

**CITY COUNCIL REGULAR SESSION**

Public Hearing and action on Resolution authorizing the execution of documents necessary to release three utility easements which have been declared surplus to the City's needs and are no longer required for providing continued public utility service. The easements lie within the properties located at 1111 102nd Avenue NE and 10112 NE 10th Street.

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**EXECUTIVE SUMMARY**

The purpose of the public hearing is to solicit input on the proposed release of three utility easements that lie within the properties located at 1111 102<sup>nd</sup> Avenue NE and 10112 NE 10<sup>th</sup> Street. If approved, the Resolution would authorize execution of the release documents.

**RECOMMENDATION**

Move to adopt Resolution No. 10126

**BACKGROUND/ANALYSIS**

On May 23, Council approved Resolution No. 10100 declaring the easements surplus to the City's needs and no longer required for continuing public utility service. This hearing is a public comment opportunity regarding the proposed releases. Following the hearing, staff requests Council action on the proposed Resolution authorizing the release of the sewer and two water easements.

Pinnacle Bellevue Development LLC is the owner of the subject property, which includes 1111 102<sup>nd</sup> Avenue NE as well as 10112 NE 10<sup>th</sup> Street. The owner proposes redeveloping the site, which requires the abandonment of the City's existing sewer and water main facility. The owner has requested that the City release the following easements so they can move forward with their redevelopment plans:

**Sewer Easement**

5121463      Sewer easement, King County Recording Number 5121463, was granted to Bellevue Sewer District in 1958. This easement is located at 1111 102<sup>nd</sup> Avenue NE. These sewer facilities have been abandoned, and no new facilities will be installed here. Staff is proposing the full release of this easement.

**Water Easements**

8011130340      Water easement, King County Recording Number 8011130340, was granted to the City of Bellevue in 1980. This easement is located at 10112 NE 10<sup>th</sup> Street. This water facility

has been abandoned, and no new facilities will be installed here. Staff is proposing the full release of this easement.

8011130341 Water easement, King County Recording Number 8011130341, was granted to the City of Bellevue in 1980. This easement is located at 10112 NE 10<sup>th</sup> Street within the same footprint as the easement filed under recording number 8011130340. This water facility has been abandoned, and no new facilities will be installed here. Staff is proposing the full release of this easement.

The new development will be served from public utilities that are entirely within the public road right of way, so no new public utility easements will be required for their project.

Utilities Department staff have reviewed the release requests and confirmed that these easement areas are no longer needed and confirmed that the City will have no need for replacement easements once the developer's improvements are constructed. Therefore, staff recommends authorizing the release of the above referenced easements.

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

### **Fiscal Impact**

Declaring these easements surplus 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 Resolution authorizing the execution of documents necessary to release three utility easements which have been declared surplus to the City's needs and are no longer required for providing continued public utility service. The easements lie within the properties located at 1111 102nd Avenue NE and 10112 NE 10th Street.
2. Hold the Public Hearing, do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS**

- A. Easement Exhibit Maps
  - B. Vicinity Map
- Proposed Resolution No. 10126

## **AVAILABLE IN COUNCIL LIBRARY**

Copy of proposed release of easement documents