

CITY COUNCIL REGULAR SESSION

Public Hearing and action on Resolution authorizing the execution of documents necessary to release two existing public utility easements, both located at 10210 SE 10th Street, which 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.

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EXECUTIVE SUMMARY

The purpose of the public hearing is to solicit input on the proposed release of two existing public utility easements, both located at 10210 SE 10th Street. If approved, the Resolution would authorize execution of the release documents.

RECOMMENDATION

Move to adopt Resolution No.9584

If approved, effective date: 04/15/2019

BACKGROUND/ANALYSIS

On March 4, the City Council approved Resolution 9559 determining that the two existing public utility easements were surplus to the City's needs and were 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 releases. Following the hearing, staff requests Council action on the proposed Resolution authorizing the release of the subject easements.

The two existing public utility easements, both located at 10210 SE 10th Street, are no longer required for providing continued public utility service. The property is currently being subdivided into two lots, and the utilities will be relocated within or removed from the property.

These easements were granted to the City of Bellevue on August 22, 2007 and September 18, 2007 and filed under King County Recording Numbers 20071025001738 and 20071025001740, respectively. They were obtained by the City for the purposes of operating and maintaining the public and franchise utilities that were located within an unopened portion of public road right of way known as 103rd Avenue SE. This portion of unopened roadway was the subject of a 2007 quiet title action filed in King County Superior Court (cause No. 07-2-04105-2SEA) which claimed that the area was subject to the state's non-user statute because the road right of way was dedicated in 1890 and never opened for public use. That lawsuit was settled through a Settlement Agreement and Release of Claims (approved by Council

under Resolution No. 7595) which involved the City quitclaiming the public right of way to the adjacent owner in exchange for these easements.

As a condition of their proposed subdivision, the utilities will be removed or relocated on the property. The existing electric facilities will be relocated within the property and a new electrical easement has been conveyed to Puget Sound Energy under King County Recording Number 20180514000372. Franchise Communications will be relocated, and an easement has been conveyed to Comcast under King County recording number 20181026000272. Natural Gas will be removed, and an easement is no longer required. Water and sewer easements will be granted for the location of new facilities as a condition of the property owner's development permits.

Utilities Department staff have reviewed the release request and confirmed that the two existing public utility easements bearing King County Recording Numbers 20071025001738 and 20071025001740 are no longer needed because the utilities will be removed or relocated on the property as a condition of the proposed development. Therefore, staff recommends authorizing the full release of two existing public utility easements bearing King County Recording Numbers 20071025001738 and 20071025001740.

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 easements.

POLICY & FISCAL IMPACTS

Policy Impact

Bellevue City Code/State Law

Under BCC 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.

Fiscal Impact

Declaring these easements surplus has no fiscal impact to the City because the easements were provided to the City at minimal cost and the property owner will be required to grant replacement easements as a condition of their development project.

OPTIONS

1. Hold the Public Hearing and adopt the Resolution authorizing the execution of documents necessary to release two existing public utility easements, both located at 10210 SE 10th Street, which 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.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Easement Exhibit Map
 - B. Vicinity Map
- Proposed Resolution No. 9584

AVAILABLE IN COUNCIL LIBRARY

Copies of easement documents
Documents related to Resolution 7595