

**CITY COUNCIL AGENDA TOPIC**

Public Hearing and action on Resolution authorizing the execution of documents necessary to release an existing utility easement located in the Plat of Maryhill Addition that has been declared surplus to the City's needs and is no longer required for providing utility service.

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**EXECUTIVE SUMMARY****ACTION**

Public Hearing to solicit input on the proposed release of an existing utility easement located in the Plat of Maryhill Addition. If approved, the Resolution would authorize execution of release documents.

**RECOMMENDATION**

Hold the public hearing and move to adopt Resolution No. 10591

**BACKGROUND/ANALYSIS**

On February 10, the City Council approved Resolution No. 10582 declaring an existing utility easement located in the Plat of Maryhill Addition surplus. The next step in this process is for the Council to hold a public hearing. This hearing is an opportunity for the public to comment on the proposed release. Following the hearing, staff requests Council action on the proposed Resolution authorizing the release of the subject easement.

The utility easement was granted to the City of Bellevue in the plat thereof recorded in volume 54 of plats, page 37, in King County, Washington; on January 18, 1954. The subject property is owned by Bellevue Main, LLC, a Washington limited liability company. The owner is redeveloping the site into a 350-unit residential building with approximately 310,800 square feet (SF) of market rate and affordable units, and approximately 117,200 SF of below grade parking and mechanical and 435 SF of ground floor retail. In addition, the developer plans to pursue the multifamily tax exemption (MFTE) which would increase their five planned affordable units to a total of 71 units at 80% of area median income (AMI).

As a part of their development, the owner has requested that the city release this existing utility easement.

Utilities Department staff have reviewed the release request and confirmed that the entirety of the easement is no longer needed. The utilities easement was added to the plat, but no utilities were ever

installed inside of the easement area.

Franchise utilities including Comcast, CenturyLink, PSE, and Verizon have all confirmed that they have no facilities located within the easement reservation on this property and have no future need for the utilities easement located within the plat.

This public hearing was advertised in the newspaper of record and notices were sent to property owners within a 500-foot radius of the property with the subject easement.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

#### Bellevue City Code

Under Bellevue City Code 4.32.070 and RCW 35.94.040, the city can dispose of Utilities-owned real property interests, including the release of permanent utility easements, upon a determination 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 this easement surplus has no fiscal impact to the city because this easement was provided to the city at no cost. Per the guidance laid out in the City's Easement Release Procedure, no compensation is required for the release of an easement that was obtained at no cost.

## **OPTIONS**

1. Hold the public hearing and adopt the Resolution authorizing the execution of documents necessary to release an existing utility easement located in the Plat of Maryhill Addition that has been declared surplus to the City's needs and is no longer required for providing utility service
2. Hold the public hearing, do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS**

### A. Vicinity Map

Proposed Resolution No. 10591

## **AVAILABLE IN COUNCIL LIBRARY**

Copies of the proposed plat amendment