

CITY COUNCIL REGULAR SESSION

Public Hearing and action on Resolution authorizing the execution of documents necessary to release a portion of an existing water easement located at 3245 158th Avenue SE in Bellevue, Washington, which has been declared surplus to the City's needs and no longer required to provide continued water service; the granting and recording of such release being deemed in the best interest of the public.

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Utilities Department

EXECUTIVE SUMMARY**ACTION**

Public Hearing to solicit input on the proposed partial release of a water easement located at 3245 158th Ave SE. If approved, the Resolution would authorize execution of the partial release. The release will not be executed and recorded until replacement easements have been conveyed to the City.

RECOMMENDATION

Hold the public hearing and move to adopt Resolution No. 10527

BACKGROUND/ANALYSIS

On June 3, the City Council approved Resolution No.10515 declaring a portion of an existing water easement to be surplus to the City's needs and no longer required to provide water service. 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 Resolution, authorizing a partial release of the subject easement.

The water easement was granted to the City of Bellevue on March 7, 1977, under King County Auditor's file No. 7703070606; then first amended on March 25, 1985, under King County Auditor's file No. 8503250638; second amended on February 25, 1987, under King County Auditor's file No. 8702250744; third amended on June 9, 1988, under King County Auditor's file No. 8806091114, and fourth amended on August 19, 1988, under King County Auditor's file No. 8808191022. The subject property is now owned by I-90 Bellevue Investment LLC, a Washington limited liability company. The owner is redeveloping the site into a 77-unit market-rate townhome community. As a part of their development, the owner has requested that the City release a portion of the existing easement. In exchange, the owner will convey additional, replacement easements to the City to facilitate water service to the development.

Utilities Department staff have reviewed the release request and confirmed that a portion of the existing water easement bearing the recording numbers listed above is no longer needed.

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.

The requested partial release, which is the subject of the proposed and recommended resolution, will be executed and recorded only after the replacement easements, which meet the needs of the Utilities Department, have been conveyed to the City.

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 a portion of the 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. Additionally, the City will acquire replacement easements acceptable to the Utilities Department in exchange for the recommended partial release.

OPTIONS

1. Hold the Public Hearing and adopt the Resolution authorizing the execution of documents necessary to release a portion of an existing water easement located at 3245 158th Avenue SE in Bellevue, Washington, which has been declared surplus to the City's needs and no longer required to provide continued water service; the granting and recording of such 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.

ATTACHMENTS

- A. Easement Exhibit Map
 - B. Vicinity Map
 - C. Resolution No.10515
- Proposed Resolution No. 10527

AVAILABLE IN COUNCIL LIBRARY

Copies of the proposed release of easement