

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution No. 9014 determining that a portion of one utility easement across two parcels at 1005 and 1015 104th Avenue SE in Bellevue, is surplus to the City's needs and is not required for providing continued public utility service.

FISCAL IMPACT

Declaring a portion of this utility easement surplus has no fiscal impact to the City because the City acquired the easement by reserving it as part of a street vacation process in 1976. The City had originally acquired the street property at no cost to the City through a dedication within a plat in 1890. It appears this portion of right-of-way was never improved. Under the law that applied to dedications within plats between 1890 and 1895, unused right-of-way could be vacated without compensation. As part of the 1976 street vacation, the City reserved the Utility easement in question here – which reservation would have been at no cost to the City. In addition, by only relinquishing a portion of this easement, the City will continue to own an easement over its sewer line facility for purposes of future maintenance and repair.

STAFF CONTACT

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Utilities Department

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Civic Services Department

POLICY CONSIDERATION

Bellevue City Code/State law:

- Under Bellevue City Code 4.32.015 and RCW 35.94.040, the City can dispose of Utilities-owned real property interests, including relinquishment of permanent easements, by 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 relinquishment following a public hearing.

City practice:

- The City is typically willing to relinquish sewer easements on private property as long as the easements are not currently needed; there is no foreseeable future need for the easement; and, if applicable, the City has obtained any needed replacement easement(s). In addition, any work needed to realign the sewer system is performed at the owner's or developer's cost.
- In most cases, relinquishment of unneeded easements helps facilitate private land development or transfers.

BACKGROUND

This action involves declaring a portion of an existing utility easement to be surplus to the City's needs because a portion of it is no longer needed by the City of Bellevue. The easement was acquired by the City in connection with a street vacation adopted by Ordinance No. 2350 in 1976, which vacated a

portion of 103rd Avenue SE. Specifically, the Ordinance reserved a public utility easement, King County Recording Number 7610270788, over the entire 60-foot width of 103rd Avenue SE when it was vacated. A 30-foot wide portion of that easement is located on residential parcels at 1005 and 1015 104th Avenue SE. This public utility easement provides the right to install, maintain and operate water and sewer pipelines, along with other types of public utilities, including electrical wires. Puget Sound Energy has reviewed the proposed partial relinquishment and has confirmed it has no facilities within the area to be relinquished. The City has existing storm water facilities located on 1005 and 1015 104th Avenue SE in this easement adjacent to the westerly property line and the City is willing to reduce the size of the easement area to 5 feet in width to facilitate private land development consistent with the City's zoning and land use regulations.

In August 2014, the property owner submitted a short plat application to create three separate lots from the two combined parcels for the purpose of developing individual single-family homes on each new lot. The short plat is now complete. Existing utility infrastructure off the property serves these parcels (with water, storm and sewer lines in Bellevue Way and SE 10th Street). The property owner has asked the City to relinquish a portion of the easement so the homes may built up to the maximum allowable building area.

Bellevue Utilities staff has reviewed the relinquishment request and has confirmed that a portion of the utility easement is not needed and the easement can be partially relinquished. Therefore, staff recommends determining a portion of the easement bearing King County Recording Number 7610270788 as surplus.

If Council adopts the recommended resolution declaring a portion of this easement surplus, staff will return at a second meeting to assist Council in holding a public hearing during which the public will be able to comment regarding the proposed partial relinquishment. Following that hearing, staff will request Council action on a proposed resolution authorizing the partial relinquishment.

EFFECTIVE DATE

If adopted by Council, this Resolution becomes effective immediately.

OPTIONS

1. Adopt the Resolution determining that a portion of one utility easement across two parcels at 1005 and 1015 104th Avenue SE in Bellevue, as surplus to the City's needs and is not required for providing continued public utility service.
2. Do not adopt the Resolution and provide alternative direction to staff.

RECOMMENDATION

Option 1.

MOTION

Move to adopt Resolution No. 9014 determining that a portion of one utility easement across two parcels at 1005 and 1015 104th Avenue SE in Bellevue, as surplus to the City's needs and is not required for providing continued public utility service.

ATTACHMENTS

1. Easement Exhibit Map
2. Vicinity Map
3. Proposed Resolution No. 9014

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Copy of proposed easement relinquishment document