

## CITY COUNCIL REGULAR SESSION

Public Hearing and action on Ordinance amending Ordinance Nos. 270 and 277 to release a public utility easement and a portion of a second public utility easement, all located at 10300 NE 8th Street, which have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the release of these easements being deemed in the best interest of the public.

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## EXECUTIVE SUMMARY

The purpose of the public hearing is to solicit input on the proposed release of a public utility easement and a portion of a second public utility easement, all located at 10300 NE 8<sup>th</sup> Street. If approved, the Ordinance would authorize the amendment of previous Ordinances to release the public utility easements on the subject property.

## RECOMMENDATION

Move to adopt Ordinance No. 6647.

## BACKGROUND/ANALYSIS

On November 23, 2020, the City Council approved Resolution No. 9846 declaring that a public utility easement and a portion of a second public utility easement, all located within the property at 10300 NE 8<sup>th</sup> Street, are surplus to the City's needs and are no longer required for providing continued public utility service. A public hearing was scheduled for January 19, 2021 to consider the release of these easements. Council subsequently adopted Resolution No. 9876 cancelling the January 19, 2021 public hearing. On December 6, 2021, Council adopted Resolution No. 10035 scheduling a new public hearing date for January 24, 2022 to consider the release of these easements. The next step in this process is for the Council to hold a public hearing. This hearing is a public comment opportunity regarding the proposed releases. Following the hearing, staff requests Council action on the proposed Ordinance authorizing the amendment of Ordinance No. 270 and Ordinance No. 277, removing the public utility easement on the subject property.

The easements in question were created by Ordinances that vacated portions of 103<sup>rd</sup> Avenue NE in the 1950's. On October 15, 1958, the City passed Ordinance No. 270, vacating a portion of 103<sup>rd</sup> Avenue NE between NE 8<sup>th</sup> Street and NE 10<sup>th</sup> Street. About a month later, on November 25, 1958, the City passed Ordinance No. 277 to vacate the rest of 103<sup>rd</sup> Avenue NE between NE 8<sup>th</sup> Street and NE 10<sup>th</sup> Street. Each of these Ordinances reserved a public utility easement within the areas that were

vacated.

The subject property is in the process of being redeveloped and the property owner has requested the release of the public utility easements lying within their property. Utilities Department staff reviewed the release requests and confirmed that these easement areas are no longer needed as all utility facilities have been removed within the proposed release areas. No new easement is needed as a condition of the development permit since utility connections and facilities will be located within the existing right of way. Therefore, staff recommends authorizing the release of a public utility easement and a portion of a second public utility easement located within the vacated 103<sup>rd</sup> Avenue NE, lying within the subject property.

This public hearing was advertised in the newspaper of record and notices were sent to the property owners within a 500-foot radius of the property with the subject easements.

## **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**

Releasing these easements has no fiscal impact to the City because these easements were 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 amending Ordinance Nos. 270 and 277 to release a public utility easement and a portion of a second public utility easement, all located at 10300 NE 8th Street, which have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the release of these easements being deemed in the best interest of the public.
2. Hold the Public Hearing, do not adopt the Ordinance and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

- A. Easement Exhibit Maps
  - B. Vicinity Map
- Proposed Ordinance No. 6647

## **AVAILABLE IN COUNCIL LIBRARY**

N/A