

CITY COUNCIL REGULAR SESSION

Resolution authorizing execution of two permanent sewer easements and two temporary special use agreements with King County across City of Bellevue properties at Enatai Beach Park and Mercer Slough Nature Park Swayolocken Boat Launch, as well as an amendment to an existing airspace lease with Washington State Department of Transportation (WSDOT), all as part of King County's North Mercer Island & Enatai Interceptors Upgrade Project.

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Parks & Community Services Department

EXECUTIVE SUMMARY

This Resolution authorizes execution of two permanent sewer easements, two temporary special use agreements and an amendment to an existing airspace lease with WSDOT which are required by King County to construct, operate, mitigate and perform restoration for sewer facilities as part of King County's North Mercer Island & Enatai Interceptors Upgrade Project.

RECOMMENDATION

Move to adopt Resolution No. 9999

BACKGROUND/ANALYSIS

King County Wastewater Treatment Division needs to replace sewer pipes that serve areas in North Mercer Island, the southwest portion of Bellevue near Enatai Beach Park, and the town of Beaux Arts Village. This pipeline carries wastewater from the North Mercer Island Pump Station to the Swayolocken Pump Station in Bellevue. Installed during the 1970's, King County's North Mercer Island and Enatai sewer pipelines are aging and reaching capacity. Increased sewer capacity will allow King County to provide reliable wastewater service through the year 2060. Construction is anticipated to begin this fall and be complete in 2025.

In order to construct and operate the project, King County needs to obtain two permanent sewer easements and two temporary special use agreements from the City of Bellevue. These property rights are necessary for construction, operation of the project and for King County to comply with the mitigation and restoration conditions of the City's land use approval.

King County conveyed Enatai Beach Park to the City of Bellevue by Quit Claim Deed dated July 7, 1977 under recording number 7707110656. An easement for the existing lake line sewer in the bed of Lake Washington was not reserved when King County conveyed this property to the City in 1977. King County plans to repair and upgrade the existing sewer facilities on this property and has asked the City

to formalize and convey permanent rights on the Enatai Beach Park property over the existing sewer line at no cost to King County. King County will compensate the City for temporary use rights on City property during construction.

The City leases from WSDOT a portion of the Interstate 90 right of way that lies adjacent to the City's Enatai Beach Park. This leased area functions as part of the park. During construction of King County's project, the City will be unable to use a portion of this leased property. The City of Bellevue and WSDOT have drafted an amendment (which would be the fourth amendment) to this airspace lease to suspend a portion of the leased area during construction of the project. In return, at the end of the project (anticipated to be two to three years at Enatai Beach Park) WSDOT will reinstate and extend the term of the lease by an equivalent time period at no cost to the City. The original term of the airspace lease commenced on January 23, 1984 for a 40 year term to expire on January 22, 2024. The City and WSDOT conducted this same arrangement for Sound Transit's multi-year use of Enatai Beach Park, resulting in an extension of the City's lease until August 22, 2026. While there will be periodic impacts and closures of certain elements of the park, King County and the City are working to minimize construction impacts and intend to keep public access to the park available as much as possible.

At Swayolocken Boat Launch, the County will need to periodically close public access to the launch in order to construct the portion of project that connects to their adjacent regional Swayolocken Pump Station. As at Enatai Beach, the City and County will work to minimize and mitigate the closures and to fully restore the site at the conclusion of the project.

With ongoing coordination during the project, City staff has determined that park and recreation impacts can be minimized or mitigated while allowing for the necessary upgrades to this regional sewer facility. The new facility will increase capacity and decrease the potential for age-related infrastructure failure. This represents a significant ecological benefit as much of the current aged infrastructure is within and under Lake Washington. As such, staff recommends authorizing the conveyance of property rights across City of Bellevue property known as Enatai Beach Park and Mercer Slough Nature Park Swayolocken Boat Launch and execution of a lease amendment with WSDOT. These rights are more particularly described in the table below.

Permanent Sewer Easements	
Enatai Beach Park: 3519 108 th Ave SE Parcel Number: 2344300006 (8,105 sq. ft. x \$54.25/sq. ft. x 50% of fee value)	\$0
Swayolocken Boat Launch: 3000 Bellevue Way SE Parcel Number: 7000100210 (2,018 sq. ft. x \$40.00/sq. ft. x 50% of fee value)	\$40,000
Temporary Special Use Agreements	
Swayolocken Boat Launch: 3000 Bellevue Way SE Parcel Number: 7000100210 (20,236 sq. ft. x \$.32/sq. ft. x 36 months of occupancy*) *20 months active construction	\$20,000
Enatai Beach Park: 3519 108 th Ave SE	\$422,000

Parcel Number: 2344300006 (57,947 sq. ft. x \$.32/sq. ft. x 23 months of occupancy)	
WSDOT Airspace Lease Amendment No. 4	
Enatai Beach Park: 3519 108 th Ave SE No Cost	\$0
Total:	\$482,000

POLICY & FISCAL IMPACTS

Policy Impact

Bellevue City Code

Under BCC 4.32.060, any sale of real property shall be submitted to Council for approval. The conveyance of an easement across City-owned property constitutes the sale of an interest in real property.

Under BCC 4.30.020, any lease that exceeds two years in duration or consideration greater than \$90,000 per year shall be submitted to Council for approval. The temporary rights conveyed for this project exceed these limits for both duration and value.

City Procedure

All requests for the conveyance of easements across City-owned property are put through a review by the departments with custodial authority of the property as well as other departments that may be impacted by the easement. If an offer of financial compensation is involved, the offer and any appraisals are reviewed as necessary, staff negotiates the value to ensure the City receives fair market value.

Fiscal Impact

If this Resolution is approved, King County will compensate the Parks & Community Services Department for the conveyance of property rights in the amount of \$482,000. Compensation will be provided either in the form of cash payments or in mutual and offsetting project costs that improve, update or expand the park resource, as acceptable to the City.

OPTIONS

1. Adopt the Resolution Resolution authorizing execution of two permanent sewer easements and two temporary special use agreements with King County across City of Bellevue properties at Enatai Beach Park and Mercer Slough Nature Park Swayolocken Boat Launch, as well as an amendment to an existing airspace lease with Washington State Department of Transportation (WSDOT), all as part of King County's North Mercer Island & Enatai Interceptors Upgrade Project.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Depiction of easements
 - B. Vicinity Map
- Proposed Resolution No. 9999

AVAILABLE IN COUNCIL LIBRARY

- Copy of proposed permanent sewer easements
- Copy of proposed temporary special use agreements
- Copy of proposed airspace lease amendment no. 4