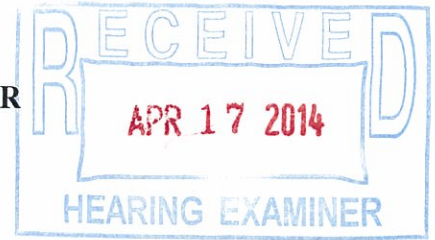


## PRELIMINARY REPORT

PREPARED FOR THE HEARING EXAMINER  
BY REAL PROPERTY SERVICES

For the Hearing to be Held  
Thursday, April 24, 2014 at 9:00 AM



**PETITIONER: HG HOLDINGS, LLC**

**FILE NO. 124.1340**

### **A. SUMMARY OF REQUEST:**

Real Property Services has received a petition to vacate a portion of the South Adams Street right-of-way northerly of vacated South 62<sup>nd</sup> Street. The Petitioner prefers to own the parking area they currently occupy, manage, and maintain via Street Occupancy Permit No. 141. The area is shown on the attached map Exhibit A.

### **B. GENERAL INFORMATION:**

#### **1. Legal Description of Vacation:**

The Easterly 11 feet of South Adams Street adjacent and abutting Lots 1 to 4, inclusive, Block 6, Cowan's Addition to Tacoma, According to the Plat thereof, recorded in Volume 5 of Plats, Page 57, Records of Pierce County;

Situate in the Southeast Quarter of the Southeast Quarter of Section 24, Township 20 North, Range 2 East of the W.M., within the City of Tacoma, County of Pierce, State of Washington.

#### **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 Notice was posted March 21, 2014 at approximately 2:40 p.m. at locations 1 and 2 described below; the remaining notices were posted between March 19 and March 21, 2014:

1. Placed yellow public notice sign 139 feet north of the vacated South 62<sup>nd</sup> Street right-of-way adjacent to the wall and easterly of the sidewalk.
2. Placed yellow public notice sign 200 feet north of the vacated South 62<sup>nd</sup> Street right-of-way easterly of the sidewalk and north of the wall.
3. Public notice memo placed into the glass display case located on the second floor of the Municipal Building.
4. Public notice memo placed into the glass display case located on the first floor of the Municipal building abutting the Finance Department.
5. Public notice memo advertised on the City of Tacoma web site at address: <http://www.cityoftacoma.org/page.aspx?nid=596>
6. Public Notice advertised in the Daily Index newspaper. 400
7. Public Notice mailed to all parties of record within the ~~1,000~~ feet of vacation request.
8. Public Notice advertised on Municipal Television Channel 12.

**D. PURPOSE OF REQUEST:**

The Petitioner plans on acquiring the vacated area in order to own the property their retaining wall and parking area currently occupy via Street Occupancy Permit (SOP) No. 141. In addition, they will also be acquiring the right of way southerly of their SOP footprint up to their southerly property line.

**E. HISTORY:**

The plat of Cowan's Addition to Tacoma Washington was filed in Book 5 of Plats, Page 57, records of Pierce County, Washington, on August 2, 1890. Street Occupancy Permit No. 141 was obtained by Wright Roofing, Inc. for a portion of the vacate area on March 24, 2003, under Pierce County recording number 200303240963. Wright Roofing obtained the permit to install a retaining wall and to extend their parking lot.

**F. PHYSICAL LAND CHARACTERISTICS:**

Adams Street at this location is 80 feet wide with asphaltic top course. It has curb and gutter and sidewalks located along the easterly side of the street. It also is zoned heavy industrial and is located across the street from Metro Parks' South End Recreation and Adventure (SERA), which is zoned light industrial. Adams Street from South 56<sup>th</sup> to South 66<sup>th</sup> Street has a very gentle slope downward, and several of the property owners along the street have installed retaining walls and other erosion, slope, and site stability and leveling measures.

**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 return the property to the tax rolls;
  - b. Allow the property owner to own the area it currently occupies via a street occupancy permit. Permitting of private parking under a SOP is a violation of RCW 46.61.570, WAC 308-330-154, and TMC 11.05.605; and
  - c. Facilitate economic development.
2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation.
3. Adams Street is an 80 foot wide right of way. After the petition is completed, Adams Street will be 69 feet wide at this location. The City's minimum street width is 52 feet.
4. The vacate area is not contemplated or needed for future public use.
5. No abutting owner becomes landlocked nor will their access be substantially impaired.
6. The vacate 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. Should the petitioner wish to clear this item from title, please contact Sue Simpson of the Public Works Department, L.I.D. Section, at 591-5529 for the assessment amount. Please note that the ordinance establishing the rate of assessment is updated every few years, and the amount quoted may increase in the future. When the petitioner has submitted a development plan, an in lieu of amount will be computed.

**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  
Exhibit List – Exhibit 2  
Aerial Maps (2) – Exhibit 3  
Plat Maps – Exhibit 4  
Tacoma Power – Exhibit 5  
Century Link Communications – Exhibit 6  
Public Works/LID – Exhibit 7  
Tacoma Water – Exhibit 8

PW/Traffic Engineering – No Objection  
ESSE Stormwater/Wastewater – No Objection  
Tacoma Fire – No Objection  
Comcast Communications – No Objection  
Pierce Transit – No Objection  
Puget Sound Energy – No Objection

**J. RECOMMENDED CONDITIONS OF APPROVAL:**

Should this street vacation request be approved, the Real Property Services Division recommends that the following conditions be made conditions of approval for this street vacation petition.

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. TACOMA POWER

- a. Please contact Rick Van Allen at (253) 502-8076 regarding Tacoma Power's comments.
- b. Tacoma Power has no objection; however, a public easement must be reserved for overhead and underground facilities in the proposed vacate area for Tacoma Power.

3. CENTURY LINK

- a. Please contact Leslie Ferguson at (253) 597-4033 regarding CenturyLink's comments.
- b. CenturyLink has no objection; however, it has existing buried cable and pedestals in the vacate area. An easement must be obtained from the Petitioner for CenturyLink's existing facilities or the Petitioner will need to pay CenturyLink for relocation costs.

4. PUBLIC WORKS/LID

- a. Please contact Sue Simpson at (253) 591-5529 regarding LID's comments.
- b. LID has no objection; however, the collection in-lieu of assessment for sanitary sewer will be \$1,260.91.

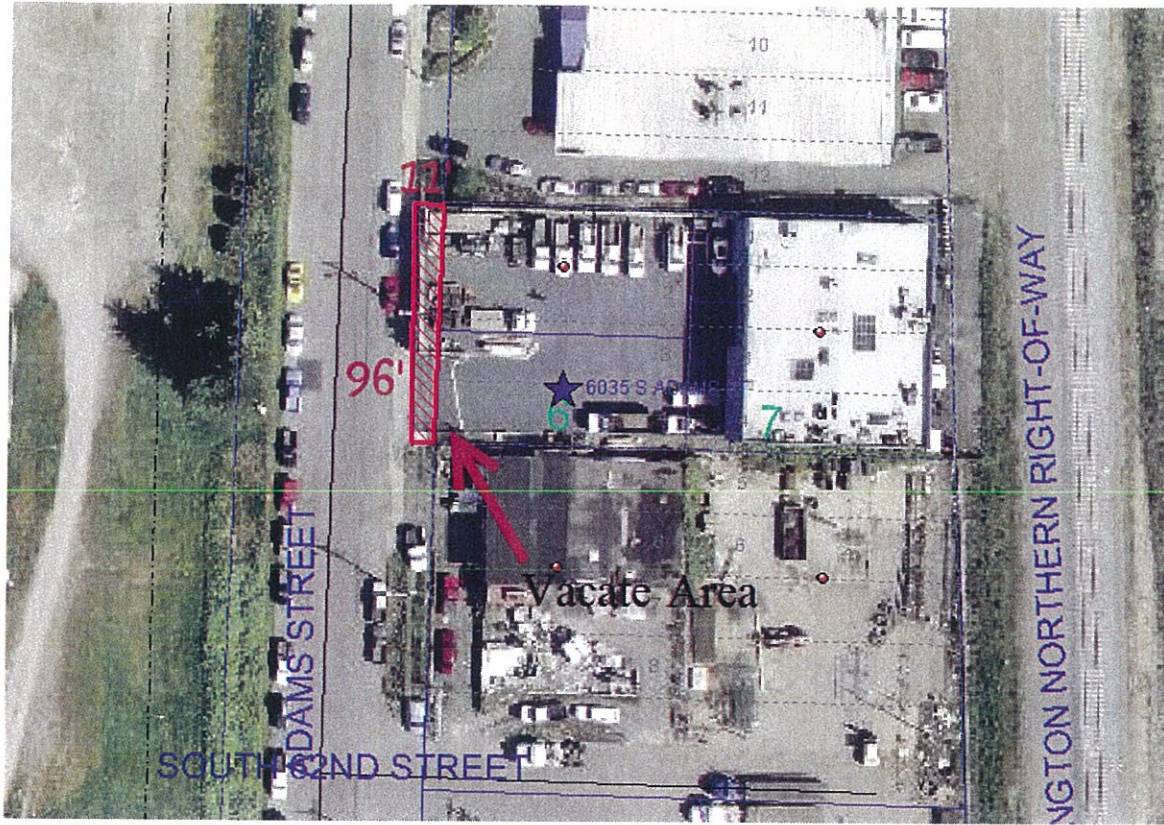
*Note: Advisory Comment*

5. TACOMA WATER

- a. Please contact Jesse Angel at (253) 502-8280 regarding Tacoma Water's comments.
- b. Tacoma Water has no objection; however, they will require an easement to allow the existing water meter to stay in place. The easement will be over the proposed vacated area adjacent to Lots 3 and 4 (the southerly 50 feet of the vacate area).

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.



H.G. HOLDING, LLC

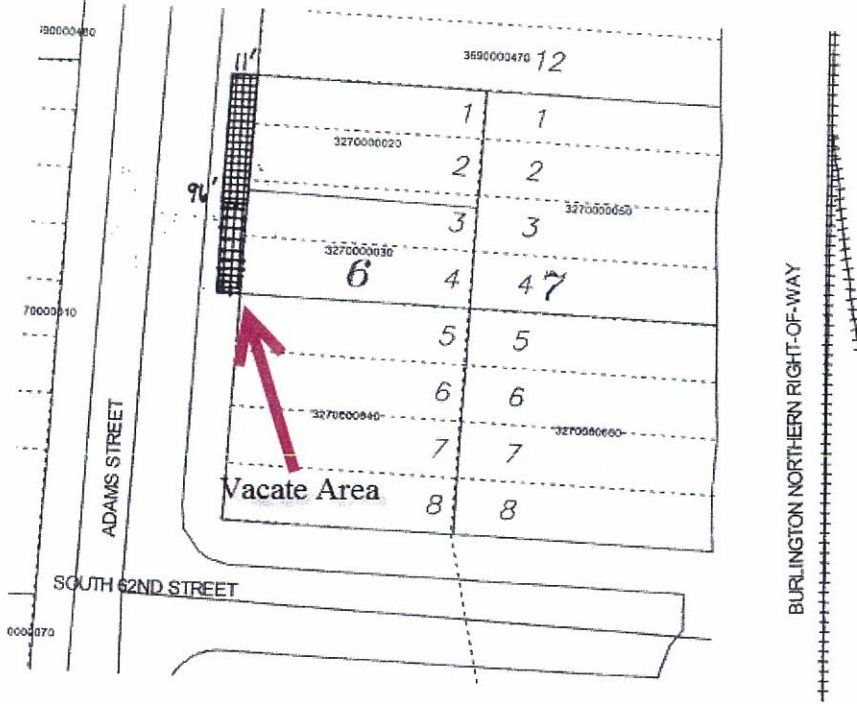
STREET VACATION NO. 124.1340

VACATE A PORTION OF SOUTH ADAMS STREET, NORTHERLY OF SOUTH 62<sup>ND</sup> STREET

S.E. 1/4 SEC. 24, T20N, R2E

NOT TO SCALE

**EXHIBIT 3**



$11' \times 96' = \text{Total of } 1056 \text{ Square Feet}$

H.G. HOLDING, LLC

STREET VACATION NO. 124.1340

VACATE A PORTION OF SOUTH ADAMS STREET, NORTHERLY OF SOUTH 62<sup>ND</sup> STREET

S.E. 1/4 SEC. 24, T20N, R2E

NOT TO SCALE



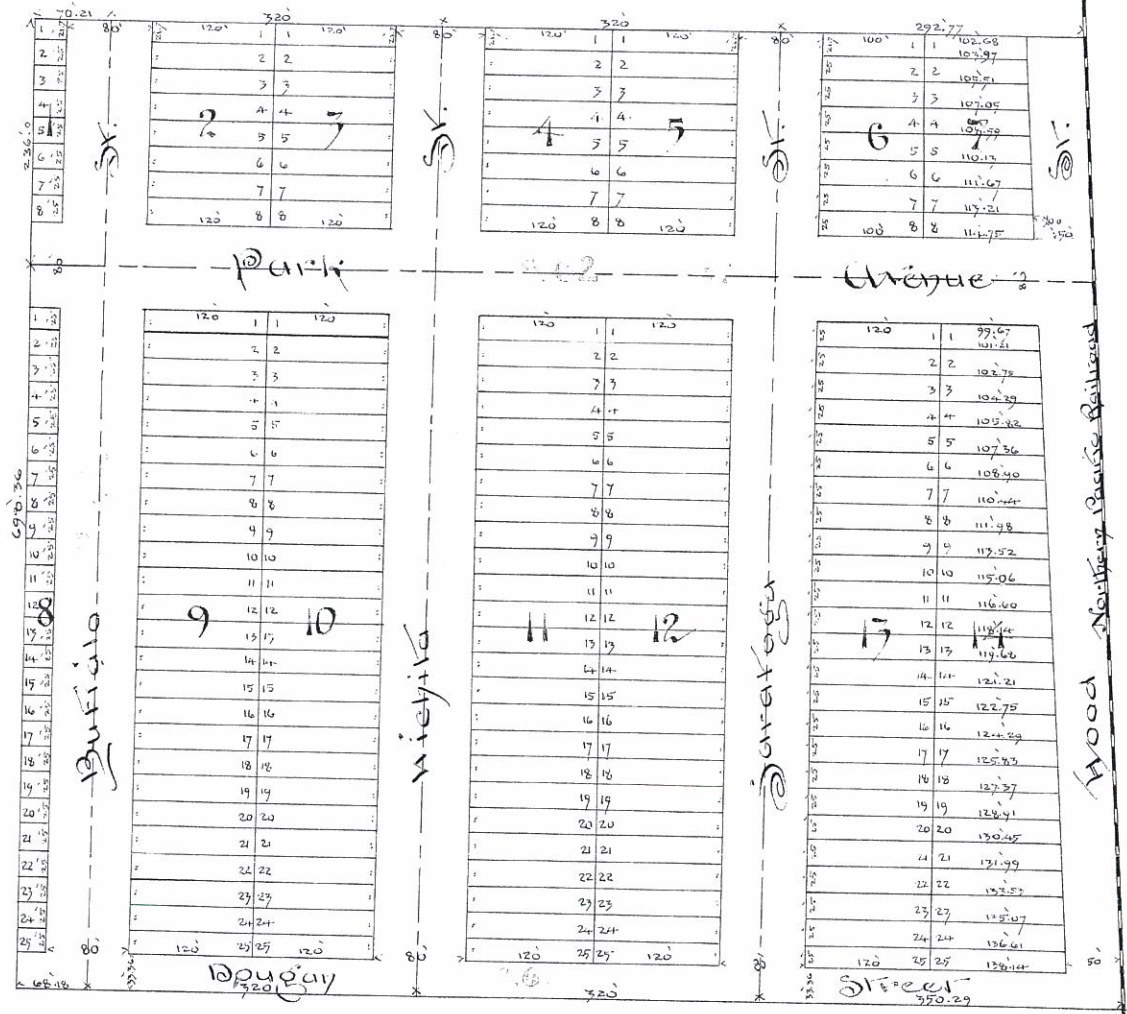


# Cowan's Add.

Book 15 Page 57

The south 1/2 of a certain piece of land described as follows -  
 Commencing at the Northeast corner of John Rigney's Donation Claim; thence running South along the East boundary of said Claim to the section line on south side of Section 24 T. 20. N. R. 2 E. W. M. a distance of 28 chains; thence running West along said section line produced 12 chains; thence North 28 chains to north boundary of Rigney Donation Claim; thence East along the North boundary of said Claim 12 chains to place of beginning

Also all that certain parcel of land described as follows, viz: Beginning 14 chains south of the North East Cor of the John Rigney Donation land Claim in section 24 T. 20. N. R. 2 E. W. M; thence South 933.17 Feet to the south boundary of said section 24 thence East along the last named boundary 237.66 feet to the line of the N. P. R. R right of way; thence North West 934.77 feet to a point 178.70 Feet East of the place of beginning; thence West to the place of beginning -





20030324096 5 PGS  
03-24-2003 03:18pm \$24.00  
PIERCE COUNTY, WASHINGTON

When Recorded, Return To:

City of Tacoma Asset Management Division  
General Services Department  
747 Market Street, Room 737  
Tacoma WA 98402-3769

**ORIGINAL**

<b>DOCUMENT TITLE</b>  <b>Street Occupancy Permit and Indemnity Agreement</b>
<b>Grantor</b>  <b>CITY OF TACOMA</b>
<b>Grantee</b>  <b>WRIGHT ROOFING, INC.</b>
<b>Legal Description</b>  <b>A portion of the SE ¼ of the SE ¼ Section 24, Township 20N, Range 2 East W.M.</b>
<b>Reference Number</b>  <b>SOP 141</b>
<b>Assessor's Parcel Number(s)</b>  <b>327000-0020 &amp; 0030</b>

**STREET OCCUPANCY PERMIT**  
**Wright Roofing, Inc. - Retaining Wall and Parking Lot Extension**

THIS PERMIT, made and entered into this 11 day of March, 2003, by and between the **CITY OF TACOMA**, hereinafter called the "City", and **WRIGHT ROOFING, INC**, hereinafter called the "Permittee."

**WITNESSETH:**

**WHEREAS** the City, under Chapter 9.08, Tacoma Municipal Code, may grant the use of street right of way to owners and occupants of abutting real property, and

**WHEREAS** the Permittee owns or occupies the real property at 6035 South Adams Street, described as follows:

A portion of the Southeast Quarter of the Southeast Quarter, Section 24, Township 20 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington and more particularly described as follows:

Lots 1-4, Block 6 and Lots 1-4, Block 7 of Cowans Addition to City of Tacoma

**WHEREAS** the Permittee desires to occupy a portion of the abutting right of way of South Adams Street, such right of way portion being displayed in Exhibit "A", attached hereto and made a part hereof;

**NOW THEREFORE**, in consideration of the covenants and agreements of the parties hereto hereinafter set forth, the City does hereby grant unto the Permittee a Street Occupancy Permit on that portion of South Adams Street, above described, subject to and upon the following terms, covenants and conditions, to wit:

1. **USE, MAINTENANCE AND OPERATION OF THE PERMIT AREA.** The permit area is to be used for a retaining wall and parking lot extension, as depicted in Exhibit A. The site and any structure authorized under this permit shall be maintained in an orderly, safe and sanitary condition at all times and any structure shall comply with and be permitted under the City's building code.
2. **TERM.** Subject to paragraph 8 of this permit, the term of this permit shall be for one (1) year and be automatically renewable for additional one (1) year terms unless terminated under the terms of paragraph 8 of this permit. Said term shall commence upon the above date.
3. **INDEMNIFICATION.** The City and its officers, agents and employees shall not be liable to the Permittee or to any other party whomsoever for any death, injury or damage that may result to any person or property by or from any cause whatsoever in or about the Permit Area or any part thereof. The Permittee shall indemnify and hold the City and its officers, agents and employees harmless from and against any and all claims, liens and judgments for death of or injury to any person or damages to property whatsoever occurring, on or about the Permit Area or any part thereof.
4. **LIABILITY INSURANCE.** The Permittee shall maintain liability insurance policies that shall name the City as an additional insured and, as a minimum, provide coverage in substance and in amount as specified in Title 9.08 of the Official Code of the City of Tacoma (or any amendments thereto) pertaining to street occupancies. Coverages shall include, but not be limited to, Operations Liability, Products/Completed Operations Liability, Owner's and Contractor's Protective Liability, and Blanket Contractual Liability. The insurance policy shall: (1) name the City of Tacoma as an additional

insured; (2) apply as primary insurance, regardless of any insurance the City may carry; (3) include a "cross-liability" (severability of interest) clause; and (4) include limits of protection of not less than \$500,000 combined single limit, bodily injury and property damage. For a residential use, coverage shall be that found in the typical homeowner's policy. It is to be understood and agreed that the obligation of permittee to hold harmless the City from claims for damages arising out of the use or operations related to the permit shall not be limited to the amount of insurance provided by the permittee. The insurance policy shall further contain a clause obligating the issuing company to give notice to the Risk Manager of the City of Tacoma 30 days before the cancellation of the policy.


5. **ASSIGNMENT.** This permit may not be assigned by the Permittee or any part thereof sublet by the Permittee without the prior written consent of the City.
6. **NONWAIVER OF DEFAULTS.** The Waiver by the City of any breach by Permittee of any term, covenant or condition hereof shall not operate as a waiver of any subsequent breach of the same nor may any condition of this agreement be waived, except by the written consent of the City, and forbearance or indulgence by the City in covenant or condition to be performed by the Permittee to which the same may apply, and until complete performance by the Permittee of said term, covenant or condition, the City shall be entitled to invoke any remedy available to it under this permit or by law, despite said forbearance or indulgence.
7. **LABOR AND MATERIALS.** All labor to be performed and material to be furnished in the operations of the Permittee hereunder shall be at the sole cost and expense of Permittee and the City shall not be chargeable with or liable for any part thereof. The Permittee shall protect and defend the City's property against liens of every character arising from Permittee's operations thereon.
8. **RIGHT TO TERMINATE.** This permit is wholly of a temporary nature and vests no permanent right whatsoever. Notwithstanding any other provision herein to the contrary, the City reserves and shall have the right to terminate this permit at any time upon thirty (30) days' written notice to the Permittee, if the City determines that such termination is necessary to allow for such public or municipal uses of the Permit Area as may be in the best interests of the City of Tacoma or the general public. This permit may be terminated without such notice if the permitted use becomes dangerous, or any structures related to the use become insecure or unsafe, or if such structures are not constructed, maintained or used in accordance with this agreement or Chapter 9.08 of the Municipal Code of Tacoma.

**IN WITNESS WHEREOF** the parties hereto have executed this document as of the day and year first written above.

ACCEPTED subject to said  
Terms and Conditions:

**PERMITEE**

By:

  
\_\_\_\_\_  
Jennifer Wright, Vice President, Wright Roofing, Inc.

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF PIERCE )

I, David T. Letterman, a Notary Public in and for the said State, do hereby certify that on this 11 day of March, 2002<sup>RL</sup> personally appeared before me **JENNIFER WRIGHT** to me known to be the Vice President, of the corporation that executed the within and foregoing instrument, and acknowledged the 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 she was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



David T. Letterman  
Notary Public in and for the State of Washington

Residing in TACOMA

My Commission Expires 2-11-06

CITY OF TACOMA

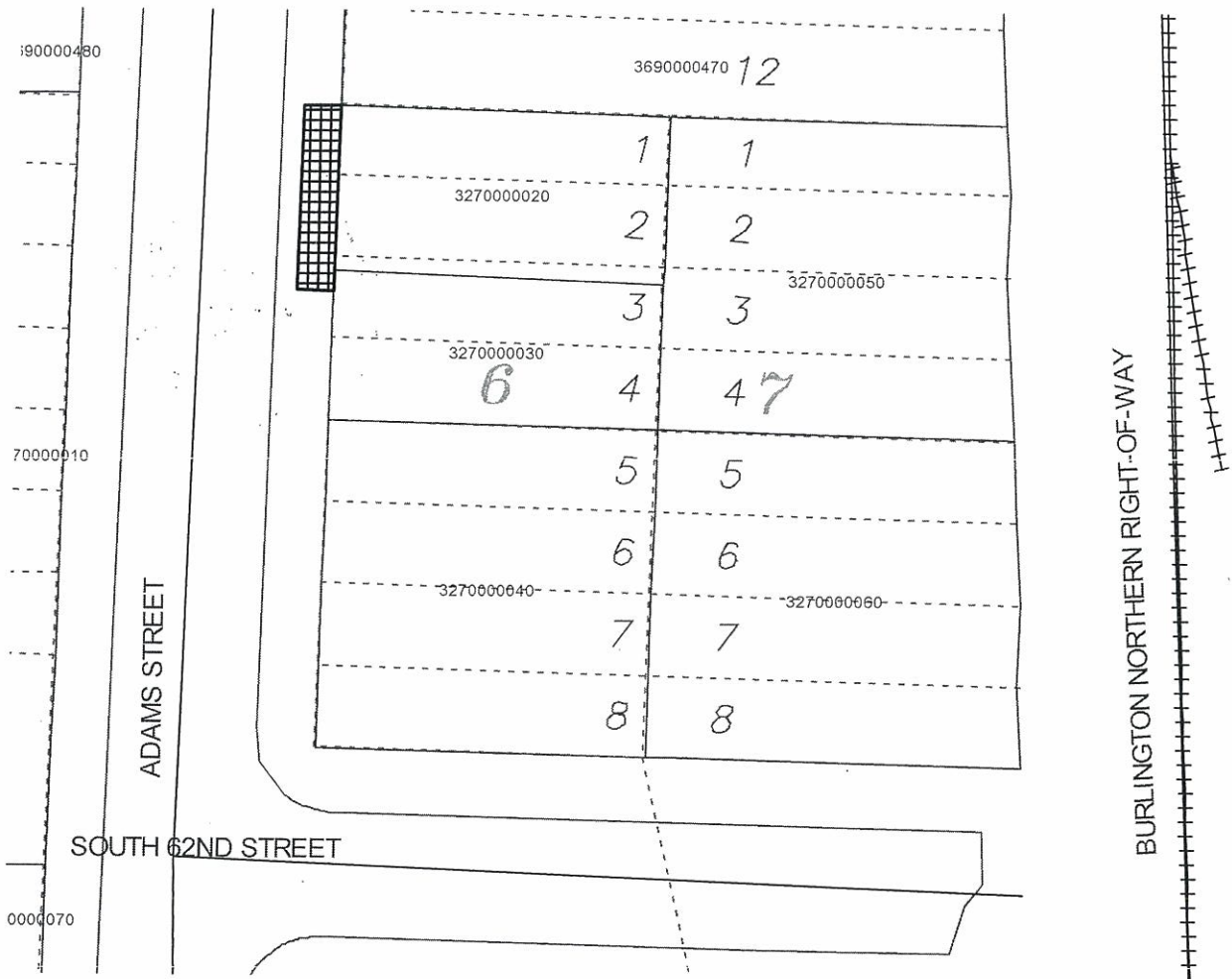
William L. Pugh, P.E.  
William L. Pugh, P.E.  
Director, Public Works Department

[Signature]  
General Services, Asset Management

Approved as to form:

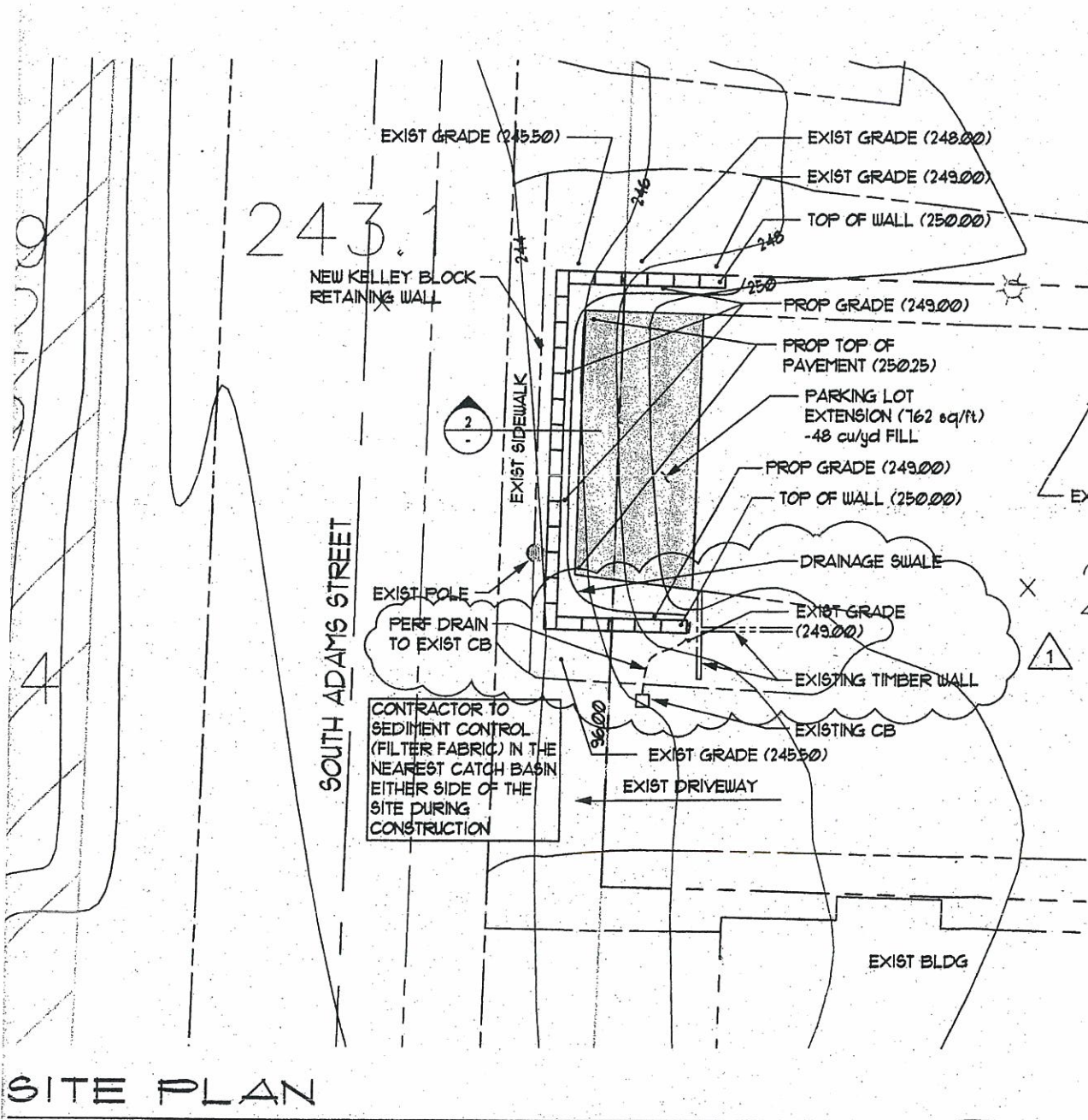
[Signature]  
Assistant City Attorney

EXHIBIT A  
 TO STREET OCCUPANCY PERMIT  
 PAGE 1 - SITE



Street Occupancy Area  
 11' x 56' = Total of 616 Square Feet

EXHIBIT A  
 TO STREET OCCUPANCY PERMIT  
 PAGE 2 – SITE PLAN DETAIL





**Stevens, Troy**

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**From:** Van Allen, Rick  
**Sent:** Tuesday, April 01, 2014 7:25 AM  
**To:** Rusler, Jeffrey  
**Cc:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Hi Troy,

I'm sure you have my comments on this one, but just in case.

Tacoma Power has existing overhead and und underground facilities in the proposed vacation area. Please reserve the entire area to be vacated as an easement for Tacoma Power.

Let me know if you have any questions. Thanks, Rick

**Rick Van Allen | Tacoma Power**  
*T&D Electrical Services - New Services Engineering*  
**P: (253) 502-8076 | F: (253) 502-8659**  
<http://www.mytpu.org/tacomapower/permitting>

---

**From:** Rusler, Jeffrey  
**Sent:** Monday, March 31, 2014 4:57 PM  
**To:** Van Allen, Rick  
**Cc:** Stevens, Troy  
**Subject:** FW: Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Rick,

This one is in your area, unless you want me to look into it.

**Jeff Rusler | Tacoma Power**  
**Engineer**  
*T&D Electrical Services - New Services Engineering*  
**P: (253) 502-8309 | F: (253) 502-8659**  
<http://www.mytpu.org/tacomapower/permitting/>

---

**From:** Stevens, Troy [<mailto:tstevens@ci.tacoma.wa.us>]  
**Sent:** Monday, March 31, 2014 9:08 AM  
**To:** Bateman, Joy; Ben Han; Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Coffman, James; Coyne, Richard; Danby, Marilyn; Dykas, Veronica; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey; Jeff Rusler; Kammerzell, Jennifer; Kingsolver, Kurtis; Martinson, John; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Trohimovich, Merita  
**Subject:** Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Hi everyone,

Please see the attached Request for Agency Comments sheet regarding HG Holdings' proposed street vacation at 6035 S. Adams.

Thank you very much,

**Troy Stevens**

City of Tacoma, Public Works

Sr. Real Estate Specialist

(253) 591-5535

[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

## Stevens, Troy

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**From:** Ferguson, Leslie R <Leslie.Watson@CenturyLink.com>  
**Sent:** Monday, March 31, 2014 10:07 AM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - HG Holdings, LLC - SV 124.1340  
**Attachments:** KMBT25020140331085439.pdf

Troy:

Attached is the signed letter and a copy of our as-builts in the area of the vacation. Centurylink has existing buried cable and pedestals in the public right of way. In order to approve the vacation, we would need an easement from the property owner for our existing facilities or they would need to pay Centurylink for relocation costs. Please let me know if there are any questions.

Thanks,

**Leslie Ferguson**

Centurylink Engineer  
2510 84th St S. Suite 18  
Lakewood, WA. 98499  
Office: 253-597-4033  
Cell: 253-921-5443  
[leslie.watson@centurylink.com](mailto:leslie.watson@centurylink.com)

---

**From:** Bateman, Joy  
**Sent:** Monday, March 31, 2014 9:36 AM  
**To:** Ferguson, Leslie R  
**Cc:** Cissell, Judy  
**Subject:** FW: Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Leslie-looks like Greenfield.

Joy

---

**From:** Stevens, Troy [<mailto:tstevens@ci.tacoma.wa.us>]  
**Sent:** Monday, March 31, 2014 9:08 AM  
**To:** Bateman, Joy; Ben Han; Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Coffman, James; Coyne, Richard; Danby, Marilyn; Dykas, Veronica; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Lawrey, Jeff J; Jeff Rusler; Kammerzell, Jennifer; Kingsolver, Kurtis; Martinson, John; Reynolds, Tanara; Seaman, Chris; Simpson, Sue; Trohimovich, Merita  
**Subject:** Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Hi everyone,

Please see the attached Request for Agency Comments sheet regarding HG Holdings' proposed street vacation at 6035 S. Adams.

Thank you very much,

**Troy Stevens**

City of Tacoma, Public Works  
Sr. Real Estate Specialist

**Exhibit 6**

(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)



**TO: ALL CONCERNED AGENCIES & DEPARTMENTS**

**FROM: TROY STEVENS  
PUBLIC WORKS /REAL PROPERTY SERVICES**

**SUBJECT: STREET VACATION REQUEST NO. 124.1340**

**DATE: March 31, 2014**

Real Property Services has received a petition to vacate a portion of the South Adams Street right-of-way north of South 62nd, as shown on the attached vicinity map.

The Petitioner proposes to add the lands to be vacated to the adjoining property for the purpose of owning the existing paved area they currently manage under a Street Occupancy Permit.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, April 11, 2014**. If your comments are not received by that date, it will be understood that the office you represent has no interest in this matter.

Attachment(s)

- AT&T Broadband
- Pierce Transit
- Puget Sound Energy
- Qwest Communications ←
- Fire Department
- Police Department
- TPU/Power/T&D
- TPU/Water/LID
- PW/Director (3)
- PW/BLUS (2)
- PW/Construction
- PW/Engineering
- PW/Engineering/LID
- PW/Engineering/Traffic
- PW/Environmental Services
- PW/Solid Waste
- PW/Street & Grounds
- Tacoma Economic Development
- Click! Network

RESPONSE

No Objections

Comments Attached

3/31/14 Date

Jenni Frymer Signature

Engineering Department





April 3, 2014

Troy Stevens  
City of Tacoma, Public Works  
Sr. Real Estate Specialist  
Tacoma Municipal Building  
747 Market Street  
Room 408  
Tacoma, WA 98402

**RE: Proposed Street Vacation 124.1340 - South Adams Street & South 62<sup>nd</sup>**

Dear Mr Stevens,

This letter is in response to the notice for the above referenced vacation. Please be advised that **Qwest Corporation (d/b/a CenturyLink) currently has facilities in the area addressed by this action and wishes to retain any and all rights to remain in said area and to add facilities in the future as needed.**

At this time, Qwest (d/b/a CenturyLink) has no issues with the proposed vacation **so long as provisions are made to retain our rights by means of explicit language granting to "Qwest Corporation d/b/a CenturyLink QC and its successors" rights that will cover our existing & future facilities.**

Please feel free to contact me as needed; I can be reached at 206-345-0333 or [R.Lawrey@CenturyLink.com](mailto:R.Lawrey@CenturyLink.com). Thank you for your time.

Sincerely,

Qwest Corporation d/b/a CenturyLink QC

A handwritten signature in black ink, appearing to read "R. Lawrey".

R. Jeff Lawrey  
Manager, Right-of-Way  
Western Washington  
1208 NE 64<sup>th</sup> St. Rm 401  
Seattle, WA 98115

**RECEIVED**  
APR 07 2014  
CITY OF TACOMA  
FACILITIES MANAGEM

1208 NE 64th St., 4th floor  
Seattle, WA 98115-6722  
[www.centurylink.com](http://www.centurylink.com)

## Stevens, Troy

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**From:** Simpson, Sue  
**Sent:** Monday, March 31, 2014 11:14 AM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - HG Holdings, LLC - SV 124.1340  
**Attachments:** 124.1340 - S 62 Adams.pdf

Please find attached the In Lieu of Assessment for 124.1340

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**From:** Stevens, Troy  
**Sent:** Monday, March 31, 2014 9:08 AM  
**To:** Bateman, Joy; Ben Han; Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Coffman, James; Coyne, Richard; Danby, Marilyn; Dykas, Veronica; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey; Jeff Rusler; Kammerzell, Jennifer; Kingsolver, Kurtis; Martinson, John; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Trohimovich, Merita  
**Subject:** Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Hi everyone,

Please see the attached Request for Agency Comments sheet regarding HG Holdings' proposed street vacation at 6035 S. Adams.

Thank you very much,

### **Troy Stevens**

City of Tacoma, Public Works  
Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

**Exhibit 7**





**TO: ALL CONCERNED AGENCIES & DEPARTMENTS**

**FROM: TROY STEVENS  
PUBLIC WORKS /REAL PROPERTY SERVICES**

**SUBJECT: STREET VACATION REQUEST NO. 124.1340**

**DATE: March 31, 2014**

Real Property Services has received a petition to vacate a portion of the South Adams Street right-of-way north of South 62nd, as shown on the attached vicinity map.

The Petitioner proposes to add the lands to be vacated to the adjoining property for the purpose of owning the existing paved area they currently manage under a Street Occupancy Permit.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, April 11, 2014**. If your comments are not received by that date, it will be understood that the office you represent has no interest in this matter.

Attachment(s)

- AT&T Broadband
- Pierce Transit
- Puget Sound Energy
- Qwest Communications
- Fire Department
- Police Department
- TPU/Power/T&D
- TPU/Water/LID
- PW/Director (3)
- PW/BLUS (2)
- PW/Construction
- PW/Engineering
- PW/Engineering/LID
- PW/Engineering/Traffic
- PW/Environmental Services
- PW/Solid Waste
- PW/Street & Grounds
- Tacoma Economic Development
- Click! Network

RESPONSE

\_\_\_\_\_ No Objections

\_\_\_\_\_ Comments Attached

\_\_\_\_\_ 3-31-14 \_\_\_\_\_ Date

\_\_\_\_\_ *Troy Stevens* \_\_\_\_\_ Signature

\_\_\_\_\_ PW/ESWASTEWATER \_\_\_\_\_ Department

To clear the sewer obligation, an Assessment In Lieu of sanitary sewer is \$1,260.91.

## Stevens, Troy

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**From:** Simpson, Sue  
**Sent:** Thursday, April 10, 2014 11:32 AM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Collection charge in lieu of assessment is not a lien; it only shows up as a cloud on title, or when you wish to connect (or re-connect) into the sanitary sewer. In the latter case, when you come in to get a hook-up permit, the permit specialists are supposed to check if the entire property has been released of the sewer obligation. The amount calculated for vacations is to notify the property owners that if they want to pay the amount, that will clear title on the property. In this particular case, that parcel (327000-003-0) paid an assessment in lieu to clear title in December, 2013, but when the vacation goes through and attaches, that unassessed portion will show up on title unless the amount is paid.... Clear as mud?

*Sue Simpson*

Real Estate Specialist  
Environmental Services Wastewater, Source Control Bldg. B  
(253) 591-5529  
[ssimpson@cityoftacoma.org](mailto:ssimpson@cityoftacoma.org)

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**From:** Stevens, Troy  
**Sent:** Thursday, April 10, 2014 9:10 AM  
**To:** Simpson, Sue  
**Subject:** RE: Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Hi Sue,

Remind me again when this would be due?

Thanks,

Troy

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**From:** Simpson, Sue  
**Sent:** Monday, March 31, 2014 11:14 AM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Please find attached the In Lieu of Assessment for 124.1340

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**Sent:** Monday, March 31, 2014 9:08 AM  
**To:** Bateman, Joy; Ben Han; Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Coffman, James; Coyne, Richard; Danby, Marilyn; Dykas, Veronica; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey; Jeff Rusler; Kammerzell, Jennifer; Kingsolver, Kurtis; Martinson, John; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Trohimovich, Merita  
**Subject:** Request for Agency Comments - HG Holdings, LLC - SV 124.1340

Hi everyone,

Please see the attached Request for Agency Comments sheet regarding HG Holdings' proposed street vacation at 6035 S. Adams.

Thank you very much,

**Troy Stevens**

City of Tacoma, Public Works

Sr. Real Estate Specialist

(253) 591-5535

[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

**From:** Harrison, Dylan  
**Sent:** Friday, April 11, 2014 10:49 AM  
**To:** Stevens, Troy  
**Cc:** Fletcher, Gloria; Smith, Anne  
**Subject:** RE: Permit/6035 S. Adams - Informal approval

Troy,

To summarize TPU comments for your SV 124.1340:

1. Tacoma Water will require an easement over the proposed vacated area abutting Lots 3 & 4 to cover their existing water meter and appurtenant facilities.
2. Rick Van Allen has previously provided Tacoma Power's comments directly to you that an easement over the entire vacated area will be required.
3. Tacoma Rail has no facilities in or near the vacation; and therefore, has no comments.

Please let me know if you need any additional information regarding TPU's comments for SV 124.1340.

Thanks!

Dylan Harrison  
Real Estate Officer  
Tacoma Public Utilities  
Phone: (253) 502-8836  
Fax: (253) 502-8539

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**From:** Smith, Anne  
**Sent:** Thursday, April 10, 2014 12:15 PM  
**To:** Stevens, Troy  
**Cc:** Fletcher, Gloria; Harrison, Dylan  
**Subject:** RE: Permit/6035 S. Adams - Informal approval

Lots 3 & 4

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**From:** Stevens, Troy  
**Sent:** Thursday, April 10, 2014 12:00 PM  
**To:** Smith, Anne  
**Cc:** Fletcher, Gloria; Harrison, Dylan  
**Subject:** RE: Permit/6035 S. Adams - Informal approval

Okay. Thanks!

Over the entirety or just a portion? ☺

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**From:** Smith, Anne  
**Sent:** Thursday, April 10, 2014 11:56 AM  
**To:** Stevens, Troy  
**Cc:** Fletcher, Gloria; Harrison, Dylan  
**Subject:** RE: Permit/6035 S. Adams - Informal approval

Troy,

I just met with Jesse Angel. Water has the following formal comment.

Tacoma Water will require an easement to allow the existing water meter to stay in place.

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**From:** Stevens, Troy  
**Sent:** Thursday, April 10, 2014 9:52 AM  
**To:** Smith, Anne  
**Cc:** Harrison, Dylan; Fletcher, Gloria  
**Subject:** RE: Permit/6035 S. Adams - Informal approval

Thank you!

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**From:** Smith, Anne  
**Sent:** Thursday, April 10, 2014 9:51 AM  
**To:** Stevens, Troy  
**Cc:** Harrison, Dylan; Fletcher, Gloria  
**Subject:** RE: Permit/6035 S. Adams - Informal approval

Troy,

These original comments below were most likely superseded by Water comments. I will double check to make sure that the meter was taken into consideration. Presently they are in "All TPU" meeting until 10:30 and will get back with you asap.

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**From:** Stevens, Troy  
**Sent:** Thursday, April 10, 2014 8:43 AM  
**To:** Smith, Anne  
**Cc:** Fletcher, Gloria  
**Subject:** FW: Permit/6035 S. Adams - Informal approval

Hi Anne,

I hope all is well. ☺

Given that Gloria is out, would you please confirm and follow up on the comments below and send me formal Water comments for my Preliminary Report to the HEX ASAP.

Thank you,

**Troy Stevens**

City of Tacoma, Public Works  
Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

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**From:** Fletcher, Gloria  
**Sent:** Monday, September 30, 2013 8:53 AM  
**To:** Stevens, Troy

**Cc:** Price, Richard  
**Subject:** RE: Permit/6035 S. Adams - Informal approval

Troy,

Water will also want an easement reserved – there is no Water infrastructure directly within the easement area as drawn on the picture below, but there may be an impacted meter.

It seems like vacating a small strip could cause problems for future infrastructure improvement, but I suppose retaining an easement would take care of that, just seems an odd precedent to set.

Assume if you move forward you'll request formal comments. Have a great day!

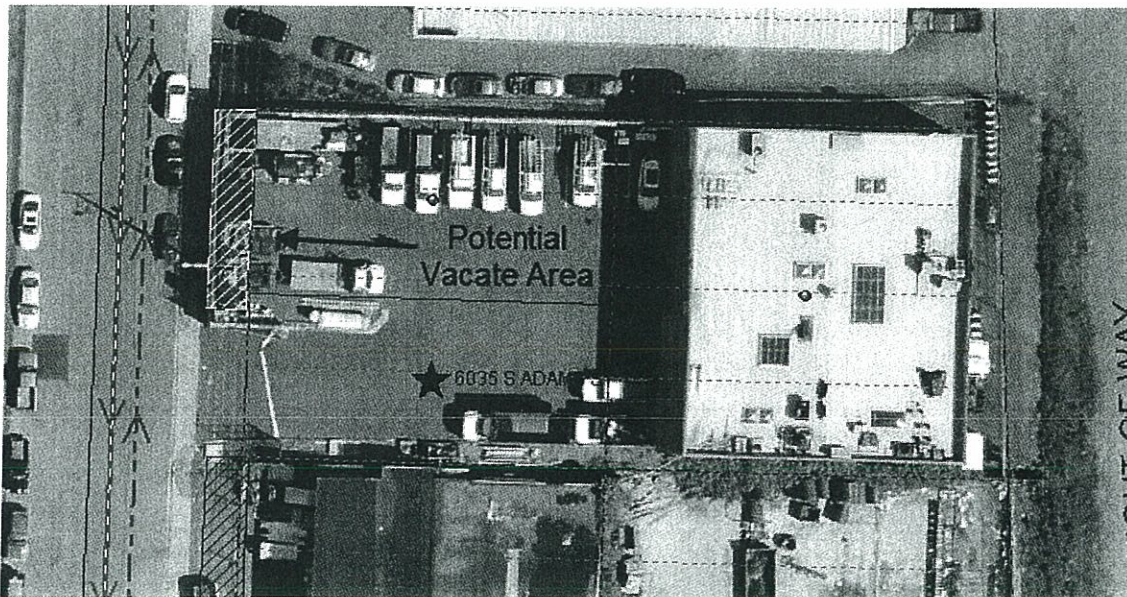
THANKS!

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**From:** Stevens, Troy  
**Sent:** Thursday, September 26, 2013 11:35 AM  
**To:** Kammerzell, Jennifer; Trohimovich, Merita; Newton, Corey; Van Allen, Rick; Fletcher, Gloria  
**Cc:** Price, Richard  
**Subject:** FW: Permit/6035 S. Adams - Informal approval

Hi everyone,

Will you take a look at 6035 S. Adams (parcels: 327000-0020, 0030, and 0050) and let me know if you see any reason a vacation of the area that is currently permitted under SOP 141 (attached) would be a problem? There is a prospective owner would like to know as soon as possible.



Rich and I have talked about it; and while we normally don't like to process partial street vacations, we are willing to make an exception here. It's an 80 foot ROW. Minimum street width is 52 feet. That leaves 14 feet on either side of the street we'd be willing to vacate; but, here because of the sidewalk, we would only vacate the 10 feet permitted under the SOP.

Thank you,

Troy

**From:** Rainbow International [<mailto:rainchris08@yahoo.com>]

**Sent:** Thursday, September 26, 2013 11:18 AM

**To:** Stevens, Troy

**Subject:** Re: Permit/6035 S. Adams

Hi Troy,

We are coming to the end of feasibility. I just want to make sure we have the support of your office so we can get started on the application to vacate.

Thank you.

**Thank you**

**Chris Hamilton**

**Rainbow International Restoration**

**[www.rainbowintl.com/tacoma](http://www.rainbowintl.com/tacoma)**

**ph 253-759-0203**

**fx 253-879-0129**

**From:** "Stevens, Troy" <[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)>

**To:** Rainbow International <[rainchris08@yahoo.com](mailto:rainchris08@yahoo.com)>

**Sent:** Monday, September 16, 2013 4:32 PM

**Subject:** RE: Permit/6035 S. Adams

Hi Chris,

Yep. I received your email ☺.

Looks good.

I'll get back to you soon regarding your questions.

Thanks,

Troy

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**From:** Rainbow International [<mailto:rainchris08@yahoo.com>]

**Sent:** Monday, September 16, 2013 3:18 PM

**To:** [tstevens@cityoftacoma.org](mailto:tstevens@cityoftacoma.org)

**Subject:** Permit/6035 S. Adams

Hi Troy,

Thank you for your time Friday morning regarding the property located at 6035 S. Adams. As we discussed the codes may have changed since 2003 when the Street Occupancy permit was issued to Wright Roofing Inc.

As you know we are in contract to purchase the property and the permit states it is not assignable without written permission from the city.

You expressed some concerns about renewing the permit and I believe we both are looking for a long term solution to eliminate future issues.

Your suggestion to vacate the right of way would work well for us. My understanding is we need to complete the Petition to Vacate right of way and then have it presented by your office and supported by a staff report to a review board.. The approximate time frame for approval is 6-9 months and the approximate costs based on fees (\$500) and sf of the land (approx. 550 sf @ \$10 per) is \$5500.00 so a estimated total of \$6000.00. The likely hood of approval is good to excellent under the circumstances.

In addition we would need to get Metro Parks to sign off as they abutt property line via across the street, no fees involved here just there agreement.

Please let me know if I've missed anything from our conversation. I believe you were going to discuss this option with your supervisor, if so, did anything come of that? Do we have his/her support?

Thank you again for your help. I've cc'd the Wrights for there information and plan to speak with Dave Wright about our game plan.

Thanks again.

**Thank you**  
**Chris Hamilton**  
**Rainbow International Restoration**  
**[www.rainbowintl.com/tacoma](http://www.rainbowintl.com/tacoma)**  
**ph 253-759-0203**  
**fx 253-879-0129**