

## Bennett, John F (DOT)

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**From:** Bennett, John F (DOT)  
**Sent:** Tuesday, February 28, 2012 10:42 AM  
**To:** Little, Lauren M (DOT)  
**Cc:** Smith, Kevin L (DOT)  
**Subject:** Selawik Footbridges ROW

Lauren: Bridge No. 1401 crosses the west branch of the Selawik River between Low Avenue on the east and 5<sup>th</sup> Avenue on the west. From the west end, the ROW width for 5<sup>th</sup> Avenue is 30 feet, 15 feet each side of the platted centerline. On the east side of the river it ties in first to Municipal Reserve Block 3, Tract A, then to the Northeasterly running 30 foot wide ROW for River Street and then to the 40 foot wide Low Avenue.

Bridge No. 1292 crosses the east branch of the Selawik River from the Airport (east) to the Block 11 (Municipal Reserve) to the west continuing to the 60 foot wide north-south running Channel Street at a point about 100 feet south of Evans Avenue.

At the time of the initial bridge project (Construction March to November 1981), the townsite was still in draft and so the Townsite Trustee could only issue a permit for use of the land by the bridges. The townsite trustee received a patent for the townsite (US Survey No. 4492 in Patent 50-84-0431) on 4/10/84, (recorded as document No. 1984-000205-0 on 4/20/84 in Kotzebue Recording District). Block 11, Tract A was subsequently conveyed to the City of Selawik by Townsite Trustee Deed on May 28, 1985 (recorded in document 1985-000506-0 on 6/5/85, Kotzebue) and Block 3, Tract A was conveyed to the City of Selawik by Townsite Trustee Deed on May 28, 1985 (recorded in document 1985-000495 on 6/5/85, Kotzebue).

The ROW across the river branches was secured under DNR ROW Permit dated June 17, 1987 (ADL 402346) and recorded in Book 32, Page 920 on June 29, 1987 and provides for a 100' wide ROW below the ordinary high water line of both branches of the Selawik River.

Townsite plat street rights of way are considered as "dedicated to the public" similar to subdivision plats.

The only questionable part of the existing ROW is the ROW through the Municipal Reserve Blocks 3 & 11 of Tract A. **The Townsite Trustee Permit is temporary in nature and does not survive a subsequent conveyance out of the Trustee's hands.** As title for the Municipal Reserves is now vested in the City of Selawik, to certify a bridge rehab project we would likely have to obtain a permanent ROW easement from the City where the bridge crosses these parcels. There is also a bit of assumption that this existing ROW width is sufficient for the proposed project. I have attached the sheets from the US Survey with red highlights in the approximate areas of the bridges. JohnB

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