

March 14, 1980

Re: Public Land Order Highway
Rights of Way

Alaska Title Guaranty Company
711 Gaffney
Fairbanks, Alaska 99701

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 department 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 General's 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 one, 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.

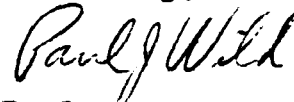
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The date of final proof is the date when all the preliminary acts prescribed by law for the acquisition of title, including the payment of the price of the land, have been performed. At that time, the applicant is considered to have a vested interest 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,



Paul J. Wild
Interior Regional
Right of Way Agent

PJW/skh

MEMORANDUM

State of Alaska

TO: Paul Wild, R/W Agent
Dept. Trans. & Pub. Fac.
2301 Peger Road
Fairbanks, AK 99701

DATE: March 4, 1980

FILE NO:

TELEPHONE NO:

FROM: Larry D. Wood *LDW*
Assistant Attorney General
Transportation Section
Fairbanks, Ak 99701

SUBJECT: Fairbanks Title
Agency request for
Right of Way Clari-
fication

I have reviewed Fairbanks Title Agency's request for right of way information in conjunction with a certain lot in the Shannon Park Subdivision and a proposed response by the Department to the letter.

As noted in the proposed reply, it is quite clear that the Department is not staffed for becoming involved in a review of these private requests. On the other hand, and as suggested in the reply, Department employees should assist the public and the title insurance companies in determining what time state highways came under the jurisdiction of the federal government, its highway classification, and the applicability of pertinent public land orders. If the title insurance companies have this information, they should be able to answer their own questions as to how those rights of way affect particular parcels. The public land orders will define the outer limits of the State's right of way in particular geographical locations.

I would like to caution the employees of the right of way section from making decisions for title insurance companies after this information is provided them. The most we should do to avoid possible legal entanglement is to explain the history of public ownership in State highways and let the companies decide how those present right of ways may affect the properties under study.

LDW:rir

*Shari: ✓ 3/14
Type identical letters
for the 3 title companies
in Fairbanks*

<input checked="" type="checkbox"/>	Regional R/W Agent	<i>LDW</i>
<input type="checkbox"/>	Negotiations	<i>LDW</i>
<input type="checkbox"/>	Encroachments	<i>LDW</i>
<input checked="" type="checkbox"/>	Engineering	<i>LDW</i>
<input checked="" type="checkbox"/>	Title	<i>LDW</i>
<input checked="" type="checkbox"/>	Appraisals	<i>LDW</i>
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<input type="checkbox"/>	Return to:	
<input type="checkbox"/>	FILE	



Department of Transportation
Division of Highways
2301 Peger Road
Fairbanks, Alaska 99701

FEB 28 10 14 AM 1980

INTERIOR REGION
DEPARTMENT OF
TRANSPORTATION

Re: Order No. 903006

Dear Sirs:

We are presently engaged in a title search of the following described real property. Since alleged highway rights-of-way created by Public Land Orders 601, 757, 1613 or Department Order 2665 are not recorded by property description, please advise us if the State of Alaska is claiming a right-of-way for a local, feeder, or through road on the following property and specify the width of the right-of-way you are claiming:

Lot 3, Block 138, WEEKS FIELD SUBDIVISION

Time is of the essence if we are to complete our title search on schedule, so we would appreciate it if you would reply to this request as soon as possible. Thank you very much for your cooperation in this matter.

Sincerely,

Michael E. Gray
Michael E. Gray
Title Examiner

<input checked="" type="checkbox"/>	Report of Title	
<input checked="" type="checkbox"/>	Encroachments	
<input checked="" type="checkbox"/>	Engineering	
<input checked="" type="checkbox"/>	Maps	
<input type="checkbox"/>	Appraisals	
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