

STATE OF ALASKA

THE LEGISLATURE

1986

Source

SJR 26

Legislative
Resolve No.

44



Relating to the payment of just compensation to landowners for certain rights-of-way across land in Alaska.

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

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

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

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

WHEREAS the enforcement of the rights-of-way would be unfair to homesteaders who entered their property between August 1949 and Alaska statehood in 1959; and

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

WHEREAS the right to utilize the rights-of-way for highway purposes was conveyed to the state in 1959; and

WHEREAS the United States Department of Transportation has declined to pay federal highway funds to the state to allow the state to pay just compensation to the landowners whose properties

are affected by the rights-of-way; and

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

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

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