

RS 2477 39.6

DPOs
Opposed:
Favor:
Undeliverable:

**STAFF REPORT
PLATTING BOARD**

SD 011-95 Flying "S" Subdivision -

Applicant/Owner/Subdivider: Gordon and Andrea Scott
PO Box 140064
Salcha AK 99714

Surveyor: Scarborough & Associates
PO Box 80868
Fairbanks AK 99708

**Specific Request/
Legal Description:** To subdivide 30 acres within the NW¼ SE¼, Sec 13, T6S
R4E, FM, into two lots of 10 and 20 acres

Location/Access: Located south of Harding Lake and approximately 1¼
miles NW of Milepost 319 Richardson Hwy

Existing Land Use: Proposed Lot 1: residence
Proposed Lot 2: residence

Current Zoning: GU-1 - General Use
Minimum Lot Size: 40,000 sq ft
Minimum Setbacks: 0 ft

Adjacent Subdivisions: None

Comprehensive Plan: Rural Settlement Area

Soils: Steese silt loam

Flood Zone: X

Road Service Area: None

History: 160-acre homestead 11/23/62 E½ SW¼, W½ SE¼. 1972 - 30-acre piece, TL 1310, by deed.

Analysis: This application hinges on Wrong Way Lane public status determination.

A case file application was received by DNR on June 23, 1993, for nomination as an RS 2477 ROW for certification.

A copy of the casefile summary RST20 Wrong Way Lane was submitted to our attorney for review and comment. To date, no response has been received.

The subdivision has been reviewed by affected agencies and departments, with no objection.

A road construction variance is required for Wrong Way Lane regardless of the ROW status, e.g., RS 2477 or dedicate ROW for public use.

Given the uncertainty of the present ROW status and lack of counsel, staff can only approve this subdivision with the requirement that the existing road be dedicated from this development to a State-maintained ROW. This dedication must conform to minor collector standards.

The existing ROW (Wrong Way Lane) does not meet 17.90.020 (Access) for subdividing.

Recommendation: Staff recommends preliminary approval with the following conditions:

1. A minor collector right-of-way be dedicated from the boundary of this development to a State-maintained roadway.

HM/r2
12595

FNSB Dept of Community Planning

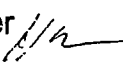
809 Pioneer Road PO Box 71267 Fairbanks, Alaska 99707-1267 (907) 459-1260 FAX 459-1255

MEMORANDUM

TO: Gary Stapp, Assistant Borough Attorney
Legal

THRU: Ralph Malone, Chief of Staff
Mayor's Office

THRU: Rex Nutter, Director
Community Planning

FROM: Herb Mann, Sr. Platting Officer 
Communiity Planning

SUBJ: RS 2477 ACCESS FOR PROPOSED FLYING S SUBDIVISION

DATE: December 9, 1994

The attached assertion is the first one that I have seen stemming from the Hickel/Coghill endeavor. The history and attached affidavit appear to set this up as an enforceable public right-of-way through the courts if the necessity ever arose.

Is there anything preventing the Platting Board from using this particular right-of-way as access as defined in 17.90.020, Access?

We have a subdivider (Flying S Subdivision) that is intending to use this RS 2477 right-of-way as legal access to his subdivision. The subdivision application is scheduled for the 1/25/95 Platting Board meeting.

A timely response would be appreciated. Thanks.

/r

Casefile Summary
RST #20
Wrong Way Lane

This Casefile Summary corrects errors and omissions in the Casefile Summary signed 11/24/93.

Trail Location

From milepost 47 of the Richardson Highway, the trail travels northeasterly to 2.4 mile Salcha Drive, near Harding Lake. The trail is shown on U.S. Geological Survey 1:63,360 map Big Delta B-6. The length of the trail is approximately 2 miles.

Historic Documentation

Wrong Way Lane was used prior to construction of the new Richardson Highway for access around the west side of Harding Lake in the 1940's. Access was possible all year round with automobile and equipment for residential, recreational and commercial purposes. Use of the trail has been continuous to the present. The trail is shown on the Department of Transportation and Public Facilities Trails Inventory on map 101 (Big Delta Quadrangle) as trail #186. A synopsis of historic documentation (copies of sources in file) regarding construction or use of the route follows:

1. Aerial photo 58VV55RT M843 558RW 20Aug49 9M74 of Harding Lake, a mid-August photo when leaf cover is densest, shows the trail in part.
2. Affidavits:
 - a. John Sipes, November 11, 1994, states that "In early summer of 1954 or '55... I dozed in a road following what was already a pretty decent trail but wasn't good enough for automobiles. When I got in about a mile and a half or two miles, to the Shultz homestead, I connected up with an unimproved road that came in from the Richardson Highway just south of milepost 317.... I believe it is now called Wrong Way Lane";
 - b. Dwight Buzby, June 6, 1993, cites the existence of the road to the Schultz homestead since before 1958; his grandparents homesteaded in the area in 1946;
 - c. Patrick A. Comeau, June 15, 1993, has lived in the area since 1954 and states he used the road for hunting birds, in the early 1960's;
 - d. William J. Sewell, June 15, 1993, states that he has lived in the area since 1965 and has used the access road since that time. He states that "Mr. Shultz used the gravel pit road most of the year as the Harding Lake road was often unusable";
 - e. Gordon E. Scott, June 10, 1993, current owner of a portion of the Shultz homestead, states that the road was well established when he first used it in 1967;
 - f. Jerry Gustafson, June 1, 1993, states the access road through the old Delbert Schultz homestead (Wrong Way Lane) was in existence when he moved to the area in 1968.

Land Status

Alaska Division of Land Personnel researched state status plats, Bureau of Land Management (BLM) master title plats and BLM historical indexes to identify servient estates and historic federal withdrawals. Servient estates as shown on BLM and Alaska Division of Land records are listed as follows:

1. 1152277, Elliott Delmar, homestead entry, application filed 6/2/47 and 4/23/51
2. U.S. Army Corps of Engineers, Alaska District, pipeline right-of-way, application 1/22/53
3. 1225940, Delbert Shultz, homestead entry, application filed 9/12/58
4. Mental Health Trust Authority, application filed 2/2/60
5. 50-68-0170, Elliott Delmar, Highway lots, application filed 3/2/61
6. Golden Valley Electric Association, date of action 8/21/62
7. F 72917, Pacific Telecom, application filed 3/16/81
8. State of Alaska
9. Fairbanks North Star Borough

Width

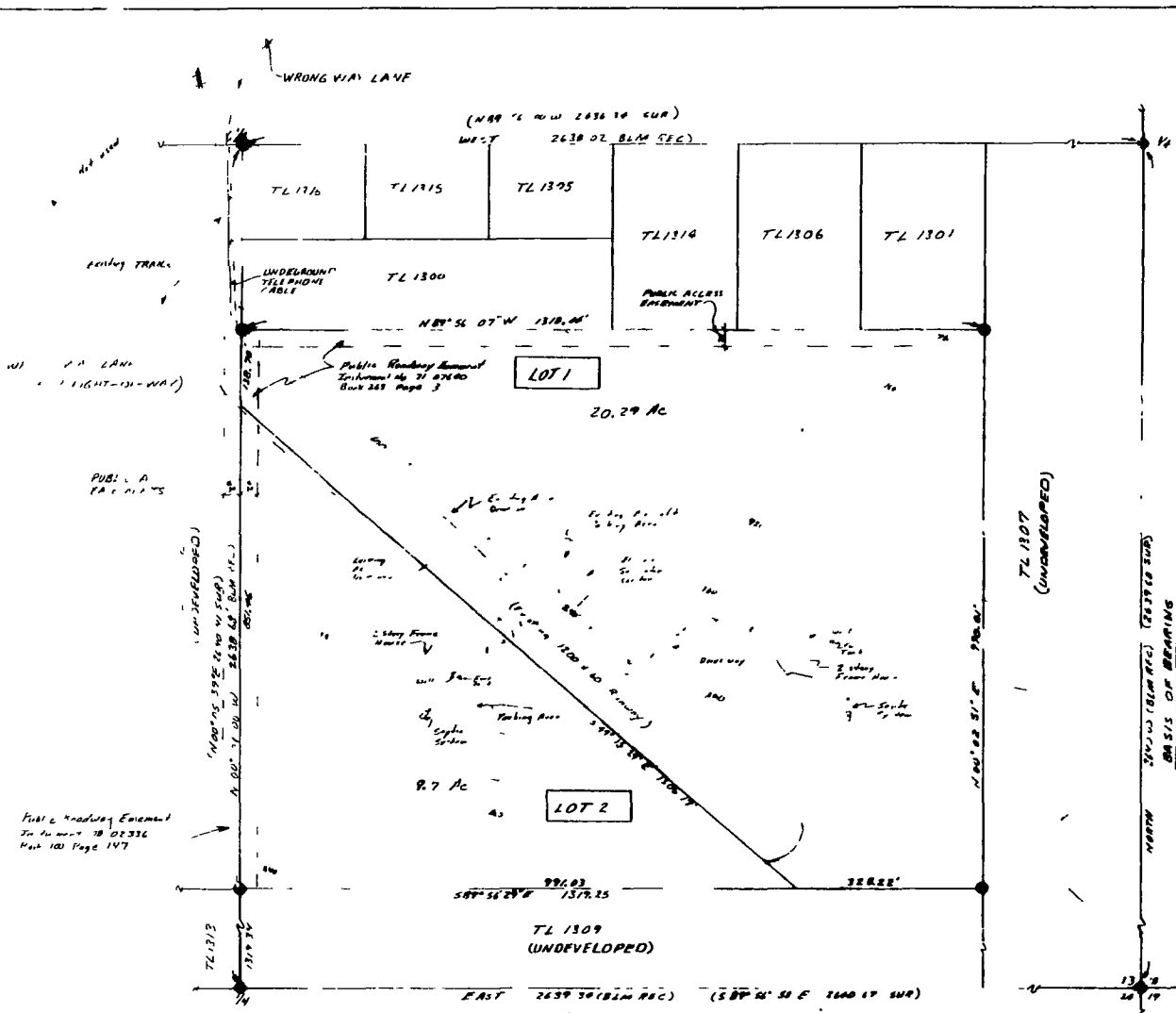
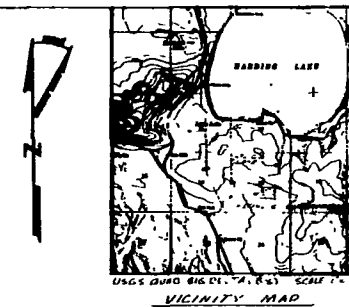
The width of an RS 2477 right-of-way is controlled by the local laws, customs and usages. In 1963, AS 19.10.015 provided that all "existing highways on public lands not reserved for public uses are 100 feet wide." Since the RS 2477 grant is for a highway, this statute sets the width of Wrong Way Lane at 100 feet, subject to valid, existing rights prior to the adoption of the statute.

Acceptance of Grant

The earliest reservation along the subject route was for Homestead Entry Patent 1152277, on 6/2/47. The remainder of the route was unreserved until 1953. Documentation in the file shows construction or use of the route probably occurred by 1949 and is verified in 1954. The grant of the RS 2477 right-of-way for the Wrong Way Lane was accepted by construction and use, subject to valid, existing rights, when the land was not reserved for public purposes.

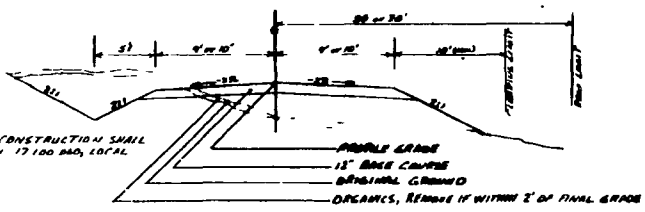
<i>Kay Davies</i>	<i>11/22/94</i>
Kay Davies, Natural Resource Technician II	Date

JP 11/22



- NOTES**
1. SOILS ARE TERSB SALT LOAM (SVC) PER USDA SOILS MANUAL, SALINA - BIG DELTA AREA, 1975.
 2. CONTAIN INFORMATION IS FROM 975 USLS QUAD MAP AND ON THE SURVEY DATA BY SBA.
 3. FLOOD ZONE "X" (AREA OF NO L. SIC-110) PER FIRM 1 E 92
 4. PUBLIC UTILITIES AGENCIES WILL COORDINATE TO PRESENT DATA.
 5. THERE ARE NO EXISTING UTILITY POLES LOCATED IN THIS SUBDIVISION.
 6. GROSS AREA OF SUBDIVISION IS 29.98 AC.
 7. NET AREA OF SUBDIVISION IS 20.29 AC.
 8. GROUND WATER - EVEL - 150'S

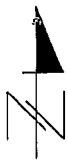
PRELIMINARY PLAT



- GLO (BLM) MONUMENT RECOVERED
- ⊙ MONUMENT SET THIS SURVEY

SCARBOROUGH & ASSOCIATES CONSULTING ENGINEERS & LAND SURVEYORS PO BOX 80868, FAIRBANKS, ALASKA 99708.		
TITLE: PRELIMINARY PLAT - (FLYING "S" SUBDIVISION) S 1/2 NW 1/4 SE 1/4, S 1/2 NW 1/4 SE 1/4, OF SECTION 13, T 6 S, R 4 E, F M 11		
OWNER: GORDON E & ANDREA SCOTT BOX 100000, SALICAM, AK 99708		
DRAWN BY TNS	CHECKED BY TNS	DATE 12/2/98
SCALE 1" = 100'	PROJECT 92-633	

Revised 6/16/99
Checked by: [Signature]



Derived from Borough Base Maps
264

SD 011-95 FLYING "S" SUB

