

John Bennett

From: Sprout, Timothy L (DOT) <tim.sprout@alaska.gov>
Sent: Monday, July 26, 2021 8:05 AM
To: John Bennett
Subject: RE: Streets and roads in US Survey 1901, Blocks 1 through 10 of Salchaket Townsite

Thanks much John.

(I mis-spoke about Native Corporations managing Townsite streets. Was thinking Native Villages.)

Tim Sprout, PLS, SR/WA
ROW Engineering Supervisor
DOT&PF Northern Region
907-451-5465
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From: John Bennett <JBennett@rmconsult.com>
Sent: Sunday, July 25, 2021 10:32 AM
To: Sprout, Timothy L (DOT) <tim.sprout@alaska.gov>
Subject: RE: Streets and roads in US Survey 1901, Blocks 1 through 10 of Salchaket Townsite

Tim – Initially I thought about a Birch Lake road issue that came up years ago but I couldn't find a file or email about it. Birch Lake is also a federal townsite (USS 3453). Years ago there was a complaint that someone posted a sign at the two intersections of the townsite road with the Richardson that said it was private access only. A couple of the locals said that foreign tourists would hike up the road and enter private cabins believing they were for public use. I think they knew the road was public but they posted the signs as a bluff. I said the road was public and no-one could be prevented from using them and their signs were only a bluff as well as being illegal encroachments. It is likely that they are still there.

With regard to townsite ROW I believe they are effectively considered to be dedications to the public and so are held in trust for the public. At some point, typically a governmental entity will assume management of the ROW but they are still public ROW. The phrase used in the attached recorded document is commonly found in patents from the US to the Townsite Trustee. It makes sense in that the Trustee is to hold the tract of land in trust for the benefit of the occupants as he/she goes through the process of issuing patents to the individual claimants. However, the past Trustee presentations and the case law indicates that they have always considered the street ROW platted on the Townsite US Surveys to be dedications to the public. I found similar language in the USA to Trustee patents for Graehl Townsite; Pilot Station; N. Add Fairbanks Townsite; Townsite of Emmonak; & Townsite of Nulato.

You mention that some public roads are managed by native corporations. I don't think I have heard of that yet. But I can see a non-governmental entity like a home owners association or a informal service area where a local government doesn't exists might take management. As Harding is within the FNSB I suspect the appropriate management of a public road that is not on the State highway system would be through a FNSB authorized service district. That's what I've got.

We've reached third world internet access here in the last week. A rotted tree fell on my neighbors property over the powerlines and on top of a pontoon boat owned by another neighbor. The boat burned up but fortunately North Star Fire got there fast and put it out. But it fried the ACS line. After ACS put it back up I've gone from 1mbs service to 0.1-0.2 mbs downloads. Almost like the dial up days. Oh well. JohnB

John F. Bennett, PLS, SR/WA Senior Land Surveyor – Right of Way Services

From: Sprout, Timothy L (DOT) [<mailto:tim.sprout@alaska.gov>]
Sent: Friday, July 23, 2021 9:29 AM
To: John Bennett <JBennett@rmconsult.com>
Subject: FW: Streets and roads in US Survey 1901, Blocks 1 through 10 of Salchaket Townsite
Importance: High

John –

Sorry to keep asking you to do my job.

FNSB Planning has asked our opinion on whether Salchaket Townsite streets at Harding Lake are public or private use based on the attached recorded document.

Previous research led me to this opinion:

Salcha Drive/Harding Lake Road is listed on the State Highway System and is managed by DOT&PF. Management of Townsite street rights of way are typically transferred by Townsite Trustees to municipalities and native corporations, etc. In this case, as USS 1901 Salchaket Townsite is apparently not a municipality or village, it appears that the Salchaket Townsite streets other than Salcha Drive would be managed by the Harding Lake Association.

<https://www.hardinglakeassociation.com/history/>

What is your opinion?

Thank you.

Tim Sprout, PLS, SR/WA
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From: Hooper, Barry L (DOT) <barry.hooper@alaska.gov>
Sent: Thursday, July 22, 2021 9:21 AM
To: Sprout, Timothy L (DOT) <tim.sprout@alaska.gov>
Subject: FW: Streets and roads in US Survey 1901, Blocks 1 through 10 of Salchaket Townsite
Importance: High

Hi Tim,

Kellen Spillman has a question on whether the roads in the Harding Lake Subdivision are public. It appears the main issue is 5th Avenue (see email below). Attached are apparently some Townsite Survey notes which one of the owners within the Subdivision is claim the ROW is not public. Can you check into this a give me the basis of the current status of ROW within the subdivision.? Apparently DOT does maintain roads within this area. I will give you call to further discuss.

Barry

Barry Hooper, P.E.
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Northern Region Technical Team Lead
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From: Kellen Spillman <kellen.spillman@fnsb.gov>
Sent: Thursday, July 22, 2021 8:56 AM
To: Hooper, Barry L (DOT) <barry.hooper@alaska.gov>
Subject: FW: Streets and roads in US Survey 1901, Blocks 1 through 10 of Salchaket Townsite
Importance: High

As discussed, please see attached.

Thanks,

Kellen Spillman
FNSB Community Planning



From: Jim Williams <jim.williams@fnsb.gov>
Sent: Tuesday, July 20, 2021 10:34 AM
To: Kellen Spillman <kellen.spillman@fnsb.gov>
Subject: FW: Streets and roads in US Survey 1901, Blocks 1 through 10 of Salchaket Townsite
Importance: High

From: Jeffry J Cook <cook1@gci.net>
Sent: Monday, July 19, 2021 4:17 PM
To: Jim Williams <jim.williams@fnsb.gov>
Cc: Barbara L. Schuhmann <barbaraalaska1@gmail.com>; Bill & Jeanne Kohler <billkcpa@gmail.com>; Gary Wilken <garywilken@me.com>; Genevieve Bell <genevieve@flowline-alaska.com>; Jeffry J Cook <cook1@gci.net>; Jesse Warwick <harding247@hotmail.com>; Joe Ribar <akj3l91@gmail.com>; John Immel <jpimmel@gci.net>; Jon Cook <joncook@gci.net>; mike@rjgcpa.com; Patti Anderson <ppma.alaska@gmail.com>; Jerry Lee Sadler <jerrylsadler@gmail.com>; Paul Huffman <huffman.paxson@gmail.com>; Bob Hajdukovich <bobhajduk@mac.com>; Lance Cook <lhcookak@gmail.com>; Wilken Matt <matthewwilken@me.com>; Theresa Brice <tbrice@gci.net>
Subject: Streets and roads in US Survey 1901, Blocks 1 through 10 of Salchaket Townsite
Importance: High

Fairbanks North Star Borough Mayor's Office
Attn: Jim Williams, Chief of Staff

Jim,

I talked to one person today and another on Saturday who said they had both been to the Borough and told (I assume by someone in Community Planning) that 2nd, 3rd, 5th, 7th and 8th Streets at Harding Lake are public, they are not. 1st street, 4th street and 6th street were previously vacated by the Borough Planning and Zoning so they obviously did not consider them public streets. To show these are not public streets I have attached a portion of the recorded plat notes for US Survey 1901 which includes Blocks 1 through 10 of Salchaket Townsite. It is clear that the "lots, blocks and roads are for the exclusive use of the occupants" of those blocks. The owners in US Survey 1901 have no issue with the other lake front property owners and non-lake front lots fronting Salcha Drive using 5th Avenue to launch and retrieve boats. There is a State public campground at the lake and that is where the Borough should be directing people to camp, boat and recreate.

We do have a problem with people who might think 5th Avenue and the other streets not vacated are public. They leave garbage, dirty diapers and use the woods for a latrine. We get to clean it up. Right now there are four groups using 5th Street like it is a public campground. If I wanted to launch my boat people would have to move their chairs, floating items, SeaDoo's and boats out of the way. This is not sanitary or safe.

Thank you for reviewing the attached notes and asking people at the Borough not to tell people these are public roads and streets.

Jeff Cook, President
Harding Lake Association