

MUNICIPALITY OF ANCHORAGE



Office of the Municipal Attorney
Civil Division, Suite 730

Telephone: 907-343-4545
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Mayor Ethan Berkowitz

Mr. Frank Pugh
16006 Noble Point Drive
Anchorage, Alaska 99516

February 29, 2016

Re: Public Access to Stewart Homestead Road

Dear Mr. Pugh,

It has come to our attention that you recently blocked access to the road/trail that leads to the Stewart Homestead property and beyond. Out of necessity, homesteaders built and travelled this road to reach their homesteads. More recently, local residents have used the trail for recreational purposes. An informal survey of the neighborhood reveals that residents have been walking this trail since at least the mid-1960's.

The public's consistent use of this trail for the past several decades has created a public use easement across the property. A public prescriptive easement exists when there has been continuous, hostile, and open use by the public over a 10-year period.¹

The Municipality has an obligation to protect the public's interest in this trail. Therefore, we respectfully request that you remove the barriers you have installed by March 4, 2016. Formerly, there was a simple metal gate across the trail. We understand that this gate was installed to block vehicle access. Please restore the gate to its former state by removing the additional metal, chains, and signage.

If you are unable or unwilling to comply with this request, the Municipality may be forced to take additional action. One way of affirmatively proving the claim would be to initiate a lawsuit with the Superior Court. The Municipality would prefer to settle this dispute without a lawsuit, which would be costly and needlessly time consuming for all parties.

If you have any questions or concerns, you can reach me at 343-4545.

Thank you,

William D. Falsey,
Municipal Attorney

Cc: Jennifer Johnston, Assembly
John Rodda, Director, Parks & Recreation
Steve Cleary, Alaska Trails

¹ *Interior Trails Preservation Coalition v. Swope*, 115 P.3d 527 (Alaska 2005).