



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6534
September 17, 2024
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 6534: Glenhome Water Main Easement Release (5602 East Mercer Way)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Approve partial release of easement.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Patrick Yamashita, City Engineer/Deputy PW Director
COUNCIL LIAISON:	n/a
EXHIBITS:	<ol style="list-style-type: none"> 1. Request to Partially Release Water Easement 2. 1960 Water Easement 3. New and Old Water Main Location 4. Draft Partial Release of Water Main Easement
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

The purpose of this agenda bill is to present a request on behalf of a property owner to release the portion of unused public water main easement crossing 5602 East Mercer Way. Refer to Exhibit 1 for the request and related information. This agenda bill will:

- Provide background on the existing easement.
- Explain why the release is being requested.
- Explain why there is no need for the easement.

BACKGROUND

The owners of the property located at 5602 East Mercer Way are requesting the release of a portion of water main easement that crosses the property. This easement (see Exhibit 2) was granted to King County Water District No. 93 in 1960 when residents of the neighborhood constructed the original water system in the Glenhome neighborhood, and the water district owned and maintained it. The City of Mercer Island acquired the water district in 1966 and became the beneficiary of the easement and water main. In 2017, the City began the design of an upgrade to the water system to replace the aging infrastructure and improve fire flow.

These improvements required new easements since existing easements were not sufficient. City staff worked with residents in the neighborhood to obtain the necessary easements including the owner of 5602 East Mercer Way. The City's watermain project construction concluded in 2018. The expected service life of the watermain is 75 to 100 years. The previous easement on the property at 5602 East Mercer Way is no longer needed to adequately serve the neighborhood.

ISSUE/DISCUSSION

The new water system improvements were constructed in 2018 utilizing a combination of new and existing easements. A portion of the 1960 easement crossing the requestor's property at 5602 East Mercer Way was not needed for the construction since a better route was identified using other easements (Exhibit 3). The requestor wishes to replace their aging carport that currently encroaches into the 1960 easement. However, by code, structures such as buildings and carports cannot be constructed within easements. The owner cannot proceed with the building permit process for the carport as designed unless the easement is released. Based on the location of the new water system improvements, there is no need to retain the portion of the 1960 easement being requested for release. Refer to Exhibit C of Exhibit 1 for location. Public Works operations and engineering staff support this request and have determined there is no longer a need for the easement.

NEXT STEPS

Following the City Council's approval, staff anticipates the following next steps:

- Final review of the easement release in Exhibit 3 by the City Attorney.
- Execution of the easement release and recording with the King County Department of Records

RECOMMENDED ACTION

Authorize the City Manager to release a portion of easement (recording number 5183236) through a partial release of easement to be approved by the City Attorney substantially in the form of Exhibit 4.