



June 15, 2004
W.O. D58830

Mr. Jerry Weaver
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519

Subject: Application for Easement Vacation
Tracts A1 and B1, Resolution Pointe Subdivision Addition #1 and
Lot 1, Block 1, Resolution Pointe Subdivision
Anchorage, Alaska

Dear Mr. Weaver:

DOWL Engineers (DOWL), on behalf of our clients, Rudi and Natasha von Imhof and The Leonard Hyde Anchorage Residence Trust, is submitting the attached Application for Right-of-Way and Easement Vacation in accordance with AMC 21.15.130 for the vacation of the section line easement located on Tract A1 and B1 of Resolution Pointe Subdivision Addition No. 1 and Lot 1, Block 1, Resolution Pointe Subdivision. The properties are located at 3835 and 3847 West 100th Avenue ; 1001 Resolution Pointe Drive on the south shore of Campbell Lake in Anchorage. The Application Right-of-Way and Easement Vacation is being submitted for the vacation of approximately 225 feet of the 66-foot section line easement on the properties.

Lot 1, Block 1 is developed with a single-family residence and with associated improvements including a driveway and landscaping. Tracts A1 and B1 are undeveloped at this time and no public improvements exist in the area to be vacated.

The approval of the vacation will allow development of Tract B1 as a single-family residence on the south portion of the property, simply and clearly the only location on the property suitable for access and building. Both the topography to access the other locations on the property and the soils at the other locations severely compromise building a single family residence anywhere on the property other than the south portion where the section line easement is an encumbrance. The section line easement encumbers 18% of the Tract B1 (12,533 square feet of the 69,434 square foot tract) and a significant portion of the buildable area of the tract.

The section line easement is a 66-foot wide easement running north south for approximately 225 feet through the south and east portions of the Tract B1, and the east portions of Tract A1 and Lot 1. The easement continues north from Tract B1, crossing the adjacent property to the south shore of Campbell Lake. Campbell Lake was created after the original survey of the sections and the establishment of the section line easement. However, it can be concluded that the easement will not serve its intended use from the north because of the existence of Campbell Lake. The property south of West 100th Avenue has been subdivided and lots created within the section line easement. Again, access via the section line easement from the south is encumbered, making this segment of the section line easement inaccessible from the north or the south. The small portion of the section line easement on undeveloped Tract B1, and Tract A1 and Lot 1 no longer serves or could possibly serve the purpose for which the easement was originally intended, that being public roadway and utilities.

The topography of the properties slopes steeply from the south portion of the tracts and lot along West 100th Avenue down to the lakeshore. The steep side-slope to the west and the increasing steepness to the north limit the use of the section line easement as access to Campbell Lake. A topographic map of the properties is attached.

The soils on Tract B1 are suitable for building only on the hillside of the property, which is currently encumbered by the section line easement. Soils investigation of the flat area of Tract B1 below the section line easement near the shore of Campbell Lake showed the soils to consist of near-surface silts and shallow clay. The soils report for Tract B1 is attached.

The Federal Aviation Administration (FAA) recognizes Campbell Lake as a designated floatplane base with approximately 40 privately owned planes operating from and based on the lake. The general public, specifically the non-aviation public, is likely to be unaware of the required operations and procedures that are necessary on the lake during aircraft operation, both for the aircraft and for other users on the lake. If access to the lake were granted to the general public, the safety of aviation users of Campbell Lake, the safety of the general public using the lake, as well as the safety of the surrounding property would be greatly impacted. Obviously, accommodating direct access to the lake for swimmers, boaters, and other recreational users, who are not familiar with safety guidelines and operating procedures at Campbell Lake will create significant safety hazards. A letter regarding FAA's designation for Campbell Lake is attached.

The Alaska Department of Fish and Game 2004 Sport Fishing Regulations Summary indicate that "Campbell Creek (including Campbell Lake) is **closed year-round to all fishing**,". Therefore providing access to Campbell Lake for the general public for fishing would encourage illegal fishing.

The entire lakeshore and lake bottom of Campbell Lake is private property. The lake is privately operated by the Campbell Lake Homeowners Association with written rules about boat operations and procedures and hours of operation. These rules and schedules are in place to provide for the priority of aircraft operations and the safety of all operators on the lake, and the Association could not possibly succeed in the task of educating the general public of the safety requirements of using the lake for recreation. The Lake Use Rules of the Campbell Lake Owners Association addresses access by stating "Access to the lake is limited to members of the Corporation, their immediate families and invited guests". The rules go on to state "Invited guests will be accompanied by a member at all times while using the lake, the member being charged with the responsibility of seeing that his guest observes all of the rules governing lake use." Letters of support of the vacation from members of the Association are attached along with the Lake Use Rules of the Campbell Lake Owners Association.

Design and construction of any type of access within the easement on Tract B1 would be extremely difficult and would most likely not meet design requirements of the Municipality of Anchorage or the American Disability Act. Development of an access road or trail to Campbell Lake within the easement would be hindered by the steep side-slope to the west requiring significant cut and fill sections to minimize the side grade, the lack of parking area for users, and limited area at the lakeshore. The section line easement reaches the lakeshore in the lakeside yard of the private home on the adjacent property where current improvements include a dock, a boathouse, an aircraft parking slip, deck, and landscaping.

In summary, the following refutes addressing the "public need" for this section line easement:

- Existing topography is too steep;
- Utilities and roads will not be extended north across the lake or to the south from this location;

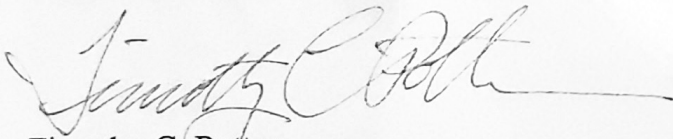
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- The lake is closed to sport fishing so any one attempting to access via this easement for fishing could not fish legally;
- Floatplane base and flight safety is not compatible with casual access to the lake by swimmers and boaters unfamiliar with operational safety guidelines and near shore operations; and
- Protection of trail access will result in a variety of parking, access, circulation and security/safety related problems, on the adjacent private property and public roadway.

Attached to the applications are 30 copies of the recorded plat of the property showing the location of the section line easement on Tracts A1, B1, and Lot 1. A letter from the petitioners authorizing DOWL to act on their behalf is also attached.

We appreciate your review of this application and the additional information provided. If you have any questions regarding the information provided, please contact Mr. Corey Loyd or myself at DOWL, telephone number 562-2000.

Sincerely,
DOWL Engineers



Timothy C. Potter
Director of Planning

Attachments: As stated