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MEMORANDUM

State of Alaska

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JUL 5 1967	
FBI - ANCHORAGE	

TO: Dick Chitty  
Chief R.O.W. Agent  
Department of Highways

DATE July 3, 1967

FROM: Edgar Paul Bayko  
Attorney General

SUBJECT: Your File No. 242000  
Our File No. 37  
~~Half Section Line~~

By: Gary A. Bushong *GB*  
Assistant Attorney General

This memorandum is in answer to your inquiry of May 19, 1967

The memorandum of May 19, 1967 should be controlling. The "Acceptance of Unreserved Federal Lands for Highway Purposes" dated October 2, 1962 should be construed as an inter-agency transfer of land.

~~The applicable statute provides only for the dedication of a highway easement along section lines.~~ As a result, the October 2, 1962 "half section line" dedication should be utilized only on those lands which were transferred to private ownership with the dedication reserved in the State Grant Deed. The executive branch of government cannot by administrative action impose reservations upon deeds which are not set out in the deed or in the applicable statutes.

~~As noted above, the "half section line" dedication would be valid in each case where the reservation is contained in the deed from the State.~~

EPB/GAE/er

~~ADL states that they have never reserved R/W on half section lines in any deeds they issued July 18, 1967~~

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JUL 5 1967

Right of Way Section