



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

APPLICATION FOR DISPOSAL OF
STATE LAND AND RELINQUISHMENT
OF LAND INTERESTS

RECEIVED _____

Please see attached instructions and applicable regulations.

Name of Applicant: _____

Mailing Address: _____ City: _____ Zip: _____

Name of Highway: _____ Milepost: _____

Contact Name: _____ Phone: _____

E-mail Address: _____ Fax: _____

Property/Right of Way Type: ☐ Fee Simple ☐ Permit
☐ Easement ☐ Other

Legal or General Description of State Land or Interest Requested for Disposal (Attach Separate Sheet if Necessary):

Do you own the property adjacent/underlying to the area requested? ☐ Yes ☐ No

If Yes, Please Provide Tax ID Number/Legal Description of your property: _____

Is Property Within City/Borough Limits? ☐ Yes ☐ No

If Yes, Name of City/Borough _____

Reason for Application: _____

Size of requested property: _____

REQUIRED ATTACHMENTS FOR APPLICATION

REQUIRED FOR ALL APPLICATIONS:

- ☐ Photographs and/or drawings of the land you wish to acquire.
- ☐ Proof of ownership of adjoining or underlying property
- ☐ Nonrefundable application fee (other fees may be required; see attachment)

IF APPLICABLE

- ☐ An As-built Survey (or subdivision plat)

Use the space below to attach photographs and/or drawings of the land you wish to purchase.

APPLICANT'S CERTIFICATION

I certify that the statements and information provided with the application are true and correct. I further certify that I am the owner of the adjacent property or owner of the underlying fee in the above-described property.

Date _____

Signature _____

DEPARTMENT APPROVAL

Date _____

Signature _____

Please mail or take your application to:

Southeast Region Mailing Address: DOT&PF ROW 6860 Glacier Hwy Juneau AK 99801-7909 Voice: (907) 465-4540 or 1-800-575-4540 Fax: (907) 465-3506 TDD: (907) 465-4410	Central Region Mailing Address: DOT&PF ROW PO Box 196900 Anchorage AK 99519-6900 Voice: (907) 269-0700 or 1-800-770-5263 Fax: (907) 248-9456 TDD: (907) 269-0473	Northern Region Mailing Address: DOT&PF ROW 2301 Peger Road Fairbanks AK 99709-5316 Voice: (907) 451-5400 or 1-800-475-2464 Fax: (907) 451-5411 TDD: (907) 451-2363
Southeast Region Physical Address: DOT&PF ROW 6860 Glacier Hwy Juneau AK 99801-7909	Central Region Physical Address: DOT&PF ROW 4111 Aviation Drive Anchorage AK 99502-1058	Northern Region Physical Address: DOT&PF ROW 2720 Picket Place Fairbanks AK 99709

COSTS, PROCEDURES, AND APPLICABLE REGULATIONS

1. **APPLICATION & FEE** - A completed and signed application form requesting the sale of State land or the relinquishment of land interest must be submitted along with a nonrefundable application fee of \$200 to start the process. Also, attach photos and/or drawing of the land you wish to acquire and proof of ownership of your adjoining or underlying property.

2. **AS-BUILT SURVEY** - To identify the right-of-way (ROW) to be purchased and determine the location of utility lines and improvements, an As-Built Survey may be necessary. The As-Built Survey, prepared by a Registered Professional Land Surveyor currently licensed to practice in the State of Alaska, must include the items listed on the State As-Built handout sheet. This can cost from \$300 to \$2,000, and is to be provided and paid for by the Buyer.

Scope of Work:

A. The As Built Survey will accurately locate:

- 1) The surface improvements including buildings, driveways, fences, etc. on the subject property.
- 2) Any utilities above or below ground on the subject property.
- 3) The planimetric features between the shoulder of the adjacent roadway and the subject property. This should include the road shoulder, toe of fill or cut slope, ditch, culverts or any appurtenant structures or improvements. Within 25 feet of the subject property all utilities above or below ground will also be located. Items that suggest the existence of other property interests shall be identified.

B. The As-Built Survey will show recovered property corners and found or calculated bearings and distances along the boundary of the subject property. This may be used to develop a legal description or an easement. If the property has to be further subdivided or a lot line removed because the subject property is too small to stand alone a replat will be done separate from this As-Built Survey.

C. The As-Built Survey will show a tie between the boundary of the subject property and two right of way monuments.

D. The As-Built Survey will be signed and sealed by a surveyor currently registered in Alaska. The following certificate will appear on the As-Built:

SURVEYOR'S CERTIFICATE:

I hereby certify that I am properly Registered and Licensed to practice Land Surveying in the State of Alaska, that this drawing represents a survey made by me or under my direct supervision, that monuments shown hereon actually exist as described, that all dimensions and other details are correct to the extent shown hereon, that a diligent effort to locate all above and below ground utilities was made, and that those utilities are shown.

Date

Registration No.

Registered Land Surveyor

E. The As-Built Survey will be sent to the Department at the appropriate office address shown above and the decision will be made as to how much property will be relinquished. The As-Built Survey will then be sent back showing the area that is to be relinquished and to have a plat made for the approval of either the Borough or the Municipality where the subject property is located.

3. **ADVERTISING** - The State is required to advertise its intent to dispose of the ROW in local newspapers. Advertising fees can be from \$150 to \$300 with the minimum of \$150 to be paid in advance by the buyer.

4. **APPRAISAL** - To determine the sales price, an appraisal prepared by a State Certified appraiser will be needed on the larger parcels. The Regional ROW Appraisal Supervisor will determine the type of appraisal needed and arrange for the appraisal to be prepared as soon as the Buyer provides the necessary funds. The appraisal will be reviewed and approved by the State. The entire appraisal process can take from 30 to 60 days to complete and will cost from \$500 to \$1,200, with the minimum of \$500 to be paid in advance by the buyer. On the smaller parcels, a value estimate may be used.

5. **REPLAT** - To remove the property from public ROW and combine it with the adjoining private property, the acquirer must provide the State with a replat of the property, prepared by a Registered Professional Land Surveyor currently licensed to practice in the State of Alaska. A preliminary plat should be submitted for State review prior to submitting it to the local platting authority for final approval. After recording the final approved replat, provide a copy to the Department's ROW Section. The replat can cost the Buyer from \$2,000 to \$5,000 and take up to 90 days.

6. **PURCHASE** - Before the Deed will be executed and recorded, the Buyer shall provide a copy of the recorded plat and reimburse the State for any unpaid costs and provide payment for the property acquisition in the form of a U.S. Postal Money Order, Cashier's Check or Certified Check. If sold to the adjoining property owner, the purchase price will be based on the appraisal. If sold by public bid, the appraised value will be the minimum bid price.

NOTE: The above costs are approximate, and items 1, 3, and 4 are to be paid in advance. Items 2 and 5 are to be paid directly to the Engineering firm providing the service. The entire procedure can take anywhere from a minimum of 2 months, up to a year or longer. Reasonable times will be allowed for the Buyer to provide the required items. After which the file will be closed and all work terminated.

Alaska Administrative Code, Title 17 (Transportation and Public Facilities)
Chapter 10. Engineering: Encroachments, Driveways, and Road Approaches
Article 3. Land Disposal

17 AAC 10.100. LAND DISPOSAL. (a) Except for a conveyance of land by a commissioner's deed issued under 17 AAC 05.020, or an encroachment permit issued under 17 AAC 10.011, the provisions of 17 AAC 10.100 through 17 AAC 10.120 apply to a disposal of land, or an interest in land, contained within a highway right-of-way, whether the land or interest was acquired by gift, transfer from the federal government, purchase, or the exercise of the power of eminent domain.

(b) The department will prepare a decisional document summarizing its decision to dispose of a particular parcel of land acquired in a right-of-way acquisition. In that document, the department will summarize the conclusion that the particular parcel of land is excess right-of-way and whether the land has a present or potential use for parks, conservation, recreation, or related uses. The department will, in its discretion, find that the land is excess right-of-way, if the land is located outside of the slope limits of a highway, the land is not necessary for the highway's operation or maintenance, and the land is not needed for a public purpose. If the department finds that the land has a present or potential use for parks, conservation, recreation, or related uses, the department will describe in the decisional document the department's efforts to dispose of the land to public agencies for parks, conservation, recreation, or related uses. If the public agencies decline to acquire the parcel, the department will conduct the land disposal according to 17 AAC 10.105 - 17 AAC 10.120.

17 AAC 10.105. DISPOSAL BY NEGOTIATED SALE TO AN ADJOINING PROPERTY OWNER. (a) The department will, in its discretion, convey the interest that it holds in a parcel of excess right-of-way to an adjoining property owner, if the adjoining property owner applies for the conveyance and pays a \$200 nonrefundable application fee, and if the

(1) adjoining property is the land from which an acquisition of land, in a fee simple interest, for the right-of-way was made; or

(2) right-of-way is held as an easement and the owner of the underlying fee simple interest is also the owner of the adjoining land.

(b) The consideration for a conveyance of a fee simple interest under this section is the fair market value of the land, estimated under commonly accepted appraisal techniques.

(c) A grantee under this section shall provide appraisal services, title insurance, surveying, and platting that are acceptable to the department, or reimburse the department for the cost of these activities if the department provides them.

(d) The department will not make a conveyance under this section without issuing public notice of the pending sale, published at least once in a newspaper of general circulation, in the area where the excess right-of-way is located, at least 30 days before the projected closing date of the transaction. In that notice, the department will describe the land offered for sale, and provide that the department will accept public comments regarding the sale that are received before the projected closing date. The grantee shall reimburse the department for the cost of public notice.

17 AAC 10.110. DISPOSAL BY COMPETITIVE SALE. (a) If a parcel of excess right-of-way may be developed without the use of other land, and any adjoining owner who qualifies to purchase the land under 17 AAC 10.105 declines an opportunity to purchase the land, the department will, in its discretion, dispose of the parcel of land through competitive sealed bids, with the award to the highest bidder.

(b) The department will not open competitive sealed bids without issuing public notice of the pending sale, published at least once in a newspaper of general circulation, in the area where the excess right-of-way is located, at least 30 days before bid opening. In that notice, the department will give the date, time, and place of the bid

opening, describe the land offered for sale, provide that the department will accept public comments regarding the sale that are received at least seven days before the bid opening, and inform bidders of at least the following conditions:

(1) the payment schedule;

(2) that the successful bidder may be required to apply for and receive a replat of the land from the *municipal* planning and zoning authority;

(3) that the department reserves the right to reject any and all bids.

(c) The department will, in its discretion, accomplish the sale of excess land through an outcry auction. The department will issue public notice for the sale consistent with (b) of this section.

(d) If the department has attempted the sale of a parcel of excess right-of-way under (a) or (c) of this section, the department will, in its discretion, offer the parcel for sale over the counter, for its fair market value, for a period not to exceed 120 days after the date of the unsuccessful sale, under the same terms and conditions set for the competitive sale under (b) of this section. If an over-the-counter sale does not occur within the 120 days after the attempted competitive sale, the department will withdraw the parcel and will not convey it without issuing, in accordance with (b) of this section, a new public notice of the sale.

17 AAC 10.115. DISPOSAL THROUGH BROKERS. (a) If a parcel of excess right-of-way is offered for sale by competitive sale under 17 AAC 10.110, and no bids satisfactory to the department are received, the department will, in its discretion, list the particular parcel for sale with a real estate broker licensed under AS 08.88.

(b) The department will select the broker in accordance with AS 36.30 (State Procurement Code) and 2 AAC 12.

(c) Notice of the sale of the parcel of excess right-of-way will be given in accordance with 17 AAC 10.105(d).

17 AAC 10.120. LAND EXCHANGES. (a) For the purpose of a land exchange under AS 19.05.110, AS 19.05.120, AS 35.20.040, or AS 35.20.050, the department will, in its discretion, use excess right-of-way in the transaction.

(b) The department will not make an exchange of land under this section without

(1) preparing a written decision that the exchange is in the state's best interest, and that the value of the parcels of land to be exchanged is substantially equal; and

(2) issuing public notice of the pending exchange, published at least once in a newspaper in general circulation in the area where the excess right-of-way is located, at least 30 days before the projected date of the exchange; in that notice, the department will describe the land to be exchanged, and will provide that the department will accept public comments regarding the exchange that are received before the projected date of the exchange.

17 AAC 10.125. CONVEYANCE DOCUMENTS. The department will convey land or interests in land under 17 AAC 10.100 - 17 AAC 10.120 by

(1) quitclaim deed, in a form prescribed by the department, and subject to any utility permit issued under 17 AAC 15; and

(2) any other transfer documents the department determines are necessary to memorialize the transaction.

17 AAC 10.130. LAND OUTSIDE OF RIGHT-OF-WAY LIMITS. (a) If a parcel of land is located outside of the right-of-way limits of a highway, the department will, in its discretion, dispose of the land, or an interest in the land, under the provisions of this section. Before making a disposal under this section, the department will prepare a decisional document summarizing its decision to dispose of a particular parcel of land located outside of a highway right-of-way. In that document, the department will summarize the conclusion that the particular parcel of land is not needed for a public purpose and whether the land has a present or potential use for parks, conservation, recreation, or related uses. If the department finds that the land has a present or potential use for parks, conservation, recreation, or related uses, the department will describe, in the decisional document, the department's efforts to convey the land to public agencies for parks, conservation, recreation, or related uses. If the public agencies decline to acquire the parcel, the department will conduct the land disposal under this section.

(b) The department will, in its discretion, dispose of land located outside the right-of-way limits of a highway through competitive bidding, outcry auction, or over-the-counter sale under 17 AAC 10.110, or by sale through a broker under 17 AAC 10.115. The department will convey land under this subsection by

(1) quitclaim deed, in a form prescribed by the department; and

(2) any other transfer documents the department determines are necessary to memorialize the transaction.

(c) The department will, in its discretion, offer land located outside of the right-of-way limits of a highway for lease through an invitation to bid by means of competitive sealed bidding. The department will not open bids for the lease without public notice of the proposed lease, in accordance with (d) of this section. The department will award the lease to the highest bidder who is responsive to the invitation to bid. In the lease, the department will include terms that protect the best interests of the state and that are consistent with the invitation to bid.

(d) The department will not make a sale or lease under this section without issuing public notice of the pending transaction, published at least once in a newspaper of general circulation, in the area where the land is located, at least 30 days before the projected closing date of the transaction. In that notice, the department will describe the land offered for sale or lease, and provide that the department will accept public comments regarding the sale that are received at least seven days before the projected closing date.