

MEMORANDUM

State of Alaska

RTS. SA	DATE
DIRECTOR	
ASST. DIR.	
SEC.	
ADM.	
R. ADM.	
PROPERTY	
FILE	
A	F
J	V
EPR	AG

TO: Jack T. Bodine
 Asst. R.O.W. Director
 Department of Highways

DATE : December 11, 1968

FROM: G. Kent Edwards
 Attorney General

SUBJECT: Your memo of 7/23/68
 with reference to Gerald
 W. King; "1947 Act"

By: Robert E. Price *RSP*
 Assistant Attorney General

Our File 469
F-062-4010

The basic question of your memo appears to be the following. Does construction of a highway after a homesteader has legally "entered" upon land constitute a "first take" under the '47 Act?

ANSWER

1. On the question of "legal entry", see my memo of 7/18/68 in this file.
2. Construction of a highway does constitute a "first take" under the '47 Act. There is in fact no better instance of a "take".

GKE/REP/er

RECEIVED

DEC 13 1968

Right of Way Division