



TO: Elizabeth Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner *JHC*
Ronda Cornforth, Senior Real Estate Specialist, Public Works Real Property Services *RC*
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 17-0380 – Street Vacation 124.1371 – June 27, 2017
DATE: June 21, 2017

SUMMARY:

An ordinance to vacate that portion of alley right-of-way lying between East 28th Street and East 29th Street from Portland Avenue to the extended Easterly line of Lot 24 in both Block 7846 and Block 7945 of the Map of the Indian Addition to the City of Tacoma. The property would be used for the construction of a multi-level garage structure, casino, and hotel as part of the Emerald Queen Casino relocation project.

COUNCIL SPONSORS:

N/A

STRATEGIC POLICY PRIORITY:

- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.
- Assure outstanding stewardship of the natural and built environment.

BACKGROUND:

Real Property Services received a petition from the Puyallup Tribe of Indians (“Tribe”) to vacate a portion of the alley right-of-way lying between East 28th Street and East 29th Street from Portland Avenue to the extended Easterly line of Lot 24 in both Block 7846 and Block 7945 of the Map of the Indian Addition to the City of Tacoma. After the vacation, the Tribe intends for the property to be used in the construction of a multi-level garage structure, casino, and hotel as part of the Emerald Queen Casino relocation project. A public hearing on the vacation request was conducted on December 1, 2016, and the record was left open at the request of the Tribe, the City, and nearby property owner David Smith (“Smith”) in order to supplement the record and attempt to reach an agreement regarding Smith’s access concerns. The record closed on March 27, 2017, without the parties reaching an agreement. The alley vacation will allow the Tribe to utilize its adjacent property more effectively for the planned casino development. The existing alley is unimproved and is not an integral part of vehicular travel in the area.

The foregoing notwithstanding, Smith has continued to express concerns that the vacation, if granted, will potentially impair access to his property at the end of the existing alley. In an effort to address Smith’s concerns, the Tribe has proposed granting him another access point through an easement across its property and the grant of this easement was made part of the Hearing Examiner’s recommendation. Smith appealed the Hearing Examiner’s recommendation under TMC 1.70. The City Council held the TMC 1.70 appeal hearing on June 20, 2017, and voted at the conclusion of the hearing to uphold/follow the Hearing Examiner’s recommendation.

ISSUE:

Whether the Council should approve the proposed street vacation as recommended (Council effectively did this in its vote on June 20, 2017)?



ALTERNATIVES:

The Council could (1) choose to enact the Hearing Examiner's Recommendation through an ordinance approving the requested street vacation as recommended, (2) approve the requested street vacation through ordinance after modifications to the Hearing Examiner's recommendation, or (3) could deny the vacation request. The proposed vacation appears to meet the standards for approval of such requests as set forth in Tacoma Municipal Code 9.22.

RECOMMENDATION:

The requested vacation is hereby recommended for approval, subject to the conditions contained in Conclusion 7 of the Hearing Examiner's Report and Recommendation to the City Council dated April 6, 2017.

FISCAL IMPACT:

N/A

ORIGINAL