

CITY COUNCIL REGULAR SESSION

Public Hearing and action on Resolution authorizing the execution of documents necessary to release an existing water easement located at 2221 120th Avenue NE, which has been declared 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.

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EXECUTIVE SUMMARY

The purpose of the public hearing is to solicit input on the proposed release of a water easement located at 2221 120th Avenue NE. If approved, the Resolution would authorize execution of the release document.

RECOMMENDATION

Move to adopt Resolution No. 9638.

If approved, effective date: 07/15/2019

BACKGROUND/ANALYSIS

On June 3, the City Council approved Resolution 9601 declaring a water easement surplus to the City's needs and that it is 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 release. Following the hearing, staff requests Council action on the proposed Resolution authorizing the release of the subject easement.

The owner of this property recently added a new structure for a car wash facility. Through the permitting process, Utilities Department staff reviewed the current water facilities on the property and noticed that the water easement was larger than needed for the City's use as some of the property owner's privately owned water facilities are located within a portion of this water easement. The Utilities Department has no interest in these facilities since they were intended to be privately owned and do not provide any public benefit. Under Bellevue City Code 24.02.115 B, water facilities located on private property belong to the private property owner unless dedicated by easement.

To clarify that the City will not be responsible for the private facilities, staff recommends authorizing the full release of the water easement bearing King County Recording Number 20000302001673. The subject easement is no longer needed as the property owner has provided a new water easement that covers only the existing public water facilities on their property. They have also dedicated a strip of land along 120th Avenue NE as new public road right-of-way as a condition of their development permits. No

replacement easement is required in the dedicated area as it is now part of the public right of way.

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.

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 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.

OPTIONS

1. Hold the Public Hearing and adopt the Resolution authorizing the execution of documents necessary to release an existing water easement located at 2221 120th Avenue NE, which has been declared 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.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Easement Exhibit Map
 - B. Vicinity Map
- Proposed Resolution No. 9638

AVAILABLE IN COUNCIL LIBRARY

Copy of proposed release of easement document
Copy of new water easement