

DRAFT

Wild #19.4 DRAFT

Date

Re:

Name
Address
City & State

Title parcels

Gentlemen:

The Alaska State Department of Transportation and Public Facilities has received your form letters requesting the State's participation in determining the effects, if any, of Public Land Orders No. 601, 757 and 1613 and Departmental Order No. 2665, on property which you have described and forwarded for review.

The departmental records are public records and open to review by your company. They are not set up on a geographic basis, as in a title company, nor are they kept current on a daily basis for every newly created parcel of land that may be affected by a Public Land Order or Departmental Order. Each parcel must be reviewed as to the applicability of any Public Land Order or Departmental Order.

Decisions rendered in Federal and State cases and legal reviews by the Attorney Generals Office have been used to establish the current procedure for deciding when a Public Land Order or Departmental Order applies. The Public Land Order or Departmental Order only pertains to Federal Government highway interests. Those Federal Government highway interests were set out in various orders stated in Paragraph No. 1, originating with Public Land Order No. 601, of August 10, 1949 and remaining effective until June 30, 1959. These interests were transferred to the State of Alaska by Public Law 86-70 as of June 30, 1959.

Public Land Orders only apply to Public Domain Lands prior to Entryman's date of final proof. Any Federal Highway interest subsequent to the date of final proof for patent could not be acquired by the above stated orders.

The date of final proof is the date when all the preliminary acts prescribed by law for the acquisition of title, including the payment of the price of the land, have been performed. At that time, the applicant is considered to have a vested interest against the Federal Government of which he cannot subsequently be deprived. This date is available at the Bureau of Land Management for every patent ever issued and is the controlling date as to the applicability of all Public Land Orders and Departmental Orders. Examination of the Bureau of Land Management's records should enable you to decide as to the effect of Public Land Orders or Departmental Orders and make your decision as to the insurability of title for any particular land parcel.

We would be happy to work with your agency in determining the time as to when any road came under the jurisdiction of the Federal Government and its highway classification so that you may determine the effects of the Public Land Orders on the highway rights of way under State jurisdiction. We do not feel, however, that we are staffed for becoming involved in the review of all your title requests, many of which have no relation to any highway rights of way under State jurisdiction

Sincerely,