

1 **OFFICE OF THE HEARING EXAMINER**
2 **CITY OF TACOMA**

3 **In the Matter of:**

4 **PROPOSED LOCAL**
5 **IMPROVEMENT DISTRICT**
6 **NO. 3971**

HEX2020-032

ADDENDUM TO FINDINGS OF
FACT, CONCLUSIONS OF LAW,
AND RECOMMENDATION

7
8 **A PUBLIC HEARING** on the above-captioned matter was held on October 26, 2020, and
9 the Hearing Examiner issued written findings of fact, conclusions of law, and a recommendation
10 thereafter on November 16, 2020 (the “Recommendation”). Based on the findings and conclusions
11 in the Recommendation, the Hearing Examiner requested that the City’s Department of Public
12 Works Local Improvement District Section provide the following:

- 13 1. Revised assessments for the LID to reflect the removal of the Dorsey property,
14 and
15 2. An amended legal description of the boundary of the LID revised to reflect the
16 removal of the Dorsey property.

17 On January 15, 2021, the LID Section submitted amended assessments and an amended
18 legal description reflecting the removal of the Dorsey property from the proposed LID. This
19 submission is incorporated into this Addendum as Exhibit One to Addendum, Amended
20 Assessments and Legal Description for LID 3971.

21 **ADDENDUM TO**
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION - 1

City of Tacoma
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hearing.examiner@cityoftacoma.org
(253) 591-5195 FAX (253) 591-2003

1 The information in Exhibit One to this Addendum shall supersede and replace the
2 information in the Recommendation as follows:

- 3 1. The proposed LID boundary legal description set forth at Finding of Fact 4 in
4 the Recommendation is superseded and replaced by the legal description in
5 Exhibit One to this Addendum.
- 6 2. Finding of Fact 9 in the Recommendation is hereby modified as follows:

7 9. DPW's LID Section (the "LID Section") prepared a staff report
8 which was entered into the record as Exhibit C-1 at the hearing. The LID
9 Section's report indicates that the estimated project cost is \$278,961.38,
10 with an estimated ~~\$117,123.55~~ \$96,969.15 being assessed to property
11 owners within the proposed district, and an estimated ~~\$161,837.83~~
12 \$181,992.23 being contributed by the City of Tacoma. The LID is
13 proposed to have a 20-year Assessment Roll and the estimated cost per
14 Assessable Unit of Frontage (AUF) is \$305.00. *Rodriguez Testimony; Ex.*
15 *C-1.*

16 With the foregoing amendments and revisions made, the Hearing Examiner's
17 Recommendation otherwise remains the same, and the recommendation for formation may now
18 proceed to the City Council for its consideration.

19 **DATED** this 19th day of January, 2021

20 
21 **JEFF H. CAPELL, Hearing Examiner**

**ADDENDUM TO
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION - 2**

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1 **NOTICE**

2 **RECONSIDERATION/APPEAL OF EXAMINER'S RECOMMENDATION**

3 **RECONSIDERATION:**

4 Any aggrieved person or entity having standing under the ordinance governing the matter, or as otherwise
5 provided by law, may file a motion with the Office of the Hearing Examiner requesting reconsideration of
6 a decision or recommendation entered by the Hearing Examiner. A motion for reconsideration must be in
7 writing and must set forth the alleged errors of procedure, fact, or law and must be filed in the Office of
8 the Hearing Examiner within 14 calendar days of the issuance of the Hearing Examiner's
9 decision/recommendation, not counting the day of issuance of the decision/recommendation. If the last
10 day for filing the motion for reconsideration falls on a weekend day or a holiday, the last day for filing
11 shall be the next working day. The requirements set forth herein regarding the time limits for filing of
12 motions for reconsideration and contents of such motions are jurisdictional. Accordingly, motions for
13 reconsideration that are not timely filed with the Office of the Hearing Examiner or do not set forth the
14 alleged errors shall be dismissed by the Hearing Examiner. It shall be within the sole discretion of the
15 Examiner to determine whether an opportunity shall be given to other parties for response to a motion for
16 reconsideration. The Hearing Examiner, after a review of the matter, shall take such further action as
17 he/she deems appropriate, which may include the issuance of a revised decision/recommendation.
18 (*Tacoma Municipal Code 1.23.140*).

19 **APPEALS TO CITY COUNCIL OF EXAMINER'S RECOMMENDATION:**

20 Within 14 days of the issuance of the Hearing Examiner's final recommendation, any aggrieved person or
21 entity having standing under the ordinance governing such application and feeling that the
22 recommendation of the Hearing Examiner is based on errors of procedure, fact or law may have the right
23 to appeal the recommendation of the Hearing Examiner by filing written notice of appeal and filing fee
24 with the City Clerk, stating the reasons the Hearing Examiner's recommendation was in error.

25 **APPEALS SHALL BE REVIEWED AND ACTED UPON BY THE CITY COUNCIL IN
26 ACCORDANCE WITH TMC 1.70.**

27 **GENERAL PROCEDURES FOR APPEAL:**

28 The Official Code of the City of Tacoma contains certain procedures for appeal, and while not listing all
29 of these procedures here, you should be aware of the following items which are essential to your appeal.
30 Any answers to questions on the proper procedure for appeal may be found in the City Code sections
31 heretofore cited:

1. The written request for review shall also state where the Examiner's findings or conclusions were in error.
2. Any person who desires a copy of the electronic recording must pay the cost of reproducing the verbatim recording. If a person desires a written transcript, he or she shall arrange for transcription and pay the cost thereof.

32 **ADDENDUM TO
33 FINDINGS OF FACT,
34 CONCLUSIONS OF LAW,
35 AND RECOMMENDATION - 3**

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1 Exhibit One to Addendum,
2 Amended Assessments and Legal Description for LID 3971



3 City of Tacoma

4 **Memorandum**

5
6 **TO:** Jeff H. Capell, Hearings Examiner
7 **FROM:** Ralph K Rodriguez, MA III, LID Administrator *RKR*
8 **SUBJECT:** Local Improvement District 3971 – Amended Legal Description and
9 Project Costs (HEX2020-032)
10 **DATE:** January 15, 2021

11 Based on your recommendation for Local Improvement District No. 3971, the Public Works
12 Department provides the following:

13 **Original Estimated Costs with Breakdown**

Estimated Property Owner Assessment	\$117,123.55
Environmental Services Wastewater Contribution	<u>\$161,837.83</u>
Estimated total project cost	\$278,961.38

15 **Amended Estimated Costs with Breakdown**

Estimated Property Owner Assessment	\$96,969.15
Environmental Services Wastewater Contribution	<u>\$181,992.23</u>
Estimated total project cost	\$278,961.38

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21 **ADDENDUM TO
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION - 4**

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1 **Original Legal Description**

2 Those portions of the Southwest Quarter of the Southeast Quarter, Section 16,
3 Township 20 North, Range 03 East, W.M., described as follows:

4 **Platted Property:**

5 West 204.247 feet of the North 100 feet of the South 392.265 feet of Block 54,
6 Amended Map of First School Land Addition to the City of Tacoma, as per plat
7 recorded in Volume 7, Pages 77 & 77A, records of the Pierce County Auditor;

8 Together with the West 214.242 feet of the South 42.265 feet of the North 256.015
9 feet of said Block 54;

10 And Together with West 214 feet of the North 10 feet of the South 250 feet of said
11 Block 54;

12 And Together with North 140 feet of the West 214 feet of the South 240 feet of said
13 Block 54; Except the South 50 feet of the West 120 feet thereof;

14 And Together with the South 50 feet of the North 100 feet of the South 150 feet of
15 said Block 54; Except the West 100 feet thereof;

16 And Together with the South 50 feet of said Block 54; Except the West 150 feet
17 thereof;

18 All situate in the City of Tacoma, County of Pierce, State of Washington.

19 and,

20 **Unplatted Property:**

21 That portion of the Northwest Quarter of the Northeast Quarter of Section 21,
Township 20 North, Range 03 East, W.M., more particularly described as follows:

Beginning at a point on the North line 1,850.5 feet West of the Northeast section
corner; Thence South 130 feet; Thence East 165 feet; Thence North 130 feet; Thence
West 165 feet to the Point of Beginning; Except the West 100 feet thereof.

All situate in the City of Tacoma, County of Pierce, State of Washington;

**ADDENDUM TO
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION - 5**

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1 **Amended Legal Description**

2 Those portions of the Southwest Quarter of the Southeast Quarter, Section 16,
3 Township 20 North, Range 03 East, W.M., described as follows:

4 **Platted Property:**

5 West 204.247 feet of the North 100 feet of the South 392.265 feet of Block 54,
6 Amended Map of First School Land Addition to the City of Tacoma, as per plat
7 recorded in Volume 7, Pages 77 & 77A, records of the Pierce County Auditor;

8 Together with the West 214.242 feet of the South 42.265 feet of the North 256.015
9 feet of said Block 54;

10 And Together with West 214 feet of the North 10 feet of the South 250 feet of said
11 Block 54;

12 And Together with North 140 feet of the West 214 feet of the South 240 feet of said
13 Block 54; Except the South 50 feet of the West 120 feet thereof;

14 And Together with the South 50 feet of the North 100 feet of the South 150 feet of
15 said Block 54; Except the West 100 feet thereof;

16 And Together with the South 50 feet of said Block 54; Except the West 150 feet
17 thereof;

18 All situate in the City of Tacoma, County of Pierce, State of Washington.
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