

CITY COUNCIL REGULAR SESSION

Public Hearing and action on an Ordinance authorizing the release of an existing water easement and amending Ordinance Nos. 329 and 338 (as amended by Ordinance No. 386) to release a public utility easement and a portion of a second public utility easement, all located at 9625 NE 8th Street, which have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the release of these easements being deemed in the best interest of the public.

Toni Call, Director, 452-7863

Ira McDaniel, Real Property Manager, 452-4182

Kim Bui, Senior Real Property Agent, 452-5269

Finance & Asset Management Department

Sean Wells, Development Review Manager, 452-4855

Utilities Department

EXECUTIVE SUMMARY

The purpose of the public hearing is to solicit input on the proposed release of a water easement, public utility easement, and a portion of a second public utility easement, all located at 9625 NE 8th Street. If approved, the Ordinance would authorize the release the water easement and amend previous Ordinances to release the public utility easements on the subject property.

RECOMMENDATION

Move to adopt Ordinance No. 6528

BACKGROUND/ANALYSIS

On August 3 the City Council approved Resolution No. 9804 declaring that an existing water easement, a public utility easement, and a portion of a second public utility easement, all located within the property at 9625 NE 8th Street, are surplus to the City's needs and 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 Ordinance authorizing the release of the water easement and amending Ordinance No. 329 and Ordinance No. 338 (which was previously amended by Ordinance No. 386), removing the public utility easements on the subject property.

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 between NE 7th Street and NE 8th Street. On October 27, 1959, the City passed Ordinance No. 329 vacating that same portion of 97th Avenue NE. 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.

Utilities Department staff have reviewed the release requests and confirmed that these easement areas will no longer be needed when new dedications of Right-of-Way and new utility easement areas will be granted for the vacated road of NE 97th Avenue NE as part of the permitting and platting process. If approved, as a condition of this release, the proposed Ordinance will not take effect until new Right of Way and new easement areas are dedicated to the City. There are currently no public utilities within the vacated NE 7th Street on the subject property. Therefore, staff recommends authorizing the release of the water easement bearing King County Recording Number 513209, 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.

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 or dedicated right-of-way.

Fiscal Impact

Releasing this easement has no fiscal impact to the City because the easement was 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 Ordinance authorizing the release of an existing water easement and amending Ordinance Nos. 329 and 338 (as amended by Ordinance No. 386) to release a public utility easement and a portion of a second public utility easement, all located at

9625 NE 8th Street, which have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the release of these easements being deemed in the best interest of the public.

2. Hold the Public Hearing, do not adopt the Ordinance, and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Easement Exhibit Map
 - B. Vicinity Map
- Proposed Ordinance No. 6528

AVAILABLE IN COUNCIL LIBRARY

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