

**FEDERAL TOWNSITES IN ALASKA
INTERNATIONAL RIGHT OF WAY ASSOCIATION
MARCH 17, 1994**

One hundred eighty-five Alaskan communities are, at least in part, Federal Townsites. There are three types in Alaska: **Railroad** (example Seward and Anchorage), **Presidential** (example Tok and Kasilof), and **Trustee** (example Bethel).

Railroad and Presidential Townsites were established and surveyed by the government. After survey the lots were sold at auction by the Townsite Trustee. The patents conveyed fee simple title. Copies of survey plats and patents for Railroad and Presidential Townsites are available at the Bureau of Land Management (BLM) Public Room at 222 West 7th Avenue Anchorage, Alaska 99513-7599. The Public Room's phone number is (907) 271-5960. There are no more lands available to the public in these townsites.

Trustee Townsites were created when the residents of a community petitioned the Federal government for the establishment of a Trustee Townsite. These townsites were authorized under two different statutes. Section 11 of the Act of March 3, 1891, extended the townsite laws to the Territory of Alaska. The Act of May 25, 1926, allowed the trustee to issue restricted deeds for townsite lots to Alaskan Natives. Both of these authorities were repealed by the Federal Land Policy and Management Act of October 21, 1976.

The Townsite Trustee prepares a plan of survey for the townsite based on existing improvements and the need for future expansion. After the townsite is surveyed by the Federal Government the Trustee receives patent to the townsite. Then the Trustee can issue deeds to the residents. Trustees can issue permits and grant rights-of-way on undeeded townsite lands.

Rights to townsite lots had to be established by the date the subdivisional survey of the townsite was accepted or October 21, 1976, whichever came first. The rights can be transferred before the deeds are issued by inheritance, gift, or sale. The deeds are subject to reservations listed in the Trustee's patent such as mineral resources or rights-of-way to the government. Copies of the patent to the Trustee are available at the BLM's public room as are copies of the survey plats.

The Trustee issues four types of deeds. **Trustee deeds** issued under the **Act of March 3, 1891**, convey lots to non-natives, municipalities, corporations, boroughs, state agencies, traditional councils, and IRAs. These deeds are for fee simple absolute title. A pro-rated portion of the survey costs are charged for Trustee deeds issued to corporations, businesses, churches, and non-native individuals.

Restricted deeds are issued to Alaskan Natives under the **Act of May 25, 1926**. Lots conveyed under this law can only be sold with the concurrence of the Bureau of Indian Affairs (BIA). They cannot be seized and are not taxable.

Unrestricted deeds issued under the **Act of February 26, 1948**, give fee simple absolute title to holders of restricted deeds. These deeds are issued when the BIA finds the holder competent.

Deeds of correction correct errors such as misspellings or inaccurate land descriptions.

Unoccupied lots, known as residual lots, are deeded without charge to the city. Residual lots in unincorporated Native communities are deeded without charge to the Traditional Council or the IRA.

Trustee deeds and unrestricted deeds are recorded with the State Recorder by the Trustee. Prior to statehood many deeds were sent to the grantee or the Magistrates. The BIA Alaska Title Service Center records restricted deeds with the State Recorder; they also have their own title plant.

Records for open townsites, recently closed townsites, and copies of the tract books for closed townsites are kept at the Trustee's office. Tract books are a list, by lot and block, of the deeds issued in a townsite. The list gives the grantee, the type of deed, and the date the deed was issued. Unrestricted deeds are noted to the tract books as they are issued. This is the only change made to the records for closed townsites.

The Trustee has no authority within closed townsites except to issue unrestricted deeds to Alaskan Natives who have been certified competent by the BIA.

After all deeds are issued the townsite is closed. The records are then transferred to the National Archives-Alaska Region, 654 West 3rd Avenue, Anchorage, Alaska 99501, phone (907) 271-2441.

Trustee records and National Archive records show only the original owner. Records for current owners and chain of title are kept by the Boroughs and the State Recorders Office.

prepared by: Martin Hansen, Townsite Trustee
Shirley Spurlock, Land Law Assistant
Bureau of Land Management
222 West 7th Avenue # 13
Anchorage, Alaska 99513-7599
phone (907) 271-3795

ALASKA TRUSTEE TOWNSITES

Bureau of Land Management
222 W. 7th Avenue, #13
Anchorage, Alaska 99513

Townsite Staff: Martin Hansen, Townsite Trustee
Shirley Spurlock, Land Law Assistant

Phone Number: (907) 271-3795
(907) 271-5689
FAX Number: (907) 271-3684

HANDOUTS:

- A. History of the Townsite Program
- B. Townsite Program including a list of the townsite records
- C. Townsite Records held by the Trustee
- D. Townsite Records held by the National Archives - Alaska Region
- E. Streets and Alleys
- F. Permits and Rights-of-Ways
- G. Types of Trustee Deeds with samples of all four (4)
- H. Lower Kalskag Townsite Tract Book
(The trustee keeps copies of the tract book for records kept at Archives. Once the townsite program is closed, all records will be held at Archives.)
- I. Master Title Plat
- J. Survey Plat
- K. U.S. Survey 4414
- L. Dependent Resurvey of a portion of U.S. Survey 4414

HISTORY OF THE TOWNSITE PROGRAM

From March 3, 1891 to Present

Act of March 3, 1891

This Act established the Townsite Program. The method used for segregation and disposition of public lands as townsites is as follows:

A group of residents files a petition with the Interior Department to establish and survey a townsite and appoint a Trustee. Once the petition is filed and serialized, it segregates the land from other forms of entry. The petition is noted on the public land records. The Townsite Trustee, after consulting with the village council, prepares a plan of survey. When the survey is completed, a plat is prepared and officially approved. The initial plat shows the exterior boundaries of the townsite and the subdivisional boundaries of the occupied portion. Unoccupied portions are sometimes labeled "unsubdivided"; sometimes simply shown as a lettered tract with no lots indicated. The date of the subdivisional survey is critical. Up to that date, rights to land within the townsite can be acquired simply by occupancy.(1) Upon survey approval, the Trustee applies for patent to the land within the exterior boundaries as shown on the plat. When patent is received, the Trustee proceeds to make lot awards, collecting (from non-Natives only) a pro rata share of the survey cost. As unsubdivided tracts become occupied, successive subdivisional surveys and, upon approval, additional lot awards may be made. Lots which are unoccupied on the date of subdivisional survey approval are deeded to the incorporated municipality, if incorporated, or the traditional or IRA village.

Act of May 25, 1926

In 1926 Congress enacted "An Act to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of townsites in Alaska and to provide for the survey and subdivision of such tracts." The purpose of this legislation was to authorize the issuance of deeds to Alaskan Natives who previously could not obtain deeds to the lots they occupied because the Act of March 3, 1891, extending townsite laws to Alaska had been construed as not applying to lands in the possession of Natives.

Act of February 26, 1948

After 1948, Alaska native individuals could apply for unrestricted townsite deeds, which removed restrictions as to sale, encumbrance, or taxation of the land.

1/Now superseded by FLPMA (No occupancy is allowed on unsubdivided tracts after October 21, 1976)

Saxman Opinions - 1959

A Department of Interior legal opinion held that disposition of unoccupied lots by public auction was inconsistent with the Native Townsite Act. A subsequent opinion based on the 1959 opinion, held that the Trustee could not convey unoccupied lots in a Native townsite to a municipality. Under the Saxman opinions, the Trustee had to retain unoccupied lots for future occupation by individual Natives instead of offering the lots for sale and then conveying unsold lots to the municipality. The Trustee, however, continued to hold vacant, unsubdivided land within the patented area open for entry and occupancy by both Natives and non-Natives until the filing of the final subdivisional plat.

January 17, 1969

On January 17, 1969, anticipating congressional passage of a Native Claims Settlement Act, Interior Secretary signed PLO 4582 withdrawing the entire State from most forms of entry or settlement. This freeze included petitions for townsites.

ANCSA - December 18, 1971

When the Alaska Native Claims Settlement Act was enacted on December 18, 1971, section 17(d) revoked PLO 4582 but permitted further withdrawals which for the most part have kept Alaska closed to settlement. With minor exceptions the only land in Alaska open to non-mineral entry after 1971 was in pending townsites. Some feel this was a major oversight. However, with passage of this Act, no more petitions could be filed requesting that a townsite be established and surveyed.

FLPMA - October 21, 1976

Repealed the townsites laws. Now if a survey is made after this date, occupancy is based on the date FLPMA was passed (October 21, 1976).

Klawock Case - November 11, 1976

The Trustee's authority to permit non-Natives to occupy the unsubdivided portion of a Native townsite was challenged in the City of Klawock v. Gustafson case. The City of Klawock appealed a decision by the Townsite Trustee to issue deeds to non-Natives occupying lots in a Native Townsite. The Federal District Court issued a decision on November 11, 1976 upholding the Trustee's decision. The court overturned the reasoning of the Saxman Opinions by concluding that the 1926 Alaska Native Townsite Act was concerned with issuing deeds to Native Alaskans rather than establishing exclusively Native townsites. Based on this interpretation, the court decided that non-Natives had a right to establish occupancy on unsubdivided lands in Native townsites. The court also concluded that unoccupied townsite lots were to be made available to municipalities rather than being retained by the Trustee for occupancy by Natives.

Attorney Fees for Klawock Case

The attorneys for Klawock petitioned the district court for the award of attorney fees, claiming that the value of the vacant lots (which cities could now obtain) created a common fund from which the attorney fees could be paid. The district court denied the request, but the 9th Circuit Court of Appeals ruled that the litigation benefited cities throughout Alaska, and that the vacant lots would provide a common fund from which to pay the attorney fees.

Aleknagik Natives, Ltd. v. U.S.A. - March 19, 1985

The village corporations of Aleknagik, Ekwok and Nondalton filed suit in Federal District Court contending that the Alaska Native Claims Settlement Act (ANCSA) terminated the operation of all townsite laws on all townsite lands that were vacant and unsubdivided at the time of ANCSA's passage in 1971, making them available for village corporation selection. The Secretary of the Interior disagreed. It was his contention that the filing of the petition by a majority of the residents of a future Federal townsite operated to segregate the land from further disposal under the public land laws (thus making them unavailable for village corporation selection). The U.S. District Court agreed with the Secretary of the Interior, and on March 19, 1985, granted summary judgment in favor of the federal defendants. The ninth Circuit Court of Appeals affirmed the District Court decision on December 19, 1986.

Two villages, Port Graham and English Bay, intervened in the Aleknagik case. They agreed that the townsite land could not be selected by the village corporations established under ANCSA, but argued that the vacant land should be turned over the IRA and traditional village councils because there was no municipality established under State law in those villages. On July 17, 1987, the District Court ordered the Trustee to convey remaining townsite land to the councils. The order was affirmed by the Ninth Circuit Court of Appeals on September 22, 1989.

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MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

ALEKNAGIK NATIVES LIMITED, vs. UNITED STATES OF AMERICA, et al
et al.

THE HONORABLE JAMES M. FITZGERALD CASE NO. A77-200 CIVIL

Deputy Clerk

Reporter

Recorder

LINDA CHRISTENSEN

X Janis Roller

APPEARANCES:

PLAINTIFF: JAMES BAMBERGER

DEFENDANT: JACK ALLEN

PROCEEDINGS: HEARING ON MOTION FOR RECONSIDERATION:

At 9:03 a.m. court convened.

RECEIVED
REGIONAL SOLICITOR, USDI

Statements of Court and counsel heard.

JUL 20 1987

Plaintiff's motion for attorney fees - DENIED.

ANCHORAGE, ALASKA

At 9:24 a.m. Judge and counsel met in chambers.

At 9:47 a.m. court reconvened.

Court placed findings on the record re motion for reconsideration:

Petitioners Port Graham and English Bay's motion for reconsideration
GRANTED.

IT IS ORDERED THAT the Townsite Trustee is directed to convey the
remaining lands held in trust to petitioners for the benefit of
the village inhabitants without restriction as to nationality or
race.

At 9:50 a.m. court adjourned.

cc: J. Vollintine
J. Bamberger (AK LEGAL SERV)
D. Smith (AUSA)
J. Reeves (BOGLE)

JUL 20 8 22 AM '87
ALASKA

DATE: JULY 17, 1987

DEPUTY CLERK'S INITIALS: LC

C.F. No. 1

25

TOWNSITE PROGRAM

Legal Authority:

- Act of March 3, 1891 - Extended townsite laws to Alaska
- Act of May 25, 1926 - Allowed native individuals to receive restricted deeds to townsite lots
- Act of February 26, 1948 - Allowed native individuals to receive unrestricted deeds

Description of Program:

Communities within Alaska filed petitions with the federal government to establish townsites for the purpose of obtaining title to the land they occupied. The petition requested the government to survey the area into lots, blocks and tracts for future expansion and to appoint a Trustee to act on behalf of the community. After approval of the survey plat, the Trustee applies to the BLM for patent to the townsite. The Trustee's claim is adjudicated against all other claims and if no conflicts exist, a patent is issued. A Notice of Lot Awards is then posted in the village for 30 days to notify the residents that the Trustee will visit the village to take applications for deeds to the lots. Native individuals may apply for either restricted or unrestricted deeds and do not pay the survey assessment cost. Unrestricted native deeds may be issued only upon approval of the Bureau of Indian Affairs. Non-native individuals and all others must apply for Trustee Deeds and pay the cost of survey. The applications are adjudicated by the Trustee and deeds are issued based on occupancy and improvement of the lots prior to the date of survey plat approval or October 21, 1976 which ever date comes earlier. Conflicts are resolved by Trustee Decisions issued with the right of appeal to IBLA.

Settlement on unsubdivided tracts of land was precluded after October 21, 1976, when the Federal Land Policy and Management Act repealed the townsite laws. All claims established before that date must be surveyed by the Bureau of Land Management. After all lots have been awarded to valid claimants, the remaining land is deeded to the incorporated municipality and the townsite is closed.

The townsite program was virtually in suspension from 1977 to 1985 when the U.S. District Court in Alaska decided the question as to whether incorporated cities or the ANCSA corporations were entitled to unoccupied lands. The court decided in favor of the incorporated municipalities.

Until recently, the Trustee retained title to residual lands in unincorporated communities. On September 22, 1989, the Ninth Circuit Court affirmed a lower court decision that directed conveyance of these residual lands to village councils.

TOWNSITES

I. TYPES OF TOWNSITES IN AK

A. Presidential Townsites

- 1) Established on government's motion with PLO to establish withdrawal for townsite purposes.
- 2) Public Sale of lots - patents issued by BLM
- 3) Trustee - acts as Superintendent of Sales
- 4) Examples - Tok, East Addition to Kodiak

B. Railroad Townsites

- 1) Selected by Alaska Railroad
- 2) Townsite Reserve by PLO
- 3) Public Sale of lots - patents issued by BLM
- 4) Trustee - Superintendent of Sales
- 5) Examples - Anchorage, Talkeetna, Nenana, Portage & Seward

C. Trustee Townsites

- 1) Section 11, March 3, 1891
- 2) May 25, 1926 - Alaska Native Townsite Act - Restricted Deeds
- 3) February 26, 1948 - Unrestricted Deeds

II. TOWNSITE PROCESS

A. Petition

- 1) Segregation Date - date petition accepted, serialized, noted to records
- 2) Size - less than 100 residents (not over 160 acres)
 - 100 to 200 residents (not over 320 acres)
 - more than 200 residents (not over 640 acres)

B. Feasibility Field Exam (reject if not suitable)

- 1) Permanent settlement
- 2) More than seasonal basis
- 3) Topography - planning and layout possible
- 4) Population stable
- 5) Not accommodated under other types of entry

C. Plan of Survey

- 1) Division into lots, blocks, tracts, municipal reserves, tracts for expansion
- 2) Preliminary ownership determination

D. Village Approval of Plan

E. Request for Survey to Cadastral

F. Survey Executed, Plat Approved

G. Plats and Application to Enter Filed in Village for 30 Days

- 1) Proof of Posting
- 2) Continuous Proof of Posting

H. Application to Enter and Final Proof (filed with BLM)

I. Adjudicate Any Conflicts and Issue Patent to Trustee

III. TRUSTEE'S PROCESS FOR DISPOSITION OF LAND AND PROCEEDS

A. Notice of Lot Awards

B. Eligibility Criteria for Townsite Deeds

- 1) Improve and occupy before survey plat approval date
- 2) Improve and occupy before FLPMA if survey is approved after FLPMA date

C. Adjudicate Applications

- 1) Convey - Trustee Deeds - Non-natives and entities - assessment fees
 - Restricted Deeds - Native individuals only
 - Unrestricted Deeds - Native individuals only with BIA approval

- 2) Conflicting Applications - Trustee Decision with Appeal Rights to the Interior Board of Land Appeals (IBLA)

D. Rights of Way and Permits

- 1) Public Utilities
- 2) Uses of temporary nature

E. Public Sales

- F. Sales to Federal and State Entities
- G. Remaining Vacant Lands Transferred to Municipalities
- H. Townsite Funds Transferred to Municipalities
- I. Audit of Townsite Account and Closure Report for DSD

IV. HISTORICAL BACKGROUND

A. Saxman Opinions

- 1) 1959 - Public auction inconsistent with ANTA
- 2) 1960 - Could not dispose of vacant lots to municipality, vacant lots must be retained for occupation by native individuals
- 3) Trustee continued to allow settlement on unsubdivided tracts by both natives and non-natives

B. Klawock vs. Gustafson

- 1) 1974 - City of Klawock appealed a Trustee's Decision to issue deeds to non-natives occupying townsite lots. The District Court overturned the Saxman Opinions and allowed conveyance of vacant lots to municipalities rather than hold for native individuals.

C. Aleknagik Natives vs. Gustafson

- 1) 1977 - Aleknagik, Nondalton and Ekwook claimed unoccupied townsite land was withdrawn by the Alaska Native Claims Settlement Act (ANCSA) and therefore selectable by the village corporation. The suit challenged a 1972 Memorandum by the Secretary of Interior which stated that townsite applications on file before passage of ANCSA constituted a valid existing right. On March 19, 1985, the District Court upheld the Secretary of Interior stating that the filing of the petition segregated the land and therefore the lands were not available for selection by village corporations. The Court of Appeals affirmed the District Court Decision on December 19, 1986.
- 2) Intervenors in the Aleknagik case, Port Graham and English Bay, contended that unoccupied townsite lands should be transferred to the traditional village councils in those communities because there is no municipality in either village. On July 17, 1987, the District Court ordered the Trustee to convey the residual lands to the village councils. The order was affirmed by the Ninth Circuit Court of Appeals on September 22, 1989.

V. TOWNSITE FILES

A. Accounts File

B. Deed File

- 1) Duplicate Copy of Deed
- 2) Original Application

C. General Correspondence File

D. Historical File

E. Lot and Block File

- 1) Triplicate Copy of Deed
- 2) Copy of Application
- 3) Related Correspondence

F. Maps File

- 1) Field Plat
- 2) Status Plat

G. Pending File

H. Permit Files

I. Tract Book

- 1) List of Grantees by lot, block and tract
- 2) Type of deed, when issued and to whom delivered

FEDERAL TOWNSITES

January 6, 1994

The following is the list of townsite records held by the BLM Townsite Trustee in the BLM Townsite Program:

- OPEN -

- | | |
|--------------------------|-------------------------|
| Alakanuk USS 4405 | Aleknagik Lake USS 4873 |
| Andreafsky USS 5507 | Birch Lake USS 3453 |
| Chalkyitsik USS 4496 | Clarks Point USS 4992 |
| Egegik USS 4900 | Gulkana USS 4861 |
| Hyder USS 1428 | Hyder Add. USS 3861 |
| Kodiak USS 3066 | Meshik USS 5578 |
| Nulato USS 4370 | Perryville USS 4993 |
| Pilot Station USS 4489 | St. Michael USS 5579 |
| Salchaket USS 1901 | So. Naknek USS 4879 |
| Stevens Village USS 4393 | Tuntutuliak USS 4429 |

- CLOSED -

- | | |
|-------------------|------------------------|
| Northway USS 4027 | Upper Kalskag USS 4413 |
|-------------------|------------------------|

- PENDING -

- Nightmute USS 4423 (No Patent on Nightmute)

NOTE: As townsites are closed, the records will be transferred to the National Archives-Alaska Region.

ARCHIVED FEDERAL TOWNSITES

- CLOSED TOWNSITES -

January 6, 1994

NATIONAL ARCHIVES - ALASKA REGION

654 W. 3RD AVENUE
ANCHORAGE, ALASKA 99501
(907) 271-2441

- | | | |
|----------------|------------------|-----------------|
| Akhiok | Hooper Bay | Noorvik |
| Akiachak | Hope | Old Harbor |
| Akiak | Hydaburg | Ouzinkie |
| Alatna | Hyder Ext. | Pelican |
| Ambler | Juneau | Petersburg |
| Anaktuvak Pass | Kake | Portage |
| Anchorage | Kaktovik | Port Alexander |
| Angoon | Kaltag | Port Graham |
| Aniak | Kasaan | Rampart |
| Baranof | Kasilof | Ruby |
| Barrow | Kenai | Saxman |
| Beaver | Ketchikan | Scammon Bay |
| Bethel | Kiana | Selawik |
| Birch Creek | King Cove | Seldovia |
| Brevig Mission | Kivalina | Seward |
| Buckland | Klawock | Shageluk |
| Cantwell | * Kodiak | Shaktolik |
| Canyon Village | Kotlik | Shungnak |
| Chefornak | Kotzebue | Sitka |
| Chevak | Koyuk | Skagway |
| Chignik | Koyukuk | Stebbins |
| Chignik Lagoon | Kwethluk | Stony River |
| Chignik Lake | Larson Bay | Talkeetna |
| Circle | Levelock | Tanana |
| Cordova | Loring | Tanacross |
| Craig | Lower Kalskag | Teller |
| Dillingham | Manokotak | Tenakee Springs |
| Douglas | Marshall | Tok |
| Eagle | McGrath | Toksook Bay |
| Eek | Matanuska | Togiak |
| Ekwok | Mentasta Village | Tununak |
| Emmonak | Metlakatla | Twin Hills |
| English Bay | Moose | Ugashik |
| Fairbanks | Moose Pass | Unalaska |
| Fort Yukon | Mountain Village | Upper Kalskag |
| Galena | Nenana | Valdez |
| Girdwood | New Stuyahok | Wasilla |
| Golovin | Nikolski | Whittier |
| Graehl | Ninilchik | Wrangell |
| Grayling | Noatak | Yakutat |
| Haines | Nome | |
| Hoonah | Nondalton | |

*Townsite with only a partial closure

A brief explanation on Streets, Alleys, etc.:

"...it has uniformly been held that when land in a townsite has been dedicated for public use, jurisdiction over such land as well as title and right to possession and control thereof passes from the United States (and the trustee) and that the right and title to such land is subject to disposition in the courts in accordance with applicable local law." The opinion goes on to indicate that "...it is not necessary and would not be appropriate for the townsite trustee to issue deeds to dedicated areas because after dedication, he no longer has title to nor jurisdiction over them."

Title 40, Section 40.15.180, of the Alaska State Statutes to reference state law as it pertains to title to vacated streets.

Gamble v. Sault St. Marie
Admin Dec. by GLO
turn of century.

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PERMITS AND RIGHTS-OF-WAY

.13 During trusteeship for a town there will often be occasions when Federal, State, or local governmental units will desire to occupy and use certain lots (reserves or other) for generally temporary periods of time; or, some corporate authority will want to have a utility right-of-way through the townsite. Insofar as possible, the issuance of temporary permits should be kept to a minimum. These cases can, however, be handled under 43 CFR 80.14b.

In the case of incorporated cities, the Trustee obtains formal approval from the City Council on the application. If approval is granted, the Trustee prepares a Trustee Permit (no special form) on the order of permit shown in Appendix 10.

If the town is unincorporated, the Trustee must prepare a notice (See Appendix 11) for posting in the town for a period of not less than 30 days. This notice should be given as wide publicity as possible. Send copies to stores, Magistrate, Postmaster, hotels and any other public spot for posting on the premises. If no objection is received within the period cited in notice, a Trustee permit can be issued.

The Trustee should be cautious, however, not to issue a permit that will extend beyond the anticipated period that the townsite will be active. In other words, the Trustee should not be bound to a permit or agreement that will prevent or delay the closing of the townsite.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
555 Cordova Street
Anchorage, Alaska 99501

TRUSTEE PERMIT

from the

TOWNSITE TRUSTEE FOR CHALKYITSIK TOWNSITE

to the

STATE OF ALASKA, DEPARTMENT OF HIGHWAYS

WHEREAS the Department of Highways, State of Alaska, has requested a construction permit for upgrading the village streets in Chalkyitsik; and

WHEREAS the Village Council, by Resolution dated January 9, 1973, has approved granting the construction permit; and

WHEREAS title to the land is still vested in the United States Government;

NOW THEREFORE, George E. M. Gustafson, Townsite Trustee for Chalkyitsik Townsite, hereby issues a Trustee Permit to the Department of Highways, State of Alaska, for road construction identified as Project G-20132 as shown on the State of Alaska, Department of Highways' right-of-way map, Chalkyitsik Townsite, a copy of which is on file in this office.

/s/ George E. M. Gustafson
Townsite Trustee

Effective date: February 26, 1973

cc:
Chalkyitsik Village Council
Chalkyitsik, Ak. 99788

GEMGustafson:am 2/26/73

TYPES OF TRUSTEE DEEDS

The following is the explanation of the notations in the townsite tract book which describe the types of deeds issued by the Trustee.

The Trustee has authority to issue four types of deeds. The notations under Type of Deed indicate the date of enactment of the particular law which authorized issuance of each type of deed.

The first type is a Trustee Deed, which is issued to non-native individuals, corporate entities and municipal and village governments. Its designation in the tract book under type of deed is '3/3/91'.

The second type of deed the trustee has authority to issue is a Restricted Deed. Only Alaska native individuals are eligible for this type of deed. The deed is issued with certain restrictions and protections to be managed by the Bureau of Indian Affairs. The notation which indicates this type of deed is '5/25/26'.

The third type of deed is an Unrestricted Deed. Again, only Alaska native individuals are eligible for this type of deed. It does not provide the restrictions or protections found in a restricted deed. Upon the proper application, it may be issued as the original conveyance document, or as an amendment to a previously issued restricted deed. The notation which indicates this type of deed is '5/25/26 & 2/26/48'.

The fourth type of deed is a Deed of Correction. These correct deeds with errors such as incorrect legal description or misspelled names. They are based on the original deed and the laws listed above.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE - ANCHORAGE, AK.

TRUSTEE DEED

THIS INDENTURE, made this 24th day of February, in the year of our Lord one thousand nine hundred and eighty-eight, by and between Gail Ozmina, as trustee for the townsite of Lower Kalskag, U.S. Survey Number 4414, in the State of Alaska, party of the first part, and the Diocese of Sitka and Alaska, Orthodox Church in America, Inc., of 414 Mission Rd. Suite 1, Kodiak, Alaska, 99615, party of the second part,

WITNESSETH, That said party of the first part, as such trustee, by virtue of the power vested in and conferred upon her by the terms of section 11 of the Act of Congress approved March 3, 1891 (26 Stat. 1095), and the regulations thereunder and the patent issued to her thereon, and in consideration of the sum of 203.00 dollars, the amount of the assessments upon the premises hereinafter described, the receipt of which is hereby acknowledged, by these presents does grant, convey and confirm unto the said party of the second part and its successors and assigns all the following lot, piece, and parcel of land situated in the townsite of Lower Kalskag, State of Alaska, described as follows, to-wit:

Lot Seven (7), Block Three (3), Tract "A", as shown on the official plat of U.S. Survey 4414, Alaska, Lower Kalskag Townsite, as accepted by the Chief, Division of Cadastral Survey, for the Director on January 15, 1971, and located within the Kuskokwim Recording District.

According to the official plat of survey of said townsite, subject to rights and reservations in said patent expressed. To have and to hold the same, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, its successors and assigns forever.

IN WITNESS WHEREOF said party of the first part, as trustee, has hereunto set her hand and seal on the day and year first above written.

In the presence of:

Dora C. Baker
Bundas Passmore

Gail Ozmina
Gail Ozmina

Townsite Trustee for the Townsite
of Lower Kalskag, State
of Alaska

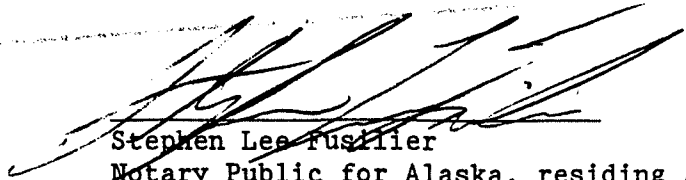
AK 2564-21 (Feb. 1984)

TRIPPLICATE

STATE OF ALASKA:

BE IT REMEMBERED, That on this 24th day of February, A.D. 1988, before me, a Notary Public, came Gail Ozmina, to me personally known to be the Trustee of said townsite of Lower Kalskag, and the identical person described in, and whose name is affixed to, the foregoing conveyance as grantor, and she acknowledged the execution of the same to be her voluntary act and deed as such Trustee, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year first written above.



Stephen Lee Fuslier
Notary Public for Alaska, residing at
Anchorage, Alaska
My Commission expires March 10, 1991

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
Anchorage, AK

NATIVE RESTRICTED DEED

THIS INDENTURE, made this 24th day of March, in the year of our Lord one thousand nine hundred and eighty-nine, by and between Gail Ozmina, of the Bureau of Land Management, 222 W. 7th Avenue, #13, Anchorage, Alaska, 99513-7599, as trustee for the townsite of Lower Kalskag, in the State of Alaska, party of the first part, and the Heirs, Devisees, and Assigns of Ambrose Luke of c/o Superintendent, BIA, Bethel Agency, P.O. Box 347, Bethel, Alaska, 99559, parties of the second part,

WITNESSETH, That said party of the first part, as such trustee, by virtue of the power vested in and conferred upon her by the terms of section 11 of the Act of Congress approved March 3, 1891 (26 Stat. 1095), the Act of Congress approved May 25, 1926 (44 Stat. 629), and the regulations thereunder and the patent issued to her thereon, by these presents does grant, convey, and confirm unto said parties of the second part and their heirs and assigns all the following lot, piece, and parcel of land situated in the townsite of Lower Kalskag, State of Alaska, described as follows, to-wit:

Lot Two (2), Block Eleven (11), Tract "A", as shown on the official plat of U.S. Survey 4414, Alaska, Lower Kalskag Townsite, as accepted by the Chief, Division of Cadastral Survey, for the Director on January 15, 1971, and located within the Kuskokwim Recording District.

Subject to the condition that the above-described land shall not be alienated or encumbered without the consent of the Secretary of the Interior, and shall not be subject to taxation, to levy and sale in satisfaction of debts, contracts, or liabilities, or to any claims of adverse occupancy or law of prescription, and subject to the further condition that there is reserved from the operation of this conveyance the land covered by the established streets and alleys extended upon and across the said tract.

According to the official plat of survey of said townsite, subject to rights and reservations in said patent expressed. To have and to hold the same, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, their heirs, executors, administrators, and assigns forever.

IN WITNESS WHEREOF said party of the first part, as trustee, has hereunto set her hand and seal on the date and year first above written.

In the presence of:

Dora C. Baker

Gail Ozmina
Gail Ozmina, Trustee for the
Townsite of Lower Kalskag,
State of Alaska

Angela Nichols

STATE OF ALASKA:

BE IT REMEMBERED, That on this 14th day of January A.D. 1988, before me, a Notary Public, came Gail Ozmina, to me personally known to be the trustee of said townsite of Lower Kalskag, and the identical person described in, and whose name is affixed to, the foregoing conveyance as grantor, and she acknowledged the execution of the same to be her voluntary act and deed as such trustee, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year first above written.

[SEAL]

Allan J. Breitzman

Allan J. Breitzman, Notary Public for Alaska, residing at Anchorage, Alaska

My commission expires December 17, 1988

AFTER RECORDING PLEASE FORWARD TO THE GRANTEE

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
Anchorage, AK

Annie Valka Young
is the only heir
of Ambrose Luke
as determined by
by BIA probate

NATIVE UNRESTRICTED TRUSTEE DEED

THIS INDENTURE, made this 5th day of August, in the year of our Lord one thousand nine hundred and ninety-three, by and between Martin Hansen, of the Bureau of Land Management, 222 W. 7th Avenue, #13, Anchorage, Alaska, 99513-7599, as trustee for the townsite of Lower Kalskag, U.S. Survey Number 4414, in the State of Alaska, party of the first part, and Annie Valka Young, of 418 S. Flower Street, Anchorage, Alaska, 99508, party of the second part.

WITNESSETH, That the party of the first part, as trustee, by virtue of the authority vested in and conferred upon him by the terms of section 11 of the act of March 3, 1891 (26 Stat. 1095), the act of May 25, 1926 (44 Stat. 629), and the act of February 26, 1948 (62 Stat. 35), the regulations thereunder, and the patent issued to him pursuant thereto, by these presents does grant, convey, and confirm unto the party of the second part and her heirs and assigns, to have and to hold together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any way appertaining, all the following lot, piece, and parcel of land situated in the townsite of Lower Kalskag, State of Alaska, described as follows:

Lot Two (2), Block Eleven (11), Tract "A", as shown on the official plat of U.S. Survey 4414, Alaska, Lower Kalskag Townsite, as accepted by the Chief, Division of Cadastral Survey, for the Director on January 15, 1971, and located within the Kuskokwim Recording District. This deed is executed to remove the restrictions and conditions in the deed made by the grantor, the previous Townsite Trustee, Gail Ozmina, to said grantee of March 24, 1989, and recorded in Volume 22, Deeds, Page 22, Kuskokwim Recording District, Alaska, wherein the grantee was subject to the condition that the above-described land could not be alienated or encumbered without the consent of the Secretary of the Interior, and would not be subject to taxation, to levy and sale in satisfaction of debts, contracts, or liabilities, or to any claims of adverse occupancy or law of prescription, and subject to the further condition that there was reserved from the operation of this conveyance the land covered by the established streets and alleys extended upon and across the said tract. Although the deed of March 24, 1989 was issued to the Heirs, Devisees, and Assigns of Ambrose Luke, probate order No. IP SA 42N 77, issued by the Administrative Law Judge for the Department of the Interior, vested full interest in the lot to Annie Valka.

According to the official plat of survey of said townsite, and subject to rights and reservations in said patent expressed.

Subject to the condition that the said land shall not be liable to the satisfaction of any debt, except obligations owed the Federal Government, contracted prior to the issuing of this deed, and subject to the condition that there is reserved from this conveyance the land covered by the established streets and alleys extended upon and across the said tract.

DUPLICATE

IN WITNESS WHEREOF said party of the first part, as trustee, has hereunto set his hand and seal on the day and year first above written.

In the presence of:

Shirley Spurlock
Cheryl Anzures

Martin Hansen
Martin Hansen, Townsite Trustee for
the Townsite of Lower Kalskag,
State of Alaska

STATE OF ALASKA:

BE IT REMEMBERED, That on this 5th day of August, A.D. 1993, before me, a Notary Public, came Martin Hansen, known to be the Trustee of said townsite of Lower Kalskag, and the identical person described in, and whose name is affixed to, the foregoing conveyance as grantor, and he acknowledged the execution of the same to be his voluntary act and deed as such trustee, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year first above written.

[SEAL]

Margaret J. McDaniel
Margaret J. McDaniel, Notary Public for
Alaska, residing at Anchorage, Alaska

My Commission expires February 23, 1997

Form 2560-8, (March 1973)
(formerly 2242-7)

DUPLICATE

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
JUNEAU AREA OFFICE

APPLICATION FOR AND CERTIFICATE OF COMPETENCY
TO REMOVE RESTRICTIONS

Allottee: Annie Valka Young Date: 03/12/93

BIA No. _____ Agency KNA - Bethel

Application is hereby made for certificate of competency to remove restrictions for the following described lands:

Lot 2, Block 11, Tract "A", USS# 4414, Lower Kalskag, Alaska

containing 0.31 acres, more or less.

In justification of this application, true statements are made to the following items:

1. Age: 52 2. Date of Birth: 12/25/41

3. Degree of Indian Blood: 4/4 4. Married XXX
Single _____

5. Education: Years in elementary school: 8

High School: None College: None

6. The following persons are dependent upon me for support: (Give names, ages, and relationship) None

7. I am enrolled to the Calista Regional Corporation.

8. Permanent Mailing Address: 418 So. Flower St.

Anchorage, Alaska 99508

9. The amount of my annual income is: -0-

10. My income is obtained from the following sources: None

11. If receiving public assistance grants from the State or general assistance from the Bureau of Indian Affairs, or funds from the Veterans Administration, Social Security, or any regular public benefit, state kind and amount (if none, state none)

None

12. If indebted to the United States, or any other lending institution or individual person, state amount and purpose of indebtedness. (If not, state none)

None

13. I (~~do~~) (do not) live on or make personal use of the land covered by this application.

14. The land is leased and the annual rent received is -0-
(If not leased, state none)

Annie Valke Young
Signature of Applicant(s)

Date: 3/15/93

I hereby certify that I have investigated this request and that the effect of this application was explained to and fully understood by the applicant; I therefore recommend approval.

James G. Kramme Jr
Realty Officer
Date: 03/17/93

Based on the Realty Officer's report of investigation; the application is hereby recommended for approval.

Arthur Lehe
Area Field Representative
Date: 4/8/93

The application is hereby approved and the request for certificate of competency is granted. Annie Valke Young is hereby vested with full power and authority to sell and convey any or all above-described lands.

[Signature]
Area Director Resing
Date: 5/10/93

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0028

Expires: May 31, 1990

SEE INSTRUCTIONS
ON REVERSE

NATIVE INDIAN OR ESKIMO OF ALASKA
TRUSTEE DEED APPLICATION

Acts of May 25, 1926 (44 Stat. 629) and February 26, 1948 (62 Stat. 35)

1. Name of applicant(s) (first, middle initial, last) Annie Valka Young	Address (include zip code) 418 S. Flower St. Anchorage, Alaska 99508
--	--

hereby applies to the trustee for the townsite of LOWER KALSKAG, Alaska
for a Restricted Deed Unrestricted Deed to the following-described tract of land located in the above-named townsite

Lot Number 2, Block Number 11 Tract "A", U.S. Survey Number 4414

2. Are there improvements on this tract? Yes No (If "yes," describe)

3a. Give history of the occupancy of this tract (list others who have occupied this land, for what period of time, and how they acquired their interest; tell how you acquired your interest)

Annie Young inherited this lot from her father, Ambrose Luke, IP SA 42N 77
(ODH included)

b. How many years does this history cover? 20 + years

4. Have you used and occupied this tract? Yes No (If "yes," give date) Approx. 1968

I HEREBY CERTIFY That there is no one living on, or claiming an interest in, this tract other than myself and that the statements made above are true and correct to the best of my knowledge and belief and are made in good faith.

(Date) 8/2/98

(Signature of Applicant) Annie Young

(Date)

(Signature of Applicant)

STATEMENT OF TWO DISINTERESTED WITNESSES

(Witness must be a person who is not interested in the tract and not related to the applicant)

We,

and

hereby certify that we have read the above statements made by the applicant and from personal knowledge know that the statements made are true to the best of our knowledge and belief and are made in good faith.

(Date)

(Signature of Witness)

(Date)

(Signature of Witness)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

CERTIFICATION BY BUREAU OF INDIAN AFFAIRS
(For Use in Unrestricted Deed Applications Only)

I CERTIFY That to the best of my knowledge and belief

is is not competent to manage his own business affairs.

(Authorized Officer)

(Date)

(Title)

INSTRUCTIONS

Prepare in duplicate. Applications must be typed or printed plainly in ink. Submit original to Townsite Trustee and copy to BIA Area Director.

SPECIFIC INSTRUCTIONS

Item 1 - Application for either a restricted or unrestricted deed may be made. One of these blocks must be checked. See 43 CFR 2564.0-3.

The Paperwork Reduction Act of 1980 (44 USC 3501, et seq.) requires us to inform you that:

This information is being collected to establish the applicant's claim to lands under the specific Alaska Townsite law identified herein.

This information will be used to determine if the lands sought are available for conveyance and whether the applicant is an eligible claimant pursuant to the specific law and regulation under which the application is made.

The obligation to respond is required to obtain Trustee deed pursuant to the specific law and regulation under which the application is made.

G 12/13

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
Anchorage, AK

NATIVE RESTRICTED DEED

DEED OF CORRECTION

THIS INDENTURE, made this 14th day of March, in the year of our Lord one thousand nine hundred and eighty-eight, by and between Gail Ozmina as trustee for the townsite of Lower Kalskag, in the State of Alaska, party of the first part, and Crim Evan and Polossa Evan (husband and wife) of P.O. Box 66, Lower Kalskag, Alaska, 99626, parties of the second part,

WITNESSETH, That said party of the first part, as such trustee, by virtue of the power vested in and conferred upon her by the terms of section 11 of the Act of Congress approved March 3, 1891 (26 Stat. 1095), the Act of Congress approved May 25, 1926 (44 Stat. 629), and the regulations thereunder and the patent issued to her thereon, by these presents does grant, convey, and confirm unto said parties of the second part and their heirs and assigns all the following lot, piece, and parcel of land situated in the townsite of Lower Kalskag, State of Alaska, described as follows, to-wit:

Lot Two (2), Block Four (4), Tract "A", as shown on the official plat of U.S. Survey 4414, Alaska, Lower Kalskag Townsite, as accepted by the Chief, Division of Cadastral Survey, for the Director on January 15, 1971. This deed is made in place of and as a Deed of Correction of the deed made by the grantor herein to said grantees dated April 12, 1974, and recorded in Book 22, Page 587 in the Bethel Recording District, Bethel, Alaska, whereas said deed had said Lot One (1), Block Four (4), whereas the correct Lot and Block is Lot Two (2), Block Four (4). This instrument is made by grantor and accepted by grantee herein in order to correct such mistake and is in all other respects confirming said former deed. This instrument to be recorded in the Kuskokwim Recording District in which the property is now located.

Subject to the condition that the above-described land shall not be alienated or encumbered without the consent of the Secretary of the Interior, and shall not be subject to taxation, to levy and sale in satisfaction of debts, contracts, or liabilities, or to any claims of adverse occupancy or law of prescription, and subject to the further condition that there is reserved from the operation of this conveyance the land covered by the established streets and alleys extended upon and across the said tract.

According to the official plat of survey of said townsite, subject to rights and reservations in said patent expressed. To have and to hold the same, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, their heirs, executors, administrators, and assigns forever.

IN WITNESS WHEREOF said party of the first part, as trustee, has hereunto set her hand and seal on the date and year first above written.

In the presence of:

Dora C. Baker

Gail Ozmina

Gail Ozmina, Trustee for the
Townsite of Lower Kalskag,
State of Alaska
Form 2560-7 (April 1977)

Allan F. Britman

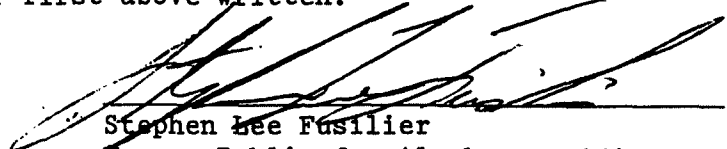
TRIPPLICATE

G 13/13

STATE OF ALASKA:

BE IT REMEMBERED, That on this 14th day of March, A.D. 1988, before me, a Notary Public, came Gail Ozmina, known to be the Trustee of said townsite of Lower Kalskag, and the identical person described in, and whose name is affixed to, the foregoing conveyance as grantor, and she acknowledged the execution of the same to be her voluntary act and deed as such trustee, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year first above written.



Stephen Lee Fusilier
Notary Public for Alaska, residing at
Anchorage, Alaska
My Commission expires March 10, 1991

H 1/3

6-3-83 Copy to City.
10-3-86 John Gliva
9-31-89 Copy to City^{D PA}

TRACT BOOK

LOWER KALSKAG TOWNSITE

U.S. SURVEY 4414 TRACTS "A", "B", and "C"

Accepted by the Chief, Division of Cadastral Survey for the Director on

January 15, 1971

H 2/3

Tract A

LOWER KALSKAG TOWNSITE - U.S. SURVEY 4414 TRACTS "A", "B", and "C"

Lot No.	To Whom Deeded	Amount Paid	Receipt No.	Type of Deed	Date of Deed	To Whom Delivered
<u>BLOCK 3 (Cont.)</u>						
7	Diocese of Sitka & Ak., Orthodox Church in America	\$203.00	#34270	3/3/91	02/24/88	Kuskokwim District Rec.
8	City of Lower Kalskag			3/3/91	9/25/85	Dist. Rec.-Bethel
9	MUNICIPAL RESERVE City of Lower Kalskag			3/3/91	9/25/85	Dist. Rec.-Bethel

BLOCK 4

1	Crim & Polossa Evan (Deed of Correction Issued for L 2, B4, Tr "A") ANNA G. EVAN			5/25/26	4/12/74	BIA
2	Crim and Polossa Evan husband and wife			5/25/26	1/14/88	Ak. Tit. Serv. Ctr.
3	Alexandria Evan			5/25/26	1/14/88	Ak. Tit. Serv. Ctr.

All restricted deeds are delivered to the BIA -
AK Title Services Center is part of the BIA

H 3/3

Tract A

LOWER KALSKAG TOWNSITE - U.S. SURVEY 4414 TRACTS "A", "B", and "C"

Lot No.	To Whom Deeded	Amount Paid	Receipt No.	Type of Deed	Date of Deed	To Whom Delivered
<u>BLOCK 10 (Cont.)</u>						
5	Mary Valka			5/25/26	1/14/88	Ak. Tit. Serv. Ctr.
6	Paul Takumjenak			5/25/26	4/12/74	BIA
7	Wassilie M. & Stephanita Kameroff			5/25/26	4/12/74	BIA
8	Gregory Kameroff			5/25/26	4/12/74	BIA
9	Mary P. Kameroff			5/25/26	1/14/88	Ak. Tit. Serv. Ctr.
<u>BLOCK 11</u>						
1	Matfi Abruska			5/25/26	4/12/74	BIA
2	Heirs, devisees, and assigns of Ambrose Luke Annie Valka Young			5/25/26 & 2/26/48	3/24/89 8/5/93	Ak. Title Serv. Ctr. Kuskokwim Rec. Dist.
3	John & Anna Elia			5/25/26	4/12/74	BIA