

## City of Bethel Action Memorandum

Action memorandum No.	17-41		
Date action introduced:	6-13-2017	Introduced by:	Planning Commission
Date action taken:	6-13-2017	X Approved	Denied
Confirmed by:	<i>KM</i>		

Providing consent to the Planning Commission's Resolution 2017-04, authorizing vacation of an unimproved Right-of-Way 70-foot radius temporary turnaround easement located on Lot 1, Block 12 and Lots 15 and 16, Block 11, Kasayuli Subdivision.

Route to:	Department/Individual:	Initials:	Remarks:
	Planner	TM	Recommend Approval

Attachment(s): Petition, Preliminary Plat, Resolution, Photo

<b>Amount of fiscal impact:</b>	<b>None</b>
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Mersin Pellumbi is the owner of the majority of the land fronting the unimproved 70-foot radius temporary turnaround easement sought to be vacated and therefore the only petitioner required on the petition. The unimproved access ROW has not served a public use to date, and it currently renders Pellumbi's Lot 1, Block 12 and two other properties, Lots 15 and 16, Block 11 useless for residential construction because it encompasses a significant portion of these lots.

According to BMC 17.24.040 E (Access and Dedication), automatic vacation of the temporary turnaround easement would occur once the road ROW is extended (such as accessing new adjacent development). Yet BMC Section 17.32.045 states the Planning Commission shall not approve the vacation of a dedicated area unless it finds, from evidence before it that the vacation is not primarily for a private purpose, **and either** the area is no longer necessary for public use or the public welfare or the public welfare will be enhanced by the vacation.

However, unlike typical linear access easements, the code is explicit that turnaround easements are temporary and will be vacated and conveyed back to the property owner (for private purposes), once the road is extended. Because the turnaround easement was never constructed for public use and with no current identified need to construct, the applicant is petitioning this temporary easement be vacated now for feasible development of his property.

The Planning Commission approved the vacation on June 1, 2017 by a vote of 5 in favor and 0 opposed. Bethel Municipal Code 17.32.045 requires Council's consent or veto of the Planning Commission's approved vacation. If the ROW vacation is approved by the Council, the Final Plat will be developed, signed, and recorded.

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