

MEMORANDUM

STATE OF ALASKA

Department of Transportation and Public Facilities
Central Region

To: Rob Campbell, P.E.
Director

Date: July 25, 2012

Phone No.: 269-0711

From: Mike Hartman, Chief
Right of Way

Subject: Crow Creek Road
Ownership

This is in response to your inquiries into the ownership of Crow Creek Road and a portion of the Alyeska Highway (from its inception at Seward Highway) to the end of the road at the Crow Creek Bridge, approximately 7 continuous road miles from the Seward Highway.

Property ownership in Alaska begins with the Bureau of Land Management as the recognized owner in fee simple of all lands. Unless land, under the authority of BLM, has been reserved for other purposes, the BLM has the right to convey title to private entities or public agencies. However, once land has been reserved for certain purposes e.g., private entry or Chugach National Forest, the land cannot be conveyed or granted to other entities without removing it from the reserved status or making the land in a transfer subject to the uses outlined in a previous reservation. This is a particularly important concept regarding all segments of these roads and this ownership opinion.

Road ownership can be dissected into a few distinct segments as follows:

- The first segment is a portion of Alyeska Highway and runs from mile 0.0 (the beginning of Alyeska Highway at its intersection with the Seward Highway) to about mile 2.0, the beginning point of Crow Creek Road.
- The next segment is the beginning of Crow Creek Road and runs about 2.3 miles from the Alyeska Highway to the southerly edge of a portion of the Chugach National Forest. DOT&PF received both of these first two road segments from the BLM through the Omnibus Act Quitclaim Deed shortly after statehood. Although the Omnibus QCD loosely described 8 miles of road (ending just before the Crow Creek Bridge), only these segments of the Alyeska Highway and Crow Creek Road were unreserved at the time of conveyance and therefore legally eligible to be transferred to the Department.
- The next segment of Crow Creek Road runs about 2.1 miles and ends at the southerly border of Raven Mountain Estates, Unit No. 1 (plat #66-161). This segment was reserved as a part of the Chugach National Forest on February 23, 1909 by President Theodore Roosevelt. It remains part of the CNF today.

- The last segment is about 0.6 miles long and mostly lies within the platted subdivision: Raven Mountain Estates, Unit No. 1. There is a small segment of road that lies outside the subdivision boundary, but within the CNF. At the most northerly end of the subdivision (and the established road) lays the bridge over Crow Creek. Prior to the land in this segment being platted and subdivided, the land was reserved by the BLM as a result of an application for Mineral Survey #753 on July 24, 1906. The patent (#314548) for the fee simple ownership was issued to the Crow Creek Alaska Hydraulic Gold Mining Company on February 13, 1913. The successor in interest (Viking, Inc.) of this mining company surveyed, platted, and filed (November 17, 1966) the 58 acre subdivision with the Greater Anchorage Area Borough, the predecessor of the Municipality of Anchorage. The plat, approved by an authorized signatory representing the Borough Planning Commission, contained the following language:

CERTIFICATE OF OWNERSHIP & DEDICATION:

“We hereby certify that we are the owners of the property shown and described hereon and that We hereby adopt this plan of subdivision with our free consent, and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted.”

The plat dedicates ownership of Crow Creek Road, Alpha Circle, Annex Circle, Omega Court, Gold Claim Drive, and numerous utility easements to the GAAB (now The Municipality of Anchorage). There are no notes on the plat that lay exception to this dedication and approval. As with many remote subdivisions throughout the state and on the Anchorage hillside, even though a road is dedicated, the local public agency accepting the dedicated road may not offer maintenance of the road for various reasons i.e., the road is not built to correct specifications at the time of the dedication. Maintenance of a road is not a requirement to accepting ownership pursuant to the dedication on the plat however. Crow Creek Road was dedicated to the local platting authority, the Muni, which accepted the dedication/ownership of the road in this segment.

Even though the Omnibus QCD described the road going through this area up to, but apparently not including the bridge, it did not convey the road to the Department because the land in this segment had been previously reserved and patented out of BLM’s authority. In the case of the ownership, the Municipality of Anchorage clearly owns this segment of Crow Creek Road.