

1 IN THE HOUSE

BY THE RULES COMMITTEE  
AT THE REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 397

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the establishment of  
7 title to and widths and presumptive dedi-  
8 cation, of street and highway rights-of-  
9 way as shown by public documents; and  
10 creating a limitation of actions in res-  
11 pect thereto; amending Sec. 1, Ch. 123,  
12 SLA 1951 as amended by Sec. 1, Ch. 123,  
18 SLA 1953; and amending Sec. 55-2-8,  
14 ACLA 1949; and providing for an effective  
15 date."

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

17 Section 1. Sec. 1, Ch. 123, SLA 1951, as amended by Sec. 1,  
18 Ch. 123, SLA 1953, is amended by the addition of the following  
19 paragraphs:

20 Whenever a map, plat, sketch, or other document depict-  
21 ing or describing the right-of-way of any public street or  
22 highway shall have been filed of record, or shall have been  
23 of record, in the recording precinct within which such  
24 right-of-way is located, and such street or highway shall  
25 have been open to, and used by, the public, for more than  
26 one year, it shall be conclusively presumed that such right-  
27 of-way has been dedicated to the public for street or high-  
28 way purposes. No action may be maintained for the recovery  
29 of the right-of-way, or for the exclusion of the public from

1 it, unless such action shall be commenced within the time  
2 provided by this Act; or unless the right-of-way shall have  
3 been formally abandoned of record by the officer or agency  
4 having jurisdiction over it or shall have been subsequently  
5 abandoned by the public, and closed from public use for more  
6 than two years.

7 Unless otherwise shown by competent evidence the width  
8 of such rights-of-way shall be presumed to be not less than  
9 20 feet for any trail or alley, less than 40 feet for any  
10 street or highway within any corporate municipality, sub-  
11 division, or townsite, less than 80 feet for any state high-  
12 way within any corporate municipality, subdivision, or town-  
13 site, less than 100 feet for any rural highway. In no event  
14 shall the width of such right-of-way be presumed to be less  
15 than that required for the entire roadbed and appurtenant  
16 facilities of the street, highway, trail, or alley located  
17 thereon unless competent evidence shows otherwise.

18 Any such right-of-way may be adopted by any public  
19 agency or officer having the power to accept or claim juris-  
20 diction over the same, but such right-of-way shall not be  
21 presumed to have been so adopted unless the appropriate  
22 official action regarding the adoption be filed or otherwise  
23 made a matter of public notice.

24 Sec. 2. Sec. 55-2-8, ACLA 1949, is amended to read as fol-  
25 lows:

26 Sec. 55-2-8. Within one year. Within one year--

27 (a) An action against the marshal or other officer  
28 for the escape of a person arrested or imprisoned on  
29 civil process.

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(b) An action for the recovery of real property acquired by or vested in the State in the manner set forth in Sec. 1 of this Act. In no event shall the provisions of this Subsec. limit any right of action conferred by Sec. 55-2-2, ACLA 1949.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.