



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5879**  
**June 1, 2021**  
**Consent Calendar**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5879: Mercer Island School District Easement Encroachment	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Approve the Easement Encroachment License Agreement.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Public Works
<b>STAFF:</b>	Jason Kintner, Chief of Operations Patrick Yamashita, Deputy Public Works Director/City Engineer
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Mercer Island School District Request 2. Easement Encroachment License Agreement
<b>CITY COUNCIL PRIORITY:</b>	n/a

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

### SUMMARY

This is a request from the Mercer Island School District (District) for approval of an Easement Encroachment License Agreement (Agreement) that allows the Mercer Island School District to place portables within an existing public utility easement. Refer to Exhibit 1 for the District's request and related background information.

### BACKGROUND

The construction of Northwood Elementary School was completed in 2016. As part of the infrastructure improvements for the site, the District relocated and replaced an aging storm drainage pipe that served the property, City streets to the south, and areas to the south. The cost of the work was borne by the District as part of their project. Upon completion and as a condition of permit approval, the 24" diameter storm line became part of the City's drainage system and a public utility easement was granted to the City by the District.

During the planning stage for Northwood Elementary in 2015, the District identified a location to place four future portables. However, the storm line and easement bisect this area and the language of the easement restricts buildings or other structures within the easement. Refer to paragraph 4 of the easement document

contained in Exhibit 1. Approval of the Agreement will allow the portables to encroach into the easement with specific conditions (see Exhibit 2).

Public Works engineering and operations staff reviewed the request and support approval of the Agreement based on the following considerations:

1. The storm line is five years old with a life expectancy of at least 50 years.
2. Video inspection of the storm line revealed that the pipe is in excellent condition with no defects.
3. Encroachment of the portables into the easement will not prevent or hinder Public Works crews from accessing the storm line for cleaning and other routine maintenance. These activities occur at drainage structures. The portables will not block access to any drainage structure.
4. Only a portion of the portables will encroach on the easement and could be removed by crane by the District if needed.
5. The Agreement protects the City's needs.
  - a. It gives the City Engineer authority to require removal of the portables at the District's expense if the placement of the portables in the easement threatens public health, safety, or welfare; the portables interfere with routine operations and maintenance of the storm line; or, in the event of an emergency. All related costs will be the responsibility of the District.
  - b. Upon removal of the portables, the District is responsible for restoring the easement area to its original condition.

The Agreement was prepared by the City Attorney's Office staff and is based on the City's standard encroachment agreement framework. District staff have reviewed the Agreement and find the terms acceptable.

Authorize the City Manager to sign the Easement Encroachment License Agreement substantially in the form of Exhibit 2.