

Mr. Landfield-

The following information is specific to your question regarding the Section Line Easement (SLE) identified on Tract B-1A (Plat No. 2007-85, and adjacent to Lot 37, Block 1, Campbell Lake Heights Subdivision (Plat No. 63-12).

- The above noted lots are 'private property'
- Lot 37, Block 1, Campbell Lake Heights is encumbered by a SLE
- A portion of the SLE which crosses Tract B-1A has been vacated by Plat No. 2007-85
- The vacated area (noted above) has a 'Public Pedestrian Access Easement' dedicated in its place

The mere existence of an easement does not convey to an individual the right to use said easement; there is a specific process required to do so. A private entity cannot legally enter another person's property without permission, even if an easement exists. In this case the above noted easements reserve to an appropriate government authority, such as the Municipality of Anchorage (MOA), State of Alaska Department of Natural Resources (DNR) and the State of Alaska Department Transportation (DOT) the legal right to make use these easements for specific public use.

You asked about building a trail across the above noted lots by making use of these easements to access Campbell Lake. In order to do so permits and authorization from MOA, DNR, and DOT would be required which would include submission of an application for an Improvement of Public Place Agreement, submission of engineering plans and approval of these plans at a minimum. Permits and authorization from MOA, DNR & DOT would be required to make use of the SLE which crosses Lot 37, Block 1, Campbell Lake Heights; Permits and authorization from MOA would be required to make use of the platted 'Public Pedestrian Access Easement' which crosses Tract B-1A.

Personal property rights are protected by the Fifth Amendment to the United States Constitution – any 'project' which would make use of these easements would need to rise to the level where it is in the best interest of the public.

Steve



Steven G. Schmitt, PLS, SR/WA

Municipal Surveyor

PM&E, Survey-ROW-Land Records

4700 Elmore Road, Anchorage, AK 99507