

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

AHTNA, INCORPORATED, an)
Alaska corporation, and)
CHITINA NATIVE CORPORATION,)
an Alaska corporation, and)
the CHITINA TRADITIONAL)
COUNCIL, an Alaska Native)
village,)
)
Plaintiffs,)
)
vs.)
)
STATE OF ALASKA DEPARTMENT)
OF TRANSPORTATION AND PUBLIC)
FACILITIES,)
)
Defendant.)

Case No. 3AN-91-6957 CIV

ORDER ON MOTION FOR PARTIAL SUMMARY JUDGMENT

This court has reviewed the defendant's motion for partial summary judgment, opposition thereto and heard oral argument.

The court concludes that there are no genuine issues of material fact.

Partial summary judgment is hereby issued in favor of the defendant as follows:

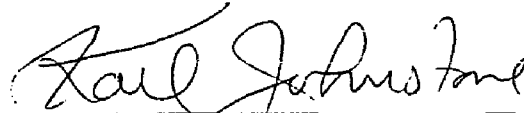
1. The State of Alaska acquired through quit-claim deed from the federal government a 300 foot wide easement through the lands which are the subject matter of the plaintiff's complaint. Said easement was among other things intended for use as a public highway. Plaintiff is not entitled to any damages or just compensation for the 300 foot right-of-way.

2. All claims for trespass against the defendant are inappropriate and hereby dismissed. Any remaining claims for

monetary award from defendant for use of plaintiff's lands shall be limited to a claim for just compensation under the doctrine of inverse condemnation. Plaintiff is not entitled to any monetary award for the 300 foot right-of-way.

3. Plaintiff's claims for punitive damages are inappropriate and hereby dismissed.

DATED at Anchorage, Alaska this 3rd day of April, 1992.



KARL S. JOHNSTONE
Superior Court Judge

I certify that on:

4-3-92
a copy of the above was
mailed to each of the
following at their
addresses of record.

A. Newby Ritar
Secretary/Clerk Dubrock
 AG-Rusch