

CITY COUNCIL REGULAR SESSION

Public Hearing and action on Ordinance authorizing the release of a portion of an existing utility easement, and amending Ordinance No. 740 to release the utility easement located at 200 112th Ave NE, which has been declared surplus to the City's needs and no longer required for providing continued public utility service; the release of this easement being deemed in the best interest of the public.

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EXECUTIVE SUMMARY**ACTION**

Public hearing to solicit input on the proposed release of a utility easement located at 200 112th Ave NE. If approved, the Ordinance would authorize the amendment of a previous Ordinance to release the utility easement on the property.

RECOMMENDATION

Hold the public hearing and move to adopt Ordinance No. 6904

BACKGROUND/ANALYSIS

On January 13 City Council approved Resolution No. 10573 declaring a utility easement surplus to the City's needs and no longer required for providing continued public service and setting a time and place for a public hearing to consider the release. 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 Ordinance authorizing the release of the subject easement.

A public utility easement was reserved as part of a street vacation approved in 1965 through Ordinance No. 740. The Ordinance was filed under King County Recording Number 5865598. The subject property, located at 200 112th Ave NE, is currently being redeveloped and the owner asked the city to release the easement so they could move forward with their redevelopment plans.

Utilities Department staff have reviewed the release request and confirmed the easement is no longer needed. The utilities easement was reserved but utilities were not installed inside the easement area.

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/State Law

Under BCC 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 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 Ordinance authorizing the release of a portion of an existing utility easement, and amending Ordinance No. 740 to release the utility easement located at 200 112th Ave NE, which has been declared surplus to the City's needs and no longer required for providing continued public utility service; the release of this easement being deemed in the best interest of the public.
2. Hold the Public Hearing, do not adopt the Ordinance, and provide alternative direction to staff.

ATTACHMENTS

- A. Easement Exhibit Map
 - B. Vicinity Map
- Proposed Ordinance No. 6904

AVAILABLE IN COUNCIL LIBRARY

N/A