

July 16, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public hearing and action on Resolution authorizing execution of documents necessary to release a portion of a water easement and a sewer easement located at 4630 167th Avenue SE (Cougar Ridge Elementary School), that have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the granting and recording of such partial releases being deemed in the best interest of the public.

FISCAL IMPACT

Declaring portions of these easements as surplus has no fiscal impact to the City because the 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.

STAFF CONTACTS

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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 the City 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

On June 18, the City Council approved Resolution 9423 declaring a portion of a water easement and a sewer easement as surplus to the City's needs and no longer required for providing continued public utility service. The next step in this process is for Council to hold a public hearing to allow public

comment opportunity regarding the proposed partial release of the subject easements. Following the public hearing, staff requests Council action on the proposed Resolution authorizing the partial release of the subject easements.

The water easement, filed under King County Recording Number 9212101631, and the sewer easement, filed under King County Recording Number 9212101637 located at 4630 167th Avenue SE, were both granted to the City of Bellevue on September 27, 1990 by the Issaquah School District. The school district, which owns this property and operates it as Cougar Ridge Elementary School, is currently in the process of constructing an addition to the existing school building. The footprint of the new addition extends over a portion of the existing water and sewer easements. The school district has asked the City to release these portions of the water and sewer easements so they may move forward with construction.

Utilities Department staff have reviewed the partial release request and confirmed that a portion of the existing fifteen-foot water easement is no longer needed because the old water main will be relocated within the property. A new water easement will be granted for the location of the new water main as a condition of the building permit. There is no existing sewer main in the portion of the sewer easement the school is requesting for release, because that portion of the easement was obtained for a possible future extension to other property. Utilities staff have confirmed that this extension is not necessary because other sewer connections have been made by subsequent development in the area. Therefore, staff recommends authorizing the partial release of the existing water easement bearing King County Recording Number 9212101631 and a portion of the sewer easement bearing King County Recording Number 9212101637.

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

EFFECTIVE DATE

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

OPTIONS

1. Hold the public hearing and adopt the Resolution authorizing execution of documents necessary to release a portion of a water easement and a sewer easement located at 4630 167th Avenue SE (Cougar Ridge Elementary School), that have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the granting and recording of such partial releases being deemed in the best interest of the public.
2. Hold the public hearing, do not adopt the Resolution and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTIONS

Move to open the public hearing.

Move to adopt Resolution No. 9444 authorizing execution of documents necessary to release a portion of a water easement and a sewer easement located at 4630 167th Avenue SE (Cougar Ridge Elementary School), that have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the granting and recording of such partial releases being deemed in the best interest of the public.

ATTACHMENTS

- A. Easement Exhibit Map
 - B. Vicinity Map
- Proposed Resolution No. 9444

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

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