

September 6, 2007

U.S. MAIL

Mr. Gerald VanBruggen
3310 Laurance Road
North Pole, Alaska 99705

Re: Richardson Highway North Pole Interchange Project
Our File 225-07-0011

Dear Mr. VanBruggen:

Thank you for your call last week. You had a number of concerns which I have looked into. Enclosed please find a typical section for Busby Road, the Plan and Profile sheets for Busby/Dawson Road, a copy of the title report on your property, and a recent Fairbanks Daily News Miner notice entitled "Navigating a single-lane roundabout." I understand that Mr. Bennett has responded specifically and directly to your question concerning the validity of the section line easement on your property.

You mentioned that several of your neighbors have given you permission to take timber from easements on their property, and that you would like to salvage any timber taken down in the easement on your own property. The contract for the construction of this project has been advertised but has not yet been awarded. When the contract has been awarded, it is possible that the contractor will be amenable to coordinating with you concerning the harvest of timber from the easement overlaying your and your consenting neighbors' property when the contractor is actively working. Please feel free to contact the Project Engineer, Mr. Tom Kent, 451-5466, concerning this matter.

The Department of Transportation and Public Facilities (the Department) has no objection to your clearing the highway easements yourself prior to construction to insure the salvage of the timber. To the extent that the Department's interests in the easements are involved, we only ask that construction not be impeded. Mr. Kent, noted above, may be a helpful resource with respect to avoiding conflict. That said, please be mindful that you should gain the consent of the underlying fee owners and any present utilities. The Department's interest in the matter is limited to the easements to be used for transportation.

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We discussed your concern that the borough had not recognized either the new easement or the section line easement in its tax assessment of your property. I mentioned in our conversation that I believed that tax status is traditionally determined once a year. That does seem to be the case. I informally checked with the Borough concerning the tax status of your property. As the project progresses, the Borough will formally receive notice of relevant construction and boundary changes from the State which should eventually result in a recognition of the new easement and the construction within the section line easement. The Borough has already been notified that the Department has acquired a new easement, but the final document (usually a "Record of Survey") identifying the project is typically prepared after construction is complete. I would only be guessing as to how quickly this will happen. You may wish to approach the Borough tax assessor or the Board of Assessment with the issue if you would like them to recognize the easements now.

Please keep in mind in considering my remarks that I do not represent the Borough, the utilities, or you. I cannot speak for the Borough or the utilities, nor can I give you legal advice as to how to proceed. If you feel that you may require legal advice, you should retain your own attorney.

Thank you again for your time and attention. I hope that I have been of some assistance to you.

Sincerely,

TALLIS COLBERG
ATTORNEY GENERAL

By:

Leone Hatch
Assistant Attorney General

LH/af

Cc w/o enc: Kathleen Dickenson, Chief Negotiator, ROW, DOT&PF
John F. Bennett, ROW Chief, DOT&PF
Tom Kent, Construction Engineer, DOT&PF
Brad Fristoe, Construction Manager, DOT&PF
Todd Boyce, Transportation Planner, FNSB

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- Enclosures:
1. Navigating a single lane-roundabout
 2. Update No. 3 to Title Report
 3. 2006 Delinquent Real Property Tax Foreclosure w/ Judgment and Decree
 4. Update No. 2 to Title Report
 5. Update No. 1 to Title Report
 6. Certificate of Redemption
 7. 2006 Delinquent Real Property Tax Foreclosure w/ Judgment and Decree
 8. Title Search Report
 9. Typical Sections of Buzby/Dawson Road, Mistletoe Drive, and ST. Nicholas/Mistletoe Drive.
 10. Plan and Profile of Buzby/Dawson RD