

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Public Hearing and action on Resolution authorizing execution of documents necessary to release a sanitary sewer easement and an associated easement covenant, located at 14220 NE 8th Street with King County Tax Parcel Number 272505-9043 (Stevenson 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 releases being deemed in the best interest of the public.

### **FISCAL IMPACT**

Declaring this easement and covenant surplus has no fiscal impact to the City since 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.

### **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 and, if applicable, the City has obtained any needed replacement easements.

### **BACKGROUND**

On November 6, Council approved Resolution 9323 declaring the subject easement and associated covenant surplus to the City's needs and no longer required for providing continued 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 and associated covenant.

As presented to Council on November 6, the easement and associated covenant located on Stevenson Elementary School property are no longer required for providing continued public utility service. This property is located at 14220 NE 8<sup>th</sup> Street and is currently being redeveloped with new school buildings and structures. The Bellevue School District has asked the City to release the existing sewer easement along with a related easement covenant so they may move forward with redeveloping their property.

This sewer easement was dated January 9, 1973 and is filed under King County Recording Number 7301120483. The Sanitary Sewer Easement Covenant was signed on August 26, 2003 and recorded under King County Recording Number 20030911000397. The purpose of the Sanitary Sewer Easement Covenant was to allow Bellevue School District to build a covered walkway over a portion of the easement area.

Utilities Department staff have reviewed the release request and confirmed that the existing 10-foot sewer easement on this parcel is no longer needed. The existing sewer main under this easement will be abandoned as a new sewer main is being installed in another location on the property. The School District will provide a new 24-foot sewer easement to the City for the new sewer main as a condition of the development permit. Therefore, staff recommends authorizing the full release of the sanitary sewer easement. Also, since the easement will be released, the existing easement covenant no longer has a purpose and should be released along with the easement.

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 with the subject easement and covenant.

#### **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 sanitary sewer easement and an associated easement covenant, located at 14220 NE 8th Street with King County Tax Parcel Number 272505-9043 (Stevenson 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 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**

1. Move to open the public hearing.
2. Move to Adopt Resolution No. 9357 authorizing execution of documents necessary to release a sanitary sewer easement and an associated easement covenant, located at 14220 NE 8<sup>th</sup> Street with King County Tax Parcel Number 272505-9043 (Stevenson 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 releases being deemed in the best interest of the public.

**ATTACHMENTS**

- A. Easement Exhibit Map
  - B. Vicinity Map
- Proposed Resolution No. 9357

**AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

- A. Copy of proposed easement release document
- B. Copy of proposed easement covenant release document
- C. Copy of proposed new sanitary sewer easement