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2 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
3 THIRD JUDICIAL DISTRICT AT PALMER  
4

5 MATANUSKA-SUSITNA BOROUGH, )  
6 )

6 Plaintiff, )  
7 )

7 v. )  
8 )

8 STATE OF ALASKA, DEPARTMENT OF )  
9 NATURAL RESOURCES; 3.5 Acres, more or )  
10 Less, as to Parcel 22; 13.6 Acres, more or less, )  
11 As to Parcel 27; 36.7 Acres, more or less, as to )  
12 Parcel 29; 17.8 Acres, more or less, as to )  
13 Parcel 30; 156.1 Acres, more or less, as to )  
14 Parcel 31; 156.1 Acres, more or less, as to )  
15 Parcel 32; 20.3 Acres, more or less, as to )  
16 Parcel 33; 12.1 Acres, more or less, as to )  
17 Parcel 34; 12.1 Acres, more or less, as to )  
18 Parcel 35; 29.7 Acres, more or less, as to )  
19 Parcel 36; and also all other persons or parties )  
20 unknown claiming a right, title, estate, lien, or )  
21 interest in the real estate described in the )  
22 complaint in this action )

Case No. 3PA-15-1623 CI

23 Defendants. )  
24 )  
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26 )

27 **STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES' ANSWER**  
28 **TO AMENDED COMPLAINT**

29 The defendant State of Alaska, Department of Natural Resources, by and through  
30 the Office of the Attorney General, ("State") answers Plaintiff's Amended Complaint as  
31 follows:

- 32 1. The State admits the allegations contained in Paragraphs 1, 2, 3, 6, 7, 10  
33 and 14.  
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2. The State generally agrees with the legal descriptions referenced in Paragraph 4 of the amended complaint and as set forth in more detail in Schedules A and B, except the State asserts for Parcel 35, the legal description in the Table for the parent parcel is incorrect – it should be listed as ASLS 80-111 Tract 22A (instead of ASLS 90-111 Tract 22A), and for Parcel 36, the legal description in the Table for the parent parcel is incorrect – it should be listed as ASLS 80-111 Tract 26 (instead of ASLS 80-111 Tract 36).

3. The State admits that the Borough acquired interests in real properties on the properties described. The State lacks information regarding the extent of property rights acquired or whether acquisitions of property interests by the Matanuska-Susitna Borough were voluntary, negotiated transactions, and therefore cannot admit or deny the remainder of the allegations in Paragraph 5.

4. With regard to the assertions in Paragraph 8 of the amended complaint, the State does not speak for any other persons or parties who may claim an interest. The State specifically denies that this action, if successful, would have any effect on agricultural covenants other than within the easements within the ten identified parcels.

5. With regard to the assertion in Paragraphs 11 and 12 of the amended complaint, the State admits that a Decisional Document and route drawings were attached to the complaint. The documents speak for themselves and no response in necessary.

6. The State admits the allegation contained in Paragraph 13, to the extent that only the agricultural interest in the easement is to be removed and not the

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agricultural interest in the entire parcel(s). The State denies the allegation to the extent the Borough asserts an interest beyond the allowed uses authorized by AS 09.55.240.

7. The State admits that the Borough has made the deposit as indicated in Paragraph 14, but denies that the amount constitutes just compensation for the agricultural covenants within the easements.

8. The State denies the assertions in Paragraph 16 of the amended complaint.

The State asks for relief from the court as follows:

A. If the court agrees that agricultural covenants are to be removed within the easements over the ten described parcels, the court is to determine the appropriate compensation to be paid to the State.

B. The court must allow only that portion of the parcel encumbered by a properly authorized easement to be removed and require that the agricultural covenants remain on the rest of each parcel.


C. Plaintiff's acquisition and use of the easement property, if taken for a public purpose using the power of eminent domain, must be subject to uses and restrictions set forth in AS 09.55.240.


D. The State is entitled to its reasonable costs and fees in this matter.

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Dated this 10<sup>th</sup> day of November, 2015.

CRAIG W. RICHARDS  
ATTORNEY GENERAL

By:   
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8 STATE OF ALASKA, DEPARTMENT )  
9 OF NATURAL RESOURCES; 3.6 )  
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17 Parcel 34; 29.7 Acres, more or less, as to )  
18 Parcel 36; and also all other persons or )  
19 parties unknown claiming a right, title, )  
20 estate, lien, or interest in the real estate )  
21 described in the complaint in this action, )

22 Defendant(s). )

Case No. 3PA-15-01623 CI

23 **CERTIFICATE OF SERVICE**

24 I hereby certify that on this date true and correct copies of the State of Alaska,  
25 Department of Natural Resources' Answer to Amended Complaint and this  
26 Certificate of Service were served via U.S. Mail on the following:

Bruce E. Falconer  
Boyd, Chandler & Falconer, LLP  
911 West 8th Avenue, Suite 302  
Anchorage, AK 99501

27   
Brett Hubbard

Law Office Assistant I

11/10/15  
Date