



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

**AB 6203
January 3, 2023
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 6203: Sewer Main Easement Replacement (3 Eden Lane)	<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 termination of sewer easement in exchange for new, realigned easement.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations/PW Director Patrick Yamashita, City Engineer/Deputy PW Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Request to Terminate Sewer Easement 2. New Easement 3. Partial Easement Relinquishment
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 replace a public sewer main easement to correct an error. Per State law, the City Council must authorize changes to property interests for all public property including easements. Refer to Exhibit 1 for the request. This agenda bill will:

- Provide background on the existing easement.
- Explain why a change to the easement is necessary.
- Explain the benefit to the City by this change.

BACKGROUND

McCullough Hill Leary, PS, representing the owner of the property located at 3 Eden Lane is requesting the replacement of a public sewer easement on the property to correct the location of the existing easement. Refer to Exhibit 1 for the request and related information.

The existing easement was granted to the Mercer Island Sewer District in 1964 and became the City of Mercer Island's when the sewer district was taken over by the City. The as-built sewer main location is not located within the limits of the easement. This issue came to light when the property owner began contemplating applying for permits to make improvements to the property and learned that the easement

encumbered the property, limiting the ability to make certain improvements within the easement, even though there is no sewer in the easement.

ISSUE/DISCUSSION

The City's sewer main has limited protections from the impacts of development/redevelopment on the property because it is not located within the existing easement. Replacing the easement with one that aligns with the sewer main will prevent buildings and other structures from being constructed over the sewer and easement since development regulations restrict structures from being constructed within utility easements.

This request is mutually beneficial to the City and the property owner. The new easement (Exhibit 2) provides more favorable terms to the City, provides a 20' width for maintenance access and reconstruction, and places the easement in the correct location. The property owner has gone to significant effort and expense to draft the new easement, work with staff, and hire surveyors to locate the sewer main, existing easement, and prepare legal descriptions. This is an opportunity to correct an error that could have endangered the sewer main if it had gone unnoticed.

Public Works operations and engineering staff support this request and believe it is in the City's best interest with providing long-term, reliable sewer service to its customers.

NEXT STEPS

Following City Council approval of this agenda bill, staff anticipates the following next steps:

- Final review of the new easement (Exhibit 2) and partial extinguishment (Exhibit 3) by the City Attorney.
- Execution of the easement documents and recording with King County Department of Records.

RECOMMENDED ACTION

Authorize the City Manager to terminate the sewer easement (recording number 5804682) through a partial easement extinguishment as depicted in Exhibit 3 in exchange for a new 20-foot-wide realigned sewer easement, both to be approved by the City Attorney substantially in the form of Exhibits 2 and 3.