

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 the entirety of a construction easement located at 12855 Coal Creek Parkway SE 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.

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EXECUTIVE SUMMARY

The purpose of the public hearing is to solicit input on the proposed release of a portion of an existing sewer easement and the entirety of a construction easement located at 12855 Coal Creek Parkway SE. If approved, the Resolution would authorize execution of the release documents.

RECOMMENDATION

Move to adopt Resolution No. 9924.

BACKGROUND/ANALYSIS

On March 8, the City Council approved Resolution No. 9902 declaring a portion of an existing sewer easement and the entirety of a construction easement 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.

Both easements are located at 12855 Coal Creek Parkway SE. The sewer easement was granted to the Eastgate Sewer District on July 1, 1987 and filed under King County Recording Number 8707231154. The construction easement was granted to the Eastgate Sewer District on December 11, 1987 and filed under King County Recording Number 8712170427. The City of Bellevue assumed all Eastgate Sewer Easements in January 1995. The property owner has plans to relocate the existing sewer within their property for a building expansion. The owner has requested that the City release a portion of the existing sewer easement. The construction easement was intended to be temporary, for use during the initial construction of the sewer line on the property. No specific expiration date was listed, however, and the easement still shows on the property's title. This construction easement is being released to clear it from the title.

Utilities Department staff have reviewed the release request and confirmed that the subject portion of the existing sewer easement is no longer needed as the sewer will be relocated out of this area.

New easements will be granted for the new sewer main as part of the permitting process to cover the relocated facilities. These new easements will be granted prior to the release of the old easements. Therefore, staff recommends declaring a portion of the existing sewer easement bearing King County Recording Number 8707231154 and the entirety of the temporary construction easement bearing King County Recording Number 8712170427 as surplus.

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

Releasing these easements 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 a portion of an existing sewer easement and the entirety of a construction easement located at 12855 Coal Creek Parkway SE 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.
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. 9924

AVAILABLE IN COUNCIL LIBRARY

Copy of proposed release of easements

Copy of new sewer easements