

John F. Bennett, PLS

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Summary Statement

My specialty as a professional land surveyor has primarily involved research and analysis of historic rights-of-ways (ROW) and their effect on land title in Alaska.

Education

1978 Associate of Science in Survey Technology, Anchorage Community College

1971 - 1974 Civil Engineering, University of Alaska Fairbanks

1980 - 2024 More than 1500 continuing education hours relating to ROW and surveying issues.

Work Experience

R&M CONSULTANTS, INC. | Fairbanks, Alaska | 2014 - 2024 | Senior Land Surveyor

- Provide ROW/title research and analysis for a variety of mapping, boundary and civil design projects. Experience including preparation of expert reports and presentation of expert testimony in boundary dispute and ROW litigation. Assignments for each of the three Department of Transportation Regions included title assessment for existing ROW, guidance related to ROW plan development and support for resolution of complex acquisition and property management conflicts. Other assignments include access reviews for new subdivisions and mining claims and ROW research for gas distribution systems and transmission pipelines.

State of Alaska, Department of Transportation & Public Facilities, Northern Region | Fairbanks, Alaska | 1999 - 2014 | Chief, Right-of-Way

- Supervised the title and plans, utilities, appraisal, negotiations, relocation, property management, pre-audit and surveying activities for Department aviation, highway and public facility programs. Participated in the development of ROW- related legislation, regulation and policy and advised our HQ staff on land acquisition issues. Assisted the Attorney General's Office in condemnation and defense of ROW litigation and have testified as an expert and provided affidavits in title and survey cases. As a support group section chief to the regional pre-construction group, I managed the delivery and quality control of right-of-way services in a manner that was both timely and compliant with requirements of our funding agencies.

State of Alaska, Department of Transportation & Public Facilities, Northern Region | Fairbanks, Alaska | 1986 - 1999 | Right-of- Way Engineering Supervisor

- Professional land surveyor and unit manager responsible for survey specifications and development of title reports, mapping, property descriptions and platting for land acquisition projects.

Professional Licenses/Certifications

1984 Professional Land Surveyor, Alaska #LS6278 – Expires December 31, 2025

1986 United States Mineral Surveyor – Appointment in effect to December 31, 2025

Expert Witness Experience

Qualified as an Expert Witness in Alaska State Court



Professional Affiliations

Alaska Society of Professional Land Surveyors | Member and Past President, Fairbanks Chapter; Secretary and Past President, Statewide Chapter; 1994-1997 Alaska Land Surveying Exam Workshop; 1993-2005 Standards of Practice Chairman and Website Manager; 1999 ASPLS Surveyor of the Year.

International Right of Way Association | Past Member and SR/WA; Past President, Fairbanks Chapter; 1990 Fairbanks Chapter Professional of the Year.

50th Alaska Surveying & Mapping Conference | 2016 Conference Hall of Fame Inductee

Professional Presentations & Papers

No Boundaries – A Brief Discussion of Alaska Boundary Law – authored and presented by John F. Bennett, PLS, SR/WA - Alaska Society of Professional Land Surveyors Conference, Anchorage 2024

Small Tract Rights-of-Way: McCarrey v. Kaylor – authored and presented by John F. Bennett, PLS, SR/WA – 53rd Annual Alaska Surveying & Mapping Conference, Anchorage, 2019

Legacy maps: Intent, accuracy, precision, and suitability to purpose (The implementation of the 2005 Federal Highway Bill Section 4407 easements) - John F. Bennett, PLS, SR/WA, Tom Heinrichs (UAF-GINA), Dan Garner, PLS (ADOT&PF) – 51st Alaska Surveying & Mapping Conference, Anchorage, 2017

Access Law & Issues Affecting Public & Private Lands in Alaska - John F. Bennett PLS, SR/WA & Daniel W. Beardsley, SR/WA – Multiple seminar presentations between 1992 & 2016

Highway Rights of Way in Alaska - authored and presented by John F. Bennett as a part of the above noted Access Law seminar. 1993, revised 2013.

Highway Right-of-way Surveys - authored and presented by John F. Bennett, PLS, SR/WA – 31st Alaska Surveying & Mapping Conference, Anchorage, 1996.

Records of Survey: Interpreting the Intent – authored and presented by John F. Bennett, PLS, SR/WA – 32nd Alaska Surveying & Mapping Conference, 1997.

Property Descriptions for Rural Alaska – authored and presented by John F. Bennett, PLS, SR/WA – 8 hour seminar sponsored by IRWA, DOT&PF & UAA.

RS 2477 Trails and Section Line Easements – Authored and presented by John F. Bennett, PLS, SR/WA – Access 2003 Seminar, Fairbanks, 2003.

IRWA 101 Principals of Real Estate Acquisition – Engineering: A 24-hour course instructed multiple times in Alaska since 1992.

IRWA 901 Engineering Plan Development & Application – 1-day course instructed multiple times in Alaska and Washington since 1992.

IRWA 902 Property Descriptions – 1-day course instructed multiple times in Alaska and Washington since 1992.

IRWA 900 Principles of Real Estate Engineering – 2-day course instructed multiple times in Alaska and Washington since 2001.

RS2477, PLO's & Section Line Easements – an in-house seminar presented by John F. Bennett and Daniel W. Beardsley to the Attorney General's Transportation staff, Anchorage - 1998.

Alaska Society of Professional Land Surveyors – Standards of Practice Manual – 1994 Edition: Editor and Distribution manager.

References available upon request.



Summary of Expert Testimony/Reports – 10/21/24

Case No. 3PA-23-02473 CI Brunz v. SOA – Retained by the Department of Law (AAG Dana Burk) to prepare an expert report regarding platting, dedication and right-of-way access to Benka Lake. Report dated May 17, 2024. Trial testimony dated May 23, 2024. Injunction granted requiring Brunz to remove fence and allow public access to lake: May 31, 2024.

Case 4FA-13-02333 CI Orth v. Largent – Retained by John Tiemessen (Clapp Peterson Tiemessen Thorsness & Johnson, P.C.) for Walter Largent to prepare an expert report regarding the validity of certain RS-2477 trails in the Ester Creek vicinity. Report dated 6/15/18; Settled at Trial: 2/23/23.

Case No. 3AN-08-06337 CI Ahtna, Inc. v. SOA – Retained by the Department of Law (AAG Jessie Alloway) to prepare an expert report regarding the Klutina Lake Road (Brenwick-Craig Road) RS-2477 assertion. Report dated 12/19/16; Deposition 1/12/17; Supreme Court opinion issued 9/16/22.

Case 3KN-19-00797 CI Timperly v. Kenai River Keys Property Owners – Retained by Frank G. Turpin to provide a report and testimony regarding the status of a public street dedication within a private subdivision. Report dated 7/3/20; Final Judgment: 3/9/22

Case No. 4FA-18-03111 CI Vezey v. Carpenter: Retained by A. Vezey (Represented by William R. Satterberg, Jr.) The case relates to a disputed access trail through the Vezey property at Shaw Creek (Richardson Highway MP 287). Report dated June 5, 2019; Case settled: 6/19/19.

Case No. 1JU-14-00771 CI Collins v. Hall – Retained by Lael Harrison, Attorney (Faulkner Banfield P.C.) for the Halls. I prepared two expert reports and testified at trial on a case regarding a boundary dispute. Initial report dated 12/17/15; Secondary report dated 1/21/16; Trial testimony 12/1/16. The Superior Court ruled in favor of client Hall on 7/6/17. The case was appealed to the Supreme Court who affirmed the Superior Court decision on 9/27/19. The Supreme Court opinion cites my review of the conflicting surveys and conclusions.

Case 1JU-13-596 CI Loewen v. SOA, et al – Retained by Kristen P. Miller, Attorney (Simpson, Tillinghast, Sorenson & Sheehan, P.C.) for Sealaska Corp. and Haines Alaska Native Brotherhood to provide an expert report regarding the status of Lutak Road and to testify at trial. Report dated 3/11/16; Trial testimony 4/12/16; The Superior Court ruled in favor of client in its 9/19/16 order.

Case No. 3KN-08-453 CI State v. Offshore Systems – Kenai (OSK) – Retained by the Department of Law (AAG Dana S. Burke) to prepare an expert report regarding the status of the Nikishka Beach Road right-of-way approximately 16 miles northerly of Kenai, Alaska. Report dated 3/10/09; Deposition dated 4/3/09; Trial testimony dated 7/28/09. The Superior Court ruled in favor of the State in its 4/6/10 order. The case was appealed to the Supreme Court who affirmed the Superior Court decision on 7/27/12.

