

January 16, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing on the requested partial release of two water easements located at 4020 Factoria Boulevard, 12826 SE 40th Lane, and 4049 and 4101 129th Place SE; and full release of three water easements located at 4049 and 4101 129th Place SE, that have been declared surplus to the city's needs and are no longer required for providing continued public utility service.

FISCAL IMPACT

Declaring these easements surplus has no fiscal impact to the City given that some replacement easements have been established previously and others will be established as a condition of the development project.

STAFF CONTACTS

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Civic Services Department

Paul Bucich, Assistant Director of Engineering, 452-4596

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Utilities Department

POLICY CONSIDERATION

Bellevue City Code/State Law:

- Under Bellevue City Code 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.

BACKGROUND

On Dec. 4, 2017, the Council approved Resolution 9341, which 1) declared the subject easements surplus to the City's needs and no longer required for providing continued public utility service; and 2) determined that a public hearing was to be held on Jan. 16. This hearing is a public comment opportunity regarding the proposed release and partial release of the surplus utility easements.

The history and extent of the five easements in question is detailed below.

- 1965 King County Water District No. 97 acquired a 10-foot water line easement (King County recording number 5952788) which included assignment of an older private water line easement that covered the same area (KC recording number 4728123). These water line easements run from the centerline of Factoria Boulevard through the following properties: 4020 Factoria Blvd, 12826 SE 40th Lane, 4039 and 4102 131st Place SE, 4049 and 4101 129th Place SE. See Attachment A1.
- 1970's The City assumed all assets, real property and easements from King County Water District No. 97 within its City limits. However, this area was outside the City limits and became a part of King County Water District No. 107.
- Water District No. 107 subsequently relocated the water main, removing it entirely from these two easements, but did not release the easements from record. These easements cross additional property outside of the Windward Factoria Townhomes parcels, but provide no future benefit to the City. Staff is proposing to release the entirety of these easements in order to clear title to all of the parcels they cross.
- 1982-84 King County Water District No. 107 acquired a ten-foot water line easement located on 4101 129th Place SE with tax parcel number 162405-9032 (KC recording number 8306171045) and two water line easements located on 4049 129th Place SE with King County tax parcel number 162405-9046 (KC recording numbers 8401180662 and 8401180668). See Attachment A2.
- 1995 King County Water District No. 107 changed its name to Coal Creek Utility District.
- 2003 The City assumed a portion of Coal Creek Utility District's facilities, assets, real property and easements located within its City limits, including these easements.

On December 4, 2017, staff presented that the existing easements are no longer needed by the City of Bellevue Utilities Department. Two of these easements cross the properties at 4020 Factoria Boulevard, 12826 SE 40th Lane, 4039 and 4102 131st Place SE, and 4049 and 4101 129th Place SE. The other three easements are only located within 4049 and 4101 129th Place SE (King County tax parcel numbers 162405-9046 and 162405-9032), which are currently being developed as new townhomes (Windward Factoria Townhomes). The Windward Factoria Townhomes property owner/developer has asked the City to release these water easements so they may move forward with developing their property.

Following the December 4, 2017 City Council meeting, staff discovered that a portion of the easement under recording numbers 4728123 and 5952788 needs to be retained because an abandoned water pipe remains in the ground at 4039 131st Place SE and the City may need access in the future to remove the pipe. The existing easements bearing recording numbers 8306171405, 8401180662, and 8401180668 (located within the Windward Factoria Townhomes property) are no longer needed because the existing water mains have been relocated and replacement easements have been provided. Therefore, staff recommends partially releasing the water easements bearing King County recording numbers 5952788 and 4728123, and fully releasing the easements bearing King County recording

numbers 8306171045, 8401180662 and 8401180668.

This public hearing was advertised in the newspaper of record on December 27, 2017 and notices were sent to property owners within 500-foot radius of the property where the subject easements are located.

Following the public hearing, staff requests City Council direction on whether to proceed with drafting legislation for the release and partial release of the subject easements. If City Council directs staff to proceed with drafting legislation, staff would return to Council in approximately two to four weeks with a Resolution.

EFFECTIVE DATE

N/A

OPTIONS

1. Hold the Public Hearing on the requested partial release of two water easements located at 4020 Factoria Boulevard, 12826 SE 40th Lane, and 4049 and 4101 129th Place SE; and full release of three water easements located at 4049 and 4101 129th Place SE, that have been declared surplus to the city's needs and are no longer required for providing continued public utility service.
2. Do not hold the public hearing and provide alternative direction to staff.

RECOMMENDATION

Option 1.

MOTION

Move to open the Public Hearing.

ATTACHMENTS

- A1. Easement Exhibit Map – partial release
- A2. Easement Exhibit Map – full release
- B. Vicinity Map

AVAILABLE IN THE COUNCIL DOCUMENT LIBRARY

- A. Copy of proposed easement release documents
- B. Copy of proposed new easement document