BOARD MEMBER FUNATAKE asked if the existing paved driveway that leads to the carport would be maintained or removed. MS. CONTRERAS thought it should be removed at the time of building permit and she suggested that a condition should be added to this effect.

BOARD MEMBER PHELPS moved for approval of the request to remove the plat note from Plat 82-52 affecting access to Lot 10 of Dee Estates Subdivision that states "Direct access is prohibited to Lore Road (East 76th Avenue) from Lots 1-4 and to Winchester Street from Lots 1, 10, 11 and 20" subject to recording a resolution with the State District Recorder's office allowing access to Winchester Street for Lot 10 Dee Estates Subdivision and obtaining sign-off on the driveway design and size from Traffic Engineering at the time of building permit application.

BOARD MEMBER LINNELL seconded.

BOARD MEMBER PHELPS supported his motion, finding that this is a straightforward request. He noted that Winchester Street would not be extended. Public testimony in the form of a letter indicates this change will not impair the neighborhood and could improve the land use in the area.

BOARD MEMBER FUNATAKE suggested adding "and remove the existing driveway onto Renner Circle as part of the building permit request." *This was accepted as a friendly amendment.*

AYE: Deak, Caress, Phelps, Funatake, Linnell, Shriver, McKay
NAY: None

PASSED

b. S-11284-1 Resolution Pointe Addn #1. Rudi & Natasha Von Imhof & Leonard & Sandra Hyde c/o Anch Residential Trust 50% EA. To vacate a section line easement. Located south of Campbell Lake, north of West 100th Avenue.

CHAIR DEAK noted that he has a professional relationship with the petitioner's representative, but he had no prior knowledge of this case. There were no objections to his participation.

Staff member JOANN CONTRERAS described the request before the Board to vacate a 66-foot section line easement crossing Tracts A-1 and B-1 and a 33-foot section line easement crossing Lot 1, Block 1. Surrounding neighbors on the lake submitted numerous letters indicating that Campbell Lake is a private lake and general public access is not encouraged. There is no need for this easement for

public access purposes. This same request was before the Board previously and was approved, but it was not put on the plat that was recorded. Staff has no objection to this request as it meets the requirements of Title 21.

BOARD MEMBER PHELPS asked if the Department of Natural Resources must concur in the vacation of a section line easement. MS. CONTRERAS replied that they must concur and do a separate vacation action. The action before the Board relates only to the Municipality's interest in the easements.

The public hearing was opened.

TIM POTTER, representing the petitioner, stated the Staff has adequately reviewed the issues and points related to this request. Due to various personal reasons, the previous approval of this vacation was not included in the plat that was filed. This will now be incorporated into a plat. He stated this request meets all Title 21 requirements; it is clearly in excess of public need. There are many letters of support from neighbors. There is no existing access or trail in this location, so there is no history of use. No objection is stated in the packet from any reviewing agency or city staff. The grades in this area are in excess of what could be developed to meet municipal standards and ADA requirements. Due to the facility being a float plane base, it would be extremely dangerous to the public to have non educated members of the public gaining access to the lake surface in either summer or winter.

The public hearing was closed.

BOARD MEMBER PHELPS moved for approval of the request to vacate a 66-foot section line easement crossing Tracts A-1 and B-1 and 33-foot section line crossing Lot 1, Block 1, subject to filing suitable replat within 18 months which shall include carrying over the notes from plat 2002-146.

BOARD MEMBER SHRIVER seconded.

BOARD MEMBER PHELPS supported his motion, noting that there is no public opposition to this request and, in fact there are three letters in support of the request. Public access to the lake would not be in the public interest and could create safety problems. The easement is not needed for the movement of pedestrians or vehicles and granting vacation of the easement would promote the public health and safety.

AYE: Deak, Caress, Phelps, Funatake, Linnell, Shriver, McKay
NAY: None

PASSED