

CITY COUNCIL REGULAR SESSION

Resolution determining that a public utility easement and a portion of a second public utility easement, all located at 10300 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.

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

This Resolution determines that a public utility easement and a portion of a second public utility easement, all located at 10300 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. 9846.

BACKGROUND/ANALYSIS

This action involves declaring a public utility easement and a portion of a second public utility easement, all located within the property at 10300 NE 8th Street, as surplus.

On October 15, 1958, the City passed Ordinance No. 270 vacating a portion of 103rd Avenue NE between NE 8th Street and NE 10th Street. This street vacation included the reservation of a public utility easement within the vacated road. About a month later, on November 25, 1958, the City passed Ordinance No. 277 to vacate the rest of 103rd Avenue NE between NE 8th Street and NE 10th Street. A public utility easement was also reserved under this street vacation.

The subject property is in the process of being redeveloped and the property owner has requested the release of the public utility easements within the property. Utilities Department staff have reviewed the release requests and confirmed that these easement areas are no longer needed as all utility facilities have been removed within the proposed release area. No new easement is needed as a condition of the development permit, since utility connections and facilities will be located within the existing right of way. Therefore, staff recommends declaring that the public utility easement reserved under Ordinance No. 270 and a portion of the public utility easement reserved under Ordinance No. 277, lying within the subject property, as surplus.

If Council adopts the recommended Resolution declaring these easements as surplus, staff proposes to return on January 11, 2021 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 amend Ordinance Nos. 270 and 277 to release a public utility easement and a portion of a second public utility easement located within the vacated 103rd Avenue NE 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 public utility easement and a portion of a second public utility easement, all located at 10300 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. 9846

AVAILABLE IN COUNCIL LIBRARY

N/A