

December 4, 2017

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution determining that five existing water line easements located at 4020 Factoria Boulevard, 12826 SE 40th Lane, 4039 and 4102 131st Place SE, and 4049 and 4101 129th Place SE 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 release of these easements.

FISCAL IMPACT

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

STAFF CONTACTS

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Civic Services Department

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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 five existing water line easements surplus. Two of these easements cross the properties at 4020 Factoria Boulevard, 12826 SE 40th Lane, 4039 and 4102 131st Place SE, and 4049 and 4101 129th Place SE. The other three easements are only located within 4049 and 4101 129th Place SE (King County tax parcel numbers 162405-9046 and 162405-9032) that are currently being developed as new townhomes (Windward Factoria Townhomes). The Windward Factoria Townhomes property owner/developer has asked the City to release these water easements so they may move forward with

developing their property. The water mains in these areas have been abandoned or will be relocated into replacement easements; therefore, the existing five easements are no longer needed by the City of Bellevue.

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

- 1965 King County Water District No. 97 acquired a 10-foot water line easement (King County recording number 5952788) which included assignment of an older private water line easement that covered the same area (KC recording number 4728123). These water line easements run from the centerline of Factoria Boulevard through the following properties: 4020 Factoria Blvd, 12826 SE 40th Ln, 4039 and 4102 131st Pl SE, and 4049 and 4101 129th Place SE. See Attachment A1.
- 1970's The City assumed all assets, real property and easements from King County Water District no. 97 within its city limits. However, this area was outside the city limits and became a part of King County Water District No. 107.
- Water District No. 107 subsequently relocated the water main, removing it entirely from these two easements, but did not release the easements from record. These easements cross additional property outside of the Windward Factoria Townhomes parcels, but provide no future benefit to the City. Staff is proposing to release the entirety of these easements in order to clear title to all of the parcels they cross.
- 1982-84 King County Water District No. 107 acquired a 10-foot water line easement located on 4101 129th Place SE with tax parcel number 162405-9032 (KC recording number 8306171045) and two water line easements located on 4049 129th Place SE with King County tax parcel number 162405-9046 (KC recording numbers 8401180662 and 8401180668). See Attachment A2.
- 1995 King County Water District No. 107 changed its name to Coal Creek Utility District.
- 2003 The City assumed a portion of Coal Creek Utility District's facilities, assets, real property, and easements located within its city limits, including these easements.

Utilities Department staff have reviewed the release request and confirmed that the existing water line easements on these parcels are no longer needed. The Windward Factoria Townhomes development plans for the two tax parcels include removing the existing water main and constructing a new water main and sewer lines. These lines will be placed in a new easement dedicated to the City of Bellevue, as a condition of the development permit, see Attachment A3. Therefore, staff recommends declaring the water easements bearing King County recording numbers 5952788, 4728123, 8306171045, 8401180662, and 8401180668 as surplus and that they may be fully released.

If Council adopts the recommended Resolution declaring these easements surplus, staff proposes to return on January 16 to assist Council in holding a public hearing. At this hearing, the public will be able to comment regarding the proposed releases. Following the hearing, staff will request Council action on a proposed resolution authorizing the release of the easements.

EFFECTIVE DATE

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

OPTIONS

1. Adopt the Resolution determining that five existing water line easements located at 4020 Factoria Boulevard, 12826 SE 40th Lane, 4039 and 4102 131st Place SE, and 4049 and 4101 129th Place SE 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 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. 9341 determining that five existing water line easements located at 4020 Factoria Boulevard, 12826 SE 40th Lane, 4039 and 4102 131st Place SE, and 4049 and 4101 129th Place SE 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 release of these easements.

ATTACHMENTS

- A. Easement Exhibit Maps
 - B. Vicinity Map
- Proposed Resolution No. 9341

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Copy of proposed easement release documents