

July 9, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing and action on Resolution authorizing execution of documents necessary to release a portion of an existing water easement located at 11959 Northup Way that has been declared partially surplus to the City's needs and is no longer required for providing continued public utility service; the granting and recording of such partial release being deemed in the best interest of the public.

FISCAL IMPACT

Releasing a portion of this easement has no fiscal impact to the City because the 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.

STAFF CONTACTS

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POLICY CONSIDERATION

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.

BACKGROUND

On June 4, the City Council approved Resolution 9415 declaring a portion of the subject easement surplus to the City's needs and no longer required for providing continued public utility service. The next step in this process is for Council to hold a public hearing to allow public comment opportunity regarding the proposed release of the surplus portion of the water easement. Following the public hearing, staff requests Council action on the proposed Resolution authorizing the partial release of the

subject easement.

The existing water easement was granted to the City of Bellevue on November 3, 1992 and filed under King County Recording Number 9307090347. This property is currently being redeveloped and the water easement will be under the footprint of a proposed building. Therefore, the developer has asked the City to partially release this water easement so they may move forward with their redevelopment plans.

Utilities Department staff has reviewed the release request and confirmed that a portion of the existing 15-foot water easement is no longer needed because the old water main will be relocated within the property. A new water easement will be granted for the location of the new water main as a condition of the building permit. Therefore, staff recommends authorizing the partial release of the existing water easement bearing King County Recording Number 9307090347.

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

EFFECTIVE DATE

If approved, this Resolution becomes effective immediately upon Council adoption.

OPTIONS

1. Hold the public hearing and adopt the Resolution authorizing execution of documents necessary to release a portion of an existing water easement located at 11959 Northup Way that has been declared partially surplus to the City's needs and is no longer required for providing continued public utility service; the granting and recording of such partial release being deemed in the best interest of the public.
2. Hold the public hearing, do not adopt the Resolution and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTIONS

Move to open the public hearing.

Move to adopt Resolution No. 9434 authorizing execution of documents necessary to release a portion of an existing water easement located at 11959 Northup Way that has been declared partially surplus to the City's needs and is no longer required for providing continued public utility service; the granting and recording of such partial release being deemed in the best interest of the public.

ATTACHMENTS

- A. Easement Exhibit Map
 - B. Vicinity Map
- Proposed Resolution No. 9434

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

- A. Copy of proposed partial release of easement document
- B. Copy of proposed new water easement