



TO: Elizabeth Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner *HC* *JP*
Troy Stevens, Senior Real Estate Specialist, Public Works Real Property Services
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 19-0097 – Street Vacation 124.1391 – February 12, 2019
DATE: January 28, 2019

SUMMARY:

Request for an ordinance granting a petition to vacate that certain westerly portion of East D Street, lying south of East 18th Street primarily fronting the Johnny’s Dock restaurant property (the “Vacation Area”), to facilitate existing use as restaurant and marina parking and better position the Petitioner to make future improvements to its property.

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:

This petition came from Pacific Harbor Landing LLC, a Washington limited liability company (the “Petitioner”), as the owner of the public right-of-way (“ROW”) abutting Petitioner’s real property at 1902 East D Street. The Vacation Area fronts the real property known as Johnny’s Dock restaurant and is legally described in the Recommendation. The Vacation Area is currently being used for restaurant and marina parking, and not for more traditional ROW traversal, i.e., it is not part of the currently improved area used as East D Street. The parking use of the Vacation Area goes back at least a decade. There is some landscaping present in the Vacation Area in addition to parking. The East D Street ROW, of which the Vacation Area is part, was dedicated by plat in 1895 and is 200 feet wide at present. Given that the Vacation Area is not being used for ROW traversal at present, the vacation does not affect City traffic patterns, and City testimony showed that the Vacation Area was not needed for future ROW purposes. Various City and private utilities (ES, TPU, C-Link) are present in the Vacation area. Before finalizing any vacation, the City and Century Link need to definitively locate their facilities so that reasonable easement areas can be defined and a City and Century Link easement reserved at the time of vacation finalization.

ISSUE:

Whether the Council should approve the proposed street vacation?

ALTERNATIVES:

The Council could (1) choose to follow the Hearing Examiner’s Recommendation and approve the requested vacation, (2) the Council could approve the requested vacation under conditions different than those recommended, or (3) the Council could deny the vacation petition.

RECOMMENDATION:

The Hearing Examiner has determined that the requested vacation meets the criteria for approval of such petitions as set forth in Chapter 9.22 of the Tacoma Municipal Code and Chapter 35.79 of the Revised Code of Washington. Therefore, the request is hereby recommended for approval, subject to the



conditions contained in Conclusion of Law 6 of the Hearing Examiner's Recommendation to the City Council.

FISCAL IMPACT:

N/A