

**From:** Bennett, John F (DOT)  
**To:** ["Patrick Kelly"](#)  
**Subject:** RE: University Grant land and section line easements.  
**Date:** Monday, September 17, 2012 9:26:00 AM

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Pat, my recent disorganization by switching computers and continuing progression into senility has left me with the embarrassing admission that I can't quite remember what our discussion was about earlier this summer or what I said I would provide. But from your comment about University Grant land and Section Line easements I suspect that it was focused on that issue. If so, what I may have said is that the question has come up every now and then but I'm not aware of any case or legal opinion directly focused on that subject. What I do have are the attached items: "Re\_another question.pdf" – This is an email between me and Gerald Jennings discussing the issue of State SLE's on University Lands. Next, "x4.2.pdf" is the paper by John Sedwick that I referenced in the email to Gerald. Finally, is the "x4.6.10 Superior Ct. Order.pdf". This relates to an access case that I was involved in from the Kenai Spur road to the beach. The case eventually went to the Supreme Court but as is the case sometimes when you throw a multitude of arguments out, the court ruled in our favor but on our most straightforward argument, that of interpretation of the deed's intent, and not on the other issues which included school trust lands and the 1978 legislation that converted the trust lands to general grant lands.

Because the 1978 legislation came after the repeal of RS2477 in 1976, it would appear that it would be difficult to argue that a federal SLE could ever attach to University Trust lands. But there could be federal SLE's that already attached to lands obtained by the University through other than the trust. So the real question is whether the State 50' SLE attaches to University Lands. My recollection in looking at conveyances from DNR to University to reconstitute the land trust that some specifically imposed section line easements while some may not have. While Sedwick's paper leaves open the possibility of either conclusion, the general consensus between DNR and DOT is that the University lands are subject to the State SLE's.

Please let me know if I have been rambling on a subject that was not what we were talking about early in the summer and I'll try better on my next response. JohnB

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**John F. Bennett, PLS, SR/WA | Chief, Right of Way | Alaska Department of Transportation, Northern Region**  
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**From:** Patrick Kelly [mailto:[pkelly1@alaska.edu](mailto:pkelly1@alaska.edu)]  
**Sent:** Wednesday, September 12, 2012 2:46 PM  
**To:** Bennett, John F (DOT)  
**Subject:** Re: University Grant land and section line easements.

Thanks John. At your convenience.

Regards,

Patrick

On Wed, Sep 12, 2012 at 2:43 PM, Bennett, John F (DOT) <[johnf.bennett@alaska.gov](mailto:johnf.bennett@alaska.gov)>

wrote:

Pat, I'm a bit disorganized right now having been out of the office for a week and now switching over to a new computer. I promise to respond better next week. I can't remember off the top of my head whether I found something and forgot to send it or if I never found anything. Later. JohnB

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**From:** Patrick Kelly [mailto:[pkelly1@alaska.edu](mailto:pkelly1@alaska.edu)]

**Sent:** Tuesday, September 11, 2012 6:35 AM

**To:** Bennett, John F (DOT)

**Subject:** University Grant land and section line easements.

Dear John,

Hope all is well with you. I was wondering if you had come across the University Grant Land/section line easement information we discussed earlier this summer. I have a few additional cases which give me reason to pause concerning this issue. Please let me know if I may be of any assistance.

Best regards,

Patrick

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