

PLAINTIFF
EXHIBIT NO. 6
ADMITTED

(CASE NUMBER)



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

E. L. ROY DUCE, individually and as)
trustee of the Sykes Childrens Trusts, and)
DWANE J. SYKES, Plaintiffs,)

vs)

CASSIAR HEIGHTS PROPERTIES INC, an Alaskan)
corporation, RUDOLF L. GAVORA, JENA D. GAVORA,)
JAMES K. BUTTON, JENNIFER B. BUTTON,)
CHARLES E. HOLYFIELD, NILDA L. HOLYFIELD,)
MARK O. SYKES,)

ET AL)

CASE No. 4FA-04-2827 CI

AFFIDAVIT OF MARTIN GUTOSKI

STATE OF ALASKA)
) ss.
Fourth Judicial District)

Martin Gutoski, being first duly sworn upon his oath, deposes
and states:

1. I am a Senior Platting Officer in the Community Planning
Department of the Fairbanks North Star Borough.

2. The attached photographs (see Exhibits 1, 2 and 3) were
taken by Lori Ann Quakenbush to provide a presentation to the
Platting Board with regard to the Vacation of the Right of Way,
VA001-06.

3. The photographs were taken a few days prior to a July 27,
2005 hearing.

4. Exhibit One is a picture of Todd Boyce, transportation
planner for the Fairbanks North Star Borough. He is standing on
the property in question, TL 2847, owned by the Hollyfields.

5. Exhibit Two is a picture of the property in question, TL
2847, owned by the Hollyfields. The crate held up by the board

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

identified the section line. To the left of the section line is a visible building.


6. Exhibit Three is a picture of Charles and Nilda Hollyfields, owners of the property in question, TL 2847, standing on their property near the telephone pole on their property. This picture was provided to the Borough by the Holyfields.

7. These pictures are true and correct copies of the photographs which are part of the public record.


8. The attached exhibits, ⁴⁻¹⁶ concerning VA001-06 are true and correct copies of the documents which are part of the public record.

Further affiant sayeth naught.

Dated this 3rd day of April, 2006, at Fairbanks, Alaska.


Martin Gutoski

SUBSCRIBED and SWORN to before me this 3rd day of April, 2006.


Notary Public in and for Alaska
My Commission Expires: 12-9-07

CERTIFICATE OF SERVICE

I hereby certify that on the the day below written, a true and correct copy of the foregoing document was delivered via courier upon:

John J. Burns, Borgeson & Burns
Attorney for Rudolf Gavora/Jena Gavora,
James Button/Jennifer Button, Cassiar Heights
Properties Inc. & William Mattice
100 Cushman St., Suite 311
Fairbanks, AK 99701

Lynn E. Levengood
Downes, MacDonald & Levengood
Attorney for Charles Holyfield/Nilda Holyfield
1008 16th Avenue, Suite 200

Duce v. Cassiar Heights Properties, Inc. et al, Case No. 4FA-04-2827 CI
Affidavit of Martin Gutoski

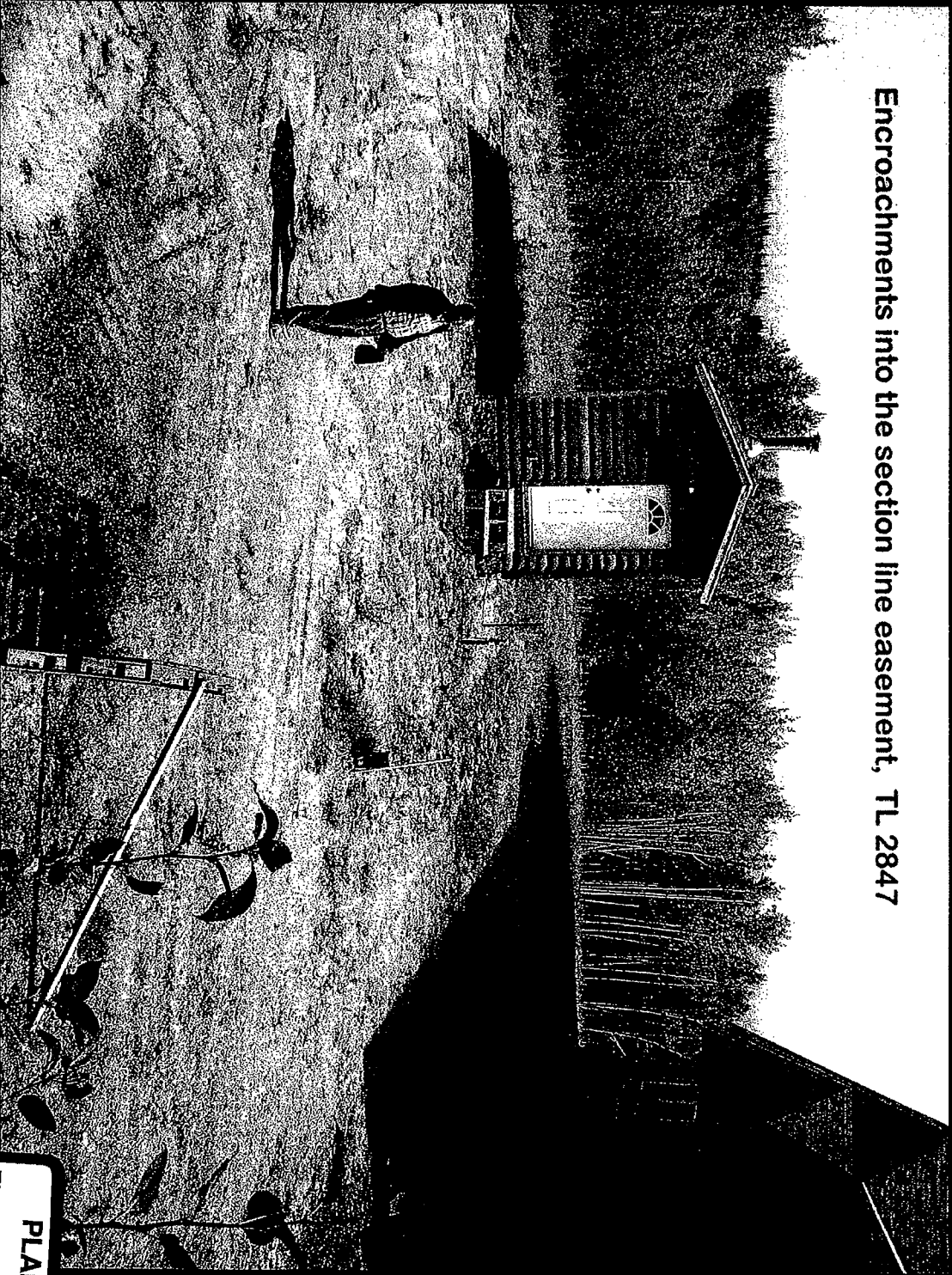
Fairbanks, AK 99701

15 | 4/3/06
Office of Valerie M. Therrien

Duce v. Cassiar Heights Properties, Inc. et al, Case No. 4FA-04-2827 CI
Affidavit of Martin Gutoski

VA 001-06

Encroachments into the section line easement, TL 2847



PLAINTIFF

EXHIBIT NO. 1

ADMITTED

(CASE NUMBER)

PLAINTIFF
EXHIBIT NO. 2
ADMITTED
(CASE NUMBER)

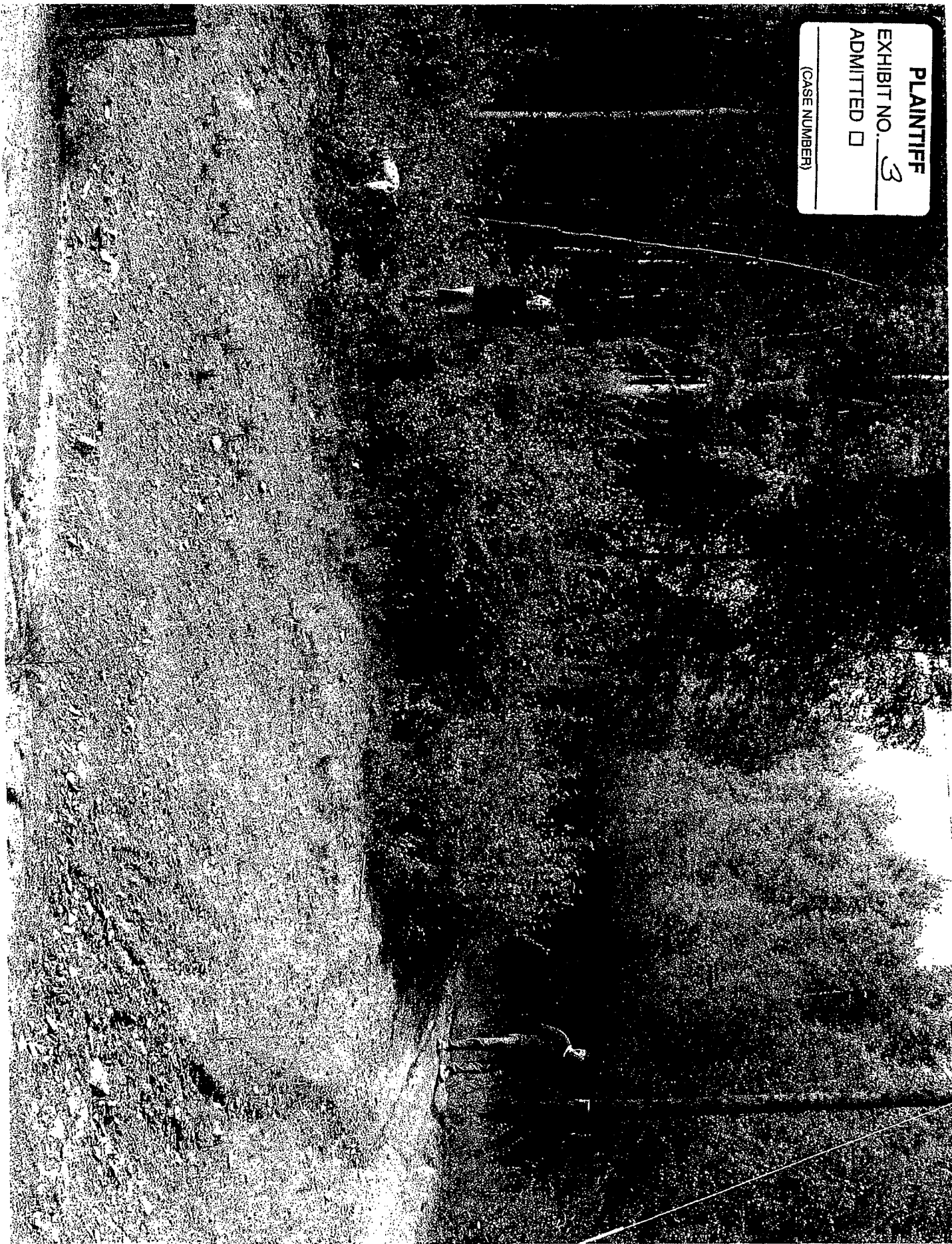


PLAINTIFF

EXHIBIT NO. 3

ADMITTED

(CASE NUMBER)



VA 001-06 – A request by RCH Surveys, Ltd. for Cassiar Heights Properties, Inc., et al to vacate a portion of the 66' section line easement common to Sections 20 & 29 within Lots 5, 6, 7, and 12, Block 3, Cassiar Heights, Lot 13, Block 3, Cassiar Heights, 2nd Addition and TL 2066; to vacate a portion of the 66' section line easement common to Sections 28 & 29 within TL 2047, TL 2849, Lots 13 and 14, Block 3 Cassiar Heights, 2nd Addn., and Tract A-2, Cassiar Heights, 3rd Addn., and to vacate a portion of the section line easement along the north boundary of Section 28 within TL 2847, all within T1N, R2E, F.M.

PLAINTIFF
EXHIBIT NO. <u>4</u>
ADMITTED <input type="checkbox"/>
_____ (CASE NUMBER)

PRELIMINARY PLATTING APPLICATION

NOTE: An informal pre-application conference by appointment with FNSB staff prior to the submittal of this application is encouraged.

Applicant: RCH Surveys Ltd.

Mailing Address: 348 Driveway St. Fairbanks, AK 99701

VA001-06

Telephone: Work 907-451-7411 Home _____

Surveyor: RCH Surveys Ltd.

PROPERTY INFORMATION

Legal description of property involved in this request (as shown on attached title report)

Within in SE1/4 SE1/4 Sec 20 and NW1/4 NW1/4 Sec 28 and NE1/4 NE1/4 Sec 29

Please include Secs. 20, 28 & 29 T 1 N. R. 2 E. F.M., Ak.

Existing Zone: Road Service Area: NA per FNSB GIS Mapping

Total Acreage: NA No. of Lots Resulting: NA Size of each lot: NA

Describe the proposed change: _____

PLAINTIFF
EXHIBIT NO. 5
ADMITTED
(CASE NUMBER)

Proposed name [non-duplicate] for new subdivision/waiver: NA

FOR VACATION, COMPLETE THIS SECTION ALSO

Legal description of area to be vacated: Section Line Easements that exist within the above described property

- Dedicated public right-of-way---street name _____
 - Section line easement---width of easement 33' & 66'
 - Park or public area _____
 - Trail easement---width of easement _____
- Designation in FNSB Comprehensive Trail Plan _____

JUN 17 2003

The Platting Board deems the area for which vacation is requested to be of value to the public. The applicant must show that the area proposed for vacation is no longer practical for the uses or purposes authorized or that other provisions have been made which are more beneficial to the public.

Justification for requested vacation (attach separate page if necessary): _____

St. Elias Drive and Misty Fjords Court provide constructed platted access.

]

ATTACHMENTS REQUIRED (all applications)

1. 15 copies of accurate, to scale, preliminary sketch (one copy 8½"x11"), showing:

A. The original tract of land

B. A delineation of the proposal, including the following:

- | | |
|--------------------|-------------------------------|
| (1) all dimensions | (4) existing survey monuments |
| (2) bearings | (5) topography |
| (3) areas | (6) grade information |

C. Improvements on the land, such as

- | | |
|---|-------------------------------------|
| (1) existing utilities | (3) existing structures, driveways, |
| (2) existing wells, septic systems, buried tanks, vents, etc. | |

D. Existing and proposed dedicated roads or nature of public access. (Access to each parcel must be via a public right-of-way. See FNSB 17.90.020.) *If access is via a section line easement, attach a completed section line easement research form.*

Describe access: platted access via Cassiar Heights

E. Existing and proposed utility easements

F. Ground water level

G. If any of property is in Flood Zone A, spot elevations and reference datum to mean sea level are required.

H. Trail(s) existing or proposed for dedication

2. Comments from affected agencies or satisfactory evidence that they received the plat or sketch ten (10) working days prior to submittal date: **DO NOT HAVE AGENCY LETTERS SENT DIRECTLY TO FNSB PLATTING. Letters must accompany the application.**

- | | |
|--|---|
| <input checked="" type="checkbox"/> ACS | <input type="checkbox"/> GC Cablevision |
| <input type="checkbox"/> ADF&G | <input checked="" type="checkbox"/> GCI Cable |
| <input type="checkbox"/> ARR | <input checked="" type="checkbox"/> GVEA |
| <input type="checkbox"/> City of Fairbanks ~ steam | <input type="checkbox"/> Road Service Area Commission |
| <input type="checkbox"/> City of North Pole | <input type="checkbox"/> SCS |
| <input type="checkbox"/> DNR | <input type="checkbox"/> US Army Corps of Engineers |
| <input checked="" type="checkbox"/> DOT | <input type="checkbox"/> US EPA Reg 10 – Storm Water |
| <input type="checkbox"/> Fbks Natural Gas | <input type="checkbox"/> Utility Services of AK ~ water / sewer |
| | <input type="checkbox"/> Valley Water |

3. Appropriate fee

4. Current certificate to plat (or title report) for all properties involved in the plat with legible copy of all documents identified within that report

5. Any property owner agreement, such as restrictive covenants

6. 8½" x 11" transparency of preliminary sketch suitable for overhead projection

7. Owner signatures on attached form

8. Completed Preliminary Submittal Checklist

Note that within 24 months after Platting Board approval, a suitable plat or final document(s) meeting the conditions of Platting Board approval and requirements of FNSB Code must be prepared and submitted to the FNSR Planning

FAIRBANKS TITLE AGENCY

Your Team ♦ 714 Third Avenue, Fairbanks, Alaska 99701
907 / 456-6626 ♦ Fax-Title 452-5406 ♦ Fax-Escrow 457-7676 ♦ team@ftatitle.com

TO: RCH SURVEYS

ATTN: Richard Heieren

VA001-06



PLAINTIFF
EXHIBIT NO. <u>6</u>
ADMITTED <input type="checkbox"/>
(CASE NUMBER)

**Fairbanks Title Agency and the Recorder's Office
will be closed July 4th for Independence Day.**

Complete
Title & Escrow
Services



FAIRBANKS TITLE AGENCY

TEAM APPROACH

714 Third Avenue, Fairbanks, AK 99701

907-456-6626 ♦ TITLE FAX 907-452-5406 ♦ ESCROW FAX 907-457-7876

Richard Heieren
RCH SURVEYS
348 Driveway Street
Fairbanks, AK 99701

PLATTING CERTIFICATE

- FILE NUMBER: 63865
- EFFECTIVE DATE: May 31, 2005 at 8:00 a.m.
- FEE: \$950.00
- VESTING:
 - MICHAEL R. LUND and DEANNA LUND, husband and wife as to Parcel I
 - JEFFREY D. LANGBERG and DEANNA L. LANGBERG, husband and wife as to Parcels II and III
 - RUDOLF L. GAVORA and JENA D. GAVORA, husband and wife as to Parcel IV
 - CASSIAR HEIGHTS PROPERTIES, INC., an Alaska corporation as to Parcels V and VII — ?
 - JAMES K. BUTTON and JENNIFER B. BUTTON, husband and wife as to Parcel VI
 - CHARLES E. HOLYFIELD and NILDA L. HOLYFIELD, husband and wife as to Parcel VIII
 - JOHN E. LOWE IV and TANIA H. CLUCAS as to Parcel IX
 - RICHARD L. PANTELEEFF and DEBRA A. STRINGER, husband and wife as to Parcel X
- LEGAL DESCRIPTION:
SEE ATTACHED EXHIBIT 'A'

EXHIBIT 'A'

PARCEL I:

Lot Five (5), Block Three (3), CASSIAR HEIGHTS, according to the plat filed June 21, 1994 as Plat Number 94-74; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

PARCEL II:

Lot Six (6), Block Three (3), CASSIAR HEIGHTS, according to the plat filed June 21, 1994 as Plat Number 94-74; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

PARCEL III:

Lot Seven (7), Block Three (3), CASSIAR HEIGHTS, according to the plat filed June 21, 1994 as Plat Number 94-74; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

PARCEL IV:

Lot Twelve (12), Block Three (3), CASSIAR HEIGHTS, according to the plat filed June 21, 1994 as Plat Number 94-74; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

PARCEL V:

~~Lots Thirteen (13) and Fourteen (14), Block Three (3), CASSIAR HEIGHTS, SECOND ADDITION, according to the plat filed March 15, 2000 as Plat Number 2000-29; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.~~

PARCEL VI:

Tract A-2, CASSIAR HEIGHTS, THIRD ADDITION, according to the replat filed January 21, 2003 as Plat Number 2003-6; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

PARCEL VII:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Twenty-Nine (29), Township One North (T1N), Range Two East (R2E), Fairbanks Meridian; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

EXCEPTING THEREFROM any portion lying within Cassiar Heights according to the plat filed June 21, 1994 as Plat Number 94-74 AND Cassiar Heights, Second Addition according to the plat filed March 15, 2000 as Plat Number 2000-29.

(Also referred to as Tax Lot 2066, per the Fairbanks North Star Borough.)

PARCEL VIII:

The West Half (W/2) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section Twenty-Eight (28), Township One North (T1N), Range Two East (R2E), Fairbanks Meridian, located in the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

(Also referred to as Tax Lot 2847, per the Fairbanks North Star Borough.)

PARCEL IX:

The West Half (W/2) of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section Twenty-Eight (28), Township One North (T1N), Range Two East (R2E), Fairbanks Meridian; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

(Also referred to as Tax Lot 2849, per the Fairbanks North Star Borough.)

PARCEL X:

The Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section Twenty-Eight (28), Township One North (T1N), Range Two East (R2E), Fairbanks Meridian; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

EXCEPTING THEREFROM the following described four parcels:

PARCEL I:

The West Half (W1/2) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section Twenty-Eight (28), Township One North (T1N), Range Two East (R2E), Fairbanks Meridian; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

PARCEL II:

That portion of the South Half (S1/2) of the South Half (S1/2) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section Twenty-Eight (28), Township One North (T1N), Range Two East (R2E), Fairbanks Meridian; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

BEGINNING at the Southeast corner of the West Half (W1/2) of the West Half (W1/2) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section; **THENCE** South 89°56'33" East, along the South line of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section, a distance of 478.57 feet to the approximate centerline of a constructed roadway; **THENCE** along the aforementioned approximate centerline the following six courses and distances, North 27°47'18" East a distance of 83.58 feet, North 07°47'20" East a distance of 70.92 feet, North 40°08'00" West a distance of 88.37 feet, North 50°38'50" West a distance of 84.37 feet, North 33°59'38" West a distance of 52.23 feet, North 88°10'14" West a distance of 376.84 feet to a point on the East line of

Title File Number: 63865

the West Half (W1/2) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of said Section; THENCE along the aforementioned East line of the West Half (W1/2) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of said Section, a distance of 320.12 feet to the POINT OF BEGINNING.

PARCEL III:

The West Half (W/2) of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), Section Twenty-Eight (28), Township One North (T1N), Range Two East (R2E), Fairbanks Meridian; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

PARCEL IV:

The Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), Section Twenty-Eight (28), Township One North (T1N), Range Two East (R2E), Fairbanks Meridian AND the South 40 feet of that part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), Section Twenty-Eight (28), Township One North (T1N), Range Two East (R2E), Fairbanks Meridian, lying East of the road extending in a North and South direction across the same; Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

Title File Number: 63865

SUBJECT TO:

1. **Taxes and/or Assessments**, if any.

THE FOLLOWING AFFECTS PARCELS I, II, III, IV, V, VI AND VII:

2. **Reservations** as contained in U.S. Patent recorded February 18, 1955 in Book 72, Page 42.

3. **EASEMENT**, and the terms and conditions thereof;

DISCLOSED BY: Instrument recorded March 15, 1961
in Book 126, Page 44
GRANTEE: Golden Valley Electric Association
PURPOSE: Public Utilities and Incidental Purposes
AREA AFFECTED: Blanket

4. **EASEMENT**, and the terms and conditions thereof;

DISCLOSED BY: Instrument recorded November 20, 1969
in Book 237, Page 218
GRANTEE: Golden Valley Electric Association
PURPOSE: Public Utilities and Incidental Purposes
AREA AFFECTED: Blanket

5. **Protective Covenants** recorded June 21, 1994 in Book 861, Page 334 and Amendment recorded July 29, 2003 as Instrument Number 2003-018380.

AFFECTS: Parcels I - VI

6. **Easements and Notes** as shown on the plat.

7. **DEED OF TRUST**, and the terms and conditions thereof;

TRUSTOR: Jeffrey D. Langberg and Deanna L. Langberg,
husband and wife
TRUSTEE: Fairbanks Title Insurance Agency, Inc.
BENEFICIARY: First National Bank Alaska
PRINCIPAL AMOUNT: Stated to be \$239,500.00
DATED: April 10, 2003
RECORDED: April 11, 2003
INSTRUMENT NUMBER: 2003-008363
AFFECTS: Parcel III

NOTE: The holders of this note/indebtedness should be contacted for all pertinent information including the present amount due.

Title File Number: 63865

8. **DEED OF TRUST**, and the terms and conditions thereof;
TRUSTOR: Rudolf L. Gavora and Jena D. Gavora,
husband and wife
TRUSTEE: Fairbanks Title Agency, Inc.
BENEFICIARY: Denali State Bank
PRINCIPAL AMOUNT: Stated to be \$247,000.00
DATED: February 11, 2002
RECORDED: February 15, 2002
INSTRUMENT NUMBER: 2002-003493
AFFECTS: Parcel IV

NOTE: The holders of this note/indebtedness should be contacted for all pertinent information including the present amount due.

9. **DEED OF TRUST**, and the terms and conditions thereof;
TRUSTOR: James K. Button and Jennifer B. Button,
husband and wife
TRUSTEE: Fairbanks Title Agency, Inc.
BENEFICIARY: Denali State Bank
PRINCIPAL AMOUNT: Stated to be \$215,000.00
DATED: February 18, 2003
RECORDED: February 24, 2003
INSTRUMENT NUMBER: 2003-004284
AFFECTS: Parcel VI

Said Deed of Trust was assigned by document recorded February 27, 2003 as Instrument Number 2003-004647;

ASSIGNEE: Alaska Housing Finance Corporation,
its successors and/or assigns

NOTE: The holders of this note/indebtedness should be contacted for all pertinent information including the present amount due.

, 2001

berg

Quarter (SE¼) of Section
banks Meridian, Alaska (as
cribed as follows:

Block 3 (as shown on the
North 82°24'37" East, a
jords Court; THENCE
distance of 52.41 feet to a
Block 3; THENCE along the
3" West, a distance of

of said land lying within a

ok 142, Page 74.

070

ion
urposes

r 11, 1985

is and who acquired

of said land lying within a

Title File Number: 63865

16. **DEED OF TRUST**, and the terms and conditions thereof;
TRUSTOR: Charles E. Holyfield and Nilda L. Holyfield,
husband and wife
TRUSTEE: Fairbanks Title Agency, Inc.
BENEFICIARY: Denali State Bank
PRINCIPAL AMOUNT: Stated to be \$330,000.00
DATED: June 10, 2004
RECORDED: June 15, 2004
INSTRUMENT NUMBER: 2004-012891
AFFECTS: Parcel VIII

Said Deed of Trust was assigned by document recorded June 15, 2004 as Instrument Number 2004-012892;

ASSIGNEE: Alaska Housing Finance Corporation,
its successors and/or assigns

NOTE: The holders of this note/indebtedness should be contacted for all pertinent information including the present amount due.

17. **DEED OF TRUST**, and the terms and conditions thereof;
TRUSTOR: Richard L. Panteleeff and Debra A. Stringer,
husband and wife
TRUSTEE: Yukon Title Company, Inc.
BENEFICIARY: Denali State Bank
PRINCIPAL AMOUNT: Stated to be \$224,000.00
DATED: September 15, 2004
RECORDED: September 16, 2004
INSTRUMENT NUMBER: 2004-020839

NOTE: The holders of this note/indebtedness should be contacted for all pertinent information including the present amount due.

THE FOLLOWING AFFECTS ALL PARCELS:

18. **No search of the public records for UCC filings**, including but not limited to any purchase money security interest in fixtures on the real estate herein described pursuant to Alaska Statute AS 45.09.2313 and any amendments thereto, has been made.
19. **Rights of parties in possession.**

NOTE: This report is restricted to the use of the addressee and is not to be used for closing any transaction affecting title to said property. Liability of the company is limited to the amount paid herein.


Fairbanks Title Agency

June 20, 2005

Loriann Quakenbush

From: Loriann Quakenbush
Sent: Wednesday, July 13, 2005 11:05 AM
To: 'Richard Heieren'
Subject: Attention Jeremy - Cassiar Hts. S.L.E. Vacation App

Jeremy,
Title 17.40.020 requires a petition be signed by the owners of the majority of the land fronting the area being vacated.

There are four properties fronting the 33' section line easement along the east boundary of Section 20; however, we only have signatures from two.

Adjoining properties include:

- TL 2027 owned by Roy L. Duce - No signature on file.
- TL 2120 owned by Joy Fair - No signature on file.
- TL 2065 owned by Cassear Hts. Properties, Inc. - Signature on file.
- Lot 12, Blk 3, Cassear Hgts owned by Rudolf & Jena Gavora - Signature on file.

In order to process the vacation of that particular section line easement, we will need the petition signed by at least one additional property owner.

If you have any questions, please let me know.

Thanks,
Loriann

PLAINTIFF
EXHIBIT NO. <u>7</u>
ADMITTED <input type="checkbox"/>
_____ (CASE NUMBER)

Loriann Quakenbush

From: Richard Heieren [rchassoc@alaska.net]
Sent: Wednesday, July 13, 2005 11:47 AM
To: Loriann Quakenbush
Cc: Dan Gavora
Subject: Re: Attention Jeremy - Cassiar Hts. S.L.E. Vacation App

Loriann

Sorry for the confusion. I was under the mistaken belief that a Mr. Dwayne Sykes owned both parcels. By cc of this email I'm contacting one of the owners to see how the petitioners would like to proceed.

Richard Heieren

----- Original Message -----

From: "Loriann Quakenbush" <lquakenbush@co.fairbanks.ak.us>
To: "'Richard Heieren'" <rchassoc@alaska.net>
Sent: Wednesday, July 13, 2005 11:04 AM
Subject: Attention Jeremy - Cassiar Hts. S.L.E. Vacation App

> Jeremy,
> Title 17.40.020 requires a petition be signed by the owners of the majority
> of the land fronting the area being vacated.
>
> There are four properties fronting the 33' section line easement along the
> east boundary of Section 20; however, we only have signatures from two.
>
> Adjoining properties include:
>
> - TL 2027 owned by Roy L. Duce - No signature on file.
> - TL 2120 owned by Joy Fair - No signature on file.
> - TL 2065 owned by Cassear Hts. Properties, Inc. - Signature on
> file.
> - Lot 12, Blk 3, Cassear Hgts owned by Rudolf & Jena Gavora -
> Signature on file.
>
> In order to process the vacation of that particular section line easement,
> we will need the petition signed by at least one additional property
> owner.
>
> If you have any questions, please let me know.
> Thanks,
> Loriann

OWNERSHIP



Signatures of all legal owners are required on this application. If signing for provide proof of authority to sign.

For vacations, signatures of owners of a majority of the land adjoining the proposed vacation must be submitted. This does not apply to public utility easement vacations.

By this signature, owners authorize processing of this application and site inspection of land involved.

Name (print): Cassiar Heights Properties Inc. Phone: 488-9200
Signature: [Signature] Pres.
Mailing Address: P.O. Box 70021 Fairbanks AK ZIP: 99707
Property Owned: Tax Lot 2065 Sec. 20 T1N R2E FM Ak & Lots 13 and 14 Blk 3 Cassiar Hqths

Name (print): Charles E. & Nilda L. Holyfield Phone: (907) 488-6149
Signature: [Signatures]
Mailing Address: 1065 Roberts Road Fairbanks AK 99712 ZIP: 99712
Property Owned: Tax Lot 2847 Sec 28 T1N R2E FM Ak

Name (print): John E. Lowe and Tania H. Clucas Phone: (907) 488 4708
Signature: [Signatures]
Mailing Address: PO Box 83827 Fairbanks, AK 99708 ZIP: 99708
Property Owned: Tax Lot 2849 Sec 28 T1N R2E FM Ak

Name (print): Rudolph L. & Jena D. Gavora Phone: 488-6662
Signature: [Signature]
Mailing Address: Box 70021 Fairbanks, AK ZIP: 99707
Property Owned: Lot 12 Blk 3 Cassiar Heights

Name (print): James K. & Jennifer B. Button Phone: 488-7200
Signature: [Signatures]
Mailing Address: 2755 St. Elias Dr Fairbanks, AK ZIP: 99712
Property Owned: Trac A-2 Cassiar Heights 3rd Add.

Name (print): Jeffrey D. & Deanna L. Langberg Phone: 452-1771
Signature: [Signatures]
Mailing Address: 522 GLACIER AVE, FAIRBANKS, AK 99701 ZIP: 99701
Property Owned: Lots 6 & 7 Blk 3 Cassiar Heights

Name (print): Micheal Ray & Deanna June Lund Phone: 488-3924
Signature: [Signatures]
Mailing Address: 940 Corcoran North Pole AK ZIP: 99705
Property Owned: Lot 5 Blk 3 Cassiar Heights

WAC001-06

Community Planning/Platting

VAC01-06

PRELIMINARY REVIEW OF _____

MEETING: July 27, 05

- Make comments on this page
- Return by TUESDAY morning July 12, 05
- Return to Loriann / Martin / Robb

If comments are not received by the above date, it will be understood that there is no comment.

TRANSPORTATION: No objection to vacations, except
for the portion of section line between Fjords
Court and the north/south section line to the east.
~~Unless~~ the surveyor shows that they would not be
needed for future road construction - small
triangular portions of the south half of the
section line between Sec. 21 and Sec. 28, and
the western half of the section line between
Sec. 20 and 21 should also be retained.
Retention of these portions of section line
may be necessary to construct the only feasible
access to TL 2120.
(See attached sheet)

r/Platting/Forms/Comments

PLAINTIFF
EXHIBIT NO. <u>10</u>
ADMITTED <input type="checkbox"/>
_____ (CASE NUMBER)

Name: Richard Panteleeff & Deb Stringer 488-4022

Richard Panteleeff Deb Stringer

695 Roberts Roost Road FBKS, AK 99712
"East Side Neighbor"

tax lot 2807 section 28

township 1 North range 2 East

VA001-06

PLAINTIFF
EXHIBIT NO. <u>11</u>
ADMITTED <input type="checkbox"/>
(CASE NUMBER)



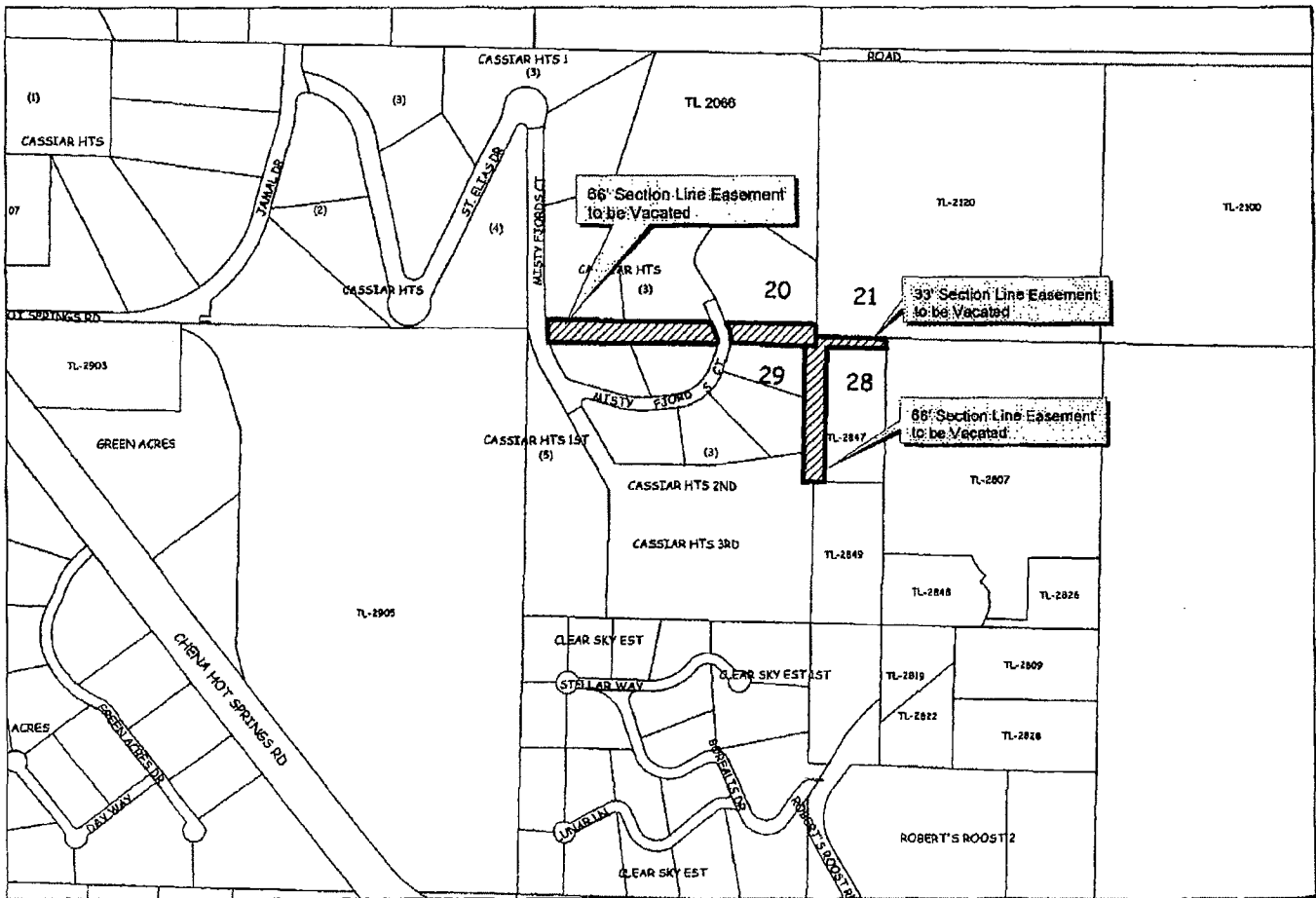
Dept. Of Community Planning
Fairbanks North Star Borough
P.O. Box 71267
Fairbanks, AK 99707

PLAINTIFF
 EXHIBIT NO. 12
 ADMITTED
 (CASE NUMBER)



PUBLIC HEARING NOTICE

FILE #: VA 001-06





NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. 118 FAIRBANKS, ALASKA

POSTAGE WILL BE PAID BY ADDRESSEE

FAIRBANKS NORTH STAR BOROUGH
PO BOX 71267
FAIRBANKS AK 99707-9977



Attn: Community Planning / PLATTING
RE: VA 001-06

Dear Property Owner:

A public hearing will be held on **WEDNESDAY, August 3, 2005**, beginning at 3:00 p.m., in the Assembly Chambers, 809 Pioneer Road, Fairbanks, Alaska, before the Platting Board of the Fairbanks North Star Borough to hear comments, if any, on the following request:

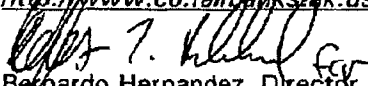
VA 001-06 - A request by RCH Surveys on behalf of Cassiar Heights Properties, Inc., et al, to vacate a portion of the 66' section line easement common to Sections 20 and 29 within Lots 5, 6, 7, and 12, Blk 3, Cassiar Heights; Lot 13, Blk 3, Cassiar Heights 2nd Addn; and TL 2066; to vacate a portion of the 66' section line easement common to Sections 28 and 29 within TL 2047, 2849, Lots 13 and 14, Blk 3, Cassiar Heights 2nd Addn, and Tract A-2, Cassiar Heights 3rd Addn; and to vacate a portion of the section line easement along the north boundary of Section 28 within TL 2847; all within T1N R2E, FM AK (located east off Misty Fjords Ct).

The Platting Board's review is limited to the technical requirements of the State and Borough subdivision ordinances, codes and statutes, health and safety issues, or hazards to property.

Anyone may speak at this public hearing or, prior to the meeting, may submit written testimony to the FNSB Department of Community Planning to be placed in the record. ***Please note: testimony may be limited to three minutes per person.***

If you have comments regarding this request, contact Loriann Quakenbush, FNSB Platting Officer, at 459-1260, FAX 459-1255, or e-mail Lquakenbush@co.fairbanks.ak.us.

Agendas, Platting Board actions, etc may be found on the **FNSB home page** <http://www.co.fairbanks.ak.us/>


Bernardo Hernandez, Director
Department of Community Planning

Name of Person Responding: _____

Your comments: _____

Please indicate property owned on the map (see reverse side) and/or legal description.

Legal Description _____

Prepared 7-29-05 by

STAFF REPORT
FNSB PLATTING BOARD

Aug 3, 2005

Loriann C. Quakenbush
Platting Officer

VA 001-06

Applicant/Surveyor:

RCH Surveys
348 Driveway St
Fairbanks AK 99701

Owner/Applicant:

Richard Panteleeff
Debra Stringer
695 Roberts Roost Rd
Fairbanks AK 99712

Cassiar Heights Properties, Inc
PO Box 70021
Fairbanks AK 99707

John Lowe / Tania Clucas
PO Box 83827
Fairbanks AK 99708

Charles and Nilda Holyfield
1065 Roberts Roost Rd
Fairbanks AK 99712

Rudolph and Jena Gavora
PO Box 70021
Fairbanks AK 99707

James and Deanna Langberg
522 Glacier Ave
Fairbanks AK 99701

Micheal Ray / Deanna Lund
940 Borda St
North Pole AK 99706

**Specific Request/
Legal Description:**

To vacate a portion of the 66' section line easement common to Sections 20 and 29 within Lots 5, 6, 7, and 12, Blk 3, Cassiar Heights; Lot 13, Blk 3, Cassiar Heights 2nd Addn; and TL 2066; to vacate a portion of the 66' section line easement common to Sections 28 and 29 within TL 2047, 2849, Lots 13 and 14, Blk 3, Cassiar Heights 2nd Addn, and Tract A-2, Cassiar Heights 3rd Addn; and to vacate a portion of the section line easement along the north boundary of Section 28 within TL 2847; all within T1N R2E, FM AK

Location/Access:

East off Misty Fjords Ct

Existing Land Use:

Parcels adjoining the subject section line easements are either vacant or developed with single family residences.

Current Zoning:

(L 5 and 12, Blk 3, Cassiar Hts and TL 2066)
RE-4 - Rural Estate
Minimum Lot Size: 160,000 sq ft / 3.67 ac
Minimum Street Setback: 35 ft
Minimum Interior Setbacks: 25 ft

(all other subject property)

GU-1 - General Use
Minimum Lot Size: 40,000 sq ft / 0.92 ac
Minimum Setbacks: 0 ft

PLAINTIFF
EXHIBIT NO. <u>13</u>
ADMITTED <input type="checkbox"/>
_____ (CASE NUMBER)

Comprehensive Plan:

Outskirts area, preferred residential

Soils:

Mainly Fairbanks silt loam with some Ester and Saulich silt loams

Flood Zone:

X

Road Service Area:

none

History:

- 6-21-94 - Cassiar Heights Subdivision recorded – Plat # 94-74.
- 1-13-95 - Cassiar Heights, 1st Addition recorded – Plat # 95-1.
- 3-15-00 – Cassiar Heights, 2nd Addition recorded – Plat # 2000-29.
- 1-21-03 – Cassiar Heights, 3rd Addition recorded – Plat # 2003-6.
- 2-20-01 – Clear Sky Estates, 1st Addition recorded – Plat # 2001-23.

Specific Request: This request is to vacate section line easements common to Sections 20 and 29, common to Section 28 and 29, and along the north boundary of Section 28.

The preliminary plat also depicts the section line easement along the east boundary of Section 20 within the SE $\frac{1}{4}$ as proposed to be vacated; however, this vacation request was withdrawn. The applicant was unable to obtain the signatures of the required number of owners on the petition.

It should be noted that the subject section line easements within the boundaries of Cassiar Heights and the 2nd and 3rd Additions were not depicted on the final plats; and therefore, the developers and owners of property within the subdivisions were unaware of their existence.

Section line easements are determined to exist based on an accepted evaluation criteria that was created by BLM in concert with John Bennett of ADOT and IRWA. The evaluation criteria did not specifically address the particular circumstances involving the homestead entries and survey dates on the properties adjoining the section lines in question, leading the surveyor to conclude that there were no section line easements. Therefore, section line easements were not depicted on the final plats. In November 2004, John Bennett reviewed the specific circumstances in this case and made the determination that section line easements do exist.

Encroachment: Currently there are encroachments into the section line easement along the north boundary of TL 2847. A 9' x 11' building and a well were inadvertently placed within the 33' easement. The encroachments appear to be located 4' south of the section line according to an as-built plot plan by Bill Blizzard.

Vacation Process: There are several steps necessary in order to carry a section line easement vacation to completion. The Platting Board review and public hearing is the first step in the process. If the Board grants preliminary approval of the request, the application is forwarded to the Assembly. The Assembly has 30 days to veto the Platting Board's approval. If the Assembly does not veto the vacation, the applicant then applies to Alaska Department of Natural Resources (ADNR). ADNR processes the application to vacate under 11AAC 51.065. If the vacation is successful under that process, the applicant may proceed with preparing the final plat for submittal to the Borough. The vacation is completed once the Borough records the final plat.

Access to Adjoining Properties: Legal and physical access to the lots within Cassiar Heights and the 2nd and 3rd Additions is via Misty Fjords Court and St. Elias Drive. Access to TL 2847 and 2849 is via Roberts Roost Road and private access easements.

There is currently no constructed access to TL 2120. Legal access to TL 2120 is via the section line easement common to Sections 20 and 29 lying west of Misty Fjords Court, which is proposed to be vacated by this plat. There is also an Alaska Division of Lands (ADL) right-of-way shown as Carterville Road along the north boundary of TL 2120 that extends east to Nine Mile Hill Road (the

not correct been using ROW since 72 with vehicles

*mention
Briice
1998
equipment*

section line common to Sections 21 and 22 and 27 and 28). Grade information for Nine Mile Hill Road and Carterville Road was not submitted with the vacation application; however, a site inspection revealed that Nine Mile Road is very steep. It is unlikely that it could qualify for access for subdivision purposes.

That portion of the section line easement common to Sections 28 and 29 lying south of TL 2849 and north of Chena Hot Springs Road was formerly vacated by the plat of Clear Sky Estates, 1st Addition, recorded February 20, 2001 (Plat # 2001-23). Therefore, TL 2120 cannot gain access to Chena Hot Springs Road via the section line common to Sections 28 and 29.

Grade Information: That portion of the section line easement common to Sections 28 and 29 that is proposed be vacated by this application has grades ranging from approximately 12 to 16% according to the contour information on the preliminary plat.

* The surveyor has submitted grade information for that portion of the section line easement common to Sections 20 and 29 lying east of Misty Fjords Court, showing an 8% average grade. That portion of the section line easement lying west of Misty Fjords Court varies but appears to be 15% in some areas.

The preliminary plat indicates the grades within the section line easement adjacent to the north boundary of Section 28 within TL 2847 range from 14 to 20%.

Property Owner Notification: Notification of the proposed section line easement was provided to all adjoining property owners and to other property owners that could potentially have an interest in retaining the section line easements for access purposes.

A notice was also sent to Duane Sykes. He filed in the Fairbanks Recording District a Notice of Interest and Objection to Any Vacation or Modification of section line easements affording access to his and his family members' parcels. Sykes family members own TL 2120 and TL 2027. Mr. Sykes was sent notification of this vacation request to his Utah address. As of 7/29/05, he has not contacted the Department of Community Planning.

In addition, a lawsuit was filed in Superior Court by Duane Sykes in December 2004 that among several other things petitions the court for a declaratory judgment affirming the validity of the section line easements within Cassiar Heights and other area properties. The current status of this court case is unknown.

According to the Borough's legal counsel, neither the Notice of Interest nor the lawsuit preclude the applicants from pursuing this vacation through the established public processes.

FNSB In-house Review:

Transportation Planner: Recommended that the section line easement common to Section 20 and 29 lying east of Fjords Court not be vacated and a triangular portion of the section line easement along the north boundary of Section 28 also be retained. Retention of these portions of the section line easements is necessary to provide what appears to be the only feasible constructed access to TL 2120. See attached Exhibit "A".

Street Addressing: Has not provided comments to date.

Public Works Engineering:

Advanced Planning/Zoning: No objection.

Trails: No objection.

Land Management: No objection.

Rural Services: No comment (area roads are not within service areas).

Agency and Utility Review:

ACS: No objection, provided existing telephone and public utility easements remain unaffected.

ADOT: No objection.

GCI: No objection.

GVEA: No objection.

Analysis: Title 17.40.020.E.1 states: "The Platting Board shall consider the merits of each vacation request and in all cases the platting board shall deem the area being vacated to be of value to the municipality. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized or that other provisions have been made which are more beneficial to the public."

The three section line easements proposed to be vacated will be examined individually for compliance with the criteria established in Title 17.40.020.E.1.

Section Line Easement, 66' wide, common to Sections 28 and 29 – This section line easement does not connect to any public right-of-way to the south as the section line easement within Clear Sky Estates, 1st Addition was previously vacated. In addition, the grades within this easement range from approximately 12 to 16%, rendering it unsuitable for a Borough standard road. **Staff concludes that this section line easement vacation request meets the criteria of Title 17.40.020.E.1 because the area proposed to be vacated is no longer practical for the uses and purposes authorized.**

Section Line Easement, 66' wide, common to Sections 20 and 29 – The grades on the portion of the section line easement lying east of Misty Fjords Court average 8%. This section line easement connects to the north / south section line easement (83' in width) within Sections 20 and 21, which has a grade averaging 2% on the south 400' according to information submitted by the surveyor. Therefore, it appears that the portion of the section line easement lying east of Misty Fjords Court could provide constructible access to TL 2120, which does not appear to have any other route of access that could be constructed to Borough standards. **Staff concludes that the section line easement common to Sections 20 and 29 lying east of Misty Fjords Court should not be vacated because it is a practical route of access to TL 2120, and other access provisions that are more beneficial are not available. Staff further concludes that that portion of the section line lying west of Misty Fjords Court meets the criteria for vacation as other access provisions have been made that are more beneficial to the public (i.e. the dedication and construction of St. Elias Drive and Misty Fjords Court).**

Section Line Easement, 33' wide, adjacent to the north boundary of Section 28 with TL 2847 – The grades range from approximately 14 to 20% within this section line easement, according to the contour information provided on the preliminary plat. The excessive grades make construction of a Borough standard road within the section line easement unrealistic. However, a small triangular portion of the section line easement in the northwestern most corner of TL 2847 may be needed to transition a road into TL 2120 from the east / west section line easement common to Sections 20 and 29. Therefore, in accordance with the Transportation Planner's

recommendation and as shown on Exhibit "A", staff will recommend retention of a small ^{33' x 33'} triangular portion of the section line easement. Staff concludes that the remainder of the 33' section line easement along the north boundary of Section 28 within TL 2847 meets the criteria of Title 17.40.020.E.1 because the area proposed to be vacated is no longer practical for the uses and purposes authorized.

Recommendation: Staff recommends preliminary approval of the vacation of that portion of the 66'-wide section line easement common to Sections 20 and 29 lying west of Misty Fjords Court; and vacation of the 66'-wide section line easement common to Sections 28 and 29; and vacation of the 33' section line easement along the north boundary of Section 28 except for a ^{33' x 33'} triangular portion in the northwest corner of TL 2847 as shown on attached Exhibit "A" with the following condition:

1. Any utilities within the section line easements proposed to be vacated be covered by public utility easements, and GVEA and ACS review and comment on the final plat utility easement provisions.

Findings of fact: Staff further recommends adoption of the following finding:

- The vacations meet the criteria established in Title 17.40.020.E.1

LQ/r1

26 DPOs sent	Opposed:	Favor:	Undeliverable:
--------------	----------	--------	----------------

Valerie M. Therrien, Attorney at Law, P.C.

A Professional Corporation

779 8th Avenue

Fairbanks, Alaska 99701

(907) 452-6195

(907) 456-5949 (Fax)

E-Mail vmtpc@gci.net

Valerie M. Therrien

Admitted Alaska Bar 1976

August 17, 2005

Hand Delivered

Re: Consent Agenda item: Vacation of Right of Way VA 001-06
My client: Dwane J. Sykes and Joy Fair

Dear Clerk, Assembly Members and Borough Attorney:

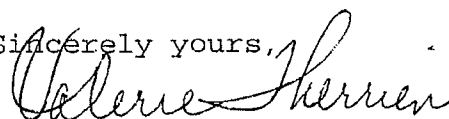
On behalf of my clients, Dwane J. Sykes and Joy Fair, I request that you pull from the consent agenda, the item concerning the vacation of the right of way regarding Cassair Heights Subdivision and Misty Fiords. My client did not get timely notice of the hearing before the Platting Board, and was unable to object to the vacation of the rights of way.

I am sending you a copy pf the recorded Notice of Interest and objection to any vacation or modification thereof that has been recorded, Instrument No 2004-028398-0 and the complaint that my clients filed to get a judgment concerning the right of ways and section line easements. The lawsuit directly involves this vacation. Our complaint specifically addresses these issues at counts 3,4,5,6,7,8,9, and 10.

We request that you review these documents and listen to my anticipated testimony at citizen's comments. We request that you do not approve this action and deny the request to vacate a portion of the section line easement.

Thank you in advance for your cooperation.

Sincerely yours,



Valerie M. Therrien

VMT/rlm
cc: Sykes
enc. as noted (11 copies)



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

E. L. ROY DUCE, individually and as trustee of the Sykes Childrens Trusts, and DWANE J. SYKES, Plaintiffs,

vs

CASSIAR HEIGHTS PROPERTIES INC, an Alaskan corporation, RUDOLF L. GAVORA, JENA D. GAVORA, JAMES K. BUTTON, JENNIFER B. BUTTON, CHARLES E. HOLYFIELD, NILDA L. HOLYFIELD, MARK O. SYKES, individually and as a Trust Beneficiary of the Sykes Childrens Trusts, CLINTON D. SYKES, individually and as a Trust Beneficiary of the Sykes Childrens Trusts, DENNIS L. SYKES, a.k.a. DENNIS LYNN SYKES, individually and as a former Trustee of the Sykes Childrens Trusts, CARL R. HERNING, MATTIE LEE HERNING, WILLIAM H. MATTICE, and his unknown heirs or assigns, YUKON TITLE COMPANY INC, as successor to TRANSAMERICA TITLE INSURANCE COMPANY OF ALASKA, JOHN DOES 10 1-20, and also any and all other persons or parties unknown claiming or who may claim or assert any right, title estate, lien, or interest in the real estate described in the complaint in this action to be quieted hereby:

FILED IN COURT
RECORDED

DEC 28 2004

Page 8

PARCEL I: All of the NE1/4 SW1/4; all of the NW 1/4 SE1/4; and the North 775 feet of the SE1/4 SW1/4; the North 775 feet of the SW1/4 SE1/4, all in Section 21, T1N, R1W, F.M. (f.k.a. Tax Lot 2114),

PARCEL II: The S1/2 NE1/4; and the NE1/4 SE1/4 of Section 20, T1N, R2E, F.M. (a.k.a. Tax Lot 2027

PARCEL III: The SW1/4 SW1/4 of Section 21, T1N, R2E, F.M., (a.k.a. Tax Lot 2120),

PARCEL IV: TRACT C of Alaska State Land Survey No. 73-116, according to the Survey Plat Filed on March 28, 1978, as Plat 78-51, all being within the

ERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

rwvt/29

INDEXED

STATE OF ALASKA

DEPARTMENT OF HIGHWAYS

INTERIOR DISTRICT
2201 FIFTH ROAD
FAIRBANKS 99701

MS
36 PAGE 527
Fairbanks Recording District

WILLIAM A. EGAN, GOVERNOR

720 8512
3.00

FILED
FAIRBANKS REC.
DISTRICT

JUL 13 12 01 PM '72
REQUESTED BY
ADDRESS

July 11, 1972

Re: Section Line Easement
Sec. 20 & 21, T1N, R2E, F.M.
Sec. 35, T1N, R3E, F.M.

*Alvin J. Sykes
2 Mile Old Nenana Road
Fairbanks, Alaska
99701*

Mr. Dwane J. Sykes
2 Mile Old Nenana Road
Fairbanks, Alaska

Dear Mr. Sykes:

This is in reference to your request for non-objection to your constructing a road within the section line easement on the following section lines:

- Line between Section 20 & 21,
- Line between Section 21 & 28,
- Portion of line between Section 27 & 28, North of Chena Hot Springs Road
- 1/2 of line between Section 20 & 29, all in T. 1 N., R. 2 E., F.M.

ALSO

Portion of line between Sections 35 & 36, T. 1 N., R. 3 E., F.M., lying North of Chena Hot Springs Road.

The section line easement for roadway purposes is 53 feet on each side of the section lines except for State owned property where the easement is 50 feet on the State property.

The Department of Highways has no objection to you or your assigns building a road within the easement area, provided that no restrictions are placed on public use of the road.

In issuing this letter of non-objection, the State assumes no responsibility or liability resulting from the proposed construction; and determining the true location of the section line and the preservation of existing section corners or quarter corners are your responsibility.

Van H. Cothran
Van H. Cothran

EXHIBIT 5

Subscribed and sworn to before me this 11th day of July 1972.

My commission expires: 7/2/73

[Notary Seal]
Notary Public in and for the State of Alaska

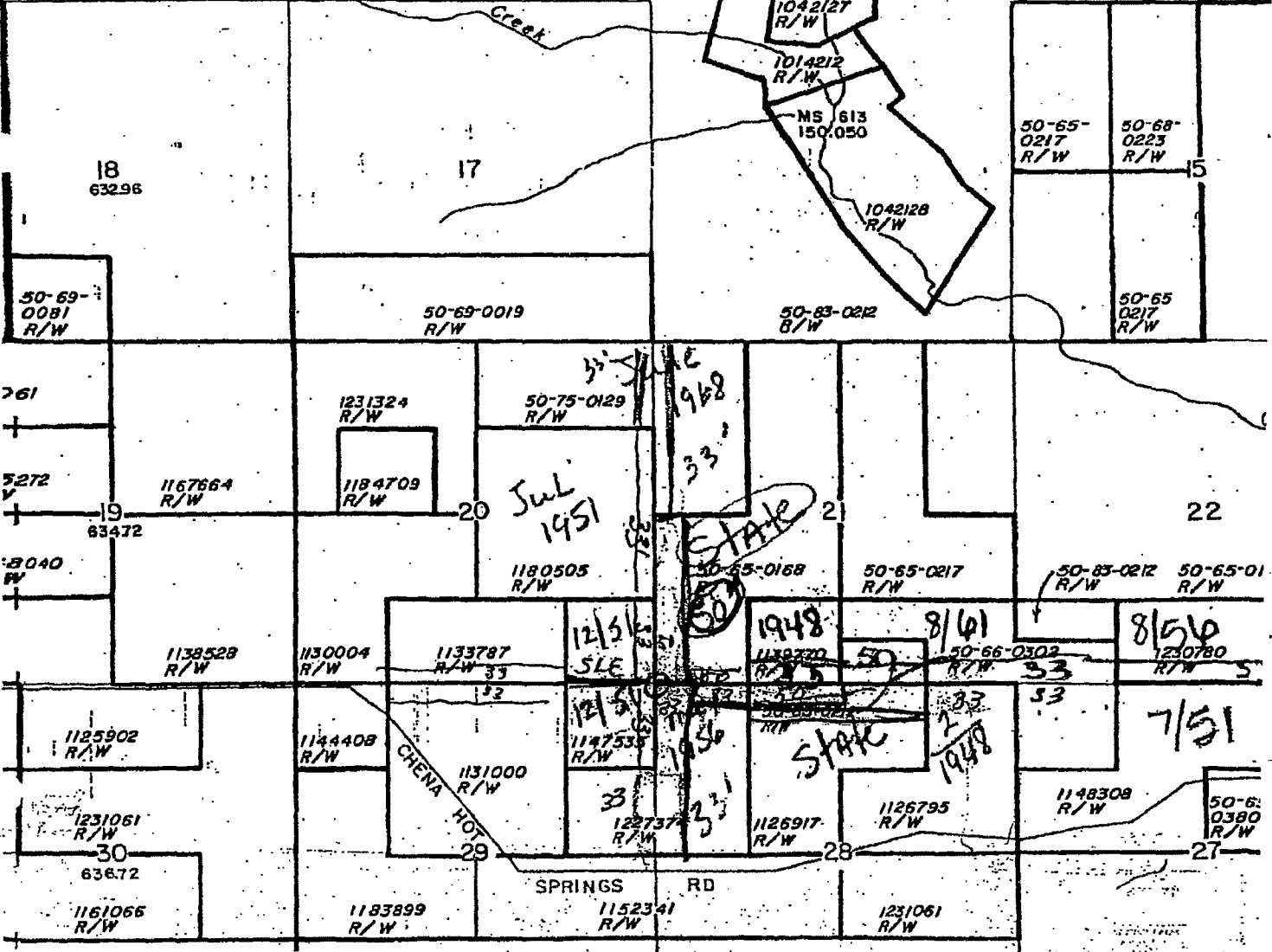
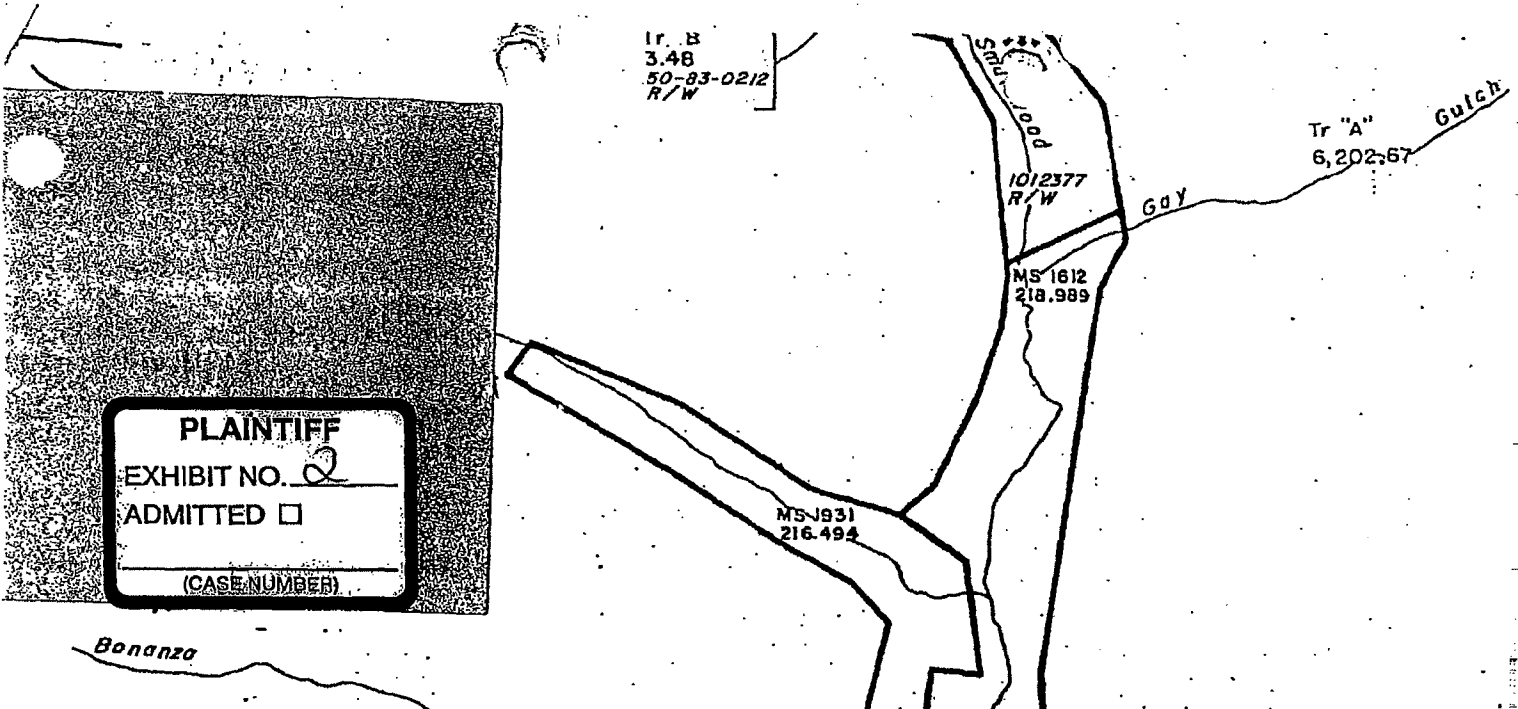
PLAINTIFF
 EXHIBIT NO. 1
 ADMITTED
 (CASE NUMBER)

Tr. B
3.48
50-83-0212
R/W

Tr "A"
6,202.67
Gulch

PLAINTIFF
EXHIBIT NO. 2
ADMITTED

(CASE NUMBER)



STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

NORTHERN REGION PRECONSTRUCTION, Right of Way Section

FRANK H. MURKOWSKI,
GOVERNOR

2301 PEGGER ROAD
FAIRBANKS, ALASKA 99709-5399
TELEPHONE: (907) 451-5423
TDD: (907) 451-2363
FAX: (907) 451-5411
1-800-475-2464

November 1, 2004

Re: Section Line Easement
Section 29/20, T.1N., R.2E., F.M.

Mr. Dwane Sykes
1511 S. Carterville Road
Orem, UT 84097

Dear Mr. Sykes:

You have requested that I provide an opinion as to the status of the section line easement between Sections 29 and 20 of Township 1 North, Range 2 East, Fairbanks Meridian. Specifically, you have requested an evaluation of the segment of the section line between the southeast quarter of the southeast quarter of Section 20 and the northeast quarter of the northeast quarter of Section 20. This section line would split the 80 acre parcel of land patented to Robert J. McQuin (Patent # 1147535) on October 28, 1954. Please note that the section line easement in question is not a part of the Alaska Highway System and therefore not within the jurisdiction of DOT&PF. My evaluation is based upon my experience in working with section line easements and should not be considered an official DOT&PF assertion. Any concerns you have about the legal issues related to section line easements or the risk you may incur should be addressed to your attorney or title insurance agency.

For a federal section line easement to exist there are three requirements. First the section line must exist, that is, it must have been surveyed and platted. This is considered to have occurred when the official federal township plat that reflects the survey and monumentation of the section line in question has been approved. The federal plat that relates to the survey of the section line between Sections 29 and 20 was approved on March 10, 1947. Next, there cannot be a federal section line easement unless there has been an offer and acceptance of the right of way grant. The offer for federal section line easements was made under the Mining Law of 1866 and reenacted as Revised Statute 2477 (RS2477). The grant for a 56-foot wide easement between each section of land was initially accepted by the Alaska Territorial Legislature on April 6, 1923. There was a hiatus period between 1949 and 1953 when the grant acceptance was not in place and eventually the RS2477 grant offer was repealed in 1976. However, as the township survey in question was approved prior to the hiatus period, it has no effect on the section line easement evaluation. Finally, for the section line easement to attach, the federal lands crossed by the section line must be unreserved. This status can generally be obtained from the BLM records. The BLM records for the McQuin Homestead entry indicate that the application leading to patent was filed on December 14, 1951. For this application to have been filed, the lands must have been unreserved and open for entry.

"Providing for the movement of people and goods and the delivery of state services."

PLAINTIFF
EXHIBIT NO. <u>3</u>
ADMITTED <input type="checkbox"/>
(CASE NUMBER)

At the time of township approval (March 10, 1947), the RS2477 grant offer and acceptance was in place (April 6, 1923 to January 18, 1949) and the land appears to have been unreserved up until the date of the homestead entry that led to patent (December 14, 1951). Therefore, the conditions leading to the establishment of a 66-foot wide section line easement along the quarter mile segment of the line between Sections 29 and 20 lying within patent No. 1147535 were met as of the date of the township survey approval on March 10, 1947.

Presuming that a vacation of the section line easement has not been approved since it's establishment, the full 66-foot wide section line easement still exists.

If you have any further questions regarding this correspondence, please feel free to contact me at (907) 451-5423 or by email at johnf_bennett@dot.state.ak.us.

Sincerely,

John F. Bennett, PLS, SR/WA
Chief, Right of Way

Post-It Fax Note	7871	Date	11/1/04	Page	2
To	Richard Mervel	From	John Bennett		
Co./Dept.	RCW	Co.	DOT		
Phone #		Phone #	451-5423		
Fax #	451-7413	Fax #			

Section Line Easement Determinations

In order for easements to exist, the survey establishing the section lines must have been approved or filed prior to entry on Federal lands or disposal of State or Territorial lands. The Federal lands must have been unreserved at some time subsequent to survey and prior to entry.

Surveyed Federal lands that were unreserved at any time during the indicated time period.	Effective Dates	Surveyed lands that were under State or Territorial ownership at any time during the indicated time period. (University Grant lands may be an exception.)
none	April 5, 1923	None
66'	April 6, 1923 to January 17, 1949	66'
none	January 18, 1949 to March 25, 1951	None
	March 26, 1951 to March 20, 1953	66'
66'	March 21, 1953 to March 24, 1974	100'
none	March 25, 1974 to Present	100'

Note: This table assumes the same land status on both sides of the section line. A review of the land status can result in total easement widths of 0', 33', 50', 66', 83', and 100'. A section line

PERSONNEL FIELD TL 28 47 T/NR25, PM. NOTE, SECTION CORNER SURVEY ADJUNCT 47
LEFT CENTER IN SPACES, 29/29, 30/30, 31/31, 32/32, 33/33, 34/34, 35/35, 36/36, 37/37, 38/38, 39/39, 40/40, 41/41, 42/42, 43/43, 44/44, 45/45, 46/46, 47/47, 48/48, 49/49, 50/50, 51/51, 52/52, 53/53, 54/54, 55/55, 56/56, 57/57, 58/58, 59/59, 60/60, 61/61, 62/62, 63/63, 64/64, 65/65, 66/66, 67/67, 68/68, 69/69, 70/70, 71/71, 72/72, 73/73, 74/74, 75/75, 76/76, 77/77, 78/78, 79/79, 80/80, 81/81, 82/82, 83/83, 84/84, 85/85, 86/86, 87/87, 88/88, 89/89, 90/90, 91/91, 92/92, 93/93, 94/94, 95/95, 96/96, 97/97, 98/98, 99/99, 100/100

PLAINTIFF
EXHIBIT NO. 47
ADMITTED <input type="checkbox"/>
CASE NUMBER

2004-028398-0

Record Dist: 401 - Fairbanks
12/21/2004 10:26 AM Pages: 1 of 11

A
L
A
S
K
A



cc x2

NOTICE OF INTEREST
IN, USE OF, AND RELIANCE UPON SECTION LINE EASEMENTS OF COMMON
SECTION LINES OF SECTIONS 19, 20, 21 22, 27, 28, and 29, T1N, R2E, F.M.,
and SECTIONS 35 and 36, T1N, R3E, F.M., FAIRBANKS RECORDING DISTRICT,
STATE OF ALASKA
and
OBJECTION TO ANY VACATION OR MODICATION THEREOF

On or about June 17, 1972, Dwane J. Sykes, et. al., purchased at an Alaska State public land auction, conducted in Fairbanks by the Dept. of Natural Resources, under ADL No. 57643 and ADL No. 57646, the following tracts near 7 mile Chena Hot Springs Road, respectively:

- The SW1/4 SW1/4 of Section 21, T1N, R2E, F.M., containing 40 acres, more or less, (aka Tax Lot 2120)
- The S1/2 S1/2 of Section 29, T1N, R2E, F.M. containing 160 acres, more or less; all in the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

At that Alaska State land auction, the said land was represented to be served by, burdened by and benefited by Section Line Easements for public roadways for public egress and ingress and utilities, to and from the public Chena Hot Springs Road, the width of each side of the Section Line Easement being either 50 feet or 33 feet on each side of the Section Line, depending on if the land derived from State of Alaska or the Federal Government, respectively.

A Section Line Easement for public roadways 50 feet wide was also reserved by the State of Alaska upon the west and south 50 feet of Sykes' above-said 40 acre tract, and West 50 feet, East 50 feet, & South 50 feet of Sykes' above-said 160 acre tract. Dwane J. Sykes and his family, agents, and contractors relied upon those representations and has used those easements continuously ever since then.

In 1972 Dwane J. Sykes applied to the Alaska Department of Highways ("DOT") for authorization to use and to construct non-exclusive public roads over and upon certain named Section Lines, including those relevant to his above-said purchases.

By letters dated on or about July 11, 1972, from the Alaska Department of Highways Right-Of-Way Agent, Sykes received such authorizations; the one relevant here was recorded on July 13, 1972, as Inst. 72-08512 at MS Book 36 Page 527, Fairbanks Recording District, Fourth Judicial District, State of Alaska (attached and incorporated herein as Exhibit A). He also

After recording mail to Dwane J. Sykes, 1511 So. Carterville Rd., Orem, UT 84097-7244

received, relied upon, and recorded other similar Alaska Dept. of Highways letters for other section line easements in other locations:

Repeatedly from 1969 to date, I, together with our family and our agents and contractors, have personally utilized, relied upon, and driven various passenger cars and sedans, passenger trucks, mechanical equipments, bulldozers, hydro-ax brush cutters, snowmobiles, and walked afoot have continuously, actually used and traveled upon those Section Line Easements without interruption, in good faith and under color claim of title, since 1969 in reliance upon that Alaska DOT authorization and representations of the Alaska Dept. of Natural Resources.. In particular, that includes Section Line Easements which help provide vehicle egress and ingress from the public Chena Hot Springs Road to and from our following family properties:

SW1/4 SW1/4 of Section 21, T1N,R2E, F.M., aka 40-acre Tax Lot 2120 of said Section;

SW1/4 SE1/4, and the N1/2 SE1/4 of Section 20, T1N,R2E, F.M., aka 120-acre Tax Lot 2027 of said Section 20;

and particularly that subject portion of the Section Line Easement discussed immediately below within the Cassiar Heights Subdivision.

Regarding the Section Line Easement
within the Cassiar Heights Subdivision
33 feet on each side of the East one-quarter of the section line
common to Section Lines 20 and 28, T1N, R2E, F.M.:

The above-said continuous, uninterrupted use by Sykes and his agents' particularly included the herein subject ca. 409.49-foot roadway on the segment of the public Section Line easement roadway which takes off east from the point where the present dedicated Misty Fjords Court public road of the Cassiar Heights Subdivision crosses the section line between Sections 20 and 29—going east for some 409.49 feet, more or less, along said section line to the common corners of Sections 20, 21, 28 and 29, as shown on Cassiar Heights plat FRD 1994-74-001.

Since the 1950s the driveway road of Bonita and Kenneth Neiland and their predecessors, from Chena Hot Springs Road, crossed Sections 20 and 29 at approximately the same point as the present Misty Fjords Court does.

The July 11, 1972, AK DOT Section Line Easement letter of authorization was also recorded several other times. But none of its recordings were excepted, discovered nor mentioned in Fairbanks Title Agency's May 18, 1992, title report #29896 MAT nor in its May 6, 1994, PLATTING CERTIFICATE Order No. 35044 RB, preparatory to plating the Cassair Heights and the Cassair Heights 2ND ADDITION.

Thus, the plats of Cassair Heights Subdivision, including Cassair Heights 2ND ADDITION, 3RD ADDITION, and 4TH ADDITION recorded as Fairbanks Plat #94-74 and Fairbanks 2000-29-001, Fairbanks 2003-6 respectively, in the Fairbanks Recording District,



2 of 11

2004-028398-0

Fourth Judicial District, State of Alaska, neglected to reflect these 33 foot Section Line Easements in Sections 20 and 29, reserved for public use and public highways.

Notwithstanding the lack of Section Line Easements on the Cassiar plats, there is:

A valid 33-foot Section Line Public Easement exists on the East 33 feet and the South 33 feet of the SE1/4 of the SE1/4 of Section 20 and over the East 33 feet and the North 33 feet of the NE1/4 of the NE1/4 of Section 29, T1N, R2E, F.M., in part also now know as and including Cassiar Heights Subdivision Block 2 Lot 1, Block 3 Lots 5 and 12, Block 4 Lot 1, and Cassair Heights 2ND ADDITION Block 3 Lots 13 and 14, and Cassair Heights 3RD ADDITION, Lot A-2 and Tax Lot 2065, and specifically over and upon the South 33 feet and the East 33 feet of Lot 12 Block 3, Cassair Heights Subdivision, and the North 33 feet and the East 33 feet of Lot 13 Block 3, Cassair Heights 2ND ADDITION, all in the Fairbanks Recording District, State of Alaska.

NORTH

corrected

Also, a valid 33-foot Section Line Easement exists on the East 33 feet and the West 33 feet the W1/2 NW1/4 NW1/4 of Section 28, T1N. R2E, F.M. aka Tax Lot 2847, in the Fairbanks Recording District, State of Alaska,

In or about the mid-1990's,---in connection with communications from developers and/or agents of the Cassiar Heights Subdivision---I had occasion to ask the Alaska Dept. of Highways Right-of-Way officials to again re-assess and re-verify that the above-said Section Line Easement 66 feet wide, being 33 feet on each side of the east one-quarter of the section line common to Section Lines 20 and 28, did in fact exist. In response I again received verbal and written re-confirmation that said 66-foot-wide public section line easement was valid on the above-said portion and the homestead Patent No. 1147535, from which it arose.

Again, in late 2004, Fairbanks North Star Borough platting officials referred me to the Bureau of Land Management's Fairbanks office and to Joe Sullivan at the Alaska Dept. of Natural Resources office in Fairbanks.

After detailed investigation and assessment, Alaska Dept. of Natural Resources Right-of-Way specialist Joe Sullivan determined that indeed there was a valid 33-foot Section Line Easement for public roadways on each side of the subject East one-quarter of that section line common to said Sections 20 and 29 within the Cassiar Heights Subdivision. Mr. Sullivan also obtained the same assessment and conclusion independently from DNR Survey Chief Gerald Jennings' office in Anchorage, and from several other colleagues.

Independently, Charles L. Parr, SR/WA, professional land consultant and former Right-of-Way Chief for Golden Valley Electric Association, also rendered the identical opinion and conclusion of its existence and validity.

On November 1, 2004, I received the letter attached hereto as Exhibit "B" from John. F. Bennett, PLS, SR/WA, Chief, Right of Way, Alaska Department of Transportation and Public



Facilities, and well-known and respected Section Line Easement expert, who also re-confirmed the existence and validity that same above-said 66-foot-wide section line easement for public roadways on that subject East quarter of Sections 20 and 29..

I later returned to the Bureau of Land Management, where, after considerable study and reassessment, Susan L. Rangel and Keineta Stenross also acknowledged that said 66-foot-wide easement does indeed exist. They also acknowledged that in their prior assessments (and apparently prior assessments by others), they had erroneously misread the word "and" for "or" in paragraph 6(d) of the "SECTION LINE EASEMENT RESEARCH" worksheet (Exhibit "C" hereto) used by both the BLM and FNSB.

Later, after communication from me, Surveyor Richard Hieron obtained a copy of John F. Bennett's November 1, 2004, letter and sent it to Martin Gutoski and Loriann Quakenbush, platting officials for the Fairbanks North Star Borough.

On or about November 17, 2004, FNSB platting officer, Loriann Quakenbush informed me that in her assessment there indeed was a valid 66-foot-wide section easement for public roadways on the subject east quarter of Sections 20 and 29, even though it was shown not to be there on plats of the Cassiar Heights and Cassiar Heights 2nd Addition.

FNSB Platting officer Quakenbush also told me that she had researched for any vacation, modification or relocation of the above-said Section Line Easement between Sections 20 and 29 and that none have been granted, nor had any formal petition ever been made.

**Relevant slope and gradients pertinent to public
Section Line Easements and public roads
associated with or continued from the
Cassiar Heights and Cassiar Heights 2nd Addition Subdivisions:**

1. From the dedicated public Misty Fjords Court road in Cassiar Heights Subdivision and Cassiar Heights 2nd Addition, where it crosses the Section Line common to Sections 20 and 29, T1N, R2E, F.M., for the 409.49 feet east the 66-foot-wide section line public easement---across Cassiar Heights Lots 12 and 13 of Block three---to the Section Corner common to Sections 20, 29, 21, and 28, F.M. the natural ground-slope or gradient of the 33-foot public easement for public roads and highways on each side of said common section line is as follows, as measured in October 2004 with a hand-held inclinometer along the existing public roadway and the existing GVEA power-line:
 - a. Approximately 0% slope [flat], more or less, for the first approximately 30 feet going East, more or less;
 - b. Then approximately -4% slope, more or less, for the next approximately 190 feet going east, more or less;
 - c. Then approximately -5% slope, more or less, for the last approximately 190 feet east, more or less, to intersect with the Section Line between Sections 20 and 21; that roadway and its -5% slope is shown in Exhibit 4a photo hereto.

- d. From said point where the dedicated public Misty Fjords Court road in Cassiar Heights Subdivision and Cassiar Heights 2nd Addition, crosses the Section Line common to Sections 20 and 29, T1N, R2E, F.M., the natural gradient going west is approximately 0% slope [flat] for the first approximately 80 feet, more or less; then approximately -2% slope, more or less, for the next approximately 700 feet west, more or less.
2. Going West from the Section Corner common to Sections 20, 29, 21, and 28, F.M. the natural ground-slope or gradient of the 33-foot public easement for public roads and highways on each side of the common section line between Sections 28 and 29 is approximately -10% to -12% slope, more or less, for the first approximately 300 feet West, more or less, down the existing access road along the west 33-foot public section line easement of Section 28 presently used by Charles E. and Nilda L. Holyfield, and down the existing GVEA power-line on the East 33 feet of Cassiar Heights 2nd Addition Subdivision, Block 3 Lot 13.
3. Going North from the said Section Corner common to Sections 20, 29, 21, and 28, T1N, R2E, F.M., the 33-foot public easement for public roads and highways on the east 33 feet of Section 20 over the Cassiar Heights Subdivision Block 3 Lot 12, and the west 50-foot section line public easement on the west 50 feet of the Sykes family's SW1/4 SW1/4 of Section 21, T1N, R2E, F.M., aka 40-acre Tax Lot 2120 of said Section 21, for a total public section line easement 83 feet wide, the natural ground-slope or gradient is:
 - a. Approximately +3% slope, more or less, for the first approximately 250 feet North, more or less, along the said Sykes family's 40-acre tract, TL 2120;
 - b. Then, approximately +1% slope, more or less, for the next approximately 80 feet, more or less, to the top of the ridge where the brushed-out trail departs northeasterly along the ridge-top into the said Sykes family's 40-acre tract, TL 2120.
 - c. Going East from the said Section Corner common to Sections 20, 29, 21, and 28, T1N, R2E, F.M., the natural ground-slope or gradient of the 33-foot easement for public roads and highways on the north 33 feet of Section 28 and the 50-foot-easement for public roads on the South 50 feet of the Sykes family's SW1/4 SW1/4 of Section 21, T1N, R2E, F.M., aka 40-acre Tax Lot 2120 of said Section 21, is approximately -7%, more or less, for the first approximately 200 feet, more or less (as that roadway and its -7% slope is shown in Exhibit 4b photo, attached hereto), to service the Sykes family property; then approximately -12%, more or less, for the next approximately 200 feet, more or less, to service said Sykes family property; then continues East for approximately 920 feet to the SE corner of the Sykes' 40 tract; thence continues East for ¼ mile to connect with the existing public road coming north from Chena Hot Springs Road along the public section line easements common to Sections 28 and 27 and Sections 21 and 22.

OBJECTION TO ANY VACATION OF ANY SECTION LINE EASEMENTS

For the reasons stated above I and my family and agents, including, Joy Sykes Fair, E. L. Roy Duce, individually and/or as Trustees, et. al.. hereby object to any application or attempt by anyone to vacate, to modify or to relocate any of the above-said Section Line



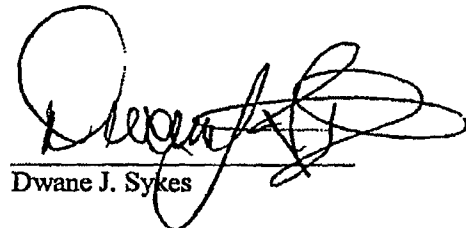
Easements or easements on the common section lines to SECTIONS 19, 20, 21 22, 27, 28, and 29, T1N, R2E, F.M., and SECTIONS 35 and 36, T1N, R3E, F.M.,

By recording this notice and objection, the undersigned expressly states, pursuant to 11 AAC 51.065(d) VACATION OF EASEMENTS, that he and his family members are "parties known or likely to be affected by" any such petition. Further, the undersigned expressly requests that for any application to so vacate, modify or relocate any above-said easements, that we be personally notified by certified mail, with at least 60 days advance notice before reply is due, at:

Dwane J. Sykes and Joy Sykes Fair
1511 So. Carterville Road
Orem, Utah 84097-7244
and
E. L. Roy Duce
P. O. Box 436,
Provo, Utah 84601-0436

such that he or his family/agents may make reasonable and timely written objections and rebuttal.

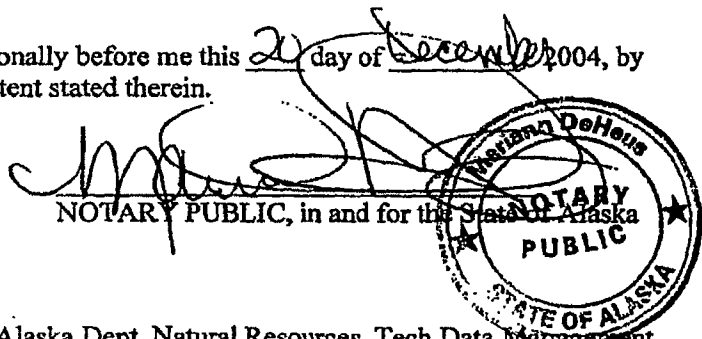

Dated this 20th day of December, 2004.


Dwane J. Sykes

STATE OF ALASKA)
) ss
FOURTH JUDICIAL DISTRICT)

SUBSCRIBED AND SWORN TO personally before me this 20 day of December, 2004, by Dwane J. Sykes, for the purposes and intent stated therein.

My commission expires 2/14/08


NOTARY PUBLIC, in and for the State of Alaska


Cc:

- Gerald Jennings, Survey Chief, Alaska Dept. Natural Resources, Tech Data Management & Support, 550 W. 78th Ave, Ste 650, Anchorage, AK 99501-3577 (ph. 907-269-8516)
- Joe Sullivan, Right-of-Way Specialist, Alaska Dept. Natural Resources, 3700 Airport Way, Fairbanks, AK 99709.
- Benardo Hernandez, Head, Dept. of Community Planning, Fairbanks North Star Borough, P. O. Box 71267, Fairbanks, AK 99707-1267
- John F. Bennett, Chief, Right-of-Way, Alaska Dept. of Transportation and Public Facilities, 2301 Pegar Road, Fairbanks, AK 99709-5399


6 of 11
2004-028398-0

INDEXED

STATE OF ALASKA

DEPARTMENT OF HIGHWAYS

INTERIOR DISTRICT

2301 PEGER ROAD
FAIRBANKS 99701

WILLIAM A. EGAN, GOVERNOR

July 11, 1972

Re: Section Line Easement
Sec. 20 & 21, T1N, R2E, F.M.
Sec. 35, T1N, R3E, F.M.

Mr. Dwane J. Sykes
2 Mile Old Nenana Road
Fairbanks, Alaska

Dear Mr. Sykes:

This is in reference to your request for non-objection to your constructing a road within the section line easement on the following section lines:

- Line between Section 20 & 21,
- Line between Section 21 & 28,
- Portion of line between Section 27 & 28, North of Chena Hot Springs Road
- E 1/2 of line between Section 20 & 29, all in T. 1 N., R. 2 E., F.M.

ALSO

Portion of line between Sections 35 & 36, T. 1 N., R. 3 E., F.M., lying North of Chena Hot Springs Road.

The section line easement for roadway purposes is 33 feet on each side of the section lines except for State owned property where the easement is 50 feet on the State property.

The Department of Highways has no objection to you or your assigns building a road within the easement area, provided that no restrictions are placed on public use of the road.

In issuing this letter of non-objection, the State assumes no responsibility or liability resulting from the proposed construction; and determining the true location of the section line and the preservation of existing section corners or quarter corners are your responsibility.

Van H. Cothorn
Van H. Cothorn

Subscribed and sworn to before me this 11th day of July, 1972.

My commission expires: 7/20/72

Notary Public in and for the State of Alaska



7 of 11

2004-028398-0

EMH. A

*Dwane J. Sykes
2 Mile Old Nenana Rd.
Fairbanks, Alaska
99701*

720 8512
3.00

FILED
FEB. 10. 1972
FAIRBANKS

JUL 13 12 01 PM '72

REQUESTED BY
ADDRESS

Mc

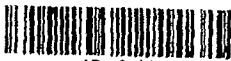
JK 36 PAGE 527
Fairbanks Recording District

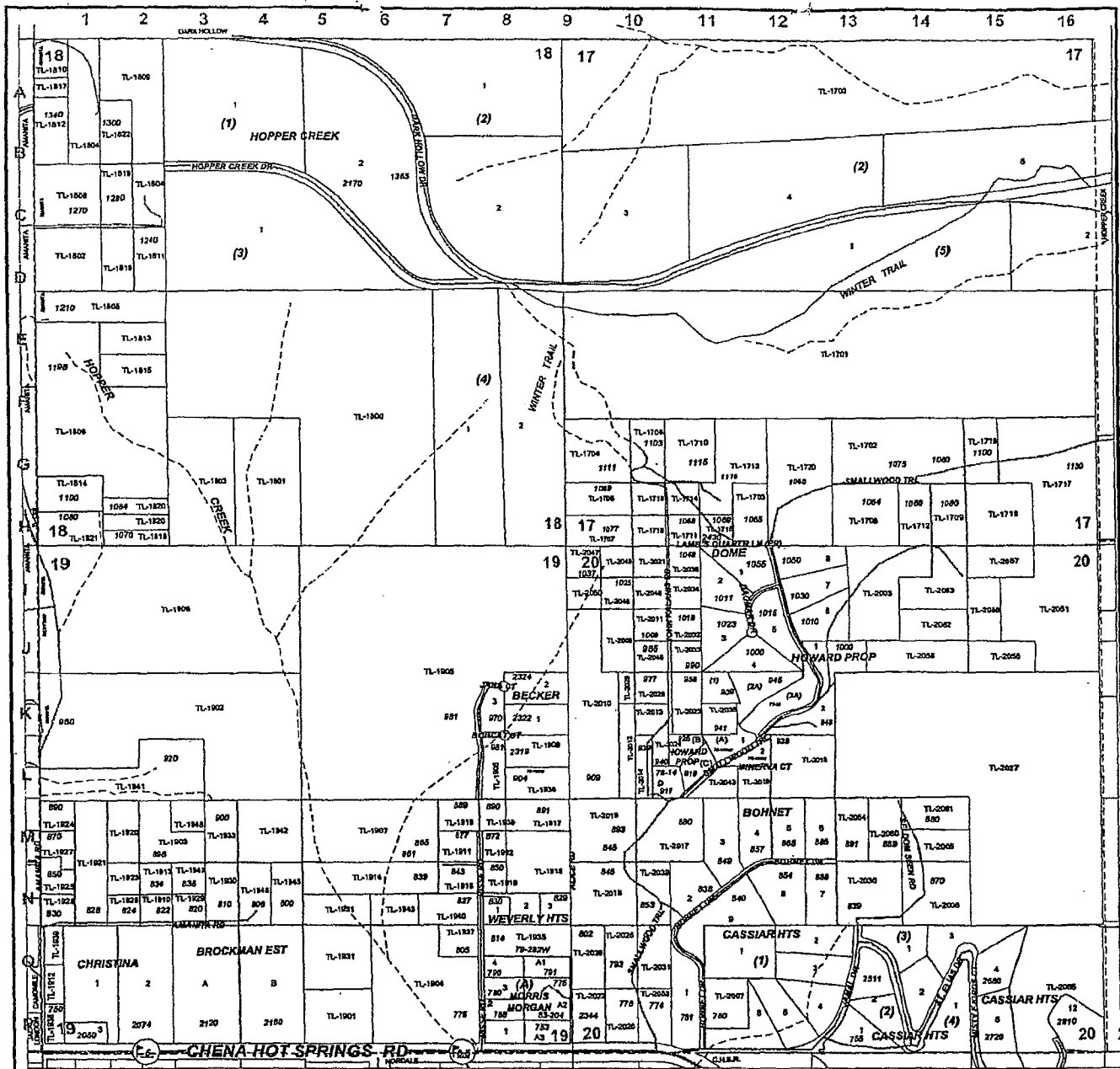
Section Line Easement Determinations

In order for easements to exist, the survey establishing the section lines must have been approved or filed prior to entry on Federal lands or disposal of State or Territorial lands. The Federal lands must have been unreserved at some time subsequent to survey and prior to entry.

Surveyed Federal lands that were unreserved at any time during the indicated time period.	Effective Dates	Surveyed lands that were under State or Territorial ownership at any time during the indicated time period. (University Grant lands may be an exception.)
none	April 5, 1923	None
66'	April 6, 1923 to January 17, 1949	66'
none	January 18, 1949 to March 25, 1951	None
	March 26, 1951 to March 20, 1953	100'
66'	March 21, 1953 to March 24, 1974	100'
none	March 25, 1974 to Present	

Note: This table assumes the same land status on both sides of the section line. A review of the land status can result in total easement widths of 0', 33', 50', 66', 83', and 100'. A section line



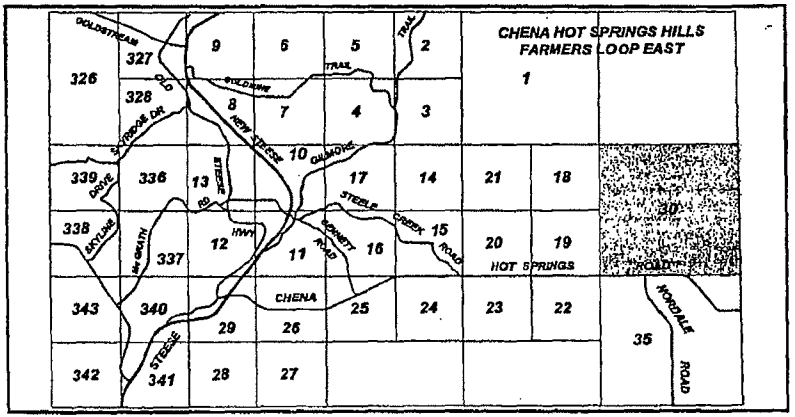


NEIGHBORHOOD INFORMATION	
Reomap	REF 6
Community	Chena Hot Springs Hills
Twn / Rng / Sec	1N - 2E - SEC 17, 18, 19, 20



112D
30

(C) Copyright 2004 Alaska Street Master
Po Box 143225, Anchorage, Ak 99514, 1-877-694-5129



BOOK 37 PAGE 7
Fairbanks

MS

FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99707

January 15, 1973

Fairbanks District Recording Office
602 Barnette Street
Fairbanks, Alaska 99701

To Whom It May Concern:

This is to advise you that at its regular meeting of May 4, 1971 the Planning Commission of the Fairbanks North Star Borough approved a request for a Waiver of the Subdivision Regulations to allow the division of a portion of the E 1/2, Section 20, T1N, R2E, F.M.

The new parcel is described as follows: The S 1/2 NE 1/4, NE 1/4 SE 1/4, Section 20, T1N, R2E, F.M.

We request that this letter be filed in the Fairbanks District Recorder's Office in order to meet the legal requirements of the Subdivision Regulations.

Sincerely,

William F. Newman
William F. Newman
Zoning Administrator

DONE THIS 17th DAY OF JANUARY, 1973 at Fairbanks, Alaska.

17
JANUARY
1973
ATTEST:

[Signature]
Chairman - Fairbanks North Star Borough
Planning Commission

7-
300
[Signature]

Clerk _____

JAN 18 1973

FNSB
Box 1267
Fbks. AK. 99707

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

NORTHERN REGION PRECONSTRUCTION, Right of Way Section

FRANK H. MURKOWSKI
GOVERNOR

2301 PEGGER ROAD
FAIRBANKS, ALASKA 99709-5399
TELEPHONE: (907) 451-5423
TDD: (907) 451-2353
FAX: (907) 451-5411
1-800-475-2464

November 1, 2004

Re: Section Line Easement
Section 29/20, T.1N., R.2E., F.M.

Mr. Dwane Sykes
1511 S. Carterville Road
Orem, UT 84097

Dear Mr. Sykes:

You have requested that I provide an opinion as to the status of the section line easement between Sections 29 and 20 of Township 1 North, Range 2 East, Fairbanks Meridian. Specifically, you have requested an evaluation of the segment of the section line between the southeast quarter of the southeast quarter of Section 20 and the northeast quarter of the northeast quarter of Section 20. This section line would split the 80 acre parcel of land patented to Robert J. McQuin (Patent # 1147535) on October 28, 1954. Please note that the section line easement in question is not a part of the Alaska Highway System and therefore not within the jurisdiction of DOT&PF. My evaluation is based upon my experience in working with section line easements and should not be considered an official DOT&PF assertion. Any concerns you have about the legal issues related to section line easements or the risk you may incur should be addressed to your attorney or title insurance agency.

For a federal section line easement to exist there are three requirements. First the section line must exist, that is, it must have been surveyed and platted. This is considered to have occurred when the official federal township plat that reflects the survey and monumentation of the section line in question has been approved. The federal plat that relates to the survey of the section line between Sections 29 and 20 was approved on March 10, 1947. Next, there cannot be a federal section line easement unless there has been an offer and acceptance of the right of way grant. The offer for federal section line easements was made under the Mining Law of 1866 and reenacted as Revised Statute 2477 (RS2477). The grant for a 66-foot wide easement between each section of land was initially accepted by the Alaska Territorial Legislature on April 6, 1923. There was a hiatus period between 1949 and 1953 when the grant acceptance was not in place and eventually the RS2477 grant offer was repealed in 1976. However, as the township survey in question was approved prior to the hiatus period, it has no effect on the section line easement evaluation. Finally, for the section line easement to attach, the federal lands crossed by the section line must be unreserved. This status can generally be obtained from the BLM records. The BLM records for the McQuin Homestead entry indicate that the application leading to patent was filed on December 14, 1951. For this application to have been filed, the lands must have been unreserved and open for entry.

"Providing for the movement of people and goods and the delivery of state services."



8 of 11

2004-028398-0

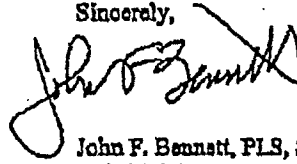
EXIT B

At the time of township approval (March 10, 1947), the RS2477 grant offer and acceptance was in place (April 6, 1923 to January 18, 1949) and the land appears to have been unreserved up until the date of the homestead entry that led to patent (December 14, 1951). Therefore, the conditions leading to the establishment of a 66-foot wide section line easement along the quarter mile segment of the line between Sections 29 and 20 lying within patent No. 1147535 were met as of the date of the township survey approval on March 10, 1947.

Presuming that a vacation of the section line easement has not been approved since it's establishment, the full 66-foot wide section line easement still exists.

If you have any further questions regarding this correspondence, please feel free to contact me at (907) 451-5423 or by email at johnf_bennett@dot.state.ak.us.

Sincerely,



John F. Bennett, PLS, SR/WA
Chief, Right of Way

Post-to-Fax Note	7871	Date	11/04	Page	2
To	Richard Moran	From	John Bennett		
Carriage	RCW	Co.	DOT		
Phone		Phone	451-5423		
Fax	451-7413	Fax			



Land surveyed by special survey or mineral survey are not affected by section line easements since such surveys are not a part of the rectangular net. However, the location of a special or mineral survey which conflicts with a previously established section line easement cannot serve to vacate the easement.

Acceptance of the RS 2477 offer can only operate upon "public lands, not reserved for public uses". Therefore, if prior to the date of acceptance there has been a withdrawal or reservation by the Federal government, or a valid homestead or mineral entry, then the particular tract is not subject to the section line dedication. The offer of the RS 2477 grant was still available until its repeal by Title VII of the Federal Land Policy and Management Act (90 Stat. 2793) on October 21, 1976. However, prior to the repeal, the application of new section line easements was effectively eliminated by a series of public land orders withdrawing Federal lands in Alaska. Public Land Order 4582 of January 17, 1969 withdrew all public lands in Alaska not already reserved from all forms of appropriation and disposition under the public land laws. PLO 4582 was continued in force until passage of the Alaska Native Claims Settlement Act on December 18, 1971. While repealing PLO 4582, ANCSA also withdrew vast amounts of land for native selections, parks, forests and refuges. A series of PLO's withdrew additional acreage between 1971 and 1972. PLO 5418 dated March 25, 1974 withdrew all remaining unreserved Federal lands in Alaska. Therefore it is noted that as of March 25, 1974, there could be no new section line easements applied to surveyed Federal lands.

The Alaska Supreme Court has decided that a utility may construct a powerline on an unused section line easement reserved for highway purposes under AS 19.10.010 Use of rights-of-way for utilities. Alaska Administrative Code 17 AAC 15.031 Application for Utility Permit on Section Line Rights-of-way provides for permitting by the Department of Transportation. The process for vacating a section line easement is provided in the DNR Administrative Code 11 AAC 53. A section line vacation requires approval from the Departments of Transportation and Natural Resources and the approval of a platting authority, if one exists in the area of the proposed vacation.

Research Technique

1. Review the Federal Status Plat and note the patent number or serial number of any action which affects the section line in question.
2. Using either BLM's land status database or Historical Index determine the date of reserved status or the date of entry leading to patent.
3. From BLM's township survey plats extract the date of plat approval.
4. Review the dates and track the status of the lands involved to determine if they were unreserved public lands at any time subsequent to survey approval and prior to entry or appropriation. Particular attention should be directed towards any applicable Public Land Orders. In order for section line easements to have been created, the lands must have been unreserved public lands at some time between April 6, 1923 and January 17, 1949, or between March 21, 1953 (March 26, 1951 in the case of lands transferred to the State or Territory) and March 24, 1974.
5. Using the date of entry or reservation and the date of survey plat approval, prepare an analysis of the data as follows:
 - a. If date of entry predated survey plat approval there is no easement.
 - b. If entry predates April 6, 1923 (date of enabling legislation for section line easements) there is no section line easement.
 - c. If survey plat approval predates April 6, 1923 but date of entry is after April 6, 1923 there is a 66 foot section line easement.
 - d. If survey plat approval is during the period of January 18, 1949 and March 20, 1953 and date of entry also falls within this period, there is no section line easement.
 - e. If survey plat approval is during the period of January 18, 1949 and March 20, 1953 and date of entry falls after March 21, 1953, there is a 66 foot section line easement.
 - f. If survey plat approval was prior to January 18, 1949 and the date of entry was during the period of January 18, 1949 and March 20, 1953, there is a 66 foot section line easement.
 - g. If the land is in State ownership or was disposed of by the State or Territory after March 26, 1951, there is a 100 foot section line easement. University Grant

Lands may be an exception as the application of a section line easement may be in conflict with the federal trust obligation.

- h. If survey plat approval date and the date land was disposed of by the Territory both fall within the period of January 18, 1949 and March 25, 1951, there is no section line easement.
- i. If survey plat approval was prior to January 18, 1949 and the land was disposed of by the Territory during the period of January 18, 1949 and March 25, 1951, there is a 66 foot section line easement.
- j. United States Surveys and Mineral Surveys are not a part of the rectangular net of survey. If the rectangular net is later extended, it is established around these surveys. There are no section lines through a U.S. Survey or Mineral Survey, unless the section line easement predates the special survey.

There may be many other situations which will require evaluation and decision on a case by case basis. An attachment is included to demonstrate some of the above points. Any section line easement, once created by survey and acceptance by the State or Territory remains in existence, unless vacated by the proper authority.

Section Line Easement Determinations

In order for easements to exist, the survey establishing the section lines must have been approved or filed prior to entry on Federal lands or disposal of State or Territorial lands. The Federal lands must have been unreserved at some time subsequent to survey and prior to entry.

Surveyed Federal lands that were unreserved at any time during the indicated time period.	Effective Dates	Surveyed lands that were under State or Territorial ownership at any time during the indicated time period. (University Grant lands may be an exception.)
none	April 5, 1923	None
66'	April 6, 1923 to January 17, 1949	66'
none	January 18, 1949 to March 25, 1951	None
	March 26, 1951 to March 20, 1953	100'
66'	March 21, 1953 to March 24, 1974	
none	March 25, 1974 to Present	

Note: This table assumes the same land status on both sides of the section line. A review of the land status can result in total easement widths of 0', 33', 50', 66', 83', and 100'. A section line

easement, once created by survey and accepted by the State, will remain in existence unless vacated by proper authority.

c. **RS 2477 Case Law Summary** (From DNR paper RS 2477s - Building on Experience)

1. Clark v. Taylor, 9 Alaska 928 (4th Div. Fairbanks 1938). The public may, by user, accept the RS 2477 grant, and 20 years of "adverse" public use was sufficient in this case. However, the case also intimates that there is no such thing as an unsurveyed "section line" acceptance of the RS 2477 grant.
2. Berger v. Ohlson, 9 Alaska 389 (3rd Div. Anchorage 1938). The RS 2477 grant may be accepted by the general public, through general user, even absent acceptance by governmental authorities, although there must be sufficient continuous use to indicate an intention by the public to accept the grant.
3. U.S. v. Rogge, 10 Alaska 130 (4th Div. Fairbanks 1941). Same as 2.
4. Hamerly v. Denton, 359 P.2d 121 (Alaska 1961). Same as 2. In addition, this case held that AS 19. 10.010 (the section line dedication) was equivalent to a legislative acceptance of the RS 2477 grant.

But before a highway may be created, there must be either some positive act on the part of the appropriate public authorities of the state, clearly manifesting an intention to accept a grant, or there must be a public user for such a period of time and under such conditions as to prove that the grant has been accepted.

The court defined public lands as: "lands which are open to settlement or other disposition under the land laws of the United States. It does not encompass lands in which the rights of the public have passed and which have become subject to individual rights of a settler." Once there is a valid entry the land is segregated from the public domain.

In this case there were a number of entries which were subsequently relinquished or closed prior to the Hamerley's home site entry which went to patent. The public usage to establish acceptance of the grant had to be established when the land was not subject to an entry. The court found that there was no evidence of public use during the times the land was not subject to an entry. "Where there is a dead end road or trail, running into wild, unenclosed and uncultivated country, the desultory use thereof established in this case does not create a public highway."

5. Mercer v. Yutan Construction Co., 420 P.2d 323 (Alaska 1966). Trial court was correct in finding that the issuance of a grazing lease, expressly subject to later rights of way, did not reserve the leased land such that the government could not accept the RS 2477 grant and build a right of way.

DRAFT

Gutoski added that 40' of the 50' easement Reeves holds will become public.

Albert Pagh, 2849 Parks Hwy, owns ten acres adjoining this and has no objection to the subdivision.

Linnea Modlin, who lives across from this subdivision, is concerned about the traffic and a road this close to her trailer, the neighbor's house, and small children. It would have been much better if the road had been put on the other side of the lot.

Pagh had his property surveyed, and there is a right-of-way each side of the centerline; it is not an easement. Modlin's trailer is within 20' of the centerline. That road has been there for 40-50 years at least. It used to access everything on the other side of the Steese Highway.

Mendenhall asked if it would make any difference if the direction of Chloe Ct were reversed, coming in from the other side.

Eric Gabrielson, Design Alaska, said his dedication follows an existing road that has been there for about 20 years. The 50' road easement on the west boundary was vacated in 2002, so there is no 50' easement on this property; it may still be on the other side of the property line. This lady's improvements are not within the right-of-way he is dedicating; he doesn't know about that of the Old Steese Hwy.

Gutoski read from a court judgment that the 50' FE easement on the Ellingson property had been removed. That means that Mr. Reeves' easement on this parcel is gone.

A roll call vote was taken on the motion to approve the subdivision. Approval was unanimous.

SUBDIVISION APPROVED

Findings of fact: The existing road alignment is being used as much the old J.E.D. Subdivision. It appeared to be an adequate right-of-way within it. The zoning of the adjacent lots is GU-1, so there is no setback

PLAINTIFF
EXHIBIT NO. <u>16</u>
ADMITTED <input type="checkbox"/>
_____ (CASE NUMBER)

[Matheson resumed the Chair. Mendenhall departed.]

- 9. **VA 001-06** - A request by RCH Surveys on behalf of Cassiar Heights Properties, Inc., et al, to vacate a portion of the 66' section line easement common to Sections 20 and 29 within Lots 5, 6, 7, and 12, Blk 3, Cassiar Heights; Lot 13, Blk 3, Cassiar Heights 2nd Addn; and TL 2066; to vacate a portion of the 66' section line easement common to Sections 28 and 29 within TL 2047, 2849, Lots 13 and 14, Blk 3, Cassiar Heights 2nd Addn, and Tract A-2, Cassiar Heights 3rd Addn; and to vacate a portion of the section line easement along the north boundary of Section 28 within TL 2847; all within T1N R2E, FM AK (located east off Misty Fjords Ct).

Quakenbush gave the staff report; staff recommended preliminary approval of the vacation of that portion of the 66'-wide section line easement common to Sections 20 and 29 lying west of Misty Fjords Court; and vacation of the 66'-wide section line easement common to Sections 28 and 29; and vacation of the 33' section line easement along the north boundary

DRAFT

of Section 28 except for a 33' x 33' portion in the northwest corner of TL 2847 as shown on attached Exhibit "A" with the following condition: Any utilities within the section line easements proposed to be vacated be covered by public utility easements, and GVEA and ACS review and comment on the final plat utility easement provisions.

Staff further recommended adoption of the finding that the vacations meet the criteria established in Title 17.40.020.E.1.

Kniffen asked how TL 2847 is accessed.

Quakenbush showed the access taken from Roberts Roost Rd through public dedication part of the way and through legal, private easement the remainder of the way.

Dan Gavora, applicant, was one of the developers of the property in the early 1990s, and he is perplexed that he is now discussing vacation of easements that didn't exist when he did that plat. His was the first development after the bust in the 1980s. They designed their layout to accommodate large hill-side lots. They marketed and sold lots without any reference to easements that weren't on the plat. There is confusion as to whether or not the section line easements exist. It was not his purpose to provide access to the hinterlands, though he understands that access is necessary. He believes there is alternative access for that property. He thought the covenant established between the developer and Borough by recording of a plat was that in exchange for the contribution of the roads, the subdivision and the plat are established. Now he is involved in discussing vacating easements he doesn't believe exist. There is a lawsuit associated with that, and he is pursuing that action as well.

Mendenhall asked what role DNR plays in this discussion.

Gavora thought they wrote a letter on behalf of a person that is not a property owner there. Their letter opined, but did not officially state that the easement exists. He doesn't think DOT is involved in that process.

Mendenhall explained that the section line easements either do or do not exist. Gavora's plat doesn't determine that.

Bea Hagen, Assistant Borough Attorney, pointed out that the Platting Board doesn't have the authority to decide whether or not the section line easements exist. All they can do is follow their process. It won't help Mr. Gavora to argue his case with the Platting Board. His request to the Platting Board is to vacate the section line easements, if any. The Board can't fix the problem he may have with the State, and they don't need to worry about the actions of other jurisdictions. If there is a court case, the court will decide whether or not there are section line easements.

Kniffen asked if Lots 12 and 13 would have a problem created for them if the section line easement were improved for access to the parcel on the east.

Gavora replied that Lot 13 is currently vacant. Lot 12 is constructed. Quakenbush mentioned that it might be necessary to purchase some property to get the radius for a road to go into TL 2120. Since Lot 12 is owned by his brother, he doesn't think that will happen. It wasn't in their original subdivision plan to have a road there.

DRAFT

Nilda Holyfield, owner of TL 2847, said that before they purchased their property, they researched it, and they were not aware of any easements. The first they knew of easements was when they had a plot plan done after they finished their house; that is when they found out they had encroached into it. What appears to be a sewer line outlet behind the utility house is actually a water softener outlet. She questioned the usefulness of the 33' square as her information is that the grade is about 22% right at that corner. They have permanent, legal access from Roberts Roost Rd to their lot; it was constructed years ago and is noted in their deed. She thinks all the section line easements should be vacated.

Jeremy Stark, RCH Surveys, said John Bennett's (DOT) research method conflicts with that which BLM had on file for a long time, which is what the Borough recommended using. A conflict like this will end up in court for a judge to decide. If a road is put through to TL 2120, it will probably require a landing variance, if not a +10% grade variance plus a variance for an intersection on a curve and a curve radius variance. More detailed survey work would have to be done.

Mendenhall pointed out that even if a grade is too steep for a road, it would still be useful for utility lines, etc.

Quakenbush noted that she included a condition that any existing utilities within the section line easements must be covered by a public utility easement.

Dick Penteleeft, owner along with Deb Stringer, of TL 2807 encouraged the Board to accept the vacation request.

Quakenbush offered the Board the profile of the section line easement along the north of Section 28. The area recommended for retention is not steep; the steepness near there occurred because of a cut made for the house pad and other improvements.

Backlund has not been convinced that these easements don't have value for the public other than roads - such as hiking - so he will not vote to approve these vacations.

Reeves wanted to vacate all the easements as requested by the applicant. There is adequate access to all properties, and the grades would be too steep to build Borough standard roads. He imagines that everyone already has utilities.

Griffin agreed with Reeves, as did **Bliss**.

Kniffen felt the other conditions have been met for access to the adjoiners. Even though Carterville Rd seems round-about, it is legal access.

Bea Hagen, Assistant Borough Attorney, pointed out that the Board needs to be prepared to support their decision to vacate in the face of an objection by a neighboring property owner. On which of the grounds for vacation do they find the vacation appropriate? It has to be either that the "area proposed for vacation is no longer practical for the uses authorized," or "that other provisions have been made which are more beneficial to the public." The vacation needs to be supported with reasons why TL 2120 does not need the right-of-way.

Matheson replied that TL 2120 and 2027 are outlying parcels that both have access from Carterville Rd. There is a lawsuit on this issue as to whether these section line easements are affirmed. Meanwhile, Mr. Sykes has not responded to this particular issue.

DRAFT

O'Hare will either go with staff's recommendation or will vote not to vacate at all. She didn't see how vacating would be beneficial to property owners other than the applicants. There is more public to be served than just these. She asked how TL 2120 is supposed to get access.

Quakenbush showed on the map that if dedication is acquired as proposed by the Comprehensive Road Plan, a connection will be made between Carterville Rd and Bohnet Dr. That would give access to the north boundary of TL 2120. What is showing on the map as Carterville Rd is a 60'-wide unconstructed ADL permit; it goes east to Nine-Mile Hill Rd. She has no information on the grades on Carterville Rd, so she doesn't know if it can be constructed to Borough standards. She does know, however, that the section line easement known as Nine-Mile Hill Rd is excessively steep. It is quite unlikely Nine Mile Hill will be able to be used for access for subdivision purposes, because it is too steep to consider for a Borough-standard road. For TL 2120 to have the option to subdivide, the section line easement east of Misty Fjords Ct has to be retained. Additional information would have to be obtained before determining if constructing a road there in the future is feasible.

O'Hare could not agree to vacating. There is a large public to be served by these easements.

Matheson believed that all the requested portions should be vacated because the Comprehensive Road Plan is set up for a different access to those other parcels.

A roll call vote was taken on the motion to approve all the vacation as requested by applicants for the reasons stated earlier. Voting to deny were Backlund, Bliss, Griffin, Kniffen, Mendenhall, and O'Hare; voting to approve were Reeves and Matheson.

VACATIONS DENIED

Kniffen asked if the 33' square is sufficient for the need proposed by staff. An assertion had been made that it is not.

Quakenbush believes it is. The section line easement recommended for retention in the 33' square is basically to contain spillage of dirt over the edge of the road.

Todd Boyce, FNSB Transportation Planner, said the 33' is needed to transition into TL 2120. A curve radius variance might be required. If the section line easement were stubbed at the section line, it would make the last 30' of it unusable for the road. He would probably have asked for a larger piece of the easement if the encroachments within TL 2847 were not already there. This will give the person to the north a better chance of getting a road into their property.

A roll call vote was taken on the motion to approve vacation of the section line easement from St Elias Dr to Misty Fjords Ct. The motion was approved with Backlund, Bliss, Griffin, Kniffen, Reeves, and Matheson voting to approve; Mendenhall and O'Hare voted to deny.

VACATION APPROVED

Findings: The residents are better served by the existing access roads, and this is no longer needed.

DRAFT

A roll call vote was taken on the motion to approve vacation of the north-south section line easement between Sections 28 and 29. The motion was approved with Bliss, Griffin, Kniffen, Reeves, and Matheson voting to approve; Backlund, Mendenhall and O'Hare voted to deny.

VACATION APPROVED

Findings: Other provisions for access are already in place for the adjoining parcels. The area proposed to be vacated is no longer practical for the uses and purposes authorized.

[Mendenhall departed.]

A roll call vote was taken on the motion to approve vacation of the 33' section line easement within TL 2847. The motion failed with Backlund, Bliss, Griffin, Kniffen, and O'Hare voting to deny; Reeves and Matheson voted to approve.

VACATION DENIED

A roll call vote was taken on the motion to approve vacation of the 33' section line easement within TL 2847 except for the 33' x 33' northwesterly portion. The motion was approved with Bliss, Griffin, Kniffen, Reeves, and Matheson voting to approve, and O'Hare and Backlund voting to approve.

VACATION APPROVED

Findings: Due to the steep grades, the area proposed to be vacated is no longer practical for the uses and purposes authorized.

A roll call vote was taken on the motion to approve vacation of the section line easement common to Sections 20 and 29 from Misty Fjords Ct eastward to the section corner. The motion was denied with Backlund, Griffin, Kniffen, O'Hare, and Matheson voting to deny, and Bliss and Reeves voting to approve.

VACATION DENIED

Findings: This is a practical route of access to TL 2120, and other access provisions that are more beneficial are not available.

(The end result of these actions was in accordance with staff's recommendations.)

[Reeves departed]

10. **RP 008-06** - A request by RCH Surveys on behalf of Lori and Gregory Peterson to replat Lot 5, Peter Hawk Subd, 4.99 acres, into four lots ranging in size from 40,000 sq ft to 2.04 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 1, T2S R2E, FM AK (located on Peter Hawk Ave).

Gutoski gave the staff report; staff recommended approval of a variance to allow Lot 5-D to exceed the 4:1 depth-to-width ratio required by 17.60.060.H.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

E. L. ROY DUCE, individually and as)
trustee of the Sykes Childrens Trusts, and)
DWANE J. SYKES, Plaintiffs,)

vs)

CASSIAR HEIGHTS PROPERTIES INC, an Alaskan)
corporation, RUDOLF L. GAVORA, JENA D. GAVORA,)
JAMES K. BUTTON, JENNIFER B. BUTTON,)
CHARLES E. HOLYFIELD, NILDA L. HOLYFIELD,)
MARK O. SYKES,)

ET AL)

CASE No. 4FA-04-2827 CI

AFFIDAVIT OF WILLIAM BLIZZARD

STATE OF ALASKA)
) ss.
Fourth Judicial District)

William Blizzard, being first duly sworn upon his oath,
deposes and states:

1. I am a professional land surveyer.

2. I prepared the attached survey plat (see Exhibit A) of
Tax Lot 2847, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T1N, R2E, F.M. AK, on
June 8, 2004. The plat was prepared for a title insurance report
for Charles E. Holyfield and Nilda L. Holyfield.

3. The survey plat shows the encroachments within the 33
foot section line easement. It also shows the Mech building 4'
offset south of the section line, and that the well and electric
drop pole are also within the 33' section line easement.

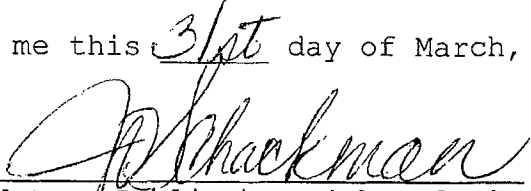
Further affiant sayeth naught.

Dated this 31ST day of March, 2006, at Fairbanks, Alaska.

Wm. Blizzard
William Blizzard

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

SUBSCRIBED and SWORN to before me this 31st day of March, 2006.


Notary Public in and for Alaska
My Commission Expires: 11-7-07

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of March, 2006, a true and correct copy of the foregoing document was delivered via courier upon:

John J. Burns, Borgeson & Burns
Attorney for Rudolf Gavora/Jena Gavora,
James Button/Jennifer Button, Cassiar Heights
Properties Inc. & William Mattice
100 Cushman St., Suite 311
Fairbanks, AK 99701

Lynn E. Levensgood
Downes, MacDonald & Levensgood
Attorney for Charles Holyfield/Nilda Holyfield
1008 16th Avenue, Suite 200
Fairbanks, AK 99701


Office of Valerie M. Therrien

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

E. L. ROY DUCE, individually and as)
trustee of the Sykes Childrens Trusts, and)
DWANE J. SYKES, Plaintiffs,)

vs)

CASSIAR HEIGHTS PROPERTIES INC, an Alaskan)
corporation, RUDOLF L. GAVORA, JENA D. GAVORA,)
JAMES K. BUTTON, JENNIFER B. BUTTON,)
CHARLES E. HOLYFIELD, NILDA L. HOLYFIELD,)
MARK O. SYKES,)

ET AL)

CASE No. 4FA-04-2827 CI

AFFIDAVIT OF KENITA STENROOS

STATE OF ALASKA)
) ss.
Fourth Judicial District)

Kenita Stenroos, being first duly sworn upon her oath,
deposes and states:

1. I am an employee of the Bureau of Land Management.
2. These certified copies are true and correct copies of the documents in our files. (See attached copies.)

Further affiant sayeth naught.

Dated this 31st day of March, 2006, at Fairbanks, Alaska.

Kenita Stenroos
Kenita Stenroos

SUBSCRIBED and SWORN to before me this 31st day of March,
2006.

[Signature]
Notary Public in and for Alaska
My Commission Expires: 11-7-07

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April
2006, a true and correct copy of the foregoing
document was delivered via courier upon:

John J. Burns, Borgeson & Burns
Attorney for Rudolf Gavora/Jena Gavora,
James Button/Jennifer Button, Cassiar Heights
Properties Inc. & William Mattice
100 Cushman St., Suite 311
Fairbanks, AK 99701

Lynn E. Levensgood
Downes, MacDonald & Levensgood
Attorney for Charles Holyfield/Nilda Holyfield
1008 16th Avenue, Suite 200
Fairbanks, AK 99701

18

Office of Valerie M. Therrien

Fairbanks (215)

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 May 20, 1862 (12 Stat. 392), and the acts supplemental thereto, the claim of Donald Clifford Kimmel 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 N., R. 2 E.,
Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 120.00 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; and (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). 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).

EXHIBIT 1
PAGE OF

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 **EIGHTEENTH** day of **JUNE** in the year of our Lord one thousand nine hundred and **SIXTY-TWO** and of the Independence of the United States the one hundred and **EIGHTY-SIXTH**.

[SEAL]

Certified to be a true copy

Kenneth St. Lawrence
3/31/66
Fairbanks Northern District
Bureau of Land Management

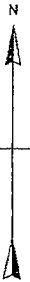
For the Director, Bureau of Land Management.

By *Ruth W. Talley*
Chief Patents Section.

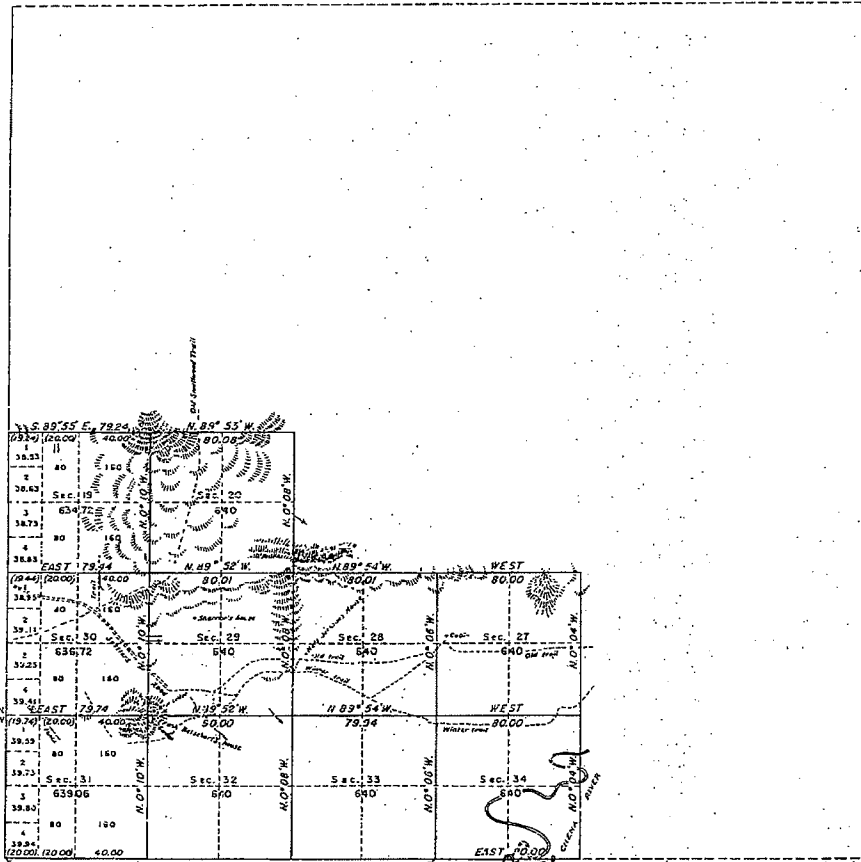
Patent Number 1227374

TOWNSHIP NO. 1 NORTH, RANGE NO. 2 EAST OF THE FAIRBANKS MERIDIAN, ALASKA

Certified to be a true copy
3/31/06
Kerub Stevenson
Fairbanks Northern District
Bureau of Land Management



Lot 64° 52' 41" N
Long 147° 38' 33.13" W
N 7° 25' 22.23"



SURVEYED BY WILHELM LUNDIE IN 1910
T. 1 S., R. 2 E.
SURVEYED BY E. C. GUERICI IN 1920
FAIRBANKS BASE LINE

SCALE: 1 INCH EQUALS 40 CHAINS

MAGNETIC DECLINATION 31° 15' E. AREA SURVEYED: 8300.50 ACRES

LINES DESIGNATED	BY WHOM SURVEYED	GROUP NO.	DATE OF SPECIAL INSTRUCTIONS	WHEN SURVEYED	
				BEGUN	COMPLETED
EXTERIOR AND SUBDIVISION	F. W. WILLIAMSON ASSOCIATE CADASTRAL ENGINEER, C. L. O.	57	OCTOBER 10, 1942	AUGUST 28, 1946	SEPTEMBER 12, 1944

UNITED STATES DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
BUREAU OF LAND MANAGEMENT
DENVER, COLORADO, JUNE 20, 1946.
WASHINGTON, D. C., MARCH 10, 1947.

THE ABOVE PLAT OF TOWNSHIP NO. 1 NORTH, RANGE NO. 2 EAST OF THE FAIRBANKS MERIDIAN, ALASKA, IS STRICTLY CONFORMABLE TO THE FIELD NOTES OF THE SURVEY THEREOF, WHICH HAVE BEEN EXAMINED AND APPROVED.

[Signature]
SUPERVISOR OF SURVEYS.

THE SURVEY REPRESENTED BY THIS PLAT, HAVING BEEN CORRECTLY EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS OF LAW AND THE REGULATIONS OF THIS OFFICE, IS HEREBY ACCEPTED.

[Signature]
ACTING ASSISTANT DIRECTOR.

EXHIBIT
PAGE 1 OF 7

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

E. L. ROY DUCE, individually and as)
trustee of the Sykes Childrens Trusts, and)
DWANE J. SYKES,)
)
Plaintiffs,)
vs)
)
CASSIAR HEIGHTS PROPERTIES INC, an Alaskan)
corporation, RUDOLF L. GAVORA, et. al.,)
)
Defendants.)

CASE No. 4FA-04-2827 CI

AFFIDAVIT OF TRUDY GLASER

BEING FIRST SWORN ON OATH Trudy Glaser, of adult age, deposes and says on personal knowledge:

1. I personally traveled repeatedly via truck and car several times in spring, summer and/or fall months, generally weekly, during the years of 1994 and 2004 over the rural, winding Robert's Roost Road which departs northerly up the hill from about 9-mile Chena Hot Springs Road and passes to the south and west around the large gravel- or borrow-pit located on Tax Lot 2847, Sec. 28, T1N, R2E, F. M., then due north along and within the 33 foot Section Line Easement on the south 33 feet of said Tax Lot 2847, to intercept the East-West roadway and the power-poles at the Section Corners common to Sections 20, 21, 28 and 29, T1N, R2E, F. M., as shown in the Aug. 19, 1998, aerial photo from the Fairbanks North Star Borough's internet site G.I.S. Ortho Quad map, Exhibit A hereto.
2. The gravel- or borrow-pit covers some two or three acres of Tax Lot 2847.
3. As to public use of the Robert's Roost Road, as shown on aerial photo Exhibit A, from Chena Hot Springs Road to its terminus at the above-said four common Section Corners, in addition to my own personal roadway use and those of the public traveling with me, I

observed that said road was also used unrestricted by the general public traveling in all sorts of sedans, trucks, and equipment vehicles, being:

- a. used continuously and uninterrupted by myself, my associates and the general public;
 - b. used and enjoyed by myself, my associates and by the general public as the average user or owner of such road would use and enjoy it;
 - c. used adversely, inconsistently and hostilely to the rights or interests of the true owners of the property over which the above-said Robert's Roost Road traversed;
 - d. used notoriously, visibly, and openly by myself, my associates, and the general public in a manner that prudent owners would surely be put on notice of said roadway's frequent use and travel;
 - e. used without any consent, permit or permission of the true owners of the property traversed;
 - d. never closed, blocked, gated, or barricaded,
4. The lower, southern portion of this Robert's Roost Road was expressly granted "for the use of the public as a public roadway" in perpetuity 75 feet wide, 37.5 feet on each side of its centerline, in that ROADWAY EASEMENT from Robert O. Straight to the State of Alaska, Dept. of Highways, recorded as Instrument 71-07829 on Aug. 30, 1971, at Book 263 Page 93 (copy attached hereto as Exhibit B).
5. As to the public intent for the upper portion of Robert's Roost Road, that Statutory Warranty Deed recorded Sept. 11, 1975, as Instrument 85-43064 at Book 444 Pages 0295-96 (which included the above-said Tax Lot 2847 as Parcel A), set forth the continuation of the Robert's Roost Road centerline, stating "...but with the full right on the part of the Grantor, her heirs and devisees, to dedicate to the public for roadway purposes...the land encumbered in said easement as a northerly extension of said Robert's Roost Road." (copy attached hereto as Exhibit C).

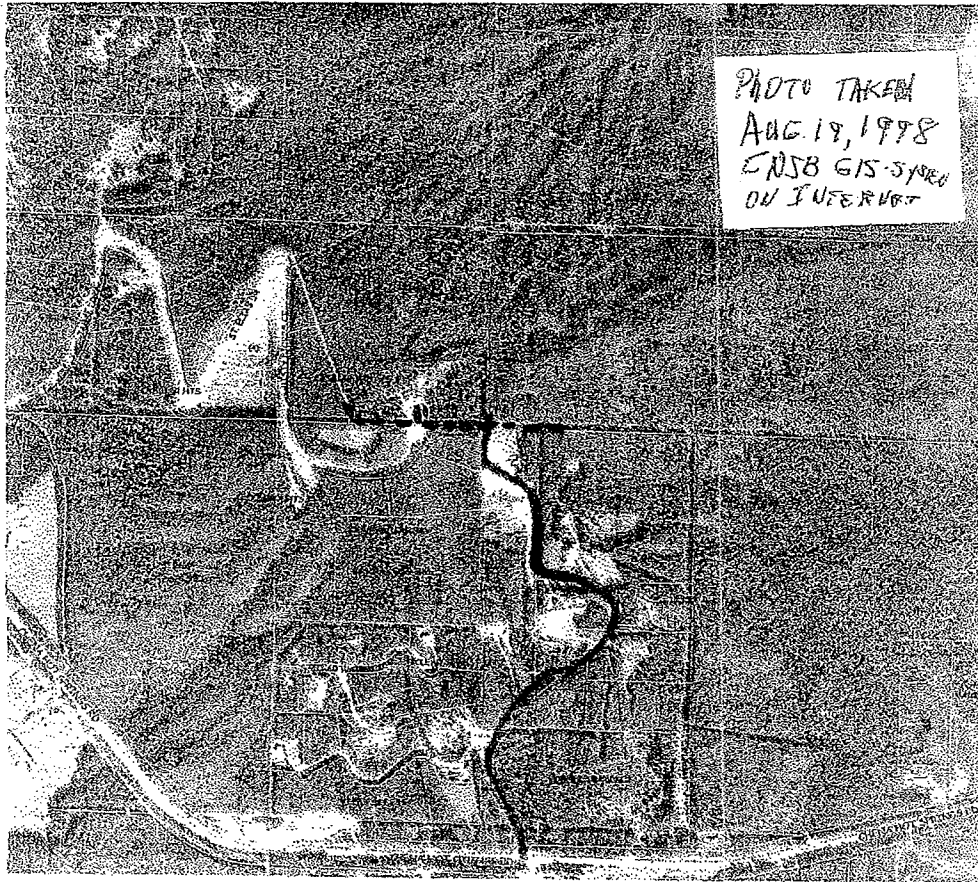


EXHIBIT A: The rural, winding, public Robert's Roost Road alignment, shown by heavy, solid black (or red) line, which departs northerly up the hill from about 9-mile Chena Hot Springs Road and eventually traverses Northwesterly across Holyfield's 5-acre Tax Lot 2847 (the white rectangle at road's end], Sec. 28, T1N, R2E, F.M., passing to the south and west around the large gravel- or borrow-pit located on said Tax Lot 2847, thence due north along and within the 33 foot Public Section-Line Easement on the south 33 feet of said Tax Lot 2847, to intercept the dashed East-West Public Section-Line Easement roadway and the power-pole line at the Section Corners common to Sections 20, 21, 28 and 29, T1N, R2E, F. M., as shown in the Aug. 19, 1998, aerial photo from the Fairbanks North Star Borough's public internet site G.I.S. Ortho Quad map. Later, in about 1993, the Holyfields build their large home at 1065 Robert's Roost Road within mere feet of the above-said four common Section Corners, with their out-buildings and structures encroaching within and blocking the north 33 foot Public Section Line Easement of Tax Lot 2847.

The dashed unnamed East-West Section-Line Easement public roadway runs a few feet west of and along the GVEA power-line within the 66-foot between Sections 20, 21, 28 and 29. That public roadway has existed and been used continuously and uninterrupted by the general public since construction of that GVEA power-line decades earlier in about the 1950's, and also so used by the Sykes and their associates since 1972. In the years prior to construction of Cassiar Heights Subdivision's Misty Fjords Court public road (about the early 1990's), a second and third westerly access entries to reach this East-West Public Section Line Easement roadway between Sections 20 and 29—in addition to the Robert's Roost Road— were also utilized from the driveway of Kenneth and Bonita Nieland (predecessors of Cassiar Heights property). The second, mostly westerly connection was off the south-most "dog-leg" of the Nieland's driveway which ran South-by-Southeasterly across the Nieland's SW1/4 SW14 of said Sec. 20 to the south edge of Section 20, before that "dog-leg" turned back north-westerly to reach Nieland's house. That second westerly "dog-leg" connection is shown on above aerial photo map at the west end of the above-said dashed East-West Public Section-Line Easement roadway. The third access came south from the Nieland's house to connect with that East-West Public Section Line Easement roadway between Sections 20 and 29, in the vicinity of where the Misty Fjords Court Road now crosses that Section Line.

Travel was often by driving from Chena Hot Springs Road north up the Robert's Roost Road to the section corner of Sec. 20, 21, 28 and 29, then south along the above-said East-West Public Section-Line Easement roadway to the Nieland's private road connections—or, after it's about 1992-94 construction, to Misty Fjords Court public road—or visa versa driving in the opposite direction.

71-07829

263 93

ROADWAY EASEMENT

THIS INSTRUMENT, made and given this 21st day of August, 1971, by and between:

ROBERT O. STRAIGHT, of Fairbanks, Alaska, hereinafter known as "Grantor",

and

STATE OF ALASKA, acting by and through its Department of Highways, hereinafter known as "Grantee".

WITNESSETH:

That the Grantor, desiring to create a public access road running North from the Chena Hot Springs Road, at a point where such last mentioned road passes through the Northwest Quarter of the Southwest Quarter of Section Twenty-eight (28), Township One North, Range Two East, Fairbanks Meridian, Alaska, and for good and valuable considerations in hand paid, hereby grants and conveys unto the Grantee, for the use of the public as a public roadway, a perpetual easement over and upon the following described real estate located in the Fairbanks Recording District, State of Alaska:

A tract of land lying in the West Half of the West Half of Section Twenty-eight (28), Township One North, Range Two East, Fairbanks Meridian, being 37 1/2 feet on each side of, and adjacent to, the following described centerline of such tract:

Commencing at a point on the northerly boundary of the Chena Hot Springs Road right-of-way, which point lies 225 feet East of the West boundary of said Section 28, as measured by a line parallel to the East-West midsection line of said Section 28; thence North parallel to said West boundary of said Section 28, to a point on the East-West midsection line of said Section 28; thence Northwesterly a distance of 550 feet to a point that is 40 feet East of said West boundary of said Section 28, as measured by a line parallel to said East-West midsection line of said Section 28; thence Northeasterly a distance of exactly 1040 feet to a terminal point located on the South Boundary of the North Half of the Northwest Quarter of said Section 28.

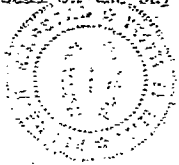
IN WITNESS WHEREOF, the Grantor has hereunto set his hand.

STATE OF ALASKA)
FOURTH JUDICIAL DISTRICT)

Robert O. Straight Grantor

THIS IS TO CERTIFY, that on this 21st day of August, 1971, before me, the undersigned notary public, personally appeared ROBERT O. STRAIGHT, known to me, and he acknowledged to me that he signed the foregoing instrument, as his voluntary act and deed, for uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first in this certificate written.



Notary Public in and for Alaska
My commission expires: _____

MARGARET A. L. [Name]
Notary Public

EXHIBIT B

STATUTORY WARRANTY DEED

THIS INDENTURE, made and given this 11 day of September, 1985,

by and between:

DOROTHY TUTTLE, formerly known as and who acquired title as DOROTHY ROUSE, of P.O. Box 3367, Fairbanks, Alaska 99707, being the survivor of the entirety existing in the herein conveyed real estate with Rev. R. Rouse who died on March 13, 1980 at Fairbanks, Alaska, and being hereinafter known as "Grantor".

and

BRETT N. GRIFFITH and DEIDRE J. GEIST, taking as equal tenants in common, of 2168 Kensington Circle, North Pole, Alaska 99705, hereinafter known as "Grantees".

W I T N E S S E T H:

That the Grantor, in consideration of Ten Dollars (\$10.00), and other good and valuable considerations, in hand paid, hereby conveys and warrants unto the Grantees, the following described real estate located in the Fairbanks Recording District, State of Alaska:

PARCEL A: The West Half (W 1/2) of Northwest Quarter (NW 1/4) of Northwest Quarter (NW 1/4) of Northwest Quarter (NW 1/4) of Section Twenty-eight (28), Township One North, Range Two East, Fairbanks Meridian.

PARCEL B: That portion of the South Half (S 1/2) of South Half (S 1/2) of Northwest Quarter (NW 1/4) of Northwest Quarter (NW 1/4) of Section Twenty-eight (28), Township One North, Range Two East, Fairbanks Meridian, described as follows:

Beginning at the Southeast corner of the West Half (W 1/2) of West Half (W 1/2) of Northwest Quarter (NW 1/4) of Northwest Quarter (NW 1/4) of said Section; thence East along the South line of the NW 1/4 of NW 1/4 of said Section, a distance of 467 feet to the centerline of the present northerly terminus of Roberts Boest Road, as established pursuant to that roadway dedication recorded August 30, 1971 in Deed Records Volume 263 at Page 93; thence North 20° East 112 feet; thence North 02° West 54 feet; thence North 41° West 60 feet; thence North 41° West 63 feet; thence North 28° West 43 feet, more or less, to the North line of the S 1/2 of S 1/2 of NW 1/4 of NW 1/4 of said Section; thence West along the S 1/2 of S 1/2 of NW 1/4 of NW 1/4 of said Section, a distance of 396 feet, more or less, to the Northwest corner of the SE 1/4 of SW 1/4 of NW 1/4 of said Section; thence South along the West line of the SE 1/2 of SE 1/4 of NW 1/4 of NW 1/4 of said Section, a distance of 330 feet, more or less, to the point of beginning.

TOGETHER WITH the benefit, and subject to the burden, of a perpetual easement for roadway purposes, 50 feet in width, the centerline of which said easement is the Easterly line and the North line of the aforesaid Parcel "A" and thence continues North along the East line of the NW 1/4 of SE 1/4 of NW 1/4 of NW 1/4 of said Section and along the East line of the SW 1/4 of NW 1/4 of NW 1/4 of NW 1/4 of said Section to its northerly terminus, and with the land embraced in such easement to be utilized for such roadway purposes in common by the within parties, their respective heirs and assigns, but with full right on the part of the Grantor, her heirs and devisees, to dedicate to the public for roadway purposes, all or any portion of the land embraced in said easement, as a northerly extension of said Roberts Boest Road.

SUBJECT, however, to reservations and easements of record, including any section line easement, and

EXHIBIT C ps 1

AND SUBJECT to the right, title and interest therein of Alaska Title Guaranty Agency, Inc., as trustee, and of the State of Alaska, represented by the Director of the Division of Loans and Veterans Affairs, as beneficiary, existing under and by virtue of that certain Deed of Trust from the within Grantor, as trustee, dated June 3, 1952, recorded June 6, 1952 in Official Records, Volume 261 at Page 253, pertaining to the within and other property, securing payment of the original principal sum of \$3,000.00, and interest thereon, payable according to the terms and tenor of a certain Promissory Note therein described, and which said obligation the within Grantor covenants to pay and discharge according to the terms and tenor thereof, and to have the lien thereof released from the herein conveyed real estate not later than the time of payment by the Grantees of the full purchase price therefor; and further, as and when the Grantees are entitled to have the lien of their purchase money deed of trust released from any of the herein conveyed real estate, then also by such time to have the lien of the aforesaid prior recorded encumbrance released from the same real estate; and further, to make reasonable and diligent efforts to seek the release forthwith of the aforesaid prior recorded encumbrance from the whole of the herein conveyed real estate.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand.

Dorothy W. Wase
 Dorothy W. Wase, formerly known as
 Dorothy Wase - Grantor

UNITED STATES OF AMERICA
 STATE OF ALASKA

THIS IS TO CERTIFY, that by this 11th day of September, 1985, before me, the undersigned notary public, personally appeared DOROTHY WASE, formerly known as DOROTHY WASE, known to me, and acknowledged to me that she signed the foregoing Statutory Warranty Deed, freely and voluntarily, for uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first in this certificate written.

Ernest P. Ballew
 Ernest P. Ballew
 Notary Public in and for Alaska
 My commission expires July 7, 1987.

95 23062

REC'D
 CLERK OF DISTRICT

SEP 11 3 20 PM '85

REQUESTED BY _____

ADDRESS _____

EXHIBIT C-982

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

E. L. ROY DUCE, individually and as)
trustee of the Sykes Childrens Trusts, and)
DWANE J. SYKES, Plaintiffs,)
)
vs)
)
CASSIAR HEIGHTS PROPERTIES INC, an Alaskan)
corporation, RUDOLF L. GAVORA, JENA D. GAVORA,)
JAMES K. BUTTON, JENNIFER B. BUTTON,)
CHARLES E. HOLYFIELD, NILDA L. HOLYFIELD,)
et al,)
)
Defendants.)

CASE No. 4FA-04-2827 CI

**ORDER GRANTING MOTION FOR
SUMMARY JUDGMENT AS TO THE THIRD,
FOURTH, FIFTH, SIXTH, SEVENTH, AND EIGHTH CAUSES OF ACTION,
AGAINST DEFENDANTS CASSAIR HEIGHTS PROPERTIES INC,
AN ALASKA CORPORATION, RUDOLF L. GAVORA,
JENA D. GAVORA, JAMES K. BUTTON, JENNIFER B. BUTTON,
CHARLES E. HOLYFIELD AND NILDA L. HOLYFIELD**

The Plaintiffs having moved for Summary Judgment, against the defendants, CASSAIR HEIGHTS PROPERTIES INC, AN ALASKA CORPORATION, RUDOLF L. GAVORA, JENA D. GAVORA, JAMES K. BUTTON, JENNIFER B. BUTTON, CHARLES E. HOLYFIELD AND NILDA L. HOLYFIELD, as to the THIRD, FOURTH, FIFTH, SIXTH, SEVENTH, AND EIGHTH CAUSES OF ACTION respectively, having come before this Court, and this court having reviewed any opposition of the Defendants, and being duly advised in the premises, hereby grants said motion.

1. As to the Third Cause of Action, Plaintiffs are hereby granted Declaratory Judgment, under the U.S. Mining Act of 1866 and R.S. 2477 of Rev. Stat. 1872 (43 U.S.C. 932), against the

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

Defendants that there exists a valid Section Line Easements of 33 feet for Federally derived properties, and 50 feet for State of Alaska owned or derived properties, on each side of each section lines in Sections 20, 21, 28 and 29 for public, non-exclusive roadways, including specifically:

that a valid 33-foot Section Line Easement exists on each side of Defendants Cassiar Height Properties, Inc. and Gavoras' properties on the common section line of Sections 20 and 29, running approximately East some 409.49 feet, more or less, to the common section corners of said four Sections, from the East boundary of Misty Fjords Court road, as dedicated for public use in those plats of Cassiar Heights Subdivision, Cassiar Heights 1st ADDITION, and Cassiar Heights 2nd ADDITION, recorded as Fairbanks Plat #94-74, Fairbanks #95-1, and Fairbanks 2000-29-001, respectively, in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, to the common section corners of said four Sections, being over and upon the South 33 feet and the East 33 feet of Lot 12 Block 3, Cassiar Heights Subdivision, and the North 33 feet and the East 33 feet of Lot 13, Cassiar Heights 2nd ADDITION, and over and upon the East 33 feet; of Lot 14, Block 3, Cassiar Heights 2nd ADDITION

- a. that a valid 33-foot Section Line Public Easement exists on Defendants Cassiar Height Properties, Inc. and Gavoras' and Burtons' properties over the: East 33 feet

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

and the South 33 feet of the SE1/4 of the SE1/4 of Section 20 and over the East 33 feet and the North 33 feet of the NE1/4 of the NE1/4 of Section 29, T1N, R2E, F.M., and

- b. that a valid 33-foot Section Line Easement exists on the East 33 feet and the West 33 feet of Defendants Holyfields' property, to wit:

the W1/2 NW1/4 NW1/4 NW1/4 of Section 28, T1N. R2E, F.M. in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, a.k.a. Tax Lot 2847 by the Fairbanks North Star Borough.

2. As to the Fourth Cause of Action, Plaintiffs are hereby granted Declaratory Judgment affirming the validity of the Section Line Easements for non-exclusive public roadways and use in Sections 20, 21, 28 and 29, T1N, R2E, F.M., under A.S. 19.10.010, as follows:

that a valid 33-foot Section Line Easement exists on each side of Defendants Cassiar Height Properties, Inc. and Gavoras' properties on the common section line of Sections 20 and 29, running approximately East some 409.49 feet, more or less, to the common section corners of said four Sections, from the East boundary of Misty Fjords Court road, as dedicated for public use in those plats of Cassiar Heights Subdivision, Cassiar Heights 1st ADDITION, and Cassiar Heights 2nd ADDITION, recorded as Fairbanks Plat #94-

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

74, Fairbanks #95-1, and Fairbanks 2000-29-001, respectively, in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, to the common section corners of said four Sections, being over and upon the South 33 feet and the East 33 feet of Lot 12 Block 3, Cassiar Heights Subdivision, and the North 33 feet and the East 33 feet of Lot 13, Cassiar Heights 2nd ADDITION, and over and upon the East 33 feet; of Lot 14, Block 3, Cassiar Heights 2nd ADDITION

- a. that a valid 33-foot Section Line Public Easement exists on Defendants Cassiar Height Properties, Inc. and Gavoras' and Burtons' properties over the: East 33 feet and the South 33 feet of the SE1/4 of the SE1/4 of Section 20 and over the East 33 feet and the North 33 feet of the NE1/4 of the NE1/4 of Section 29, T1N, R2E, F.M., and
- b. that a valid 33-foot Section Line Easement exists on the East 33 feet and the West 33 feet of Defendants Holyfields' property, to wit:

the W1/2 NW1/4 NW1/4 NW1/4 of Section 28, T1N. R2E, F.M. in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, a.k.a. Tax Lot 2847 by the Fairbanks North Star Borough.

3. As to the Fifth Cause of Action, Plaintiffs are hereby granted Declaratory Judgment on their claims of encroachment on

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

section line roadway easements and ejectment as to Defendants Charles E. Holyfield and Nilda L. Holyfield, and hereby grants Ejectment of Defendants Holyfields' structures, including but not limited to, a water well, mechanical building, vents, lines, pipes, drain fields, service power-pole, embankments, parking pads, etc., from the Section Line Easement for public roadways on the north 33 feet and west 33 feet of Holyfields' W1/2 NW1/4 NW1/4 NW1/4 of Section 28, T1N. R2E, F.M. in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, a.k.a. Tax Lot 2847 by the Fairbanks North Star Borough.

4. As to the Sixth Cause of Action, Plaintiffs are hereby granted Declaratory Judgment and the Court hereby grants Ejectment of Defendants Holyfields' structures, including but not limited to, the vents, lines, pipes, drain fields, embankments, parking pads, "No Trespassing" signs, etc., on the south portion of the SW1/4 SW1/4 of Section 21, T1N, R2E, F.M., (a.k.a. Tax Lot 2120), owned by Plaintiffs.

5. As to the Seventh Cause of Action, Plaintiffs are hereby granted Declaratory Judgment, as to Defendants Holyfields, under a public prescriptive easement under AS 09.45.052, for over seven years use with color of title, under AS 09.10.030 for over ten years adverse use without color of title, or under common law dedication, that the general public, including Plaintiffs herein, have unrestricted, perpetual easement and public right of use over

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

and upon the existing Robert's Roost Road from Chena Hot springs through the N1/2 NW 1/4 of Section 28, T1N, R2E, FM, to and through Tax Lot 2847 aka W 1/2 NW 1/4 NW 1/4 of said Section 28, now owned by Holyfields, more specifically described as follows:

a. Commencing at a point on the Northerly boundary of Chena Hot Springs Road right-of-way, which point lies 225 feet East of the West boundary of Section 28, T1N, R2E. F.M., thence northerly on the existing public Robert's Roost Road as presently built and as recorded from Robert Straight to the State of Alaska DOT on August 30, 1971, as Inst. #71-07829 at BK 263 PG 93-4, to its public ROW terminus upon the south boundary of NW 1/4 NW 1/4 of said Section 28;

b. thence continues meandering northwesterly 25 feet on each side of the existing center line, along the common boundaries of TL-2826, TL-2848, TL-2807 and TL-2849, as more specifically set forth in the Right-Of-Way in Statutory Warranty Deed from Dorothy Titus to Brett M. Griffith and Deidre J. Geist, recorded on September 11, 1985 as Instrument 85-23062 in BK 444 Pg 295-6, until it reaches the SE corner of the Holyfields' W1/2 NW1/4 NW1/4 NW1/4 of Section 28, T1N. R2E, F.M. in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, a.k.a. Tax Lot 2847 by the Fairbanks North Star Borough.

c. thence the centerline of said existing private road continues northwesterly, on an incline which skirts the old borrow-pit on its right, to a point about 8 feet, more or less, east of the west Section Line of Section 28, near the SW corner of the Holyfields' NW1/4 NW1/4 NW1/4 NW1/4 of said Section 28; thence the centerline continues north over the Holyfields' NW1/4 NW1/4 NW1/4 NW1/4 of said Section 28, along a line about 8 feet east of and parallel to the west Section Line of Sec. 28, lying mostly within the West 33-foot public section line ROW to a point about 8 feet East of the northwest corner of said Section 28 and of Holyfields said TL-2847, to reach and provide access to the adjoining SW1/4 SW1/4 of Section 21, T1N, R2E, a.k.a. TL 2120, the dominant 40-acre estate owned by the Sykes family.

6. As to the Eighth Cause of Action, Plaintiffs are hereby granted Declaratory Judgment as to Defendants Charles E. Holyfield and Nilda L. Holyfield, that Plaintiffs and their heirs, assigns,

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

and successors in interest, have unrestricted, non-exclusive, perpetual, private easement and right of use over and upon the existing Robert's Roost Road from Chena Hot Springs thru the N1/2 NW1/4 of Section 28, T1N, R2E, F.M., to and through TL-2847 now owned by Defendants Holyfields, more specifically described as follows:

a. Commencing at a point on the Northerly boundary of Chena Hot Springs Road right-of-way, which point lies 225 feet East of the West boundary of Section 28, T1N, R2E, F.M., thence northerly on the existing public Robert's Roost Road as presently built and as recorded from Robert Straight to the State of Alaska DOT on August 30, 1971, as Inst. #71-07829 at BK 263 PG 93-4, to its public ROW terminus upon the south boundary of NW 1/4 NW 1/4 of said Section 28;

b. thence continues meandering northwesterly 25 feet on each side of the existing center line, along the common boundaries of TL-2826, TL-2848, TL-2807 and TL-2849, as more specifically set forth in the Right-Of-Way in Statutory Warranty Deed from Dorothy Titus to Brett M. Griffith and Deidre J. Geist, recorded on September 11, 1985 as Instrument 85-23062 in BK 444 Pg 295-6, until it reaches the SE corner of the Holyfields' W1/2 NW1/4 NW1/4 NW1/4 of Section 28, T1N, R2E, F.M. in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, a.k.a. Tax Lot 2847 by the Fairbanks North Star Borough.

c. thence the centerline of said existing private road continues northwesterly, on an incline which skirts the old borrow-pit on its right, to a point about 8 feet, more or less, east of the west Section Line of Section 28, near the SW corner of the Holyfields' NW1/4 NW1/4 NW1/4 NW1/4 of said Section 28; thence the centerline continues north over the Holyfields' NW1/4 NW1/4 NW1/4 NW1/4 of said Section 28, along a line about 8 feet east of and parallel to the west Section Line of Sec. 28, lying mostly within the West 33-foot public section line ROW to a point about 8 feet East of the northwest corner of said Section 28 and of Holyfields said TL-2847, to reach and provide access to the adjoining SW1/4 SW1/4 of Section 21, T1N, R2E, a.k.a. TL 2120, the dominant 40-acre estate owned by the Sykes family.

7. That the Plaintiffs are the prevailing party in this

VALERIE M. THERRIEN, ATTORNEY AT LAW, P. C.
779 8th Avenue Fairbanks, Alaska 99701-4498
Phone: 907-452-6195 Fax: 907-456-5949

motion and shall submit their application for attorneys fees and costs within 10 days of the date of this order for review and award. Defendants shall have 10 days to oppose the same.

DATED this _____ day of _____, 2006, at Fairbanks, Alaska.

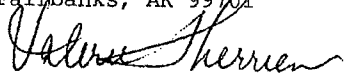
Niesje J. Steinkruger
Judge of the Superior Court

CERTIFICATE OF SERVICE

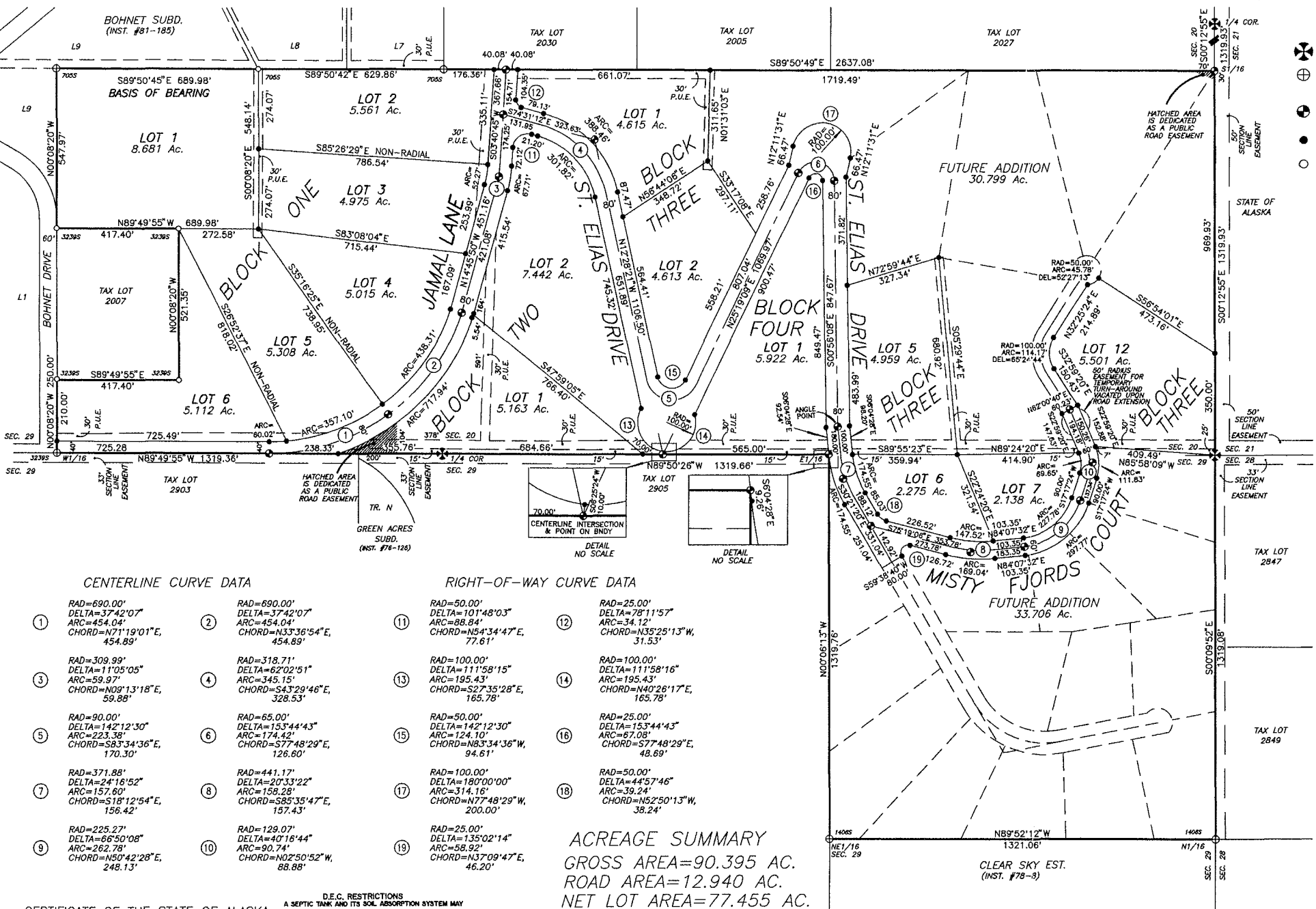
I hereby certify that, on the below date, a true and correct copy of the foregoing document was personally delivered to:

John J. Burns
Borgeson & Burns
Attorney for Rudolf & Jena Gavora,
James Button, Jennifer Button,
Cassiar Heights Properties Inc.
100 Cushman St., Suite 311
Fairbanks, AK 99701

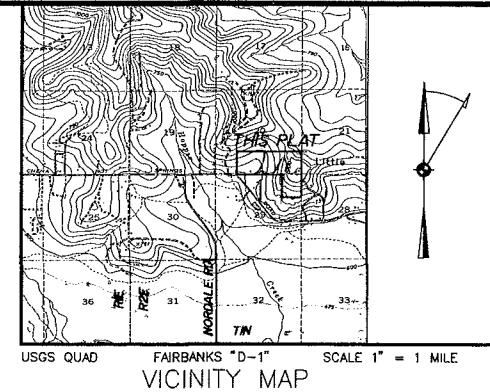
Lynn E. Levensgood
MacDonald & Levensgood
Attorney for Charles & Nilda Holyfield
1008 16th Avenue, Suite 200
Fairbanks, AK 99701

 4/3/06

Office of Valerie M. Therrien Date



- LEGEND**
- ⊕ GLO/BLM BRASS CAP ON AN IRON PIPE, FOUND.
 - ⊕ PRIMARY MONUMENT, 3 1/4" CAP, FOUND, SURVEYOR NUMBER STAMPED AS NOTED.
 - ⊕ 3 1/4" ALUM. CAP ON A FLANGED 2 1/2"x36" IRON PIPE, BURIED A MINIMUM OF 28", SET.
 - 5/8"x32" REBAR WITH A 1 1/2" ALUM. CAP, SET.
 - 5/8" REBAR WITH A 1 1/2" ALUM. CAP, FOUND, SURVEYOR NUMBER STAMPED AS NOTED.



- UTILITY EASEMENTS**
1. THERE WILL BE A 35' RADIUS EASEMENT AT EACH POLE LOCATION FOR GUYS, ANCHORS AND OTHER SUPPORTIVE STRUCTURES.
 2. A 15' WIDE STRIP OF LAND AS DETERMINED BY THE UTILITY COMPANIES IS GRANTED FOR THE INSTALLATION, MAINTENANCE, REPAIR OR REMOVAL OF YARD POLES.
 3. THE UTILITY COMPANIES SHALL HAVE THE RIGHT TO IDENTIFY AND THEN REMOVE ANY DEAD, WEAK, OVERHANGING OR OTHERWISE DANGEROUS TREES ADJACENT TO OR IN THE VICINITY OF THE EASEMENT.
 4. AN EASEMENT IS HEREBY DEDICATED WITHIN ALL LOTS FOR SECONDARY AERIAL CROSSINGS AS DETERMINED NECESSARY BY THE UTILITY COMPANIES.
 5. A 15 FT. RADIUS KEY EASEMENT IS HEREBY RESERVED AND CENTERED ON POLES LOCATED WITHIN JAMAL LANE, ST. ELIAS DRIVE AND MISTY FJORD COURT. THEIR LOCATION IS AS FOLLOWS: POLE #1 IS LOCATED S27°27'45"E, 39.74 FT. FROM THE CORNER COMMON TO LOTS 2 & 3, BLOCK ONE. POLE #2 IS LOCATED S83°47'11"E, 130.82 FT. FROM THE CORNER COMMON TO LOTS 5 & 6, BLOCK ONE. POLE #3 IS LOCATED N62°28'29"W, 75.48 FT. FROM THE CORNER COMMON TO LOTS 5 & 6, BLOCK THREE. POLE #4 IS LOCATED N01°09'08"W, 30.87 FT. FROM THE NORTHEAST CORNER OF LOT 7, BLOCK THREE. THESE KEY EASEMENTS WITHIN THE RIGHT-OF-WAY ARE AUTOMATICALLY VACATED UPON RELOCATION OF THE UTILITY POLE.

CERTIFICATE OF OWNERSHIP, DEDICATION AND COMPLIANCE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE HEREIN SPECIFIED PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER DESIGNATED PUBLIC SPACES TO PUBLIC USE, FURTHER CERTIFY THAT ALL REQUIRED IMPROVEMENTS COMPLY WITH THE STANDARDS ESTABLISHED IN TITLE 17, SUBDIVISIONS, FAIRBANKS NORTH STAR BOROUGH CODE.

DATE June 14, 1994
 OWNER Dan Gavora

NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN BEFORE ME THIS 14th DAY June, 1994
 FOR Dan Gavora

Vincentia M. Heieren
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 4-13-95

CENTERLINE CURVE DATA		RIGHT-OF-WAY CURVE DATA	
1. RAD=690.00' DELTA=37°42'07" ARC=454.04' CHORD=N71°19'01"E, 454.89'	2. RAD=690.00' DELTA=37°42'07" ARC=454.04' CHORD=N33°36'54"E, 454.89'	11. RAD=100.00' DELTA=101°48'03" ARC=88.84' CHORD=N54°34'47"E, 77.61'	12. RAD=25.00' DELTA=78°11'57" ARC=34.12' CHORD=N35°25'13"W, 31.53'
3. RAD=309.99' DELTA=11°05'05" ARC=59.97' CHORD=N09°13'18"E, 59.88'	4. RAD=318.71' DELTA=62°02'51" ARC=345.15' CHORD=S43°29'46"E, 328.53'	13. RAD=100.00' DELTA=111°58'15" ARC=195.43' CHORD=S27°35'28"E, 165.78'	14. RAD=100.00' DELTA=111°58'15" ARC=195.43' CHORD=N40°26'17"E, 165.78'
5. RAD=90.00' DELTA=142°12'30" ARC=223.38' CHORD=S77°48'29"E, 170.30'	6. RAD=65.00' DELTA=153°44'43" ARC=174.42' CHORD=S77°48'29"E, 126.60'	15. RAD=25.00' DELTA=142°12'30" ARC=67.08' CHORD=N83°34'36"W, 94.61'	16. RAD=25.00' DELTA=153°44'43" ARC=67.08' CHORD=S77°48'29"E, 48.69'
7. RAD=371.88' DELTA=24°16'52" ARC=157.60' CHORD=S18°12'54"E, 156.42'	8. RAD=441.17' DELTA=20°33'22" ARC=158.28' CHORD=S85°35'47"E, 157.43'	17. RAD=100.00' DELTA=180°00'00" ARC=314.16' CHORD=N77°48'29"W, 200.00'	18. RAD=50.00' DELTA=180°00'00" ARC=39.24' CHORD=N52°50'13"W, 38.24'
9. RAD=225.27' DELTA=66°50'08" ARC=262.78' CHORD=N50°42'28"E, 248.13'	10. RAD=129.07' DELTA=40°16'44" ARC=90.74' CHORD=N02°50'52"W, 88.88'	19. RAD=25.00' DELTA=135°02'14" ARC=58.92' CHORD=N37°09'47"E, 46.20'	

ACREAGE SUMMARY
 GROSS AREA=90.395 AC.
 ROAD AREA=12.940 AC.
 NET LOT AREA=77.455 AC.

CERTIFICATE OF THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WASTEWATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ON SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. ANY OTHER TYPE OF WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SUBJECT TO ANY NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING.

Richard C. Heieren, Env. Eng.
 NAME AND TITLE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVING OFFICIAL
 DATE: 6/16/94



CERTIFICATE OF PAYMENT OF TAXES

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED TAX COLLECTOR FOR THE FAIRBANKS NORTH STAR BOROUGH, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE FAIRBANKS NORTH STAR BOROUGH, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF:

GAVORA, DAN

DESCRIPTION: TL 2004 + 7L 2006 SEC 20
+ TL 2908 SEC 29 T1N R2E F1M

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AND DUE AGAINST SAID LAND AND IN FAVOR OF THE FAIRBANKS NORTH STAR BOROUGH, ARE NOT DELINQUENT, DATED AT FAIRBANKS, ALASKA, THIS 21 DAY OF JUNE, 1994.

Carol Hillman
 TAX COLLECTOR
 FAIRBANKS NORTH STAR BOROUGH

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, RICHARD C. HEIEREN, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, DO HEREBY CERTIFY THIS PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF LANDS ACTUALLY SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION, ACCORDING TO THE STANDARDS OF TITLE 17, SUBDIVISIONS, FAIRBANKS NORTH STAR BOROUGH CODE, AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THAT ALL MONUMENTS REQUIRED HAVE BEEN SET.

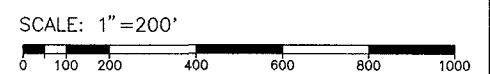
- NOTES**
1. SOILS FOR THIS SUBDIVISION ARE MOSTLY FAIRBANKS SILT LOAM WITH SOME ESTER, MINTO AND SAULICH SILT LOAMS PER USDA SOILS MANUAL NO. 25, 1959 SERIES.
 2. PORTIONS OF LOTS 4, 5, & 6, BLOCK ONE ARE OVERLAIN BY MINTO SILT LOAM SOIL SERIES PER USDA, SCS PUBLICATION NO. 25 (1959). THERMOKARST PITTING IS PREDOMINANT IN THE MINTO SILT LOAM SOIL SERIES. FOR MORE INFORMATION, CONTACT THE SOIL CONSERVATION SERVICE.
 3. THIS AREA IS WITHIN FLOOD ZONE "X" PER F.I.R.M. MAPPING DATED 01/02/92.
 4. ON JUNE 24, 1992, THE FAIRBANKS NORTH STAR BOROUGH PLATTING BOARD APPROVED A VARIANCE OF 17,100.040. A.3. ALLOWING TWO SWITCHBACKS ON ST. ELIAS DRIVE AND A VARIANCE OF 17,100.030. C.2. ALLOWING CUL-DE-SAC LENGTHS GREATER THAN 1320' ON MISTY FJORDS COURT AND ST. ELIAS DRIVE.
 5. PROTECTIVE COVENANTS FOR THIS SUBDIVISION ARE RECORDED IN MISC. BOOK 0261 PAGES 224 + 232 OF THE FAIRBANKS RECORDING DISTRICT.

CERTIFICATE OF APPROVAL BY THE PLATTING AUTHORITY

I HEREBY CERTIFY THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF CHAPTER 17.80, FINAL PLATS, OF THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES, AND THAT SAID PLAT HAS BEEN APPROVED.

[Signature]
 PLATTING OFFICER

94-74
 RECORDED - FILED 20
 FBKS REC. DIST. 1
 DATE JUNE 21, 94
 TIME 3:07 P.M.
 Requested by FNSEA
 Address _____



CASSIAR HEIGHTS

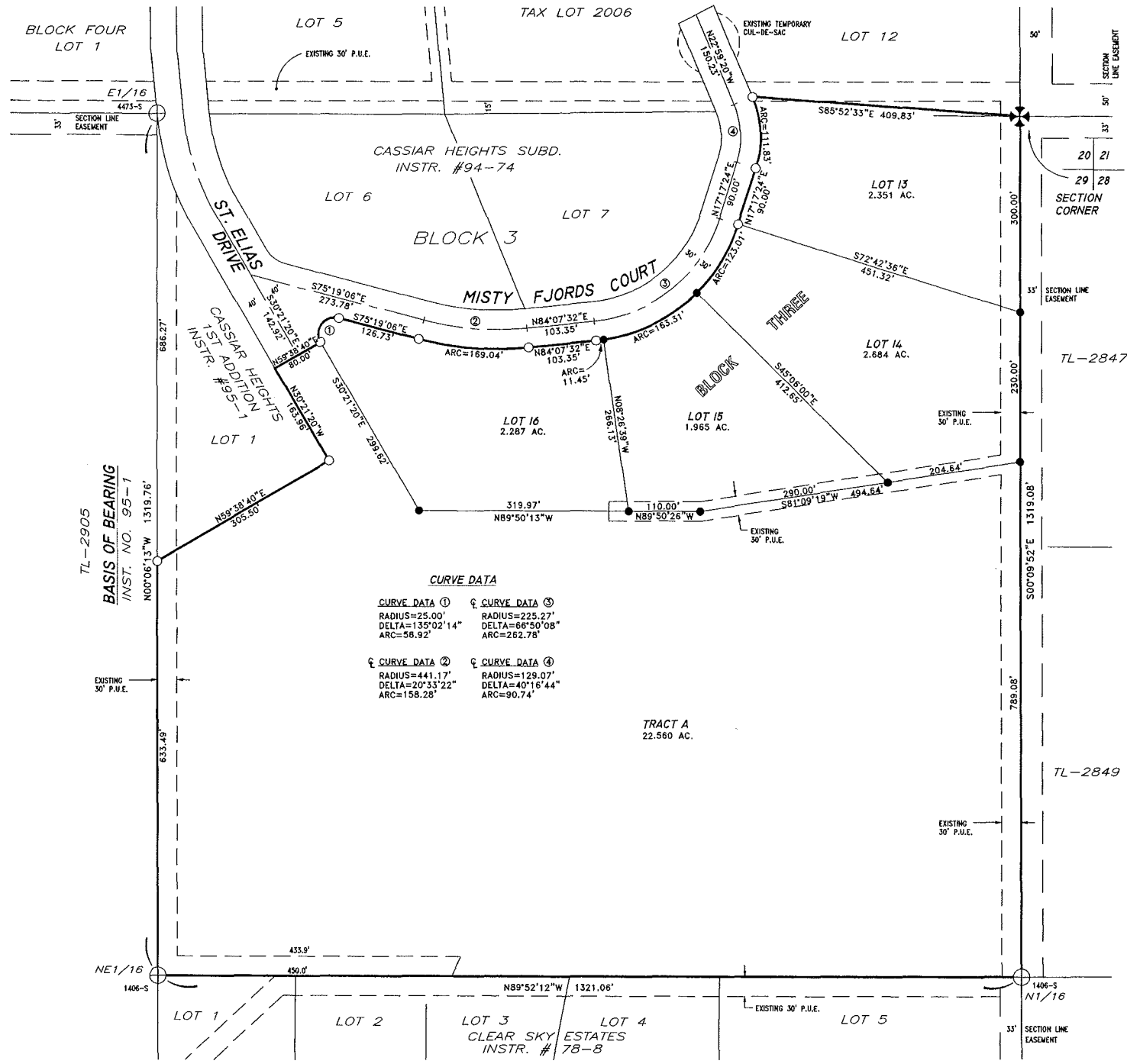
LOCATION: within S1/2 S1/2 S.20 & N1/4 S.29 T1N R2E FM AK

OWNER: GAVORA
 P.O. BOX 27
 FAIRBANKS, ALASKA
 99707

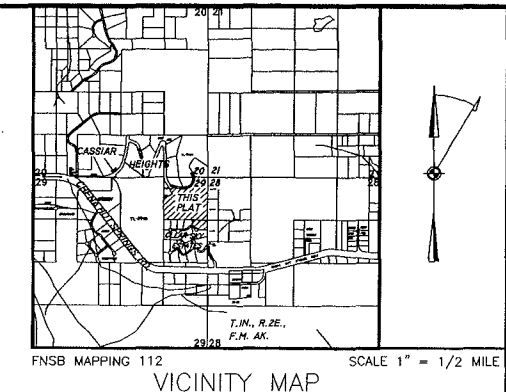
SURVEYOR: RCH SURVEYS
 (907) 348 DRIVEWAY STREET
 451-7411 FAIRBANKS, ALASKA 99701

FAIRBANKS RECORDING DISTRICT
 F.N.S.B. #: SD 026-92 DESIGNED: RCH CHECKED: RCH
 SCALE: 1"=200' DRAWN: RCH DATE: 4-15-94

Fairbanks Plat # 94-74



- UTILITY EASEMENTS**
1. THERE WILL BE A 35' RADIUS EASEMENT AT EACH POLE LOCATION FOR GUYS, ANCHORS AND OTHER SUPPORTIVE STRUCTURES.
 2. A 15' WIDE STRIP OF LAND AS DETERMINED BY THE UTILITY COMPANIES IS GRANTED FOR THE INSTALLATION, MAINTENANCE, REPAIR OR REMOVAL OF YARD POLES.
 3. THE UTILITY COMPANIES SHALL HAVE THE RIGHT TO IDENTIFY AND THEN REMOVE ANY DEAD, WEAK, OVERHANGING OR OTHERWISE DANGEROUS TREES ADJACENT TO OR IN THE VICINITY OF THE EASEMENT.
 4. AN EASEMENT IS HEREBY DEDICATED WITHIN ALL LOTS FOR SECONDARY AERIAL CROSSINGS AS DETERMINED NECESSARY BY THE UTILITY COMPANIES.



CERTIFICATE OF PAYMENT OF TAXES

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED TAX COLLECTOR FOR THE FAIRBANKS NORTH STAR BOROUGH, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE FAIRBANKS NORTH STAR BOROUGH, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF:

CASSIAR HEIGHTS PROPERTIES INC.
 DESCRIPTION: T1N R2E
SEC 29 TL-2933

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AND DUE AGAINST SAID LAND AND IN FAVOR OF THE FAIRBANKS NORTH STAR BOROUGH, ARE NOT DELINQUENT, DATED AT FAIRBANKS, ALASKA, THIS 13 DAY OF MARCH, 2000.

Carol Mattson
 TAX COLLECTOR
 FAIRBANKS NORTH STAR BOROUGH

NOTES

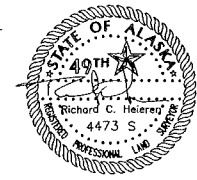
1. SOILS FOR THIS SUBDIVISION ARE FAIRBANKS SILT LOAM PER USDA SOILS MANUAL NO. 25, 1959 SERIES.
2. THIS AREA IS WITHIN FLOOD ZONE "X" PER F.I.R.M. MAPPING DATED 01/02/92.
3. A SEPTIC TANK AND ITS SOIL ABSORPTION SYSTEM MAY NOT BE PLACED WITHIN 100', MEASURED HORIZONTALLY, OF ANY NATURAL OR MAN-MADE LAKE, RIVER, STREAM, SLOUGH OR COASTAL WATER OF THE STATE. THE SOIL ABSORPTION SYSTEM MUST BE A MINIMUM OF 4 FEET ABOVE THE SEASONALLY HIGH GROUND WATER TABLE.
4. SOILS HAVE BEEN FOUND TO BE SUITABLE FOR CONVENTIONAL ON-SITE WASTEWATER DISPOSAL SYSTEMS.
5. ALL ON-SITE WASTEWATER DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
6. THIS SUBDIVISION IS SUBJECT TO THOSE PROTECTIVE COVENANTS RECORDED BK 861 PG 334 IN THE FAIRBANKS RECORDING DISTRICT.

CERTIFICATE OF APPROVAL BY THE PLATING AUTHORITY

I HEREBY CERTIFY THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF CHAPTER 17.80, FINAL PLATS, OF THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES, AND THAT SAID PLAT HAS BEEN APPROVED.

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, RICHARD C. HEIEREN, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, DO HEREBY CERTIFY THIS PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF LANDS ACTUALLY SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION, ACCORDING TO THE STANDARDS OF TITLE 17, SUBDIVISIONS, FAIRBANKS NORTH STAR BOROUGH CODE, AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THAT ALL MONUMENTS REQUIRED HAVE BEEN SET.



2000-29
 FAIRBANKS REC DIST
 DATE 3/15/2000
 TIME 1:37 P.M.
 Requested By FNSB
 Address

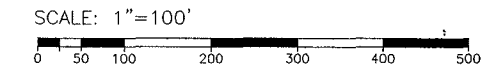


Jim Britton Robert L. Gavorta
 CERTIFY THAT THE FOREGOING PLAT IS TRUE AND CORRECT AND IS EXECUTED FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED AND THAT I SIGNED THE SAID PLAT CLOAKED WITH THE POWER AND AUTHORITY ON BEHALF OF SAID CORPORATION.

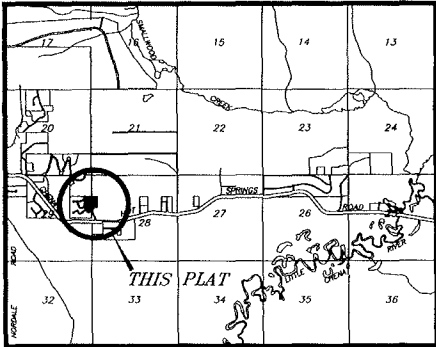
Jim Britton Robert L. Gavorta
 (NAME, TITLE AND CORPORATION)
 V.P. Cassiar Heights Inc. Sec. Cassiar Heights Inc.

SUBSCRIBED AND SWORN BEFORE ME BY Jim Britton AND Robert L. Gavorta
 THIS 10 DAY OF MARCH, 2000.

Shirley M. Glauco
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 5-29-03



CASSIAR HEIGHTS 2ND ADDITION		
LOCATION: POR. NE1/4 SEC. 29 & SE1/4 SEC. 20 T1N R2E FM		
OWNER:	CASSIAR HEIGHTS PROPERTIES, INC. P.O. BOX 70408 FAIRBANKS, AK 99707	
SURVEYOR:	RCH SURVEYS (907) 348 DRIVEWAY STREET 451-7411 FAIRBANKS, ALASKA 99701	
FAIRBANKS RECORDING DISTRICT		
F.N.S.B. #: SD 050-99	DESIGNED: RCH	CHECKED: JDS
SCALE: 1"=100'	DRAWN: JDS	DATE: 01-24-00



FROM: U.S.G.S. "Fairbanks D-1" SCALE: 1"=1 MILE

VICINITY MAP

NOTES

- There will be a 35' radius easement at each pole location for guys, anchors, and other supportive structures.
- A 15' wide strip of land as determined necessary by the utility companies is granted for the installation, maintenance, repair, or removal of yard poles.
- The utility companies shall have the right to identify and then remove any dead, weak, overhanging or otherwise dangerous trees adjacent to or in the vicinity of the easement.
- This property is overlain by the Fairbanks Silt Loam soils series as per the U.S.D.A. Soils Conservation Series publication No. 25, 1959.
- This area lies within Flood Zone "X" (clear) per Panel No. 202 of the F.I.R.M. of Jan. 2, 1992.
- Lots 5-A, 9-A, & 15-A are subject to the Protective Covenants as recorded January 27, 1978 at Book 98 Page 958 Fairbanks Recording District.
- Diagonally hatched area indicates portions of the section line easements being vacated within Sections 28 and 29, T.1 N., R.2 E., F.M. It is not the intent of this plat to vacate any other dedicated public rights-of-way or easements.
- No "building", as defined in the current Fairbanks North Star Borough Zoning Ordinance, or other structure exceeding eight feet in height, may be constructed within the area of the vacated section line easement.

SECTION LINE EASEMENT VACATION CERTIFICATE

APPROVAL RECOMMENDATION
STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The vacation statement as shown hereon has been reviewed by the Northern Regional Office and is hereby recommended for approval by the Commissioner.

Recommended by Martin Ott Date 2/5/01

Title: Chief, Planning and Administration

STATE DIVISION OF MINING, LAND & WATER

The vacation statement as shown hereon has been reviewed by the Division of Mining, Land & Water and is hereby recommended for approval by the Commissioner.

Recommended by Nancy White Date 2-12-01

Title: Director, Division of Mining, Land & Water

The State of Alaska, acting by and through the Commissioner of the Department of Natural Resources and the Commissioner of the Department of Transportation and Public Facilities, does hereby state and declare that the State of Alaska vacates and releases all rights and title to any and all portions of section line easements for public highways reserved to it under Alaska Statute 19.10.010-(specific area delineated by diagonal hatching on this plat).

Date: 2/5/01 Ralph Swanson
Commissioner, D.O.T./P.F.

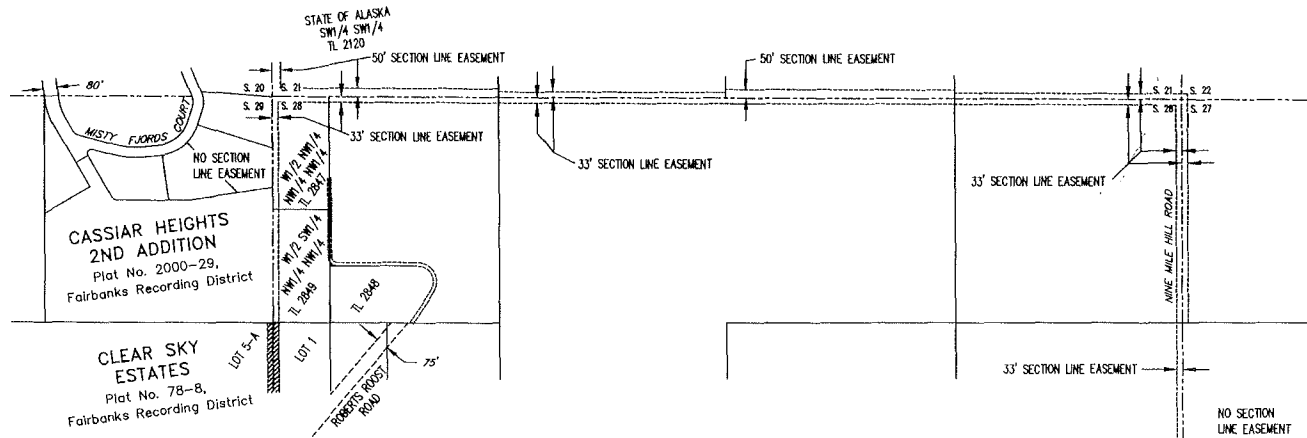
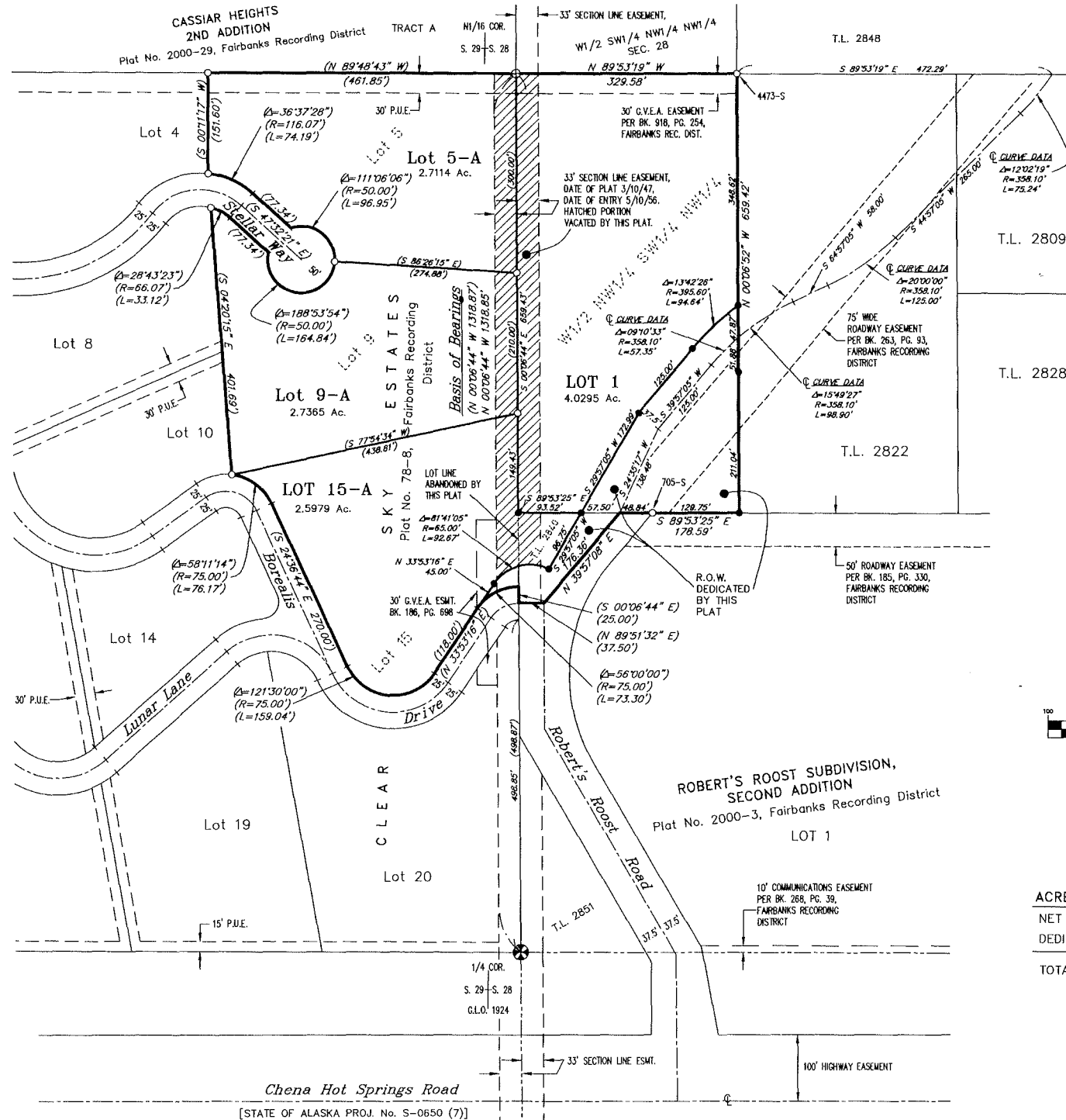
Date: 2-12-01 Nancy White
Commissioner, D.N.R.

CERTIFICATE OF APPROVAL BY THE PLATTING AUTHORITY

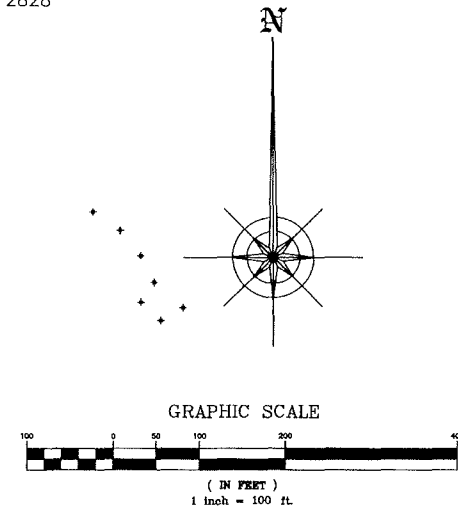
I hereby certify that this subdivision plat has been found to comply with the regulations of Title 17.80, Final Plats, of the Fairbanks North Star Borough Code of Ordinances, and that said plat has been approved.



- LEGEND
- ⊕ B.L.M. BRASS CAP MONUMENT, RECOVERED
 - ⊕ 2 1/2" DIA. ALUMINUM MONUMENT WITH MAGNETS ("BERNTSEN"), RECOVERED, L.S.# 3908-S 1977.
 - 5/8" REBAR AND ALUMINUM SURVEY CAP, SET THIS SURVEY
 - 5/8" REBAR AND ALUMINUM SURVEY CAP, RECOVERED, L.S.# 3908-S. UNLESS NOTED
 - () RECORD DIMENSIONS



ACCESS DETAIL
SCALE: 1"=500 FEET



ACREAGE SUMMARY

NET LOT AREA:	12.0753 Acres
DEDICATED ROAD RIGHT-OF-WAY:	1.1479 Acres
TOTAL AREA:	13.2232 Acres

2001-23
Ebk REC DIST
DATE: 2-20-2001
TIME: 2:46PM
Recorded by: EJB
Address:

VA 014-00
RP 057-00
SD 034-00

CERTIFICATE OF OWNERSHIP, DEDICATION, AND COMPLIANCE

We hereby certify that we are the owners of the herein specified 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 designated public spaces to public use.

We further certify that all required improvements comply with the standards established in Title 17, Subdivisions, Fairbanks North Star Borough Code.

Don T. Mark Anthony
Mary H. Urquhart
James G. Gebhard

UNITED STATES OF AMERICA } S. S.
STATE OF ALASKA }

This is to certify that on this 20 day of January, 2001, before me, a Notary Public for the State of Alaska, duly commissioned and sworn, personally appeared:

Don T. Mark Anthony, Thor Weatherby,
James G. Gebhard,

Mary H. Urquhart (EKA) Mary H. Urquhart
to me known to be the identical individuals mentioned and who executed the within plat, and they acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein specified.

Witness my hand and notarial seal the day and year in this certificate first herein written.

Clara Beckley
Notary Public in and for the State of Alaska

My Commission Expires: January 31, 2001

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, Paul E. Stutzmann, a professional land surveyor registered in the State of Alaska, do hereby certify this plat to be a true and correct representation of lands actually surveyed by me or under my direct supervision according to the standards of Title 17, Subdivisions, Fairbanks North Star Borough Code and that the distances and bearings are shown correctly and that all monuments required have been set.



Paul E. Stutzmann
Registration No. 705-S

CERTIFICATE OF PAYMENT OF TAXES

I, the undersigned, being duly appointed and qualified Tax Collector for the Fairbanks North Star Borough, do hereby certify that, according to the records of the Fairbanks North Star Borough, the following described property is carried on the tax records in the name of:

JAMES G. GEBHARD, MARY H. URQUHART,
DON T. MARK ANTHONY, THOR WEATHERBY JR.

Description: CLEAR SKY ESTATES LOTS 5, 9 & 15

and that according to the records in my possession, all taxes levied against said land and in favor of the Fairbanks North Star Borough are not delinquent.

Dated at Fairbanks, Alaska, this 16 day of February, 2001.

Paul Stutzmann
Tax Collector
Fairbanks North Star Borough

STUTZMANN ENGINEERING ASSOCIATES, INC.
P.O. BOX 71429, FAIRBANKS, ALASKA 99707-1429
OFFICE AT 9 ADAM AVENUE (907) 452-4094

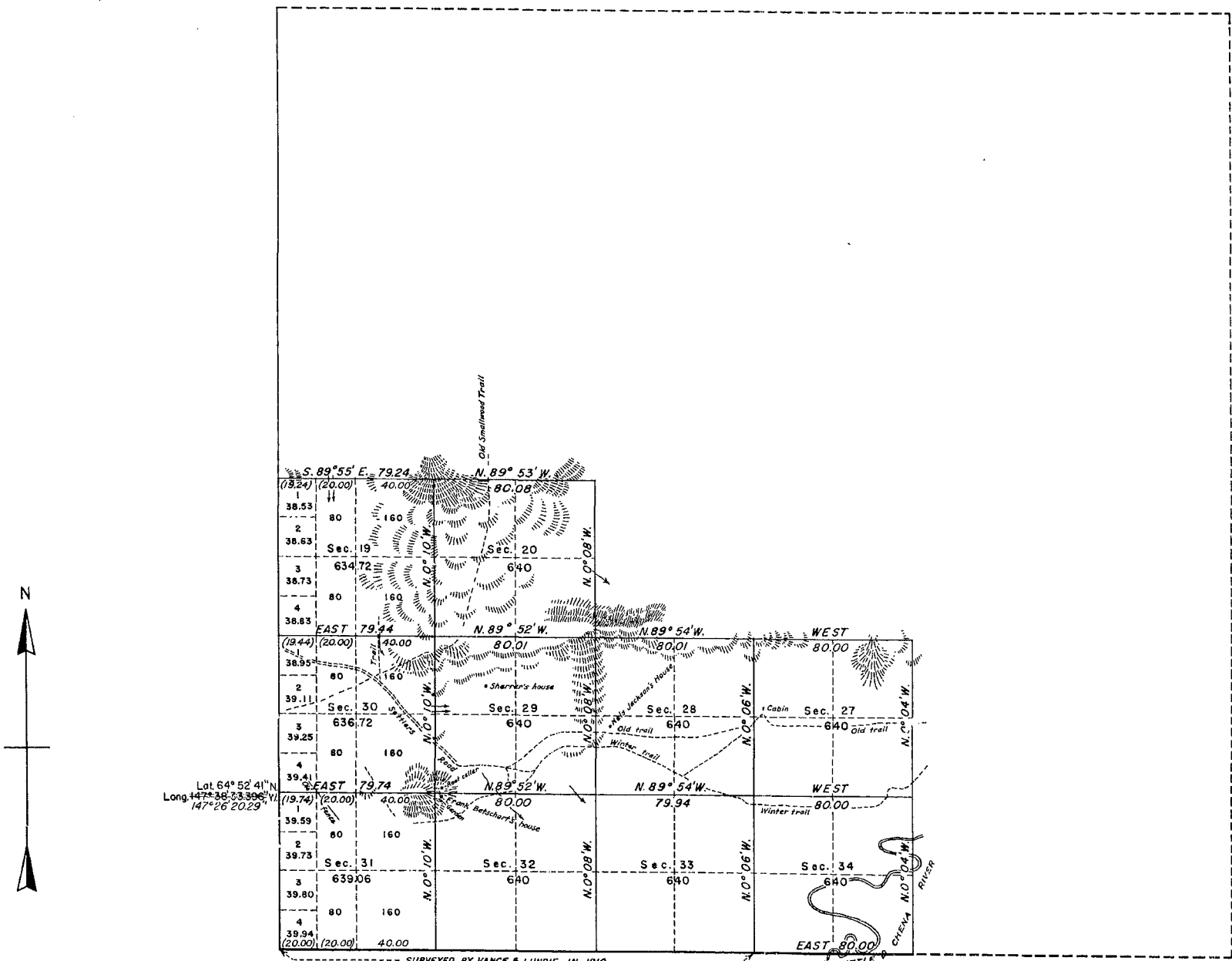
CLEAR SKY ESTATES, 1st ADDITION
THE REPLAT OF LOTS 5, 9, & 15 CLEAR SKY ESTATES AND SUBDIVISION OF THE W1/2 NW1/4 SW1/4 NW1/4, AND PORTION OF THE SW1/4 SW1/4 NW1/4, SEC.28, T. 1 N., R. 2 E., F.M., AND THE

VACATION OF A PORTION OF THE SECTION LINE EASEMENT WITHIN THE NW1/4 Sec. 28 AND NE1/4 Sec. 29, T. 1 N., R. 2 E., F.M., ALASKA, FAIRBANKS RECORDING DISTRICT

FOR: WEATHERBY, ANTHONY, GEBHARD, & URQUHART
SURVEYED BY: J.H.F. DATE: Aug, 2000
DRAWN BY: G.L.K. DATE: Aug, 2000
CHECKED BY: N.K.E. SCALE: 1"=100' EV-2-773

ORIGINAL

TOWNSHIP NO. 1 NORTH, RANGE NO. 2 EAST OF THE FAIRBANKS MERIDIAN, ALASKA



40 20 10 0 40 80
SCALE: 1 INCH EQUALS 40 CHAINS

MAGNETIC DECLINATION 31° 15' E. AREA SURVEYED: 6390.50 ACRES

LINES DESIGNATED	BY WHOM SURVEYED	GROUP NO.	DATE OF SPECIAL INSTRUCTIONS	WHEN SURVEYED	
				BEGUN	COMPLETED
EXTERIOR AND SUBDIVISION	F. W. WILLIAMSON ASSOCIATE CADASTRAL ENGINEER, G. L. O.	57	OCTOBER 10, 1940	AUGUST 28, 1944	SEPTEMBER 12, 1944

UNITED STATES DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
BUREAU OF LAND MANAGEMENT
DENVER, COLORADO, JUNE 20, 1946.

THE ABOVE PLAT OF TOWNSHIP NO. 1 NORTH, RANGE NO. 2 EAST OF THE FAIRBANKS MERIDIAN, ALASKA, IS STRICTLY CONFORMABLE TO THE FIELD NOTES OF THE SURVEY THEREOF, WHICH HAVE BEEN EXAMINED AND APPROVED.

[Signature]
SUPERVISOR OF SURVEYS.

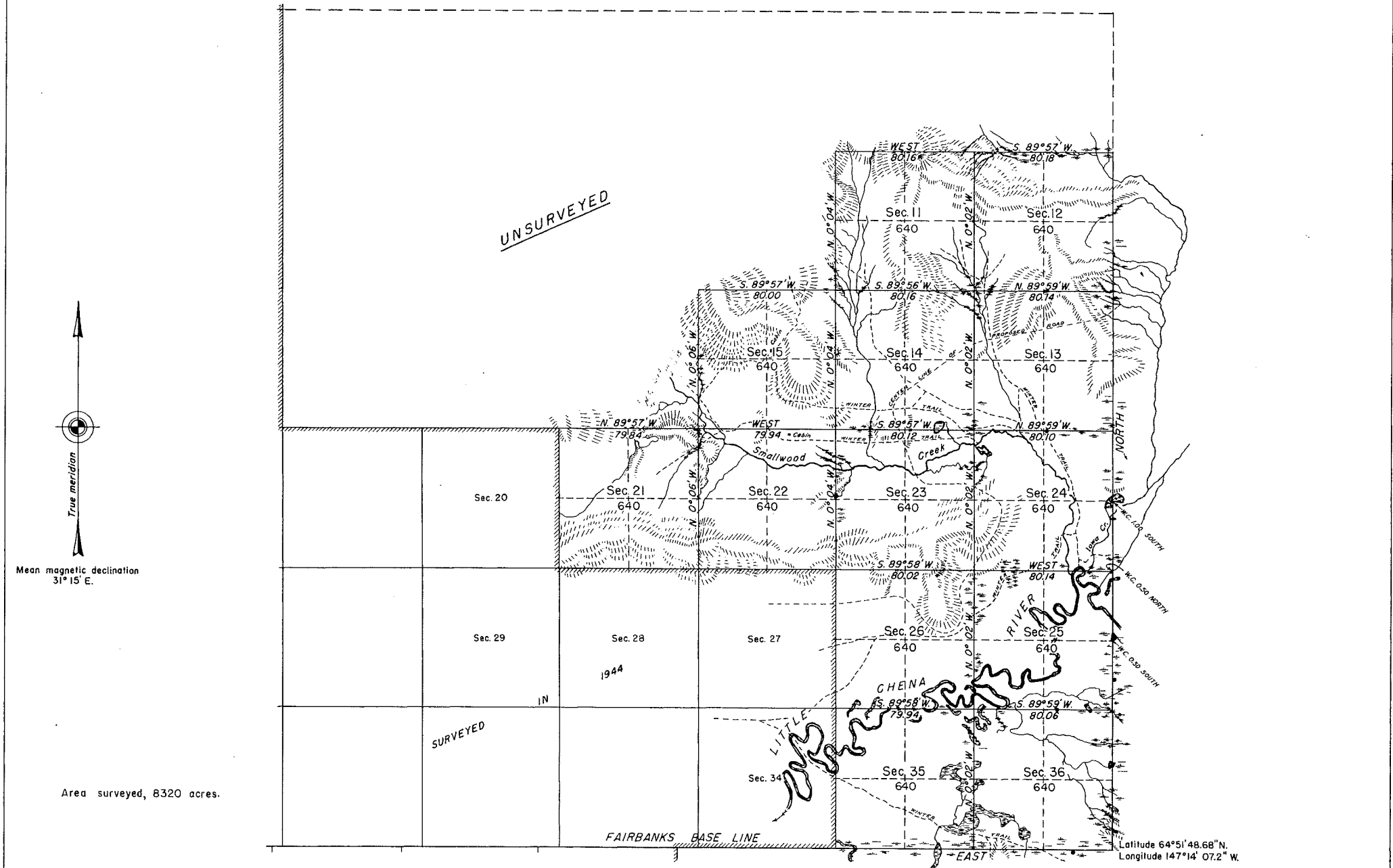
WASHINGTON, D. C., MARCH 10, 1947.

THE SURVEY REPRESENTED BY THIS PLAT, HAVING BEEN CORRECTLY EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS OF LAW AND THE REGULATIONS OF THIS OFFICE, IS HEREBY ACCEPTED.

[Signature]
ACTING ASSISTANT DIRECTOR.

E.P.D.

TOWNSHIP 1 NORTH, RANGE 2 EAST, OF THE FAIRBANKS MERIDIAN, ALASKA



True meridian

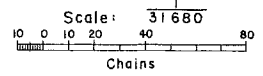
Mean magnetic declination
31° 15' E.

Area surveyed, 8320 acres.

HISTORY OF SURVEYS

WEST BOUNDARY SURVEYED BY W. N. VANCE, SEPT. 5 TO 14, 1910; WEST 1/2 OF SOUTH BOUNDARY SURVEYED BY W. N. VANCE AND S. G. LUNDIE SEPT. 7, 1910; SOUTH BOUNDARY ALONG SECTION 34, AND SUBDIVISION COVERING SECTIONS 19, 20, AND 27 THROUGH 34 SURVEYED BY F. W. WILLIAMSON, AUG. 28 TO SEPT. 12, 1944.

SURVEY EXECUTED BY LYLE F. JONES, JULY 28 TO SEPT. 22, 1948, UNDER SPECIAL INSTRUCTIONS FOR GROUP 69, DATED JULY 16, 1948.



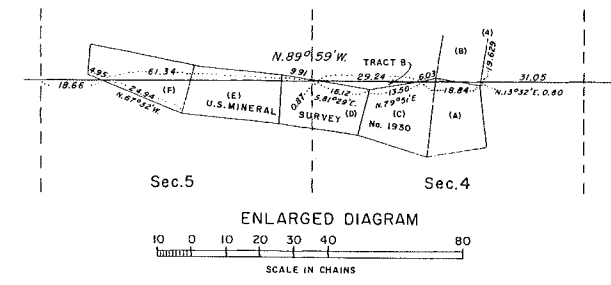
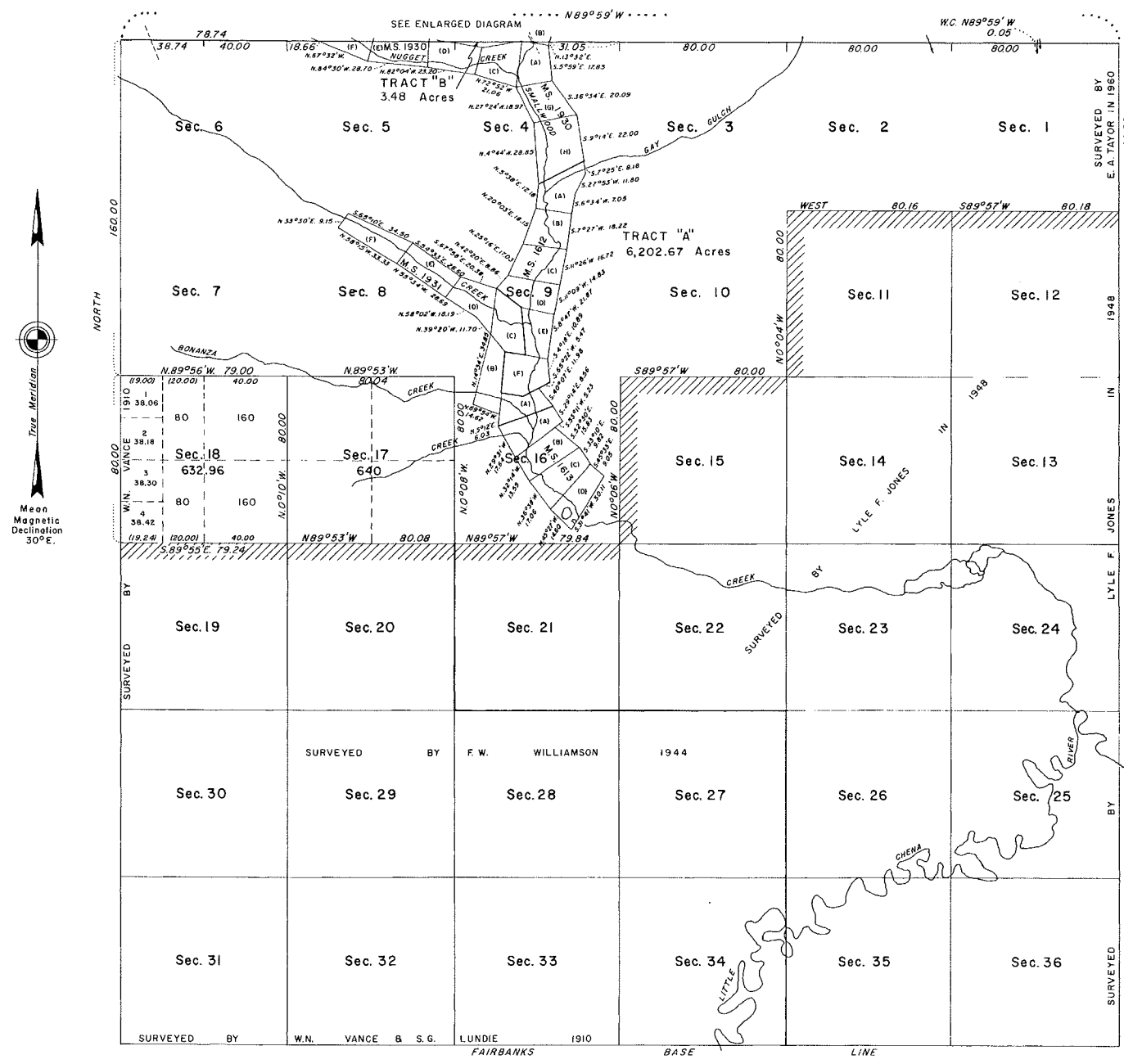
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C., FEBRUARY 9, 1950

THIS PLAT IS STRICTLY CONFORMABLE TO THE APPROVED FIELD NOTES, AND THE SURVEY, HAVING BEEN CORRECTLY EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS OF LAW AND THE REGULATIONS OF THIS BUREAU, IS HEREBY ACCEPTED.

FOR THE DIRECTOR
William F. Richards
CHIEF, BRANCH OF SURVEYS

REC
ASX

TOWNSHIP 1 NORTH, RANGE 2 EAST, OF THE FAIRBANKS MERIDIAN, ALASKA



Survey executed by John T. Moran, Kenneth C. Pettingill, and Edward A. Taylor, Supervisory Cadastral Surveyors, August 4, 1960, to May 27, 1966, under Special Instructions dated April 27, 1934, and Supplemental Special Instructions dated July 8, 1964, for Group No. 49, Alaska.

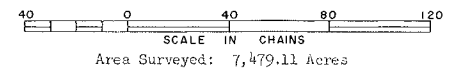
DESIGNATION ON PLAT	PATENTED MINERAL SURVEYS
(A) SURVEY NO. 1930	NUMBER ONE ABOVE ASSOCIATION PLACER CLAIM ABOVE DISCOVERY ON SMALLWOOD CREEK
(B) SURVEY NO. 1930	NUMBER (2) TWO ASSOCIATION PLACER CLAIM ABOVE DISCOVERY ON SMALLWOOD CREEK
(C) SURVEY NO. 1930	DISCOVERY ASSOCIATION PLACER CLAIM ON SAID RUGGET CREEK
(D) SURVEY NO. 1930	ONE ABOVE DISCOVERY ASSOCIATION PLACER CLAIM
(E) SURVEY NO. 1930	NO. 2 ABOVE DISCOVERY ASSOCIATION PLACER CLAIM
(F) SURVEY NO. 1930	NO. 3 ABOVE DISCOVERY ASSOCIATION PLACER CLAIM
(G) SURVEY NO. 1930	OREGON ASSOCIATION PLACER
(H) SURVEY NO. 1930	JACK RABBIT ASSOCIATION PLACER
(A) SURVEY NO. 1612	ALABAMA ASSOCIATION PLACER CLAIM
(B) SURVEY NO. 1612	ARIZONA ASSOCIATION PLACER CLAIM
(C) SURVEY NO. 1612	KANSAS ASSOCIATION PLACER CLAIM
(D) SURVEY NO. 1612	OHIO ASSOCIATION PLACER CLAIM
(E) SURVEY NO. 1612	NEVADA ASSOCIATION PLACER CLAIM
(F) SURVEY NO. 1612	TEXAS ASSOCIATION PLACER CLAIM
(A) SURVEY NO. 1613	MENTON ASSOCIATION PLACER CLAIM
(B) SURVEY NO. 1613	RIVERSIDE ASSOCIATION PLACER CLAIM
(C) SURVEY NO. 1613	ALMA ASSOCIATION PLACER CLAIM
(D) SURVEY NO. 1613	ASHLAND ASSOCIATION PLACER CLAIM
(A) SURVEY NO. 1931	SORORA ASSOCIATION PLACER CLAIM
(B) SURVEY NO. 1931	AUBURN ASSOCIATION PLACER CLAIM
(C) SURVEY NO. 1931	THE CALIFORNIA ASSOCIATION PLACER CLAIM
(D) SURVEY NO. 1931	WASHINGTON ASSOCIATION PLACER CLAIM
(E) SURVEY NO. 1931	IDAHO ASSOCIATION PLACER CLAIM
(F) SURVEY NO. 1931	MONTANA ASSOCIATION PLACER CLAIM

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. January 30, 1968

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director
R. E. Brown

Chief, Division of Engineering



SEC 21 TOWNSHIP 1N RANGE 2E OF THE FAIRBANKS MERIDIAN, ALASKA

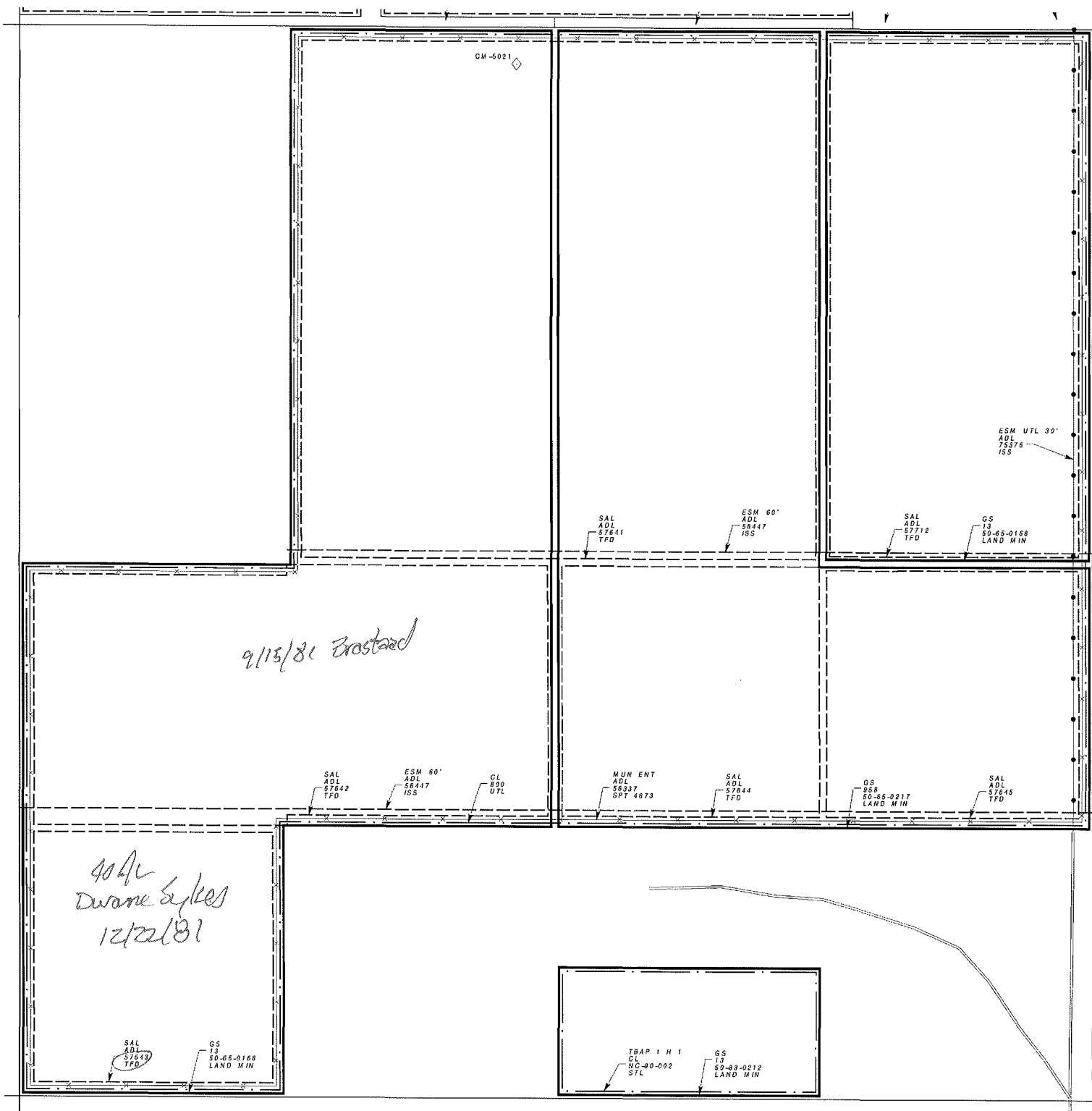
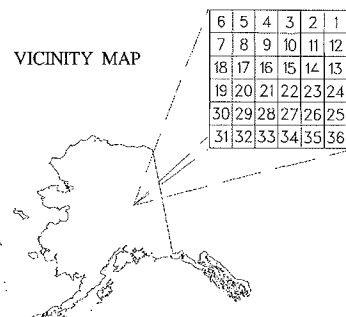
LEGEND

BASE INFORMATION

- HYDROGRAPHY
- SURVEY LINE
- SURVEY LOT LINE
- TOWNSHIP/SECTION GRID
- 1/4 SECTION LINE
- HIGHWAY
- ROAD
- TRAIL
- RAILROAD
- ELECTRICAL POWER LINE
- TELEPHONE LINE
- PIPELINE
- AIRPORT/LANDING STRIP
- HORIZONTAL CONTROL
- CONTROL MONUMENT

STATUS INFORMATION

- TITLE
- BOUNDARY
- CLASSIFICATION
- DISPOSAL
- MUNICIPAL
- RESTRICTION
- FEDERAL ACTION
- MENTAL HEALTH TRUST
- LIMITS OF ACTION
- NAVIGATIONAL AID
- CABIN PERMIT
- TRAPPING CABIN PERMIT
- TRESPASS LOCATION
- SURFACE WATER RIGHTS**
 - APPLICATION
 - PERMIT
 - CERTIFICATE
- SUB-SURFACE WATER RIGHTS**
 - APPLICATION
 - PERMIT
 - CERTIFICATE
- IN-STREAM FLOW RESERVATION**
 - APPLICATION
 - CERTIFICATE
- DAM, WEIR, BARRIER**
 - APPLICATION
 - PERMIT
 - CERTIFICATE



STATUS PLAT

THE STATE OWNS ALL LAND UNDER WATERS THAT ARE NAVIGABLE-IN-FACT, ARE SUBJECT TO THE EBB AND FLOW OF THE TIDES, OR ARE RIPARIAN OR LITORAL TO UPLANDS OWNED BY THE STATE.

BASED ON:

COORDINATES:
ALASKA STATE PLANE ZONE 3
SE CORNER OF TOWNSHIP:
X 308174.640
Y 397272.470
LAT 64 51 50.037 N
LONG 147 13 59.679 W

HYDROGRAPHY:
USGS FAIRBANKS (D1) REVISED BY BLM FROM AERIAL HIGH ALTITUDE PHOTOGRAPHY 1978-1985

LAND NET:
BLM PROTRACTION DIAGRAM F7-13; APPROVED 01/26/1960
USRS, SECTIONS 19, 20, AND 27 - 34, 6,390.50 ACRES;
ACCEPTED 03/10/1947
USRS, SECTIONS 11 - 15, 21 - 26, 35, AND 36, 8,320 ACRES; ACCEPTED 02/09/1930
USRS, TRACT A & B, SECTIONS 17 AND 18, 7,479.11 ACRES; ACCEPTED 04/30/1968
AACS 0701002E101, SECTIONS 1 - 10, AND 16, 5,780.8 ACRES; FILED 04/29/1975
CS F061N002E102; FILED 08/08/1980
ASLS 800105; FILED 09/25/1981
ASLS 950072; RECORDED 07/30/1999
EV 2-167; FILED 09/25/1981
EV 2-661; RECORDED 11/21/1997
USMS 1612; APPROVED 01/25/1929
USMS 1613; APPROVED 01/25/1929
USMS 1930; APPROVED 05/18/1926
USMS 1931; APPROVED 07/08/1926

OTHER ACTIONS AFFECTING DISPOSAL OR USE OF STATE LANDS: SEE THE LAS CASEFILE OR ORIGINAL SOURCE DOCUMENTS FOR ADDITIONAL INFORMATION:

ENTIRELY WIN FAIRBANKS RECORDING DISTRICT
ENTIRELY WIN FAIRBANKS NORTH STAR BOROUGH
OSL 790; LAND AND MINERAL ESTATE
OSL 1013; LAND ESTATE ONLY
SUBJECT TO TANANA BASIN AREA PLAN
CL NC-90-002, DOES NOT CLASSIFY ANY PRIVATE, BOROUGH OR FEDERAL LANDS
MCO 67, REMAINS IN EFFECT AS IT AFFECTS MINERAL LEASING AND MINING UNDER AS 38.05.133, .140-.175, .181, .183-.195 AND .205-.280
MCO 67A, RECIDNS MCO 67 AS IT APPLIES TO OIL AND GAS LEASING UNDER AS 38.05.137, .180, .182, .183, .184 AND .200, NOT DEPICTED
ADL 214785; LAND AND MINERAL ESTATE
ADL 403427; APPLIES TO ENTIRE LENGTH AND WIDTH OF LEASE APPLICATION ON STATE LAND OUTSIDE OF AREAS COVERED BY ADL 414936

ATTENTION: SCHOOL LAND LITIGATION

SCH 150; LITIGATION AFFECTS SCHOOL 36 CONVEYED TO THE STATE OF ALASKA PURSUANT TO THE ACT OF MARCH 4, 1915; PLAINTIFFS V. STATE OF ALASKA CASE NO. 3AN 97-3782 CIVIL DATED MAY 20, 1998.

ATTENTION: MENTAL HEALTH LAND INFORMATION

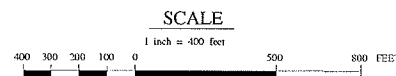
SHADED AREAS (SEE LEGEND) ARE MENTAL HEALTH TRUST LAND. CONSULT THE TRUST LAND OFFICE FOR FURTHER INFORMATION.

ORIGINAL MENTAL HEALTH GRANT LAND (MH) NOT SHADED AS MENTAL HEALTH TRUST LAND AND NOT CONVEYED TO A THIRD PARTY PRIOR TO JUNE 24, 1994 IS REDESIGNATED AS GENERAL GRANT LAND PURSUANT TO SECTIONS 6 AND 7, CHAPTER 1, SSSLA 1994.

ATTENTION: WATER ESTATE USERS

WATER ESTATE SUPPLEMENTAL FOR SECTION 4 HAS NO ACTIONS AND WAS NOT CREATED.

GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD.
CONSULT LAND ADMINISTRATION SYSTEM (LAS)
CASEFILE FOR ADDITIONAL INFORMATION.



ATTENTION STATUS PLAT USERS: ON THIS PLAT, ALL STATUS LINES CLOSE FOR ACTIONS THAT EXTEND INTO ADJACENT TOWNSHIPS; THIS INCLUDES STATUS LINES SUCH AS DISPOSAL, MUNICIPAL, TITLE, CLASSIFICATION, ETC. PLEASE REFER TO ADJACENT TOWNSHIPS OR LAS TO DETERMINE IF ACTIONS EXTEND BEYOND THE BOUNDARIES SHOWN ON THIS PLAT. REMEMBER TITLE, CLASSIFICATION, AND RESTRICTION LINES ALWAYS CLOSE ON ALL PLATS.

A PRODUCT OF THE
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
LAND RECORDS INFORMATION SECTION

PLAT CURRENT TO 09/07/2000, REFER TO THE DNR STATUS PLAT TRACKING SYSTEM (NP45/NP62) FOR OTHER PENDING ACTIONS ON THIS TOWNSHIP/PLAT
CHECKED BY: Dave Luck

SEC 21
SP
TWP 1N
RNG 2E
FM

TOWNSHIP IN RANGE 2E OF THE FAIRBANKS MERIDIAN, ALASKA

LEGEND

BASE INFORMATION

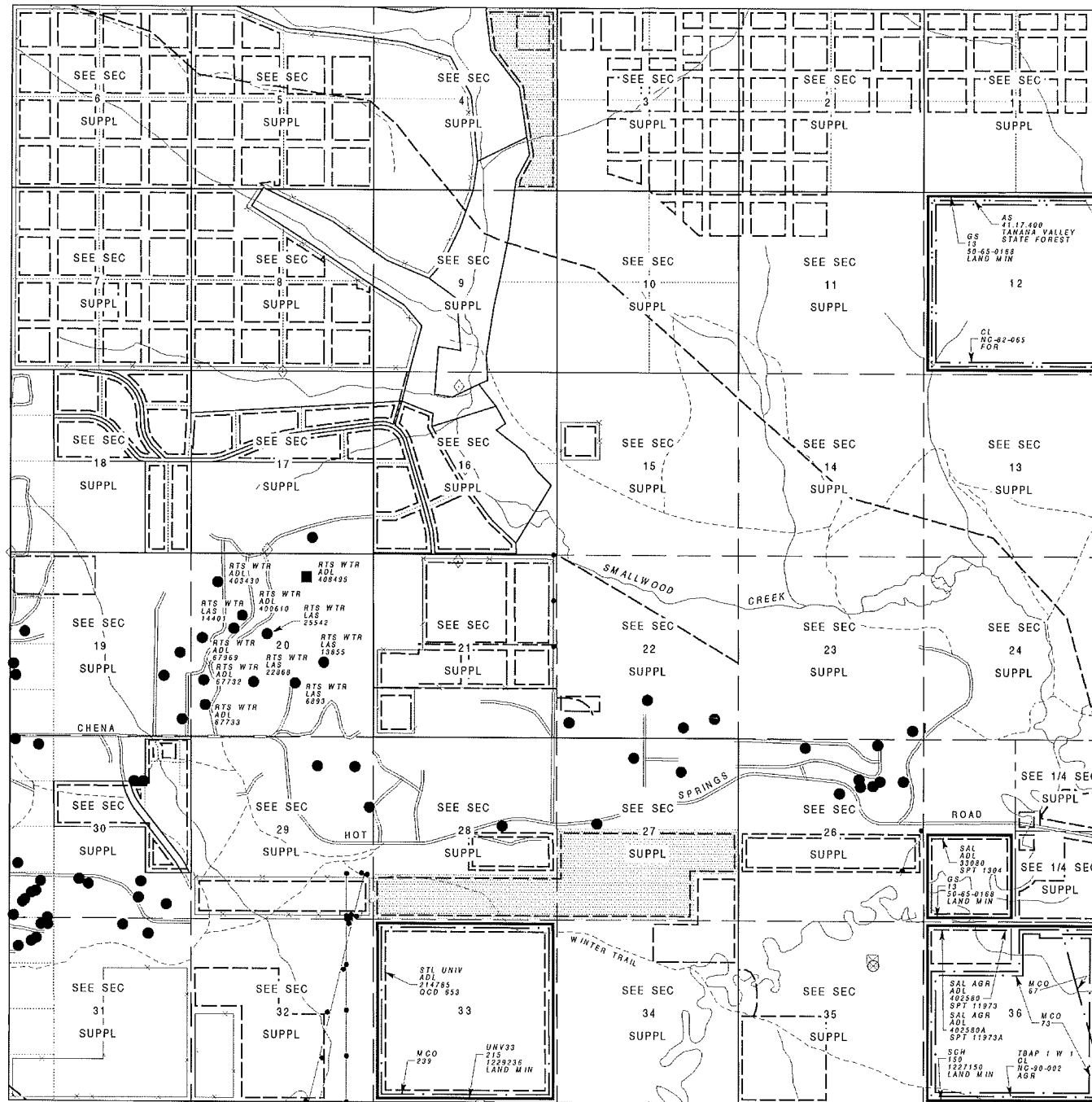
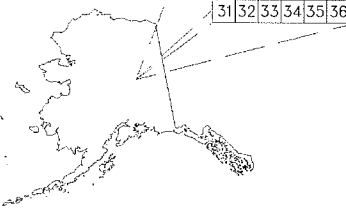
- HYDROGRAPHY
- SURVEY LINE
- SURVEY LOT LINE
- TOWNSHIP/SECTION GRID
- 1/4 SECTION LINE
- HIGHWAY
- ROAD
- TRAIL
- RAILROAD
- ELECTRICAL POWER LINE
- TELEPHONE LINE
- PIPELINE
- AIRPORT/LANDING STRIP
- HORIZONTAL CONTROL
- CONTROL MONUMENT

STATUS INFORMATION

- TITLE
- BOUNDARY
- CLASSIFICATION
- DISPOSAL
- MUNICIPAL
- RESTRICTION
- FEDERAL ACTION
- MENTAL HEALTH TRUST
- LIMITS OF ACTION
- NAVIGATIONAL AID
- CABIN PERMIT
- TRAPPING CABIN PERMIT
- TRESPASS LOCATION
- SURFACE WATER RIGHTS APPLICATION
- SURFACE WATER RIGHTS PERMIT
- SURFACE WATER RIGHTS CERTIFICATE
- SUB-SURFACE WATER RIGHTS APPLICATION
- SUB-SURFACE WATER RIGHTS PERMIT
- SUB-SURFACE WATER RIGHTS CERTIFICATE
- IN-STREAM FLOW RESERVATION APPLICATION
- IN-STREAM FLOW RESERVATION CERTIFICATE
- DAM, WEIR, BARRIER APPLICATION
- DAM, WEIR, BARRIER PERMIT
- DAM, WEIR, BARRIER CERTIFICATE

VICINITY MAP

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



STATUS PLAT

THE STATE OWNS ALL LAND UNDER WATERS THAT ARE NAVIGABLE-IN-FACT, ARE SUBJECT TO THE EBB AND FLOW OF THE TIDES, OR ARE RIPARIAN OR LITTORAL TO UPLANDS OWNED BY THE STATE.

BASED ON:

COORDINATES:
ALASKA STATE PLANE ZONE 3
SE CORNER OF TOWNSHIP:
X 308174.640
Y 392172.470
LAT 64 51 50.037 N
LONG 147 13 59.679 W

HYDROGRAPHY:
USGS FAIRBANKS (D1) REVISED BY BLM FROM AERIAL HIGH ALTITUDE PHOTOGRAPHY 1978-1985

LAND NET:
BLM PROTRACTION DIAGRAM F7-13; APPROVED 01/26/1960
USRS, SECTIONS 19, 20, AND 27 - 34, 6,390.50 ACRES;
ACCEPTED 03/10/1947
USRS, SECTIONS 11 - 15, 21 - 26, 35, AND 36, 8,320 ACRES; ACCEPTED 02/09/1950
USRS, TRACT A & B, SECTIONS 17 AND 18, 7,479.11 ACRES;
ACCEPTED 01/30/1968
ASCS F001N002E101, SECTIONS 1 - 10, AND 16, 5,780.8 ACRES; FILED 04/09/1975
CS F001N002E102, FILED 08/08/1980
ASLS 800105; FILED 09/25/1981
ASLS 950072; RECORDED 07/30/1999
EV 2-167; FILED 09/25/1981
EV 2-661; RECORDED 11/21/1997
EV 2-773; RECORDED 02/29/2001
USMS 1612; APPROVED 01/25/1929
USMS 1613; APPROVED 01/25/1929
USMS 1930; APPROVED 03/18/1926
USMS 1931; APPROVED 07/08/1926

OTHER ACTIONS AFFECTING DISPOSAL OR USE OF STATE LANDS:
SEE THE LAS CASEFILE OR ORIGINAL SOURCE DOCUMENTS FOR ADDITIONAL INFORMATION:

ENTIRELY WITHIN FAIRBANKS RECORDING DISTRICT
ENTIRELY WITHIN FAIRBANKS NORTH STAR BOROUGH
OSL 790; LAND AND MINERAL ESTATE
OSL 1013; LAND ESTATE ONLY
SUBJECT TO TANANA BASIN AREA PLAN
CL NC-90-002, DOES NOT CLASSIFY ANY PRIVATE, BOROUGH OR FEDERAL LANDS
MCO 67, REMAINS IN EFFECT AS IT AFFECTS MINERAL LEASING AND MINING UNDER AS 38.05.135, .140-.175, .181, .185-.195 AND 205-280.
MCO 67A, RECIPIES MCO 67 AS IT APPLIES TO OIL AND GAS LEASING UNDER AS 38.05.137, .180, .182, .183, .184 AND 200; NOT DEPICTED
ADL 38901, GRAVEL CLOSURE
ADL 314783; LAND AND MINERAL ESTATE
ADL 483427; APPLIES TO ENTIRE LENGTH AND WIDTH OF LEASE APPLICATION ON STATE LAND OUTSIDE OF AREAS COVERED BY ADL 414956

ATTENTION: SCHOOL LAND LITIGATION

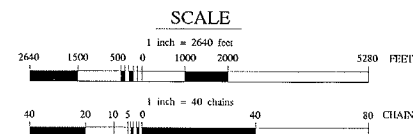
SCH 150; LITIGATION AFFECTS SCHOOL 36 CONVEYED TO THE STATE OF ALASKA PURSUANT TO THE ACT OF MARCH 4, 1915; PLAINTIFFS V. STATE OF ALASKA CASE NO. 3AN 97-3782 CIVIL DATED MAY 20, 1998.

ATTENTION: MENTAL HEALTH LAND INFORMATION

SHADED AREAS (SEE LEGEND) ARE MENTAL HEALTH TRUST LAND. CONSULT THE TRUST LAND OFFICE FOR FURTHER INFORMATION.

ORIGINAL MENTAL HEALTH GRANT LAND (MH) NOT SHADED AS MENTAL HEALTH TRUST LAND AND NOT CONVEYED TO A THIRD PARTY PRIOR TO JUNE 24, 1994 IS REDESIGNATED AS GENERAL GRANT LAND PURSUANT TO SECTIONS 6 AND 7, CHAPTER 1, SSSLA 1994.

GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD.
CONSULT LAND ADMINISTRATION SYSTEM (LAS)
CASEFILE FOR ADDITIONAL INFORMATION.



ATTENTION STATUS PLAT USERS: ON THIS PLAT, ALL STATUS LINES CLOSE FOR ACTIONS THAT EXTEND INTO ADJACENT TOWNSHIPS; THIS INCLUDES STATUS LINES SUCH AS DISPOSAL, MUNICIPAL, TITLE, CLASSIFICATION, ETC. PLEASE REFER TO ADJACENT TOWNSHIPS OR LAS TO DETERMINE IF ACTIONS EXTEND BEYOND THE BOUNDARIES SHOWN ON THIS PLAT. REMEMBER TITLE, CLASSIFICATION, AND RESTRICTION LINES ALWAYS CLOSE ON ALL PLATS.

<p>A PRODUCT OF THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES LAND RECORDS INFORMATION SECTION</p>	SP
	TWP 1N RNG 2E FM
<p>PLAT CURRENT TO 03/10/2006, REFER TO THE DNR STATUS PLAT TRACKING SYSTEM (NPA5/NP62) FOR OTHER PENDING ACTIONS ON THIS TOWNSHIP/PLAT</p> <p>CHECKED BY: DAVE LUCK</p>	

SEC 29 TOWNSHIP 11N RANGE 2E OF THE FAIRBANKS MERIDIAN, ALASKA

LEGEND

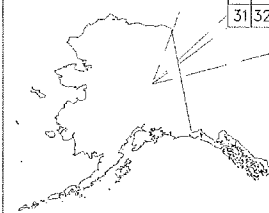
BASE INFORMATION

- HYDROGRAPHY
- SURVEY LINE
- SURVEY LOT LINE
- TOWNSHIP/SECTION GRID
- 1/4 SECTION LINE
- HIGHWAY
- ROAD
- TRAIL
- RAILROAD
- ELECTRICAL POWER LINE
- TELEPHONE LINE
- PIPELINE
- AIRPORT/LANDING STRIP
- HORIZONTAL CONTROL
- CONTROL MONUMENT

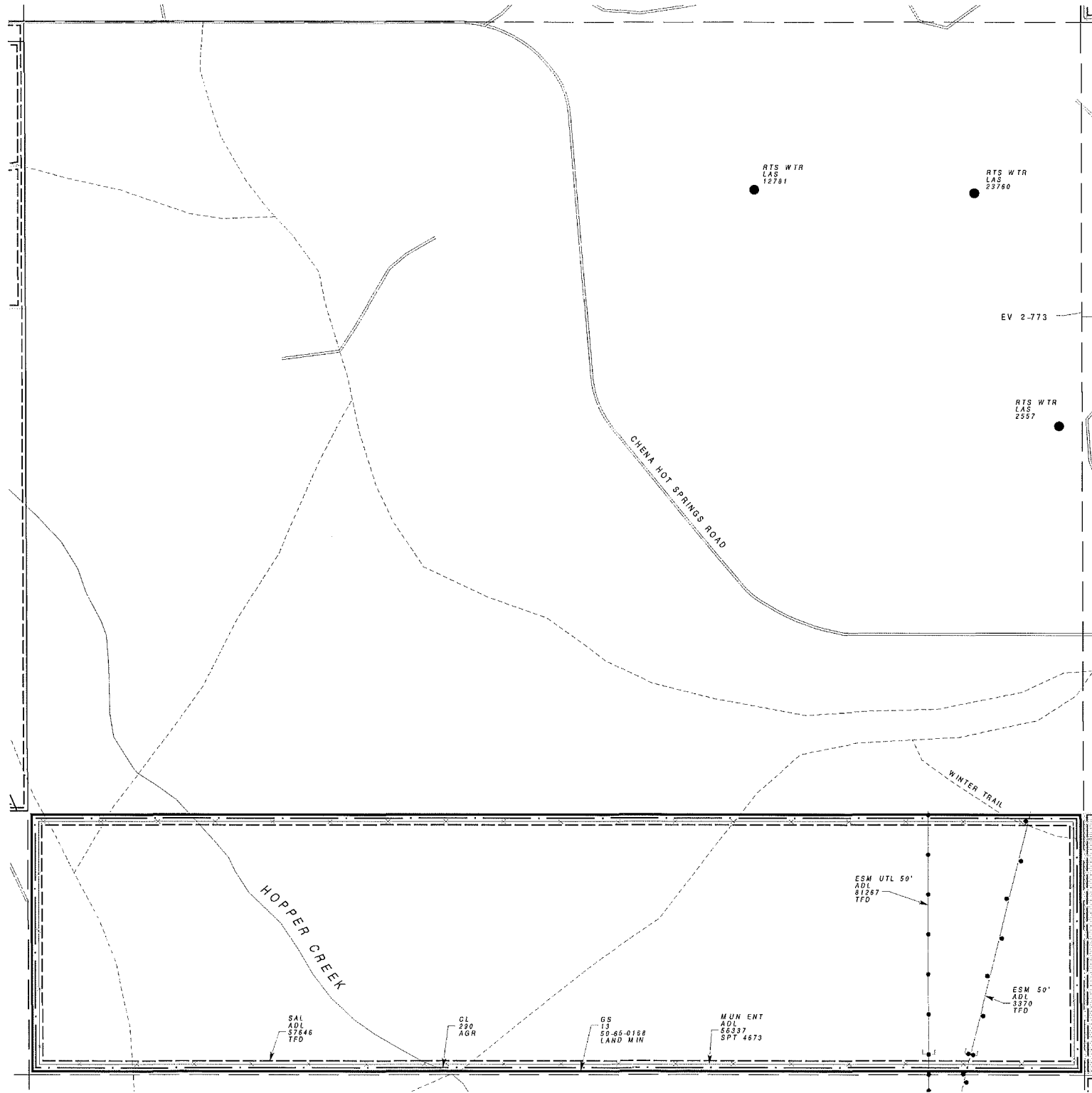
STATUS INFORMATION

- TITLE
- BOUNDARY
- CLASSIFICATION
- DISPOSAL
- MUNICIPAL
- RESTRICTION
- FEDERAL ACTION
- MENTAL HEALTH TRUST
- LIMITS OF ACTION
- NAVIGATIONAL AID
- CABIN PERMIT
- TRAPPING CABIN PERMIT
- TRESPASS LOCATION
- SURFACE WATER RIGHTS APPLICATION
- SURFACE WATER RIGHTS PERMIT
- SURFACE WATER RIGHTS CERTIFICATE
- SUB-SURFACE WATER RIGHTS APPLICATION
- SUB-SURFACE WATER RIGHTS PERMIT
- SUB-SURFACE WATER RIGHTS CERTIFICATE
- IN-STREAM FLOW RESERVATION APPLICATION
- IN-STREAM FLOW RESERVATION CERTIFICATE
- DAM, WEIR, BARRIER APPLICATION
- DAM, WEIR, BARRIER PERMIT
- DAM, WEIR, BARRIER CERTIFICATE

VICINITY MAP



6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36



STATUS PLAT

THE STATE OWNS ALL LAND UNDER WATERS THAT ARE NAVIGABLE-IN-FACT, ARE SUBJECT TO THE EBB AND FLOW OF THE TIDES, OR ARE RIPARIAN OR LITTORAL TO UPLANDS OWNED BY THE STATE.

BASED ON:

COORDINATES:

ALASKA STATE PLANE ZONE 3
SE CORNER OF TOWNSHIP,
X 308174.640
Y 392172.470
LAT 64 51 50.037 N
LONG 147 13 59.679 W

HYDROGRAPHY:

USGS FAIRBANKS (D1) REVISED BY BLM FROM AERIAL HIGH ALTITUDE PHOTOGRAPHY 1978-1985

LAND NET:

BLM PROTRACTION DIAGRAM F7-13; APPROVED 01/26/1960
USRS, SECTIONS 19, 20, AND 27 - 34, 6,390.50 ACRES;
ACCEPTED 03/10/1947
USRS, SECTIONS 11 - 15, 21 - 26, 35, AND 36, 8,320 ACRES; ACCEPTED 02/09/1950
USRS, TRACT A & B, SECTIONS 17 AND 18, 7,479.11 ACRES;
ACCEPTED 01/30/1958
ASCS F001N002E101, SECTIONS 1 - 10, AND 16, 5,780.8 ACRES; FILED 04/09/1975
CS F001N002E102, FILED 08/08/1980
ASLS 800105; FILED 09/25/1981
ASLS 950072, RECORDED 07/30/1999
EV 2-167; FILED 09/25/1981
EV 2-561; RECORDED 11/21/1997
EV 2-773; RECORDED 02/02/2001
USMS 1612; APPROVED 01/25/1929
USMS 1613; APPROVED 01/25/1929
USMS 1930; APPROVED 05/18/1926
USMS 1931; APPROVED 07/08/1926

OTHER ACTIONS AFFECTING DISPOSAL OR USE OF STATE LANDS, SEE THE LAS CASEFILE OR ORIGINAL SOURCE DOCUMENTS FOR ADDITIONAL INFORMATION:

ENTIRELY WITHIN FAIRBANKS RECORDING DISTRICT
ENTIRELY WITHIN FAIRBANKS NORTH STAR BOROUGH
OSL 790; LAND AND MINERAL ESTATE
OSL 1015; LAND ESTATE ONLY
SUBJECT TO TANANA BASIN AREA PLAN
CL NC-90-002, DOES NOT CLASSIFY ANY PRIVATE, BOROUGH OR FEDERAL LANDS
MCO 67; REMAINS IN EFFECT AS IT AFFECTS MINERAL LEASING AND MINING UNDER AS 38.05.135, 140-175, 181, 185-195 AND 205-280.
MCO 67A, RECIDMS MCO 67 AS IT APPLIES TO OIL AND GAS LEASING UNDER AS 38.05.137, 180, 182, 183, 184 AND 200, NOT DEPICTED
ADL 58901, GRAVEL CLOSURE
ADL 214783; LAND AND MINERAL ESTATE
ADL 408427; APPLIES TO ENTIRE LENGTH AND WIDTH OF LEASE APPLICATION ON STATE LAND OUTSIDE OF AREAS COVERED BY ADL 414956

ATTENTION: SCHOOL LAND LITIGATION

SCH 150; LITIGATION AFFECTS SCHOOL 36 CONVEYED TO THE STATE OF ALASKA PURSUANT TO THE ACT OF MARCH 4, 1915; PLAINTIFFS V. STATE OF ALASKA CASE NO. SAN 97-3782 CIVIL DATED MAY 20, 1998.

ATTENTION: MENTAL HEALTH LAND INFORMATION

SHADED AREAS (SEE LEGEND) ARE MENTAL HEALTH TRUST LAND. CONSULT THE TRUST LAND OFFICE FOR FURTHER INFORMATION.

ORIGINAL MENTAL HEALTH GRANT LAND (MH) NOT SHADED AS MENTAL HEALTH TRUST LAND AND NOT CONVEYED TO A THIRD PARTY PRIOR TO JUNE 24, 1994 IS REDENGINATED AS GENERAL GRANT LAND PURSUANT TO SECTIONS 6 AND 7, CHAPTER 1, SSSLA 1994.

ATTENTION: WATER ESTATE USERS

WATER ESTATE SUPPLEMENTAL FOR SECTION 4 HAS NO ACTIONS AND WAS NOT CREATED.

GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD.
CONSULT LAND ADMINISTRATION SYSTEM (LAS)
CASEFILE FOR ADDITIONAL INFORMATION.



ATTENTION STATUS PLAT USERS: ON THIS PLAT, ALL STATUS LINES CLOSE FOR ACTIONS THAT EXTEND INTO ADJACENT TOWNSHIPS; THIS INCLUDES STATUS LINES SUCH AS DISPOSAL, MUNICIPAL, TITLE, CLASSIFICATION, ETC. PLEASE REFER TO ADJACENT TOWNSHIPS OR LAS TO DETERMINE IF ACTIONS EXTEND BEYOND THE BOUNDARIES SHOWN ON THIS PLAT. REMEMBER TITLE, CLASSIFICATION, AND RESTRICTION LINES ALWAYS CLOSE ON ALL PLATS.

<p>A PRODUCT OF THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES LAND RECORDS INFORMATION SECTION</p>	SEC 29
	SP
<p>PLAT CURRENT TO 06/11/2002, REFER TO THE DNR STATUS PLAT TRACKING SYSTEM (NP45/NP62) FOR OTHER PENDING ACTIONS ON THIS TOWNSHIP/PLAT</p>	TWP 11N
	RNG 2E
CHECKED BY: TERI MOODY	FM

SEC 28 TOWNSHIP 11N RANGE 2E OF THE FAIRBANKS MERIDIAN, ALASKA

LEGEND

BASE INFORMATION

- HYDROGRAPHY
- SURVEY LINE
- SURVEY LOT LINE
- TOWNSHIP/SECTION GRID
- 1/4 SECTION LINE
- HIGHWAY
- ROAD
- TRAIL
- RAILROAD
- ELECTRICAL POWER LINE
- TELEPHONE LINE
- PIPELINE
- AIRPORT/LANDING STRIP
- HORIZONTAL CONTROL
- CONTROL MONUMENT

STATUS INFORMATION

- TITLE
- BOUNDARY
- CLASSIFICATION
- DISPOSAL
- MUNICIPAL
- RESTRICTION
- FEDERAL ACTION
- MENTAL HEALTH TRUST
- LIMITS OF ACTION
- NAVIGATIONAL AID
- CABIN PERMIT
- TRAPPING CABIN PERMIT
- TRESPASS LOCATION

SURFACE WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

SUB-SURFACE WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

IN-STREAM FLOW RESERVATION

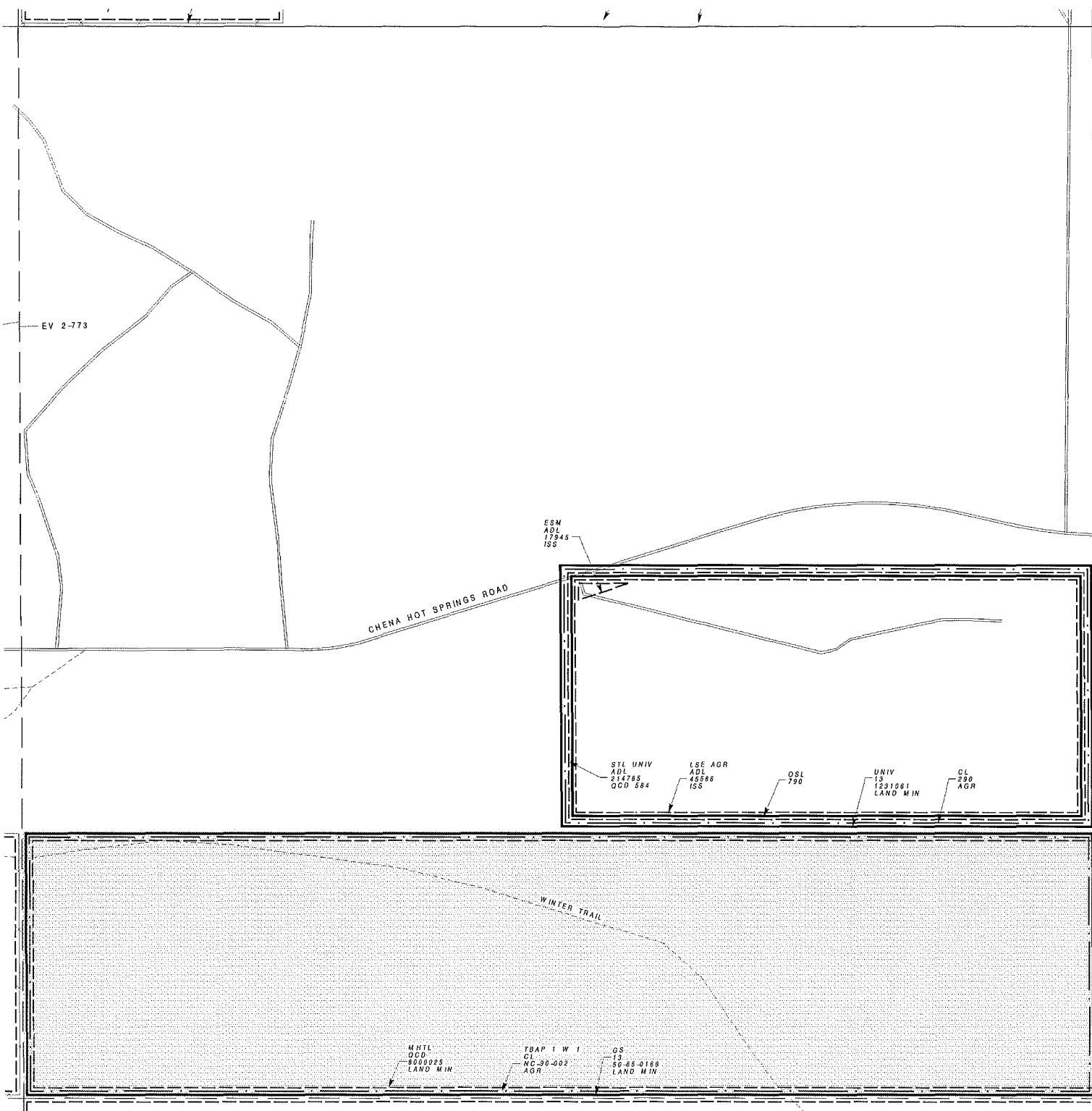
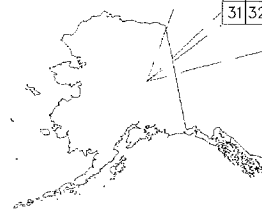
- APPLICATION
- CERTIFICATE

DAM, WEIR, BARRIER

- APPLICATION
- PERMIT
- CERTIFICATE

VICINITY MAP

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36



LAND ESTATE

THE STATE OWNS ALL LAND UNDER WATERS THAT ARE NAVIGABLE-IN-FACT, ARE SUBJECT TO THE EBB AND FLOW OF THE TIDES, OR ARE RIPARIAN OR LITTORAL TO UPLANDS OWNED BY THE STATE.

BASED ON:

COORDINATES:
ALASKA STATE PLANE ZONE 3
SE CORNER OF TOWNSHIP:
X 308174.540
Y 3972172.470
LAT 64 51 50.037 N
LONG 147 13 59.679 W

HYDROGRAPHY:
USGS FAIRBANKS (D1) REVISED BY BLM FROM AERIAL HIGH ALTITUDE PHOTOGRAPHY 1978-1985

LAND NET:
BLM PROTRACTION DIAGRAM F7-13, APPROVED 01/26/1960
USRS, SECTIONS 19, 20, AND 27 - 34, 6,390.50 ACRES;
ACCEPTED 03/10/1947
USRS, SECTIONS 11 - 15, 21 - 26, 35, AND 36, 8,320 ACRES; ACCEPTED 02/09/1950
USRS, TRACT A & B, SECTIONS 17 AND 18, 7,479.11 ACRES;
ACCEPTED 01/30/1968
ASCS F001N002E101, SECTIONS 1 - 10, AND 16, 5,780.8 ACRES; FILED 04/09/1975
CS F001N002E102; FILED 08/08/1980
ASLS 800105; FILED 09/25/1981
ASLS 950072; RECORDED 07/30/1999
EV 2-167; FILED 09/25/1981
EV 2-661; RECORDED 11/21/1997
EV 2-773; RECORDED 02/20/2001
USMS 1612; APPROVED 01/25/1929
USMS 1613; APPROVED 01/25/1929
USMS 1930; APPROVED 05/18/1926
USMS 1931; APPROVED 07/08/1926

OTHER ACTIONS AFFECTING DISPOSAL OR USE OF STATE LANDS; SEE THE LAS CASEFILE OR ORIGINAL SOURCE DOCUMENTS FOR ADDITIONAL INFORMATION:

ENTIRELY WITHIN FAIRBANKS RECORDING DISTRICT
ENTIRELY WITHIN FAIRBANKS NORTH STAR BOROUGH
OSL 790; LAND AND MINERAL ESTATE
OSL 1013; LAND ESTATE ONLY
SUBJECT TO TANANA BASIN AREA PLAN
CL NC-90-002; DOES NOT CLASSIFY ANY PRIVATE, BOROUGH OR FEDERAL LANDS
MCO 67; REMAINS IN EFFECT AS IT AFFECTS MINERAL LEASING AND MINING UNDER AS 38.05.135, .140-.175, .181, .185-.195 AND 205-280
MCO 67A; RECIDES MCO 67 AS IT APPLIES TO OIL AND GAS LEASING UNDER AS 38.05.137, .180, .182, .183, .184 AND .200; NOT DEPICTED
ADL 38901; GRAVEL CLOSURE
ADL 214785; LAND AND MINERAL ESTATE
ADL 403427; APPLIES TO ENTIRE LENGTH AND WIDTH OF LEASE APPLICATION ON STATE LAND OUTSIDE OF AREAS COVERED BY ADL 414956

ATTENTION: SCHOOL LAND LITIGATION

SCH 150; LITIGATION AFFECTS SCHOOL 36 CONVEYED TO THE STATE OF ALASKA PURSUANT TO THE ACT OF MARCH 4, 1915; PLAINTIFFS V. STATE OF ALASKA CASE NO. 3AN 97-3782 CIVIL DATED MAY 20, 1998.

ATTENTION: MENTAL HEALTH LAND INFORMATION

SHADED AREAS (SEE LEGEND) ARE MENTAL HEALTH TRUST LAND. CONSULT THE TRUST LAND OFFICE FOR FURTHER INFORMATION.
ORIGINAL MENTAL HEALTH GRANT LAND (MH) NOT SHADED AS MENTAL HEALTH TRUST LAND AND NOT CONVEYED TO A THIRD PARTY PRIOR TO JUNE 24, 1994 IS REDESIGNATED AS GENERAL GRANT LAND PURSUANT TO SECTIONS 6 AND 7, CHAPTER 1, SSSLA 1994.

ATTENTION: WATER ESTATE USERS

WATER ESTATE SUPPLEMENTAL FOR SECTION 4 HAS NO ACTIONS AND WAS NOT CREATED.

GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD.
CONSULT LAND ADMINISTRATION SYSTEM (LAS)
CASEFILE FOR ADDITIONAL INFORMATION.



ATTENTION STATUS PLAT USERS: ON THIS PLAT, ALL STATUS LINES CLOSE FOR ACTIONS THAT EXTEND INTO ADJACENT TOWNSHIPS; THIS INCLUDES STATUS LINES SUCH AS DISPOSAL, MUNICIPAL, TITLE, CLASSIFICATION, ETC. PLEASE REFER TO ADJACENT TOWNSHIPS OR LAS TO DETERMINE IF ACTIONS EXTEND BEYOND THE BOUNDARIES SHOWN ON THIS PLAT. REMEMBER TITLE, CLASSIFICATION, AND RESTRICTION LINES ALWAYS CLOSE ON ALL PLATS.

<p>A PRODUCT OF THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES LAND RECORDS INFORMATION SECTION</p>	SEC 28
	LE
<p>PLAT CURRENT TO 07/31/2001, REFER TO THE DNR STATUS PLAT TRACKING SYSTEM (NP45/NP62) FOR OTHER PENDING ACTIONS ON THIS TOWNSHIP/PLAT</p>	TWP 11N
	RNG 2E
<p>CHECKED BY: TERI MOODY</p>	FM