



Trust
Land Office

Trust Land Ownership

Quick Introduction

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Quick Introduction to Trust Land Ownership

- Mental Health Enabling Act and Settlement Agreement
- Incoming Title
- Outgoing Title
- Split Estates
- Bundle of Sticks
- Riparian and Littoral Boundaries



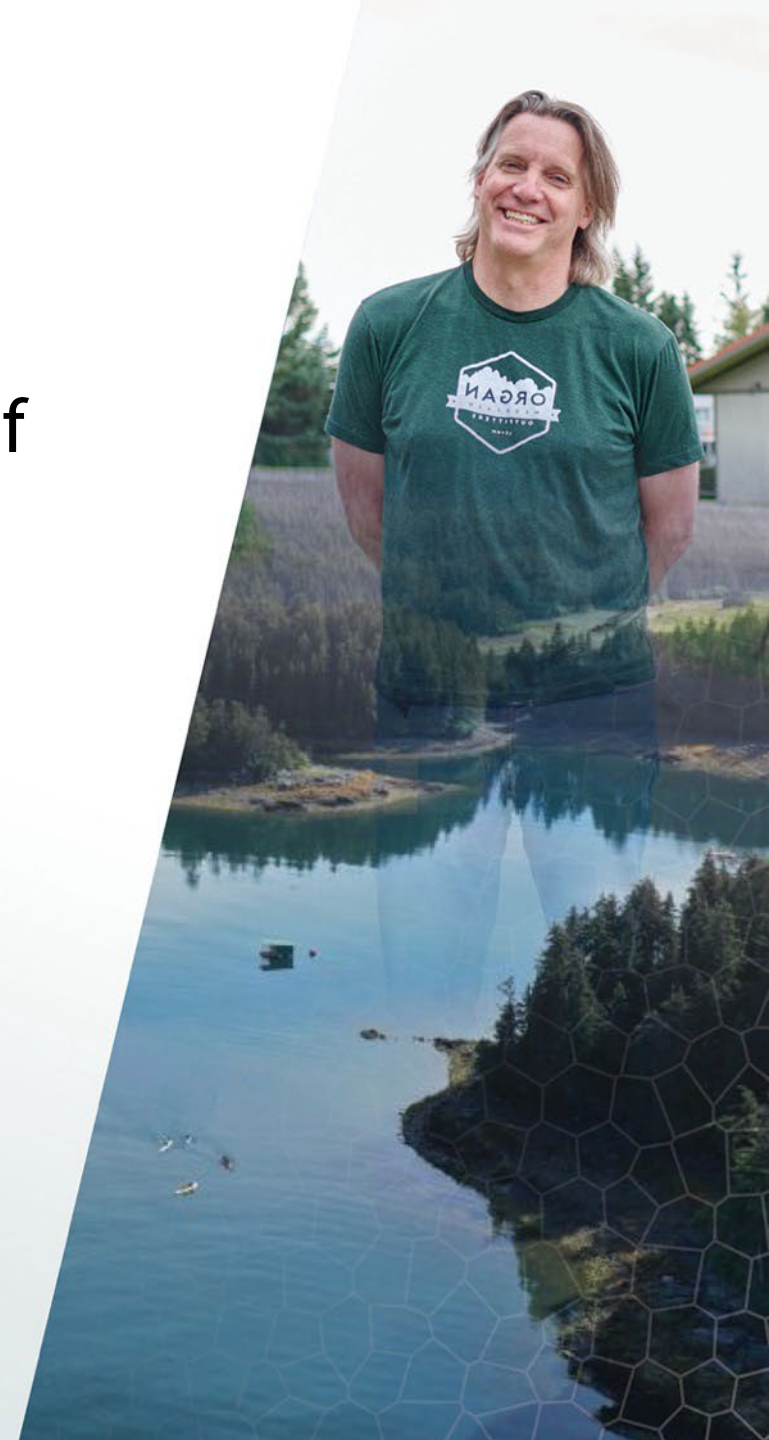


Mental Health Enabling Act

- Alaska Mental Health Enabling Act of July 28, 1956.
- Grant of 1,000,000 acres to Territory of Alaska.
- The fiscal and functional responsibility to support Mental Health beneficiaries and programs in Alaska.
- Approximately 986,500 acres have been conveyed to the State with an estimated 13,500 acres remaining to be conveyed.
- 2009 Closeout Agreement

Settlement Agreement

- Settlement Agreement of 1994, Weiss vs. State of Alaska.
- State reconstituted the Trust land base with a mix of Original MHEA land and Substitute Lands.
- Not all title received from the State was Fee (Land and Minerals), some of it was only the mineral or oil & gas estates.
- Original and Substitute lands can have different patent reservations or encumbrances.
- Replacement Lands.





Incoming Title

- Mental Health Approvals, Tentative Approvals and Patents were issued to the State from BLM.
- The State issued QCD's to the Trust as a simple list of lands. Encumbrances, exclusions and reservations were recorded in an internal State database.
- Replacement Land & Missed Settlement Land.
- Donations & Gifts.
- Acquisitions.
- Exchanges & other agreements.



Outgoing Title

- Over the Counter Land Sales, Fall Land Sale Auction, Negotiated Sales, Exchanges and other Agreements.
- Land Sales to the Public, the Trust typically reserves the mineral estate thus severing the land from the minerals and creating a split estate.
- Exchanges and Agreements to other governmental agencies is often conveyed as fee estate.

Split Estates

- Fee, Land, Mineral, Oil & Gas.
- Split estates acquired from State, exchanges, acquisitions, donations, etc.
- Can create a split estate at conveyance by reserving, excluding, dedicating, etc.
- Mineral estate is dominant estate. Only has value if you can extract the minerals.
 - Mineral owner gets protection from being held for trespassing on the land.
 - Surface owner gets compensated for damage to the surface.

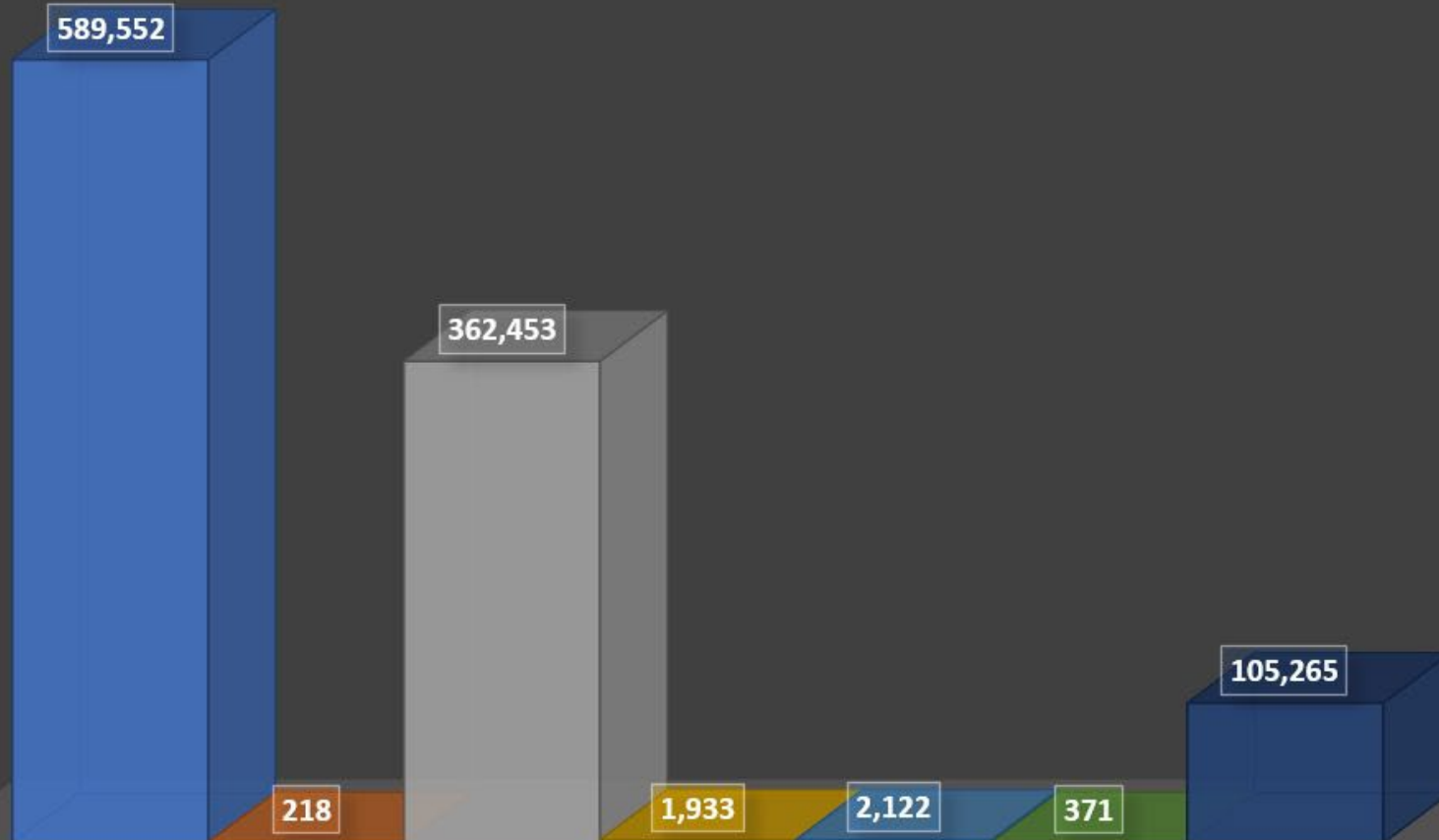


Trust Split Estate Acreage

SIMPLIFIED SPLIT ESTATE BREAKDOWN

■ Fee (Land & Mineral) ■ Land ■ Mineral ■ Coal, Oil & Gas ■ Fee, excl. Coal ■ Land, excl Sand & Gravel ■ Oil & Gas

Acres are approximate.

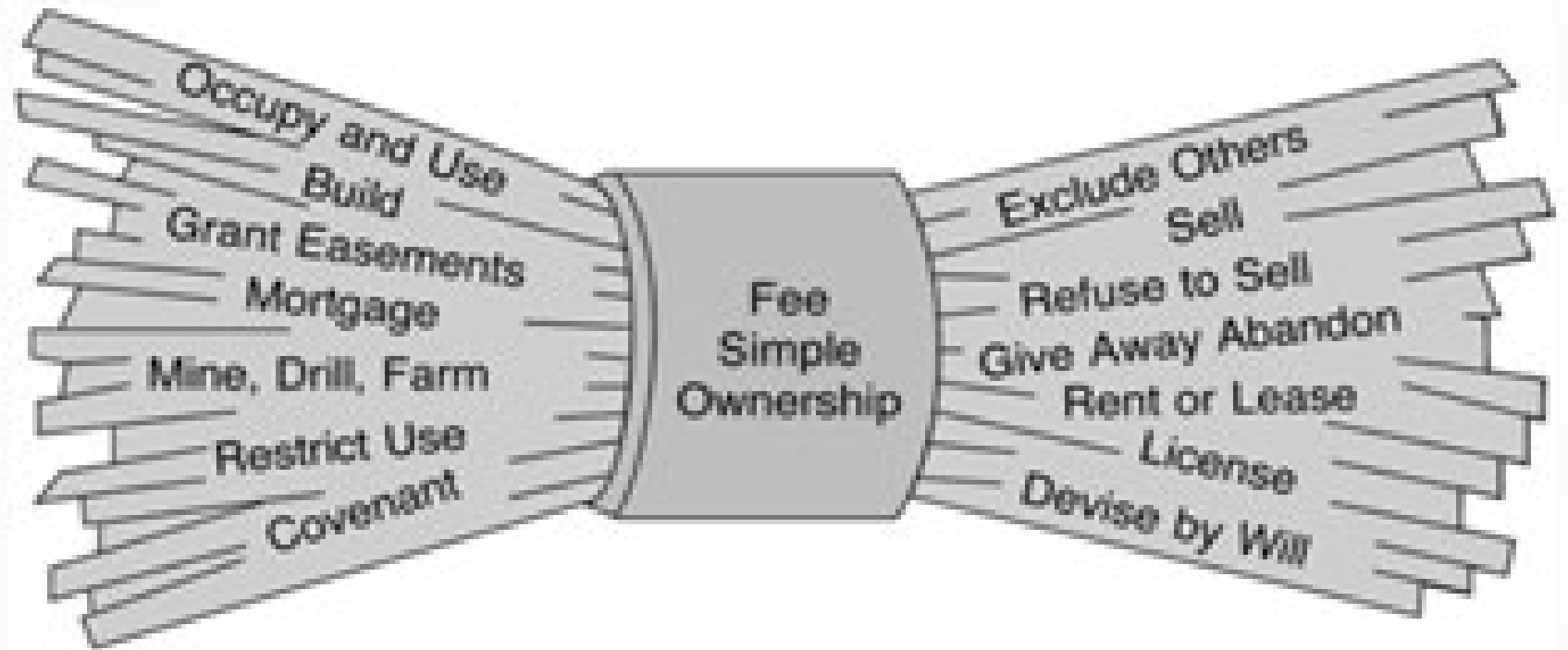




Bundle of Sticks

- A “bundle of sticks” - in which each stick represents an individual right. Any property owner possesses a set of “sticks” related directly to the land.
- Bundle of Rights
 - Right to Use or Include (easements, licenses, leases) but not to own the land.
 - Right to Exclude
 - Right to Transfer
 - Right to Possess

The Fee Simple Bundle of Rights



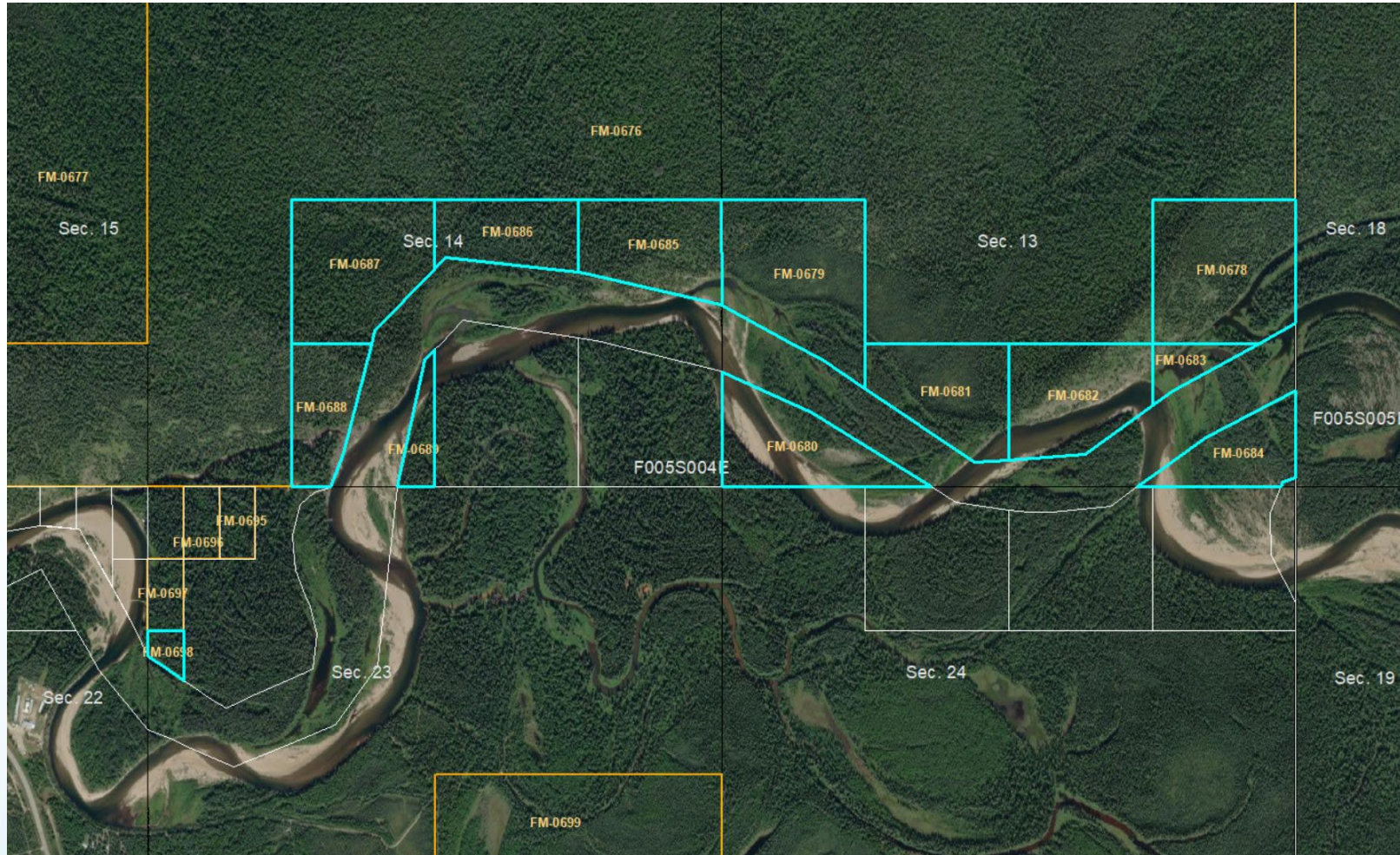
Real estate ownership is, in actuality, the ownership of rights to land. The largest bundle available for private ownership is called "fee simple."

Riparian Boundaries & Rights

- Riparian refers to moving waters like rivers, streams and creeks.
- Rights and obligations incidental to ownership of land adjacent to or abutting watercourses such as streams or rivers.
- Rights might include ownership of additional land deposited by the natural action of water. This action can increase the size of the property.
- Held in common with other riparian owners.
- Navigable vs non-navigable - ownership of the land under the water.
 - Navigable - ownership goes to MHW.
 - Non-navigable - ownership goes to centerline of channel.



Riparian Boundary Change Example





Littoral Boundaries & Rights

- Littoral land refers to land that is located next to a pooled body of water like a pond, lake, ocean, or sea.
- Rights and obligations that are incidental to ownership of land bordering a body of water.
- Landowners have unrestricted access to the waters but own the land only to the mean high-water mark.
- Shoreline residents must share the public trust area with their fellow citizens.
- Water rights are appurtenant, meaning they attach to the land and not to the owner.
- Like Riparian boundaries, littoral boundaries can change due to erosion, deposition, and tectonic activity.

Littoral Boundary Change Example





Other Natural Events

- Earthquakes, land settling or rising, landslides, etc.
- Vertical displacement generally does not affect title, unless near a water body and there are changes to the mean high water mark.
- In the event of a sudden earth movement the same rule applies as for a sudden change in a river's course; the same land belongs to the same owner.