



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5796
February 2, 2021
Consent Calendar

AGENDA BILL INFORMATION

TITLE:	AB 5796: Public Sewer Easement Extinguishments and Replacement	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Approve termination of sewer easements in exchange for new, wider realigned easement.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Public Works
STAFF:	Patrick Yamashita, City Engineer/Deputy PW Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Vicinity Map 2. Depiction of Existing Easements 3. Legal Descriptions (AFN 4635647, 4655749, and 4709245)
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

SUMMARY

This is an authorization to extinguish three public sewer easements in exchange for a new, wider easement. Per State law, the City Council must authorize changes to property interests for all public property.

BACKGROUND

King County ("County") is nearing the end of the design phase for its North Mercer Island/Enatai Sewer Upgrade project. The purpose of the project is to improve reliability and increase the capacity of the wastewater conveyance system that flows from North Mercer Island to the eastside interceptor in Bellevue. Part of the capacity improvements include upgrades to the County's pump station facility on property owned by King County, on the north end of Mercer Island (see Exhibit 1). The improvements will increase capacity to meet projected wastewater flows to serve Mercer Island through the year 2060.

The City has three existing public sewer easements on the site as shown in Exhibit 2. They were obtained in the 1950s by the Mercer Island Sewer District to support future residential development south and west of the site. A sewer main was constructed in 1956 across the site in a north-south direction through a portion of the easements to serve properties to the south. The sewer infrastructure and easements were later taken over by the City of Mercer Island when the Sewer District was dissolved. The land west of the site developed

over the years and is served by City sewers in SE 22nd Street to the north, leaving the east-west portions of the easements unneeded.

During the County's pump station upgrade design process, County and City staff identified issues with the existing sewer easements:

1. The City's existing sewer was found to be largely outside of the designated easements. Apparently when the pump station was constructed in 1968, the sewer was relocated around the station, but the easement was not modified to account for the relocation.
2. Portions of all three easements prevent the County from constructing site improvements associated with the pump station upgrade as City Code (see [MICC 19.02.020\(H\)](#)) requires utility easements to be unobstructed. These portions do not have sewers because the surrounding properties are already served by sewers in other locations. Therefore, we do not anticipate a future need for these portions.

County staff and the City Engineer discussed the situation and identified a mutually beneficial solution to the problem; the City would terminate the existing easements. In exchange, the County agreed to provide a new easement for the City sewer main. The new easement will be aligned over the sewer and be 15 feet wide rather than 10 feet wide. Securing a wider easement that is aligned over the sewer is beneficial for long-term access for City Public Works crews to operate, maintain, and repair the sewer.

NEXT STEPS

King County requests the extinguishment of the three easements. In return, the County will grant a new 15-foot-wide easement aligned over the existing City sewer main to replace the former 10-foot-wide easement that did not cover the sewer. Exhibit 3 provides legal descriptions of the existing property, proposed easement, and existing easements.

RECOMMENDATION

Authorize the City Manager to terminate sewer easements AFN 4635647, 4655749, and 4709245 as depicted in Exhibit 3 in exchange for a new 15-foot-wide realigned easement by executing instruments to be approved by the City Attorney.