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

Preliminary Decision
Petitioners: Aileen Kane
Section Line Easement Vacation
EV 3-412

Petitioned Action:
EV 3-412 is located in Wasilla, Alaska, approximately 3,300 feet westerly of Hart Lake, at the intersection of N. Wasilla-Fishhook Road and N. Wildwood Drive. The petitioner is requesting to vacate a portion of the 50-foot section-line easement (SLE) in Lot 1, Block 3, Foxwood Subdivision Addition No. 1, Plat 79-324, Palmer Recording District (PRD), located within the SE¼ of Section 18, T18N, R1E, Seward Meridian, Alaska. The subject lot is triangular, with straight north and east lot lines and a western lot line that curves northwesterly along N. Wildwood Drive. The segment proposed for vacation lies along the east lot line, which is approximately 353 feet long, and coincident with the section line. The vacation area measures 263-feet by 50-feet, resulting in a 13,150-square-foot area proposed for vacation lying entirely within the boundary of the subject lot. The Department of Transportation & Public Facilities (DOT&PF) will retain the south portion of the SLE which fronts the intersection of N. Wasilla-Fishhook Road and N. Wildwood Drive (see **Agency Review** section of this Preliminary Decision [PD]); this portion is excluded from the SLE vacation action. Proposed alternate access is via N. Wildwood Drive, a 60-foot right-of-way (ROW), north to E. Highwood Drive, a 50-foot ROW, both dedicated by Foxwood Subdivision Addition No 1, Plat 79-324, PRD, as shown on Attachment A.

The reasons for the easement vacation cited by the applicant:

- "We would like to build a shop to the east of our existing house. With the ROW setback and the 50' SLE there is no room to the east for the shop."

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 3-412 constitutes the administrative record used for the basis of this decision.

Scope of the Decision:
Landowners in the State of Alaska have the right to petition the State of Alaska to vacate State managed easements that fall within the boundaries of their property. The scope of this section line easement (SLE) vacation decision is strictly limited to the portion of the 50-foot SLE designated to be potentially vacated in relation to the proposed alternate access listed by the petitioner. 11 AAC 51.065 defines the minimum requirements to meet the State's standards to qualify as alternate access. The criteria to meet acceptable alternate access is stated in this PD under the **Land Management Policies** section. The existence of the SLE is outlined in the

Discussion section of this PD, confirming the State's interest in this SLE. As in a majority of easement vacation cases, this State of Alaska SLE interest is entirely located on private property.

The State's interest in the referenced SLE is proposed to be perpetually relinquished if the alternate access is deemed to meet the requirements as defined in 11 AAC 51.065. The proposed segment of the SLE vacation will permanently eliminate the stated segment of the SLE. The public will then rely on the alternate access route as outlined in the **Alternate Route** section of this decision.

AS 38.05.035 (e)(1)(A) and (B) limits the written decision(s) to applicable statutes and regulations as they apply this easement vacation action.

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

State Easement Interest:
The 50-foot wide section line easement exists within the subject property pursuant to AS 19.10.010 (See **Discussion**).

Underlying Interest:
The petitioner owns the estate underlying portion of the 50-foot section line easement proposed for vacation. This SLE is not located on land that is in State ownership.

Alternate Route:
The petitioner proposes that the public utilize N. Wildwood Drive, a 60-foot right of way (ROW), to travel northwest then continue east along E. Highwood Drive, a 50-foot ROW, as the alternate access route. E. Highwood Drive reconnects with the north-south running 50-foot section line easement approximately 1,217 feet north of the portion proposed for vacation. Both alternate ROWs were dedicated by Plat 79-324, PRD. This partial vacation will not negatively impact access to other lots or lands within the general vicinity.

Land Management Policies:
1) 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.
- access between the same destinations as the R.S. 2477 right-of-way, for an R.S. 2477 right-of-way other than a section-line easement;
- The Department will determine if the vacation is in the State's best interest.

Public Use Patterns:
A field inspection was conducted by DNR Staff on November 24, 2026. As noted in the **Petitioned Action** section of this PD, this is a residential lot. The 50-foot subject SLE proposed to be vacated has not been constructed or cleared. There are several trees growing in the SLE area which measure upwards of twenty feet high. The area of the SLE proposed for vacation measures approximately 263-feet by 50-feet, resulting in vacating a 13,150 square foot area. The general public is not utilizing the 50-foot SLE proposed to be vacated in any capacity. There was no evidence of vehicle, ATV, or pedestrian use of the SLE. The landowners are the only party currently utilizing a small portion of the SLE. A moveable connex is partially encroaching the SLE. Otherwise, the vegetation and trees are undisturbed within the SLE area. One item of note is there is a cable TV pedestal within the SLE. The pedestal falls within the area the State will be retaining. On September 18, 2026, the following utility companies submitted non-objections to this proposed EV action: Enstar Natural Gas Company, Matanuska Telephone Association, General Communications Incorporated and Matanuska Electric Association, Inc.

Practicality of Use:
The current state of the SLE proposed to be vacated is uncleared and unconstructed. The current state of the two streets that comprise the alternate access routes are both cleared, constructed and well maintained. The alternate access route roads are equal or better with regard to the ROW widths compared to the 50-foot SLE width of the segment proposed to be vacated. N. Wildwood Drive is greater in width, measuring 60-feet wide, and N. Highwood Drive is equal in width, measuring 50-feet wide. The distance from the SLE to N. Wildwood Drive ranges from 24-feet to approximately 233-feet west, due to the curvature of the west property boundary. Based on our observation during the field inspection, the grades of the two alternate access ROWs compared to the segment of the SLE proposed to be vacated are for the most part equal. Access to adjacent parcels will not be diminished by this easement vacation action. Thus, it will be more practical for the general public to travel 1,256-feet northwesterly using N. Wildwood Drive to E. Highwood Drive, then continue east on E. Highwood Drive for approximately 337-feet where the ROW reunites with the remaining portion of the north-south running SLE in Section 18, T18N, R1E, Seward Meridian, Alaska. The junction where E. Highwood Drive reunites with the SLE is approximately 1,217-feet north of the subject SLE proposed to be vacated. The section line easement segment proposed to be vacated will not adversely affect land in other ownership or access to other lands. The public is already using the established alternate access routes to travel in this neighborhood. The length, width, and type of terrain of the alternate access routes qualify as equal or better access options than the SLE area proposed to be vacated.

Agency Review:
Initial Agency review of the proposed action began on January 8, 2026, and concluded on October 26, 2026. Agencies notified included the Department of Transportation & Public Facilities (DOT&PF) Southcentral Region, Alaska Department of Fish and Game (ADF&G), DNR Division of Mining, Land and Water – Southcentral Land Office (SCRO), Alaska Mental Health Trust Land Office (MHTLO) and DNR Division of Parks, Outdoor Recreation (DPOR) and MSB. The surveyor solicited comments from the following utility companies for this proposed EV action: Enstar Natural Gas Company, Matanuska Telephone Association, General Communications Incorporated and Matanuska Electric Association, Inc.

Agency Comments:

1. The following agencies submitted non-objections: DPOR, MHTLO, and ADF&G.
2. On February 3, 2026, our office received an objection from DOT&PF. The objection letter was dated January 27, 2026. DOT&PF's objection stated:
   "DOT&PF objects to this vacation for the reason listed below:

   A Primary Intersection is proposed at N. Wasilla Fishhook Road and E Pamela Drive on the Mat-Su Official Streets and Highways Plan (OSHP). This intersection may very well include the need for a portion of the Section Line Easement that is being requested to be vacated."
3. On March 3, 2026, DNR's SCRO submitted a conditional approval stating
   " SCRO has no objection to the proposed easement vacation provided that the petitioner, in coordination with their surveyor, works directly with DOT&PF to determine the width and location of the section line easement area needed to accommodate future road expansion. Any portion of the section line easement identified by DOT&PF as necessary for present or future transportation needs must be retained. Vacation of any remaining portions may procced once DOT&PF confirms their requirements."
4. On March 27, 2026, the surveyor for EV 3-412, Dayna Rumfelt with Lavender Survey and Mapping, reached out to DOT&PF in order to negotiate a compromise that worked for all parties. The original EV proposal was for the entire 353-foot length of the SLE within Lot 3 Block 1 of Plat 79-324. The amended proposal was to vacate the north portion to the easement leaving 50-75 feet of the SLE for future road development. Thus, DOT&PF would retain the 50-75 feet of the subject SLE adjacent to Wasilla Fishhook Road.
5. On April 1, 2026, DOT&PF offered a counter proposal. DOT&PF stated the following:
   "We discussed the idea of retaining a portion of the SLE on the south-end and vacating the northern portion at our plat meeting today. The group decided that a vacation of the northern portion of the SLE to allow construction of a shop wouldn't necessarily affect future transportation needs. However, they would like an easement area similar to the one below be created for any potential road/intersection expansion. Generally, about 100' of north-south SLE, and then perpendicular over to the ROW of Wildwood Drive. That should exclude most of the existing driveway and cause little impact to the current use of the lot while also allowing for future expansion within the SLE area.

   The area shown would also include a minimal amount of the property [315.3 square feet] that is currently unencumbered by the SLE as a "trade" for the portion being vacated. Vacating public right of way without any benefit or exchange isn't usually something we like to accept, as its not in the best interest of the public at large. However, in this case there isn't much of an option for exchanging areas that would be viable for any transportation use, so even just the minimal expansion of the current 50' width to something like ~70' at the widest point would probably be in the best interest of both parties.
6. On April 9, 2026, the surveyor, Dayna Rumfet contacted DOT&PF with the following counter proposal to the 100-foot suggested easement stating:
   "Attached is a counter proposal to the 100' suggested easement. As you can see on the attached drawing a 100' easement would go through the middle of the driveway. It looks like 90' will intersect the driveway at the southwest property line. I do not believe it is

ADOT's intent to bisect the driveway and am hoping to keep the easement outside of the existing driveway. Please let me know if this counter proposal is acceptable."

7. On April 14, 2026, DOT&PF indicated the April 9, 2026 proposal was acceptable to DOT&PF.
8. The Survey Section of DNR was notified on April 14, 2026 that DOT&PF no longer objected to EV 3-412 as amended.
9. On September 18, 2026, the following utility companies submitted non-objections to this EV action: Enstar Natural Gas Company, Matanuska Telephone Association, General Communications Incorporated and Matanuska Electric Association, Inc.
10. MSB submitted a non-objection stating "Matanuska-Susitna Borough Platting Division and Planning Department do not object to the revised Section Line Easement vacation request, as detailed in "Attachment A", EV 3-412, as shown on a preliminary plat by Lavender Surveying & Mapping, dated 4/17/2026. Retaining all portions of the Section Line Easement that is encompassed on the MSB OSHP would be required for MSB Platting Division and Planning Department's continued non objection."
11. There were no other comments or objections for the section line easement proposed to be vacated during the Agency Comment period.

Discussion:

1. Determination of the existence of the section line easements:
   a. The Rectangular Survey Plat for Township 18N, Range 1E, Seward Meridian was approved by the U.S. Surveyor General's Office on April 2, 1915.
   b. The lands underlying Section 18, Township 18N, Range 1E, Seward Meridian, Alaska were conveyed to the State of Alaska by Bureau of Land Management (BLM) Serial Patent Number 1228390 on September 4, 1962. The date of entry (application filed) according to the case file abstract for BLM case file A054943 was June 23, 1961.
   c. For surveyed or unsurveyed land owned by the State on or after July 1, 1960, the width, as identified in AS 19.10.010, is 50-feet (11 AAC 51.025, Editor's Note #7).

2. The proposed alternate access is an improvement when compared to the SLE portion proposed for vacation. The alternate access routes meet the requirements for vacation of the subject portion of the SLE discussed in this decision pursuant to 11 AAC 51.065. The proposed alternate access routes are equal in width or wider than the current SLE. The proposed alternate access routes are already in frequent use by the public. The proposed alternate access is preferred for accessing local properties because it is dedicated and provides a superior level of improvement (cleared, maintained, and paved) in comparison to the undeveloped and uncleared SLE portion proposed to be vacated.

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. This confirmation will be verified before this action is approved by DNR.

4. The best interest of the State would be served by moving forward with the easement vacation proposal serialized as EV 3-412. Moving forward with EV 3-412 would consolidate and clarify access rights in the area for the public. This results in bringing access in line with actual current public use as supported by the local borough.

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. The south portion of the SLE fronting the intersection of N. Wasilla Fishhook Road and N. Wildwood Drive is to be retained in State ownership per DOT&PF's **Agency Comment** negotiation conditions, as depicted on Attachment A. This portion of the SLE is to be excluded from the easement vacation action of EV 3-412.

4. Dedicate the 315.3 square foot area that abuts the retained SLE portion as a ROW easement, per DOT&PF's **Agency Comment** negotiation conditions, as depicted on Attachment A.

5. A final plat (owner signed / surveyor sealed Mylar), depicting the easement area being vacated as well as the alternate access, 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.

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

Recommendation:

DMLW has completed a review of the information provided by the petitioning party, researched the section line easement interest, reviewed land ownership, taken agency comments into consideration, and examined the alternate access. Based on our findings, the applicant meets DNR's requirements to vacate the subject section line easement. 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 — 11/2/2026

Victoria Braun, Adjudicator
Natural Resource Specialist 2

Date

Approved by:

Gwen M. Gervelis — 11/2/2026

Gwen M. Gervelis, PLS
Chief, Survey Section

Date

Enclosures: Attachment A

PUBLIC NOTICE:

Notice of Preliminary Decision
Section Line Easement Vacation
EV 3-412

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 a portion of the 50-foot section-line easement (SLE) in Lot 1, Block 3 of Foxwood Subdivision Addition No. 1, containing 64,356 square feet (1.48 acres) according to Plat 79-324, Palmer Recording District (PRD). The 50-foot section line easement proposed to be vacated falls in the SE¼ of Section 18, T18N, R1E, Seward Meridian, Alaska. The length of the 50-foot SLE segment proposed to be vacated is approximately 263-feet by 50-feet, resulting in vacating a 13,154 square foot area that falls entirely within the boundary of Lot 1, Block 3, Foxwood Subdivision Addition No. 1, Plat 79-324. Note, the Department of Transportation & Public Facilities (DOT&PF) will be retaining the portion of the 50-foot SLE adjacent to N. Wasilla-Fishhook Road. The portion being retained by DOT&PF measures 90-feet by 50-feet (See Agency Review section of PD). The proposed alternate access is N. Wildwood Drive, a 60-foot ROW, and E. Highwood Drive, a 50-foot ROW, both dedicated by Plat 79-324, PRD, as shown on Attachment A.

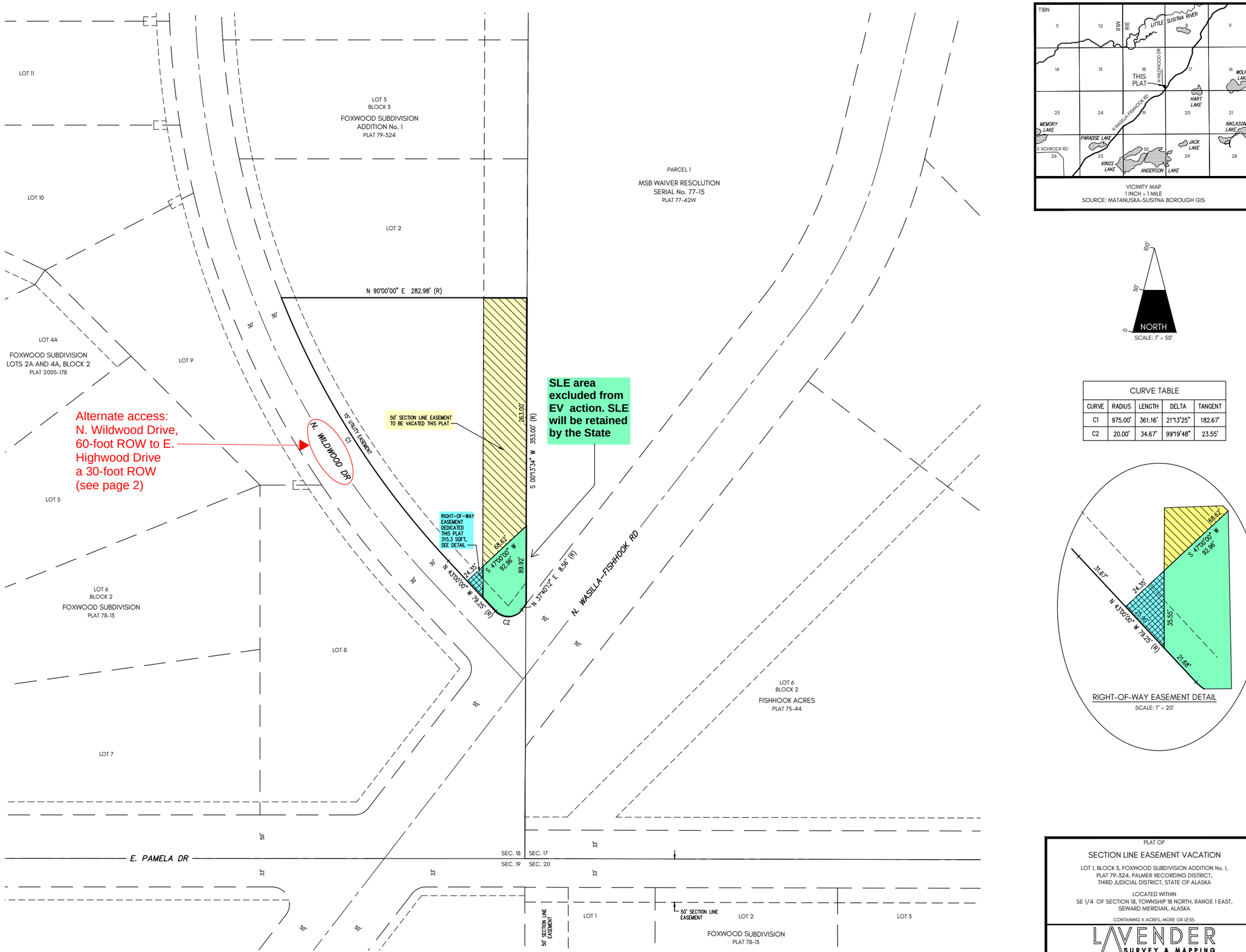
The public is invited to comment on the PD. Copies are available from DMLW, 550 W. 7th Avenue, Suite 650, Anchorage, AK 99501-3576 or https://aws.state.ak.us/OnlinePublicNotices/. Persons wanting to provide comments on this proposed easement vacation can **submit their comments in writing or by e-mail. 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 December 2, 2026**. 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. Please reference EV 3-412 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 indicate 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.

Those with audio impairments may call Anchorage DNR Public Information Center, 10-5, M-F, TDD#269-8411.

Attachment A
EV 3-412



LEGEND

(R) RECORD DATA PER PLAT 79-324

(C) COMPUTED DATA PER PLAT 79-324

SECTION LINE EASEMENT TO BE VACATED THIS PLAT

RIGHT-OF-WAY EASEMENT DEDICATED THIS PLAT

SECTION LINE EXCLUDED FROM THIS EV ACTION.

*This has been adapted with surveyor permission.

Page 1 of 2

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	TANGENT
C1	975.00'	361.16'	21°13'25"	182.67'
C2	20.00'	34.67'	99°19'48"	23.55'

PLAT OF

SECTION LINE EASEMENT VACATION

LOT 1, BLOCK 3, FOXWOOD SUBDIVISION ADDITION No. 1,
PLAT 79-324, PALMER RECORDING DISTRICT,
THIRD JUDICIAL DISTRICT, STATE OF ALASKA

LOCATED WITHIN
SE 1/4 OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 1 EAST,
SEWARD MERIDIAN, ALASKA

CONTAINING X ACRES, MORE OR LESS.

LAVENDER SURVEY & MAPPING
720 N. YETI STREET, PALMER, AK 99645
DAYNA@LAVENDERSURVEY.COM (907)301-5177

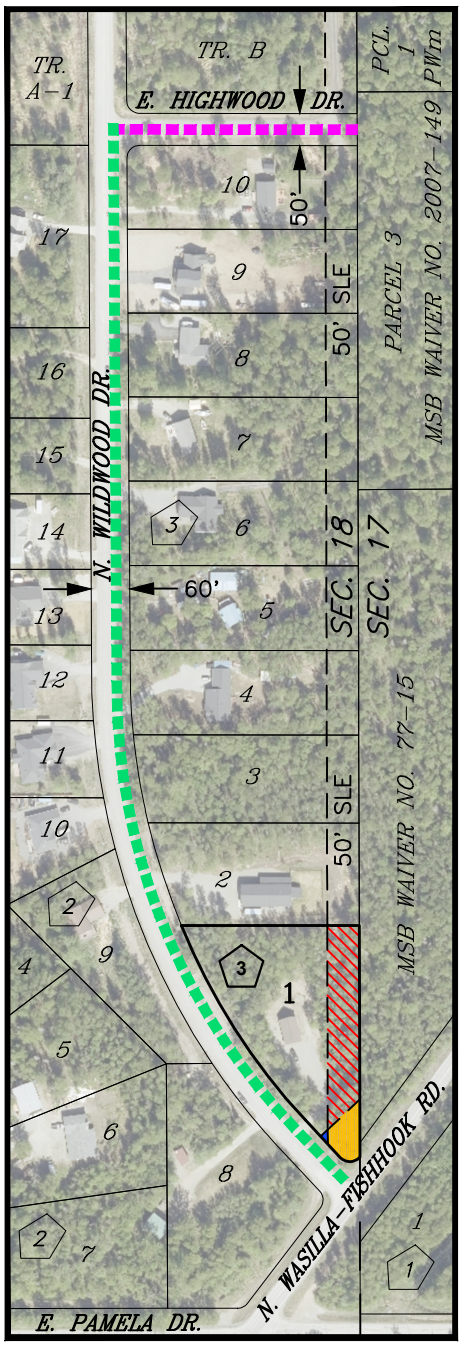
DRAWN BY: SPK	GRID: WA02	FB: 2025-XXX	DATE: 4/17/2026
CHECKED BY: DMR	FILE: 25-482	SCALE: 1" = 50'	SHEET: 1 OF 1

EV 3-412 Attachment A

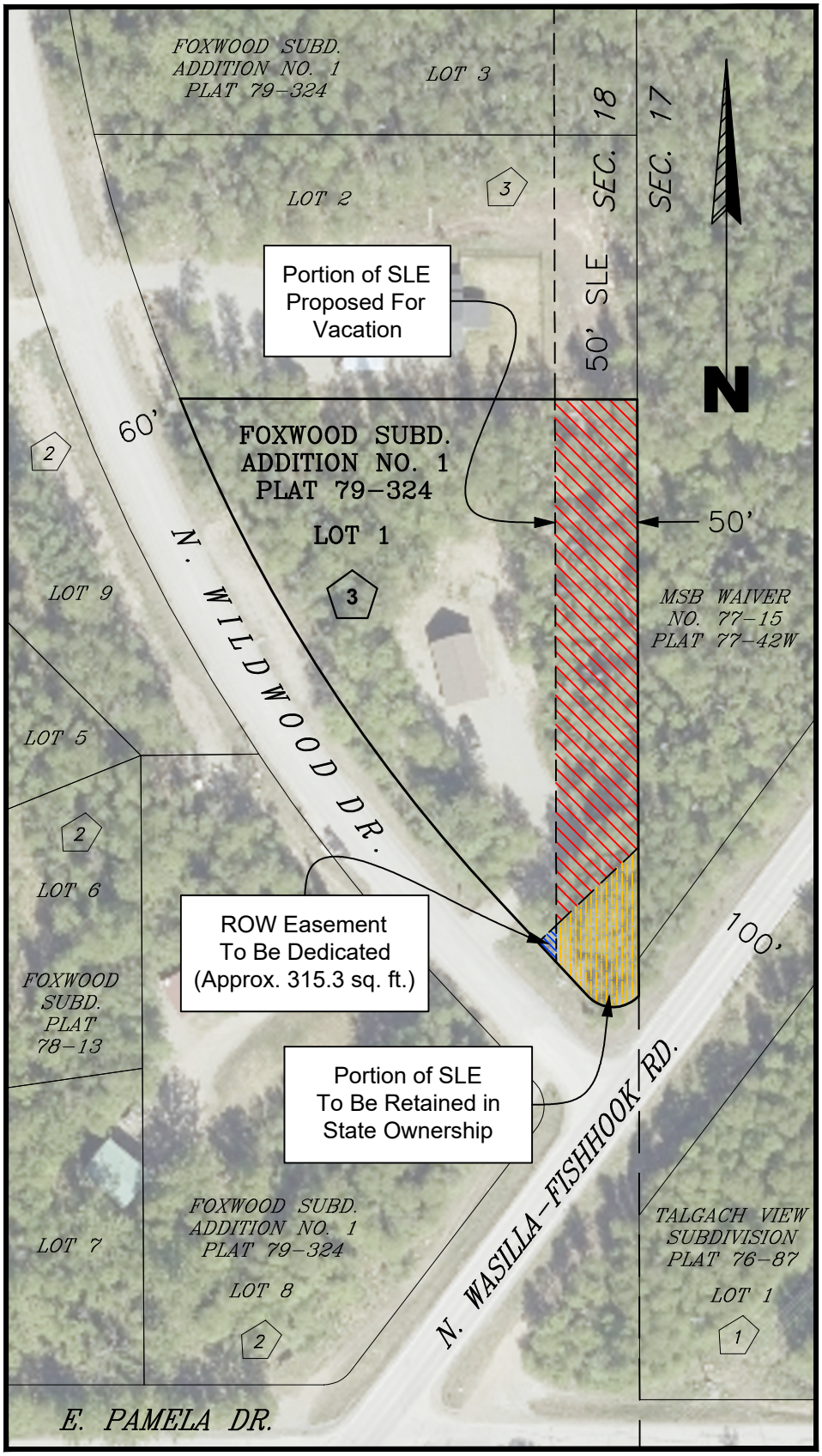
Proposed Section Line Easement Vacation Within Lot 1, Block 3, Foxwood Subdivision Addition No. 1 Plat No. 79-324, Palmer Recording District

LEGEND:

- SLE — Section Line Easement
- Proposed SLE Vacation Area
- ROW Esmt. To Be Dedicated
- SLE Portion To Be Retained
- Access via. N. Wildwood Drive
- Access via. E. Highwood Drive
- 3 / 3 — Subdivision Block Number



ALTERNATE ROUTE
1" = 300'



LOT 1, BLOCK 3
1" = 100'