

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

**FINAL FINDING & DECISION
EV 3-359**

**Petitioners: Municipality of Anchorage and CY Investments, LLC
Section Line Easement Vacation**

This Final Finding & Decision compliments and confirms the attached Preliminary Decision (PD) approved on September 29, 2025. There has been one modification due to a technical defect identified in the Preliminary Decision. The PD stated the section line easements (SLE) proposed for vacation as being in Tracts 1, 2, and 5 of Holtan Hills Subdivision, Plat No. 2024-18, Anchorage Recording District (ARD). The SLEs are actually in Tracts 1, 4 and 5. This tract typo is the only modification. No other changes have been made to the PD.

PETITIONED ACTION:

The proposed action consists of vacating portions of the section line easements (SLEs) within Tracts 1, 4, and 5, Holtan Hills Subdivision, Plat No. 2024-18, Anchorage Recording District (ARD), along the North-South running section line common to protracted Sections 8 & 9, T10N, R2E, S.M., Alaska. This action falls within the E½E½ of Section 8 and the W½W½ of Section 9, T10N, R2E, S.M., Alaska, as depicted on Attachment A. It should be noted, the portion of the SLE in Tract A1A, Girdwood Elementary School Subdivision, Plat No. 2014-15, ARD within Section 8 is not included in the proposed vacation for EV 3-359.

Legal Authority:

AS 38.05.035(e), AS 38.05.945, 11 AAC 51.065, 11 AAC 51.025, 11 AAC 51.100, AS 19.10.010, AS 38.05.127 and AS 19.30.410.

The Alaska Department of Transportation and Public Facilities (DOT/PF) and the Department of Natural Resources (DNR) have concurrent authority for approving the vacation of section-line easements.

PUBLIC NOTICE AND COMMENT:

Public Notice of approval of the PD, pursuant to AS 38.05.945, was posted from September 29, 2025 through October 29, 2025, on the State of Alaska Online Public Notice web site. Copies of the PD were sent to the Petitioner, the surveyor and to the state agencies listed below under Agency Review and Comments.

AGENCY REVIEW AND COMMENT:

Agency Review was conducted prior to issuance of the PD and concurrent with public notice. State agencies notified included Department of Transportation and Public Facilities (DOT&PF) Central Region Office, Alaska Department of Fish and Game (ADF&G), DNR Division of Mining, Land and Water – Southcentral Regional Land Office (SCRO), DNR Division of Parks and

Outdoor Recreation (DPOR), DNR Mental Health Trust Land Office (MHTLO) and the Municipality of Anchorage (MOA).

Agency Comments:

Agency Review comments and responses were received as follows:

1. The following Agencies submitted non-objection comments: DPOR (9/12/22), MHTLO (9/13/22), DOT&PF (9/27/22), and ADFG (10/10/22).
2. On 11/27/23, DNR's SCRO submitted an e-mail objecting to this action, stating:

“Thank you for the opportunity to comment on EV 3-359. As proposed, our office objects to this vacation, as the access provided to Glacier Creek via the Section Line Easement is proposed to be vacated with no suitable alternative access proposed.”

3. On January 12, 2024, an updated proposal was submitted calling attention to four alternate Glacier Creek public access easements. There were four easements identified in the updated proposal. The first is the 200-foot public access easement identified along both sides of the ordinary high water (OHW) mark of Glacier Creek as noted on Plat No. 84-446 (note #14) and Plat No. 2024-18 (note #12), ARD. The second easement is a 50-foot easement along the OHW mark of Glacier Creek, reserved in State Patent No. 9296, Book 1662, Page 0434, A.R.D. The third is a 60-foot easement providing public access to Glacier Creek as outlined in Document No. 2009-074171-0, ARD. The fourth route highlighted in the updated proposal is the remaining 50-foot section line easement in section 8 within T10N, R2E, S.M. It should be noted, if this easement vacation proposal is successful, the portion of the SLE in Tract A1A, Girdwood Elementary School Subdivision, Plat No. 2014-15, ARD. is not included in this proposed action.
4. DNR's SCRO Manager continued to have Glacier Creek access concerns after receiving the proposal outlined in #3 above. On February 9, 2024, an amendment to the January 12, 2024 proposal came in. This amendment proposed an additional 100-foot Public Use Easement (PUE) above the NNE boundary of Tract 3 of Holtan Hills Subdivision, Plat No. 2024-18. The 100-foot easement would connect Crow Creek Road to the Public Access Easement along Glacier Creek.
5. On November 12, 2024, SCRO sent a message to the petitioners inquiring as to the following:
“Can you remind me why the proposed [25-foot] trail was not depicted on Plat 2024-18 that recorded earlier this year [May 2, 2024]? As discussed, I think this new route goes a long way in alleviating SCRO's concerns, though a reduction from the full SLE width down to 25 feet does give me a bit of pause.”
6. A response came back from the petitioner on November 14, 2024 stating:
“The trail was not on the plat because it was not on the parcel that was being replatted [Holtan Hills Subdivision, Plat No. 2024-18, ARD], and it [Tract A1A, Girdwood Elementary School Subdivision, Plat No. 2014-15, ARD] is under Anchorage School District management authority, but it is still an MOA Real Estate

parcel, if that makes sense. We intend to record the trail as an Intergovernmental Permit (IGP), because we cannot issue ourselves easements. The trail is under a powerline, and has been in existence for many decades, but has never been surveyed. We already have a letter of non-objection from the power company, and are moving forward with surveying. We don't need more than 25' for a pedestrian trail, that is the preferred width for the department that maintains the trail. The ROW through the subdivision will be 60' and would serve as the replacement vehicular and utility access. There will also be a pedestrian path (either a separated trail or sidewalk) along the ROW. Let me know if you have any other questions."

7. On January 30, 2025, the petitioner sent in the non-objection letter from Chugach Electric regarding this action. Chugach Electric's letter specified:
"The Municipality of Anchorage's (MOA) Project Management & Engineering Right of Way Acquisition Section is planning to acquire a trail easement, approximately 25' wide, across portions of Tracts E1, E2, and A1A, Girdwood Elementary School Subdivision, to allow pedestrian access to Girdwood Elementary School from Crow Creek Road. This trail easement would encompass a decades-long existing social trail that encroaches into the 20-foot wide CEA Telecommunications & Electrical (T&E) easement, created by Book 531 Page 873. To acquire the trail easement, MOA protocol is to request a letter of non-objection from the utilities to allow the owner of the properties, MOA, to better manage and maintain this existing social trail."
8. An updated petition was submitted on February 25, 2025, referencing the new legal descriptions created by Holtan Hills Subdivision, Plat 2024-18, ARD. The 100-foot PUE along the boundary of Tract 3 was not included on this updated petition.
9. May 23, 2025, an updated Agency Review Comment was requested from the SCRO based on the updated petition submitted in February 25, 2025.
10. June 3, 2025, SCRO submitted an updated comment based on the updated petition stating "After reviewing the updated attachment, SCRO does not object to EV 3-359."
11. No other comments or objections to the proposed EV action were received.

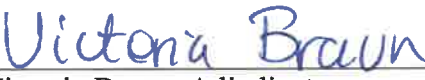
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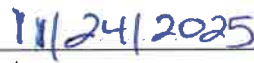
1. The proposed alternate access meets the requirements for vacation of the subject section line easement pursuant to AS 19.30.410 and 11 AAC 51.065. The proposed alternate route is equally useable, protected by an easement of record, is adequately wide to satisfy all present and reasonably foreseeable uses. Continued access to other nearby adjacent lands is not affected by this decision. No reasons were presented during the agency or public review that require retention of the portions of section line easements proposed for vacation.
2. Pursuant to 11 AAC 51.065(e) (1), the department has given consideration to the recommendations of the MOA.

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

1. Dedicate a 60' right of way originating off of Crow Creek Road within Tract 2 of Holton Hills Subdivision Plat 2024-18, Anchorage Recording District (ARD), continuing through Tract 1 of the same plat proceeding on through Tract A1A of Plat 2014-15 ARD and terminating at Hightower Road.
2. Dedicate a 25' pedestrian easement originating off Crow Creek Road primarily routed through Tract E1 of Plat 95-35, ARD continuing near Girdwood Elementary School on Tract A1A of Plat 2014-15 ARD ultimately connecting with Hightower Road.
3. Comply with Municipality of Anchorage's conditions of approval for these partial section line easement vacations. The Municipality of Anchorage Platting Board approved this action during their November 2, 2022, Platting Board meeting.
4. A final EV 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.
5. Submittal of a Certificate to Plat, current within 90 days, with the final plat.

Prepared By:


Victoria Braun, Adjudicator
Natural Resource Specialist 2

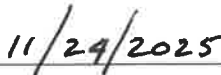

Date

FINAL DECISION:

The finding presented above has been reviewed and considered. The requirements of all applicable statutes and regulations have been satisfied. It is the finding of the Director, Division of Mining, Land and Water, that it is in the best interest of the State of Alaska and the public, and that I hereby approve the proposed action.

Approved By:


Gwen M. Gervelis, PLS
Chief, Survey Section


Date

APPEAL PROVISION:

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to

the Commissioner before seeking relief in superior court. The Alaska Courts System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available online at the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.