

CITY COUNCIL REGULAR SESSION

Public Hearing authorizing the execution of documents necessary to release six utility easements and portions of two additional utility easements which 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 release being deemed in the best interest of the public. The easements lie within nine parcels owned by Sound Transit for their Operation Maintenance Facility East and related Transit Oriented Development, generally located west of 120th Ave NE between NE Spring Boulevard and Northup Way.

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Utilities Department

EXECUTIVE SUMMARY

The purpose of the public hearing is to solicit input on the proposed release of six utility easements and portions of two additional utility easements. If approved, the Resolution would authorize execution of the release documents.

RECOMMENDATION

Move to adopt Resolution No. 9898.

BACKGROUND/ANALYSIS

On January 11, the City Council approved Resolution No. 9868 declaring the entirety of six easements (two sewer easements and four water easements) and portions of two additional water easements surplus to the City's needs and that they 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 Resolution authorizing the release of the subject easements.

These easements cross an assemblage of nine parcels that are currently being redeveloped as the Operation Maintenance Facility East ("OMFE Property") by Central Puget Sound Regional Transit Authority ("Sound Transit"). The parcels that comprise the OMFE Property include the properties formerly addressed as 1801, 1899, 1917, 1919, 2023, 2035, and 2045 120th Ave NE as well as an adjacent, unaddressed parcel. The site also includes a portion of the Eastside Rail Corridor, addressed as 11804 NE 12th Street.

Sound Transit has constructed new public water facilities within the OMFE Property as part of their redevelopment project. New easements will be conveyed to the City to cover all the newly constructed facilities as shown on Exhibit A-1. The utilities located within the existing easements have all been abandoned; therefore, the existing six utility easements and portions of two additional water easements

within the OMFE property will no longer be needed by the City of Bellevue. Sound Transit has requested that the City release these easements so they can move forward with their redevelopment plans. The history and extent of the eight utility easements in question is detailed below and depicted on Exhibit A-2.

Water Easements:

20050613001902	Water easement with King County Recording Number 20050613001902 was granted to the City of Bellevue in 2005. This easement is located at 1801 120 th Avenue NE as well as another parcel outside of the OMFE property. The water facilities within the OMFE property have been abandoned. Staff is proposing the partial release of this easement as this easement extends across property outside of this development.
6202574	Water easement with King County Recording Number 6202574 was granted to Water District No. 68 in 1967 and assigned to the City of Bellevue by Quit Claim Deed 7501230417 in 1975. This easement crosses three parcels, including 1801, the unaddressed parcel within the OMFE property, and the Eastside Rail Corridor. All of the water facilities within the OMFE property as well as a portion of the facilities within the Eastside Rail Corridor have been abandoned. Staff is proposing the partial release of this easement as some of the facilities in the Eastside Rail Corridor will remain.
8111060691	Water easement with King County Recording Number 8111060691 was granted to the City of Bellevue in 1981. This easement is located at 1917 120 th Ave NE and the water facilities covered by this easement have been abandoned. Staff is proposing to release the entirety of this easement.
9703281111	Water easement with King County Recording Number 9703281111 was granted to the City of Bellevue in 1997. This easement is located at 2035 120 th Avenue NE and the water facilities covered by this easement have been abandoned. Staff is proposing to release the entirety of this easement.
9012060475	Water easement with King County Recording Number 9012060475 was granted to the City of Bellevue in 1990. This easement is located at 2023 120 th Avenue NE and the water facilities covered by this easement have been abandoned. Staff is proposing to release the entirety of this easement.
9606261524	Water easement with King County Recording Number 9606261524 was granted to the City of Bellevue in 1996. This easement is located at 2045 120 th Avenue NE and the water facilities covered by this easement have been abandoned. Staff is proposing to release the entirety of this easement.

Sewer Easements:

9012060485	Sewer easement with King County Recording Number 9012060485 was granted to the City of Bellevue in 1990. This easement is located at 2023 120 th Ave NE and the sewer facilities covered by this easement have been abandoned. Staff is proposing to release the entirety of this easement.
9601260227	Sewer easement with King County Recording Number 9601260227 was granted to the City of Bellevue in 1995. This easement is located at 1919 120 th Avenue NE and the sewer facilities covered by this easement have been abandoned. Staff is proposing to release the entirety of this easement.

Utilities Department staff have reviewed the release requests and confirmed that these easement areas are no longer needed as the facilities have been abandoned. Sound Transit will provide replacement easements for the new water facilities that have been constructed within the OMFE property as part of the permitting. Such replacement easements shall be granted prior to release of the existing easements.

Therefore, staff recommends authorizing the partial release of the water easements bearing King County Recording Numbers 20050613001902 and 6202574, the full release of the water easements bearing King County Recording Numbers 8111060691, 9703281111, 9012060475, 9606261524 and the full release of the sewer easements bearing King County recording numbers 9012060485 and 9601260227.

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.

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. Hold the Public Hearing and adopt the Resolution authorizing the execution of documents necessary to release six utility easements and portions of two additional utility easements which 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 release being deemed in the best interest of the public. The easements lie within nine parcels owned by Sound Transit for their Operation Maintenance Facility East and related Transit Oriented Development, generally located west of 120th Ave NE between NE Spring Boulevard and Northup Way.
2. Hold the Public Hearing, do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Easement Exhibit Maps
 - B. Vicinity Map
- Proposed Resolution No. 9898

AVAILABLE IN COUNCIL LIBRARY

Copy of proposed release of easement documents
Copy of new water easement
Proposed new easements Exhibit A-1
Existing easements Exhibit A-2