

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution authorizing execution of a temporary construction easement (TCE) to extend the TCE rights granted under recording number 20171025000555 to the Central Puget Sound Regional Transit Authority (“Sound Transit”) on the spur property to construct and maintain a temporary pedestrian/bike trail connection from the Eastside Rail Corridor (ERC) to 120th Avenue NE, and for use for construction staging.

FISCAL IMPACT

The City granted Sound Transit a seven-month TCE on the spur parcel to construct and maintain a pedestrian/bike trail and for construction staging. At the time the TCE was entered into, the City and Sound Transit agreed to a fair market value for the property of \$11,800 per month. In addition to paying fair market rent of \$82,600 during the initial term of the TCE, Sound Transit invested in removal of the existing rail ties, construction of the interim trail, fencing and signage, and continues to maintain the trail.

Sound Transit has proposed the TCE be extended in consideration of the capital investment made and the on-going maintenance as the fair market rent equivalent for the period of extension. The table below represents the value provided.

Capital Costs: removal of existing rail and ties, site preparation, fencing, and signage	\$141,600
Maintenance and insurance (trash removal, surface and/or fencing repair, etc) @ \$2600/month (7 months + 18 additional months)	\$65,000
Total Investment	\$206,600
\$206,600 @ \$11,800 per month equals 17.5 (18) additional months	

Extending the TCE does not provide permanent rights to Sound Transit, nor does it hinder the City’s future negotiations regarding the disposition of the spur property.

STAFF CONTACTS

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City Manager’s Office

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Civic Services Department

POLICY CONSIDERATION

Under Bellevue City Code (BCC) 4.30.020, the City Manager or his designee is authorized to enter into TCE’s where the term does not exceed two years and the consideration does not

exceed \$90,000 per year. The value of the TCE with Sound Transit will exceed \$90,000 and therefore Council approval is required.

BACKGROUND

The Amended and Restated Memorandum of Understanding (MOU) obligated Sound Transit to construct a trail connection from the ERC to 120th Avenue NE at the north end of the OMF East parcels. This connection was not anticipated to occur until King County developed the ERC from the Wilburton Station to SR 520, after East Link construction was completed.

Through the process of developing the request for proposals for the OMF East, and through continued discussion with King County, Sound Transit agreed to construct a temporary pedestrian/bike trail connection from the ERC to 120th Avenue NE well in advance of the timing set forth in the MOU. Based on the site, and to avoid conflicts with construction, the logical location for the pedestrian/bike trail was along the southern boundary, on the spur parcel in the location of the old rail bed (see Attachment A).

Completion of the trail connection, coupled with construction completed near Northup Way, allows a continuous regional trail from north of Kirkland to the south side of the OMF East. Connection to the 120th Avenue NE bike lanes and sidewalks provides for a non-motorized connection from NE 4th Street in Bellevue to Totem Lake, a significant benefit for the region. The City granted Sound Transit a seven-month TCE on the spur parcel to construct and maintain the pedestrian/bike trail and for construction staging. This temporary non-motorized connection is now complete. Sound Transit has proposed extension of the TCE for continued construction staging as well as maintenance of the temporary trail connection.

EFFECTIVE DATE

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

OPTIONS

1. Adopt the Resolution authorizing execution of a temporary construction easement (TCE) to extend the TCE rights granted under recording number 20171025000555 to the Central Puget Sound Regional Transit Authority ("Sound Transit") on the spur property to construct and maintain a temporary pedestrian/bike trail connection from the Eastside Rail Corridor (ERC) to 120th Avenue NE, and for use for construction staging.
2. Do not adopt the Resolution and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTION

Move to adopt Resolution No. 9410 authorizing execution of a temporary construction easement (TCE) to extend the TCE rights granted under recording number 20171025000555 to the Central Puget Sound Regional Transit Authority ("Sound Transit") on the spur property to construct and maintain a temporary pedestrian/bike trail connection from the Eastside Rail Corridor (ERC) to 120th Avenue NE, and for use for construction staging.

ATTACHMENTS

- A. Depiction of the temporary pedestrian/bike trail
- B. Depiction of the Spur Parcel

Proposed Resolution No. 9410

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Temporary Construction Easement