

**CITY COUNCIL REGULAR SESSION**

Public Hearing and action on Resolution authorizing the execution of documents necessary to release a storm drainage easement located at 10700 SE 25th Street, that has been declared surplus to the City's needs and is no longer required for providing continued public utility service; the granting and recording of such release being deemed in the best interest of the public.

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*Civic Services Department*

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*Utilities Department*

**EXECUTIVE SUMMARY**

The purpose of the public hearing is to solicit public input on the proposed release of the storm drainage easement located at 10700 SE 25<sup>th</sup> Street. If approved, the Resolution would authorize execution of the release document.

**RECOMMENDATION**

Hold the public hearing and move to adopt Resolution No. 9516.

If approved, effective date: 12/10/2018

**BACKGROUND/ANALYSIS**

On November 5, Council approved Resolution 9481 declaring the subject easement 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 release. Following the hearing, staff requests Council action on the proposed Resolution authorizing the release of the subject easement.

As presented to Council on November 5, the storm drainage easement located at 10700 SE 25<sup>th</sup> Street is no longer required for providing continued public utility service. This storm drainage easement was granted to the City of Bellevue on February 7, 1972 and filed under King County Recording Number 7203290494. The property is owned by the Bellevue School District and is the site of Enatai Elementary School. The site was recently redeveloped with a new school building which required the relocation of the City's storm drainage facility to a new location on the property. The school district has granted a new easement for the relocated facility and asks that this storm drainage easement be released.

Utilities Department staff has reviewed the release request and confirmed the existing storm drainage easement is no longer needed because the City's storm drainage facility has been relocated on the property. A new storm drainage easement has been granted for the location of the new storm drainage facility as a condition of the development permit. Therefore, staff recommends

authorizing the full release of the storm drainage easement bearing King County Recording Number 7203290494.

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

## **POLICY & FISCAL IMPACTS**

### **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 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 Impacts**

Declaring this easement surplus has no fiscal impact to the City because the easement was 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. The property owner will be required to grant a replacement easement as a condition of their development permit.

## **OPTIONS**

1. Hold the public hearing and adopt the Resolution authorizing the execution of documents necessary to release a storm drainage easement located at 10700 SE 25th Street, that has been declared surplus to the City's needs and is no longer required for providing continued public utility service; the granting and recording of such release 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.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

- A. Easement Exhibit Map
  - B. Vicinity Map
- Proposed Resolution No. 9516

## **AVAILABLE IN COUNCIL LIBRARY**

- Copy of proposed release of easement document
- Copy of new storm drainage easement