

## Turnagain Community Council

---

April 5, 2010

Mayor Daniel Sullivan  
Municipality of Anchorage  
632 W 6th Avenue, Suite 840  
Anchorage, AK 99501

Dear Mayor Sullivan:

The members of the Turnagain Community Council (TCC) and the broader Anchorage community have kept apprised of the legal action directed against the city by Matthew Fink, Diane Wilke, David and Jacquelyn Wilder, Annalesa Anderson Thomas, and Robert Gillam. The case to which we refer is *Fink v. Municipality of Anchorage*, 3AN-07-12346CI. In this legal action, the plaintiffs attempted to assert ownership of a significant parcel of Municipal property adjacent to Lyn Ary Park. It has come to our attention recently the Municipality has been engaged in significant settlement hearings with the plaintiffs and that plaintiffs intend to present in the near future to the Anchorage Assembly a request to purchase these lands.

Turnagain Community Council vigorously opposes such a transfer of designated parklands. At the April 1, 2010 Turnagain Community Council meeting, the attached resolution was offered, seconded, and approved. Included as attachments to the resolution was an aerial photo showing the lands of interest bordered in green, a plat showing the extension of lot lines sought by the Plaintiffs, and also a "Title and Dedication" graphic from Lyn Ary Park Master Plan. For ease of your review, we have included the "Be It Resolved" components from the approved resolution below.

**THEREFORE, BE IT RESOLVED, THAT THE TURNAGAIN COMMUNITY COUNCIL**

**1) calls on the Municipality of Anchorage and the Anchorage Assembly to oppose any private sale of the Memorial Garden/Coastal Trail Public Lands; and**

**2) urges the Municipality of Anchorage to vigorously defend the public's ownership of these lands in the courts; and**

**3) calls on the Municipality of Anchorage to fully implement the approved Lyn Ary Park Master Plan by formally dedicating this public land as parkland within Lyn Ary Park once the legal dispute over the land is resolved by the courts.**

## *Turnagain Community Council*

---

The Motion to APPROVE the attached resolution was by a 39 to 1 vote. The sole “NO” vote was by a Turnagain resident who also happens to be a plaintiff in the lawsuit.

Based on the implications of a 39-1 vote, the meeting attendees’ strident comments offered in opposition to such a sale, and the number of Emails received in the 36-hour period stating strong opposition to sale of this land, there is broad-- near-unanimous-- opposition to such a sale.

The Community Council also approved a second motion directing the President of the Turnagain Community Council to request that the Administration not present the proposed land sale to the Anchorage Assembly. The motion also directed the President of the Turnagain Community Council to request that in the event the proposed sale is presented to the Assembly that the Assembly hold a formal public hearing on the proposed sale.

With this letter, the TCC Board requests that your Administration and the Anchorage Assembly implement those actions called for in the Turnagain Community Council’s April 1, 2010 Resolutions. The Turnagain Community Council will begin circulating a petition to the Assembly requesting that it immediately begin the process of dedicating this land as “Park land.”

Thank you for your time and attention to this matter.

Sincerely,

TURNAGAIN COMMUNITY COUNCIL BOARD OF DIRECTORS

Breck Tostevin, President

Pat Kelly, Vice President

Chris Habicht, Board Member

Cathy Gleason, Board Member

Mark Wiggin, Board Member

Enclosure: Resolution Opposing Sale of Lyn Ary Park  
Michelle Byrum Memorial Garden Property