

**PETITIONER EXHIBIT LIST**

**HEARING DATE:** Thursday, February 25, 2021, at 1:30 p.m.

**FILE NUMBER:** HEX2021-005 (SV 124.1423)

**FILE NAME:** TRUE VINE SENIOR CITIZENS CENTER (“TVSCC”), *Petitioner*

<b>EXHIBIT NUMBER</b>	<b>EXHIBIT DESCRIPTION</b>	<b>SUBMITTED BY</b>	<b>A</b>	<b>E</b>	<b>W</b>	<b>COMMENT</b>
<b>EX. P-1</b>	Board Resolution, dated February 23, 2021.	Petitioner TVSCC	<b>X</b>			
<b>EX. P-2</b>		Petitioner TVSCC				
<b>EX. P-3</b>		Petitioner TVSCC				
<b>EX. P-4</b>		Petitioner TVSCC				
<b>EX. P-5</b>		Petitioner TVSCC				
<b>EX. P-6</b>		Petitioner TVSCC				
<b>EX. P-7</b>		Petitioner TVSCC				
<b>EX. P-8</b>		Petitioner TVSCC				
<b>EX. P-9</b>		Petitioner TVSCC				
<b>EX. P-10</b>		Petitioner TVSCC				
<b>EX. P-11</b>		Petitioner TVSCC				

**KEY**

**A = Admitted**

**E = Excluded**

**W = Withdrawn**

**RECEIVED**

By HEARING EXAMINER OFFICE L. Legg at 3:51 pm, Feb 23, 2021

Exhibit P-1

BOARD RESOLUTION  
Authorization to Enter into Negotiations with City of Tacoma  
20-02

WHEREAS, True Vine wishes to have the street vacated adjacent to its property on 19<sup>th</sup> and Mason.

WHEREAS, True Vine has applied for the vacation and paid the \$500.00 application fee.

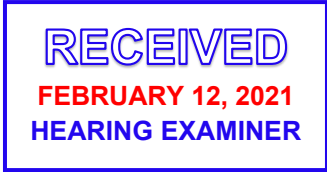
BE IT RESOLVED, Foxy Davison is authorized to represent True Vine with the city of Tacoma.

BE IT RESOLVED, Timothy Johnson with Johnson Commercial Properties is authorized to represent True Vine with the city of Tacoma.

Approved: Angela Collins, President  
Name/Title

2/23/21  
Date

Angla Collins  
Signature



**CITY WITNESS LIST**

**HEARING DATE:** Thursday, February 25, 2021, at 1:30 p.m.

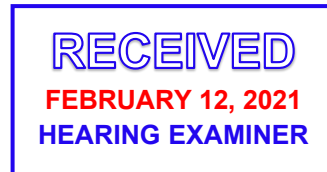
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WITNESS NAME	E	F	SUMMARY OF TESTIMONY
Chris Hicks	X		Tacoma Water Conditions of vacation
Alex Hamlin	X		Tacoma Power Conditions of vacation

**E=EXPERT WITNESS; F=FACT WITNESS**

## CITY EXHIBIT LIST



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**FILE NAME:** TRUE VINE SENIOR CITIZENS CENTER, *Petitioner*

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
EX. C-1	Preliminary Staff Report	City of Tacoma, Real Property Services ("COT, RPS")	X			
EX. C-2	Aerial Map Exhibit	COT, RPS	X			At 2/25/21 hrg held record open to EOB 3/11/21 to allow RPS to submit updated Ex. C-2 (new drawing/photo of proposed vacation area). RPS Replacement Ex C-2 filed on 03./01/21.
EX. C-3	Map Exhibit	COT, RPS	X			
EX. C-4 EX. C-4a EX. C-4b	Declaration of Posting Notice Photo of posted sign (S. Stevens Street) Photo of posted sign (S. 19 <sup>th</sup> Street)	COT, RPS	X			
EX. C-5	Plat of Ridgedale Addition to Tacoma	COT, RPS	X			
EX. C-6	Enlargement of Vacation area	COT, RPS	X			
EX. C-7 EX. C-7a EX. C-7b	Warranty Deed – 2273816 Warranty Deed - 1675507 Warranty Deed - 1675505	COT, RPS	X			
EX. C-8	COT Improvement #4991	COT, RPS	X			
EX. C-9	ESSE – Sewer Utility	COT, RPS	X			
EX. C-10	Tacoma Water	COT, RPS	X			

### KEY

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EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
EX. C-11	Tacoma Power	COT, RPS	X			
EX. C-12	PW/LID In-Lieu Sewer Assessment	COT, RPS	X			
EX. C-13	LUMEN (CenturyLink) Letter of Intent and signed draft easement	COT, RPS	X			
EX. C-14	LUMEN Easement – clean draft form	COT, RPS	X			
EX. C-		COT, RPS				
EX. C-		COT, RPS				
EX. C-		COT, RPS				
EX. C-		COT, RPS				
EX. C-		COT, RPS				
EX. C-		COT, RPS				

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**PRELIMINARY REPORT**

**PREPARED FOR THE HEARING EXAMINER  
BY REAL PROPERTY SERVICES**

**For the Hearing to be Held  
Thursday, February 25, 2021 at 1:30 PM**

**PETITIONER: TRUE VINE SENIOR CITIZENS CENTER, INC. FILE NO. 124.1423**

**A. SUMMARY OF REQUEST:**

Real Property Services has received a petition by True Vine Senior Citizens Center, Inc., a Washington non-profit corporation, to vacate that portion of South Stevens Street and South Mason Avenue extension, lying northerly of South 19<sup>th</sup> Street and easterly of improved South Stevens Street, as depicted on the attached Exhibits C-2 and C-3. The vacated area of right of way is requested for expanded surface yard uses of the adjacent property.

**B. GENERAL INFORMATION:**

**1. Legal Description of Vacation:**

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION 01, TOWNSHIP 20 NORTH, RANGE 02 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3.5-INCH DIAMETER SURFACE BRASS DISK MARKING THE INTERSECTION OF SOUTH 19TH STREET AND SOUTH MASON AVENUE AND BEING THE SOUTH QUARTER CORNER OF SAID SECTION 01 FROM WHICH ANOTHER SURFACE BRASS DISK MARKING THE INTERSECTION OF SOUTH MASON AVENUE AND VACATED SOUTH 18TH STREET BEARS NORTH 01°27'01" EAST A DISTANCE OF 453.40 FEET;

THENCE NORTH 01°27'01" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 01 A DISTANCE OF 45.38 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 58, RIDGEDALE ADDITION TO TACOMA W.T., AS PER PLAT RECORDED IN BOOK 2, PAGE 74, RECORDS OF PIERCE COUNTY AUDITOR;

THENCE SOUTH 88°02'22" EAST ALONG SAID WESTERLY EXTENSION A DISTANCE OF 18.21 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID BLOCK 58;

THENCE NORTH 02°00'29" EAST ALONG THE WEST LINE OF SAID BLOCK 58 A DISTANCE OF 19.61 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE DEPARTING SAID WEST LINE NORTH 87°54'56" WEST A DISTANCE OF 21.55 FEET;

THENCE NORTH 20°02'11" WEST A DISTANCE OF 64.19 FEET;

THENCE NORTH 66°23'19" EAST A DISTANCE OF 14.30 FEET TO A POINT OF TANGENCY WITH A 43 FOOT RADIUS CURVE TO THE LEFT;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°51'02" AN ARC DISTANCE OF 17.15 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE HAVING A RADIUS OF 135 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°04'51" AN ARC DISTANCE OF 14.33 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE HAVING A RADIUS OF 36.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°13'44" AN ARC DISTANCE OF 15.85 FEET;

THENCE NORTH 12°13'42" EAST A DISTANCE OF 23.33 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 58, SAID POINT BEING 5.76 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 10 OF SAID BLOCK;

THENCE SOUTH 02°00'29" WEST ALONG SAID WEST LINE A DISTANCE OF 126.64 FEET TO THE **POINT OF BEGINNING**.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.  
(CONTAINING ±2804 SQUARE FEET OR APPROXIMATELY 0.0643 ACRES)

**2. Notification:**

9.22.060 NOTICE OF PUBLIC HEARING The Public Works Department shall cause a 30-day notice to be given of the pendency of the petition by written notice posted in three of the most public places in the City, a like notice in a conspicuous place on the street or alley sought to be vacated, a like notice in a newspaper of general circulation in the City, and a like notice to the legal property owners of all property abutting the right of way requested for vacation as enumerated on the applicant's vacation petition, and to any other interested parties of record. In addition to posting notices of the hearing, the Public Works Department shall mail a copy of the notice to all owners and occupants of the property which lies within 300 feet of the street or alley to be vacated. The said notice shall contain the statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.

In all cases where the proceeding is initiated by the City Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, notice shall be sent as provided above. Failure to send notice by mail to any such property owner where the current address for such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation.

**C. PUBLIC NOTICE:**

Real Property Services in conjunction with the City of Tacoma Clerk's office issued the following public notice:

The Public Hearing Notices have been advertised, and posted, as described below:

1. Yellow public notice signs were posted on January 20, 2021, along the subject right of ways at the South 19<sup>th</sup> Street & South Stevens Street. Declaration of Posting and photos of sign posting locations are attached hereto and referenced as Exhibits C-4, C-4a and C-4b.
2. Spanning January 14<sup>th</sup> & 15<sup>th</sup>, 2021, public notice memo placed into the glass display case located on the first floor of the Municipal building abutting the Finance Department.
3. Public notice memo advertised on the City of Tacoma web site at address: <http://www.cityoftacoma.org/notices>
4. Public Notice advertised in the Daily Index newspaper.
5. Public Notice mailed to all parties of record within the 300 feet of vacation request.
6. Public Notice advertised on Municipal Television Channel 12.



**D. PURPOSE OF REQUEST:**

The Petitioner, having been advised of the limitations of use due to existing utilities, reported their intent to attach the proposed vacation area into adjacent properties for expanded surface yard uses.

**E. HISTORY:**

The most easterly (shy) 20' of South Mason Avenue was dedicated by Plat filing of Ridgedale Addition to Tacoma, W.T., according to the Plat thereof recorded in Volume 2 of Plats, at Page 74, records of Pierce County, Washington.

The remainder of the vacation area was acquired by the City by Warranty Deed, referenced as D3650, recorded under Auditor's File Number 2273816, which is a correction to previously recorded deeds filed under Auditor's File Numbers 1675507 and 1675505, for the expansion of South Steven Street.

In 1973 the City of Tacoma, per approved construction plans referenced as Improvement Number 4991, reconfigured the intersection of South 19<sup>th</sup> Street and South Stevens Street eliminating direction connection of South Mason Avenue.

Copy of said Plat, enlargement of requested vacation area and aforementioned deeds are each attached hereto and referenced as Exhibits C-5, C-6, C-7, C-7a, C-7b and C-8.

**F. PHYSICAL LAND CHARACTERISTICS:**

This segment of South Mason extension and South Stevens Street has remained open and grassy since the 1973 intersection reconfiguration, and is significantly encumbered by utilities which will prohibit any development possibilities of the vacated area.

**G. APPLICABLE SECTIONS OF THE OFFICIAL CODE OF THE CITY OF TACOMA:**

9.22.010 PETITION TO VACATE AUTHORIZED: The owners of an interest in any real estate abutting on any street or alley who may desire to vacate any street or alley, or any part thereof, shall petition to the City Council to make vacation in the manner hereafter provided in this chapter and pursuant to RCW 35.79 or the City Council may itself initiate by Resolution such vacation procedure. The City Council shall require the petitioners to compensate the City in an amount which equals one-half of the appraisal value of the area vacated; provided that if the street or alley has been a public right of way for 25 years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated; provided that when the vacation is initiated by the City or the City Council deems it to be in the best interest of the City, all or any portion of such compensation may be waived. Except as provided below, one-half of the revenue received hereunder shall be devoted to the acquisition, improvement, and maintenance of public open space land and one-half may be devoted to transportation projects and the management and maintenance of other City owned lands and unimproved rights-of-way.

In the case of vacations of rights-of-way in the tide flats area, defined as easterly of the Thea Foss Waterway (inclusive of the Murray Morgan Bridge), northerly of State Route 509 and westerly of Marine View Drive, the total revenue received hereunder shall be devoted to transportation projects in the tide flats area.

9.22.040 PUBLIC'S RIGHT TO TRAVEL – UTILITIES: Vacation of any portion of a street that is designated as an arterial under Section 11.05.490 of the Municipal Code shall be of a minor nature only and shall not unreasonably limit the public's right to travel upon said street or interfere with the ancillary right to occupy said street for utility purposes.

CRITERIA: Section 9.22.070 of the Official Code of the City of Tacoma. The following criteria have been considered:

1. That the vacation will provide a public benefit and/or will be for a public purpose.
2. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
3. That the public need shall not be adversely affected.
4. That the right-of-way is not contemplated or needed for future public use.
5. That no abutting owner becomes landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.
6. That vacation of right-of-way shall not be in violation of RCW 35.79.035

**Regarding the above Criteria, Real Property Services finds the following:**

1. The vacation is a public benefit because:
  - a. It will reduce the City's maintenance expenditures and will add square footage to the tax rolls.
2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation.
3. No general public is currently served by this unimproved right of way.
4. The vacation area is not contemplated or needed for future public use as a right of way.
5. That no abutting property becomes landlocked nor will their access be substantially impaired.
6. The vacation area is not close to a body of water as contemplated under RCW 35.79.035.

**H. ADDITIONAL INFORMATION:**

The area to be vacated has not been assessed for sanitary sewers and is subject to a Connection Charge In-Lieu-of-Assessment per T.M.C. 12.08.350. At the time of this reading the Assessment

is provided as an Advisory Comment only and not a condition of this action. Should the petitioner(s) wish to clear this item from title the Assessments can be paid in connection with this vacation action or will become due and payable at such time as future permitting of the site. Please note that the ordinance establishing the rate of assessment is updated every few years, and/or the infrastructure is replaced, and the amount quoted may increase in the future. As such, should the petitioner elect to wait to make such payment the In-Lieu Assessment should be recalculated at time of such development to ensure current rates.

Currently \$1,451.44

## **I. PROJECT RECOMMENDATIONS:**

As part of the City’s review process for street vacation petitions, notice of this application was mailed to various City departments as well as many outside quasi-governmental agencies. These agencies, as noted below, have provided comments and recommended conditions to the Real Property Services Division. These comments, where appropriate, have been incorporated in the “Recommended Conditions of Approval” section of this preliminary report.

- Preliminary Report – Exhibit 1
- Aerial Map Exhibit – Exhibit 2
- Map Exhibit – Exhibit 3
- Posting Notice Declaration – Exhibit 4
- Photo of S. Stevens sign – Exhibit 4a
- Photo of S. 19<sup>th</sup> sign – Exhibit 4b
- Ridgedale Addition to Tacoma – Exhibit 5
- Enlargement of Vacation Area – Exhibit 6
- Warranty Deed 2273816 – Exhibit 7
- Warranty Deed 1675507 – Exhibit 7a
- Warranty Deed 1675505 – Exhibit 7b
- COT Improvement #4491 – Exhibit 8
- Environmental Services – Exhibit 9
- Tacoma Water – Exhibit 10
- Tacoma Power – Exhibit 11
- Public Works/LID – Advisory Note Provided Exhibit 12
- LUMEN – Exhibit 13
- LUMEN Easement – Exhibit 14
- Public Works, Traffic – No Objection
- Tacoma Fire – No Objection
- PW Engineering – No Objection
- Solid Waste – No Objection
- Comcast Communications – No Objection
- Puget Sound Energy – No Objection
- Planning & Development Services– No Response
- Police – No Response
- Pierce Transit – No Response

## J. RECOMMENDED CONDITIONS OF APPROVAL:

Should this street vacation request be approved, resulting from the extent of the comments received by the Real Property Services Department of Public Works, we recommend that an Easement over the entirety of the vacation area be reserved, prohibiting development, and agree that with the magnitude of the overlapping needs that a blanket easement is appropriate at this location. While ingress/egress is inherent with an Easement reservation, Tacoma Water and Tacoma Power have additional limiting conditions relative to their respective utility easements necessitating formal identification by legal descriptions described and provided herein. We request that the following conditions, as referenced in generalities below, and as specifically provided herein as Exhibits C-9 through C-11 and C-13, be made conditions of approval:

### 1. PAYMENT OF FEES

The petitioner shall compensate the City in an amount equal to the full appraised value of the area vacated. One-half of the revenue received shall be devoted to the acquisition, improvement and maintenance of public open space land and one-half may be devoted to transportation projects and /or management and maintenance of other City owned lands and unimproved rights-of-way. *TMC 9.22.010.*

### ~~2. PUBLIC WORKS TRAFFIC~~

- ~~a. Please contact Jennifer Kammerzell at (253) 591-5511 regarding Traffic's comments.~~
- ~~b. Traffic has no objection provided the existing gravel driveway is reconstructed within the limits of the western half of East K Street to ensure removal of future encroachment matters, and the completion of the Lot Combination for the legal and physical accesses.~~
- ~~c. Relocation of said driveway and completion of Lot Combination are each conditions of this vacation.~~

### 3. ENVIRONMENTAL SERVICES

- a. Please contact Rod Rossi at (253) 502-2127 regarding sanitary sewer comments.
- b. Environmental Services has no objection provided an Easement is reserved over the entirety of the vacation area for protection of existing stormwater and wastewater sewer infrastructure.

### 4. TACOMA WATER

- a. Please contact Chris Hicks at (253) 396-3057 regarding Tacoma Water comments.
- b. Tacoma Water has no objection provided an Easement is reserved for existing infrastructure **over the entire area to be vacated, excluding the easterly 18 feet**
- c. Tacoma Water conditions this vacation also that, no structures, retaining walls, trees, ornate sidewalks, stamped concrete, etc. are permitted within the water main easement. Light landscaping with grass and/or small shrubbery or asphalt parking is permitted.

- d. If existing water facilities need to be relocated or adjusted, they will be relocated by Tacoma Water at the expense of the petitioner, its successors and/or assigns, with prompt re-imbursement therefore.
- e. Tacoma Water facilities must remain accessible at all times. Any damage to Tacoma Water facilities will be repaired by Tacoma Water crews at the expense of the petitioner, its successors and/or assigns, with prompt re-imbursement therefore.
- f. Tacoma Water require 24/7 access to their respective easement areas. Thus, any fencing proposed for installation must be pre-approved in writing by Tacoma Water, and any fencing must conform to utility clearance requirements. Posts shall not be directly over the water main.
- g. Any gates must have sufficient width to accommodate utility vehicles and equipment, and duplicate keys shall be provided to Tacoma Water for their respective easement areas.
- h. Tacoma Water services, meters, and fire hydrants are not permitted behind the fence.

5. TACOMA POWER

- a. Please contact Alex Hamlin at (253) 502-8360 regarding Tacoma Power comments.
- b. Tacoma Power has no objection provided an Easement over the **Easterly 20' of the vacation area**, is reserved for existing overhead infrastructure.
- c. Tacoma Power require 24/7 access to their respective easement areas. Thus, any fencing proposed for installation must be pre-approved in writing by Tacoma Power, and any fencing must conform to utility clearance requirements.
- d. Any gates must have sufficient width to accommodate utility vehicles and equipment, and duplicate keys shall be provided to Tacoma Power for their respective easement areas.

**Third Party Conditions:**

6. LUMEN (formerly CenturyLink)

- a. Please contact Don Twiggs at (524) 480-1204 regarding Lumen's comments.
- b. LUMEN has no objection provided the signed Easement, pursuant to, and attached with, the Letter of Intent is held in pseudo escrow to be recorded concurrently with the Ordinance for the protection of existing underground infrastructure. Said Letter of Intent with signed Easement and clean copy of Easement have been provided here as Exhibits C-13 and C-14. It is noted that the Petitioners have signed the draft form of the Easement attached to the Letter of Intent that will be held for recording. It may be necessary to re-execute the Easement in conformance with recording and scanning requirements as defined by the Pierce County Auditor's Office.

**Advisory Comment Only**

**7. PUBLIC WORKS/LID - ADVISORY COMMENT ONLY**

*LID estimates and comments provided herein by Real Property Services are advisory only, and not as a condition of this vacation. The In-Lieu Assessments can either be paid voluntarily in connection with this right of way purchase or will be required at time of development.*

Real Property Services has received no public comment:

The applicant shall comply with all City regulations for any future use of the subject site.

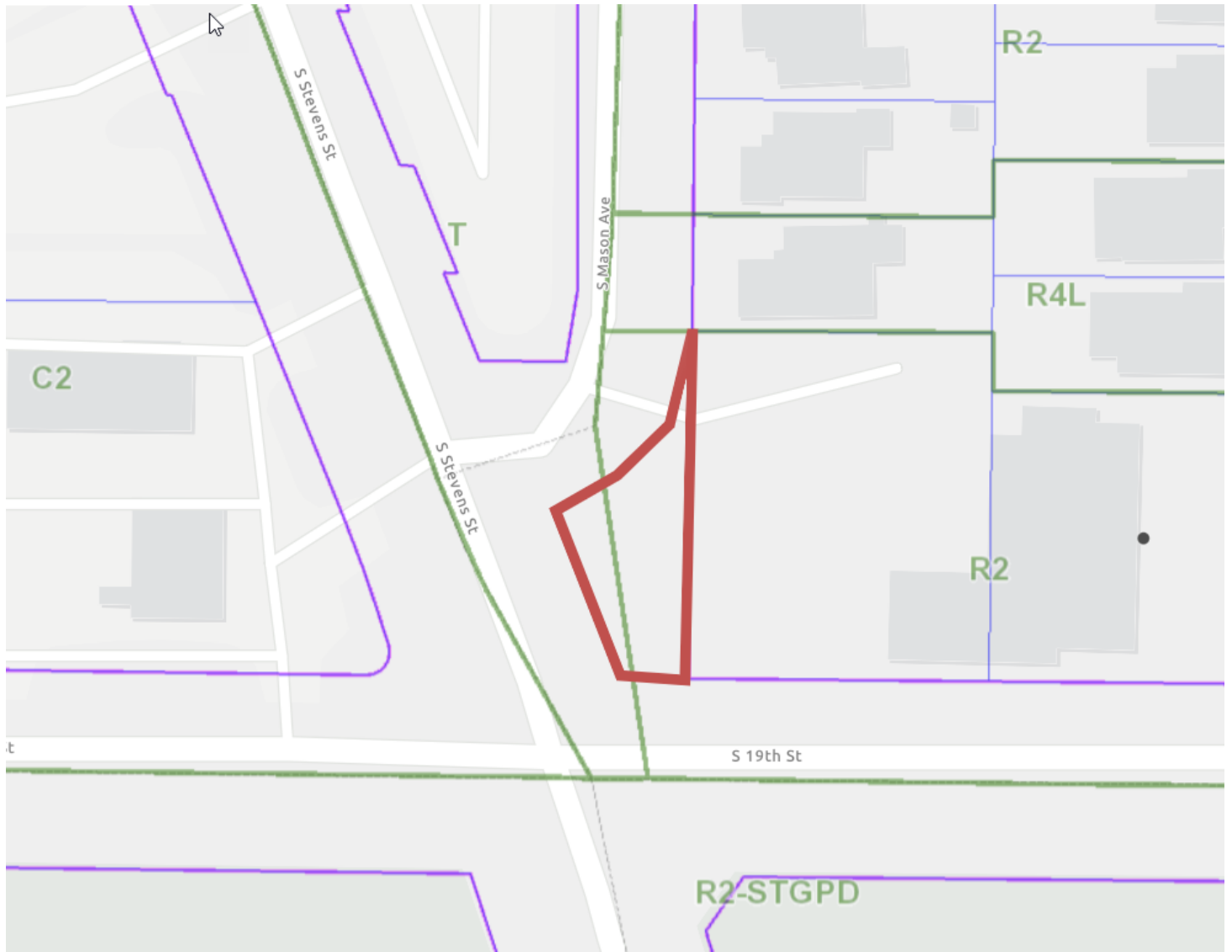
ATTACHMENT: Vacation Jacket containing all pertinent maps and papers.





RECEIVED  
FEBRUARY 12, 2021  
HEARING EXAMINER

Exhibit C-3



True Vine Senior Citizens Center  
STREET VACATION NO. 124.1423

Portion of South Mason Avenue, abutting and adjacent 1819 South Mason Avenue

SE ¼ SEC. 01, T20N, R02E

NOT TO SCALE



RECEIVED  
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Exhibit C-4

## DECLARATION OF POSTING

[Return completed form to: Ronda Van Allen (Cornforth)  
(RPS Staff Name/Email)]

Street Vacation #: 124.1423

Applicant Name: True Vine Senior Citizens Center, Inc.

I, HANS KVACE, a representative of the City of Tacoma, hereby state that on the 20<sup>th</sup> day of JANUARY, 2021, I posted a sign relating to the above-referenced street vacation in compliance with the City of Tacoma Municipal Code (TMC 9.22) and the Revised Code of Washington (RCW 35.79).

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Signed on JANUARY 20<sup>TH</sup>, 2021, at Tacoma, Washington  
(Date)

[Handwritten Signature]  
Signature

HANS K. C. KVACE  
Print Name

Exhibit C-4

**RECEIVED**  
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**Exhibit C-4a**



Exhibit C-4a

**RECEIVED**  
**FEBRUARY 12, 2021**  
**HEARING EXAMINER**

**Exhibit C-4b**



**PUBLIC NOTICE**  
PROPOSED STREET VACATION  
STREET VACATION NUMBER: 134 1423  
PETITIONER: The State Senior Citizens Center  
SITE DESCRIPTION: Portion of South Madison  
Highway to South 145th and east  
of South Street Island  
HEARING DATE: February 25, 2021  
HEARING TIME: 1:30 pm  
HEARING PLACE: CITY COUNCIL CHAMBERS  
747 MARKET STREET  
STAFF CONTACT: Rhonda Van Alken, 360.631.6022  
R.VanAlken@cityofseaside.org

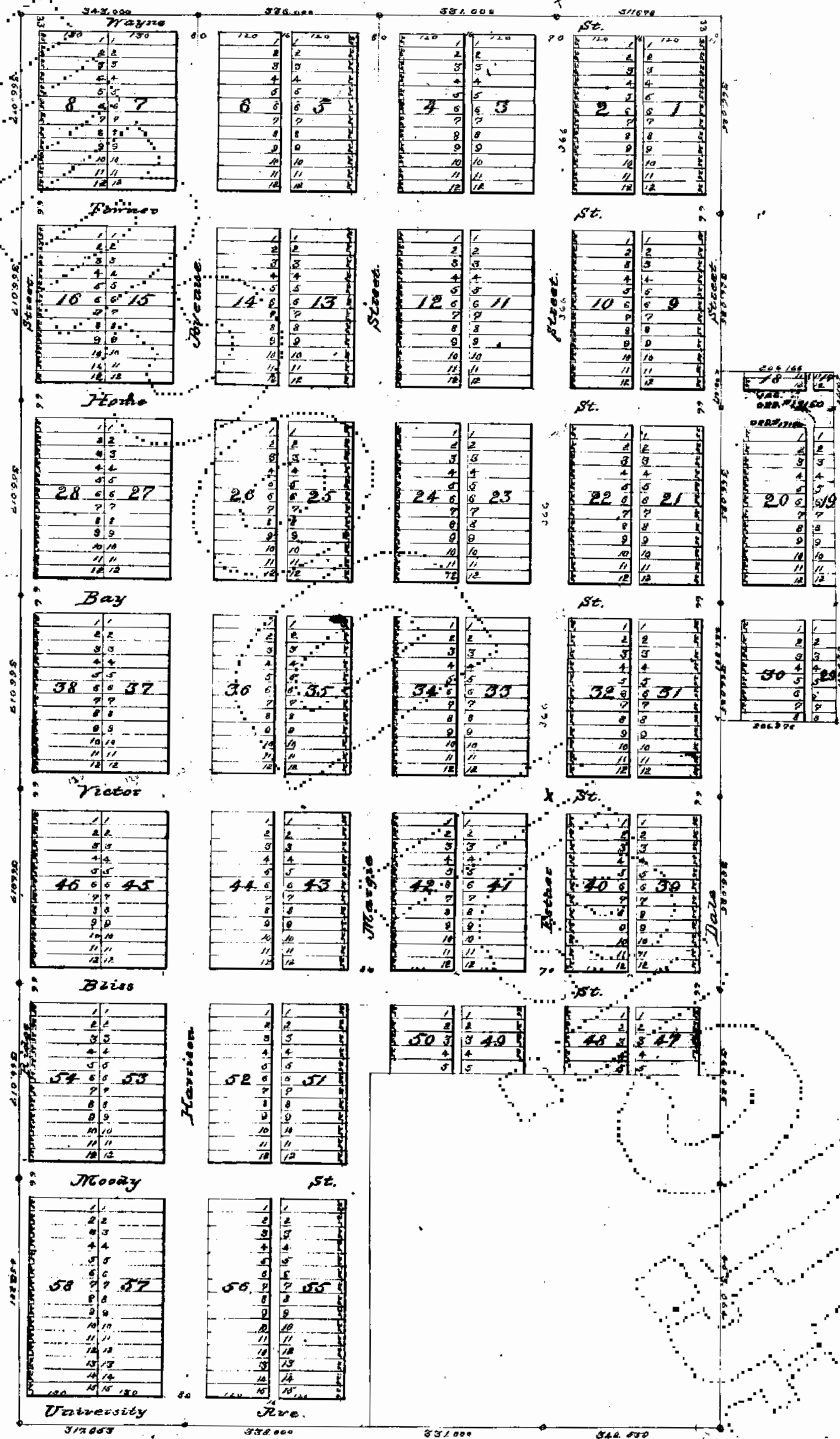
**START CROSSING**  
Watch For  
Vehicles  
**DON'T START**  
Finish Crossing  
If Started  
**DON'T CROSS**  
PUSH BUTTON  
← TO CROSS

**Exhibit C-4b**

RECEIVED  
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Exhibit C-5

# RIDGEDALE ADDITION



For reference only, not for re-sale.

ORDINANCE # 20335  
UPDATING PORTION OF  
SEE OF # 2592711

TO TACOMA, W.T.

Know all men by these Presents, That the Citizens Land Company, a corporation duly organized and existing under and by virtue of the laws of the Territory of Washington, pertaining to private corporations, does hereby lay out and plat into town lots, streets and alleys the following described pieces or parcels of land in the County of Pierce and Territory of Washington to wit:

The N.W. 1/4 of the S.E. 1/4 and the N. 1/2 of the S.W. 1/4 of the S.E. 1/4 and the S.W. 1/4 of the S.W. 1/4 of the S.E. 1/4 and all of the S. 1/2 of the N.E. 1/4 of the S.E. 1/4 excepting the east seventeen acres thereof, all lying and being in Sec. 1, Tp. 20 N., R. 2 E., W. M.

The width of streets alleys and lots the length of the boundaries of the lots and streets and alleys and the numbers of the lots and blocks are as appear upon the annexed plat.

Monuments of stone marked on the top thereof by a cross (+) are placed at points as indicated on said plat by small circles.

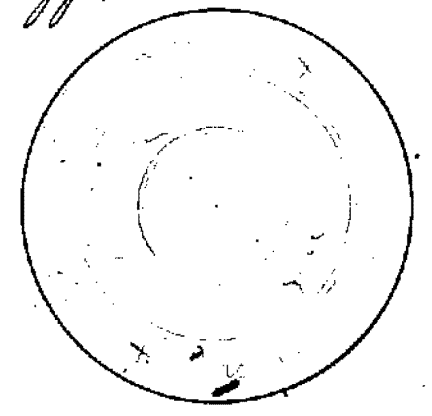
And the said Citizens Land Company, for itself its successors and assigns, hereby grants and dedicates to the public for its use forever the streets and alleys laid out and designated upon said plat, reserving however to itself, its successors and assigns the right at any and all times hereafter forever to use said streets and alleys or any of them for the purpose of constructing water works by laying pipes and mains to conduct water for any and all purposes, said pipes and mains shall however be so laid as not to interfere with the use of said streets and alleys by the public.

And the said Citizens Land Company also reserves and dedicates unto the Tacoma Western Railway Company its successors, and assigns the right at any and all times hereafter forever to use said streets and alleys or any of them for the purpose of constructing and operating a railway or railways to be run by steam, electricity, cable, horse, or any other power now or hereafter known or used for such purpose and also reserves and dedicates to said Tacoma Western Railway Company the right to use said streets and alleys or any of them for the purpose of constructing and operating telegraph, <sup>or telephone</sup> lines, but said Railway Company shall construct and operate said Railway, telegraph or telephone lines in the usual way so as least to interfere with the uses of said streets and alleys by the public.

In witness whereof the Citizens Land Company in pursuance of a resolution duly adopted by its board of Directors, has this 1<sup>st</sup> day of December A.D. 1888 by its President and Secretary set its name and affixed its corporate seal.

Signed and sealed in presence of Jas. W. Smith }  
W. E. Coul } witnesses

G. W. Thompson President  
B. F. Thompson Secretary



Territory of Washington }  
County of Pierce } ss

This is to certify that on this 1<sup>st</sup> day of December A.D. 1888, before me a Notary Public in and for Pierce County, W.T. personally appeared G. W. Thompson President, and B. F. Thompson Secretary, of the Citizens Land Company, both being personally known to me and acknowledged to me that they executed the foregoing instrument as the free act and deed of the said Citizens Land Company for the uses and purposes therein set forth. And the said B. F. Thompson <sup>Secretary</sup> ~~Secretary~~ <sup>before me</sup> acknowledged that the seal affixed to the foregoing instrument is the corporate seal of said Citizens Land Company.

In witness whereof I have hereunto set my hand and official seal the day and date first above written in this certificate

James M. Keen  
Notary, Pierce County, W.T.



I hereby certify that I have surveyed the above addition. C. O. Bean, City Surveyor, Tacoma.

Filed this 1<sup>st</sup> day of Dec A.D. 1888 at 3.30 o'clock P.M. by G. W. Thompson.

For reference only, not for re-sale.

RECEIVED  
FEBRUARY 12, 2021  
HEARING EXAMINER

Exhibit C-6



  
1" = 12.5'

Exhibit C-6

RECEIVED  
FEBRUARY 12, 2021  
HEARING EXAMINER

2273816

EXCISE TAX EXEMPT DATE 12-24-68  
MAURICE RA ND, Pierce Co. Treasurer

Exhibit C-7

CORRECTION  
WARRANTY DEED

By Margaret Hunter Deputy  
VOL 1507 PAGE 523

THE GRANTOR, MORLEY BROTMAN, individually and as trustee for Morley Studios a  
Washington Corporation

For and in consideration of ONE DOLLAR (\$1.00)

in hand paid, conveys and warrants to the CITY OF TACOMA, a municipal  
corporation,

the following described Real Estate, situated in the County of Pierce,

State of Washington:

Beginning at a point on the north line of the southeast one quarter of southeast  
one quarter of southwest one quarter of Section 1, Township 20 North, Range 2 East  
of W.M., 247.85 feet North 89° 54' 31" West of the northeast corner of said sub-  
division; thence continuing North 89° 54' 31" West along said north line a distance  
of 82.87 feet to the southeast corner of Lot 11, Block 2, Puget Sound First Addition,  
as recorded in Volume 17 of plats at page 42 records of the Pierce County Auditor;  
thence southeasterly along the arc of a curve to the left having a radius of 1950  
feet and a tangent bearing South 14° 52' 38" East, a distance of 272.57 feet; thence  
southeasterly along the tangent to said curve a distance of 79.98 feet to the  
south line of north one half of said subdivision at a point 215.00 feet west of the  
southeast corner of north one half of said subdivision; thence continuing southeasterly  
on said tangent a distance of 231.19 feet to the point of a curve to the right having  
a radius of 676.25 feet; thence along the arc of said curve a distance of 93.56 feet  
to the original north line of South 19th St., thence South 89° 50' 02" East along  
said north line of South 19th St., 97.95 feet to the east line of said subdivision;  
thence north along the east line of said subdivision a distance of 301.4 feet, more  
or less, to the south line of north one half of said subdivision; thence North 89°  
52' 16" West along the south line of north one half of said subdivision a distance of  
30 feet; thence south parallel with the east line of said subdivision a distance of  
150 feet; thence through an angle to the right of 90° 45' 00" a distance of 41.74  
feet; thence northwesterly through an angle to the right of 66° 58' 30" a distance  
of 162.96 feet to the north line of south one half of said subdivision at a point  
133.51 feet west of northeast corner of said south one half; thence South 89° 52'  
16" East along said north line a distance of 5.43 feet; thence northwesterly through  
an angle to the left of 113° 00' 57" a distance of 113.97 feet to the point of curve  
to the right having a radius of 1870 feet; thence northerly along the arc of said  
curve a distance of 240.06 feet more or less, to the point of beginning.

D-5363

(This deed is given to correct the erroneous descriptions used in previous deeds  
i.e., - deed executed by Edward and Elizabeth Ellison, husband and wife, wherein  
the City of Tacoma was granted a 80 foot wide strip for street purposes and was  
recorded under Pierce County Auditor's fee No. 1675507 in Volume 1055 of Deeds

(over)

D-3638 + D-3639  
(2260) + (2261)

S 19th Stevens  
163 SW 1-20-2

003650

Jcm

Exhibit C-7

at page 77 and deed executed by Emil Jackovac, a single man, wherein the City of Tacoma was granted a 75 foot wide strip for street purposes and recorded under Pierce County Auditors fee No. 1675505 in Volume 1055 of Deeds at page 73, and is being re-executed by the present owners of the parcel of property upon which the right of way is to be located for correction purposes only.)

Dated this 23rd day of December, 1968.

Morley Brotman

STATE OF WASHINGTON )  
County of Pierce ) SS

I, the undersigned, a Notary Public, do hereby certify that on this 23rd day of December, 1968, personally appeared before me

MORLEY BROTMAN

to me known to be the individual described in and who executed the within instrument and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 23rd day of December, 1968.



Emory J. Roberts  
Notary Public in and for the State of Washington, residing at Tacoma.

Description Approved R.H. Anderson  
City Engineer

ACCEPTED BY THE CITY OF TACOMA

Form Approved [Signature] BY [Signature]  
City Attorney Date City Manager

Filed for record Dec 24 1968 10:31 am  
Request of City of Tacoma  
JACK W. SONNTAG Pierce Co. Auditor



U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535



✓ 2273816-7 R

RECEIVED

REED

RECORDED

VOL. 1527 OF \_\_\_\_\_  
PAGE 523 REQUEST OF \_\_\_\_\_

DEC 24 AM 10:31

*[Handwritten signature]*

DEPUTY

3 -  
City of Tacoma  
Room 239  
P. McBeland

1675507

VOL 1055 PAGE 77

# WARRANTY DEED

RECEIVED  
FEBRUARY 12, 2021  
HEARING EXAMINER

THE GRANTOR Edward Ellison and Elizabeth Ellison, husband and wife,

For and in consideration of One and No/100ths (\$1.00) Dollar.

in hand paid, convey and warrant to the City of Tacoma, a municipal corporation,

the following described Real Estate, situated in the County of Pierce State of Washington:

Beginning at a point on the north line of the north half of the southeast quarter of the southeast quarter of the southwest quarter of Section 1, Township 20 North, Range 2 East, W.M., 248.02 feet west of the northeast corner of said sub-division; thence west along said north line a distance of 82.92 feet; thence southeasterly along the arc of a curve to the left having a radius of 1950 feet, a distance of 272.57 feet; thence southeasterly along the tangent to said curve a distance of 80.02 feet to the south line of said sub-division at a point 221.55 feet west of the southeast corner of said sub-division; thence east along said south line a distance of 86.90 feet; thence through an angle to the left of 112° 59' 16" a distance of 113.96 feet to the point of curve of a curve to the right having a radius of 1870 feet; thence northerly along the arc of said curve a distance of 240.06 feet to the point of beginning.

-- for Street Purposes --

See Correction D-5263  
(D-3630)

D-3638

sheet

Exhibit C-7a

Dated this 7 day of January, 1954.

APPROVED: *Carence McBoyle*  
CITY ATTORNEY

*Edward Ellison* (Seal)  
*Elizabeth Ellison* (Seal)

Correct as to Description  
*D.E. Morris*  
City Engineer

163 SW 1-20-2  
S 18th Stevens

002260

Carence McBoyle  
City Manager

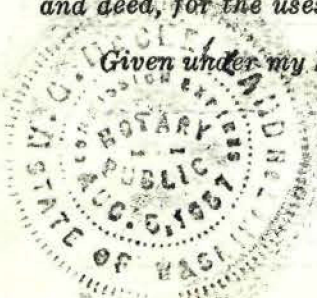
jc mm

STATE OF WASHINGTON,

County of PIERCE, } ss.

I, the undersigned, a Notary Public, do hereby certify that on this 7 day of January, 1954, personally appeared before me Edward Ellison and Elizabeth Ellison, husband and wife, to me known to be the individuals described in and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 7 day of January, 1954.



[Signature] Notary Public in and for the State of Washing-

ton, residing at Tacoma, in said County.

STATE OF WASHINGTON,

County of } ss.

On this day of before me personally appeared

and to me known to be the and respectively, of the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Given under my hand and official seal the day and year last above written.

Notary Public in and for the State of Washing-

ton, residing at in said County.



1675507

WARRANTY DEED (Statutory Form)

TO

1954 MAR 1 11 25

Dated 1, 19 1954, at STATE OF WASHINGTON, County of

Received for record this day of 19, at o'clock M., and recorded at request

in Book Page Deed Records of said County.

County Auditor. Deputy Auditor.

FINANCE CITY HALL TACOMA WASHINGTON

1675505

VOL 1055 PAGE 73

# WARRANTY DEED

Exhibit C-7b

RECEIVED  
FEBRUARY 12, 2021  
HEARING EXAMINER

THE GRANTOR Emil Jackovac, a single man,

For and in consideration of One and No/100ths (\$1.00) Dollar,

in hand paid, convey and warrants to the City of Tacoma, a municipal corporation,

the following described Real Estate, situated in the County of Pierce

State of Washington:

Beginning at the northeast corner of the south half of the southeast quarter  
of the southeast quarter of the southwest quarter of Section 1, Township 20  
North, Range 2 East, W.M.; thence west along the north line of said sub-division  
a distance of 30 feet; thence through an angle to the left of 90° 45' a dis-  
tance of 150 feet; thence through an angle to the right of 90° 45' a distance  
of 48.75 feet; thence through an angle to the right of 67° 00' 44" a distance  
of 162.93 feet to the north line of said sub-division at a point 140.08 feet  
west of said northeast corner; thence west along said north line a distance  
of 81.47 feet; thence through an angle to the left of 112° 59' 16" a distance  
of 231.19 feet to the point of curve to the right having a radius of 676.25  
feet; thence along the arc of said curve a distance of 93.56 feet to the north  
line of South 19th Street; thence east along said north line of South 19th  
Street a distance of 98.52 feet to the east line of said sub-division, thence  
northerly along said east line a distance of 301.33 feet to the point of be-  
ginning.

--for street purposes--

*See Correction D-5363 (D-3650)*

D-3639

Exhibit C-7b

Dated this 21st day of January, 1954.

Emil Jackovac (Seal)

APPROVED: Clarence Boyle  
CITY ATTORNEY

(Seal)

(Seal)

(Seal)

163 SW 1-20-2

S 19th Stevens

Correct as to Description  
D.E. Morris  
City Engineer

002261

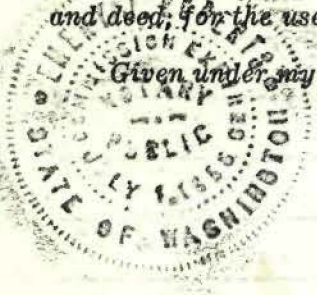
*Trans H. J. ...*

*jam*

STATE OF WASHINGTON, }  
County of PIERCE } ss.

I, \_\_\_\_\_ the undersigned, \_\_\_\_\_, a Notary Public, do hereby certify that on this 21st day of January, 1954, personally appeared before me Emil Jackovac, a single man, \_\_\_\_\_ to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 21st day of January, 1954.



Emery J. Roberts  
Notary Public in and for the State of Washington, residing at Tacoma, in said County.

STATE OF WASHINGTON, }  
County of \_\_\_\_\_ } ss.

On this \_\_\_\_\_ day of \_\_\_\_\_ before me personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me known to be the \_\_\_\_\_ and \_\_\_\_\_ respectively, of the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that \_\_\_\_\_ authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Given under my hand and official seal the day and year last above written.

\_\_\_\_\_  
Notary Public in and for the State of Washington, residing at \_\_\_\_\_ in said County.



1675505 m

WARRANTY DEED  
(Statutory Form)

TO

Dated \_\_\_\_\_, 19\_\_\_\_  
STATE OF WASHINGTON, }  
County of \_\_\_\_\_ } ss.  
Received for record this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded at request \_\_\_\_\_  
in Book \_\_\_\_\_ Page \_\_\_\_\_  
Deed Records of said County.

\_\_\_\_\_  
County Auditor.  
\_\_\_\_\_  
Deputy Auditor.

FINANCE CITY HALL  
TACOMA WASHINGTON

**RECEIVED**  
**FEBRUARY 12, 2021**  
**HEARING EXAMINER**

**Exhibit C-8**

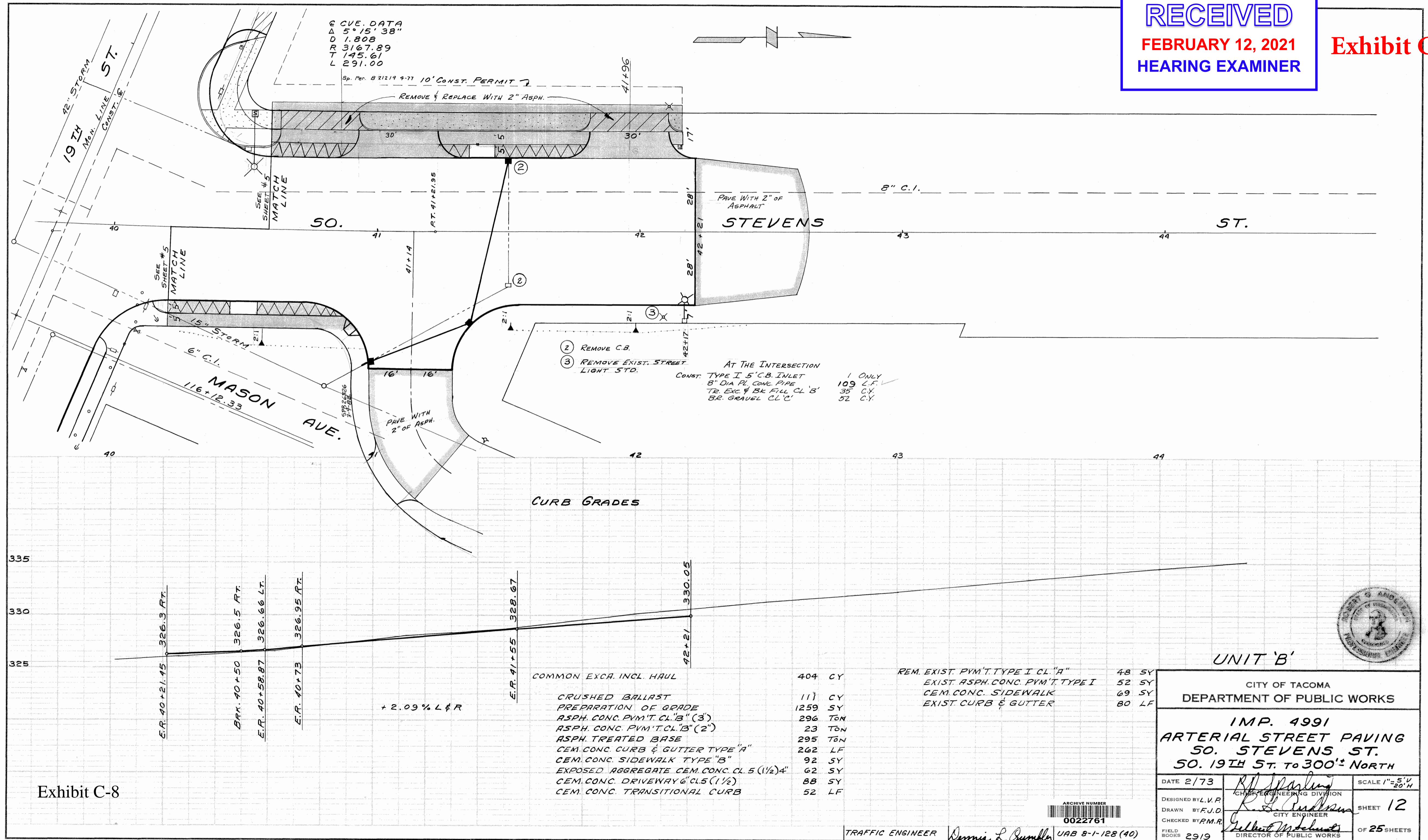


Exhibit C-8



CONSTRUCTED AS SHOWN

RECEIVED  
FEBRUARY 12, 2021  
HEARING EXAMINER

Exhibit C-9

**From:** [Rossi, Rod](#)  
**To:** [Cornforth \(Van Allen\), Ronda](#)  
**Subject:** RE: Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center  
**Date:** Thursday, November 19, 2020 4:14:42 PM

---

Perfect, thanks!

Rod Rossi, PMP  
City of Tacoma, Environmental Services  
Science & Engineering Division  
326 East D Street  
Tacoma, WA 98421  
253.502.2127

---

**From:** Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>  
**Sent:** Thursday, November 19, 2020 4:12 PM  
**To:** Rossi, Rod <[RRossi@cityoftacoma.org](mailto:RRossi@cityoftacoma.org)>  
**Subject:** RE: Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center

Oh yeah – I've already let them know that we'd be reserving an easement over the entirety due to the utilities in the area.

---

**From:** Rossi, Rod <[RRossi@cityoftacoma.org](mailto:RRossi@cityoftacoma.org)>  
**Sent:** Thursday, November 19, 2020 4:05 PM  
**To:** Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>  
**Subject:** RE: Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center

Hi Ronda,

I understand that the applicant is requesting a surface yard use so I am not sure if that would require a utility easement or not. ES has several assets within the area including wastewater and surface water pipes and manholes.

ES will need access to be able to perform any needed maintenance within the requested area.....so I need to ask you if we need a utility easement in this situation to access our assets?

Rod Rossi, PMP  
City of Tacoma, Environmental Services  
Science & Engineering Division  
326 East D Street  
Tacoma, WA 98421  
253.502.2127

Exhibit C-9

**From:** Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>

**Sent:** Thursday, November 19, 2020 3:46 PM

**To:** Barnett, Elliott <[elliott.barnett@cityoftacoma.org](mailto:elliott.barnett@cityoftacoma.org)>; Beard, Patricia <[PBeard@cityoftacoma.org](mailto:PBeard@cityoftacoma.org)>; Boudet, Brian <[BBoudet@cityoftacoma.org](mailto:BBoudet@cityoftacoma.org)>; Cantrel, Aaron <[Aaron\\_Cantrel@cable.comcast.com](mailto:Aaron_Cantrel@cable.comcast.com)>; Newton, Corey <[cnewton@cityoftacoma.org](mailto:cnewton@cityoftacoma.org)>; Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>; Site Development <[SiteDevelopment@cityoftacoma.org](mailto:SiteDevelopment@cityoftacoma.org)>; Erickson, Ryan <[RErickso@cityoftacoma.org](mailto:RErickso@cityoftacoma.org)>; Hauenstein, Lyle <[lhauenstein@cityoftacoma.org](mailto:lhauenstein@cityoftacoma.org)>; Himes, Gail <[ghimes@cityoftacoma.org](mailto:ghimes@cityoftacoma.org)>; Huseby, Eric <[ehuseby@cityoftacoma.org](mailto:ehuseby@cityoftacoma.org)>; Johnson, Christopher <[cjohnso2@cityoftacoma.org](mailto:cjohnso2@cityoftacoma.org)>; Kammerzell, Jennifer <[JKammerzell@cityoftacoma.org](mailto:JKammerzell@cityoftacoma.org)>; Kidd, Brennan <[bkidd@cityoftacoma.org](mailto:bkidd@cityoftacoma.org)>; Larson, Chris <[CLARSON@cityoftacoma.org](mailto:CLARSON@cityoftacoma.org)>; Marsten, Vicki <[vmarsten@cityoftacoma.org](mailto:vmarsten@cityoftacoma.org)>; Megan Holt <[megan.holt@pse.com](mailto:megan.holt@pse.com)>; Muller, Gregory <[GMuller@cityoftacoma.org](mailto:GMuller@cityoftacoma.org)>; Newton, Corey <[cnewton@cityoftacoma.org](mailto:cnewton@cityoftacoma.org)>; NRE. Easement ([nre.easement@centurylink.com](mailto:nre.easement@centurylink.com)) <[nre.easement@centurylink.com](mailto:nre.easement@centurylink.com)>; PDS Land Use and Zoning <[pdszoning@cityoftacoma.org](mailto:pdszoning@cityoftacoma.org)>; Rossi, Rod <[RRossi@cityoftacoma.org](mailto:RRossi@cityoftacoma.org)>; Russell, Lee <[LRussell@cityoftacoma.org](mailto:LRussell@cityoftacoma.org)>; Seaman, Chris <[cseaman@cityoftacoma.org](mailto:cseaman@cityoftacoma.org)>; Stringer, Shawn <[SStringe@cityoftacoma.org](mailto:SStringe@cityoftacoma.org)>; Tina Vaslet <[tvaslet@piercetransit.org](mailto:tvaslet@piercetransit.org)>; Torres, Andrew <[ATORRES@cityoftacoma.org](mailto:ATORRES@cityoftacoma.org)>

**Cc:** [chair@cnc-tacoma.com](mailto:chair@cnc-tacoma.com); Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>

**Subject:** Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1423 for expanded yard uses and provide comments for your respective utility/agency **on or before December 7, 2020**. Responses received later than December 7, 2020 risk **NOT** being incorporated into the vacation action.

Petitioner has been advised that expansion of business purposes and installation of permanent structures would not be approved due to the existing utilities and have now applied for surface yard uses only.

Note, resulting from the abundance of non-responsive departments/contacts we are paring down the contact distribution list to only those directly relative to the vacation process, please let me know if you'd voluntarily like to be removed from the distribution list.

Please also note that **pursuant to RCW 35.79.030 conditions of the vacation are limited to that which are directly associated to the bounds of the vacated right of way** and do not subject the vacation to actions beyond the limits of the request. Accordingly, please refrain from commenting on any future development conditions that are not relative to the vacation action and apply said conditions to any actual development permitting that may follow. If deemed necessary, a representative from your respective utility may be required to attend the public hearing to present the perceived merits of any conditions you've placed, please check in with me just before start of hearing for introductory purposes. The Public Hearings are held in the City Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington. Failure to



attend, if required, may result in the automatic dismissal of any such condition that does not comport to statute.

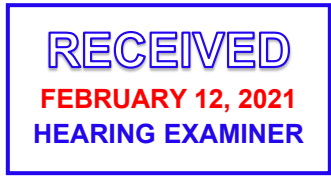
Questions regarding the scope and limitation of conditioning street vacation actions should be directed to your respective legal counsel, any questions thereafter can certainly be directed to me for further vetting.

Please email me with any questions you may have.  
Thank you.

***R. J. Van Allen (formerly Cornforth)***

**Sr. Real Estate Specialist  
City of Tacoma, Public Works  
Real Property Services  
747 Market Street, Ste. 737  
Tacoma, WA 98402-7941  
(253) 591-5052 / Fax (253) 594-7941  
[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)**

***We are made wise not by the recollection of our past, but by the responsibility for our future.***



**From:** Muller, Gregory <[GMuller@cityoftacoma.org](mailto:GMuller@cityoftacoma.org)>  
**Sent:** Tuesday, December 15, 2020 10:54 AM  
**To:** Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>  
**Subject:** RE: Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center

Ronda,

Fencing is an issue for access. So, the prohibition would be on installation of fencing within the easement area – not on its perimeter, as long as 24/7 access is maintained for Tacoma Water (and for Tacoma Power for its easement). I think we need clarification what the proposal is, i.e. whether a reserved easement, or simply excluding that area from the vacation (in which case wouldn't need an easement since would still be COT row). If the area is excluded from the vacation, they couldn't put a fence on the north or south ends since they'd have no property rights there. If an easement, they would have a property interest. In any case, Tacoma Water would need 24/7 access; so if they fenced the access point, they'd have to provide gates large enough to accommodate Tacoma Water vehicles and equipment and provide keys. You're right, we should include language as to responsibility for cost of damage/replacement of fencing that impedes Tacoma Water access. Seems we've had this solution in the past.

I'll let you handle the meeting invite if that works.

Thanks!

Greg

**From:** Muller, Gregory <[GMuller@cityoftacoma.org](mailto:GMuller@cityoftacoma.org)>  
**Sent:** Friday, December 04, 2020 2:13 PM  
**To:** Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>  
**Subject:** FW: Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center

Good afternoon, Ronda.

Upon review, the following is requested from TPU:

Tacoma Power has a line running N-S and requests an easement in the eastern 20' of the area proposed for vacation.

Tacoma Water has a hydrant and meter, and a main running N-S and requests an easement based on the following:

- 10' from center of the water main to the east and west.
- 3' from center of hydrant in all directions
- 5' from the center of the water meter, if that does not fall within the originally asked 10' easement for the water main.

I know your previous e-mail said the vacation area will be altered to exclude the hydrant, so if that reduction satisfies the above request for 3' from center of hydrant in all directions, I think we're good with that as long as retain rights to access the hydrant. Not sure if the reduced area will affect the easement request in relation to the meter and main, though.

Also, no structures, retaining walls, fences, trees, ornate sidewalks, stamped concrete, etc. are permitted within the water main easement. Light landscaping with grass and/or small shrubbery or asphalt parking is permitted.

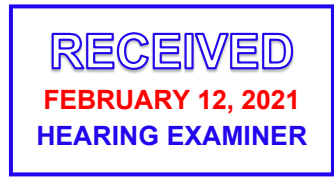
If existing water facilities need to be relocated or adjusted, they will be relocated by Tacoma Water at the developer's expense.

Tacoma Water facilities must remain accessible at all times. Any damage to Tacoma Water facilities will be repaired by Tacoma Water crews at the expense of the developer.

Thanks!

Please let me know if you need additional information.

Greg Muller, Real Estate Officer  
Tacoma Public Utilities  
253.606.4688



**From:** Muller, Gregory <[GMuller@cityoftacoma.org](mailto:GMuller@cityoftacoma.org)>  
**Sent:** Friday, December 04, 2020 2:13 PM  
**To:** Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>  
**Subject:** FW: Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center

Good afternoon, Ronda.

Upon review, the following is requested from TPU:

Tacoma Power has a line running N-S and requests an easement in the eastern 20' of the area proposed for vacation.

Thanks!

Please let me know if you need additional information.

Greg Muller, Real Estate Officer  
Tacoma Public Utilities  
253.606.4688

RECEIVED  
FEBRUARY 12, 2021  
HEARING EXAMINER

Exhibit C-12

**From:** [Russell, Lee](#)  
**To:** [Cornforth \(Van Allen\), Ronda](#)  
**Subject:** RE: Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center  
**Date:** Tuesday, January 26, 2021 3:22:10 PM

---

Hi Ronda,

This one slipped through the cracks.

The in lieu sewer assessment owing for this portion of property will be \$1,451.44.

Thanks

## Lee Russell

Real Estate Specialist  
City of Tacoma Real Property Services  
747 Market St. Rm 737  
Tacoma, Wa 98402  
[lrussell@cityoftacoma.org](mailto:lrussell@cityoftacoma.org)  
Ph. 253-591-5277

---

**From:** Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>  
**Sent:** Tuesday, January 26, 2021 2:15 PM  
**To:** Russell, Lee <[LRussell@cityoftacoma.org](mailto:LRussell@cityoftacoma.org)>  
**Subject:** FW: Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center  
**Importance:** High

I don't see your response to this one...

---

**From:** Cornforth (Van Allen), Ronda  
**Sent:** Thursday, November 19, 2020 3:46 PM  
**To:** Barnett, Elliott <[elliott.barnett@cityoftacoma.org](mailto:elliott.barnett@cityoftacoma.org)>; Beard, Patricia <[PBeard@cityoftacoma.org](mailto:PBeard@cityoftacoma.org)>; Boudet, Brian <[BBoudet@cityoftacoma.org](mailto:BBoudet@cityoftacoma.org)>; Cantrel, Aaron <[Aaron\\_Cantrel@cable.comcast.com](mailto:Aaron_Cantrel@cable.comcast.com)>; Newton, Corey <[cnewton@cityoftacoma.org](mailto:cnewton@cityoftacoma.org)>; Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>; COT Site Development <[sitedevelopment@cityoftacoma.org](mailto:sitedevelopment@cityoftacoma.org)>; Erickson, Ryan <[RErickso@cityoftacoma.org](mailto:RErickso@cityoftacoma.org)>; Hauenstein, Lyle <[lhauenstein@cityoftacoma.org](mailto:lhauenstein@cityoftacoma.org)>; Himes, Gail <[ghimes@cityoftacoma.org](mailto:ghimes@cityoftacoma.org)>; Huseby, Eric <[ehuseby@cityoftacoma.org](mailto:ehuseby@cityoftacoma.org)>; Johnson, Christopher <[cjohnso2@cityoftacoma.org](mailto:cjohnso2@cityoftacoma.org)>; Kammerzell, Jennifer <[JKammerzell@cityoftacoma.org](mailto:JKammerzell@cityoftacoma.org)>; Kidd, Brennan <[bkidd@cityoftacoma.org](mailto:bkidd@cityoftacoma.org)>; Larson, Chris <[CLARSON@cityoftacoma.org](mailto:CLARSON@cityoftacoma.org)>; Marsten, Vicki <[vmarsten@cityoftacoma.org](mailto:vmarsten@cityoftacoma.org)>; Megan Holt <[megan.holt@pse.com](mailto:megan.holt@pse.com)>; Muller, Gregory <[GMuller@cityoftacoma.org](mailto:GMuller@cityoftacoma.org)>; Newton, Corey <[cnewton@cityoftacoma.org](mailto:cnewton@cityoftacoma.org)>; NRE. Easement (<[nre.easement@centurylink.com](mailto:nre.easement@centurylink.com)> <[nre.easement@centurylink.com](mailto:nre.easement@centurylink.com)>); PDS Land Use and Zoning <[pdszoning@cityoftacoma.org](mailto:pdszoning@cityoftacoma.org)>; Rossi, Rod <[RRossi@cityoftacoma.org](mailto:RRossi@cityoftacoma.org)>; Russell, Lee <[LRussell@cityoftacoma.org](mailto:LRussell@cityoftacoma.org)>; Seaman, Chris <[cseaman@cityoftacoma.org](mailto:cseaman@cityoftacoma.org)>; Stringer, Shawn <[SStringe@cityoftacoma.org](mailto:SStringe@cityoftacoma.org)>; Tina Vaslet <[tvvaslet@piercetransit.org](mailto:tvvaslet@piercetransit.org)>; Torres, Andrew

Exhibit C-12

<[ATORRES@cityoftacoma.org](mailto:ATORRES@cityoftacoma.org)>

**Cc:** [chair@cnc-tacoma.com](mailto:chair@cnc-tacoma.com); Cornforth (Van Allen), Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>

**Subject:** Street Vacation 124.1423 - Comments DUE December 7, 2020 - True Vine Senior Citizens Center

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1423 for expanded yard uses and provide comments for your respective utility/agency **on or before December 7, 2020**. Responses received later than December 7, 2020 risk **NOT** being incorporated into the vacation action.

Petitioner has been advised that expansion of business purposes and installation of permanent structures would not be approved due to the existing utilities and have now applied for surface yard uses only.

Note, resulting from the abundance of non-responsive departments/contacts we are paring down the contact distribution list to only those directly relative to the vacation process, please let me know if you'd voluntarily like to be removed from the distribution list.

Please also note that **pursuant to RCW 35.79.030 conditions of the vacation are limited to that which are directly associated to the bounds of the vacated right of way** and do not subject the vacation to actions beyond the limits of the request. Accordingly, please refrain from commenting on any future development conditions that are not relative to the vacation action and apply said conditions to any actual development permitting that may follow. If deemed necessary, a representative from your respective utility may be required to attend the public hearing to present the perceived merits of any conditions you've placed, please check in with me just before start of hearing for introductory purposes. The Public Hearings are held in the City Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington. Failure to attend, if required, may result in the automatic dismissal of any such condition that does not comport to statute.

Questions regarding the scope and limitation of conditioning street vacation actions should be directed to your respective legal counsel, any questions thereafter can certainly be directed to me for further vetting.

Please email me with any questions you may have.  
Thank you.

***R. J. Van Allen (formerly Cornforth)***

**Sr. Real Estate Specialist  
City of Tacoma, Public Works  
Real Property Services  
747 Market Street, Ste. 737  
Tacoma, WA 98402-7941  
(253) 591-5052 / Fax (253) 594-7941**

[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)

*We are made wise not by the recollection of our past, but by the responsibility for our future.*

RECEIVED  
FEBRUARY 12, 2021  
HEARING EXAMINER

Exhibit C-13



CenturyLink

1/20/2021

True Vine Senior Citizens Center  
1819 S Mason Ave  
Tacoma, WA. 98043

To Whom it may Concern,

The purpose of this letter is to inform you that CenturyLink currently has active facilities on the property shown on the attached Exhibit "A". The property is generally described as a portion of South Mason Avenue abutting the western boundary of parcel number 7200002520. This property is proposed to be vacated by the City of Tacoma (the "Subject Property").

CenturyLink has no objection to the vacating of the Subject Property on the basis that an easement will be granted to CenturyLink over the Subject Property.

By signing below you are accepting these terms and agree to immediately execute and notarize CenturyLink's standard form of easement attached hereto as Exhibit "B".

I, Angelad. Collis certify that I am/will be the owner of the Subject Property and hereby agree to the terms as stated in this letter. Upon taking ownership of the Subject Property I will immediately execute CenturyLink's standard form of easement.

Angelad. Collis  
Signature

Angela L. Collins  
Printed Name

Director  
Title

1/28/2021  
Date

If you have any questions, please contact Don Twiggs at [Don.Twiggs@CenturyLink.com](mailto:Don.Twiggs@CenturyLink.com) or by phone at 425-480-1204.

Sincerely yours,

Don Twiggs  
Network Infrastructure Services  
CenturyLink

Exhibit C-13



Exhibit A

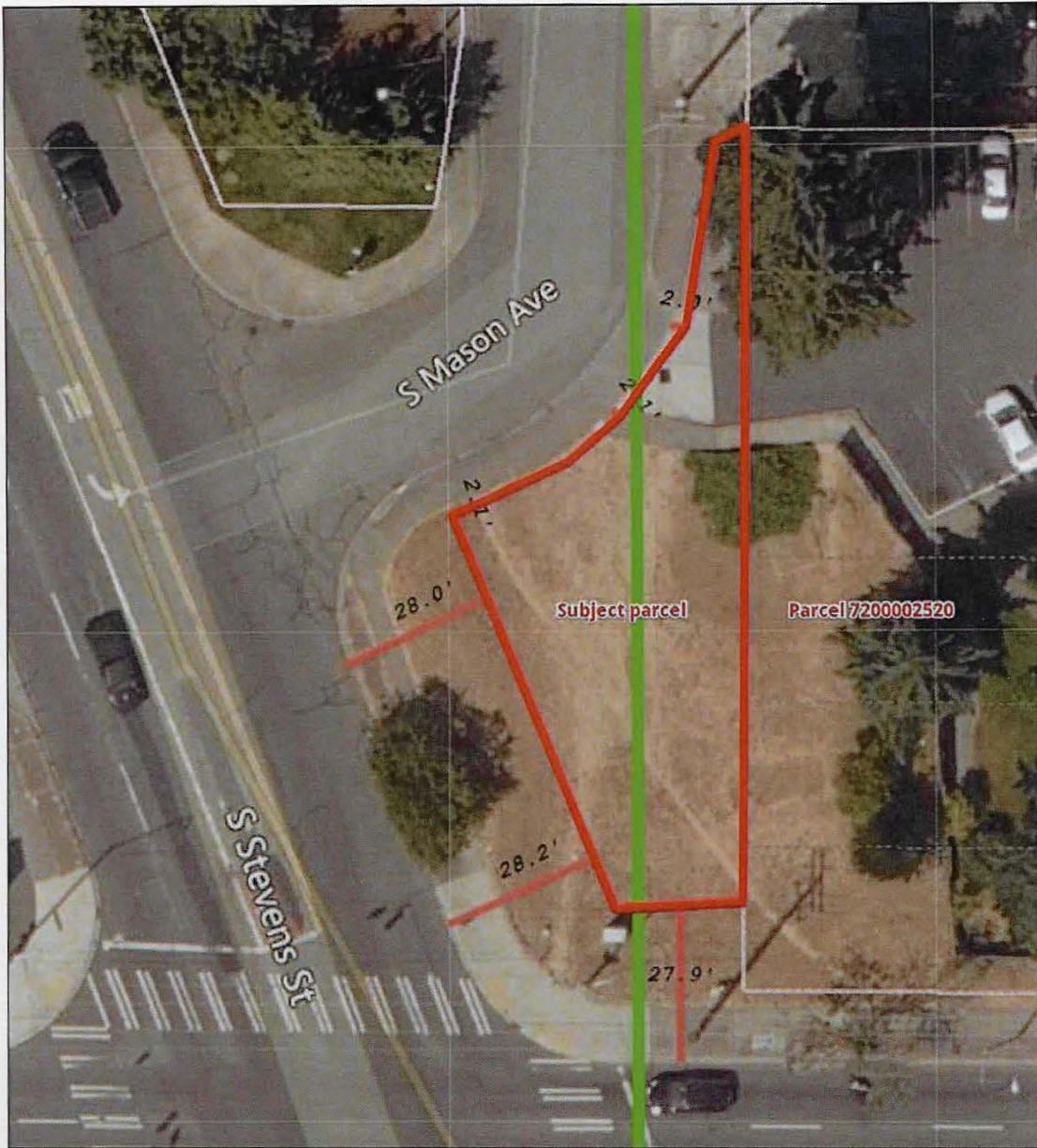


Exhibit B

[Easement begins on next page]

Prepared by and return to:  
Don Twiggs  
1025 Eldorado Blvd  
Broomfield, CO. 80021

---

**RECORDING INFORMATION ABOVE**

**Grantor:** True Vine Senior Citizens Center

**Grantee:** Qwest Corporation, d/b/a CenturyLink QC

**Legal Description:** All that portion of South Mason Avenue as vacated by City of Tacoma Ordinance Number \_\_\_\_\_, as recorded on \_\_\_\_\_, under Auditor's File Number \_\_\_\_\_, records of Pierce County, Washington. All Situate in the Southwest and Southeast Quarters of Section 01, Township 20 North, Range 02 East of the Willamette Meridian; within the City of Tacoma, County of Pierce, State of Washington.

**Parcel/Account Number:** N/A – abutting west of parcel 7200002520.

**RECORDING INFORMATION ABOVE**

**EASEMENT AGREEMENT**

The undersigned ("Grantor"), for good and valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants and conveys to ***Qwest Corporation***, d/b/a CenturyLink QC, its successors, assigns, lessees, licensees, agents and affiliates ("Grantee"), having an address of 100 CenturyLink Drive, Monroe, Louisiana 71203, Attn: Construction Service, a perpetual, non-exclusive easement ("Easement") to construct, operate, maintain, repair, expand, replace and remove ***Grantee's communication facilities (including utility service if required to operate such facilities) and other appurtenant equipment and structures as Grantee may require from time to time (collectively, the "Facilities")*** over, under and across the following property located in the County of Pierce, State of Washington, which Grantor owns ("Easement Tract"):

SEE THE DESCRIPTION SET FORTH ON **EXHIBIT A** ATTACHED TO, AND BY THIS REFERENCE MADE A PART OF, THIS AGREEMENT

Grantor further grants and conveys to Grantee the following incidental rights:

(1) The right of ingress and egress over and across Grantor's lands to and from the Easement Tract;  
and

(2) The right to clear all trees, roots, brush and other obstructions that interfere with Grantee's use and enjoyment of the Easement Tract.

Grantor reserves the right to use and enjoy the Easement Tract so long as Grantor's use does not materially interfere with the rights granted in this Easement Agreement. Grantor will not erect any structure or plant trees or other vegetation within the Easement Tract and will not alter the surface or subsurface of the Easement Tract or the ground immediately adjacent to the Easement Tract by grading or otherwise excavating, without Grantee's written consent.

Grantor warrants that Grantor is the owner of the Easement Tract and will defend title to the Easement Tract against all claims. Grantee will have no responsibility for environmental contamination unless caused by Grantee.

The rights, conditions and provisions of this Easement Agreement will run with the land and will inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

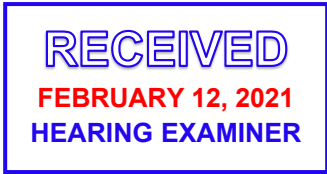
[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]



**EXHIBIT A TO EASEMENT AGREEMENT**

**Legal Description of Easement Tract**

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Prepared by and return to:  
Don Twiggs  
1025 Eldorado Blvd  
Broomfield, CO. 80021

RECORDING INFORMATION ABOVE

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**Grantee:** Qwest Corporation, d/b/a CenturyLink QC  
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