

§ 14A-11-2. **Construction and maintenance of facilities.** The Commissioner of the Alaska Highway and Public Works Department is hereby authorized to construct and maintain such facilities at scenic sites, recreation beaches or roadside rests as he may determine to be necessary and desirable. Such facilities may include but are not limited to, access roads, camp facilities (including picnic tables, fireplaces, and toilets), camping areas or other facilities deemed necessary and desirable for the convenience and benefit of travelers and small boat operators. [L 1955, ch 174, § 2, p 346, app Mar. 29, 1955; am L 1957, ch 152, title II, art VII, § 9, p 321, eff Apr. 1, 1957.]

Amendments. L 1957 substituted "Commissioner" (meaning the Commissioner of the Alaska Highway and Public Works Department) for reference to the Highway Engineer. See note under § 14A-1-21.

§ 14A-11-3. **Funds.** Funds to carry out the provisions of this Act [§§ 14A-11-1—14A-11-3 herein] shall be provided in the general appropriation act of the Legislature. [L 1955, ch 174, § 3, p 346, app Mar. 29, 1955.]

CHAPTER 12 OUTDOOR ADVERTISING

- § 14A-12-1. Purpose.
- § 14A-12-2. Definition.
- § 14A-12-3. Prohibition.
- § 14A-12-4. Rural signs.
- § 14A-12-5. Removal of outdoor advertising.
- § 14A-12-6. Neglect or refusal to obey removal order.
- § 14A-12-7. Penalty.

§ 14A-12-1. **Purpose.** After due investigation and deliberation it is the purpose of the Legislature to protect the public safety and welfare of persons using the highways of Alaska by causing the removal of outdoor advertising along said highways, thereby eliminating a source of distraction to vehicle operators and persons on said highways. [L 1949, ch 59, § 1, p 160, app Mar. 19, 1949; am L 1953, ch 86, § 1, p 200, app Mar. 27, 1953.]

Amendments. L 1953 amended section generally.

Separability of provisions. Section 8 of L 1949, ch 59, cited above, as added section 1 (p 200) of L 1953, ch 86, cited above, provided:

"If any provision of this Act [§§ 14A-12-1 — 14A-12-7 herein], or the application thereof to any person or circumstance is held invalid, the re-

mainder of the Act and such application to other persons and circumstances shall not be affected thereby."

§ 14A-12-2. **Definition.** The term "outdoor advertising" as used in this Act [§§ 14A-12-1—14A-12-7 herein], shall include all commercial and political advertising so displayed as to attract the attention of any person operating any type of vehicle on any public highway, whether such advertising be by means of printing, writing, painting, pictures, or a combination thereof, and whatever be the means of display, except that it shall not include advertising located within incorporated towns nor upon private property in rural areas which relates exclusively to the business conducted on such property or the sale or rental thereof. [L 1949, ch 59, § 2, p 161, app Mar. 19, 1949; am L 1953, ch 86, § 1, p 200, app Mar. 27, 1953.]

Amendments. L 1953 amended section generally.

§ 14A-12-3. **Prohibition.** All Outdoor Advertising except as defined in section 4 of this Act [§ 14A-12-4 herein] is hereby prohibited. [L 1949, ch 59, § 3, p 161, app Mar. 19, 1949; am L 1953, ch 86, § 1, p 200, app Mar. 27, 1953.]

Amendments. L 1953 substituted "except as defined in Section 4 of this Act is hereby prohibited" for "as defined in this Act is hereby prohibited, excepting political advertising material".

Collateral references. 25 Am Jur 902.

§ 14A-12-4. **Rural signs.** As soon as practicable, the Commissioner of the Alaska Highway and Public Works Department shall, utilizing Alaskan motif, design identical or nearly identical signs for highway use by rural businesses, upon which shall be listed the type of establishment, service offered and the distance to such establishment. Such signs shall be installed by an owner or manager of any rural establishment at his own expense, only upon application and issuance of a permit by the Commissioner. Any sign authorized under the provisions of this section shall, where practicable, be installed within one mile from and on the right side of all highway approaches to any bona fide roadhouse, service station, auto court or other rural business requesting same and located along public highways in Alaska. Where practicable one sign may indicate several businesses and the distance to each. [L 1949, ch 59, § 4, p 161; am L 1953, ch 86, § 1, p 200, app Mar. 27, 1953; L 1957, ch 152, title II, art VII, § 9, p 321, eff Apr. 1, 1957.]

Amendments. L 1957 substituted references to the "Commissioner" (meaning the Commissioner of the Alaska Highway and Public Works Department) for references to the Highway Engineer.

L 1953 substituted entirely new provisions for provisions which had prescribed penalties for violating L 1949, ch 59, cited above, and which are now covered by § 14A-12-7 herein.

§ 14A-12-5. Removal of outdoor advertising. It shall be the duty of the Superintendent of Police to order the removal by the owner or other responsible person of all outdoor advertising in violation of this Act [§§ 14A-12-1 — 14A-12-7 herein]. The cost of removing said signs shall be assessed against the owner or owners of said sign or signs or the party or parties who erected or installed the same, and this liability shall be joint and several. [L 1949, ch 59, § 5, as added L 1953, ch 86, § 1, p 200, app Mar. 27, 1953; am L 1955, ch 112, § 1, p 228, app Mar. 25, 1955.]

Amendments. L 1955 amended section to place the duty of ordering removal in the Superintendent of Police rather than in the former Highway Engineer, and to provide for removal by the owner or other responsible person rather than by the former Alaska Highway Patrol.

§ 14A-12-6. Neglect or refusal to obey removal order. Any person who shall disobey an order issued pursuant to section 5 herein [§ 14A-12-5 herein] shall be subject to the penalty provided in section 7 of this Act [§ 14A-12-7 herein]. Each day the person shall neglect or refuse to obey the order aforesaid shall be deemed a separate and distinct offense in violation thereof. [L 1949, ch 59, § 6, as added L 1953, ch 86, § 1, p 200, app Mar. 27, 1953; am L 1955, ch 112, § 2, p 228, app Mar. 25, 1955.]

Amendments. L 1955 substituted entirely new provisions for former provisions which had authorized the former Highway Engineer or his authorized agent to enter upon private property for the purpose of removing or destroying illegal advertising displays.

§ 14A-12-7. Penalty. Any person who shall violate or fail to observe any of the terms of this Act [§§ 14A-12-1 — 14A-12-7 herein], or any rule or regulation promulgated hereunder, shall be guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than Fifty Dollars nor more than \$500.00. [L 1949, ch 59, § 7, as added L 1953, ch 86, § 1, p 200, app Mar. 27, 1953.]

Amendments. L 1953, in adding section 7 to the 1949 Act, set out above, added provisions identical with provisions formerly contained in section 4 of such 1949 Act. See note under § 14A-12-4 herein.

September 5, 1958

Mr. Allen D. Hulen
Regional Administrator
Civil Aeronautics Administration
P. O. Box 440
Anchorage, Alaska

Dear Mr. Hulen:

You supplied this office with a copy of your letter of August 4 to Mr. Frank Metcalf in which you discuss the existence of advertising signs within the limits of a right-of-way granted for highway purposes from your Kenai reservation (Air Navigation Site Withdrawal No. 156).

Since the regulations for the expenditures of Federal-aid Highway funds prohibit reimbursement to States where the entire highway right-of-way within Federal-aid project limits is not kept completely free of advertising signs the Bureau of Public Roads has a problem very similar to that outlined in your letter. Our problem also is complicated by the existence of a Territorial law which permits roadside businesses to maintain licensed signs on the highway right-of-way for the purpose of advertising their establishments. We are to bring the Federal-aid regulations to the attention of the Highway and Public Works Board at its October meeting with the goal of eventual elimination of all private advertising signs from the highway rights-of-way. This action has been delayed during the short period of Public Roads responsibility for highway construction and maintenance in Alaska because of the undeveloped nature of the country through which most of our highways pass.

While this letter offers no solution to the problems which arise in connection with your reservations it may be of help to be informed of our general plans for elimination of advertising signs on highway rights-of-way.

Sincerely yours,

E. H. Swick
Regional Engineer

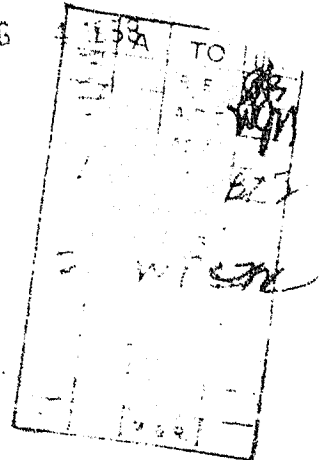
cc: Washington ✓

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

DEPARTMENT OF COMMERCE
CIVIL AERONAUTICS ADMINISTRATION

IN REPLY, ADDRESS:
REGIONAL ADMINISTRATOR
CIVIL AERONAUTICS ADMINISTRATION
P. O. Box 440
ANCHORAGE, ALASKA

AUG



Mr. Frank Metcalf
Alaska Highway Commissioner
Box 1361
Juneau, Alaska

Dear Mr. Metcalf:

A number of privately-owned advertising signs have been placed on land that is a part of our Kenai reservation without our consent. The reservation is known as Air Navigation Site Withdrawal No. 156, established by a Withdrawal Order dated March 17, 1941, as amended.

The signs are located within the right of way of Sterling Highway; and it is understood that the owners secured permits from you to establish them there. We conferred with your Mr. Lee Hubbard concerning this; and he has pointed out that you are authorized, under rather recent Territorial law, to grant permits to erect signs within public road rights of way in the Territory.

Although we question the applicability of such a law to allotted United States' lands, we realize the practical usefulness of a law that enables you to control the erection of signs within our Alaskan road rights of way.

We must object, however, to the erection and maintenance of private advertising signs within our reservations without our prior consent, not only because they may mar the appearance of property for which we are responsible but, also, because the sign owners would use the airport property without compensating the United States fairly therefor. Furthermore, if signs were placed within the approach zones to airfields, as could easily occur at Kenai, Gulkana and at some other airports where highways are adjacent to airfields, they could be a serious danger to the flying public.

We authorized an easement only for Sterling Highway. It was for road purposes only. The rights held under it would, of course, include a right to locate speed limit and other signs necessary for management of the road by the Government; but the right to locate other types of signs is not included.

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

Mr. Frank Metcalf

- 2 -

401

We shall appreciate it if you will cooperate by notifying parties who hold permits to erect signs within our Kenai A.N.S.W. withdrawal, that their permits are cancelled and that they may seek rights from us.

Enclosed is a print of our drawing No. 50-83-180, which shows the Sterling Highway right of way through our Kenai reservation.

Sincerely yours,

Allen D. Hulén
Regional Administrator

Enclosure

Handwritten notes:
The Sterling Highway
is shown in the drawing
as being within the
Kenai reservation
boundary.

ALASKA HIGHWAY COMMISSIONER

Box 1361

Juneau, Alaska

Chapter 86, SLA 1953 states that the Alaska Highway Commissioner shall "design identical or nearly identical signs for highway use by rural businesses, upon which shall be listed the type of establishment, service offered and the distance to such establishment. Such signs shall be installed by an owner or manager of any rural establishment at his own expense, only upon application and issuance of a Permit by the Alaska Highway Commissioner. Any sign authorized under the provisions of this section shall, where practicable, be installed within one mile from and on the right side of all highway approaches to any bona fide roadhouse, service station, auto court or other rural business requesting same and located along public highways in Alaska. Where practicable one sign may indicate several businesses and the distance to each".

Attached is a drawing of the type of sign recommended by this office.

Any sign shall not exceed the sizes recommended on the attached drawing, and erected, the height of the top of the sign shall not exceed seven feet above the ground.

The signs must be set back not less than six feet from the outside ditch slope, but in no case less than 15' from the roadway shoulder, to avoid interference with maintenance equipment. The sign cannot be painted yellow or red.

Also enclosed are application forms to be submitted in duplicate for any outdoor advertising signs. No signs are to be erected until a Permit is issued by this office.

The erected sign will show permit number in lower left hand corner. ^{R+}

Enc: Drawing of Signs
Applications
Rules & Regulations

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

8/22/58

ALASKA HIGHWAY COMMISSIONER

Box 1361

Juneau, Alaska

Application for Permit for Outdoor Advertising Sign

Date: _____

The undersigned hereby applies for a permit to erect Outdoor Advertising Signs at the locations and of the type shown below, subject to the restrictions issued by the Alaska Highway Commissioner and received with this application form.

Business or Activity Advertised: _____

Located on _____, Highway, Mile _____
(If Milepost is not known, give distance and direction from nearest town) _____

Division: _____

Location of Signs: _____
(Distance and direction from place advertised)

Show sketch of sign in space below, giving dimensions of sign and wording of advertising.

Signature of Applicant

DO NOT ERECT SIGNS UNTIL PERMIT IS ISSUED

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

8/22/58

ALASKA HIGHWAY COMMISSIONER

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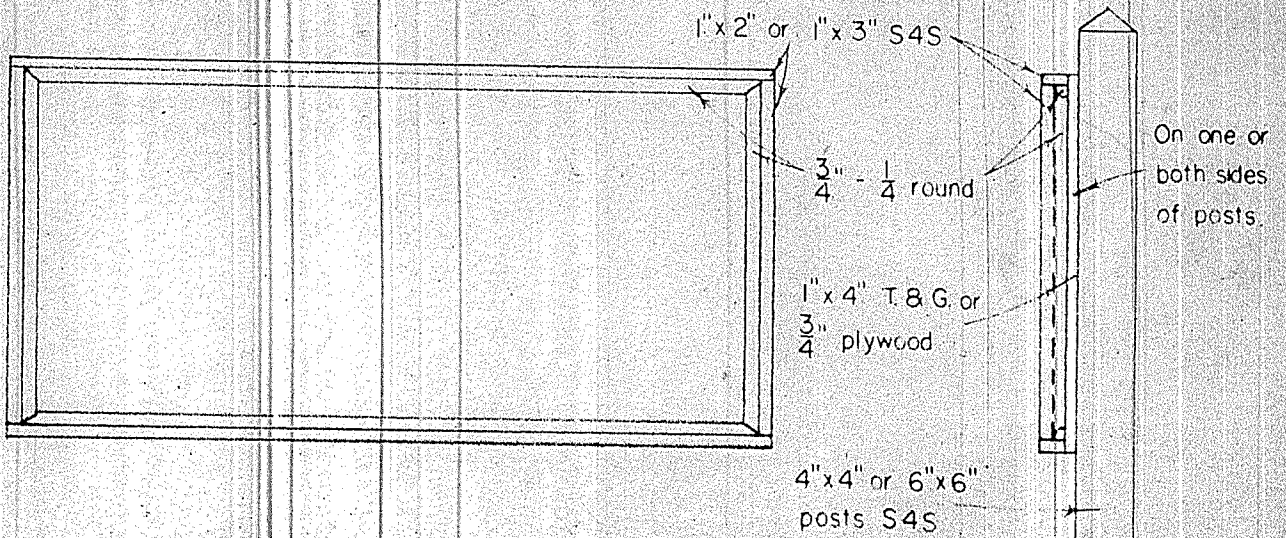
Location of Signs: _____
(Distance and direction from place advertised)

Show sketch of sign in space below, giving dimensions of sign and wording of advertising.

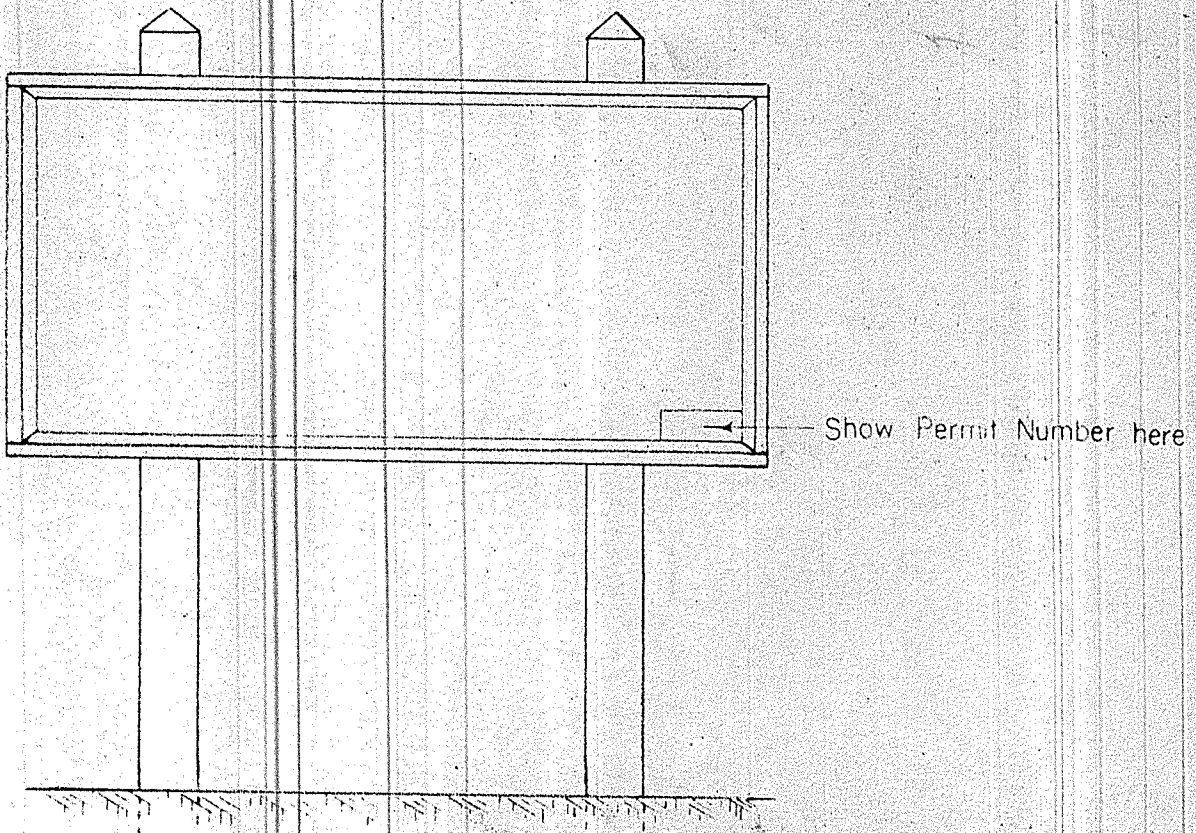
Signature of Applicant

DO NOT ERECT SIGNS UNTIL PERMIT IS ISSUED

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



Standard Signs: 2' x 4', - 3' x 6', - 4' x 8'



STANDARD ALASKA HIGHWAY SIGN
For Private Advertising

Approved:

Frank W. Melcott

Commissioner, Alaska Highway & Public Works Dept.

1 July 1958

RPH

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

April 1, 1958

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

Legal Problems Relating to Right-of-Way Acquisition in Alaska

The purpose of this memorandum is to furnish my general views on the Bureau's rights in connection with highway right-of-way in Alaska, to answer, to the extent possible from the sketchy facts which are available, the specific questions which you have raised in previous correspondence, and to indicate the circumstances under which condemnation procedure may be utilized to insure availability of right-of-way to meet construction requirements. The observations made herein have been discussed informally with legal personnel of the Departments of the Interior and Justice, but should not be considered as representing the official views of these departments.

It is considered that, under the authority of the Act of Congress approved July 24, 1947 (61 Stat. 418; 43 U.S.C. 321d), all entries made on public lands subsequent to said date and all patents based thereon have been and are subject to a reservation in the United States of any and all rights-of-way, without limitation as to number or widths, for public highways already constructed or to be constructed on said land.

As was stated by the House Committee on Public Lands in Report No. 673, dated June 24, 1947, "The Committee on Public Lands unanimously agreed that passage of this legislation will help to eliminate unnecessary negotiations and litigation in obtaining proper rights-of-way through Alaska." This legislation was introduced at the request of the Department of the Interior as expressed in a letter dated January 13, 1947, to the Speaker of the House, which was set forth and made a part of the Committee Report. The letter states in part, ". . . However, for the proper location of roads and in the interest of public service, it is necessary in some instances to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases and obtaining rights-of-way over such lands has, in a number of cases, presented difficulties requiring court action and the expenditure of Federal funds. The proposed legislation is similar to the provisions of the Act of August 30, 1890, (43 U.S.C. 945) which reserves rights-of-way for ditches and canals constructed by the authority of the United States west of the 100th meridian. The proposed bill would be applicable to both public domain and acquired lands of the United States.

The 1890 Act was construed by the Supreme Court of the United States in the case of *Ida v. United States* (263 U. S. 497). The court pointed out that, at the time of enactment of the legislation, the United States had no canals or ditches either constructed or in the process of construction, but that investigations were being conducted toward the formulation of plans for reclamation projects. "At an early stage of the investigations, Congress became solicitous lest disposal of lands in that region under the land laws might render it

difficult and costly to obtain the necessary rights-of-way for canals and ditches when the work was undertaken. To avoid such embarrassment Congress at first withdrew great bodies of the lands from disposal under the land laws. . . . That action proved unsatisfactory and, by Act of August 30, 1890, Congress repealed the withdrawal, restored the lands to disposal under the land laws, and gave the direction that in all patents there should be a reservation of rights-of-way. . . . The court held further that the statutory reservation was known to all and "all entrymen thereafter acted in the light of that knowledge so charged to them." As said by the lower court in Green v. White (93 F. 973), the "Congress was taking this precautionary measure for the protection of a right-of-way to the Government in the event it should later adopt a reclamation policy and enter upon such works. It intended thereby to save the Government from the expense of purchasing and condemning rights-of-way when the Government became ready to construct any canal or ditch."

I believe, therefore, that the reservation under the 1947 Act constitutes an inseparable incident and burden of ownership of such lands and that when the Bureau utilizes the right-of-way, it is doing that which it has a right to do and is not liable to pay compensation therefor. The Bureau is, however, obligated, under the Act, to make payment for the full value of crops and improvements located on rights-of-way, traversing land under valid entry or under patent, when said rights-of-way are utilized. This obligation does not extend to payment of severance damages to land, crops, or improvements outside the rights-of-way. Before making any efforts to reach agreement with entrymen for crops and improvements, you should be assured that the Bureau of Land Management considers the entry to be valid and in good standing since, if not, the entryman's sole rights would be those of removal. Any agreements reached for crops and improvements should contain also a provision releasing the United States from all claims to compensation arising from its utilization of the rights-of-way.

Parties holding patents dated subsequent to July 24, 1947 who made valid homestead entry prior to said date are entitled to "just compensation" for the taking of any of their lands unless a particular patent includes a general right-of-way reservation in which event the patentee would be entitled to payment only for crops and improvements.

Parties holding patents dated prior to July 24, 1947 are, of course, entitled to "just compensation" for any taking of their lands.

Patentees of lands not subject to the 1947 Act are entitled to be paid "just compensation" for the taking of any right-of-way in addition to that already included within the limits of established roads. If the right-of-way limits are not defined on the ground or by plats, then the right-of-way would ordinarily be considered as encompassing the roadway itself plus such additional widths as were, at the time of establishment, considered to be reasonably necessary for the protection of the roadway. In reaching a decision as to the limits of a particular existing right-of-way, you should consider all available information bearing on the intent of the Government at the time of establishing the road including terrain features and accepted practices in the area. Generally, it would appear from the facts heretofore submitted that you will be able to support a claim to a 66-foot right-of-way.

In general, I believe that the views expressed above cover most of the questions raised in the specific cases set out in your memorandum of August 21. However, specific comments as to each case are set forth below:

- Case 1. It is considered extremely doubtful that RS 2477 was intended to apply to rights-of-way required by the United States. This statute constitutes a continuing offer by the United States to others to make public lands available for highway construction. Rather, we feel that the authority for acquisition of right-of-way for public highways in Alaska stems from the Act of January 27, 1905 (33 Stat. 616), as amended by the Act of June 30, 1932 (47 Stat. 446), the Act of July 24, 1947 (61 Stat. 418), and Section 107 of the Federal-Aid Highway Act of 1956. See my comments above on the matter of determining the legal limits of an established right-of-way.
- Case 2. On the basis of the facts submitted, it seems reasonable to assume that the United States has a right-of-way by prescription to the roads as established. The width of the right-of-way is a question of fact as is discussed earlier in this memorandum. Under these circumstances, there would not be any authority to compensate the patentee.
- Case 3. Where the 1947 Act is not applicable, it is considered that a right-of-way established by prescription does not shift and that the patentee would be entitled to compensation for any improvement involving right-of-way beyond the limits of that previously considered as having been established.
- Case 4. An entryman in good standing has an inchoate property right, even as against the United States, which permits him to use and occupy the land and its resources in developing the property in a manner which will enable him to obtain a patent. While he may not alienate the land or any interest therein, as for example, by selling gravel to third persons, he would not be precluded from transferring any interest which he might have in the gravel to the United States. Nevertheless, inasmuch as legal title to the gravel is still in the United States, there is considerable doubt as to the proper basis of assigning value, if any, to the entryman's interest. Under the circumstances, if project requirements make it necessary to obtain gravel from entrymen who demand payment of compensation, it would appear to be advisable to institute condemnation proceedings and to file Declarations of Taking with a deposit of \$1.00 for each ownership. An alternate procedure, if acceptable to a particular entryman, might be to obtain a right of entry and reserve to the entryman the right to bring suit to determine his interest. We are giving consideration to the advisability of presenting this and other questions to the Comptroller General. However, the procedures suggested herein should take care of your immediate requirements. *

*-For continuation of Case 4, see Page 5 below.

- Case 5. The 1947 Act reserves rights-of-way in any number needed.
- Case 6. If the 1947 Act is applicable we have unlimited rights. If the 1947 Act is not applicable we must pay for any rights-of-way beyond the limits of those previously established.
- Case 7. Under the facts stated, the 1947 Act would be applicable. The Act reserves rights-of-way in any widths needed.
- Case 8. If the entry was subsequent to the 1947 Act, the Bureau may utilize such rights-of-way as it desires. If a valid entry was made, under the applicable law, prior to the 1947 Act, the right-of-way is limited to that previously established.
- Case 9. This was answered in our memorandum of March 3, 1956, Subject: Authority of Territory to grant permittee leases covering school section lands.

Where negotiations with parties from whom the Bureau is taking right-of-way are not successful, it will, of course, be necessary to proceed to condemnation. As to entrymen and patentees whose land is subject to the 1947 Act, I believe that there is legal authority for the Bureau merely to give notice that it proposes to utilize its right-of-way and to take possession of the land. However, it is realized that this course of action involves practical problems in that legal obstacles could conceivably be presented, based either on a contest of the Bureau's interpretation of the 1947 Act or on a disagreement with our appraised value of crops and improvements, which might result in a delay in construction this season. Therefore, if agreements cannot be reached as to the value of crops and improvements or if you believe that an entryman, or patentee whose land is subject to the 1947 Act, may contest the Bureau's taking of possession of the right-of-way, it will be satisfactory to proceed to condemnation, to file Declarations of Taking, to deposit \$1.00 into court for each ownership as to which the value of crops and improvements is not in issue, to deposit the appraised value of the crops and improvements located within the right-of-way with respect to each ownership as to which an agreement as to value cannot be reached, and to request court orders of possession of the land. Entrymen and patentees should be advised prior to the institution of any proceeding of the action to be taken by the Bureau and the reasons therefor.

In your preparation of requests for condemnation please refer to FRM 21-4-2 and to my memorandum of March 4 to Mr. Williams, copies of which were furnished to you. Also, please include a report of pertinent facts as to each tract recommended for condemnation. Should you desire any additional information, please advise and we will furnish you with immediate replies.

I realize that there are many legal problems affecting right-of-way acquisition in Alaska and that it will, undoubtedly be worth while for Mr. Kreyer to meet with you and your staff and probably with representatives of the Department of Justice and the Bureau of Land Management to discuss matters of common interest.

However, inasmuch as we are furnishing our views in this memorandum on the questions with which you are apparently immediately concerned and in light of our present staffing situation and the press of business here, it would be preferable if this visit could be deferred for about 90 days.

On the other hand, if you feel that an immediate visit is necessary and will be of value in connection with the two projects which you propose to construct this season, please let me know and I will make necessary arrangements.

BMK:rvort:je
cc: Files (2)
Regional Engineer, Alaska
Mr. Williams R/W
Mr. Kranz, Department of Justice
Mr. Soller, Department of the Interior
General Counsel
Prec.
Lands
Chron

Continuation of Case 4, Page 3' above.

Decisions that entryman has an inchoate right, even against United States, is controversial. Earlier cases were contra. See Russian American Packing Co. vs. U.S., 199 U.S. 570, and Frisbie vs. Whitney, 5 Wall. 187. If case is correct, U.S. can obtain gravel free of cost. However, in recent Alaska case involving acquisition by Corps of Engineers, lower court held entryman entitled to compensation. Department of Justice did not appeal; however, it did not concede the legal position. Earlier opinion of Department of Justice, 34 L.D. 155, indicated also there might be some right to compensation. Also, Interior field solicitor wrote opinion on May 8, 1958 concerning Navy acquisition for reclamation purposes involving entry. Solicitor ruled entryman has compensable interest where entry is in good standing. While our opinion states owner is entitled to compensation, we advised there was considerable doubt as to proper basis of assigning value, and advised that if payments were demanded by entryman matter should be handled by instituting condemnation proceedings, or by obtaining right of entry and having entryman file claim against U.S. In either event matter would be determined by court and government's interests protected.

Alaska Bond 3

Files

22-51

BUREAU OF PUBLIC ROADS

Mr. C. W. Enfield

March 7, 1958

G. M. Williams **E. W. PHILLIPS**

Acquisition of right-of-way in military reservation in Alaska

There are attached Regional Engineer Swick's memorandum of October 18, 1957, and the attachments referred to therein concerning right-of-way across the Ladd Air Force Base, Fairbanks, Alaska. We have been holding this application awaiting a legal ruling thereon as requested in my memorandum of October 2, 1957.

A reply to my memorandum has not been received but in fairness to the Regional Engineer, I do not feel that I can hold his application any longer. Therefore, I am transmitting it to you for processing if legally possible.

Attachments ✓

SZPhillips:brr ✓

cc: Files (2) ✓

Mr. E. H. Swick (2) ✓

Mr. C. W. Phillips (2) ✓

Mr. G. M. Williams

[Handwritten signature]
Cesp

3/10

Refer to
NW 27
9-20-57

*Alaska Land 3
Auth 1**Office Memorandum* • UNITED STATES GOVERNMENT

TO : To the Files

DATE: March 3, 1958

FROM : H. H. Krevor *HK*

SUBJECT: General Authority to acquire right-of-way by Federal condemnation in Alaska

The Alaska Road Commission was founded in 1905 under the Act of Congress approved June 27, 1905, (33 Stat. 616) and was authorized and given the duty to construct highways. The Commission was under the jurisdiction of the Army.

By the Act of June 30, 1932 (47 Stat. 446; 38 USC 321 etc.), this authority was transferred to the Department of the Interior.

By the Act of June 29, 1956 (70 Stat. 402), this authority was transferred to the Secretary of Commerce. The Secretary of Commerce redelegated all his authority under the 1956 Act, except as specifically provided in his regulations, to the Federal Highway Administrator.

Based on these acts, the Federal Highway Administrator has authority to construct roads and to expend funds thereon. The term "construction" is defined in the Federal-Aid Highway Acts as including right-of-way acquisition.

The Act of August 1, 1888, (40 USC 257) provides that, where an agency is authorized to acquire land, it may acquire by condemnation.

There is one district court for Alaska which sits both as a United States District Court and as the Supreme Court for the Territory. This court is divided into four divisions. Each division has jurisdiction, however, over the entire territory. The United States is represented in any Federal condemnation proceedings by the United States Attorney for Alaska.

Alaska Road 3

26-21

BUREAU OF PUBLIC ROADS

To the Files

March 3, 1958

H. H. Krevor

General Authority to acquire right-of-way by Federal condemnation in Alaska

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HHKrevor:je

cc: Files ✓

W Lands

Chron

M. L. Field

22-51

BUREAU OF PUBLIC ROADS

Alaska Land 3

Mr. C. W. Enfield, General Counsel

January 7, 1958

G. M. Williams, Assistant Commissioner

C. W. PHILLIPS

Acquisition of Rights-of-Way in a Military
reservation in Alaska

Under date of October 2, 1957 (followed-up November 25)
we requested legal advice on several right-of-way questions in
Alaska.

To date no reply has been received. As this is a matter of
some urgency it will be appreciated if you will let us have your
advice as soon as possible.

[Handwritten initials]
SZPhillips:glg

cc: Files (2) ✓

Mr. E. H. Swick (2)

Mr. C. W. Phillips (2)

Mr. G. M. Williams

22-51

BUREAU OF PUBLIC ROADS

Alaska Land 3
Land 3

Mr. C. W. Enfield, General Counsel

October 2, 1957

G. M. Williams, Assistant Commissioner

JAMES L. SHOTWELL

Acquisition of rights-of-way in a military reservation
in Alaska

Several questions of a legal nature have arisen in connection with the acquisition of rights-of-way in Alaska since the Bureau has taken over the Alaska Road Commission.

Regional Engineer Swick is attempting to secure a right-of-way across a portion of the Ladd Air Force Base in the vicinity of Fairbanks. A portion of the land desired was formally public domain and was withdrawn by the Department of the Army when the military reservation was established. The balance of the right-of-way is across lands to which the Department of the Army has fee title, it having been secured from private individuals. Regional Engineer Swick's memorandum of September 13 and the attachments referred to therein are attached for your information. It will be noted that the Army is making arrangements to release the lands which were formerly public domain in order that they may be withdrawn by Public Roads for highway use but that it is requesting reimbursement for the portion to which the army holds fee title. The question which Mr. Swick raises is whether we have legal authority to pay the Army for this right-of-way. It would seem that it could be transferred without cost under Section 17 of the 1921 Act if that section is applicable to the territory of Alaska. It will be appreciated if you will advise us whether Section 17 is applicable in Alaska and whether we have legal authority to reimburse the Department of the Army if it insists upon reimbursement.

The problem should be noted

Another question which has arisen is in connection with the acquisition of rights-of-way from private individuals. Prior to 1947, easements and rights-of-way for roads to be constructed by the Alaska Road Commission were obtained by virtue of the Act of July 26, 1866, (43 USC 932, R.S. 2477) which grants rights-of-way for the construction of highways over public lands not reserved for public use. No width of right-of-way is specified in that law. On July 24, 1947, public law 229 (61 Stat. 418) was enacted. This Act provided that patents thereafter taken up and in all deeds by the United States there should be reserved a right-of-way for roads, highways, etc. No payment is required under the Act except for crops destroyed and for the adjustment of improvements.

all these questions were answered in Apr 1958

(more)

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1955-57
Box 1131

Mr. C. W. Enfield

(2)

October 2, 1957

On August 10, 1949, Public Land Order 601 was issued establishing for the first time widths for various types of roads. Public Land Order 757 was issued October 16, 1951, amending certain portions of Public Land Order 601 affecting feeder and local roads.

Order No. 2665 issued by the Secretary of the Interior on October 16, 1951, established widths for through, feeder, and local roads. This order further provided that maps of all public roads in Alaska heretofore or hereafter constructed showing the location of the roads, together with appropriate plans and specifications, will be filed in the proper land office at the earliest possible date for the information of the public.

The width of the right-of-way of highways established prior to the issuance of Public Land Order 601 has not been defined, other than by precedent which has established a width of 33 feet on each side of the center line. There are numerous line changes and relocations necessary to be made for highway construction and improvements presently scheduled. The question arises as to whether the Bureau can make reasonable payment to the property owners for relocations or line changes beyond the right-of-way limits, apparently established by precedent as 33 feet on each side of the center line, prior to the passage of the 1947 Act referred to above or for payments made for property outside the limits as set forth in Public Land Orders 601, 757, and Secretarial Order 2665.

It will be appreciated if you will advise us as to the above. It may be that you will wish to secure a ruling from the Comptroller General and if so, it will be appreciated if the ruling can be secured as soon as possible in view of the fact that the matter is one of immediate concern to the region.

Attachments

SZPhillips:brr

cc: Files ✓

Mr. C. W. Phillips (2)

Mr. G. M. Williams

AWZ7
9-20-57

Alaska Land 3
Bldgs & Grounds 6 (Alaska)
Haines Depot

Mr. E. R. Swick
 Regional Engineer, Juneau, Alaska
 E. K. BOOTH
 D. K. Booth
 Deputy General Counsel

October 30, 1957

Alaska - Haines Depot

In your memo of October 9, 1957, you requested advice by November 1, 1957, as to the status of the Federal Government's title and authority to close the driveway across the Bureau's depot property. You are advised as follows: the materials enclosed with your above-mentioned memo have been examined and the matter has been discussed with Mr. Chiglieno and Mr. Erhart and the Alaska laws checked. From the information available at this time it does not appear at all certain that the parties interested in keeping the subject driveway open would be able to establish their claim of prescriptive right.

In any event the necessities of the Bureau are undoubtedly such that we would deem it necessary to condemn any established right of travel if such were shown and in that manner close the driveway. If this should become necessary it is extremely doubtful that the claimants could expect to recover anything more than nominal damages, probably insufficient to compensate them for the expense involved if they chose to employ counsel and resist the condemnation.

In view of the above it appears to me that your expressed intention contained in the second line of the last paragraph of your October 9 memo is logical and that such action, coupled with the transmittal of the above information to the attorneys for the claimants might possibly terminate the matter.

S.F.W.
 GJWaddel:je
 cc: Files (2)
 Mr. Booth
 Mr. Erhart
 Mr. Cunningham
 Legal
 Chron.
 Mr. Swick (2)

10/30/57

*Assumed with
 Erhart. SFB*

BUREAU OF PUBLIC ROADS

Office Memorandum • UNITED STATES GOVERNMENTTO : Mr. C. W. Enfield, General Counsel
Washington 25, D. C.

DATE: October 9, 1957

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

SUBJECT: Alaska - Haines Depot

For a number of years the public in the Haines area has used as a street short-cut a driveway through the ARC (now BPR) depot at Haines. Several attempts were made by the Alaska Road Commission to close the drive to public travel and the last of these occurred just prior to the Territorial elections in 1956. At that time, it was agreed that the closure would be deferred until after the elections were over, but the closure never was effected. When the Haines area, which formerly had operated as a sub-district of the ARC, was taken over by the Juneau District of BPR the District Engineer felt very strongly that the use of the drive by the public constituted a hazard both to the Public Roads operation of the depot and to the public itself. Part of the hazard exists, of course, because the fuel dispensing facilities are located across the drive from the shops and storage buildings, and part in the maneuvering of our equipment. The attached sketch indicates the condition as it exists with the drive in question shown thereon in red.

After an inspection of the situation by regional representatives, it was decided that the District Engineer would issue a public notice which would state that, effective November 1, the drive through the depot would be closed to public use. Such a notice was issued and as a result thereof local citizens at Haines have engaged the services of a Juneau law firm to fight the closure, which involves only 385 feet of additional travel. A conference with representatives of the firm was held in Juneau on October 2 and was attended by Mr. E. E. Erhart of the Washington office. At that time it was agreed that Public Roads would determine definitely the status of its right to the land and would so notify the attorney. The attached exchange of correspondence has resulted.

There also is attached a series of letters which indicates that the site of the depot formerly was occupied by the military during World War II, and that at the time of military use the land was under lease from a private owner. Subsequently, the military transferred to the Alaska Road Commission the title to all of the buildings on the site and in order to protect the particular buildings desired for occupancy as an ARC depot, the Territory purchased the depot site from its then owner. (ARC was prohibited from using its funds for the purpose). While it was intended that the title eventually would be transferred from the Territory to the Alaska Road Commission, the action never was taken. Consequently, at this time the site on which the depot is located is the property of the Territory.

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1455-50
Box 1131

Mr. C. W. Enfield

- 2 -

October 9, 1957

The letter of October 4 from the attorney for the Haines group indicates that there existed prior and subsequent to the acquisition of the site by the Territory a public road through the area, and that since the road exists the public's right to the use of it still is valid. This office, of course, is in no position to evaluate this contention nor to engage in a discussion of it with an attorney. It is our proposal, however, to notify him that we shall proceed with the closure of the drive on November 1 as planned, and let him take such legal action as he desires to force its re-opening. Before taking this step, we desire your advice.

Please note the necessity for a reply from you prior to Friday, November 1. Mr. Erhart will be able to give further information since he both attended the conference with the attorneys and inspected the site.

Attachments: Haines Depot Sketch
Ltr from law firm, 10/4/57
Ltr from law firm, 10/2/57
Ltr to law firm 10/2/57
Ltr to Atty General, 8/15/56
Ltr from Atty General, 8/6/56 w/cc deed

RG 30, Bur. of Public Roads
E. 6 D, Gen Corr + Related Recs, 1455-57
Box 1131

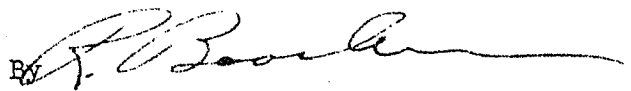
Page Two
Mr. E. H. Swick, Regional Engineer
October 4, 1957

this letter and hope that in the meantime the road will be kept open until such time as the legal status is finally determined.

Thank you for your consideration of this request.

Very truly yours,

FAULKNER, BANFIELD & BOOCHEVER

By 

R. Boochever

RB:sp

cc: Mr. P. B. Allen
Mr. William Muncaster

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

HERBERT L. FAULKNER
NORMAN C. BANFIELD
ROBERT BOOCHEVER
FRANK M. GOOGAN
JOHN H. DIMOND

LAW OFFICES OF
FAULKNER, BANFIELD & BOOCHEVER

P. O. BOX 1121
JUNEAU, ALASKA

October 2, 1957

1	A	TO	JNT.
2		R. E.	
3		A. R. E.	
		ADM.	
1		OPER.	
		D. & C.	
4		M. & R.	

Mr. Edgar Swick
Regional Engineer
Bureau of Public Roads
Federal Building
Juneau, Alaska

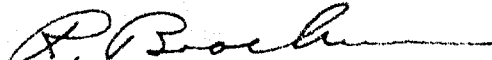
Dear Mr. Swick:

I wish to thank you for the hearing which you afforded me pertaining to the proposed closure of the road in the vicinity of Haines, Alaska running between portions of property owned and occupied by the Bureau of Public Roads. It is my understanding as the result of this conference that the road will not be closed until an investigation is completed as to the ownership of the right of way. It is my further understanding that if that investigation substantiates the contentions of various Haines residents to the effect that the Bureau of Public Roads does not own the right of way, the road will remain open. Of course, if at some future date title is acquired by the Bureau of Public Roads the road at that time could be closed.

If my conclusions from the conference set forth above are incorrect, I would appreciate your advising me of the same.

I again wish to thank you for the courteous manner in which you have handled this request.

Very truly yours,


R. Boochever

RB:sp

cc: Mr. P. B. Allen
Mr. William Muncaster

*This letter apparently passed over in which we
discussed ownership less has established and gates would be
closed.*

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

321
October 2, 1957

Mr. R. Boochever
Faulkner, Sanfield & Boochever
P. O. Box 1121
Juneau, Alaska

Dear Mr. Boochever:

As agreed during our conference this morning, a search of available records has been made for evidence of ownership of the ground occupied by the Bureau's Saines Depot.

We find that a 9.48 acre tract covering the area in question was purchased from Robert N. Cook, owner of record, by the Territory of Alaska on October 22, 1945, at the request of and for the use of the Alaska Road Commission. The deed conveying this tract contains no reservation for any road crossing this tract.

In view of this clear title to the area, which was acquired for the use of the road-building agency, the Bureau of Public Roads will close the gates and divert public travel around the depot in conformance with the notice presently posted.

Very truly yours,

E. H. Swick, Regional Engineer
by

B. D. Stewart, Jr.
Supervising Highway Construction
and Maintenance Engineer

cc Juneau

BDStewart/jh

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

August 15, 1956

Mr. J. Gerald Williams
Attorney General
Territory of Alaska
Box 2170
Juneau, Alaska

My dear Mr. Williams:

Reference is made to your letter of August 6, 1956 concerning the 9.48 acres of land at Haines upon which the Haines Depot of the Alaska Road Commission is located, and across which the Department of the Army has requested an easement from the Territory for the Haines - Fhks., POA. Access Road. The Alaska Road Commission does not assert or claim legal title or interest in the said 9.48 acres, but does now desire that the property be conveyed to the United States for a consideration which will recognize all the facts and conditions which preceded the conveyance to the Territory of Alaska by Robert N. Cook by his deed dated September 22, 1945. The facts and conditions are about as follows:

In March 1943, the Department of the Army leased from Mrs. Albert Stoney a tract of land at Haines comprising 61 acres and erected thereon a number of buildings, some of them of considerable size.

By deed dated September 22, 1944, Mrs. Albert Stoney conveyed said 61 acres to Robert N. Cook of Washington, D. C., who thus acquired the rights of the previous lessor.

On January 1, 1945, the Army transferred all the buildings on said 61 acres to the Alaska Road Commission and by formal agreement transferred its rights under the lease to the Alaska Road Commission.

With a view toward acquiring that part of the 61 acres upon which was located the buildings now comprising the present Haines Depot of the Commission, which was the south 10 acres of the 61 acre tract, the Commission requested an opinion from Mr. George Folta, Counsel at Large, Department of the Interior, Juneau, by letter dated February 1, 1945, photocopy attached, as to whether the Commission was

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

Mr. J. Gerald Williams

2

August 15, 1956

authorized to acquire said land and whether this could be done with funds available in our appropriations.

By letter dated February 14, 1945, photocopy attached, Counsel at Large stated, in general, that Commission appropriations for fiscal 1945 contained no language expressly authorizing the use of appropriated funds for the purchase of lands, and suggested that the Commission obtain specific statutory authorization for purchase. He stated that contribution of funds by the Territory under the authority of 48 U.S.C.A. 327 would not supply the lack of authority heretofore referred to because such funds, upon their receipt, would be deemed Federal funds and therefore subject to all the restrictions imposed on the use of funds appropriated by Congress.

Time being of the essence in February 1945, as it related to acquisition of the subject 9.48 acres, the Commission, in Memorandum to Governor Gruening dated February 15, 1945, photocopy attached, requested that the matter of purchase be presented to the Territorial Legislature for such action as they might find practicable. The Commission at that time stated, "there seems a definite possibility that we will be required to remove the buildings from the tract or allow them to revert to the owner at the expiration of the lease".

The Territory thereafter negotiated with Cook for purchase of the 9.48 acres and took deed from Cook dated 9/22/45 for a consideration of \$2,500.00.

Counsel at Large had previously stated that in the event of purchase by the Territory possession of said land could, under the policy of cooperation with the Federal agencies in the construction and maintenance of highways, be turned over to the Alaska Road Commission.

It is now the desire of the Commission to acquire title to the said 9.48 acres in the name of the United States of America, and your opinion is requested as to what agency of the Territorial Government should negotiate the conveyance of the title, and for what amount of consideration, if any.

Sincerely yours,

Wm. J. Niemi
Chief Engineer

Enclosures: "photocopies attached:
1. Legal description of the 9.48 acres

Mr. J. Gerald Williams

3

August 15, 1956

2. Letter from Commission (Ike P. Taylor) to Counsel at Large, dated February 1, 1945
3. Letter of Counsel at Large (George W. Felts) to the Commission, dated February 14, 1945
4. Memorandum from Commission (Ike P. Taylor) to the Governor (Ernest Gruening), dated February 15, 1945.

WBadams:mrl

cc: Mr. Irving Reed

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

TERRITORY OF ALASKA
OFFICE OF
ATTORNEY GENERAL
JUNEAU

J. GERALD WILLIAMS
ATTORNEY GENERAL

August 6, 1956

EDWARD A. MERDES
ASSISTANT ATTORNEY GENERAL

HENRY J. CAMAROT
ASSISTANT ATTORNEY GENERAL

DAVID J. FREE
ASSISTANT ATTORNEY GENERAL

④ — Comm. R.
③ — Chf. Engr.
Admin. *Me*
Ops. *Me*
② — B. S. C. *SP*
Road Br.
Bridge B.
Contracts
Program Off.
Finance
Pers.
Supply
① — *Me*
Sec'y
M. & R.

Mr. A. F. Ghiglione
Alaska Road Commission
Juneau, Alaska

Re: Haines-Fbks. POL Access Road

Dear Mr. Ghiglione:

On May 13, 1955, the Department of the Army requested that the Territory of Alaska grant an easement to the United States over which the above mentioned access road would traverse. This area is included within U.S. Survey 207 and delineated in red on the enclosed drawing.

At the time the request was received, an investigation was conducted in order to determine what interest, if any, the Territory of Alaska had in the aforementioned property. Much to my embarrassment there was no indication of Territorial ownership. On July 26, 1956 the Corps of Engineers, U.S. Army, furnished a copy of an abstract of title showing title vested in the Territory. Since receiving this abstract I have been able to locate a certified, full, true and correct copy of the deed purporting to convey the following described property to the Territory which covers the area in question:

Beginning at Corner No. 1 of U. S. Survey No. 207, thence N eighty degrees fifty-three minutes West, ten and fourteen hundredths (10.14) chains to Corner No. 2; thence North seven (7) chains to Corner No. 3; thence South eighty degrees, fifty-three minutes East, fifteen and twenty four hundredths (15.20) chains to Corner No. 4; thence South four and fifty-two hundredths (4.52) chains to Corner No. 5 which is identical with Corner No. 7 of U. S. Survey No. 207; thence West five (5) chains to Corner No. 6, which is identical with Corner No. 8 of U. S. Survey No. 207; thence South one and sixty-eight one hundredths (1.68) chains to Corner No. 1 the place of beginning, containing nine and forty-eight hundredths (9.48) acres.

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

Mr. A. F. Ghiglione
August 6, 1956

- 2 -

The information received from the Corps of Engineers states that "the records of the Road Commission indicate that the property was purchased by and for the Commission, and Department of the Interior funds used in the purchase." Emphasis added. I find that this statement is inconsistent with the available information, namely the abstract, the certified copy of the deed and the records of the Territorial Highway Engineer.

At your convenience, would you please define the exact nature of the interest, if any, the Alaska Road Commission is claiming in the aforementioned property.

Very truly yours,

J. GERALD WILLIAMS
Attorney General

By: *David J. Pree*
David J. Pree
Assistant Attorney General

DJP:jn

W Encl. - drawing

P. S. A copy of the deed is also enclosed.

THIS INDENTURE made this 22 day of September, 1945, between ROBERT A. COOK, party of the first part, and the TERRITORY OF ALASKA, party of the second part, WITNESSETH:

The party of the first part, in consideration of the sum of Twenty-five Hundred Dollars (\$2,500.00), lawful money of the United States, to him in hand paid by party of the second part, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the party of the second part, all and singular the following described parcel of land situated near the Town of Haines, Alaska, and more particularly described as follows, to-wit:

Beginning at Corner No. 1 of U. S. Survey No. 207, thence N eighty degrees fifty-three minutes West, ten and fourteen hundredths (10.14) chains to Corner No. 2; thence North seven (7) chains to Corner No. 3; thence South eighty degrees, fifty-three minutes East, fifteen and twenty hundredths (15.20) chains to Corner No. 4; thence South four and fifty-two hundredths (4.52) chains to Corner No. 5 which is identical with Corner No. 7 of U. S. Survey No. 207; thence West five (5) chains to Corner No. 6, which is identical with Corner No. 8 of U. S. Survey No. 207; thence South one and sixty-eight one hundredths (1.68) chains to Corner No. 1 the place of beginning, containing nine and forty-eight hundredths (9.48) acres.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said described premises, together with the appurtenances, unto the said party of the second part and to its assigns forever.

This conveyance is made pursuant to negotiations and agreement authorized by Chapter 57, Session Laws of Alaska

Notary Public for the Territory of Alaska

J. H. F. Smith
Notary Public

UNITED STATES OF AMERICA)
DISTRICT OF COLUMBIA) ss.

On this 22 day of September, 1945, at Washington, D. C., before me, the undersigned Notary Public in and for the District of Columbia, duly commissioned and sworn, personally appeared ROBERT A. COOK, known to me to be the person who executed the within and foregoing Deed, and he acknowledged to me that he executed same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year and at the place in this certificate first above written.

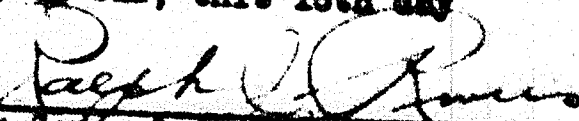
J. Ezra Froth (Signed)
Notary Public in and for the District of Columbia. My commission expires Nov. 30, 1946

(Seal)

UNITED STATES OF AMERICA)
TERRITORY OF ALASKA) ss.

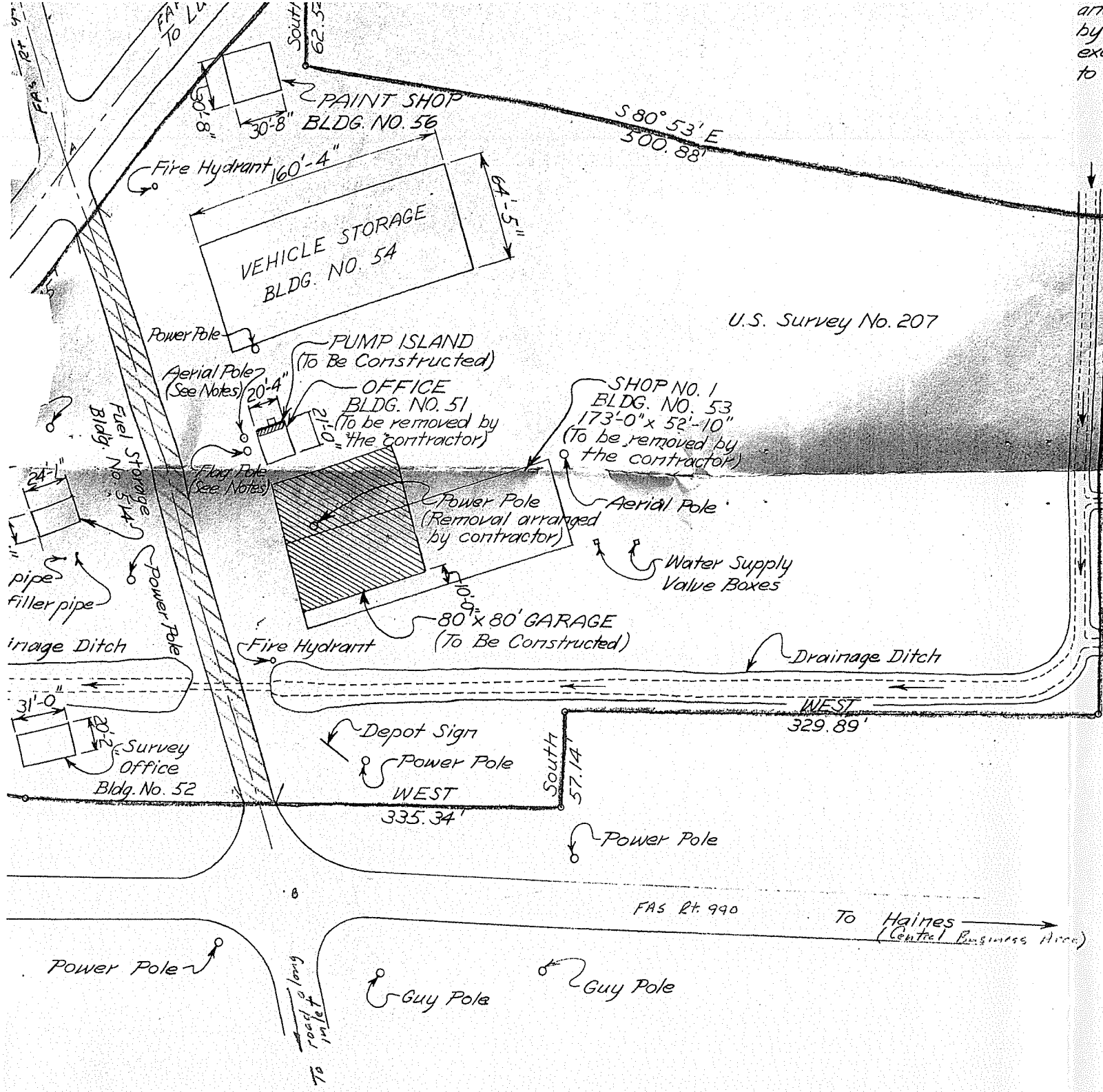
I, Ralph J. Rivers, Attorney General for the Territory of Alaska, hereby certify that the foregoing is a full, true and correct copy of the original Deed dated September 22, 1945, and executed by Robert M. Cook to the Territory of Alaska.

WITNESS my hand at Juneau, Alaska, this 16th day of October, 1945.



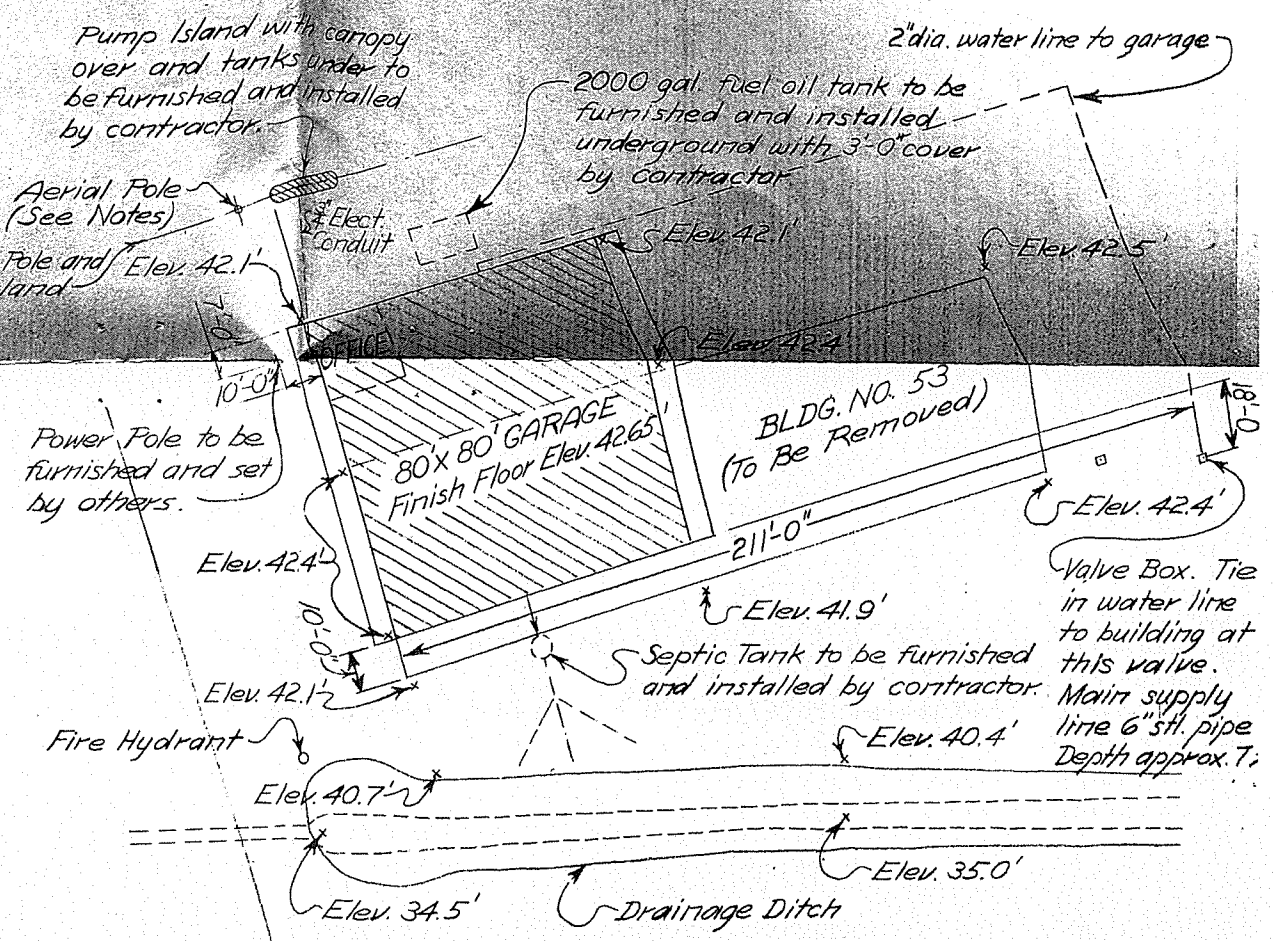
Attorney General for the Territory of Alaska.

and the material pileu with... as directed by the resident engineer. The contractor shall exercise care to prevent unnecessary damage to the floor slab.



PLOT PLAN
Scale: 1" = 50'

Distance A-B (scaled) 455'
Distance A-C-B (scaled) 840'
Difference 385'



NEW GARAGE SITE
Scale: 1" = 30'
Elevations shown are at existing ground level.

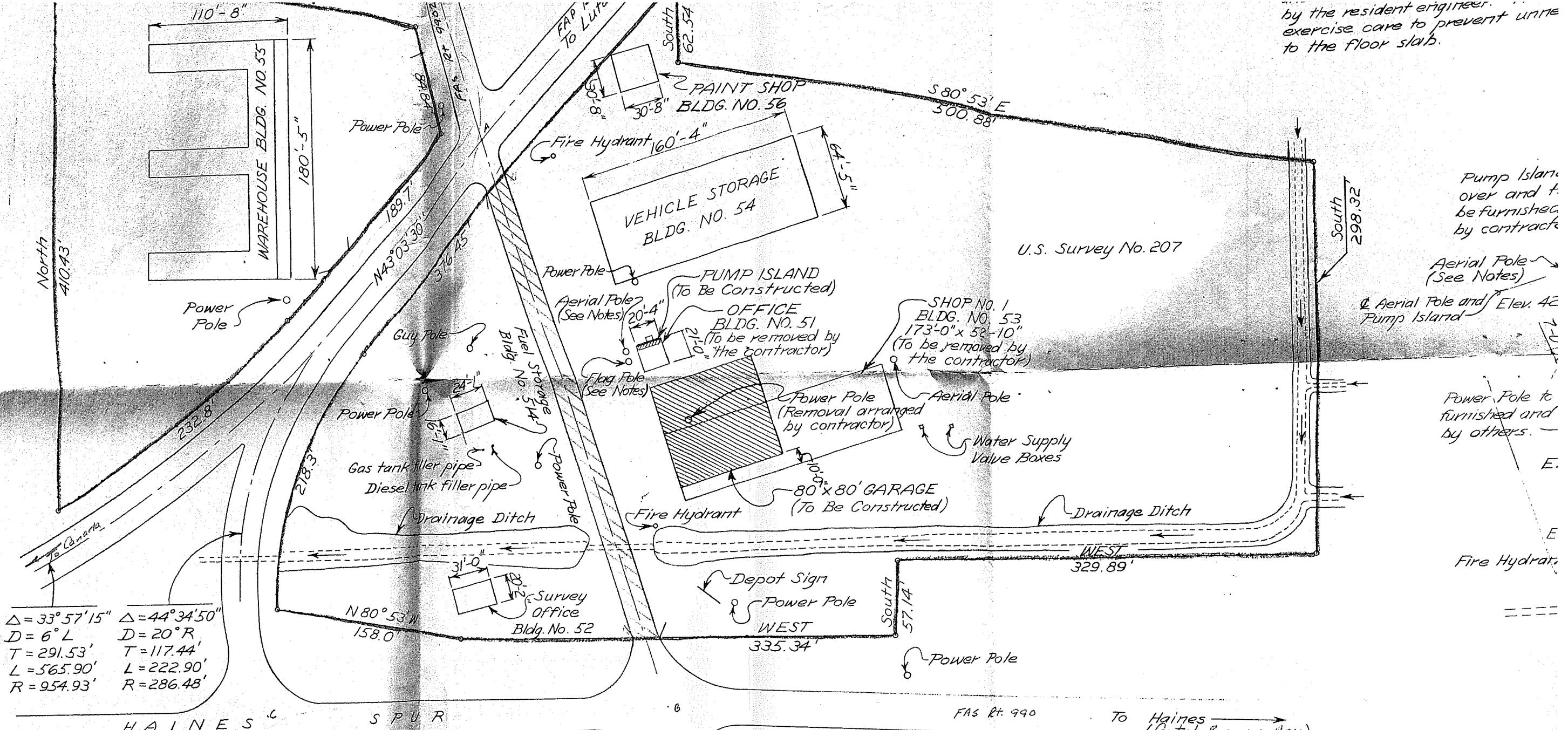
UNITED STATES
DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS, REGION 10
JUNEAU, ALASKA
DESIGN FOR
80' X 80' GARAGE
PLOT PLAN
HAINES DEPOT

Revised: May 13, 1957. H.W.B.
Corrected Project No.

DESIGNED A.Z.M.
DETAILED H.W.B.
TRACED
CHECKED C.G.J.
APPROVED: E.H. Swick 5-7-57
REGIONAL ENGINEER

PROJECT: F095-5(2) DATE MARCH 1957 SHEET 1 OF 13 DESIGN NO. 157

by the resident engineer.
exercise care to prevent water
to the floor slab.



$\Delta = 33^\circ 57' 15''$ $\Delta = 44^\circ 34' 50''$
 $D = 6^\circ L$ $D = 20^\circ R$
 $T = 291.53'$ $T = 117.44'$
 $L = 565.90'$ $L = 222.90'$
 $R = 954.93'$ $R = 286.48'$

PLOT PLAN
Scale: 1" = 50'

Distance A-B (scaled)	455'
Distance A-C-B (scaled)	840'
D. Haines	385'

Pump Island
over and to
be furnished
by contractor

Aerial Pole
(See Notes)
Elev. 42'
Pump Island

Power Pole to
furnished and
by others.

Fire Hydrant

Revised: C

PROJEC

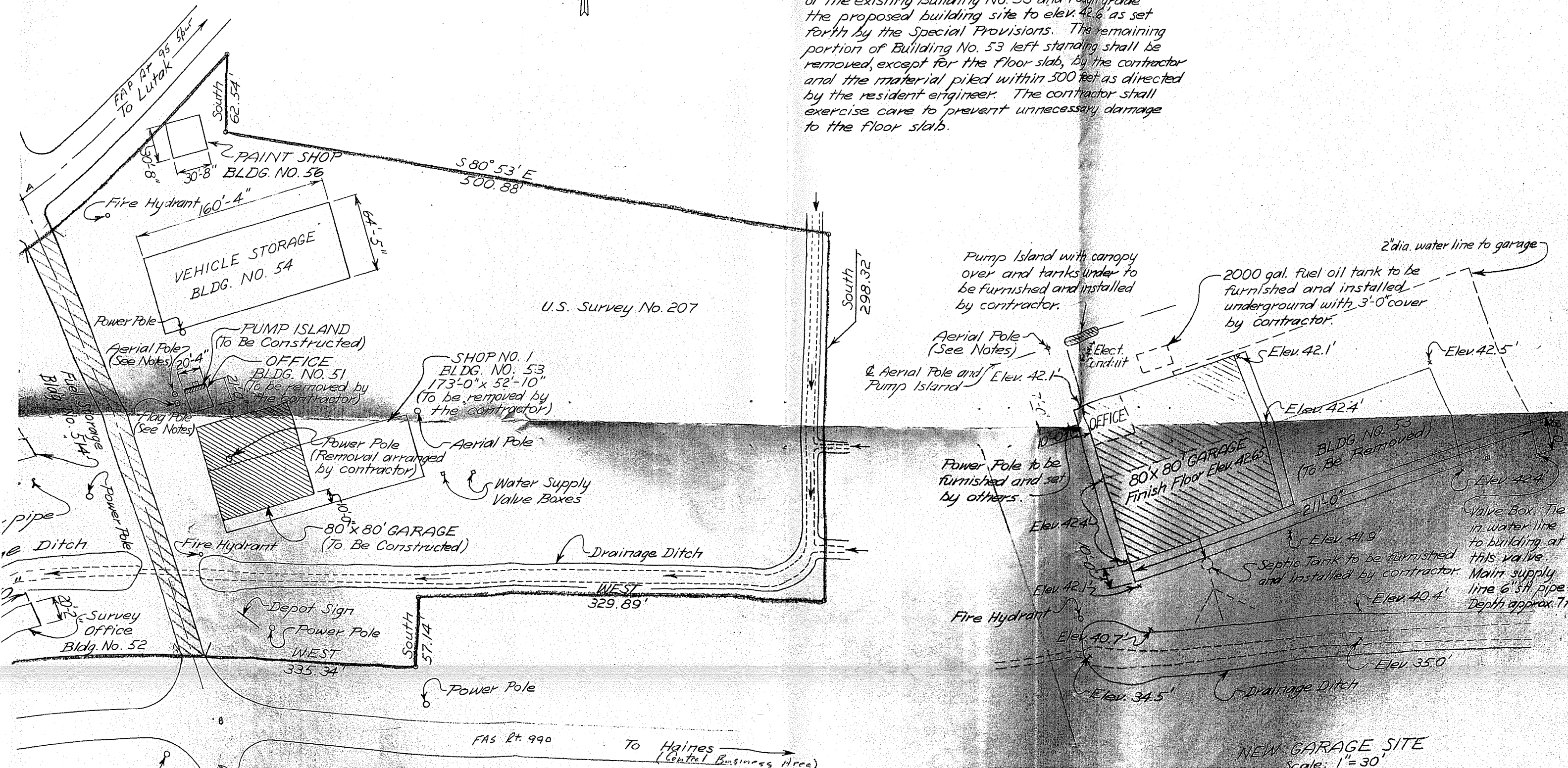
Bench Mark: Top of floor slab for Bldg. No. 53 is elev. 42.58'.

NOTES

The contractor shall relocate the flag pole as directed by the engineer.

The aerial pole in the vicinity of the proposed pump island is to be temporarily guyed during the excavation for the pump island tanks and until backfill has been completed.

The Bureau of Public Roads will remove a portion of the existing Building No. 53 and rough grade the proposed building site to elev. 42.6' as set forth by the Special Provisions. The remaining portion of Building No. 53 left standing shall be removed, except for the floor slab, by the contractor and the material piled within 500 feet as directed by the resident engineer. The contractor shall exercise care to prevent unnecessary damage to the floor slab.



Pump Island with canopy over and tanks under to be furnished and installed by contractor.

2000 gal. fuel oil tank to be furnished and installed underground with 3'-0" cover by contractor.

Aerial Pole (See Notes)

Elect. Conduit

2" dia. water line to garage

Elev. 42.1'

Elev. 42.5'

Elev. 42.4'

80x80' GARAGE Finish Floor Elev. 42.65'

BLDG. NO. 53 (To Be Removed)

Elev. 42.4'

Elev. 41.9'

Septic Tank to be furnished and installed by contractor.

Valve Box. Tie in water line to building at this valve.

Main supply line 6" stl. pipe. Depth approx. 7'

Elev. 40.4'

Elev. 40.7'

Fire Hydrant

Elev. 40.7'

Elev. 34.5'

Elev. 35.0'

Drainage Ditch

Power Pole to be furnished and set by others.

South 298.32'

South 62.54'

South 57.14'

WEST 335.34'

WEST 329.89'

FA5 Rt. 990 To Haines (Central Business Area)

NEW GARAGE SITE
Scale: 1" = 30'

NOTES

The contractor shall relocate the as directed by the engineer.

The aerial pole in the vicinity of pump island is to be temporarily removed until the excavation for the pump island until backfill has been completed.

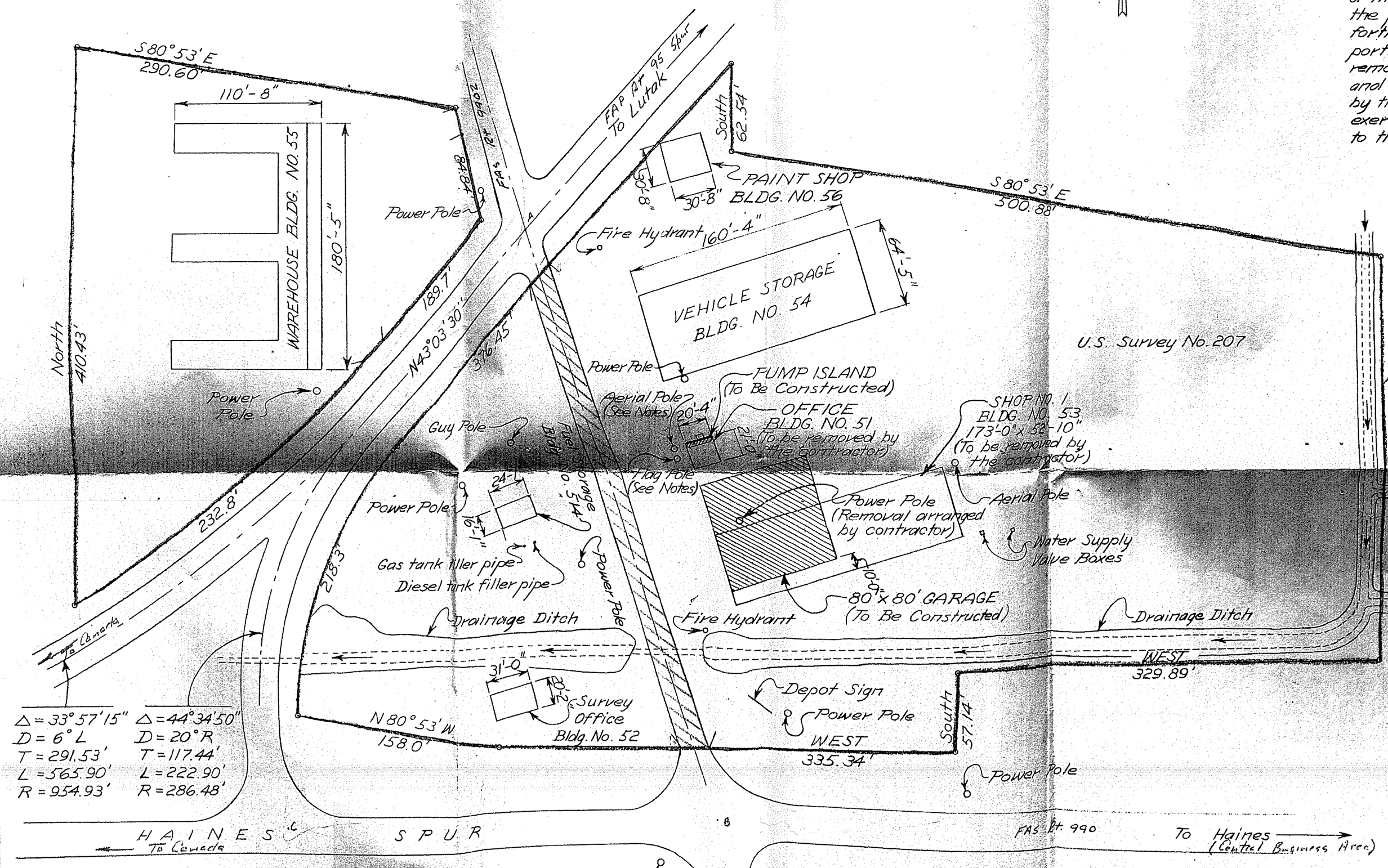
The Bureau of Public Roads will remove the existing Building No. 53 and the proposed building site to be left in place by the Special Provisions. portion of Building No. 53 left standing, except for the floor slab, and the material piled within 50 feet by the resident engineer. The contractor exercise care to prevent access to the floor slab.

Pump Island over and tar be furnished a by contractor.

Aerial Pole (See Notes)
 & Aerial Pole and Elev. 42.1 Pump Island

Power Pole furnished a by others

Fire Hydrant



$\Delta = 33^\circ 57' 15''$ $\Delta = 44^\circ 34' 50''$
 $D = 6^\circ L$ $D = 20^\circ R$
 $T = 291.53'$ $T = 117.44'$
 $L = 565.90'$ $L = 222.90'$
 $R = 954.93'$ $R = 286.48'$

HAINES SPUR
 To Canada

FAS. Rt. 990 To Haines (Central Business Area)

U.S. Survey No. 207

North 410.43'

South 298.32'

South 57.14'

WEST 335.34'

WEST 329.89'

WEST 335.34'

S80°53'E 290.60'

S80°53'E 500.88'

N43°03'30" 189.7'

N80°53'W 158.0'

110'-8"
 180'-5"
 WAREHOUSE BLDG. NO. 55

30'-8"
 64'-5"
 PAINT SHOP BLDG. NO. 56
 VEHICLE STORAGE BLDG. NO. 54

173'-0" x 52'-10"
 SHOP NO. 1 BLDG. NO. 53
 (To be removed by the contractor)

20'-4"
 OFFICE BLDG. NO. 51
 (To be removed by the contractor)

80' x 80' GARAGE
 (To Be Constructed)

31'-0"
 20'-2"
 Survey Office Bldg. No. 52

160'-4"
 Fire Hydrant

Water Supply Value Boxes

Gas tank filler pipe
 Diesel tank filler pipe

Drainage Ditch

Drainage Ditch

Power Pole

Power Pole

Power Pole (Removal arranged by contractor)

Aerial Pole

Guy Pole

Flag Pole (See Notes)

Power Pole

Power Pole

Power Pole

Fuel Storage

Fire Hydrant

Aerial Pole (See Notes)

Depot Sign

FAP Rt. 95 Spur To Lutak

FAS. Rt. 990

FAS. Rt. 990

To Haines (Central Business Area)

22-51

BUREAU OF PUBLIC ROADS

*Alaska Land 3
Lands 3*

Files

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

October 2, 1957

G. M. Williams, Assistant Commissioner **JAMES L. SHOTWELL**
Washington, D. C.

Acquisition of right-of-way in a military reservation

Reference is made to your memorandum of September 13, 1957, concerning the acquisition of right-of-way across a portion of the lands occupied by the Ladd Air Force Base in Alaska.

There are several legal questions which will probably have to be determined before this right-of-way can be cleared up and we are requesting our Legal Division to make the necessary determinations. In the meantime, it is requested that you furnish us five additional copies of the plat showing the lands desired and six copies of a description thereof. We will then take the matter up with the Department of the Army at the Washington level with a view to securing the right-of-way. It is suggested that you advise the local authorities of the action that is being taken so that they may make their recommendations to their Washington office at the same time that we are requesting the transfer.

[Handwritten signature]

SZPhillips:br

cc: Files ✓

- Mr. E. H. Swick
- Mr. C. W. Phillips (2) ✓
- Mr. G. M. Williams ✓

10/3 ✓

*R/W 27
9-20-57*