

June 18, 2018

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Resolution determining that portions of two existing easements located at 4630 167th Avenue Southeast (Cougar Ridge Elementary School) 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 partial release of these easements.

### **FISCAL IMPACT**

Declaring portions of these easements as surplus has no fiscal impact to the City because the easements were 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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Ira McDaniel, Real Property Manager, 452-4182  
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#### ***Civic Services Department***

Linda De Boldt, Assistant Director of Engineering, 452-4625  
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 City 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 a portion of a water easement and a portion of a sewer easement located at 4630 167<sup>th</sup> Avenue Southeast as surplus. The water easement, filed under King County Recording Number 9212101631, and the sewer easement, filed under King County Recording Number 9212101637, were both granted to the City of Bellevue on September 27, 1990. The Issaquah School

District, which owns this property and operates it as Cougar Ridge Elementary School, 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 and sewer easements. The school district has asked the City to release these portions of the water and sewer easements so they may move forward with construction.

Utilities Department staff have reviewed the partial release request and confirmed that a portion of the existing fifteen-foot water easement is no longer needed because the old water main will be relocated within the property. A new water easement will be granted for the location of the new water main as a condition of the building permit. There is no existing sewer main in the portion of the sewer easement the school is requesting for release. Therefore, staff recommends declaring a portion of the existing water easement bearing King County Recording Number 9212101631 and a portion of the sewer easement bearing King County Recording Number 9212101637 as surplus.

If the Council adopts the recommended Resolution declaring portions of these easements as surplus, staff proposes to return on July 16 to assist the Council in holding the required public hearing. At this hearing, the public will be able to comment regarding the proposed partial release of the easements. Following the hearing, staff will request Council action on a proposed Resolution authorizing the partial release of the water and sewer easements.

#### **EFFECTIVE DATE**

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

#### **OPTIONS**

1. Adopt the Resolution determining that portions of two existing easements located at 4630 167th Avenue Southeast (Cougar Ridge Elementary School) 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 partial 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. 9423 determining that portions of two existing easements located at 4630 167th Avenue Southeast (Cougar Ridge Elementary School) 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 partial release of these easements.

#### **ATTACHMENTS**

- A. Easement Exhibit Map
  - B. Vicinity Map
- Proposed Resolution No. 9423

#### **AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

- A. Copy of proposed partial release of easement documents
- B. Copy of proposed new water easement