

June 4, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution determining that portions of two sewer easements and one water easement, as well as the entirety of one sewer easement and three water easements, all located at 13351 Southeast 32nd Street (Factoria Recycling Transfer Station), are surplus to the City's needs and are no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the partial release and full release of these easements.

FISCAL IMPACT

Declaring these easements surplus has no fiscal impact to the City because the property owner will be required to grant replacement easements as a condition of their development project.

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Utilities Department

POLICY CONSIDERATION

Bellevue City Code/State Law:

- Under Bellevue City Code 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 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.

BACKGROUND

This action involves declaring portions of two sewer easements and one water easement as surplus, as well as the entirety of one sewer easement and three water easements, all located at 13351 Southeast 32nd Street (Factoria Recycling Transfer Station). King County has been working on redeveloping this property and has asked the City to release these easements so they may move forward with their redevelopment.

The history and extent of the six easements in question is detailed below.

Sewer Easements:

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| 1962 | Sewer easement with King County Recording Number 5499059 was granted to Eastgate Sewer District. (Exhibit A1). |
| 1963 | Sewer easement with King County Recording Number 5545542 was granted to Eastgate Sewer District. (Exhibit A2). |
| 1994 | City of Bellevue assumed Eastgate Sewer District including all assets, real property and easements. |
| 1996 | King County granted another sewer easement to City of Bellevue bearing King County Recording Number 9612311739. (Exhibit A3). |

Water Easements:

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| 1974 – 1975 | Water easements were granted to the City of Bellevue and were filed under King County Recording Numbers 7605130536, 7605130539, 7605130541 and 7609030497. (Exhibit A4 and A5). |
|-------------|---|

Utilities Department staff have reviewed the easement release request and confirmed that identified portions of the sewer easements bearing recording numbers 5545542 and 9612311739, portions of the water easement bearing recording number 7605130536, and the entirety of the sewer easement bearing recording number 5499059 and the entirety of the water easements bearing recording numbers 7605130539, 7605130541 and 7609030497 are no longer needed. The water main and a portion of the sewer main located within this property have been removed and these easements are no longer needed by the City of Bellevue. As a condition of their development permit, a new easement will be granted by King County for the locations of the new water and sewer mains on the property. Therefore, staff recommends the following:

- Declaring sewer easements with recording numbers 5545542 and 9612311739 partially surplus.
- Declaring sewer easement with recording number 5499059 fully surplus.
- Declaring water easement with recording number 7605130536 partially surplus.
- Declaring water easements with recording numbers 7605130539, 7605130541, and 7609030497 fully surplus.

If the City Council adopts the recommended resolution declaring these easements as surplus, staff proposes to return on July 9 to assist Council in holding the required public hearing. At this hearing, the public will be able to comment regarding the proposed release of easements. Following the hearing, staff will request Council action on a proposed resolution authorizing the partial release and full release of these easements.

EFFECTIVE DATE

If approved, this Resolution becomes effective immediately upon Council adoption.

OPTIONS

1. Adopt the Resolution determining that portions of two sewer easements and one water easement, as well as the entirety of one sewer easement and three water easements, all located at 13351 Southeast 32nd Street (Factoria Recycling Transfer Station), are surplus to the City's needs and are no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the partial release and full release of these easements.
2. Do not adopt the Resolution and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTION

Move to adopt Resolution No. 9414 determining that portions of two sewer easements and one water easement, as well as the entirety of one sewer easement and three water easements, all located at 13351 Southeast 32nd Street (Factoria Recycling Transfer Station), are surplus to the City's needs and are no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the partial release and full release of these easements.

ATTACHMENTS

- A. Easement Exhibit Map A1-A4
 - B. Vicinity Map
- Proposed Resolution No. 9414

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

- A. Copy of proposed release easement documents
- B. Copy of proposed new easement documents