

CITY COUNCIL REGULAR SESSION

Resolution determining that three existing sewer easements and a portion of a fourth sewer easement located at 7009 and 7011 Ripley Lane SE in Renton 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 release of these easements.

Toni Call, Director 452-7863

Ira McDaniel, Real Property Manager, 452-4182

Finance and Asset Management Department

Don McQuilliams, O&M Manager, 452-7865

Utilities Department

EXECUTIVE SUMMARY

This Resolution determines that three existing sewer easements and a portion of a fourth sewer easement located at 7009 and 7011 Ripley Lane SE in Renton are surplus to the City's needs and are no longer required for providing continued public utility service.

RECOMMENDATION

Move to adopt Resolution No. 9773

BACKGROUND/ANALYSIS

Three of the existing easements at 7009 and 7011 Ripley Lane SE were granted to Bellevue Sewer District in the 1960's (under King County Recording numbers 5901986, 5972563 and 5972564). In the early 1970's, City of Bellevue assumed Bellevue Sewer District including all assets, real property and easements. A fourth easement was granted to the City of Bellevue in 1976 (recording number 7611030131). All four easements were for the installation and operation of a sewer line and an associated sewer flush station constructed along Lake Washington. In 2003, easement number 5972563 was amended under recording number 20030825002921 to specify the facilities that could be installed within it.

The properties involved were first created as lots in a subdivision that was recorded in 1904. When the homes were built, it appears they were inadvertently constructed several feet across their respective property lines, a condition which was not known in 1965 when the sewer line was built. The sewer easements were surveyed and written as if the assumed property lines matched the platted parcels. In 1973, several of the property owners became aware that their homes and yards didn't match the platted parcels. They entered into a property line agreement, effectively shifting their boundaries to match the assumed property lines. The sewer easements were not a part of this agreement, leaving their location clouded with two possible interpretations for their location. All parties continued to honor the easements based on the constructed locations.

The property at 7009 Ripley Lane SE was recently sold and is in the process of being remodeled. At the time of the sale, the new owners performed a survey, which showed that one of our easements could be interpreted as extending underneath the existing house. The intended location of the

easement is several feet to the South, on the neighboring property at 7011 Ripley Lane SE. The owners requested a release of the easement to clear their property's title. FAM and Utilities staff engaged with both property owners to create new easements that will clarify the location of all the sewer easements within these parcels.

Utilities Department staff have reviewed the release request and confirmed that the old sewer easements will no longer be needed because new easements have been granted to clarify the location and cover the sewer facilities. Therefore, staff recommends declaring the existing sewer easements bearing King County Recording Numbers 5901986, 5972563 as amended under recording number 20030825002921 and 7611030131 as surplus, and further recommends declaring a portion of the existing sewer easement bearing King County Recording Number 5972564 as surplus.

If Council adopts the recommended Resolution declaring these easements as surplus, staff proposes to return on August 3rd to assist the Council in holding a public hearing. At this hearing the public will be able to comment on the proposed easement releases. Following the hearing, staff will request Council action on a proposed Resolution authorizing the release of these easements.

POLICY & FISCAL IMPACTS

Policy Impact

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 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 as surplus has no fiscal impact to the City because replacement easements have been provided by the property owners.

OPTIONS

1. Adopt the Resolution determining that three existing sewer easements and a portion of a fourth sewer easement located at 7009 and 7011 Ripley Lane SE in Renton 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 release of these easements.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Easement Exhibit Map
 - B. Vicinity Map
- Proposed Resolution No. 9773

AVAILABLE IN COUNCIL LIBRARY

- Copy of proposed release of easement documents
- Copy of new easements