

Historic dates and facts pertaining to North Douglas Lot 111 USS 3273

1949 August PLO 601

Established a 50' withdrawal on each side of the centerline of all Local roads.

1951 October PLO 757

Revoked highway withdrawals on all Feeder and Local roads established by PLO 601.

1951 October S.O. 2665

Prescribed a uniform procedure for the establishment of rights-of-way or easements over or across the public lands for such highways. The right-of-way for local roads remained at 100 feet. p.17

1953 August USS 3273

The 3273 survey only platted lots as far as ND lot 111 and did not map any road or rights-of-way. A North Douglas road past Lot 111 was noted as proposed.

1954 S0959

Shows 25' ROW strip on Lot 111 on proposed North Douglas Highway

1958 April 22 (Recorded 2-6-59)

BLM patent claim #1181499 given to Loretta Moffett for ND Lot 111 in USS Survey 3273
"This patent is subject to a right of way not exceeding 50 feet in width, for roadway and public utilities purposes, to be located along the south boundary of the said land."

1958 July Pres. Eisenhower signs the Alaska Statehood Act

1959 January Pres. Eisenhower signs proclamation making Alaska the 49th state

1959 June 30 Alaska Omnibus Act enacted

Pursuant to section 21(a) of this Act, the Secretary of Commerce issued a quitclaim deed to the State of Alaska in which all rights, title and interest in the real properties owned and administered by the Department of Commerce in connection with the activities of the Bureau of Public Roads were conveyed to the State of Alaska.

1977 DOT relinquished a ROW 25' strip to ND land owners of Tract A2 of Metcalf Subdivision

2009 December

Quitclaim Deed granted by Detta Marvich to DDSMJ, Properties LLC all of her interest in Lot 111 of the land embraced in the US Survey 3273 containing 2.37 acres according to the official plat of the survey of said land, on file in the Bureau of Land Management.
"This patent is subject to a right of way not exceeding 50 feet in width, for roadway and public utilities purposes, to be located along the south boundary of said land."
(Copy attached)

Summary

"Another important note is that a quitclaim deed only conveys those interests held by the grantor at the time the conveyance is executed." p. 11

"Although most of the rights-of-way in Alaska were established as withdrawals, subsequent PLOs converted them to easements. p.15

"... in 1959 we [the State of Alaska] received the bulk of the 5,000 mile highway system [from the Federal government] as an easement interest." p. 10

"The PLOs appear to indicate that by the time the QCD was issued [to Alaska], all of the PLO rights-of-way were an easement interest." p. 10

"DOT and PF has for many years and does now treat these PLOs right-of-way as easements. " p.20

When the Omnibus Bill in 1959 quitclaimed all rights, title, and interest in the real properties owned and administered by the DOC to the State of Alaska, the patent claim (title) for Lot 111 had already passed into private hands except for the standard 50' right-of-way.

"It [the Omnibus Bill] appears to have been based on an inventory of roads that was more like a planning document rather than a summary of all title interests of roads owned or claimed for highway purposes." p. 9

The 25' ROW strip on Lot 111 as drawn on the 1954 S0959 was shown for future planning of road construction.

Note: All reference quotes with page numbers are from John F. Bennett's "Highway Rights-of-Way in Alaska", 2013.

Form 1-1723
(7-4-1937)

Juneau 011067

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, a certificate of the Land Office at Juneau, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to the act of Congress of June 1, 1938 (52 Stat. 609), as amended by the Act of July 14, 1945 (59 Stat. 467), and the acts supplemental thereto, the claim of Loretta Moffett

has been established and that the requirements of law pertaining to the claim have been met, for the ~~XXXXXXXXXXXXXXXXXXXX~~ Lot 111 of the land embraced in U. S. Survey No. 3273, situated on the southwest shore of Gastineau Channel, Douglas Island about 3 3/4 miles northwest of the west end of the Juneau-Douglas Bridge, Alaska.

The area described contains 2.37 acres, according to the official plat of the survey of the said land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, DOES HEREBY GRANT unto the said claimant and to the heirs of the said claimant the tract above described TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to (1) any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; (2) the reservation of a right-of-way for ditches or canals constructed by the authority of the United States, in accordance with the act of August 30, 1890 (26 Stat. 391, 43 U. S. C. sec. 945), and (3) the reservation of a right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under authority of the United States or by any State created out of the Territory of Alaska, in accordance with the act of July 24, 1917 (61 Stat. 418, 48 U. S. C. sec. 321d). There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with section 1 of the act of March 12, 1914 (38 Stat. 305, 18 U. S. C. sec. 307). Excepting and reserving, also, to the United States, all oil, gas, and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938. This patent is subject to a right of way not exceeding 50 feet in width, for roadway and public utilities purposes, to be located along the south boundary of said land.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the TWENTY-SECOND day of APRIL in the year of our Lord one thousand nine hundred and FIFTY-EIGHT and of the Independence of the United States the one hundred and EIGHTY-SECOND.

For the Director, Bureau of Land Management.

By Rose M. Baill
Chief, Patents Section

Patent No. 1151100

RECORDED AT P. M. 2-6-57
Vol. 54 of Books
H. C. Leary

AFTER RECORDING MAIL TO:

Robert I. Betts
Betts Austin, pllc
P.O. Box 53050
Bellevue, WA 98015

QUITCLAIM DEED

THE GRANTOR, Detta M. Marvich, as her sole property, for good and sufficient consideration, conveys and quitclaims to DDSMJ, Properties LLC, a Washington limited liability company, all of her interest in the following described real estate located in the Juneau Recording District:

PARCEL ONE: Lot 111 of the land embraced in U.S. Survey No. 3273, situate on the southwest shore of Gastineau Channel, Douglas Island, about 3-3/4 miles northwest of the west end of the Juneau-Douglas Bridge. Patent No. 1181499.

The area described contains 2.37 acres, according to the official plat of the survey of the said land, on file in the Bureau of Land Management.

PARCEL TWO: Lot 107 of the land embraced in U.S. Survey No. 3273, situate on the southwest shore of Gastineau Channel, Douglas Island, about 3-3/4 miles northwest of the west end of the Juneau-Douglas Bridge. Patent No. 1181499.

The area described contains 1.69 acres, according to the official plat of the survey of the said land, on file in the Bureau of Land Management.

Both Parcels subject to easements, reservations and restrictions of record and excepting and reserving, also to the United States, all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provision of said Act of June 1, 1938. This patent is subject to a right of way not exceeding 50 feet in width, for roadway and public utilities purposes, to be located along the south boundary of said land.

The address of the Grantor and the Grantee is 8011 SE 56th Street, Mercer Island, WA 98040.

Dated this 20th day of December, 2009.

Detta M Marvich
Detta M. Marvich

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