Item No. 9(a)
May 21, 2012

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT
Public hearing and action on Resolution No. 8398 authorizing execution of documents relinquishing a utility easement at the South Kirkland Park and Ride on NE 38th Street.

FISCAL IMPACT
There is no fiscal impact to the City.

STAFF CONTACT
Nav Otal, Director, 452-2041
Mike Jackman, Interim Deputy Director, 452-6012
Utilities Department

Nora Johnson, Director, 452-4167
Max Jacobs, Real Property Manager, 452-4182
Civic Services Department

POLICY CONSIDERATION
Under Bellevue City Code 4.32.015 and RCW 35.94.040, the City can dispose of Utilities-owned real property interests, including relinquishment of permanent easements, with City Council approval following a public hearing. The City is typically willing to relinquish easements on private property as long as there is no foreseeable future need for the easement and, if applicable, the City has obtained any needed replacement easement(s). Such relinquishments occur at no cost to the property owner because the easements generally cannot be sold to third parties, and the City generally acquired such easements for no consideration, or reserved the easements as part of a street vacation. In many cases, relinquishment of unneeded easements facilitates private land development or transfers.

DIRECTION NEEDED FROM COUNCIL

_X_ Action
_X_ Discussion
___ Information

This hearing is a public comment opportunity regarding the proposed relinquishment of one utility easement. Following the hearing, staff requests Council action on the proposed Resolution authorizing the relinquishment.

BACKGROUND
This action involves relinquishing one utility easement no longer needed by Bellevue Utilities Department. In 1965, following a petition by the adjacent property owners, the City relinquished a portion of 108th Avenue NE right-of-way which ran north-south along the border between Bellevue and Kirkland (see Attachment 1, Ordinance No. 800 and map). The property is currently known as the South Kirkland Park and Ride on NE 38th St. The 1965 vacation ordinance reserved a 30-foot

wide easement within the vacated right-of-way in Bellevue for the construction and maintenance of utilities (including pipes and cables). This easement bears King County Recording Number 5945950 (part of Attachment 3).

Real estate developer Polygon Northwest intends to submit a building permit application for development of a mixed-use campus project planned to include a range of market rate and affordable housing units, in addition to retail space, a parking garage, and improved transit loading and waiting areas. In order to proceed with the project, the developer has asked the City of Kirkland to confirm that an 8-inch water main, depicted on Kirkland utility maps running across the Park and Ride property, either has been abandoned or does not exist. In addition, the developer has asked the City of Bellevue to relinquish the 1965 utility easement. The easement is within the City of Bellevue.

The City of Kirkland has confirmed that the water line does not exist, and that Kirkland has no interest in the utility easement. The City of Kirkland recognizes the developer's need to have the easement relinquished because it conflicts with the developer's proposed parking garage. Kirkland does not object to the relinquishment (see Attachment 2, April 18, 2012 City of Kirkland letter).

Bellevue Utilities staff has reviewed the relinquishment request and confirmed that the easement is not needed by the Utilities Department and can be relinquished. Currently, there is no City of Bellevue water main in the easement area, and no other water line easement would be needed on the property if the existing easement were relinquished. The site is currently served by a water main in 108th Avenue NE, so no water main would be needed on the Park and Ride site. In addition, the City's Information Technology Department has confirmed there is no need for this easement area, nor for a designated replacement, for future installation of data cable. Therefore, staff recommends relinquishing the easement bearing King County Recording Number 5945950.

Notice of this hearing was published as required by statute.

EFFECTIVE DATE

If adopted by Council, this Resolution becomes effective immediately.

OPTIONS

1. Hold the public hearing and adopt Resolution No. 8399 authorizing execution of documents relinquishing a utility easement at the South Kirkland Park and Ride on NE 38th Street.

2. Hold the public hearing and do not adopt Resolution No. 8399 authorizing execution of documents relinquishing a utility easement at the South Kirkland Park and Ride on NE 38th Street.

3. Provide alternative direction to staff.

RECOMMENDATION

Hold the public hearing and adopt Resolution No. 8398 authorizing execution of documents relinquishing a utility easement at the South Kirkland Park and Ride on NE 38th Street.

MOTIONS

1. Move to open the public hearing on proposed Resolution No. 8398 authorizing execution of documents relinquishing a utility easement at the South Kirkland Park and Ride on NE 38th Street.

2. Move to close the public hearing following public comment opportunity.

3. Move to adopt Resolution No. 8398 authorizing execution of documents relinquishing a utility easement at the South Kirkland Park and Ride on NE 38th Street.

ATTACHMENTS

Vicinity Map
Easement Location Map
Letter from City of Kirkland to City of Bellevue Utilities
Public Notice
Proposed Resolution No. 8398

AVAILABLE IN COUNCIL OFFICE

Copy of proposed easement relinquishment document

Vicinity Map

Proposed Easement Relinquishment

Site
Park
School

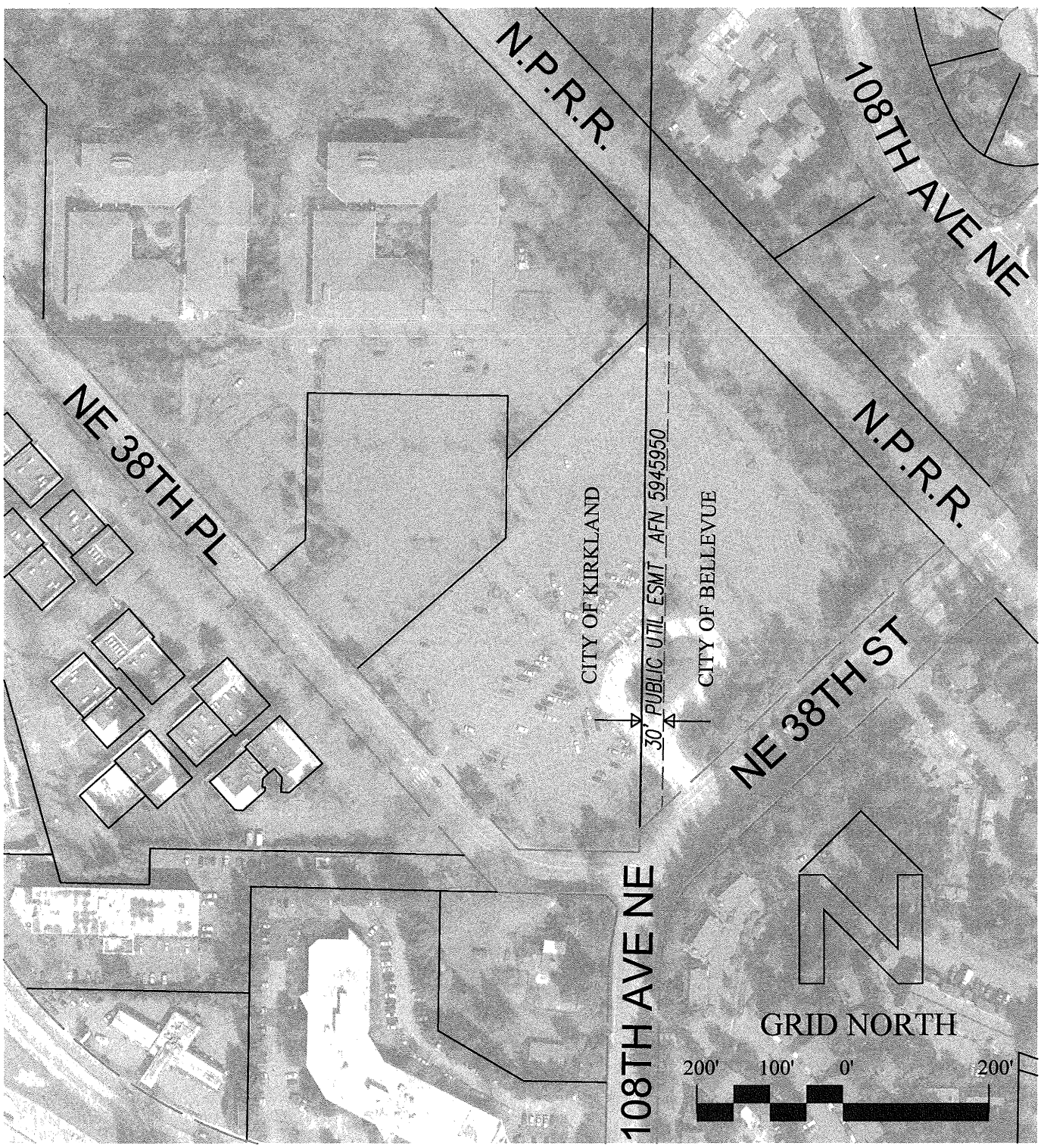
VICINITY MAP

City of Bellevue
Information Technology
Geographic Information Services
April 04, 2012

This map is derived from the Bellevue Geographic Information System and designed for City staff use.
It is not guaranteed accurate.

If you have specific questions regarding this map, contact the department shown.

9-5



ACAD File: 12021 108TH AVE NE.dwg: 03/28/2012 SLB

Exhibit Map

South Kirkland Park & Ride

NW1/4 NE1/4 Sec 20, T.25 N., R.5 E., W.M.
King County, Washington

City of Bellevue
Civic Services Department

April 18, 2012

Mike Jackman
City of Bellevue Deputy Director of Utilities
PO Box 90012
Bellevue, WA 98009-9012

Re: Transit Oriented Development/King County Park and Ride Project - Utility Easement Relinquishment

Dear Mr. Jackman:

Mark Dewey and I have been discussing the 30 ft wide public utility easement (recording # 5945950) that crosses the Transit Oriented Development (TOD)/King County Park and Ride property. The easement parallels and is directly next to the Kirkland-Bellevue jurisdictional line, but is solely within the City of Bellevue. According the City of Kirkland records and a survey of the said property, it appeared that the utility easement encompassed a water main that was connected to the Kirkland water system near the northwest corner of the property. After reviewing the issue, the Kirkland Water Department has determined that the water main does not exist and Kirkland has no interest in the utility easement. The utility easement conflicts with the proposed parking garage on the said property and the developer of the project has asked if the easement can be relinquished. Base on our findings, the City of Kirkland does not object if the City of Bellevue approves the relinquishment of the said easement.

If you have any question, please call me at 425-587-3845.

Sincerely,

DEPARTMENT OF PUBLIC WORKS

Rob Jammerman
Development and Environmental Services Engineering Manager

cc: Mark Dewey, City of Bellevue, Utility Review Professional
Greg Neumann, City of Kirkland Water Manager

RJ:rj/tod water line easement abandonment 041812.docx

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10-18-65

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 800

5945950

AN ORDINANCE determining the public advantage in vacating a portion of 108th Avenue N.E. between N.E. 38th and the N.P.R.R. right-of-way, within the City of Bellevue.

WHEREAS a petition was filed with the City Council to vacate a portion of 108th Avenue N.E. between N.E. 38th and the N.P.R.R. right-of-way, by owners of more than two-thirds of the private property abutting the same; and

WHEREAS the City Council by resolution fixed the time for hearing said petition, and gave notice thereof by posting and mailing in the manner required by law; and

WHEREAS investigation was made as to the use of said street and the public interest to be served or damaged by a change of use of vacation thereof; and

WHEREAS a hearing was held upon said petition on October 19, 1965, at the time and place fixed in said resolution and notice, and as a result thereof the City Council having found that the vacation of said street to the extent described would serve the public good; and no objections thereto being made by owners of private abutting property; now therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO ORDAIN AS FOLLOWS:

Section 1. The following street in the City of Bellevue, to-wit.

That portion of 108th Avenue NE in the northwest quarter of the northeast quarter of Section 20, Township 25 North, Range 5 East, W.M. described as the west 30 feet of the northwest quarter of the northeast quarter lying north of the northwesterly right-of-way margin of NE 38th Street, situated in King County, Washington.

is vacated: provided however, that easements are reserved for the location, construction, reinstallation, use, repair and maintenance of pipes, poles, cables, lines or appurtenances of public utilities and services within or above such vacated portions.

Section 2. The Administration is hereby directed to record a certified copy of this Ordinance with the King County Auditor, and to file a certified copy of this ordinance with the King County Assessor.

Section 3 This Ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 19th day of October, 1965 and signed in authentication of its passage this 19th day of October, 1965

s. Clarence F. Wilde
Mayor

(SEAL)

Approved as to Form.

s. Joseph S. Miller,
City Attorney

Attest:

s. Jean S. Scholer, City Clerk

FILED NO. 0470
CITY OF BELLEVUE
DATE October 26, 1965
CITY CLERK s. Jean S. Scholer

CORPORATE SEAL

CERTIFICATE

the undersigned JEAN S. SCHOLER Clerk of the City of Bellevue, Washington, certify true and correct copy of ... subscribed and sealed this ... day of ...

Filed for Record Oct. 27 1965 ... 46
Request of Joseph S. Miller
ROBERT A. MORRIS, County Auditor

Description: King,WA Deeds-DocId 5945950 Page: 1 of 1
Order: 1 Comment:

PLEASE PUBLISH ON MAY 7 and MAY 14, 2012

CITY OF BELLEVUE
BELLEVUE CITY COUNCIL
NOTICE of PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Bellevue City Council will hold a public hearing during its Regular Meeting on **Monday May 21, 2012, at 8:00 PM** in the City Council Chambers in Bellevue City Hall, 450 110th Ave NE, Bellevue, WA regarding:

Declaring surplus and relinquishing certain Utilities-owned property

Specifically: One utility easement bearing King County Recording number 5945950, Located at 10800 NE 38th St. in Bellevue, WA.

The public hearing is an opportunity for residents and other stakeholders to provide input on the declaration that the above-listed easement is now surplus and to be relinquished. The City Council may approve or disapprove a resolution authorizing relinquishing the easement.

Any person may participate in the public hearing by submitting written comments to the City Council in care of Myrna Basich, City Clerk, P.O. Box 90012, Bellevue, WA, 98009, or the Director of Civic Services, in care of Max Jacobs, Real Property Manager, at the same address or mjacobs@bellevuewa.gov, before the public hearing, or by submitting written comments or making oral comments to the City Council at the hearing. All written comments received by the City Clerk or the Civic Services Director will be transmitted to the City Council no later than the date of the public hearing. Comments must be received by 5:00 PM on May 21, 2011.

Affidavit of posting has been filed with the City Clerk for the Bellevue City Council.

Dated this 3rd day of May 2012.

Myrna L Basich

Myrna L. Basich
City Clerk

2651-RES
5/16/2012

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 8398

A RESOLUTION authorizing execution of documents to relinquish a utility easement, located at the South Kirkland Park and Ride on NE 38th Street, which is surplus and no longer needed by the Bellevue Utilities Department.

WHEREAS, in1965, The City of Bellevue relinquished a portion of 108th Avenue NE right of way, which ran north-south along the border between Bellevue and Kirkland bearing King County Recording Numbers 5945950; and

WHEREAS, the utility easement (affixed hereto as Attachment A) described and referenced above is no longer needed by the Bellevue Utility Department and is otherwise a surplus property interest; and

WHEREAS, pursuant to RCW 35.94.404, after the City determines by resolution and after a public hearing that any lands, property, or equipment originally acquired for public utility purposes are surplus to the City's needs and not required for providing continued public utility service, said lands, property, or equipment may be leased, sold, or conveyed; and

WHEREAS, a public hearing was held by the City Council to consider the surplus of the easements rights described herein on May 21, 2012; and

WHEREAS, the City Council deems that it is in the City's best public interest to relinquish the easement rights no longer required by the Bellevue Utility Department and that the mutual consideration of said relinquishment benefit both the Utility and the fee property owners for the property described above; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute the documents necessary to relinquish the easement described above, copies of which have been given Clerk's Receiving No. _____.

Passed by the City Council this _____ day of _____, 2012, and signed in authentication of its passage this _____ day of _____, 2012.

(SEAL)

_____
Conrad Lee, Mayor

Attest:

_____
Myrna L. Basich, City Clerk

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10-18-65

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s. Clarence F. Wilde
Mayor

(SEAL)

Approved as to Form.

s. J[illegible] Miller,
City Attorney

Attest:

s. Jean S. Scholer, City Clerk

FILED NO. 0470
CITY OF BELLEVUE
DATE October 20, 1965
CITY CLERK s. Jean S. Scholer

CORPORATE SEAL

CERTIFICATE

I, the undersigned JEAN S. SCHOLER Clerk of the City of Bellevue, Washington, certify that the true and correct copy of [illegible] subscribed and sealed this [illegible] day of [illegible]

Filed for Record Oct. 27 1965 [illegible]
Request of Joseph S. Miller
ROBERT A. MORRIS, County Auditor

escription: King,WA Deeds-DocId 5945950 Page: 1 of 1
rder: 1 Comment: