

**CITY COUNCIL AGENDA TOPIC**

Public Hearing and action on Resolution authorizing the execution of documents necessary to release an existing sidewalk and utility easement which has been declared surplus to the city's needs and is no longer required for providing continued public service.

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**EXECUTIVE SUMMARY****ACTION**

Public Hearing to solicit input on the proposed release of an existing sidewalk and utility easement located at 16035 Northup Way. If approved, the resolution would authorize execution of the release document.

**RECOMMENDATION**

Hold the public hearing and move to adopt Resolution No. 10634

**BACKGROUND/ANALYSIS**

On April 14, the City Council approved Resolution No.10608 declaring an existing sidewalk and utility easement located at 16035 Northup Way as surplus. The next step in this process is for the council to hold a public hearing. This hearing is an opportunity for the public to comment on the proposed release. Following the hearing, staff requests council action on the proposed resolution authorizing the release of the subject easement.

The easement was granted to the City of Bellevue by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints under recording number 8909280449, in King County, Washington; on September 28, 1989.

Utilities Department staff and Transportation Department staff have both reviewed the release request and confirmed that the easement is no longer needed. Franchise utilities including Comcast, CenturyLink, PSE and Verizon have all confirmed that they have no facilities located within the easement reservation on this property and have no future need for the existing sidewalk and utility easement located at 16035 Northup Way.

This release will be executed and recorded upon the following conditions being met: 1) The new trail construction has concluded, and 2) Right-of-Way Dedication along Northup Way is recorded in the new plat. If both conditions are not met within five years, the resolution authorizing the release shall be deemed null and void and any future request to release these easements will require council approval.

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 easement.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

#### Bellevue City Code

Under Bellevue City Code 4.32.070 and RCW 35.94.040, the city can dispose of Utilities-owned real property interests, including the release of permanent utility easements, upon a determination 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 this easement surplus has no fiscal impact on the city because this 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 Resolution authorizing the execution of documents necessary to release an existing sidewalk and utility easement which has been declared surplus to the city's needs and is no longer required for providing continued public service.
2. Hold the Public Hearing, do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS**

- A. Easement Exhibit Map
  - B. Vicinity Map
- Proposed Resolution No. 10634

## **AVAILABLE IN COUNCIL LIBRARY**

Copy of proposed partial release of easement