures outlined in PPM 21-43, paragraph 2, subsection c, dated March 27, 1957, we enclose an application for transfer of interest of a portion of U.S.S. 381 from the Federal Aviation Agency to the State of Alaska through this Department.

Sincerely yours,


RICHARD A. DOWNING
Commissioner

Encls.

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

U. S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS

REGION TEN
P. O. Box 1961
Juneau, Alaska

10-00.33

June 23, 1959

Ref: RW/F-095

Federal Aviation Agency
P. O. Box 440
Anchorage, Alaska

Gentlemen:

The State of Alaska has submitted an application pursuant to Title 23 U.S.C., Section 317, for right-of-way through a portion of U. S. Survey 381, owned by your agency in the Juneau area. The State's letter of June 18, 1959 and a legal description and plat of the right-of-way required are enclosed.

It has been determined that the interests in land required by the State are reasonably necessary for use in connection with this project. If the proposed appropriation of subject interests is not contrary to the public interest, or inconsistent with the purposes for which said land has been acquired, it will be appreciated if your office will authorize the transfer to the State of Alaska.

If the transfer is made directly to the State, please furnish copies of the instrument for our files.

Very truly yours,

Wm. J. Niemi, Regional Engineer
By:

B. D. Stewart, Jr.
Construction & Maint. Engr.

Enclosures

Letter dated June 18, 1959
w/3 carbon copies
Linen
Prints (4)
Tract Descriptions (4)

DIVISION OF HIGHWAYS
FIELD OFFICE
1228 E. 7TH AVENUE
ANCHORAGE, ALASKA

State
~~TERRITORY~~ OF ALASKA
ALASKA HIGHWAY & PUBLIC WORKS DEPARTMENT
BOX 1131
JUNEAU, ALASKA

Richard A. Downing
~~FRANK A. METCALF~~
COMMISSIONER

June 18, 1959

Federal Aviation Agency
P. O. Box 440
Anchorage, Alaska

Gentlemen:

Attached is linen, prints and Tract Descriptions showing right of way necessary to eliminate a condition hazardous to the safety of highway traffic. The area is located in Block 41, Mandan Hall Acre tracts, U. S. Survey 381, is being used for parking and is located so close to the shoulder that it is difficult to control access roads.

The required parcel, containing 0.05 acre, is owned by your agency, and its transfer to the State of Alaska through this Department is respectfully requested.

It is agreed that the acquisition, if approved, will be subject to the terms and conditions of the applicable regulations of the Federal Aviation Agency.

Should further information or documentation be required, please contact this office. Your early and favorable consideration of this application will be appreciated.

Very truly yours,

RICHARD A. DOWNING
Commissioner

Attachments:
1 Linen
4 Prints
4 Tract Descriptions

cc: Bureau of Public Roads

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

Blackland 3

X

7

12-10-59

MEMO
Lieutenant General E. C. Itchner
Chief of Engineers
General Staff, Virginia

Dear General Itchner:

Continuing a recent conversation with Mr. Saunders of your office, I am returning your file on a proposed transfer of the highway serving the Illinois-Alaska Terminal of the Illinois-Tribune Petroleum Pipeline.

At the time this transfer was discussed, it was apparently proposed to transfer the road to Public Roads. Under the circumstances, you advised that Title 10, United States Code, Section 2661, was not available for the transfer, and inquired as to whether there was authority under the highway law to handle the matter.

In view of Alaska's admission to statehood, it would appear that this transfer could now be effected to the State without reimbursement under 10 U.S.C. 2668 or 23 U.S.C. 317. Either would be entirely satisfactory to us.

If you need any assistance, please call on us. We would appreciate advice on the action taken on the matter.

Sincerely,

C. W. Infield
General Counsel

By:
Henry H. Krewer
Assistant General Counsel

Enclosure

W. J. [Signature]

AW: [Signature] jic
cc-Files (2) ✓
Mr. Wm. J. Hunt (2)
Mr. G. H. Williams
Mr. C. W. Infield
Chron
Lands

12/10/59/HR

FF

AIG

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

DIVISION OF HIGHWAYS
FIELD OFFICE
1228 E. 7TH AVENUE
ANCHORAGE, ALASKA

State
~~TERRITORY~~ TERRITORY OF ALASKA
ALASKA HIGHWAY & PUBLIC WORKS DEPARTMENT
BOX 1387 1351
JUNEAU, ALASKA

Richard A. Downing
~~FRANK A. METCALF~~
COMMISSIONER

June 18, 1959

Federal Aviation Agency
P. O. Box 440
Anchorage, Alaska

Gentlemen:

Attached is linen, prints and Tract Descriptions showing right of way necessary to eliminate a condition hazardous to the safety of highway traffic. The area is located in Block 41, Mandenhall Acre tracts, U. S. Survey 331, is being used for parking and is located so close to the shoulder that it is difficult to control access roads.

The required parcel, containing 0.05 acre, is owned by your agency, and its transfer to the State of Alaska through this Department is respectfully requested.

It is agreed that the acquisition, if approved, will be subject to the terms and conditions of the applicable regulations of the Federal Aviation Agency.

Should further information or documentation be required, please contact this office. Your early and favorable consideration of this application will be appreciated.

Very truly yours,

RICHARD A. DOWNING
Commissioner

Attachments:

- 1 Linen
- 4 Prints
- 4 Tract Descriptions

cc: Bureau of Public Roads

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

BUREAU OF PUBLIC ROADS

Alaska Land 3

10-00

Mr. Wm. J. Niemi, Regional Engineer
Juneau, Alaska

October 22, 1959

22-51

G. M. Williams, Assistant Commissioner **G. W. PHILLIPS**
By: C. W. Phillips, Chief, Right-of-Way Division
Washington, D. C.
Alaska - Interpretation of PPM 21-4.1

Reference is made to your October 2, 1959 memorandum regarding a letter of September 25, 1959 forwarded direct to Mr. S. Z. Phillips, Right-of-Way Division, from the Alaska Director of Highways. A copy of our letter to Mr. Thurman D. Sherard is being sent to you separately.

Mr. Hubbard asks a question with respect to the term "maintaining the central office" as used in paragraph 3-d of PPM 21-4.1. Section 302 of Title 23 U. S. Code, Highways, requires a State to provide a highway department with adequate powers, suitably equipped and organized to carry on highway work. There is no provision for Federal participation in the cost of establishing a highway department and traditionally the cost of keeping the highway organization alive as an organization has been ineligible for Federal participation. The expense of maintaining the highway organization is normally considered to be the administrative and headquarters expense referred to in paragraph 5-a of PPM 21-4.1. Neither the administrative and headquarters expense of the central nor field offices would be eligible for Federal participation. Types of such ineligible items of expense would include but not be limited to, cost of providing office buildings or space and related utility items, office furniture and equipment, office supplies and salaries of administrative and supervisory officers and employees including secretaries and typists. When properly supported salaries and related expenses of field employees while engaged in field work on a specific Federal-aid project are reimbursable items as well as those indicated in the first sentence of paragraph 5-a of PPM 21-4.1. Salaries of State personnel typing appraisals and instruments of acquisition would normally be considered ineligible overhead. The salaries of reviewing appraisers and title examiners would ordinarily be considered reimbursable while the employees were working on specific Federal-aid projects whether in the field or the central or field office. The salaries and expenses of right-of-way and utility engineers would normally be considered eligible while they were employed in the field in productive work on specific Federal-aid projects, but nonreimbursable while in the office and while performing supervisory or administrative work in the field.

Private driveways or approach roads would not be included in the private installations covered by paragraph 4-c of PPM 21-4.1. An existing right to enter upon or leave an existing highway is a property right of which the owner thereof may not be deprived without just compensation being paid therefor. However, if during construction his right of ingress and egress is restored to substantially the same manner as previously existed

- more -

no damage usually ensues because of this item. The cost of rehabilitating such abutting property is eligible for Federal participation under paragraph 5-m of PPM 21-4.1. Subsequent to construction of the highway such entrances may be constructed without Federal participation under permits and standards required by the State, except on controlled access facilities.

Mr. Hubbard raises a question with respect to paragraphs 4-o and 4-s of PPM 21-4.1. Under paragraph 4-o utility facilities may occupy the right-of-way when such occupation is clearly justified. Otherwise, no private installation including public and private utilities may be permitted within the highway right-of-way, either above or below the ground surface.

The vertical dimensions provided for in paragraph 4-s are unlimited both above and below the surface. Except as provided in paragraph 4-o a utility would normally have no underground rights in the highway. The rights referred to are usually considered to be of a mineral nature.

Except for Interstate highways we do not know of any written statement regarding the crossing of Federal-aid highways by utilities. Of course, PPM 30-4 governs reimbursement to utilities which are required to be adjusted because of highway construction. The memorandum covers utility crossings as well as other types of adjustments. It is not the intent, however, to impose restrictions on future utility crossings to the extent that would obstruct the service to the public provided by the utility. Throughout the States new utility crossings of existing highways are effected and allowed under permits and conditions prescribed by the States. It is to be expected that such crossings, overhead or underground, would not detract from the use of the highway for highway purposes. Underground crossings are usually constructed in a manner to allow servicing and maintenance without disturbing the highway surface.

The question as to how the references to the division engineer in PPM 21-4.1 shall be treated is one that will have to be determined on the basis of your actual operating procedure. If authority has been delegated to the division engineers to act in the premises then there need be no change in the memorandum. However, if authority to act on right-of-way matters has been retained in the regional office we perhaps should substitute the words "regional engineer" for the words "division engineer" where they appear in the memorandum. It will be appreciated if you will review the PPM from this viewpoint and advise us as to your recommendations in the premises.

HET

HETaylor: jp:SZPhillips

cc: Files (2)

W. J. Niemi

C. W. Phillips (2)

G. M. Williams

[Handwritten signatures and initials]

[Handwritten note: RE/10/22 10-2-59]

BUREAU OF PUBLIC ROADS
Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. G. M. Williams, Assistant Commissioner
22-00 for Engineering, Washington, D. C.

DATE: October 2, 1959

FROM : Wm. J. Niemi, Regional Engineer
10-00 Juneau, Alaska *WJN*

SUBJECT: Correspondence with Director of Highways, State of Alaska

Under date of September 25, 1959, Mr. Lee D. Hubbard, Director of Highways, State of Alaska, addressed a letter to the Right-of-Way Division of the Bureau of Public Roads, Washington, D. C., attention S. Z. Phillips, Assistant Chief, Right-of-Way Division.

Upon receipt of a copy of the above referenced letter, I called Commissioner Richard A. Downing, Department of Public Works, and suggested that questions such as are contained in Mr. Hubbard's letter be first referred to the Region 10 office.

In your reply to Mr. Hubbard it is suggested that he be requested to refer his problems initially to the Alaska Regional office of Public Roads.

*10/7/59 -
Mr. 5272
this letter for my
signature - produce
return - produce
Presler
WJN*

RECEIVED
DIVISION OF HIGHWAYS
BUREAU OF PUBLIC ROADS

OCT 10 1959

BUREAU OF PUBLIC ROADS