

From: [Reese, Jill \(DOT\)](#)
To: [Poydack, Joseph L \(DNR\)](#); [Jennings, Gerald D \(DNR\)](#)
Cc: [Hartig, Alan R \(DOT\)](#); [Feller, Ricky \(DOT\)](#); [Burton, Alban L \(DOT\)](#); [Bennett, John F \(DOT\)](#)
Subject: FW: Easement Compensation Practices
Date: Tuesday, August 27, 2013 3:48:54 PM

Hello Joseph:

You were cc'd on this email last week, but I wanted to touch base with you as well. Thanks for diving right in, but, without all systems in place, perhaps it is premature to mention in your letters about the possibility of charging fair market value. This issue will certainly take more discussion, perhaps with a broader circle of stake holders than we first thought.

I wanted to forward Marcus' comments on to the interested parties for input into the discussion.

Let me know your thoughts as well.

Thanks,

Jill Reese

Right of Way Agent III
State of Alaska
Department of Transportation & Public Facilities
907.269.0699
PO Box 196900, Anchorage, AK 99519-6900

From: Mueller, Marcus [mailto:MMueller@borough.kenai.ak.us]
Sent: Friday, August 23, 2013 2:23 PM
To: Mueller, Marcus; Reese, Jill (DOT)
Cc: Poydack, Joseph L (DNR); Scott Huff - Integrity Surveys Inc.; Best, Max
Subject: RE: Easement Compensation Practices

Attached

From: Mueller, Marcus
Sent: Friday, August 23, 2013 2:23 PM
To: 'jill.reese@alaska.gov'
Cc: 'joseph.poydack@alaska.gov'; 'Scott Huff - Integrity Surveys Inc.'; Best, Max
Subject: Easement Compensation Practices

Jill,

Thank you for taking the time to speak with me concerning the notion of requiring compensation of a land value as part of an easement vacation process. Attached is a copy of the letter that I was referring to during our discussion. I was pleased to hear that you planned to follow up with DNR to retract the statement indicating the compensation at FMV of the land may be required, as that will

relieve the concern in this case.

I also appreciated our conversation about discussions between DOT and DNR wherein adopting a practice to require compensation as part of easement vacation is being considered. The Kenai Peninsula Borough is an interested stakeholder in the subject matter, both as a land owner and a local platting authority.

Very briefly, as we discussed, although we have not been privy to the entire context of the conversation taking place at the State level, the Kenai Peninsula Borough is very alarmed by the idea of introducing a monetary compensation in the easement vacation process. While there may be certain statutes that provide DOT to partake in some general land management functions outside of the DNR land management framework, which include provisions for DOT to convey its fee interests for compensation, we caution that it should not be confused with easement or right-of-way vacations. Generally instituting such a practice could be contrary to law and subversive to easement/right-of-way vacation process in a variety of ways.

Myself or other representatives of the Kenai Peninsula Borough would be happy to participate in future discussions on this matter if it continues to be pursued by DOT and/or DNR in an effort to further voice some of the concerns that might arise.

Again, thank you for your time on this matter and for your quick response to our concerns.

Regards,

Marcus A. Mueller
Land Management Officer
Kenai Peninsula Borough
907.714.2204
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