

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Resolution determining that portions of two water line easements and a portion of a sanitary sewer easement located at 1035 116th Ave NE, 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 hearing to consider the partial release of these easements.

### **FISCAL IMPACT**

Declaring portions of these easements surplus has no fiscal impact to the City. 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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*Civic Services Department*

Paul Bucich, Assistant Director of Engineering, 452-4596

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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. If applicable, the City has obtained any needed replacement easements.

### **BACKGROUND**

This action involves declaring that portions of two existing water line easements and a portion of an existing sewer easement are surplus. These easements are on the Overlake Medical Center property, located at 1035 116<sup>th</sup> Ave NE. Overlake is currently developing an expansion of their Operating Room and has plans to construct their New East Tower project on the property. Overlake has asked the City to partially release these easements so they may move forward with these development plans.

The sewer easement was acquired by the City of Bellevue in 1999 and is filed under King County

Recording Number 1999117000914. The water line easements were acquired by the City of Bellevue in 1999 (Recording No. 19991117000913) and 2008 (Recording No. 20080707000050). The 1999 water line easement was also amended twice, once in 2008 (Recording No. 20080707000051) and again in 2010 (Recording No. 20100209000685).

Utilities Department staff have reviewed this release request and confirmed that these portions of the existing easements will no longer be needed. Overlake is relocating the sewer and water lines out of the existing easements into different locations on their property and new easements will be granted to the City in those locations as conditions of the permits. Therefore, staff recommends determining that portions of the existing easements referenced above are surplus and the existing easements may be partially released.

If Council adopts the recommended resolution declaring portions of these easements surplus, staff proposes to return on December 11 to assist Council in holding a public hearing. At this hearing, the public will be able to comment regarding the proposed partial release of these easements. Following the hearing, staff will request Council action on a proposed resolution authorizing the partial 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 water line easements and a portion of a sanitary sewer easement located at 1035 116th Ave NE, 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 hearing to consider the partial 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. 9328 determining that portions of two water line easements and a portion of a sanitary sewer easement located at 1035 116th Ave NE, 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 hearing to consider the partial release of these easements.

#### **ATTACHMENTS**

- A. Easement Exhibit Map
  - B. Vicinity Map
- Proposed Resolution No. 9328

#### **AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

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