

**CITY COUNCIL REGULAR SESSION**

Public Hearing and action on Resolution authorizing the execution of documents necessary to release five utility easements and a portion of a sixth utility easement located at 139 106<sup>th</sup> Avenue NE and 10480, 10502 and 10510 Main Street, as well as 30 Bellevue Way NE 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 five utility easements and a portion of a sixth utility easement located at 139 106<sup>th</sup> Avenue NE and 10480, 10502 and 10510 Main Street, as well as 30 Bellevue Way NE. If approved, the Resolution would authorize execution of the release documents.

**RECOMMENDATION**

Move to adopt Resolution No. 9741.

**BACKGROUND/ANALYSIS**

On February 3, the City Council approved Resolution No. 9721 declaring five utility easements (three sewer easements, one combined sewer and water easement and one drainage easement) and a portion of a sixth utility easement (for sewer purposes) 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.

These easements cross an assemblage of four parcels that are currently being redeveloped (the developer's property), and a fifth parcel (the neighboring property) that adjoins the developer's property. The developer's property includes 139 106<sup>th</sup> Avenue NE as well as 10480, 10502 and 10510 Main Street. The neighboring property is located at 30 Bellevue Way NE.

The developer will be constructing new sewer, drainage and water facilities within the developer's property and the neighboring property as part of their redevelopment project. New easements will be conveyed to the City to cover all the newly constructed facilities as shown on Exhibit B-1. The developer has requested that the City release the existing easements to allow for redevelopment of the

property. The history and extent of the six utility easements in question is detailed below and depicted on Exhibit B-2.

**Sewer Easements:**

- 4476742 Sewer easement with King County Recording Number 4476742 was granted to Bellevue Sewer District in 1954. This easement is located at 139 106<sup>th</sup> Avenue NE. These sewer facilities have been abandoned and no new facilities will be installed here. Staff is proposing the partial release of this easement as this easement extends across property outside of this development.
- 4476743 Sewer easement with King County Recording Number 4476743 was granted to Bellevue Sewer District in 1954. This easement is located at 139 106<sup>th</sup> Avenue NE and 10502 Main Street. These sewer facilities will be relocated and a new easement conveyed to the City as a permit requirement, see Exhibit A-1. Staff is proposing to release the entirety of this easement.
- 4476745 Sewer easement with King County Recording Number 4476745 was granted to Bellevue Sewer District in 1954. This easement is located at 30 Bellevue Way. Staff is proposing to release the entirety of this easement. A new sewer easement has been conveyed to the City as part of relocating the sewer facilities, see Exhibit A-2.
- 5132446 Sewer easement with King County Recording Number 5132446 was granted to Bellevue Sewer District in 1960. This easement is located at 139 106<sup>th</sup> Avenue NE and 10480 Main Street. Staff is proposing to release the entirety of this easement. These sewer facilities will be relocated and a new easement conveyed to the City as a permit requirement, see Exhibit A-1.

The City of Bellevue assumed Bellevue Water District including all assets, real property and easements in the late 1960's.

**Sewer and Water Easement:**

- 7609200582 Sewer and Water easement with King County Recording Number 7609200582 was granted to the City of Bellevue in 1976. This easement is located at 30 Bellevue Way NE. Staff is proposing to release the entirety of this easement. A new water easement has been conveyed to the City as part of relocating the water facilities, see Exhibit A-3. The new sewer facilities on this parcel will be covered by the easement described above associated with the release of King County Recording Number 4476745.

**Drainage Easement:**

- 7810241011 Drainage easement with King County Recording Number 7810241011 was granted to the City of Bellevue in 1978. This easement is located at 139 106<sup>th</sup> Avenue NE. The drainage facilities will be relocated and new easements will be conveyed to the City as a permit requirement, see Exhibit A-4. Staff is proposing

to release the entirety of this easement. A new easement to provide additional clearances for drainage has also been conveyed to the City on neighboring property at 188 Bellevue Way NE, see Exhibit A-5. An existing easement under recording number 9405311222 covers the existing and proposed location for the drainage facilities on 30 Bellevue Way NE.

Utilities Department staff has reviewed the release request and confirmed that these easement areas are no longer needed as the facilities have been abandoned or will be relocated out of these areas. The developer will provide replacement easements for the new water, sewer and drainage facilities as part of the permitting process to cover the relocated facilities. Therefore, staff recommends declaring the five utility easements and a portion of a sixth utility easement 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 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**

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 five utility easements and a portion of a sixth utility easement located at 139 106th Avenue NE and 10480, 10502 and 10510 Main Street, as well as 30 Bellevue Way NE 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 Maps
  - B. Vicinity Map
- Proposed Resolution No. 9741

## **AVAILABLE IN COUNCIL LIBRARY**

- Copy of proposed release of easement documents
- Copy of new water easement, sewer easement and drainage easement