

Procedure for
challenging
declaration.

Section 6. CHALLENGING DECLARATION OF TAKING. In any case in which a declaration of taking has been filed as provided in this Act, any defendant desiring to raise any question with respect to the validity of the taking shall do so by filing a motion to strike the declaration of taking and dismiss the suit. The motion shall be made on or before the return day mentioned in the summons or notice of publication, or within 20 days after the filing of the declaration of taking, whichever is later. Failure to file such motion within the time herein provided shall constitute a waiver of the right of any defendant to challenge the validity of the taking; Provided, that for good cause shown the court may permit filing of the motion at a later time as if the time hereid provided had not expired.

Severability
clause.

Section 7. SEVERABILITY. If any section, provision, or clause of this Act shall be declared invalid or inapplicable to any person or circumstance, such invalidity or inapplicability shall not be construed to affect the portions not so held or persons or circumstances not so affected. All laws or portions of laws inconsistent with the policy and provisions of this Act are hereby repealed to the extent of such inconsistency in their application to the declaration of taking procedure authorized by this Act.

Emergency clause.

Section 8. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved March 27, 1953.

CHAPTER 91

AN ACT

[S. B. 901

Authorizing the Territorial Board of Road Commissioners to obtain on behalf of the Territory of Alaska a fee simple estate in land acquired by condemnation; amending Section 57-7-4 ACLA 1949.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Section 57-7-4 ACLA 1949 is hereby amended to read as follows:

Section 57-7-4. ESTATES AND LANDS SUBJECT TO BE TAKEN. That the following is a classification of the estates and rights in lands subject to be taken for public use:

(1) A fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs and dams, and permanent flooding occasioned thereby, or for an outlet for a flow, or a place for the deposit of debris or tailings of a mine, or whenever in the judgment of the Territorial Board of Road Commissioners such an estate in real property is necessary for any of the purposes for which said Board on behalf of the Territory of Alaska is authorized by law to acquire real property by condemnation.

Fee simple
estate in land.

(2) An easement when taken for any other use.

Easement.

(3) The right of entry upon and occupation of lands, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use.

Entry and
occupation.

Approved March 27, 1953.

CHAPTER 92

AN ACT

[H. B. 34]

To empower Second Class Cities, pursuant to referendums, to levy sales taxes: amending subsection Sixth of Section 16-2-5 ACLA 1949; validating and confirming sales tax ordinances enacted prior to the effective date of this Act; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska: