

**CITY COUNCIL AGENDA TOPIC**

Resolution determining that a portion of an existing Sidewalk, Utilities, Lighting and Landscaping Easement located at 640 108TH AVE NE and 633 110TH AVE NE is surplus to the City's needs and is no longer required for providing continued service; and setting a time and place for a public hearing to consider the partial release of this easement.

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**EXECUTIVE SUMMARY****ACTION**

This Resolution determines that a portion of an existing Sidewalk, Utilities, Lighting and Landscaping Easement located at 640 108TH AVE NE and 633 110TH AVE NE is surplus to the city's needs and is no longer required for providing continued service; and setting a time and place for a public hearing.

**RECOMMENDATION**

Move to adopt Resolution No. 10583

**BACKGROUND/ANALYSIS**

This action involves declaring a portion of an existing Sidewalk, Utilities, Lighting and Landscaping Easement located at 640 108TH AVE NE and 633 110TH AVE NE as surplus. The existing easement was granted to Sound Transit on March 10, 2008, under King County Recording No. 20080410001325 and assigned to the city by Quit Claim Deed on August 14, 2008, under King County Recording No. 20080917001198.

The subject property is currently owned by Acorn Development, LLC, which is in the process of developing the site into a two-tower office building with mix retail on the street level.

The property owner has requested that the city release a portion of this easement because it overlaps and is inconsistent with an easement required to be granted to the city as part of the project. Transportation Department staff have reviewed this request and determined that the identified portion is no longer needed.

As such, staff recommend approving the partial release of this easement. If the Council adopts the recommended Resolution declaring a portion of this easement surplus, staff propose to return on March 17 to assist the Council in holding a public hearing. At this hearing, the public will be able to comment on the proposed partial easement release. Following the hearing, staff will request Council action on a proposed resolution authorizing the partial release of this 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 on 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. Adopt the Resolution determining that a portion of an existing Sidewalk, Utilities, Lighting and Landscaping Easement located at 640 108TH AVE NE and 633 110TH AVE NE is surplus to the City's needs and is no longer required for providing continued service; and setting a time and place for a public hearing to consider the partial release of this easement.
2. Do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS**

- A. Easement Exhibit Map
  - B. Vicinity Map
- Proposed Resolution No. 10583

## **AVAILABLE IN COUNCIL LIBRARY**

N/A