

**CITY COUNCIL REGULAR SESSION**

Public Hearing and action on Ordinance authorizing the release of a portion of a public utility easement and amending Ordinance No. 386 to release a portion of a public utility easement located at 707 96<sup>th</sup> 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.

Jamie Robinson, Assistant Director, 452-6843  
Loren Matlick, Real Property Manager, 452-6458  
Niki Peng, Real Property Agent, 452-6842  
*Finance & Asset Management Department*

Dwight Smith, Utilities Development Review Manager 452-4127  
*Utilities Department*

**EXECUTIVE SUMMARY****ACTION**

Public Hearing to solicit input on the proposed release of a portion of a public utility easement located at 707 96<sup>th</sup> Ave NE. If approved, the Ordinance would authorize the amendment of a previous Ordinance to release the public utility easement on the property.

**RECOMMENDATION**

Hold the public hearing and move to adopt Ordinance No. 6890

**BACKGROUND/ANALYSIS**

On October 14, the City Council approved Resolution No.10548 declaring that a portion of an existing public utility easement is surplus to the City's needs and no longer required for providing continued public utility 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 the release of the subject easement.

On December 8, 1959, the City Council adopted Ordinance No. 338 vacating portions of SE 6th Street, SE 7th Street, and NE 7th Street and reserving an easement for public utilities within the vacant portions of each street. Shortly following the street vacation, one of the property owners burdened by the reserved easement requested that the City reduce the width of the easement because it interfered with development of their property. On May 24, 1960, the City Council adopted Ordinance No. 386 amending Ordinance No. 338 to reduce the width of the reserved easement within a portion of NE 7th Street. The developer has asked the City to release the easement so they may move forward with their redevelopment plans.

Utilities Department staff have reviewed the release request and confirmed that there's no public utility lines existing within the easement area located at 707 96<sup>th</sup> Ave NE.

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 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.

## **OPTIONS**

1. Hold the Public Hearing and adopt the Ordinance authorizing the release of a portion of a public utility easement and amending Ordinance No. 386 to release a portion of a public utility easement located at 707 96<sup>th</sup> 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 Resolution, and provide alternative direction to staff.

## **ATTACHMENTS**

- A. Easement Exhibit Map
  - B. Vicinity Map
- Proposed Ordinance No. 6890

## **AVAILABLE IN COUNCIL LIBRARY**

N/A