



Public Works Department
City of Bellingham

**CITY OF BELLINGHAM PROCEDURE FOR
RELINQUISHMENT OF SURPLUS UTILITY EASEMENTS**

1. **APPLICATION.** Applicant initiates process by submitting a written request to the Public Works Department for relinquishment of a utility easement. The application shall identify:
 - a. Easement to be relinquished (provide copy of document creating or reserving the easement);
 - b. Full legal description of property burdened by the easement and **current** title policy;
 - c. Name and contact information of legal owners of burdened parcel; and
 - d. Locate and disclose any utilities in easement.

Submit to: City of Bellingham Public Works Department
Attention: Lance Rexroat, Property Acquisition Specialist
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225
lrexroat@cob.org
(360) 778-7981

2. **ADMINISTRATIVE REVIEW.** Public Works Department reviews application and determines whether City has any probable future need for all, or any portion, of the easement. Staff may require additional information from Applicant, including, but not limited to, a survey, agreement with utility companies to resolve any existing utilities, and updated title policy.
3. **ADMINISTRATIVE DENIAL.** If the Public Works Department determines that the City does have a probable future need for the easement, then it shall issue a written denial of the application. Staff decision is final and not subject to appeal.
4. **ADMINISTRATIVE APPROVAL.** If the Public Works Department determines that the City has no probable future need for the easement, then it shall (i) inform Applicant of any further documentation needed from Applicant and (ii) bring the matter forward to City Council for public hearing and decision per RCW 35.94.040.

5. **COUNCIL CONSIDERATION.**

- a. **Additional Documentation.** Applicant shall:

Engineering
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225
Phone: (360) 778-7900
Fax: (360) 778-7901
TTY: (360) 778-8382
Email: pw@cob.org

Natural Resources
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225
Phone: (360) 778-7800
Fax: (360) 778-7801
Email: pw@cob.org

Operations
2221 Pacific Street
Bellingham, WA 98229
Phone: (360) 778-7700
Fax: (360) 778-7701
Email: pw@cob.org

- i. Provide approved map, capable of being used as a recording exhibit, showing both the existing easement area and the portion of the easement area sought to be relinquished.
 - ii. Provide legal description, capable of being used as a recording exhibit, of both the existing easement area and the portion of the easement area sought to be relinquished.
 - iii. Cooperate with any or all utility companies' continued needed use of the franchise area, should a reported use be disclosed after all utilities are notified of the proposed release of retained easement rights. Said remedy will be in the form of a recorded document or official agreement supplied prior to the public hearing and Council review.

- b. **Notice to Franchise Utility Managers.** Staff shall: Mail notices to franchise utility managers at least **45 calendar days prior to publishing notice of the public hearing**. Notice will contain two return reply check boxes, 1) YES , We have utilities in the proposed release area and understand, as per BMC 13.15.100, we have 30 days from this notice to respond and to remedy any continued needed use of the subject release area. 2) NO, we have no utilities in the subject area and have no objection to the relinquishment of easement rights in the proposed release area.

- c. **Notice of Public Hearing.** Staff shall:
 - i. Publish, post and mail notice of the public hearing on the proposed relinquishment at least **10 calendar days prior to the public hearing**. Notice by mail shall include the applicant, franchise holders, and any other property owner whose property is encumbered by the easement. CITY PUBLICATION STAFF **REQUIRES 2 DAYS IN ADVANCE** TO SUBMIT DOCUMENT TO LOCAL PUBLISHER. (12 DAYS TOTAL FOR PUBLICATION)

 - ii. Prepare Agenda Bill, (**Must be to Agenda Coordinator and in Agenda Scheduler, Thursday morning, 8 days prior to Public Hearing on Monday**) It will include:
 - 1. Copy of Applicant's request for relinquishment.
 - 2. Original ordinance with reservation.
 - 3. Map of subject area.
 - 4. Staff memorandum (agenda bill summary may suffice).
 - 5. Proposed Resolution. Attach map and legal description.
 - 6. Copy of the public notice.
 - 7. (Optional) Accounting of responses from Utilities regarding relinquishment when area has active franchise usage.

- 6. **COUNCIL ACTION.** Council's decision on the application shall be final. If Council approves the relinquishment, staff shall prepare a *Relinquishment of Easement*, obtain signatures, and record it with the Whatcom County Auditor. Applicant shall pay recording cost and the processing fee imposed by City Council.