

## Meyers, Aundrea

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**From:** Hearing Examiner  
**Sent:** Wednesday, December 16, 2020 12:54 PM  
**To:** Legg, Louisa  
**Subject:** FW: New Remonstrance Calculation re: Segment 3 - LID 8663  
**Attachments:** Request for reconsideration.pdf

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**From:** Rodriguez, Ralph  
**Sent:** Wednesday, December 16, 2020 12:53:54 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Hearing Examiner; Legg, Louisa; Meyers, Aundrea  
**Cc:** Garrison, Michael; Victor, Steve(Legal); Larson, Chris  
**Subject:** RE: New Remonstrance Calculation re: Segment 3 - LID 8663

Louisa & Aundrea,

Attached is the department's request for reconsideration for Segment 3, LID 8663.

Ralph K. Rodriguez

LID Administrator  
City of Tacoma  
Public Works, Engineering Division

P: 253-591-5522  
F: 253-591-5533  
C: 253-606-6853  
E: rrodrig1@cityoftacoma.org

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**From:** Meyers, Aundrea <AMeyers@cityoftacoma.org> **On Behalf Of** Hearing Examiner  
**Sent:** Tuesday, December 15, 2020 4:59 PM  
**To:** Rodriguez, Ralph <RRODRIG1@cityoftacoma.org>  
**Cc:** Garrison, Michael <mgarrison@cityoftacoma.org>; Victor, Steve(Legal) <svictor@cityoftacoma.org>; Legg, Louisa <llegg@cityoftacoma.org>  
**Subject:** RE: New Remonstrance Calculation re: Segment 3 - LID 8663

Good Afternoon,

Your email is received and thank you. Please submit a brief request for reconsideration--the deadline is tomorrow--stating what has changed and why the Examiner should grant reconsideration.

Sincerely,  
Aundrea Meyers  
Office Assistant  
Tacoma City Hearing Examiner's Office  
253.591.5195  
[hearing.examiner@cityoftacoma.org](mailto:hearing.examiner@cityoftacoma.org)

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**From:** Rodriguez, Ralph <RRODRIG1@cityoftacoma.org>  
**Sent:** Tuesday, December 15, 2020 4:45 PM  
**To:** Hearing Examiner <[hexcal@cityoftacoma.org](mailto:hexcal@cityoftacoma.org)>; Meyers, Aundrea <[AMeyers@cityoftacoma.org](mailto:AMeyers@cityoftacoma.org)>

**Cc:** Garrison, Michael <[mgarrison@cityoftacoma.org](mailto:mgarrison@cityoftacoma.org)>; Victor, Steve(Legal) <[svictor@cityoftacoma.org](mailto:svictor@cityoftacoma.org)>

**Subject:** RE: New Remonstrance Calculation re: Segment 3 - LID 8663

Louisa,

In light of the withdrawal of the Lewandowski protest the amount of remonstrance for Segment 3, LID 8663 is 45.61%.

Owner	Assessment
Webb	\$14,819.50
Totten	\$14,819.25
Nogler	\$14,819.25
Ferguson/Jones	\$16,671.75
Nowasky/Long/Hobson/Newton	\$22,229.00
<b>Total</b>	<b>\$83,358.75</b>

$\$83,258.75 / \$182,771.75 = 45.61\%$ .

Will the Examiner amend his recommendation automatically or should the department submit a formal request for reconsideration of the Examiner's recommendation to add segment 3 back into the LID?

Ralph K. Rodriguez

LID Administrator  
City of Tacoma  
Public Works, Engineering Division

P: 253-591-5522  
F: 253-591-5533  
C: 253-606-6853  
E: [rrodrig1@cityoftacoma.org](mailto:rrodrig1@cityoftacoma.org)

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**From:** Legg, Louisa <[llegg@cityoftacoma.org](mailto:llegg@cityoftacoma.org)> **On Behalf Of** Hearing Examiner

**Sent:** Monday, December 14, 2020 8:53 AM

**To:** Rodriguez, Ralph <[RRODRIG1@cityoftacoma.org](mailto:RRODRIG1@cityoftacoma.org)>

**Cc:** Meyers, Aundrea <[AMeyers@cityoftacoma.org](mailto:AMeyers@cityoftacoma.org)>

**Subject:** New Remonstrance Calculation re: Segment 3 - LID 8663

**Importance:** High

Hi Ralph,

I'm checking in with you because I thought you had said you would submit a new remonstrance calculation re: Segment 3 after the Dec. 2 withdrawal of the Lewandowskis' opposition. Is that correct? The HEX's original recommendation was issued on 12/02/20. HEX staff is going to check the file on Friday, Dec. 18 to see if any additional reconsiderations were received within the reconsideration period. Thereafter the HEX will reissue a recommendation re: Segment 3 but he will first need your current remonstrance calculation. Thanks.

Sincerely,

**Louisa Legg**

Office Administrator  
Tacoma Hearing Examiner Office  
Ph: 253-591-5195 | Fax: 253.591.2003  
[Hearing.examiner@cityoftacoma.org](mailto:Hearing.examiner@cityoftacoma.org)

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**From:** Legg, Louisa **On Behalf Of** Hearing Examiner  
**Sent:** Monday, December 7, 2020 2:13 PM  
**To:** City Clerk's Office <[ccwebmgr@cityoftacoma.org](mailto:ccwebmgr@cityoftacoma.org)>  
**Cc:** Rodriguez, Ralph <[RRODRIG1@cityoftacoma.org](mailto:RRODRIG1@cityoftacoma.org)>; Garrison, Michael <[mgarrison@cityoftacoma.org](mailto:mgarrison@cityoftacoma.org)>  
**Subject:** FW: Rescinding our opposition to LID 8663

FYI

Sincerely,

**Louisa Legg**  
Office Administrator  
Tacoma Hearing Examiner Office  
Ph: 253-591-5195 | Fax: 253.591.2003  
[Hearing.examiner@cityoftacoma.org](mailto:Hearing.examiner@cityoftacoma.org)

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**From:** George <[hammerntooth@hotmail.com](mailto:hammerntooth@hotmail.com)>  
**Sent:** Saturday, December 5, 2020 3:15 PM  
**To:** Hearing Examiner <[hexcal@cityoftacoma.org](mailto:hexcal@cityoftacoma.org)>  
**Cc:** Rodriguez, Ralph <[RRODRIG1@cityoftacoma.org](mailto:RRODRIG1@cityoftacoma.org)>  
**Subject:** Rescinding our opposition to LID 8663

Hearing Examiner,

I, George P. Lewandowski, and my wife, Debra A. Carson-Lewandowski, would like to rescind our opposition to LID 8663, permanent pavement with a structural section, together with the installation of concrete curbs, gutters, surface water mains, and surface water catch basins, We live/own property in Segment 3, 4732 North Mullen Street, Tacoma, WA 98407. After the Zoom meeting on November 9, 2020 before JEFF H. CAPELL, the Hearing Examiner for the City of Tacoma and much research we feel that it would be in our best interest to get the concrete curbs, gutters, surface water mains, and surface water catch basins, LID 8663 as it would add value to our property.

We know this will change the insufficient levels of protest. "The LID Section recommends formation of LID 8663 based on what it believed to be when LID 8663 is taken as one whole unit, the LID Section is correct, with the percentage of protest only rising to 23%. When the segmented approach is taken, as the LID Section has done in all cases to this point, Segments 1, 2 and 4 still fails to achieve sufficient protest, but that is not necessarily the case for Segment 3."

This statement also will change as to our rescinding our opposition and wanting the concrete curbs, gutters, surface water mains, and surface water catch basins. "The problem lies in the fact that the LID Section did segment the LID into four parts and made its calculations and estimates on that basis. Under the circumstances then, the City Council should recognize that Segment 3 has reached a 52% protest and a majority of the properties make up that 52% (6 out of 11).

Thank you for your time and consideration, also for keep us informed and please continue to do so.

Regards,

George P. Lewandowski  
253.278-8900

Debra A. Carson-Lewandowski  
253.691-3092



**TO:** Jeff H. Capell, Hearings Examiner

**FROM:** Ralph K Rodriguez, MA III, LID Administrator

**SUBJECT:** Local Improvement District 8663 Request for Reconsideration  
(HEX2020-033)

**DATE:** December 16, 2020

*RKR*

The City received an email from George Lewandowski & Debbie Carson-Lewandowski, property owners at 4732 N Mullen Street, rescinding their opposition to Segment 3 of LID 8663. The LID office has re-calculated the level of protest on Segment 3 and reports that the opposition currently stands at 45.61%. Since the level of protest is now less than 50% the department is requesting that Segment 3 of LID 8663 be reconsidered and added back to the LID. Pursuant to the formation of Local Improvement District guidelines adopted by Resolution 40673 the department recommends that all of segments 1 through 4 of LID 8663 be recommended for formation to the City Council.

Segment 3, LID 8663 – Revised remonstrance list;

Jermaine & Katrina Webb  
4722 N Mullen Street  
Tacoma, WA 98407

James D & Gayle L Totten  
4718 N Mullen Street  
Tacoma, WA 98407

Stephen & Gretchen Nogler  
4712 N Mullen Street  
Tacoma, WA 98407

Virginia R Ferguson & W E  
Jones  
4702 N Mullen Street  
Tacoma, WA 98407

Betty L Nowasky, Michelle M Long, Marleen D Hobson &  
Barbara A Newton  
14707 66th Avenue E  
Puyallup, WA 98375-7333  
Site Address:  
4717 N Mullen Street  
Tacoma, WA 98407

The following listed owner have rescinded their remonstrance with respect to the formation of this segment of the L.I.D.;

George Lewandowski &  
Debbie Carson-Lewandowski  
4732 N Mullen Street  
Tacoma, WA 98407

## Meyers, Aundrea

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**From:** trinity <trinityreid253@hotmail.com>  
**Sent:** Tuesday, December 15, 2020 5:40 PM  
**To:** Hearing Examiner  
**Cc:** Woodards, Victoria; Hines, John; Hunter, Lillian; McCarthy, Conor; Walker, Kristina; jillian.strayer@gmail.com; Keva Peairs; Brian Lawson  
**Subject:** Motion for reconsideration of Segment 4 of Proposed LID 8663 HEX2020-033 Finding of Fact, Conclusions of Law, and Recommendation  
**Attachments:** Letter to Hearing Examiner Motion for reconsideration.pdf; Opposition to LID 8663.pdf; Cindy Vanderark.pdf; Ex. C-10.1\_Adequate Survey letter.pdf

Hello,

Attached you will find a request for a motion to reconsider the findings for Segment 4, identified in the Proposed Local Improvement District NO. 8663 Findings of Fact, Conclusion of Law, and Recommendation dated December 2nd, 2020 within the 14-day limitation.

I have cc'd the Mayor and my City Council representatives; for my District and At-Large Positions for reference.

**Please respond to this email that you have received the letter and attachments.**

Feel free to contact me for more information.

Thank you,

Brian Lawson & Trinity Reid Lawson  
3602 N. Mullen Street  
Tacoma, WA 98407  
253-227-5539  
Trinityreid253@hotmail.com

**RECEIVED**

By HEARING EXAMINER OFFICE L. Legg at 2:56 pm, Dec 16, 2020

December 15, 2020

Office of the Hearing Examiner  
City of Tacoma  
747 Market Street, RM 720  
Tacoma, WA 98402-3768

RE: HEX2020-033 Finding of Fact, Conclusion of Law, and Recommendation of the Proposed Local Improvement District NO. 8663—**Motion for reconsideration of Segment 4.**

Dear Jeff Capell:

This letter is to request a motion to reconsider the findings for Segment 4 to the LID NO. 8663; the paving of the alley between Mullen Street and Ferdinand from North 36<sup>th</sup> to North 37<sup>th</sup>.

According to the letter dated March 16<sup>th</sup>, 2016 and identified as Exhibit C-10.1, this segment of work was included based upon interest and signatures provided from the majority of neighbor's in 2015, roughly 52.7%.

Since 2015, there has been 25% ownership change, and therefore, this Advisory Survey no longer represents the majority of the current ownership.

For example, key people identified below who signed the Advisory Survey in 2015 have either moved away or during the public hearing on November 9<sup>th</sup>, 2020 for LID NO. 8663, identified themselves as now in opposition of Segment 4:

- Peairs, 3606 N Mullen Street (now in opposition)
- Strayer, 3601 N Ferdinand Street (now in opposition)
- Jack Joseph: 3631 N. Ferdinand (the original requester-no longer tax payor owner)
- Karl Wikman: 3636 N. Mullen (no longer tax payor owner)

The original Advisory Survey was signed by nine (9) of the sixteen (16) residents. With the change of Peairs, and Strayers the City only has support of seven (7). Due to this change alone, the City does not have the majority of neighbor's approval and this segment should be removed from consideration. At a minimum, the City should consider a new Advisory Survey that represents the current ownership.

**If the City chooses to proceed with Segment 4, it would be without a majority and in violation of LID City Council Policy.**

In conclusion, we have added signatures from the current tax payors in opposition of Segment 4.

Thank you for your attention to our request for a motion to reconsider.

Sincerely,

  
Brian Lawson and Trinity Reid Lawson  
3602 N. Mullen Street  
253-227-5539

Attachments

cc: Mayor Victoria Woodards; victoria.woodards@cityoftacoma.org  
John Hines—City Council Position 1; John.hines@cityoftacoma.org  
Lillian Hunter—City Council At-Large; Lillian.hunter@cityoftacoma.org  
Conor McCarthy—City Council At-Large; conor.mccarthy@cityoftacoma.org  
Kristina Walker—City Council At-Large; Kristina.walker@cityoftacoma.org

**BY SIGNING THIS WE ARE SHOWING OUR OPPOSITION TO CITY OF TACOMA LID #8663;**

SEGMENT 4;paving of the alley between N 36th and N. 37th between Mullen and Ferdinand.

Site Address	Taypayer Name	Estimated Assessment	Signature
3601 N FERDINAND ST	STRAYER JASON M & JILLIAN M	8,358.45	<i>[Signature]</i>
3605 N FERDINAND ST	VANDERARK CINDY	8,358.45	<i>See attached @</i>
3611 N FERDINAND ST	KIRBY DEL RHENE & DIANE E	8,358.45	<i>Del R. Kirby</i>
3615 N FERDINAND ST	WILLIAMS GENE & MADDESS WILLIAMS CHERI M TTEE	10,420.80	
3621 N FERDINAND ST	HUGHES DENA J	10,420.80	
3625 N FERDINAND ST	BURDICK SHIRLEY R	8,358.45	
3631 N FERDINAND ST	DEMPEWOLF JENNIFER & TODD	8,083.20	
4812 N 37TH	STEWART JOHN D & HENRIETTA	8,908.70	
3602 N MULLEN ST	LAWSON BRIAN S	8,358.45	<i>[Signature]</i>
3606 N MULLEN ST	LARSON KELSEY & LARSON CHERYL L	8,358.45	<i>Kelsey Larson</i>
3610 N MULLEN ST	BRAIN THOMAS & MIKKI	8,358.45	
3614 N MULLEN ST	SORENSEN ANTOINETTE W TTEE	\$7,952.70	
3614 N MULLEN ST	SORENSEN DON L & ANTOINETTE	8,358.45	\$16,311.15
3618 N MULLEN ST	SNOPE JOSEPH D & KIMBERLY M	16,608.10	<i>Ke Snope</i>
3626 N MULLEN ST	KECK PETER T & COLOMBINI ROBERT L III	8,764.00	
3636 N MULLEN ST	THOMPSON MAXWELL	8,358.45	<i>[Signature]</i>

*3633 N. Ferdinand Jennifer Rubinstein  
Al Corwin*

*[Signature]*



② Cindy Vanderark  
3605 N. Ferdinand St.  
Tacoma WA 98407

I'm in opposition  
of the alley paving.

12/15/2020

Cindy Vanderark



City of Tacoma  
Public Works Department

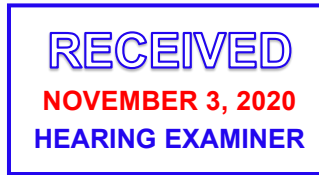


Exhibit C-10.1

March 16, 2016

Jack Joseph  
3631 North Ferdinand Street  
Tacoma, WA 98407

Dear Mr. Joseph:


Local Improvement District Advisory Survey number 8515 for the improvement of the alley between Mullen Street and Ferdinand Street from North 36<sup>th</sup> Street to North 37<sup>th</sup> Street with asphalt concrete paving and a structural section is adequate. Tacoma City Council LID policy requires signatures from property owners representing 50% of the value of the estimated total assessments of the project and the LID office has calculated that the signatures on the advisory survey represent 52.7% of the estimated total assessments.

Local Improvement Districts are created according to procedures set forth by state law and City Council policy. The next step of the process will be a public hearing scheduled with the concurrence of the City Council. Each property owner within the assessment district will be mailed a formation hearing notice indicating the date, time and place of the hearing, as well as their estimated assessment amount. An LID Relief Application will be included with all notices should any individual wish to apply. Applications may be completed in the privacy of their homes and forwarded to the Community and Economic Development office.

The date for the hearing has not yet been fixed but we anticipate the hearing to be scheduled in the spring/summer of 2016. Notices will be mailed at least 15 days prior to the hearing.

If you wish further information, please contact me at 591-5522.

Sincerely,

  
Ralph K. Rodriguez  
LID Administrator

file: lids-gen

cc: Chris Larson, P.E., Public Works, Engineering Division  
Dan Seabrandts, P.E., Public Works, Engineering Division

## Meyers, Aundrea

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**From:** Mark Gallinatti <MarkGallinatti@outlook.com>  
**Sent:** Saturday, December 5, 2020 10:58 AM  
**To:** Hearing Examiner; Capell, Jeff  
**Cc:** Rodriguez, Ralph; Garrison, Michael; Meyers, Aundrea; Jenkins, Jessica; Debbie Gallinatti  
**Subject:** RE: Proposed Formation LID 8663 - HEX Findings of Fact, Conclusions of Law and Recommendation

This was more of a rubber stamp approval than a hearing.

Finding of Facts: Item 10.C - ... there was opposition

Finding of Facts: Item 10.B - ... answered questions – my email issues and question from November 11 were not answered.

Specifically:

- 1) Is the assessment voting using the actually money involved per property owner, or the theoretical assessed value before credits offered?
- 2) As our lot is not 100% in the LID, can my participation:
  - a. Be excluded – our preference.
  - b. Or have the curb and gutter complete to 100% of our lot line, without the ADA entrance in the middle of our yard?
  - c. Or some type of negotiated transition from curb/gutter Lexington to free road Lexington?

It looks as if the City has an appeal process and fee, although, based on the lack of response to my November 11 email, we have no reason to believe the City of Tacoma will be responsive to our needs.

If I understand correctly, we have until December 16 to appeal the Hearing Examiner's findings.

Mark Gallinatti  
(253)431-3354

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**From:** Legg, Louisa <llegg@cityoftacoma.org> **On Behalf Of** Hearing Examiner  
**Sent:** Wednesday, December 2, 2020 9:07 AM  
**To:** Rodriguez, Ralph <RRODRIG1@cityoftacoma.org>; Garrison, Michael <mgarrison@cityoftacoma.org>; Mitchie2@yahoo.com; Jimgayletotten@comcast.net; paulapostlejr@gmail.com; dhapostle@gmail.com; Mitchie2@yahoo.com; markgallinatti@outlook.com; sgchnogler@msn.com; bowmanjenny@yahoo.com; burranderson@gmail.com; kbreader@me.com; sharlow@wamail.net; b.michael.cushman@gmail.com; fdwilliams@venture.com; cuahingja@yahoo.com; scottnowasky@comcast.net; boatbuilder52@msn.com; gayleholm@msn.com; BrianLawson79@hotmail.com; hammerntooth@hotmail.com; banewton123@hotmail.com; michlong3081@comcast.net; Jillian.strayer@gmail.com; dhoward@harbornet.com; katrina.webb@ymail.com; vickimurphy1958@gmail.com; vrferguson@harbornet.com; gretchen@betterproperties.com; jack@adspecialtyproductsinc.com; ladncd@hotmail.com; deborahherforth@yahoo.com; joanna@alumni.unc.edu; samcl75@gmail.com; jack@adspecialtyproductsinc.com; southern\_weyrman@hotmail.com; ladncd@hotmail.com; Fareed.Assad@yahoo.com; deborahherforth@yahoo.com; MINHRAU49@gmail.com; REOEBill222@conservice.com; PowderDog@wamail.net; goowe68@gmail.com; maxwrt@gmail.com; waughtel33@gmail.com; ptkwck@me.com; waughtel33@gmail.com; TLBrain@live.com; baba.stewart@gmail.com; JTDWolf@comcast.net; Hughes3187@msn.com; Kirby12343@msn.com; CMVA60@gmail.com; cherbearsch@aol.com; JasonMStrayer@gmail.com; LWIB@mac.com; peairs\_family@yahoo.com; hoovertac@gmail.com; markgallinatti@outlook.com; jack@adspecialtyproductsinc.com;

kbreader@me.com; kathlee@bradtreee.com; mitchie2@yahoo.com; burranderson@gmail.com; vickimurphy1958@gmail.com; vickimurphy@harboret.com; ladncd@hotmail.com; b.michael.cushman@gmail.com; dhapostle@gmail.com; joanna@alumni.unc.edu; samcl75@gmail.com; southern\_weyrman@hotmail.com; sharlow@wamail.net; Fareed.Assad@yahoo.com; dhoward@harboret.com; deborahherforth@yahoo.com; gayleholm@msn.com; MINHRAU49@gmail.com; hammerntooth@hotmail.com; katrina.webb@ymail.com; jimgayletotten@comcast.net; gretchen@betterproperties.com; sgchnogler@msn.com; vrferguson@harboret.com; CushingJa@hotmail.com; cuahingja@yahoo.com; PowderDog@wamail.net; scottnowasky@comcast.net; banewton123@hotmail.com; goowe68@gmail.com; BennyJo@ymail.com; maxwrt@gmail.com; waughtel33@gmail.com; ptkwck@me.com; TLBrain@live.com; Keva.K.Peairs@kp.org; BrianLawson79@hotmail.com; trinityreid253@hotmail.com; baba.stewart@gmail.com; JTDWolf@comcast.net; Hughes3187@msn.com; cherbearsch@aol.com; Kirby12343@msn.com; CMVA60@gmail.com; jillian.strayer@gmail.com; JasonMStrayer@gmail.com; ladncd@hotmail.com

**Cc:** Meyers, Aundrea <AMeyers@cityoftacoma.org>; Jenkins, Jessica <jjenkins1@cityoftacoma.org>

**Subject:** Proposed Formation LID 8663 - HEX Findings of Fact, Conclusions of Law and Recommendation

**Importance:** High

Dear Parties,

In regard to the above referenced matter, please find attached the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City Council, entered on December 2, 2020.

Sincerely,

**Louisa Legg**

Office Administrator

Tacoma Hearing Examiner Office

Ph: 253-591-5195 | Fax: 253.591.2003

[Hearing.examiner@cityoftacoma.org](mailto:Hearing.examiner@cityoftacoma.org)