

CITY COUNCIL REGULAR SESSION

Public Hearing and action on Resolution authorizing the execution of documents necessary to release a portion of an existing sewer easement and a portion of an existing water easement located at 515 116th Avenue NE that 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 documents being deemed in the best interest of the public.

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Utilities Department

EXECUTIVE SUMMARY

The purpose of the public hearing is to solicit public input on the proposed release of a portion of an existing sewer easement and a portion of an existing water easement located at 515 116th Avenue NE. If approved, the Resolution would authorize execution of the Amendment of Easement documents that would remove the surplus portions from the easements.

RECOMMENDATION

Move to adopt Resolution No. 9816

BACKGROUND/ANALYSIS

On August 3, Council approved Resolution No. 9808 declaring the subject portions of the easements surplus to the City's needs and no longer required for continuing public utility service. This hearing is a public comment opportunity regarding the proposed releases. Following the hearing, staff requests Council action on the proposed Resolution authorizing the partial release of the sewer and water easements.

As presented to Council on August 3, a portion of the sewer easement and a portion of the water easement located on City-owned property at 515 116th Avenue NE, known as Lincoln Center, are no longer required for providing continued public utility service.

Central Puget Sound Regional Transit Authority (Sound Transit) is developing high capacity transit service in the central Puget Sound region, including the Link light rail system which is under construction through the City of Bellevue (the project). The City has conveyed certain real property rights to Sound Transit on this property as obligated by the Amended and Restated Memorandum of Understanding. As part of the project Sound Transit has constructed support columns for their guideway in locations that required the relocation of the sewer and water facilities located within this property. Sound Transit has requested the relocation of a portion of the existing sewer and water easements because the removal of the conflicting utilities and the construction of the new utilities on

the property is complete.

The history and extent of the sewer and water easements in question is detailed below.

Sewer Easement

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| 2003 | Sound Transit filed Superior Court Cause Number 02-2-31213-6 SEA, recorded under King County Recording Number 20030722002069 to obtain a sewer easement from Lincoln Center Office Park, LLC. This easement was conveyed by separate instrument on July 15, 2003 filed under King County Recording number 20030904001626. |
| 2007 | The sewer easement was re-recorded on July 19, 2007 under King County Recording Number 20070719001628 to include exhibits that had been omitted from the original easement. The easement was then assigned to the City of Bellevue on August 17, 2007 under King County Recording Number 20071206000716. |

Water Easement

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| 1973 | Water easement was granted to the City of Bellevue on December 4, 1973 filed under King County Recording Number 7411150468. |
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Utilities Department staff have reviewed the amendment request and confirmed that a portion of the existing sewer easement and a portion of the water easement are no longer needed because the facilities have been relocated out of these areas. The easements will be amended to remove the surplus portions and add the new locations of the sewer and water facilities on the property, as a condition of Sound Transit's permit. Therefore, staff recommends releasing portions of the existing sewer easement bearing King County Recording Number 20070719001628 and portions of the water easement bearing King County Recording Number 7411150468.

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 and 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 replacement easements will be provided as a condition of Sound Transit's development permits.

OPTIONS

1. Hold the public hearing and adopt the Resolution authorizing the execution of documents necessary to release a portion of an existing sewer easement and a portion of an existing water easement located at 515 116th Avenue NE that 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 documents 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. 9816

AVAILABLE IN COUNCIL LIBRARY

Copy of proposed amendment documents