

April 2, 2018

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Public Hearing and action on Resolution authorizing execution of documents necessary to release a portion of a water easement located at 4229 West Lake Sammamish Pkwy SE (Sunset Elementary School) that has been declared partially 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.

### **FISCAL IMPACT**

Releasing a portion of this easement 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**

Laurie Leland, Interim Director, 452-4366  
Ira McDaniel, Real Property Manager, 452-4182  
Kim Bui, Real Property Agent, 452-5269  
*Civic Services Department*

Paul Bucich, Planning Manager, 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 March 5, the City Council approved Resolution 9373 declaring a portion of the subject easement surplus to the City's needs and no longer required for providing continued public utility service. The next step in this process is for the Council to hold a public hearing. This hearing is a public comment opportunity regarding the proposed partial water easement release.

Following the hearing, staff requests Council action on the proposed Resolution authorizing the partial release of the subject easement.

The existing water easement was granted to the City of Bellevue on March 30, 1988 and filed under King County Recording Number 9012060479. The Issaquah School District is currently in the process of constructing an addition to the existing school building. The footprint of the new addition extends over a portion of the existing water easement. The school district has asked the City to release this portion of the water easement so they may move forward with constructing the addition.

Utilities Department staff have reviewed the partial easement release request and confirmed that a portion of the existing ten-foot water easement on this parcel is no longer needed because the existing water main under the new building addition will be relocated. The 1988 easement will be amended to remove the surplus portion and add the location of the new water main on the property, as a condition of the building permit. Therefore, staff recommends authorizing the partial release of the existing water easement with King County Recording Number 9012060479 and that the easement be amended to reflect the relocation of the water main.

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.

#### **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 portion of a water easement located at 4229 West Lake Sammamish Pkwy SE (Sunset Elementary School) that has been declared partially 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.

#### **RECOMMENDATION**

Option 1

#### **MOTIONS**

Move to open the public hearing.

Move to adopt Resolution No. 9397 authorizing execution of documents necessary to release a portion of a water easement located at 4229 West Lake Sammamish Pkwy SE (Sunset Elementary School) that has been declared partially 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.

**ATTACHMENTS**

A. Easement Exhibit Map

B. Vicinity Map

Proposed Resolution No. 9397

**AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

Copy of proposed amendment of easement document