

CITY COUNCIL REGULAR SESSION

Resolution authorizing the execution of documents necessary to release an existing slope easement and a temporary construction easement on private property located at 11100 Main Street.

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EXECUTIVE SUMMARY

This Resolution authorizes the release of an existing slope easement and a temporary construction easement located at 11100 Main Street which are no longer required for providing continued public service.

RECOMMENDATION

Move to adopt Resolution No. 9824

BACKGROUND/ANALYSIS

The City of Bellevue acquired a slope easement and a temporary construction easement at 11100 Main Street as a part of a street and intersection improvement project for 112th Ave NE (CIP Plan No. PW-I-81) in 2001. The easements were obtained through the use of Eminent Domain under a Decree of Appropriation filed as a part of King County Superior Court Case 01-2-04143-06, filed under King County Recording Number 20200220001201.

The property is currently being redeveloped and the slope easement will no longer be needed because the sloped area will be re-graded to accommodate the new building and a wider sidewalk. The temporary construction easement (TCE) was used during the 2001 street improvement project, which was completed many years ago. Though the City's intent was for this TCE to expire upon completion of the CIP project, there was not a specific end date written into the Decree of Appropriation. The property owner would like to have this easement released to clear it from their property title. The City compensated the property owner for the slope easement based on the fair market value when it was acquired in 2001. Consistent with our procedures for releasing easements, staff recommends that Council require compensation for the release of the slope easement, which is currently valued at \$84,000. The City did not compensate the property owner for the temporary construction easement and it has fulfilled its intended purpose, therefore staff is not recommending a requirement for payment associated with the release of the TCE.

Transportation Department staff have reviewed the release request and confirmed that the City will have no need for the TCE or for the slope easement once the developer's improvements are constructed. As such, staff recommends approving the release of these easements. These releases will be executed and recorded upon the following conditions being met: 1) issuance of the building

permit for the proposed development on the site, and 2) payment being made to the City for the release of the slope easement. If these conditions are met within two years of Council's approval of this Resolution, the payment required shall be \$84,000; otherwise the amount shall be set based on the then-current appraised value of the easement. If both conditions are not met within five years, the Resolution shall be deemed null and void and any future request to release these easements will require Council approval.

POLICY

Policy Impact

Bellevue City Code

Under Bellevue City Code 4.32.060, the City can dispose of real property interests, including the release of permanent transportation easements, upon approval by the Council.

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

Relinquishing this easement will result in the Land Purchase Revolving Fund receiving a deposit of \$84,000 (or such other amount reflected in a future appraisal as described above) for the compensation for the slope easement.

OPTIONS

1. Adopt the Resolution authorizing the execution of documents necessary to release an existing slope easement and a temporary construction easement on private property located at 11100 Main Street.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Depiction of easement
 - B. Vicinity Map
- Proposed Resolution No. 9824

AVAILABLE IN COUNCIL LIBRARY

Copy of proposed release of easement