

CITY COUNCIL REGULAR SESSION

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

A public hearing for this release was held on January 24, 2022, and action on the proposed Ordinance was deferred due to concerns that were raised by the public during the public hearing. 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. 6711

BACKGROUND/ANALYSIS

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

The subject property, at 10300 NE 8th Street, is in the process of being redeveloped and the property owner has requested the release of the public utility easements lying within their property. 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 subject property, 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.

During the public hearing, comments from the public were received objecting to the release of the easements. The objections were raised due to the presence of an electrical vault owned by Puget

Sound Energy (PSE, a franchise utility) that had been relocated from the subject property onto a neighboring property as part of the development of the subject property. Council did not take action on the Ordinance following the public hearing and requested that staff follow up with the parties and bring the Ordinance back for approval at a later date.

Following the public hearing, staff worked with PSE, the owner of the subject property, and their neighbor to better understand the situation. The vault cannot be moved back into the subject property because the exterior perimeter of the new building and garage extend up to the property line and PSE's design standards do not allow for this facility to be placed inside a building. The neighbor and PSE have identified a potential new location for the vault which is both outside the subject property and acceptable to the neighbor.

While the parties have not yet reached a final agreement to relocate the vault, staff recommend moving forward with the easement release at this time to allow the permitting for the development on the subject property to continue. Since the vault cannot be located within the portions of the easements that will be relinquished, the release process can move forward independently of the vault relocation.

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 easements for City-owned utilities are needed as a condition of the development permit since City-owned utility connections and facilities serving the new development 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 103rd Avenue NE, lying within the subject property.

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. 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. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS

- A. Easement Exhibit Maps
 - B. Vicinity Map
- Proposed Ordinance No. 6711

AVAILABLE IN COUNCIL LIBRARY

N/A