

**CITY COUNCIL AGENDA TOPIC**

Resolution determining that portions of two easements, a Sidewalk and Utility easement and a Sidewalk, Utility and Wall easement located at 1425 120th Ave NE are surplus to the City's needs; and setting a time and place for a public hearing to consider the release of these easements.

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**EXECUTIVE SUMMARY****ACTION**

This Resolution determines that portions of two easements, one a Sidewalk and Utility easement and one a Sidewalk, Utility and Wall easement located at 1425 120th Ave NE, are surplus to the city's needs and are no longer required for providing continued service at this location; and set a time and place for a public hearing.

**RECOMMENDATION**

Move to adopt Resolution No. 10593

**BACKGROUND/ANALYSIS**

This action involves declaring a portion of a Sidewalk and Utility easement and a portion of a Sidewalk, Utility and Wall easement located at 1425 120th Ave NE as surplus. The Sidewalk and Utility easement was granted to the City of Bellevue by Pine Forest Business Parks, LLC under recording number 20170726001660, in King County, Washington; on July 26, 2017. The Sidewalk, Utility and Wall easement was granted to the City of Bellevue by Pine Forest Business Parks, LLC under recording number 20180329001787, in King County, Washington; on March 29, 2018.

The subject property is owned by Pine Forest Business Parks, LLC and ARE-Seattle NO. 47, LLC. The proposed development is a four-phase Master Development Plan (MDP) that will construct a total of 784,300 square feet of office space, 425 residential dwelling units, 5,000 square feet of retail and 5,000 square feet of dining. The developer has requested the city partially release these easements because they interfere with the redevelopment of the property.

Utilities and Transportation Department staff have reviewed the release request and determined that the identified portions are no longer needed. Therefore, staff recommend declaring a portion of the existing Sidewalk and Utility easement bearing King County recording number 20170726001660 and a portion of the existing Sidewalk, Utility and Wall easement bearing King County recording number

20180329001787 as surplus. 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 those portions of the two existing easements, a sidewalk and a sidewalk, utility and wall easement located within 1425 120th Ave NE.

If the City Council adopts the recommended resolution declaring the portions of easements surplus, staff propose to return on May 5, to assist the council in holding a public hearing. At this hearing, the public will be able to comment on the proposed easement releases. Following the hearing, staff will request council action on a proposed resolution authorizing the release of the portions of easements.

## **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**

Relinquishing these easements will result in the city receiving \$73,688, or such other amount reflected in a future appraisal as described above. If executed, funds will be receipted in the Land Purchase Revolving Fund for Council discretion on future use of the funds.

## **OPTIONS**

1. Adopt the Resolution determining that portions of two easements, a Sidewalk and Utility easement and a Sidewalk, Utility and Wall easement located at 1425 120th Ave NE are surplus to the City's needs; and setting a time and place for a public hearing to consider the release of these easements.
2. Do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS**

A. Vicinity Map

B. Easement Exhibit

Proposed Resolution No. 10593

## **AVAILABLE IN COUNCIL LIBRARY**

Drafts for easement releases with exhibits