

MEMORANDUM

State of Alaska
Department of Transportation & Public Facilities
Northern Region Preconstruction

TO: File

DATE: June 11, 2010

FILE NO:

TELEPHONE NO: 451-5423

FAX NO: 451-5411

FROM: John F. Bennett, PLS, SR/WA
Chief, Right-of-way
Northern Region



SUBJECT: Project 62056
Cartwright Road Improvements
Gov. Lot 44E Conger Trust
Existing Right of Way

The Arthur T. Conger Living Trust owns Government Lot 44E of Section 20, Township 1 South, Range 1 West, Fairbanks Meridian. The parcel is located at 3450 Van Horn (Cartwright) Road. Government Lot 44, a 2.5 acre parcel was patented to William L. Ault according to Patent No. 1189388 on December 16, 1958. The patent was specifically subject to a 33-foot wide right of way for road and utility purposes along the south and east boundaries of the lot.

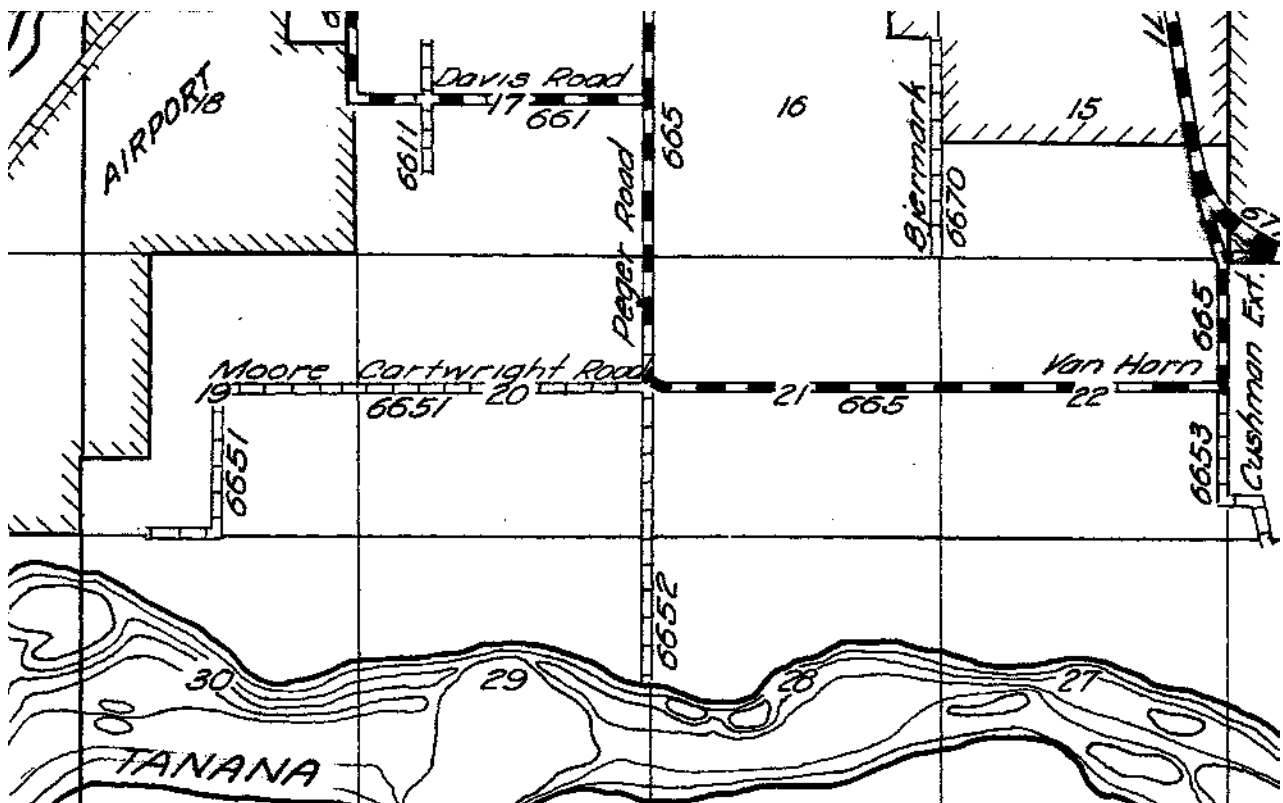


View of Conger Trust property North of Cartwright Road

The State asserts that the southerly boundary of GL 44 along Cartwright road is subject to a wider right of way based on federal public land orders. In this case the State asserts a 50-foot wide right of way from the centerline of Cartwright road or a strip that is 17-feet wider than the specific right of way stated on the Ault patent. The basis for this claim is as follows:

At Statehood, 5,400 miles of right-of-way was conveyed to the State of Alaska from the federal Department of Commerce on June 30, 1959 under the “Omnibus Act Quitclaim Deed”. The majority of these rights-of-way were established by DOT’s predecessor, the Alaska Road Commission through Department of Interior Public Land Orders. To determine whether a PLO right-of-way is valid, it is necessary to review the effective date of the PLO, historical documents that can confirm the date of staking or construction of the road in question, and case law relating to similar applications of PLOs.

The Omnibus Quitclaim Deed lists Cartwright Road as Federal-Aid Secondary Highway System Class “B” Route No. 6651. The deed describes Moore-Cartwright Road as being “From FAS Route 665 westerly into a homestead area. Length 2.0 miles.”



**Fairbanks Vicinity Map – Rev. November 1957
Route 6651 Moore – Cartwright Road**

Cartwright Road Chronology

To determine whether a full width right-of-way attached to a road by PLO, it is necessary to review the chronology of title and physical activity for the lands crossed by the road. The chronology should consider the effective dates of the relevant PLOs, dates of public construction and maintenance work and dates for changes in land status such as entries, reservations, easements and conveyances that may bear on the PLO analysis. The purpose of this review is to evaluate whether the PLO authority applied to the road in question and whether its application might be subject to a valid existing right. The following is a chronology for the Cartwright Road within Section 20:

June 7, 1913: Rectangular Survey for T.1S., R.1.W. F.M. including Sec 20 approved.

October 16, 1951: Effective date for Public Land Order 757 & SO (Secretarial Order) 2665 (aka DO or Departmental Order 2665)

September 10, 1952: Situation Report for Period Ending September 7, 1952. "*W. O. 365 (Farm and Industrial Road Surveys) The survey party on farm and local roads accomplished the following work this period...Route 132.1 – Moore-Cartwright-Conn Extension. This report covers the two petitions 51-9 and 50-3 which were consolidated and revised. Three miles staked for construction.*" Page 8 "*Route 132.1 – W.O. 363 – (Moore-Cartwright-Conn Extension) This section is very wet and swampy. Rough grading has been completed for a distance of two miles...*"

November 3, 1952: Situation Report October 6, 1952 to November 2, 1952. Page 6 "*Route 132.1 (Moore-Cartwright-Conn) – 85% complete. Work on this project consisted of dozer blading the surface to make usable for winter travel.*"

December 29, 1952: Annual Report – Maintenance – Local Roads. Page 6 "*Route 132.1 – Moore Cartwright Road – 1.0 Miles*"

April 13, 1953: Dependent Resurvey and Subdivision of Sections 19 & 20 for Small Tracts.

June 11, 1953: ARC Order No. 40, Supplement No. 2 – Numbering System for Alaska Roads. Page 7 "*Local Roads – From Main Feeders – Route No. 132.1 Moore-Cartwright Road – Length 1.0*"

June 13, 1953: ARC Field book F-28 Pages 12-13 "*Moore-Cartwright-Conn Road CL*"

January 20, 1954: ARC Order No. 40, Revised – Highway System – Route Numbers and Mileages. Page 4. "*Local Roads – From Main Feeders – Route No. 132.1 Moore-Cartwright Road – Length 2.0*"

November 15, 1954: Small Tract lease issued to William Ault, predecessor of Conger, GL-44E

January 4, 1955: Alaska Road Commission "*As Constructed*" map of Moore-Cartwright road. The map shows the "*Completed Road*" from Peger to the south one quarter corner of Section 19 and labels the ROW as "*100*". The road to the west of the south one quarter corner of Section 19 is labeled as "*Proposed Rough Grade*".

December 16, 1958: Patent issued to William L. Ault, Government Lot 44.

July 1, 1959: Omnibus Act QCD – Conveyance of highways to the State of Alaska. Moore-Cartwright road, Federal-Aid Secondary Highway System Class “B” Route No. 6651.

Analysis

By the chronology, it is clear that Cartwright road was both “staked” and “constructed” after the effective date of SO 2665 (10/16/51) and prior to the date where the lease for Government Lot 44 was issued to Ault (11/15/54). To the extent that the public lands were unreserved at the time of SO 2665 and actual construction, Cartwright road would be subject to a “local” road easement of 50 feet each side of centerline under the Section 3(c) “new construction” provisions of SO 2665. This provision states that the easement will “...attach as to all new construction involving public roads in Alaska when the survey stakes have been set on the ground and notices have been posted at appropriate points along the route of the new construction specifying the type and width of the roads.”

Section 20 PLO Evaluation:

[PLO exists where date of construction (9/10/52) precedes entry/application date.]

Patent No.	Description	Patentee	Lease Date	PLO ROW	Project Parcel No.
1189388	GL-44	Ault	11/15/54	Yes	

The Lease date is the effective date for Small Tract lots. Where the BLM abstract does not provide a Lease date, the Application date is used.

Related Case Law

The key cases in support of the application of PLO rights of way are *State v. Alaska Land Title Ass'n*, 667 P.2d 714 (Alaska 1983), and *State, Dep't of Highways v. Green*, 586 P.2d 595 (Alaska 1978). In these cases the Alaska Supreme Court held that D.O. 2665 created a fifty-foot right of way for local roads provided that the entry leading to patent for the land was after construction of the road and the date of the order. The *ALTA* case resolved the following issues:

Constructive Notice (Can the State assert a PLO against a property owner without notice?): The PLOs and DO were not recorded. The Court reaffirmed its earlier decision in *Hahn v. Alaska Title Guaranty Co.*, 557 P.2d 143 (1976) that publishing in the Federal Register was constructive notice; therefore subsequent purchasers were not innocent purchasers protected by the recording statutes.

Estoppel (Can the State assert a PLO after years of silence on the issue?): "Estoppel requires 'the assertion of a position by conduct or word, reasonable reliance thereon by another party and resulting prejudice.'" Relying on its finding that the constructive notice was imparted by Federal Register, the Court ruled that notice made reliance by the parties unreasonable, therefore the estoppel claim lacked merit.

Patent Statute of Limitations (Can the state assert a PLO that is not cited in the patent?): The patents did not contain any reservation for the PLO and DO rights of way. In reaffirming *State, Department of Highways v. Green*, 586 P.2d 595 (1978), the Court found that a right of way not expressed in the patent was a valid existing right and the patentee takes subject to such right. By operation of law, land conveyed by the United States is taken subject to previously established rights-of-way where the instrument of conveyance is silent as to the existence of such rights-of-way.

Conclusion

The Conger Trust property (GL-44E) is subject to a PLO right of way of 50-feet from the centerline of Cartwright road which is coincident with the southerly boundary of Government Lot 44.

Federal Register DataPublished: 10/20/51
No. : 205Volume: 16
Page: 10752

SECRETARIAL ORDER No. 2665

Part Affected: Hwy Rights-of-Way

Date Signed: 10/16/51

Office of the Secretary

[Order 2665]

RIGHTS-OF-WAY FOR HIGHWAYS IN ALASKA

OCTOBER 16, 1951.

SECTION 1. Purpose. (a) The purpose of this order is to (1) fix the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior and (2) prescribe a uniform procedure for the establishment of rights-of-way or easements over or across the public lands for such highways. Authority for these actions is contained in section 2 of the act of June 30, 1932 (47 Stat. 446, 48 U. S. C. 321a).

Sec. 2. Width of public highways. (a) The width of the public highways in Alaska shall be as follows:

(1) For through roads: The Alaska Highway shall extend 300 feet on each side of the center line thereof. The Richardson Highway, Glenn Highway, Haines Highway, Seward-Anchorage Highway, Anchorage-Lake Spenard Highway and Fairbanks-College Highway shall extend 150 feet on each side of the center line thereof.

(2) For feeder roads: Abbert Road (Kodiak Island), Edgerton Cutoff, Elliott Highway, Seward Peninsula Tram road, Steese Highway, Sterling Highway, Taylor Highway, Northway Junction to Airport Road, Palmer to Matanuska to Wasilla Junction Road, Palmer to Finger Lake to Wasilla Road, Glenn Highway Junction to Fishhook Junction to Wasilla to Knik Road, Slana to Nabesna Road, Kenai Junction to Kenai Road, University to Ester Road, Central to Circle Hot Springs to Portage Creek Road, Manley Hot Springs to Eureka Road, North Park Boundary to Kantishna Road, Paxson to McKinley Park Road, Sterling Landing to Ophir Road, Iditarod to Flat Road, Dillingham to Wood River Road, Ruby to Long to Poorman Road, Nome to Council Road and Nome to Ecssie Road shall each extend 100 feet on each side of the center line thereof.

(3) For local roads: All public roads not classified as through roads or feeder roads shall extend 50 feet on each side of the center line thereof.

Sec. 3. Establishment of rights-of-way or easements. (a) A reservation for highway purposes covering the lands embraced in the through roads mentioned in section 2 of this order was made by Public Land Order No. 601 of August 10, 1949, as amended by Public Land Order No. 757 of October 16, 1951. That order operates as a complete segregation of the land from all forms of appropriation under the public-land laws, including the mining and the mineral leasing laws.

(b) A right-of-way or easement for highway purposes covering the lands embraced in the feeder roads and the local roads equal in extent to the width of such roads as established in section 2 of this order, is hereby established for such roads over and across the public lands.

(c) The reservation mentioned in paragraph (a) and the rights-of-way or easements mentioned in paragraph (b) will attach as to all new construction involving public roads in Alaska when the survey stakes have been set on the ground and notices have been posted at appropriate points along the route of the new construction specifying the type and width of the roads.

Sec. 4. Road maps to be filed in proper Land Office. Maps of all public roads in Alaska heretofore or hereafter constructed showing the location of the roads, together with appropriate plans and specifications, will be filed by the Alaska Road Commission in the proper Land Office at the earliest possible date for the information of the public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-12586; Filed, Oct. 19, 1951;
8:46 a. m.]



UNITED STATES
DEPARTMENT OF THE INTERIOR
ALASKA ROAD COMMISSION

JUNEAU, ALASKA
Fairbanks District,
Fairbanks, Alaska.

September 10, 1952

6	W. S. Klockenteger
1	Chf. Engr. W. J. Niemi
1	Admin. [Signature]
6	Op'ns. B. S.
2	Engrg. J. B. S.
4	Acc't. [Signature]
	Pers. _____
	Supply _____
3	Poster RN de Gaires

Mr. William J. Niemi
Chief Engineer
Alaska Road Commission
Juneau, Alaska

Dear Mr. Niemi:

Re: Situation Report for Period
Ending September 7, 1952

August is usually our wettest month; however, although frequent light rains occurred during this month, the total precipitation was less than half of the normal. Temperatures were very near normal for the month. The first seven days of September were very wet and cold. The rainfall was twice the normal and the temperatures averaged four degrees colder than normal for this period. The first freeze was reported on August 23rd but light scattered frosts were reported as early as August 16th.

Visitors to the Fairbanks District include:

- William J. Niemi - Chief Engineer - Juneau
- Wallace C. Sharples - Personnel Officer - Juneau
- W. S. Klockenteger - Chief, Materials Branch - Juneau
- Harry Bates - Safety Engineer - Juneau
- John G. Shepard - Office Engineer - Juneau
- Harry O. White - District Mechanic - Anchorage

Surveys, Investigations and Plans

W. O. 365 (Farm and Industrial Road Surveys)

The survey party on farm and local roads accomplished the following work this period:

- Route 130.2 - Keeling Road. Easements secured and staked for construction for three-eighths miles.
- Route 130.4 - Johnson Road. Two miles staked for construction.
- Route 130.5 - Shaw Creek Road. Preliminary reconnaissance made on alternate route.
- Route 132.1 - Moore-Cartwright-Conn Extension. This report covers the two petitions 51-9 and 50-3 which were consolidated and revised. Three miles staked for construction.
- Route 132.1 - Bjerremark Road. Three quarters of a miles staked for construction.
- Route 132.1 - Becker-Dale-Conn Road. Twenty five foot wooden trestle staked for construction.
- Route 632.1 - Wolff Run Road. Easements secured and staked for construction for three quarters of a mile. One half mile through property of Alaska Railroad

31/7/52

Mr. William J. Niemi

September 10, 1952

Telephone poles on the east approach should be painted to warn traffic on that end.

It is also recommended that after the piles of trees are burned that the strip be widened another 25 feet on the north side.

Farm and Industrial

Route 130.2 - W.O. 363 (Nordale-Freeman-Tonseth Road)

This project was worked on until the allotted funds expired. Much frozen ground was encountered this period. To complete this project the following work must be performed:

- (a) Install two 18 inch by 13 inch culverts.
- (b) Place 2-36" culverts at one crossing.
- (c) Place a small bridge or large culverts at another crossing.
- (d) Rough grade one-fourth mile.
- (e) Finish grade the whole project.

	<u>Previous</u>	<u>This Period</u>	<u>To Date</u>
Cleared and grubbed	0.75 miles	0.75 miles	1.50 miles
*Graded	0.75 "	0.50 "	1.25 "
Gravel surfaced	0.00 "	0.00 "	0.00 "
Crushed gravel surfaced	0.00 "	0.00 "	0.00 "
Personnel (end of period)		- 0 classified	
		- 0 wageboard	

Route 130.2 - W.O. 363 (Keeling Road)

This project was completed.

	<u>Previous</u>	<u>This Period</u>	<u>To Date</u>
Cleared and grubbed	0.00 miles	0.38 miles	0.38 miles
*Graded	0.00 "	0.38 "	0.38 "
Gravel Surfaced	0.00 "	0.00 "	0.00 "
Crushed gravel surf.	0.00 "	0.00 "	0.00 "
Personnel (end of period)		- 0 classified	
		- 0 wageboard	

Route 132.1 - W.O. 363 (Bjerremark Road)

This project was completed except for two small culverts.

	<u>Previous</u>	<u>This Period</u>	<u>To Date</u>
Cleared and grubbed	0.00 miles	1.00 miles	1.00 miles

Mr. William J. Niemi

September 10, 1952

	<u>Previous</u>	<u>This Period</u>	<u>To Date</u>
*Graded	0.00 miles	1.00 miles	1.00 miles
Gravel surfaced	0.00 "	0.00 "	0.00 "
Crushed gravel surf.	0.00 "	0.00 "	0.00 "

Personnel - 4 classified
4 wageboard

Route 132.1 - W.O. 363 - (Moore-Cartwright-Conn Extension)

This section is very wet and swampy. Rough grading has been completed for a distance of two miles. The material forming the subgrade will require considerable draining in order to stabilize sufficiently to permit finish grading. This project has progressed to the extent of the allotted funds. In addition to another mile of construction we must cross two sloughs with two 36 inch culverts and approximately sixty feet of fill.

	<u>Previous</u>	<u>This Period</u>	<u>To Date</u>
Cleared and grubbed	0.00 miles	2.00 miles	2.00 miles
*Graded	0.00 "	2.00 "	2.00 "
Gravel surfaced	0.00 "	0.00 "	0.00 "
Crushed gravel surf.	0.00 "	0.00 "	0.00 "

Personnel (end of period) - 0 classified
0 wageboard

Route 132.1 - W.O. 363 (Dale-Becker-Conn Road)

The twenty-five foot bridge is complete with the exception of backing plank, approach fills and railing. The second bridge contemplated will be replaced with 36 inch culverts.

	<u>Previous</u>	<u>This Period</u>	<u>To Date</u>
Cleared and grubbed	0.00 miles	0.00 miles	0.00 miles
Graded	0.00 "	0.00 "	0.00 "
Gravel surfaced	0.00 "	0.00 "	0.00 "
Crushed gravel surf.	0.00 "	0.00 "	0.00 "

Personnel (end of period) - 0 classified
4 wageboard

Maintenance and General

Routine maintenance was performed on the Elliot and Steese Highways throughout the period.

SMALL TRACTS No. 15

N 89° 56' 00" W

HENRY J. EARNEST

MOORE - CARTWRIGHT

ROAD

COMPLETE ROAD

R.O.W. 100'

0+00

1/4 Cor.

21

19

1/4 cor.
20

20

JOHN E. GUDSCHINSKY

WARRELL W. CARTWRIGHT

PEGGER ROAD

88° 50'

19 20

30 29

T. 1 S.

UNITED STATES DEPARTMENT OF INTERIOR
ALASKA ROAD COMMISSION
FAIRBANKS ALASKA

AS CONSTRUCTED
MOORE-CARTWRIGHT ROAD

DRAWN BY C.H.T.
CHECKED BY

DATE 1/4/55

SCALE 1" = 400'

BOOK 391 PAGE 59
Fairbanks Recording District

BOOK 391 PAGE 59
Anchorage Recording District
BOOK *wise* PAGE 119
Rampart Recording District
BOOK 8 PAGE 49
Manley Hot Springs Recording District

ALASKA
FEDERAL-AID SECONDARY HIGHWAY SYSTEM, CLASS "B" ROUTES

BOOK 7 PAGE 135
Fort Gibbon Recording District

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BOOK 2 PAGE 221
Nulato Recording District

BOOK 7 PAGE 556
Mt. McKinley Recording District

BOOK 6 PAGE 268
Kuskokwim Recording District

BOOK 17 PAGE 243
Bethel Recording District

FAS Route No.	Name	Description	Highway District No.	Constructed Mileage	System Mileage
6491	Ester Dome Road-St. Patrick's Goldstream	From FAP Route 37 branching north and west through the Ester Dome mining area. The north branch loops northeasterly to FAS Route 651.	20	7.8	7.8
6501	Bennett Road	From FAS Route 6502 southeasterly to FAS Route 650.	20	1.5	1.5
6502	Steele Creek Branch	From FAP Route 61 looping north and then easterly through the Steele Creek homestead area to FAS Route 650.	20	3.9	3.9
6570	Becker-Dale-Conn Road	From Fairbanks International Airport west and south to Becker-Dale-Conn subdivisions with a spur north to Chena River.	20	2.7	2.7
6571	Pikes Landing Road	From FAP Route 62 spur west and north to Pike's Landing.	20	1.0	1.0
6611	Alston-Davis Spurs	Two spurs southwest of Fairbanks, one leading north and one leading south into homesite areas from FAS Route 661 at the same point.	20	0.5	0.5
6651	Moore-Cartwright Road	From FAS Route 665 westerly into a homestead area.	20	2.0	2.0
6652	Peger Road	From FAS Route 665 south through an industrial area to the Tanana River.	20	1.0	1.0
6653	Cushman Street Extension	From FAS Route 665 south through an industrial area.	20	0.7	0.7

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Home

U.S. DEPARTMENT OF THE INTERIOR **BUREAU OF LAND MANAGEMENT**
Alaska State Office**Alaska Case Retrieval Enterprise System (ACRES)**

Note: Reports are generated from a replicated database. Information can be one week old.

Case Abstract for: AKF 011964

CASE DATA						
Case Serial Num:	AKF 011964			FRC Site Code:	WAS	
Case Type:	291300 Small Tract Leases			Accession Num:	--	
Case Status:	Closed			Box Num:	-- (of) --	
Case Status Actn:	Case Closed			Disp Date:	--	
Case Status Date:	18-FEB-1959			Location Code:	ARCHIVE	
SM Acres:	0.0000			Abnd Yr:	--	
Claim Name:	--					

CUSTOMER DATA			
Cust ID:	000058828		
Customer Name:	AULT WILLIAM LEE	Interest Relationship:	Applicant
Customer Address:	Withheld	Percent Interest:	0.0000

ADMINISTRATIVE/STATUS ACTION DATA						
Date	Code Description:	Remarks	Doc ID	Ofc	Emp	Doc Img *
03-NOV-1954	001 Apln Recd/Case Establi	APPLICATION RECEIVED	--	PSF	DLC	--
15-NOV-1954	176 Lease Issued	LEASE	--	AJA	DLC	--
05-DEC-1956	521 Field Report Received	--	--	AJA	DLC	--
20-NOV-1957	523 Purchase Apln Recd	--	--	AJA	DLC	--
19-FEB-1958	521 Field Report Received	--	--	AJA	DLC	--
01-APR-1958	087 Purchase Price Request	--	--	AJA	DLC	--
16-DEC-1958	879 Patent Issued	--	PA0001189388	AJA	DLC	
18-FEB-1959	970 Case Closed	TITLE TRSF	--	PSA	DLC	--
27-AUG-1992	996 Converted To Prime	--	--	940	BKM	--

FINANCIAL ACTION DATA						
Date	Code/Description	Ofc	Emp	Money Amt	Acct Adv	Asmt Yr
03-Nov-1954	094 Rental Received	AJA	DLC	10.00	--	--
03-Nov-1954	072 Filing Fee Received	PSF	DLC	10.00	--	--
06-Jun-1958	088 Purchase Price Receive	AJA	DLC	250.00	--	--

GENERAL REMARKS
No Case Remarks found

GEOGRAPHIC NAMES
No Geonames found

LAND DESCRIPTION

Mr	Twp	Rng	Sec	Aliquot	Survey ID	Tr	Blk	Lot	Di	Bor	NR	LS	Acres	View MTP
13	001 S	001 W	020	--	--	--	--	44	02	090	11	PA	2.5000	<input type="button" value="View MTP"/>
Doc ID: PA0001189388 16-Dec-1958 USR: 026 754														
													Total Case Acres:	2.5000
CASE ACRES ANALYSIS														
													Conveyed:	2.5000
													Total:	2.5000
													Patented:	2.5000
													Total:	2.5000

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 For case data information/help, contact the BLM Alaska Public Information Center at (907) 271-5960.

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[Tuesday, February 09, 2010 at 09:39:46 (AKST)]

Fairbanks 011964

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, a certificate of the Land Office at Fairbanks, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to the act of Congress of June 1, 1938 (52 Stat. 609), as amended by the Act of July 14, 1945 (59 Stat. 467), and the acts supplemental thereto, the claim of William Lee Ault

has been established and that the requirements of law pertaining to the claim have been met, for the following-described land:

Fairbanks Meridian, Alaska.

T. 1 S., R. 1 W.,

Sec. 20, Lot 44.

The area described contains **2.50** acres, according to the official plat of the survey of the said land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, DOES HEREBY GRANT unto the said claimant and to the heirs of the said claimant the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to (1) any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; (2) the reservation of a right-of-way for ditches or canals constructed by the authority of the United States, in accordance with the act of August 30, 1890 (26 Stat., 391, 43 U. S. C. sec. 945), and (3) the reservation of a right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under authority of the United States or by any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat., 418, 48 U. S. C. sec. 321d). There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with section 1 of the act of March 12, 1914 (38 Stat., 305, 48 U. S. C. sec. 305)

Excepting and reserving, also, to the United States all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938.

This patent is subject to a right-of-way not exceeding 33 feet in width, for roadway and public utilities purposes, to be located along the south and east boundaries of said land.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **SIXTEENTH** day of **DECEMBER** in the year of our Lord one thousand nine hundred and **FIFTY-EIGHT** and of the Independence of the United States the one hundred and **EIGHTY-THIRD**.

[SEAL]

For the Director, Bureau of Land Management.

By W. L. Seal
Chief, Patents Section.

Patent Number 1150333