

Trial held in Kenai August 27-28, 2009

- P4 - RS 2477 assertion without merit
- P4 - School land reservation moot
- P6 - Original Beach road (see Vicinity map 1957) apparent on aerial photos
- P6 - Same as road QCD'd by Omnibus deed
- P6 - Metes & Bounds conflict defer to Bound "to the beach" AS 9.25.040
- P7 - Lease subject to 60' ROW
- P8 - Since Statehood & before, ROW to beach existed and is 60' wide.
- P9 - Servient owner may make reasonable changes to easement if utility not lessened
- P9 - OSK merger argument incorrect - see summary order
- P10 - No abandonment
- P11 - Court finds road as a public highway 0.8 miles to guard shack
- P11 - Court finds roadway easement extends to beach
- P12 - Court finds beach road deeded by Omnibus "highway portion" & 60' ROW
- P16 - Court finds for prescriptive easement - no permissive use

7/9/09 - Summary Judgment issued

3/10/09 - JFB Report