

**CITY OF BETHEL PLANNING DEPT.**  
 Po Box 1388  
 Bethel, AK 99559

(907) 543-5306  
 (907) 543-4168 (facsimile)



**APPLICATION**  
**RIGHT OF WAY VACATION**  
**BETHEL MUNICIPAL CODE 17.32**

**17.32.020 Petition of landowners – Required for vacation.**

No platted street, section line easement, access easement or similar right-of-way shall be vacated, except upon petition of the city, the state, a public utility or owners of the majority of the land fronting the part of the right-of-way sought to be vacated. No other area dedicated by plat, government survey or patent shall be vacated except upon the petition of the city, the state, a public utility, or the owners of a majority of the land affected by the vacation. [Ord. 01-05 § 7.]

*Carefully read instructions and applicable City code. Fill out forms completely. Attach information as needed. Incomplete applications will create a delay in the review process.*

Application Fee must be attached:	<b>\$300.00</b>	Right of Way Vacation
Payment Type:	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Cash

**Additional Information Required to be Submitted with this Application:**

1. A petition signed by the owners of a majority of the land fronting the Right of Way (or section of) sought to be vacated. The petition must include the property legal description, reasons for vacation, and proposed use of area to be vacated.
2. Certificate of Ownership for all properties abutting the area proposed to be vacated.
3. Existing plat showing the proposed vacation and a Preliminary Plat showing requested vacation.
4. List of property owners within 600 feet of ROW/easement boundaries.

**After an application is submitted and deemed complete by the Planning Department, and fee is received:**

1. A public hearing is scheduled with the Planning Commission to review the request.
2. Planning staff notifies all property owners within 600 feet of the easement boundaries.
3. If the Planning Commission recommends approval and the City Council agrees to the request, a final plat shall be submitted to the Planning Department.
4. Applicant is required to pay necessary recording fees to record the vacation with State of Alaska Recorder of Deeds in the Bethel Recording District.

1. Date \_\_\_\_\_

**2. General Information**

<b>NAME OF PARTY REQUESTING ACTION:</b>	
Physical Address:	
Mailing Address:	
Home Phone Number:	
Work Phone Number:	
Cell Phone Number:	
Email Address:	

**3. Property Information / Legal Description**

Township:	Range:
Section:	Meridian:
Subdivision:	Block(s):
Lot(s):	US Survey or Plat No.:
Street Address:	

#### 4. Right of Way Vacation Information

a. *Length of Right of Way to be vacated* \_\_\_\_\_

b. *Width of Right of Way* \_\_\_\_\_

c. *Existing Right of Way: Improved* \_\_\_\_\_ *Unimproved* \_\_\_\_\_

*If improved, please state the function of the road and all access point along the Right of Way:*

d. *Please state thoroughly, the reason for requesting the Right of Way to be Vacated:*

e. *Please indicate whether the vacation is a complete or partial vacation of the Right of Way. If partial, describe the beginning and end of the Right of Way section to be vacated.*

*f. Please state the planned land use for the Right of Way to be Vacated:*

*g. Regarding this planned action of vacating/removing a public Right of Way/road from the City's Right of Way inventory and the public interest, and returning control of the land to the underlying fee owner(s), please describe how the Right of Way is no longer necessary for public use, or how the public will be enhanced by the Vacation:*

*h. Are there any utilities within the Right of Way? If so, can the utilities be relocated? If applicable, please provide a letter from the utility company authorizing vacation of the Right of Way.*

**5. Owner's Statement**

<p>1. I hereby apply for approval for a Right of Way Vacation on the above property as described in this application.</p> <p>2. I understand all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code Sections 17.04, 17.12, 17.16, and 17.32 with all other applicable State or Federal laws.</p> <p>3. The information submitted in this application is accurate and complete to the best of my knowledge.</p>	
Applicant's Signature:	
Printed Name:	
Date:	

<b>FOR OFFICIAL USE ONLY</b>		
<p>The Planning Commission shall not approve the Vacation of a Right of Way unless it finds, from evidence before it:</p>		
<p>1. The vacation is not primarily for a private purpose and either:</p> <ul style="list-style-type: none"> <li>• the Right of Way is no longer necessary for public use or the public welfare, or</li> <li>• the public welfare will be enhanced by the vacation</li> </ul>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>2. There are no utilities within the Right of Way. If so, the utilities can be relocated. If applicable, a letter from the utility company authorizing vacation of the Right of Way is submitted with this application.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>3. The area proposed to be vacated is not presently, or will be in the future be, needed for public services, facilities, or utilities.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>4. The vacation does not impede the future best use, development of, or access to abutting property.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Chapter 17.32  
PLAT VACATIONS**

Sections:

- [17.32.020](#) Petition of landowners – Required for vacation.
- [17.32.030](#) Petition of landowners – Filing.
- [17.32.040](#) Review, notice and procedures.
- [17.32.045](#) Approval – Council consent.
- [17.32.050](#) Title to vacated area.
- [17.32.060](#) Payment for vacated area.

*17.32.020 Petition of landowners – Required for vacation.*

No platted street, section line easement, access easement or similar right-of-way shall be vacated, except upon petition of the city, the state, a public utility or owners of the majority of the land fronting the part of the right-of-way sought to be vacated. No other area dedicated by plat, government survey or patent shall be vacated except upon the petition of the city, the state, a public utility, or the owners of a majority of the land affected by the vacation. [Ord. 01-05 § 7.]

*17.32.030 Petition of landowners – Filing.*

The petition for a vacation shall be filed with the planning department. It shall be accompanied by the required fee and a copy of the existing plat showing the proposed vacation. [Ord. 01-05 § 7.]

*17.32.040 Review, notice and procedures.*

A. The information to be provided in and the procedure for reviewing petitions for a vacation shall be identical to that for plats of new subdivisions. Both a preliminary and a final plat shall be submitted for review; provided, the requirements for the construction of improvements shall not apply unless new alternate access or other facilities are to be provided as a condition of granting the vacation.

B. Notice of the hearing shall be given as provided in BMC [17.04.025](#). [Ord. 01-05 § 7.]

*17.32.045 Approval – Council consent.*

A. The planning commission shall not approve the vacation of a dedicated area unless it finds, from evidence before it:

1. That the vacation is not primarily for a private purpose; and either
2. That the area is no longer necessary for public use or the public welfare; or
3. That the public welfare will be enhanced by the vacation.

The planning commission may approve the vacation of a part of the dedicated purposes or uses while leaving other dedicated uses in place and it may impose new uses and purposes on the area subject to the vacation so long as the new uses or purposes are not more burdensome than those vacated.

The findings shall be set out in a resolution approving the vacation. The approval of the vacation becomes effective on the thirty-first (31st) day after the adoption of the approving resolution unless the approval is vetoed by the city council. If the vacation approval becomes effective, a final plat shall be submitted showing the vacation and any new or reserved public purpose required by the city council. Upon a determination by the platting officer that the final plat conforms to the requirements of this title, the platting officer shall execute the certificate of vacation and the plat shall be filed in the district recorder's office; provided, if the plat effects any subdivision action other than the vacation or the reservation of the vacated area for another public purpose, the final plat shall be approved by the planning commission.

B. The resolution approving the vacation shall be immediately transmitted to the city council. The city council may, by motion or resolution, consent to or veto the vacation. The failure of the council to take action on the vacation within thirty (30) days of the date the planning commission resolution was adopted constitutes council consent to the vacation as approved by the planning commission.

C. If the council determines that all or a portion of the area approved by the planning commission for vacation should be devoted to another public purpose, the council may, by motion or resolution approved within thirty (30) days of the planning commission approval, consent to the vacation and reserve the area for such other public purpose as long as the new purpose is not more burdensome than the purposes vacated. [Ord. 01-05 § 7.]

*17.32.050 Title to vacated area.*

A. The title to the street or other similar public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally

dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one (1) side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square or a lot, block or tract dedicated to a public use is vacated, the title to it vests in the city.

B. If the city council or planning commission has determined that all or a portion of the area to be vacated should be devoted to another public purpose, title to the area vacated and held for another public purpose does not vest as provided in subsection A of this section but remains in the city. [Ord. 01-05 § 7.]

*17.32.060 Payment for vacated area.*

If the city acquired the street or other public area vacated for legal consideration or by express dedication and acceptance by the city other than as a subdivision platting requirement, planning commission approval does not become effective until the fair market value of the street or public area has been deposited with the city to become city money on final vacation. [Ord. 01-05 § 7.]