

CITY COUNCIL REGULAR SESSION

Resolution authorizing execution of a temporary easement with Washington State Department of Transportation (WSDOT) across City of Bellevue property located at 13389 SE 36th Street, as part of WSDOT's I-90 Sunset Creek Fish Passage Project.

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EXECUTIVE SUMMARY

This resolution authorizes execution of a temporary easement with WSDOT which is required to allow WSDOT's design-build contractor, Atkinson Construction, to perform construction, mitigation, and restoration required for WSDOT's I-90 Sunset Creek Fish Passage Project.

RECOMMENDATION

Move to adopt Resolution No. 10234

BACKGROUND/ANALYSIS**WSDOT Fish Passage Program**

As part of the state's fish recovery efforts, WSDOT has made it a priority to reconnect waterways where its road culverts act as barriers. Since 1991, when WSDOT created a dedicated program, 344 barriers have been corrected, opening a total of 1,161 miles of fish habitat. Opening up where the waterway crosses I-90 is a major component to the continuity of that connection.

Sunset Creek

Culverts on Interstate 90 at Sunset Creek in Bellevue have been identified as fish barriers by Washington Department of Fish and Wildlife due to the water surface drop. Water surface drop is the vertical drop of stream water from the outlet of the culvert to the creek bed, which fish need to jump to go upstream. If the drop is too big for fish to jump, then it becomes a fish barrier. The Sunset Creek crossing is in the Factoria community, approximately a half mile east of the I-90/I-405 interchange at I-90 milepost 10.52. WSDOT has started the design-build phase for this project and construction is expected to start later in 2023.

The project will replace the existing 36-inch and 48-inch culverts through I-90 with two bridge spans of at least 55 feet. This will require an open channel at least 60 feet deep. WSDOT will also build two bridges on SE Eastgate Way and SE 36th Street for a total of four stream crossings. Council will be presented with a Turnback Agreement in the future for transferring the new bridges on SE Eastgate

Way and SE 36th Street to the City. Upon completion of the project, which should begin later this year and continue until 2026, WSDOT's contractor will return roadways, sidewalks, and trails similar to their configuration prior to construction.

In order to construct, mitigate, and perform restoration as part of the project, WSDOT needs to obtain a temporary easement from the City of Bellevue. These property rights are necessary for construction of a new fish passable structure and habitat enhancements for the project and for WSDOT to comply with the mitigation, monitoring, and restoration conditions that permits require as part of the project.

As such, staff recommends authorizing the conveyance of the temporary property rights across City of Bellevue property located at 13389 SE 36th Street to WSDOT. These rights are more particularly described and valued in the table below.

Pre Construction	Compensation to City of Bellevue
(7 months of occupancy)	\$126
Temporary Easement During Construction	
(62 months of occupancy)	\$11,171
Plant Establishment Monitoring Period	
(36 months of occupancy)	\$649
Total:	\$11,946
Option to Extend Monitoring Period (if required by permits)	
(24 months of occupancy)	\$400
Total:	\$12,346

POLICY & FISCAL IMPACTS

Bellevue City Code:

Under Bellevue City Code 4.30.020, any lease that exceeds two years in duration or consideration greater than \$90,000 per year (this threshold will increase to \$350,000 per year effective on April 3) shall be submitted to Council for approval. The temporary rights conveyed for this project exceed the two-year limit for duration.

City Procedure:

All requests for the conveyance of easements across City-owned property are put through a review by the departments with custodial authority of the property as well as other departments that may be impacted by the easement. If an offer of financial compensation is involved, the offer and any appraisals are reviewed as necessary, and staff negotiates the value to ensure the City receives fair market value.

Fiscal Impacts:

If this Resolution is approved, WSDOT will compensate the Utilities Department for the conveyance of temporary property rights in the amount of \$11,946 for the initial occupancy period. If the monitoring period is required to be extended, an additional \$400 will be compensated to Utilities.

OPTIONS

1. Adopt the Resolution authorizing execution of a temporary easement with Washington State Department of Transportation (WSDOT) across City of Bellevue property located at 13389 SE 36th Street, as part of WSDOT's I-90 Sunset Creek Fish Passage Project.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS

- A. Depiction of easement area
 - B. Vicinity Map
- Proposed Resolution No. 10234

AVAILABLE IN COUNCIL LIBRARY

Copy of proposed temporary easement