

February 5, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution authorizing execution of documents necessary to partially release two water easements located at 4020 Factoria Boulevard, 12826 SE 40th Lane, and 4049 129th Place SE; and to fully release three water easements located at 4049 and 4101 129th Place SE, 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

Partial and full release of these easements has no fiscal impact to the City given that replacement easements have been granted to the City.

STAFF CONTACTS

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Ira McDaniel, Real Property Manager, 452-4182

Kim Bui, Real Property Agent, 452-5269

Civic Services Department

Paul Bucich, Assistant Director of Engineering, 452-4596

Sean Wells, Development Review Manager, 452-4855

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 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.

BACKGROUND

On December 4, 2017, the Council approved Resolution 9341, which 1) declared the subject easements surplus to the City's needs and no longer required for providing continued public utility service; and 2) set the public hearing date for January 16, 2018. The water mains in these areas have been abandoned or will be relocated into replacement easements.

Two of these easements cross the properties at 4020 Factoria Boulevard, 12826 SE 40th Lane, 4039 and 4102 131st Place SE, 4049 129th Place SE. Following the December 4, 2017 Council meeting, staff discovered that a portion of the easement under recording numbers 4728123 and 5952788 needs to be retained because an abandoned water pipe remains in the ground at 4039 and 4102 131st Place SE and the City may need access in the future to remove the pipe. These two easements (King County recording numbers 5952788 and 4728123) are proposed to be partially released.

The other three easements (King County recording numbers 8306171045, 8401180662, and 8401180668) are only located within 4049 and 4101 129th Place SE, which are currently being developed as new townhomes (Windward Factoria Townhomes). The property owner/developer has asked the City to release these water easements so they may move forward with developing their property. These easements are no longer needed because the existing water mains have been relocated and replacement easements have been provided. These three easements are recommended to be fully released.

A public hearing was held on January 16 with one citizen testifying. Her questions related to continuation of water service to properties east of the easements to be partially released. Following the hearing and based on additional information provided by staff that addressed the citizen's concerns, the Council provided direction to staff to proceed with drafting legislation for the proposed releases.

EFFECTIVE DATE

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

OPTIONS

1. Adopt the Resolution authorizing execution of documents necessary to partially release two water easements located at 4020 Factoria Boulevard, 12826 SE 40th Lane, and 4049 129th Place SE; and to fully release three water easements located at 4049 and 4101 129th Place SE, 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. Do not adopt the Resolution and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTION

Motion to adopt Resolution No. 9369 authorizing execution of documents necessary to partially release two water easements located at 4020 Factoria Boulevard, 12826 SE 40th Lane, and 4049 129th Place SE; and to fully release three water easements located at 4049 and 4101 129th Place SE, 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

A1. Easement Exhibit Map – partial release

A2. Easement Exhibit Map – full release

Proposed Resolution No. 9369

AVAILABLE IN THE COUNCIL DOCUMENT LIBRARY

Copy of proposed easement release documents