

**From:** Burton, Alban L (DOT) <al.burton@alaska.gov>  
**Sent:** Wednesday, December 11, 2019 4:06 PM  
**To:** Rachel Friedlander <rfriedlander@ci.homer.ak.us>  
**Cc:** DeCarli, Marcie A (DOT) <marcie.decarli@alaska.gov>  
**Subject:** RE: Title Report - Homer Lake Street Rehabilitation

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Rachel,

While attempting to formulate a response to your questions, DOT&PF realizes that it may be helpful to give a brief history of events which brought us to this point in time.

- The subject strip of land was to be dedicated as part of the proposed Beluga Slough Trail Subdivision (Plat 96-101). This subdivision was never finalized so no dedication occurred.
- In March of 1997, the landowners conveyed a portion of their land to DOT&PF for addition to the existing right of way under the Homer Lake Street Rehabilitation Project 51238 (Bk 264, Pg 326).
- The Homer Lake Street Rehabilitation Project 51238 constructed signalized intersection improvements, using both the land acquired and the lands slated for dedication under Plat 96-101.
- In March of 1998, the landowners conveyed their land to The Trust For Public Land (TFPL) (Bk 275, Pg 240).
- In April 1998, TPFL conveyed a conservation easement to the U.S and the State of Alaska (Bk 275, Pg 243) and conveyed the fee interest to the City of Homer (Bk 275, Pg 249) “to manage it so as to ensure public access for hunting, fishing, and other recreational uses in accordance with applicable laws and regulations and with the objectives of restoring and protecting natural resources.”

Since the time of the events described above, this land has been in use as part of the Sterling Highway/Lake Street Intersection. It is clear from the history that the land was supposed to be dedicated for public use and for some reason or another it was missed. DOT&PF is interested in clearing the public record so that the land in question can just be shown as part of the right of way.

It is the State’s position that the conveyance to the City of Homer was and continues to be subject to all reservations, restrictions, encumbrances and easements of record or ascertainable by physical inspection, if any.

We concur with the findings of the title report and will not make any change to the current use of the property. The intent of the conveyance is for clarification of the responsibility and authority for management of the property so no compensation is being offered. If the City of Homer has no concerns regarding its responsibilities as they exist with the current use of the property then no action is required.

Thank you for the consideration of this proposed remedy. Please let us know if you wish to continue to move forward as proposed.



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