

CITY COUNCIL REGULAR SESSION

Resolution determining that a water easement, a public utility easement, and a portion of a second public utility easement, all located at 9625 NE 8th Street, 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.

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Utilities Department

EXECUTIVE SUMMARY

This Resolution determines that a water easement, a public utility easement, and a portion of a second existing public utility easement, all located at 9625 NE 8th Street, are surplus to the City's needs and are no longer required for providing continued public utility service.

RECOMMENDATION

Move to adopt Resolution No. 9804

BACKGROUND/ANALYSIS

This action involves declaring a water easement and a public utility easement, as well as a portion of a second public utility easement, all located within the property at 9625 NE 8th Street, as surplus.

The water easement was granted on October 23, 1959 and filed under King County recording number 5132093 to King County Water District No. 68 who was the operator of a water main located within NE 97th Street. On October 27, 1959, the City passed Ordinance No. 329 vacating that portion of 97th Avenue NE between NE 7th Street and NE 8th Street. This street vacation included the reservation of a public utilities' easement within the vacated road. This vacated area was incorporated into the subject property located at 9625 NE 8th Street. Later in 1973, the City of Bellevue assumed control of King County Water District No. 68 including all assets, real property and easements.

In addition, that portion of NE 7th Street located between 95th Avenue NE and 100th Avenue NE was vacated to the adjoining property owners under Ordinance No. 338 passed on December 8, 1959. A public utilities easement was also reserved under this street vacation. This street vacation Ordinance was amended later under Ordinance No. 386 on May 24, 1960 to reduce the utility easement area within the street vacation between the east marginal line of 95th Avenue NE and the west marginal line of 96th Avenue NE. This amendment of ordinance did not change the utility easement area within the subject property.

The subject property is in the process of being redeveloped from a church to a short subdivision and has requested a release of the public utility easements and water easement located within the property.

Utilities Department staff have reviewed the release requests and confirmed that these easement areas are no longer needed as new dedications of Right-of-Way. New utility easement areas will be granted for the vacated road of NE 97th Avenue NE as part of the permitting and platting process. There are currently no public utilities within the vacated NE 7th Street on the subject property. Therefore, staff recommends declaring the water easement bearing King County recording Number 5132093, the public utility easement located within the vacated 97th Avenue NE, and that portion of the public utility easement created by the vacation of NE 7th Street lying within the subject property, as surplus.

If Council adopts the recommended Resolution declaring these easements as surplus, staff proposes to return on October 5 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 to release the water easement and amend Ordinance Nos. 329 and 338 (as amended by Ordinance No. 386) to release the public utility easement located within the vacated 97th Avenue NE and that portion of the public utility easement created by the vacation of NE 7th Street lying within the subject property..

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 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. Adopt the Resolution determining that a water easement, a public utility easement, and a portion of a second public utility easement, all located at 9625 NE 8th Street, 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 Maps
 - B. Vicinity Map
- Proposed Resolution No. 9804

AVAILABLE IN COUNCIL LIBRARY

- Copy of proposed release of easement documents
- Copy of proposed plat with new dedication and easements