

CITY COUNCIL REGULAR SESSION

Resolution determining that two existing public utility easements, both located at 10210 SE 10th Street, are surplus to the City's needs and are no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the release of these easements.

Toni Call, Director, 452-7863
Ira McDaniel, Real Property Manager, 452-4182
Hannah Peshkov, Senior Real Property Agent, 452-4284
Finance & Asset Management Department

Sean Wells, Development Review Manager, 452-4855
Utilities Department

EXECUTIVE SUMMARY

This Resolution determines that two existing public utility easements, both located at 10210 SE 10th Street, are surplus to the City's needs and are no longer required for providing continued public utility service.

RECOMMENDATION

Move to adopt Resolution No. 9559.
If approved, effective date: 03/04/2019

BACKGROUND/ANALYSIS

This action involves declaring two existing public utility easements, both located at 10210 SE 10th Street, as surplus.

These easements were granted to the City of Bellevue on August 22, 2007 and September 18, 2007 and filed under King County Recording Numbers 20071025001738 and 20071025001740, respectively. They were obtained by the City for the purposes of operating and maintaining the public and franchise utilities that were located within an unopened portion of public road right of way known as 103rd Avenue SE. This portion of unopened roadway was the subject of a 2007 quiet title action filed in King County Superior Court (cause No. 07-2-04105-2SEA) which claimed that the area was subject to the state's non-user statute because the road right of way was dedicated in 1890 and never opened for public use. That lawsuit was settled through a Settlement Agreement and Release of Claims (approved by Council under Resolution No. 7595) which involved the City quitclaiming the public right of way to the adjacent owner in exchange for these easements. The property is currently being subdivided into two lots, and the utilities will be relocated within or removed from the property (as described below). The property owner has asked for the release of the existing easements, so they may move forward with their project.

Utilities Department staff have reviewed the release request and confirmed that the two existing public utility easements bearing King County Recording Numbers 20071025001738 and 20071025001740

are no longer needed because the utilities will be removed or relocated on the property as a condition of the proposed development. The existing electric facilities will be relocated within the property and a new electrical easement has been conveyed to Puget Sound Energy under King County Recording Number 20180514000372. Franchise Communications will be relocated, and an easement has been conveyed to Comcast under King County recording number 20181026000272. Natural Gas will be removed, and an easement is no longer required. Water and sewer easements will be granted for the location of the new facilities as a condition of the property owner's development permits. Therefore, staff recommends declaring the easements recorded under King County Recording Numbers 20071025001738 and 20071025001740 as surplus.

If the Council adopts the recommended Resolution declaring the easements as surplus, staff proposes to return on April 15 to assist the Council in holding a public hearing. At this hearing, the public will be able to comment on the proposed easement releases. Following the hearing, staff will request Council action on a proposed resolution authorizing the release of these easements.

POLICY & FISCAL IMPACTS

Policy Impact

Bellevue City Code/State Law

Under Bellevue City Code 4.32.070 and RCW 35.94.040, the City can dispose of Utilities-owned real property interests, including release of permanent easements, determining by resolution that the property in question is surplus to the City's needs and is not required for providing continued public utility service. Under the same provisions, at a separate City Council meeting, the Council can approve the release following a public hearing.

City Procedure

The City has a procedure in place for releasing or modifying easements. An easement may be released, upon approval by the Council, if the easement is no longer needed, there is no foreseeable future need for the easement and, if applicable, the City has obtained any needed replacement easements.

Fiscal Impact

Declaring these easements surplus has no fiscal impact to the City because the easements were provided to the City at minimal cost and the property owner will be required to grant replacement easements as a condition of their development project.

OPTIONS

1. Adopt the Resolution determining that two existing public utility easements, both located at 10210 SE 10th Street, are surplus to the City's needs and are no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the release of these easements.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Easement Exhibit Map
 - B. Vicinity Map
- Proposed Resolution No. 9559

AVAILABLE IN COUNCIL LIBRARY

Copies of easement documents
Documents related to Res. 7595