

**From:** [Williams, Marty](#)  
**To:** [John Bennett](#)  
**Subject:** Re: [EXTERNAL] RE: Ownership certificates and the term dedicate  
**Date:** Monday, April 29, 2019 3:05:00 PM

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Thanks John, the Washington State opinion letter was helpful. Sorry if I am being a pest about this. Here at BIA, I am questioned by Realty Staff, and our Title section about the effect of subdivision plats, and what they have or have not accomplished, once signed and approved by everyone. I think a light bulb finally went on. The bottom line for me here at BIA is that the roadways are no longer in the ownership of the subdivider. Whether or not the public or platting authority has a fee ownership or just an easement, may be a little grayer, since the adjoining landowners have an interest out to centerline, when purchasing a lot within the subd with street frontage.

Marty

On Mon, Apr 29, 2019 at 2:39 PM John Bennett <[JBennett@rmconsult.com](mailto:JBennett@rmconsult.com)> wrote:

Marty, I think I told you a while back that the only reference to fee simple determinable title for dedications I found in the Alaska Case "Island Homes, Inc. v. City of Fairbanks" (421 P.2d 759 = 1966). I've attached two items from Washington State and a section of the current Clark on Boundaries all about the interest secured through dedication. Now without a lot more digging it seems that the fee simple determinable estate only is created in a statutory dedication. Pretty much all other types of dedications create easements. But I don't think I have seen an Alaska opinion that specifically considered this issue probably because the reversion, whether for a vacated easement or a vacated fee simple determinable, the result is exactly the same. That's all I got. JohnB

**Sec. 19.10.010. Dedication of land for public highways.**

A tract 100 feet wide between each section of land owned by the state, or acquired from the state, and a tract four rods wide between all other sections in the state, is dedicated for use as public highways. This statute is the basis for the state section line easement.

**John F. Bennett, PLS, SR/WA** Senior Land Surveyor – Right of Way Services

R&M CONSULTANTS, INC. | 212 Front Street, Ste. 150 | Fairbanks, Alaska 99701

907.458.4304 direct | 907.687.3412 mobile

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**From:** Williams, Marty [mailto:[marty.williams@bia.gov](mailto:marty.williams@bia.gov)]  
**Sent:** Monday, April 29, 2019 10:33 AM  
**To:** John Bennett  
**Cc:** John Kerr; Stanley Brown; Eric Simons  
**Subject:** Ownership certificates and the term dedicate

John,

I just recently reviewed the 1866 mining act, and in section 8, the right of way for public access is "granted". Can you think of any other situation where the term "dedicate" really just meant an easement right? I am thinking about changing the ownership certificates on the subdivisions I review, to use "convey fee simple title" instead of the term dedicate, if its possible that this term may construe more than one meaning. I think its important that these certificates be specific to each plat, not boiler plate, and that there is no doubt as to the intention of the owner.

I have reviewed many older plats, that are very ambiguous as to the intent of the parties signing and approving the plat.

I am hoping to get DNR to start using plat specific certificates, and maybe this topic will slowly catch some footing and we can get more clarity on the plats being drafted today. I have copied a few other individuals that were present at your presentation.

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Marty Williams

U.S. Department of the Interior

Bureau of Indian Affairs

Alaska Regional Office MC 304

[3601 C Street, Suite 1200](#)

[Anchorage, AK 99503-5947](#)

907-271-1612

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Marty Williams  
U.S. Department of the Interior  
Bureau of Indian Affairs  
Alaska Regional Office MC 304  
[3601 C Street, Suite 1200](#)  
[Anchorage, AK 99503](#)-5947  
907-271-1612