

**CITY COUNCIL REGULAR SESSION**

Public Hearing and action on Resolution authorizing the execution of documents necessary to release two existing sewer easements located at 8426 Overlake Drive W, Medina 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 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 two existing sewer easements located at 8426 Overlake Drive W, Medina. If approved, the Resolution would authorize execution of the release documents.

**RECOMMENDATION**

Move to adopt Resolution No. 9699.

If approved, effective date: 12/02/2019

**BACKGROUND/ANALYSIS**

On October 21, the City Council approved Resolution 9666 (which was amended by Resolution 9674 on November 4) declaring two sewer easements surplus to the City's needs and that they are 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 existing sewer easements were granted on March 4, 1954 and March 20, 1954 and filed under King County Recording Numbers 4476563 and 4476564. The property owner has removed the old public sewer line from their property and replaced it with a private side sewer in a different location within their property. The owner has also granted private side sewer easements to the properties this new line serves. The owner has requested that the City release the existing sewer easements to allow development of a tennis court in this location.

Utilities Department staff have reviewed the release request and confirmed that the existing sewer easements are no longer needed as the publicly-owned facilities have been removed from private property. A new private sewer easement has been granted for the new side sewer line as part of the permitting process. Therefore, staff recommends declaring the existing sewer easements bearing King County Recording Numbers 4476563 and 4476564 as surplus.

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**

Releasing these easements has no fiscal impact to the City because these 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.

## **OPTIONS**

1. Hold the Public Hearing and adopt the Resolution authorizing the execution of documents necessary to release two existing sewer easements located at 8426 Overlake Drive W, Medina 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 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. 9699

## **AVAILABLE IN COUNCIL LIBRARY**

- Copy of proposed release of easement documents
- Copy of new Private Sewer Easement Agreement