

Introduced: 4/29/85
Referred: Transportation

1 IN THE SENATE

BY COGHILL

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SENATE JOINT RESOLUTION NO. 26

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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Relating to the payment of just compen-

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sation to landowners for certain rights-

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of-way across land in Alaska.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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WHEREAS the Federal Government created certain rights-of-way for
10 highway purposes across land in the state under Public Land Order 601,
11 Public Land Order 757, Department Order 2665, and Public Land Order 1613;
12 and

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WHEREAS the rights-of-way created by the Federal Government were not
14 identified in the patents issued to Alaska homesteaders nor were the
15 original homesteaders informed as to the location or true width of the
16 rights-of-way claimed for highway purposes by the Federal Government across
17 their land; and

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WHEREAS the original homesteaders and their successors in interest
19 have had no knowledge of the claim of the Federal Government to the rights-
20 of-way along or across their properties and have often utilized and im-
21 proved the portion of the right-of-way claimed by the Federal Government;
22 and

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WHEREAS the enforcement of the rights-of-way would be unfair to home-
24 steaders who entered their property between August 1949 and Alaska state-
25 hood in 1959; and

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WHEREAS the rights-of-way created by the Federal Government were not
27 recorded in any territorial or state recording office for the purpose of
28 public notice; and

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WHEREAS the right to utilize the rights-of-way for highway purposes

1 was conveyed to the state in 1959; and

2 WHEREAS the United States Department of Transportation has declined to
3 pay federal highway funds to the state to allow the state to pay just
4 compensation to the landowners whose properties are affected by the rights-
5 of-way; and

6 WHEREAS U.S. Senator Ted Stevens has attempted in the Federal Aid
7 Highway Act of 1970, sec. 138, to require the United States Department of
8 Transportation to compensate the State of Alaska for money paid as just
9 compensation for the taking and utilization of the rights-of-way;

10 BE IT RESOLVED by the Alaska State Legislature that the Alaska delega-
11 tion to U.S. Congress is urged to introduce and support legislation to
12 require reimbursement by the United States Department of Transportation to
13 the State of Alaska for money paid by the state as just compensation for
14 the use of any right-of-way created, established, or claimed under Public
15 Land Order 601, Public Land Order 757, Department Order 2665, and Public
16 Land Order 1613.

17 COPIES of this resolution shall be sent to the Honorable Ted Stevens
18 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
19 Young, U.S. Representative, members of the Alaska delegation in Congress.