

Bennett, John F (DOT)

From: Bennett, John F (DOT)
Sent: Monday, April 16, 2012 9:51 AM
To: 'barryd@alaska.net'
Subject: Warnick-Brice Section Line Easement

Mr. Donnellan: I elected to respond by email to speed delivery to you. However, if you prefer to receive a letter response, just let me know and I will do so.

I agree that there exists a 66' federal section line easement (33' each side of the section line) between the Warnick Property in Section 13 of T1S, R1E, FM and the Brice property to the west in Section 14. This was reflected in our right of way plans for Holmes road. I have attached the plan cover sheet and the sheet that shows sections 13 & 14. I have also attached an aerial photo from the FNSB GIS.

While a section line easement was established as an easement for highway purposes, DOT only has jurisdiction over those where a road is occupying the easement and the road is listed in the State Highway System Inventory. Holmes road is on the inventory and so is under DOT jurisdiction. The section line easement heading north from Holmes road between sections 13 & 14 is not. As this is a federal section line easement based upon RS2477, you might want to contact Department of Natural Resources. Generally, DNR is considered to have jurisdiction over all RS2477 rights of way not listed on the DOT highway system inventory.

Note that the right of way for Holmes Road in this area is 33' each side of centerline (section line) as it is also based on a federal section line easement. Before passing you and your clients on to DNR I wanted to verify that the rocks in question are not within the 33' right of way for Holmes road. If they were, then DOT would need to deal with them as an encroachment. I suspect this is not the case as the road and fill slopes likely occupy most of the right of way. Please let me know if I can provide any further information. JohnB

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