

**STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER**

**Preliminary Decision  
Petitioners: Brian Wilson  
Section Line Easement Vacation**

**EV-3-397**

**Petitioned Action:**

EV 3-397 is located in Houston, Alaska. It is approximately 1.5 miles east of the Parks Highway near milepost 56 and 500 feet northeasterly of Bear Paw Lake at the intersection of W. King Arthur Drive and W. Twiddle Dee Circle. The petitioned action consists of vacating those portions of the two 33-foot wide (66-foot total) section line easements (SLEs) lying on each side of the north-south section line common to Sections 25 & 26, within Lot 9, Block 15, Enchanted Forest Subdivision, Plat No. 71-50, Palmer Recording District (PRD). The proposed alternate access is W. King Arthur Drive which adjoins the western boundary of the subject parcel. This action falls within the W½SW¼ of Section 25 and the E½SE¼ of Section 26, T18N, R3W, S.M., Alaska as depicted on Attachment A.

The reason for the easement vacation cited by the applicant is: “the land is useable within the [section line] easement.”

**Legal Authority**

AS 38.05.035(e), AS 38.05.945, 11 AAC 51.065, AS 19.10.010, 11 AAC 51.025, 11 AAC 51.100 and AS 19.30.410.

**Administrative Record:**

The Department of Natural Resources (DNR) Survey Case File EV-3-397 constitutes the administrative record used for the basis of this decision.

**Borough:**

The proposed action is located within the Matanuska-Susitna Borough (MSB).

**State Easement Interest:**

Two 33-foot wide RS 2477 section line easements exist within the subject property pursuant to Chapter 19, SLA 1923 and AS 19.10.010 (See Discussion).

**Underlying Interest:**

The petitioner owns the estate underlying the two 33-foot section line easements proposed for vacation.

**Alternate Route:**

The proposed alternate access is via W. King Arthur Drive, a dedicated 80-foot wide right-of-way (ROW), which abuts the southwesterly boundary of Lot 9, Block 15, Enchanted Forest Subdivision

(Plat No. 71-50, PRD), No Name Hill Road, a dedicated 80-foot wide ROW, and access via those remaining portions of the SLEs along the north-south section line common to Sections 25 & 26, T18N, R3W, S.M., Alaska.

**Land Management Policies:**

1) Pursuant to AS 19.30.410 the Department of Natural Resources, the Department of Transportation and Public Facilities, or another agency of the state may not vacate a right-of-way acquired by the state under former 43 U.S.C. 932 unless:

- a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses.

2) Pursuant to 11 AAC 51.065, before any vacation, modification, or relocation of a public easement, the petitioner must demonstrate to the satisfaction of the department that equal or better access is available. Equal or better access must be access that is:

- protected by an easement of record that is adequately wide for the purpose; if the easement of record is new, the petitioner must arrange for a note in the vacation document to be recorded that identifies the new easement as a replacement for the vacated easement; and,
- at least equally usable, considering length, type of terrain, and level of improvement, as the easement to be vacated; if development or improvement is needed to make the replacement easement at least equally usable, the petitioner must arrange for the development or improvement to be completed before the vacation takes effect.
- The Department will determine if the vacation is in the State's best interest.

**Public Use Patterns:**

A field inspection was conducted on October 8, 2024. DNR staff verified the two subject SLEs are both partially cleared. A primary dwelling has been constructed within both section line easements in the approximate center of the lot. In addition to the dwelling, there are various items stored within the SLEs. The general public does not appear to be utilizing the SLEs for pedestrian, ATV, or vehicular travel of any kind.

**Practicality of Use:**

The alternate route, W. King Arthur Drive, abuts the southwesterly boundary of Lot 9, Block 15, Enchanted Forest Subdivision (Plat No. 71-50, PRD). W. King Arthur Drive is constructed and maintained by the Matanuska-Susitna Borough. Access within the vicinity is via the use of this constructed road. The proposed easement vacation will not adversely affect land in other ownership, nor will it negatively impact public access in this area.

**Agency Review:**

Initial Agency review of the proposed action began on December 5, 2024, and concluded March 24, 2025. Agencies notified included Department of Transportation & Public Facilities (DOT&PF) Central Region, Alaska Department of Fish and Game (ADF&G), DNR Division of Mining, Land and Water – Southcentral Regional Land Office (SCRO), Alaska Mental Health Trust Land Office (MHTLO), DNR Division of Parks and Outdoor Recreation (DPOR) and Matanuska-Susitna Borough (MSB).

**Agency Comments:**

1. The following Agencies submitted comments of non-objection: DPOR, ADF&G, DOT&PF, and the SCRO.
2. DOT&PF submitted a non-objection stating: "Typically, DOT&PF would recommend a keyhole vacation around the existing house. However, in this case the section line easement covers a substantial amount of the lot in question. For this reason, along with the existing adjacent platted subdivision roads, DOT&PF DOES NOT object to this vacation."
3. No other comments or objections to the proposed section line easement vacation action were received.

**Discussion:**

1. Determination of the existence of section line easements:
  - a. The lands in Section 25 underlying the SLE proposed to be vacated were conveyed into private ownership by Serial Patent No. 1125197, which granted the SW $\frac{1}{4}$  of Section 25, Township 18 North, Range 2 West, Seward Meridian, to James Clare Ellis on April 4, 1949. The date of entry (application filed) according to the Bureau of Land Management (BLM) Case Abstract for Case Serial No. AKA 011664 was September 29, 1947.
  - b. The lands in Section 26 underlying the SLE proposed to be vacated were conveyed into private ownership by Patent No. 50-66-0244, which granted the E $\frac{1}{2}$ E $\frac{1}{2}$  of Section 26, T18N, R2W, SM, to Howard Elmer Yates on December 17, 1965. The date of entry (application filed) according to the Bureau of Land Management (BLM) Case Abstract for Case Serial No. AKA 047161 was January 19, 1959.
  - c. The U.S. Rectangular Survey Plat for Township 18 North, Range 3 West, Seward Meridian, Alaska, was approved by the U.S. Surveyor General's Office on December 4, 1915.
  - d. Historical Index Research determined:
    - i. Executive Order (EO) No. 2217, issued on June 22, 1915, titled "Alaska Timber Reserve No. 1" reserved the timber on the subject land for use in connection with the government railroad, "provided, that said timber reservation shall not prevent the location, settlement, or entry under the public land laws applicable to the Territory of Alaska." Under "Susitna Valley," this EO reserved the timber on "a tract of land five miles wide on each side of the proposed right of way for the government railroad, beginning at the junction of the main line with the Matanuska branch line, and extending along and through the Susitna Valley to Broad Pass." The subject land is within 5 miles of the railroad. This EO reserved the timber on the subject land, but the underlying land was still unreserved and open to entry.
    - ii. There were no other Federal Actions that impacted the subject lands associated with this easement vacation action prior to April 6, 1923. On April 6, 1923, the subject lands were unreserved and surveyed federal lands, Ch. 19 SLA 1923, the first section line easement law in Alaska, was passed, and a 33-foot RS 2477 section line easement attached to both sides of the subject section line.
  - e. Enchanted Forest Subdivision, recorded as Plat No. 71-50, in the Palmer Recording District, depicts a 66-foot wide road easement that runs from the southwesterly boundary through the northeasterly and northwesterly boundaries of the subject lot. The 66-foot wide road easement is centered along and follows the North-South section line common to Sections 25 & 26, T18N, R3W, S.M., Alaska.
2. For surveyed land owned by the Territory of Alaska at any time on or after April 6, 1923 through Jan. 17, 1949, or for surveyed federal land that was unappropriated and unreserved at any time

during that period, the width identified in Ch. 19, SLA 1923 for any section-line easement is 33 feet.

3. Pursuant to 11 AAC 51.065(e)(1), the Department will give consideration to the recommendations of the MSB Platting Board regarding this action when a copy of the Approved Minutes are received at DNR.

**Approval of the proposed action is contingent upon the following conditions:**

1. Pursuant to AS 38.05.945, a Public Notice must be completed. The Department of Natural Resources may modify the decision after analyzing public comments.

2. Comply with Matanuska-Susitna Borough's conditions of approval unless waived by the Director, DMLW.

3. A final plat (owner signed / surveyor sealed Mylar) must be submitted to DNR within two years from the date of approval of the Final Finding and Decision unless extended by DMLW, Survey Section.

4. Submittal of a Certificate to Plat, current within 90-days, with the final plat.

**Recommendation:**

Based on our findings, the applicant meets DNR's requirements to vacate the subject section line easements. The proposed vacation may be in the state's best interest. Therefore, the Division of Mining, Land and Water, Survey Section recommends approval of this action and may proceed with adjudication and public notice in accordance with AS 38.05.945.

Prepared by:

Victoria Braun  
Victoria Braun, Adjudicator  
Natural Resource Specialist 2

10/10/2025  
Date

Approved by:

Ryan Quigley  
Ryan Quigley, PLS, CFEDS  
for Gwen M. Gervelis, PLS  
Chief, Survey Section

10/10/25  
Date

Enclosures: Attachment A

**PUBLIC NOTICE:**

**Notice of Preliminary Decision  
Section Line Easement Vacation  
EV-3-397**

Per 11 AAC 51.065, the Department of Natural Resources, Division of Mining, Land and Water has made a Preliminary Decision (PD) giving contingent approval to a petition to vacate portions of the two 33-foot section line easements (66-foot total) within Lot 9, Block 15, Enchanted Forest Subdivision, Plat No. 71-50, Palmer Recording District (PRD). The proposed alternate access is W. King Arthur Drive which adjoins the western boundary of the subject parcel. This action falls within the W½SW¼ of Section 25 and the E½SE¼ of Section 26, T18N, R3W, S.M., Alaska, as depicted on Attachment A.

The public is invited to comment on the PD. Copies are available from DMLW, 550 W. 7<sup>th</sup> Avenue, Suite 650, Anchorage, AK 99501-3576 or <https://aws.state.ak.us/OnlinePublicNotices/>. Persons wanting to provide comments on this proposed easement vacation can **submit their comments in writing or by e-mail. To be eligible to appeal under AS 38.05.035(i)(j), one must respond in writing during the comment period. All comments must be received in writing at DMLW on or before November 10, 2025.** Correspondence or questions should be addressed to DNR, DMLW, Survey Section, Attn: Victoria Braun, 550 W. 7th Ave., Suite 650, Anchorage, Alaska 99501. Comments may also be submitted via e-mail at [victoria.braun@alaska.gov](mailto:victoria.braun@alaska.gov). Please refer to EV 3-397 in your correspondence, include the date, your name, telephone number, mailing and e-mail address to ensure you receive copies of all subsequent decisions.

If public comment in response to this notice indicates the need for significant changes to the Preliminary Decision, additional public notice will be given. If no significant change is required, the PD, including any minor changes, will be issued as a Final Finding & Decision.

DMLW reserves the right to waive technical defects in this publication.

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