

Access to the coastal trail from Marston Drive has become an issue in the community as a result of the owner building a home on Lot 7B. Owner believes that it has the right to block access to the coastal trail across the property. Some members of the community disagree with the owner and believe they have a legal right to access the coastal trail across lot 7B. Interested community members have decided to bring this discussion and issue before the Turnagain Community Council. The Turnagain Community Council Board will maintain the position of moderator during the special meeting on October 17, 2016. If a resolution is presented and passed, the TCC Board will be obligated to take the stance of the resolution. If no resolution is passed, the TCC Board will maintain a position of moderator. We look forward to a respectful conversation about this issue.

2247 Arctic Circle
Anchorage, AK 99517

Jonathan Tarrant,
President, Turnagain Community Council
<mailto:turnagainpres2014@yahoo.com>

October 17, 2016

Re: "Sydney's Shortcut" Resolution

Jonathan,

I have a conflict that prevents me from attending the meeting this evening that has been called to address a proposed resolution asking the Municipality to act to compel Mark Tabbutt, the owner of the lot at 2803 Marston Drive, to grant public access across his property. If permissible, please allow me to vote by proxy against this resolution. Also, please pass on my reasoning to the community for its consideration.

I live in the Turnagain Heights Subdivision, and for many years used what has become known as "Sydney's Shortcut" to access the Tony Knowles Coastal Trail from Marston Drive. I was disappointed when construction activities on the property eliminated that access, and initially was a strong supporter of the initiative establish public access around the new home. However, after reviewing the facts and legal documents, meeting the owner of the new home and adjacent landowners, and viewing the construction site, I withdrew my support for any demand for public access.

I am a lawyer, and will limit my legal comments to this point: given the complexity and uncertainties of the facts and law, it is my opinion that any litigation to "compel access" would be lengthy and expensive and the results would be unpredictable.

In the meantime, what is clearly predictable is that a protracted dispute would create bad feelings and divide the neighborhood, and a compelled public access would significantly impair the privacy of Mr. Tabbutt and the owners of the adjacent properties. Given the design and location of Mr. Tabbutt's and his neighbors' homes, I believe that any public access routes would be incompatible with the quiet enjoyment of the properties of Mr. Tabbutt and his neighbors. Moreover, the public has little to gain: there is already good neighborhood access to the Coastal Trail at Lyn Arey Park, which is very close by.

In sum, I am against the resolution because I have concluded that the costs, uncertainties and bad feelings of litigation, and the impairment of the affected property owners' privacy and quiet enjoyment of their properties, outweigh any potential public benefit, which at best is a trivial reduction in the distance members of the public would have to go to gain access to the Coastal Trail.

I met Mr. Tabbutt, and believe he will be a great neighbor. I encourage the others in the community to also meet and him – and welcome him as a neighbor, and not with threats of litigation.

Sincerely,
Mark Worcester

Cc: Mark Tabbutt

Written Comment for the record

TURNAGAIN COMMUNITY COUNCIL MEETING

October 17, 2016

Comments by:

Win Faulkner

2825 Illiamna Ave

Anchorage, AK 99517

907-244-8906

re: Sydney's Shortcut

Dear Friends and Neighbors of Turnagain,

I am here tonight as a homeowner in Turnagain on Illiamna St and an Anchorage resident for 53 years. I grew up in the Bootleggers Cove neighborhood before there was a lagoon and before many of the streets we now enjoy.

As a youth, I used many paths through our neighborhoods. Many of these were across private land and have since been moved or eliminated in favor of roads and streets and bike paths that are for us all to use.

Since I moved into Turnagain, I used to be a nearly daily user of Sydney's shortcut. All along, I have been keenly aware I was passing through someone's private property and was thankful to the owners for granting me access to the path. Of course, the owner's always had the option of closing down the path. But while the lot was vacant, the owners were kind enough to allow us access. I never took this path for granted nor do I today feel that the land owner's should be penalized for letting me cross their land while the path existed.

Now that the lot has been developed, I think it is time that we respect the private property rights of the landowner. If I owned the homes along the old path, I certainly would not want strangers day and night walking along the dark borders of my property.

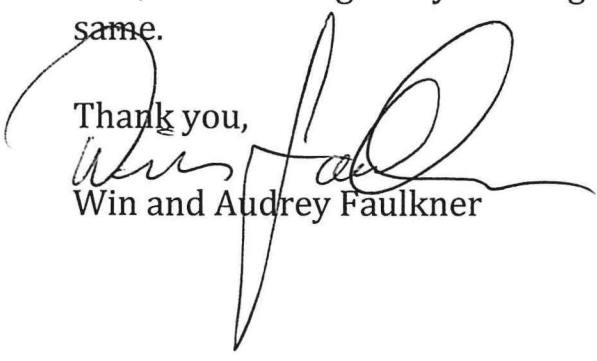
Within the last few weeks I have been the victim of a car break-in. Illiamna street between Loussac and Turnagain Parkway has seen other crime as well. Another car was broken into on my street the same week mine was. Within the last several years there has been two felony break-ins on my street with thousands of dollars stolen. Several weeks ago gunshots were fire at Loussac and Illiamna in the middle of the day.

Having a dark, unlit access deep into our neighborhood off the coastal trail is a bad idea. I know the Rasmuson's have been the victims of a violent break-in. While they were home, someone accessed their property off the coastal trail and broke into their home – a truly frightening experience for anyone. Opening up this path again would only worsen this problem, especially in light of the new crime wave we are experiencing.

Private property rights are part of our constitutional rights as citizens. We no more have the right to take this away from someone than we have the right to make a new path through your back yard so neighbors can access the street behind you more easily. We own our land, pay taxes on our land, and are therefore afforded the right to use it as we wish.

We should respect the rights of the owners and stop trying to claim the path for our neighborhood use. If this was our only access point to the coastal trail, I might feel otherwise. But since it is only a short walk down the street for any of us to the public access point for the coastal trail, I have changed my walking habits and think others should do the same.

Thank you,


Win and Audrey Faulkner