



**To:** Elizabeth A. Pauli, City Manager  
**FROM:** Troy Stevens, Senior Real Estate Specialist, Public Works  
Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer DS  
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**COPY:** City Council and City Clerk  
**SUBJECT:** Resolution – Setting Public Hearing for Street Vacation 124.1431 – Fawcett Avenue Owner, LLC  
– February 15, 2022  
**DATE:** January 20, 2022

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**SUMMARY AND PURPOSE:**

A resolution setting Thursday, March 24, 2022, at 9:00 a.m., as the date and time for a hearing before the Hearing Examiner for petitioner’s request to vacate air rights over a portion of South 15<sup>th</sup> Street, lying between South Court E and South Fawcett Avenue, and a westerly portion of Fawcett Avenue, lying southerly of South 15<sup>th</sup> Street, to facilitate building design variability on a residential building project.

**BACKGROUND:**

**This Department’s Recommendation is Based On:** Receipt of a Petition to Vacate public right of way, as filed by Fawcett Avenue Owner, LLC.

The street right of way was dedicated to the public on the Map of New Tacoma, Washington Territory, on February 3, 1875. Fawcett Avenue Owner, LLC is filing the petition to vacate air rights over a portion of the public right of way in order to facilitate building design variability on a residential building project.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

Setting of hearing date will affect petitioner and City staff. This resolution to set a hearing date before the Hearing Examiner will initiate the public notice/community engagement process.

**2025 STRATEGIC PRIORITIES:**

**Equity and Accessibility:**

The setting of a hearing date will allow for community engagement and inclusion in the street vacation process.

**Civic Engagement:** *Equity Index Score:* Moderate Opportunity.

Increase the percentage of residents who believe they are able to have a positive impact on the community and express trust in the public institutions in Tacoma.

**Explain how your legislation will affect the selected indicator(s).**

Pursuant to Revised Code of Washington 35.79 and Tacoma Municipal Code (TMC) 9.22, setting a hearing date will allow the Petition to Vacate to be heard by the Hearing Examiner, who in turn will issue a report of the findings of fact, conclusions of law, and recommendations to the City Council for their consideration.



**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Council could decide not to approve the resolution setting the hearing date.	None.	Petitioner’s street vacation petition would not advance; any project development may be impacted.

**EVALUATION AND FOLLOW UP:**

Evaluation and follow up will consist of the Hearing Examiner report and recommendation to City Council for final determination.

**STAFF/SPONSOR RECOMMENDATION:**

The Public Works Department recommends City Council approve this request to set the Hearing Examiner’s public hearing date for March 24, 2022.

**FISCAL IMPACT:**

There is no fiscal impact. This action only sets the date of the hearing before the Hearing Examiner.

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
N/A			
<b>TOTAL</b>			

**What Funding is being used to support the expense?**

Normally, there is no Funding source to support the expense of setting a hearing date for street vacation petitions other than the \$500 application fee received from the petitioner to process the Petition to Vacate, which may or may not be full cost recovery for staff time.

**Are the expenditures and revenues planned and budgeted in this biennium’s current budget?**

There are no expenditures/revenues planned and budgeted related to the setting of hearing dates for street vacations. However, any compensation received from petitioner for the value of the right of way shall be deposited in City funds in accordance with TMC 9.22.010.

**Are there financial costs or other impacts of not implementing the legislation?**

There are no financial costs to the City for not setting a hearing date. However, there may be financial costs to the petitioner.

**Will the legislation have an ongoing/recurring fiscal impact?**

No. Setting a hearing date does not have an ongoing/recurring fiscal impact

**Will the legislation change the City’s FTE/personnel counts?**

No. Setting a hearing date does not change the City’s FTE/personnel counts.

**ATTACHMENTS:**

- Aerial Map
- Street Map