

BRISTOL BAY NATIVE ASSOCIATION  
LAND MANAGEMENT SERVICES  
P.O. Box 310, Dillingham, Alaska 99576  
Phone 907-842-5257 Fax 907-842-5939

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Certified mail 9171 9690 0935 0243 2871 97

January 12, 2024

Ms. Kimberly Johnson, Manager  
City of Dillingham  
P.O. Box 889  
Dillingham, Alaska 99576

Subject: Waskey Road in Russell Fielding Subdivision, re A. Hurley/T. Mann pending subdivision, AA-6997 G

Dear Kimberly:

The BLM Bureau Indian Land Surveyor (BILS) who works at the Bureau of Indian Affairs (BIA) Realty office in Anchorage has informed us that the road easement (copy enclosed) that was conveyed to the City of Dillingham by Russell Fielding contains an incorrect distance. Enclosed is a copy of his note on the Grant of Easement for Right-of-Way that shows the error. Also enclosed is the plat of Russell Fielding Subdivision on which I have noted the location of the error in the Grant of Easement.

This problem is the same as the problem regarding the Grant of Easement for Emperor Way and Creek Side Subdivision, Elayne Ingram heirs.

The BILS indicated that the easiest way to resolve the problem is for the city to relinquish the Grant of Easement and to let the Fielding subdivision plat depict the dedicated easement because the plat is accurate.

This will help Ms. Hurley and Mr. Mann as they would like to do some transactions regarding the lots they are creating in their pending subdivision. The BIA will not allow them to do the transactions until the error is corrected.

Is the city is willing to issue a relinquishment document for the Grant of Easement? If so we will need the document (city council Resolution?) for recording with the BIA.

I'm looking forward to your response. Please let me or Alan Backford know if you have any questions.

Page 2, letter regarding the Waskey Road Grant of Easement

Sincerely,  
BRISTOL BAY NATIVE ASSOCIATION

A handwritten signature in black ink that reads "Tom Hoseth". The signature is written in a cursive style with a large, stylized initial "T".

Tom Hoseth  
Realty Officer

Cc: file  
A. Hurley/T. Mann

**LEGAL DESCRIPTION**  
 proposed right-of-way within U.S.S. 7148, LOT 2

The following is a description the right-of-way line of Waskey Road within Lot 2, U.S. Survey No. 7148. Located near the city of Dillingham, Alaska within Section 7 and 8, Township 13 South, Range 55 West, Seward Meridian, Alaska and is more particularly described as follows:

Commencing at a 3 1/4" brass cap monument at Corner No. 2 of Lot 2, U.S. Survey No. 7148, as shown on the official plat of U.S. Survey No. 7148, comprising of (2) Lots, surveyed by Charles E. Akin, Jr., in 1982, under special instructions dated April 27, 1982 and approved June 14, 1982. Filed June 22, 1983 with the United States Department of the Interior, Bureau of Land Management. Thence, S. 01°52'21" W., along said line between Corners (2-1) of Lot 2, U.S. Survey No. 7148 a distance of 185.02 feet to the intersection of said lot line and the northerly right-of-way line of Waskey Road and the True Point of Beginning.

Thence, S. 55°26'33" E., along said northerly right-of-way line a distance of 2176.98 feet;

Thence, continuing along said northerly right-of-way line a distance of 453.36 feet, with a curve concave to the northeast, having a radius of 9960.00 feet;

Thence, S. 58°03'02" E., continuing along said Waskey Road right-of-way line a distance of 671.65 feet to a point;

Thence, N. 31°56'58" E., along said northerly right-of-way line a distance of 30.00 feet;

Thence, S. 58°03'02" E., along said northerly right-of-way line a distance of 116.01 feet;

Thence, continuing along said northerly right-of-way line a distance of 305.68 feet, with a curve concave to the southwest, having a radius of 580.00 feet to the intersection of said northerly right-of-way line and the line between corners (4-5) Lot 2, U.S. Survey No. 7148, common to the northerly line of Lot 1, Bernie Subdivision as shown in the plat recorded as 85-25, surveyed by Stan Sears and Associates in 1984 and recorded June 12, 1985 with the Bristol Bay Recording District.

Thence, S. 89°59'05" W., along said lot line a distance of 48.47 feet to a 3 1/4" brass cap monument at the corner of Lot 1 of Bernie Subdivision and Lot 8 of Wood River Subdivision, recorded as plat 78-6, surveyed by Kaljenco, Inc., in 1977 and filed February 23, 1978 with the Bristol Bay Recording District.

Thence, N. 89°59'05" W., along said line Lot 2 of U.S. Survey No. 7148, and the said northerly line Lot 8, Wood River Subdivision a distance of 80.30 feet to the intersection of said line and the southerly right-of-way line of Waskey Road;

7148, lt. 2  
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UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

GRANT OF EASEMENT FOR RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

That the United States of America, acting by and through the Superintendent, Bureau of Indian Affairs, Department of the Interior, Anchorage Agency, 1675 C St., Anchorage, Alaska, 99501-5198, for, and on behalf of: Russell Thomas Fielding, Alaska Native of Rancho Santa Margarita, California, hereinafter referred to as "GRANTOR," under authority contained in 209 DM 8 dated November 17, 1981, Secretary's Order No. 3150 dated May 11, 1992, as amended March 5, 1993, and 10 BIAM Bulletin 13 dated November 19, 1992, as amended April 8, 1993, and the Addendum to 10 BIAM 3 dated January 17, 1989; and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Part 169, Title 25, Code of Federal Regulations, which by reference are made a part hereof, in consideration of no consideration, the receipt of which is hereby acknowledged, does hereby grant to: City of Dillingham, of Dillingham, Alaska 99576, its successors and assigns, hereinafter referred to as "GRANTEE," an easement for right-of-way for the following purpose(s), specifically: road, over the land embraced within the right-of-way situated on the following described lands located within Township 13 South, Range 55 West, Seward Meridian, Bristol Bay Recording District, State of Alaska:

Lot 2, U.S. Survey 7148, Alaska,

said easement is limited to and more particularly described as:

a portion of Lot 2, U.S. Survey 7148, as described on Exhibit 1 attached hereto

said right-of-way to be 7.193 acres in area, as shown on the map attached hereto, and made a part hereof.

To have and to hold the said easement and right-of-way unto the GRANTEE and unto its successors and assigns subject to the following provisions.

BOOK 42 PAGE 892  
Bristol Bay Recording District

1. GRANTEE agrees to hold harmless and indemnify forever the owner, the United States, and authorized users and occupants from any action whatsoever arising from the death or injury of any person, or damage to any property, resulting from the GRANTEE'S use and enjoyment of the rights granted him by this easement. Acceptance and use of this easement will constitute full knowledge of, and agreement to, the foregoing stipulation.
2. GRANTEE agrees to restore the land to its original condition, as far as is reasonably possible, upon termination or revocation of this easement for any reason. Failing to comply with this stipulation, GRANTEE agrees to bear all expenses and costs incurred by the owner and/or the United States in accomplishing said restoration.
3. GRANTEE agrees to pay promptly all damages, determined by the Secretary to be due to the Landowners and authorized users and occupants of the land on account of the survey, granting, construction and maintenance of the right-of-way.
4. GRANTEE agrees to cut, limb, and stack trees alongside the right-of-way for the allottee's use.
5. If any previously unknown archeological sites or objects are discovered in the course of this undertaking, work in the vicinity will stop pending further recommendations from this office (36 CFR 800.11.).

This easement is subject to any prior valid existing right or adverse claim and is perpetual, so long as said easement shall be actually used for the purpose above specified; PROVIDED, that this right-of-way may be terminated in whole or in part by the GRANTOR for any of the following causes upon 30 days written notice, and failure of the GRANTEE within said notice period to correct the basis of termination (25 CFR 169.20):

1. Failure to comply with any term or condition of the Application, Grant or the applicable regulations.
2. A non-use of the right-of-way for any consecutive two-year period (for the purpose for which it was granted).
3. An abandonment of the right-of-way, as determined by the BIA.

The condition of this easement shall extend to and be binding upon and shall inure to the benefit of the successors and assigns of the GRANTEE.

IN WITNESS WHEREOF, GRANTOR has executed this grant of easement this 3 day of August, 1994.

979 2869





**LEGAL DESCRIPTION**

**proposed right-of-way within U.S.S. 7148, LOT 2**

The following is a description the right-of-way line of Waskey Road within Lot 2, U.S. Survey No. 7148. Located near the city of Dillingham, Alaska within Section 7 and 8, Township 13 South, Range 55 West, Seward Meridian, Alaska and is more particularly described as follows:

Commencing at a 3 1/4" brass cap monument at Corner No. 2 of Lot 2, U.S. Survey No. 7148, as shown on the official plat of U.S. Survey No. 7148, comprising of (2) Lots, surveyed by Charles E. Akin, Jr., in 1982, under special instructions dated April 27, 1982 and approved June 14, 1982. Filed June 22, 1983 with the United States Department of the Interior, Bureau of Land Management. Thence, S. 01°52'21" W., along said line between Corners (2-1) of Lot 2, U.S. Survey No. 7148 a distance of 185.02 feet to the intersection of said lot line and the northerly right-of-way line of Waskey Road and the True Point of Beginning.

Thence, S. 55°26'33" E., along said northerly right-of-way line a distance of 2176.98 feet;

Thence, continuing along said northerly right-of-way line a distance of 453.36 feet, with a curve concave to the northeast, having a radius of 9960.00 feet;

Thence, S. 58°03'02" E., continuing along said Waskey Road right-of-way line a distance of 671.65 feet to a point;

Thence, N. 31°56'58" E., along said northerly right-of-way line a distance of 30.00 feet;

Thence, S. 58°03'02" E., along said northerly right-of-way line a distance of 116.01 feet;

Thence, continuing along said northerly right-of-way line a distance of 305.68 feet, with a curve concave to the southwest, having a radius of 580.00 feet to the intersection of said northerly right-of-way line and the line between corners (4-5) Lot 2, U.S. Survey No. 7148, common to the northerly line of Lot 1, Bernie Subdivision as shown in the plat recorded as 85-25, surveyed by Stan Sears and Associates in 1984 and recorded June 12, 1985 with the Bristol Bay Recording District.

Thence, S. 89°59'05" W., along said lot line a distance of 48.47 feet to a 3 1/4" brass cap monument at the corner of Lot 1 of Bernie Subdivision and Lot 8 of Wood River Subdivision, recorded as plat 78-6, surveyed by Kaljenco, Inc., in 1977 and filed February 23, 1978 with the Bristol Bay Recording District.

Thence, N. 89°59'05" W., along said line Lot 2 of U.S. Survey No. 7148, and the said northerly line Lot 8, Wood River Subdivision a distance of 80.30 feet to the intersection of said line and the southerly right-of-way line of Waskey Road;

7148, lt. 2  
1/3

BRISTOL BAY RECORDING DISTRICT

Thence, continuing along said southerly right-of-way line a distance of 187.42 feet, with a curve concave to the southwest, of which the radial line to said point bears N. 54°47'49" E., having a radius of 470.00 feet, through a central angle of 22°50'51" to a radial line of said curve;

Thence, N. 58°03'02" W., along said southerly right-of-way line a distance of 138.63 feet;

Thence, S. 31°56'58" W., along said southerly right-of-way line a distance of 15.00 feet;

Thence, N. 58°03'02" W., along said southerly right-of-way line a distance of 389.00 feet;

Thence, N. 31°56'58" E., along said southerly right-of-way line a distance of 15.00 feet;

Thence, N. 58°03'02" W., continuing along said southerly right-of-way line a distance of 144.03 feet;

Thence, continuing along said southerly right-of-way line a distance of 318.35 feet, with a curve concave to the northeast, having a radius of 10,040.00 feet;

Thence, S. 33°45'59" W., along said southerly right-of-way line a distance of 20.00 feet;

Thence, along said southerly right-of-way line a distance of 138.93 feet, with a curve concave to the northeast, of which a radial line to said point bears S. 33°45'59" W., having a radius of 10,060.00 feet, through a central angle of 00°47'28" to a radial line of said curve;

Thence, N. 55°26'33" W., along said southerly right-of-way line a distance of 160.00 feet;

Thence, N. 34°33'27" E., along said southerly right-of-way line a distance of 20.00 feet;

Thence, N. 55°26'33" W., along said southerly right-of-way line a distance of 106.36 feet;

Thence, S. 34°33'27" W., along said southerly right-of-way line a distance of 8.00 feet;

Thence, N. 55°26'33" W., along said southerly right-of-way line a distance of 310.00 feet;

Thence, N. 34°33'27" E., along said southerly right-of-way line a distance of 8.00 feet;

Thence, N. 55°26'33" W., along said southerly right-of-way line a distance of 298.34 feet;

Thence, S. 34°33'27" W., along said southerly right-of-way line a distance of 15.00 feet;

Thence, N. 55°26'33" W., along said southerly right-of-way line a distance of 408.00 feet;

Thence, N. 34°33'27" E., along said southerly right-of-way line a distance of 15.00 feet;

Thence, N. 55°26'33" W., along said southerly right-of-way line a distance of 842.95 feet to the intersection of said southerly right-of-way line and said Lot 2, U.S. Survey No. 7148, line between Corners No. (1-2);

Thence, N. 01°52'21" E., along said line (1-2) of Lot 2, U.S. Survey No. 7148, across Waskey Road a distance of 95.05 feet to the point of beginning.

Containing 313,311 sq. ft. or 7.193 acres of land more or less.

7148, lt. 2  
3/3

(S 87°17' E 2885.52')

N 87°18'39" W

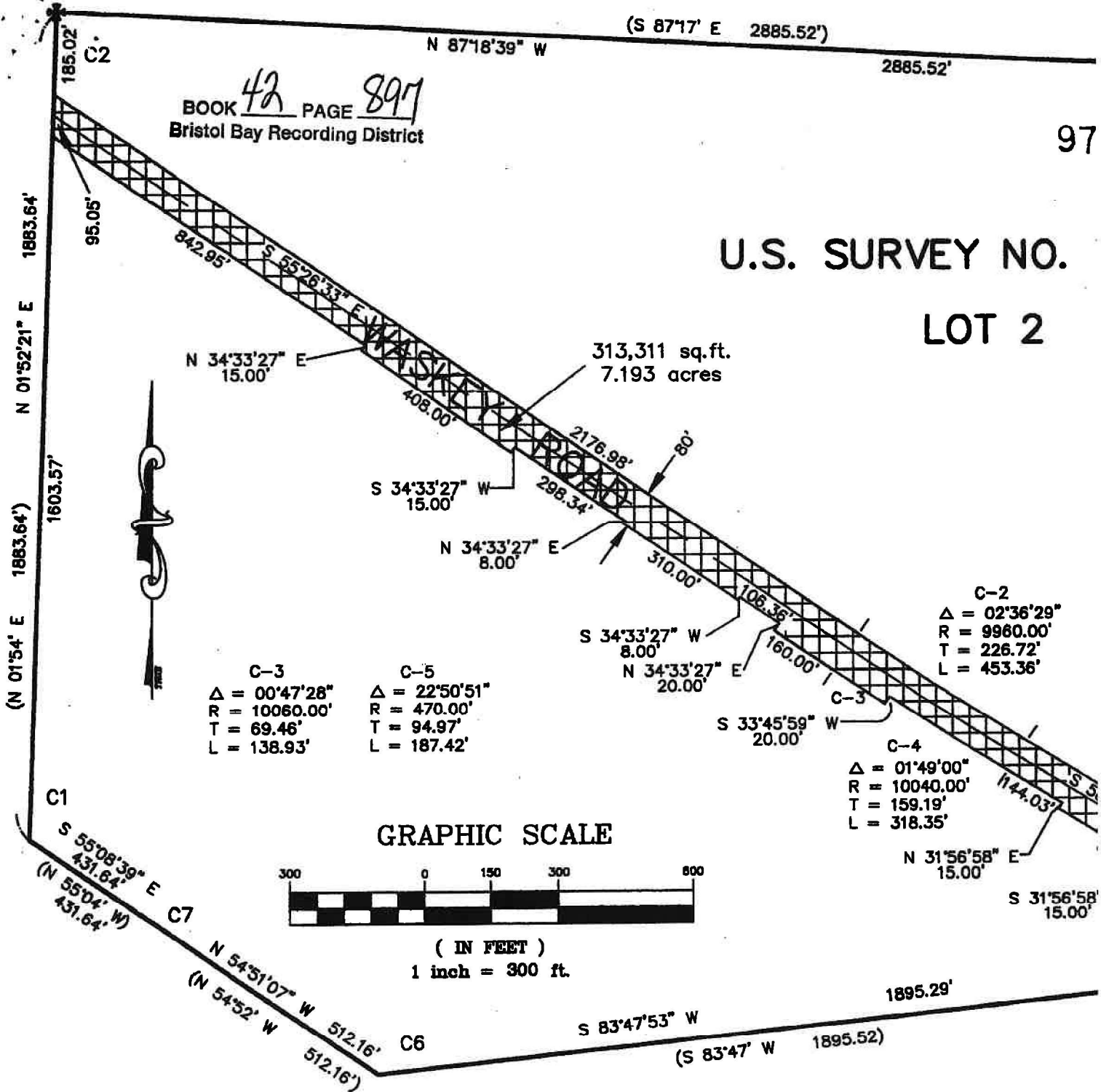
2885.52'

BOOK 42 PAGE 897  
Bristol Bay Recording District

97

U.S. SURVEY NO.

LOT 2



C-3  
Δ = 00°47'28"  
R = 10060.00'  
T = 69.46'  
L = 138.93'

C-5  
Δ = 22°50'51"  
R = 470.00'  
T = 94.97'  
L = 187.42'

C-2  
Δ = 02°36'29"  
R = 9960.00'  
T = 226.72'  
L = 453.36'

C-4  
Δ = 01°49'00"  
R = 10040.00'  
T = 159.19'  
L = 318.35'

GRAPHIC SCALE



( IN FEET )

1 inch = 300 ft.

Legend

1. Bearings are oriented to True North.
2. Corners depicted on map were located.
3. The north line of U.S. Survey No. 4920 was held as the basis of bearing for our control network survey and these right-of-way maps. (N 89°59'48" W 1210.00') 1209.90 Plat 79-3

Legend

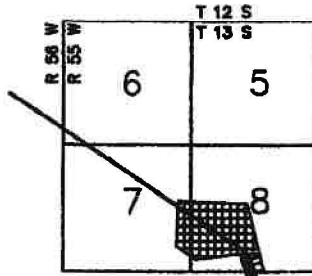
- ⊕ 3 1/2" Brass Cap mon. (BLM record monument)
- ⊕ 2" Aluminum Cap mon. (Plat 78-6 of Bernie Subd.)
- ( ) BLM record data (U.S. Survey No. 7148)

PREPARE

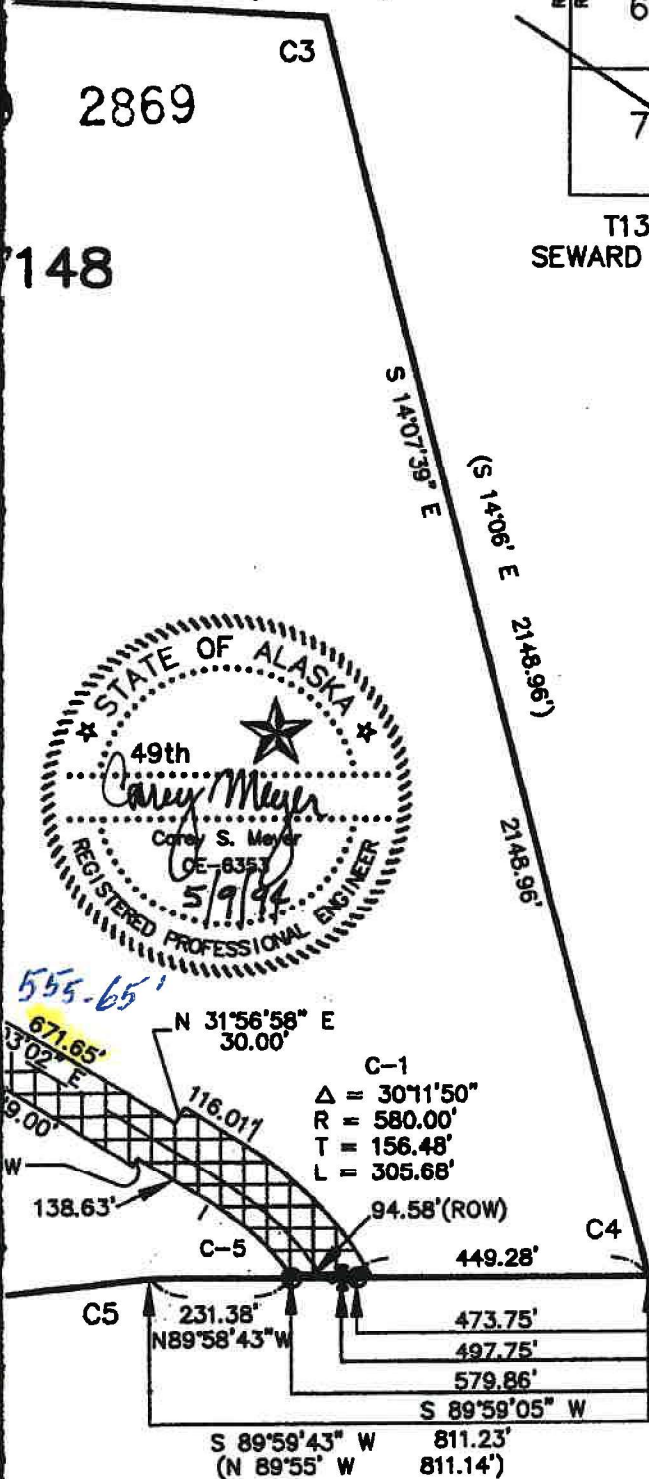
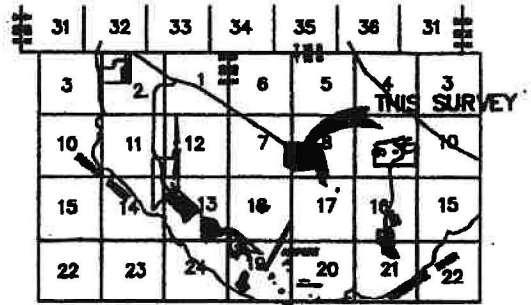
DRAWN E

CHECKED

JOB NO.:



T13S R55W  
 SEWARD MERIDIAN, AK



UNITED STATES DEPARTMENT OF INTERIOR  
 BUREAU OF INDIAN AFFAIRS  
 Anchorage AGENCY  
 ENGINEER'S AFFIDAVIT

STATE OF ALASKA

Carey S. Meyer, being first duly sworn, deposes and states that he is a licensed Civil Engineer, employed by ASCG, Incorporated; that the survey was made by him (or under his direction); that he has examined the field notes of the survey for Waskey Road right-of-way as described and shown on this map; that this map was prepared under his direction from said field notes; and that said right-of-way is 3,509.19 feet in length, beginning at Sta. 179+50.12 and ending at Sta. 214+59.31 and is accurately located on this map.

Carey Meyer  
PROJECT ENGINEER  
 (Title)

Subscribed and sworn to before me this 9th day of May, 1994,  
 by Carey Meyer

Douglas A. Gracich  
 Notary Public  
4/12/94  
 My Commission Expires

94-882  
 RECORDED - FILED 36  
 Bristol Bay REC. DIST.  
 DATE 8/19 1994  
 TIME 3:00 P.M.  
 Requested by (BBNA)  
 Address

BY: ASCG, INCORPORATED 301 Arctic Slope Ave. Anchorage, AK 99518	
KAM	DATE: 05/08/1994
DAG	DRAWING NO.: L2S7148
2594	SHEET 1 OF 1

CITY OF DILLINGHAM  
 P.O. BOX 889  
 DILLINGHAM, ALASKA 99576  
 MAP SHOWING  
 RIGHT OF WAY REQUIRED FOR  
 WASKEY ROAD  
 Within Lot 2 of U.S. Survey No. 7148  
 Sec. 7,8,17 and 18 T13S R55W Seward Meridian, AK