

Turnagain Community Council  
Resolution Regarding Tony Knowles Coastal Trail  
Right-of-Way Encroachment Permit Request

Whereas, the owner of property adjacent to a section of the Tony Knowles Coastal Trail in Turnagain is applying for a right-of-way permit that would allow tree/vegetation clearing and fence installation to encroach upon the Municipality of Anchorage's Coastal Trail easement; and

Whereas, the Municipality of Anchorage acquired an easement for the construction, reconstruction, operation, maintenance and use of the Coastal Trail and appurtenances as drawn out on Exhibit A of the legal easement document on this property on March 21, 1985; and

Whereas, the property owner fully acknowledges that he was aware of the platted Coastal Trail easement when acquiring the property and that he has designed his development in such a way that he can proceed with it even if he is denied the trail easement right-of-way permit (Parks and Recreation Commission December 13, 2007, meeting); and

Whereas, the property owner has shown no benefit to the public, and the Parks and Recreation Department has identified no advantage to the public, if the permit is granted, instead, stating in a December 5, 2007, Parks and Recreation Department Memorandum, "We believe that the private development within the easement could adversely affect future use of this area for trail reconstruction, maintenance, or similar needs"; and

Whereas, the Parks and Recreation Commission adopted Resolution No. 2007-043, a "Policy Regarding Encroachments on Park and Recreation Facility Lands," on December 13, 2007, which states that granting of a permit for encroachment, among other things, must provide a clear benefit to the public; and

Whereas, Turnagain Community Council passed a resolution November, 6, 2003, opposing vacation of this very same Coastal Trail easement by the previous owner because of the negative impacts associated with reducing public use of the easement, including:

removing a naturally aesthetic year-round vegetative buffer between the trail and private development;  
fencing off areas within the easement where trail users may need to safely move off the trail to avoid moose and other animal conflicts;  
and  
the trail's vulnerability to erosion, which could be accelerated by vegetation removal within the Coastal Trail easement, and the possibility that it may need to be relocated inland within the easement in the future; and

Whereas, the Municipality of Anchorage Trails Coordinator, the MOA Planning Staff, and the MOA Physical Planning Department all recommended denial of a request to vacate this same Coastal Trail easement in 2004 because the public would not benefit from reducing the public use easement; and

Whereas, granting this property owner a permit to encroach upon the Coastal Trail easement would set a bad precedent and allow other owners along the trail to encroach upon the Coastal Trail easements on their properties, resulting in a cumulative impact of a degraded, less enjoyable and likely less safe trail experience;

Therefore, be it resolved, that the Turnagain Community Council: opposes the granting of a requested right-of-way permit within the Coastal Trail easement in Turnagain N.E. Subdivision, Lot/Tract 1A-1, Block A, Grid SW1426; and requests that the Parks and Recreation Commission and Municipality of Anchorage Parks and Recreation Department recommend denial of the permit; and requests the Development Services Department Right of Way Division deny the above referenced permit application.

Passed on this day, January 3rd, 2008, by the Turnagain Community Council at its regularly scheduled meeting.

Signed Mark Wiggin,  
Turnagain Community Council President

Date