

**FRANK H. MURKOWSKI,  
GOVERNOR**

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

**DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

*NORTHERN REGION PRECONSTRUCTION, Right of Way Section*

May 1, 2006

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

**FAXED to (907) 456-5055**

Mr. John Burns  
Borgeson & Burns, PC  
100 Cushman St. # 311  
Fairbanks, AK 99701

Dear Mr. Burns:

As you requested, I have reviewed the document titled "STIPULATION TO ENTRY OF JUDGEMENT AS TO CASSAIR HEIGHTS PROPERTIES INC, RUDOLF L. GAVORA, JENA D. GAVORA, JAMES K. BUTTON, AND JENNIFER B. BUTTON,". The purpose of my review was to provide an opinion as to the validity of the section line easements identified in the Third and Fourth Causes of Action. The Third and Fourth Causes of Action appear to identify the same section line easements, however, the Third Cause of Action is based upon the federal R.S. 2477 grant while the Fourth Cause of Action is based upon A.S. 19.10.10. My November 1, 2004 letter to Dwane Sykes concluded that a 66-foot wide federal section line easement existed along the quarter mile segment of the line between Section 29 and 20 lying within federal patent No. 1147535. This letter expands that conclusion to state that a 33' wide federal section line easement also exists along the easterly boundary within federal patent No. 1147535.

As the specific focus of the Third and Fourth causes of action are the lands lying within federal patent No. 1147535, it is unclear to me why Sykes believed it was necessary to cite A.S. 19.10.10. The purpose of this statute was to assign a minimum right-of-way width to highways established throughout the state. More specifically, it was intended to establish a right-of-way width for trails created by public use under the R.S. 2477 grant.

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](mailto:johnf_bennett@dot.state.ak.us).

Sincerely,

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