EXHIBIT LIST

HEARING DATE:

April 26, 2018 at 1:30 p.m.

FILE NUMBER & NAME: (124.1385) Buckets Johnson, LLC, Petitioner



EXHIBIT		SUBMITTED	Π			
NUMBER	EXHIBIT DESCRIPTION	BY	A	E	W	COMMENT
	- 17					
Ex. 1	Preliminary Report	COT/RPS	X			
Ex. 2	Map Exhibit	COT/RPS	X			
Ex. 3	Aerial Map Exhibit	COT/RPS	X			
Ex. 4	Enlargement of area to be vacated	COT/RPS	X			
Ex. 5	Road Maintenance Agreement	COT/RPS	X			
Ex. 6	Public Works Traffic Comments	COT/RPS	×			
Ex. 7	Public Works LID Comments	COT/RPS	X			
EX.BA	Existing site Plan Existing Proposed Site Plan Proposed Site Plan	Petitioner/ Petitioner/	X			
EX.80	Proposed Site Plan	Petitioner	X			
				-		

KEY

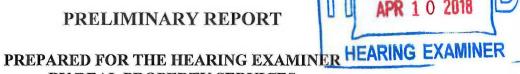
A = Admitted

E = Excluded

W = Withdrawn



PRELIMINARY REPORT



BY REAL PROPERTY SERVICES

For the Hearing to be Held Thursday, April 26, 2018 at 1:30 PM

PETITIONER: BUCKETS JOHNSON, LLC

FILE NO. 124.1385

SUMMARY OF REQUEST: A.

Real Property Services has received a petition on behalf of Buckets Johnson, LLC to vacate a portion of North 10th Street, lying westerly of Jackson Avenue, abutting and adjacent residential property addressed as 7517 North 10th Street, as depicted on the attached Exhibits 2, 3 and an enlargement thereof on the attached Exhibit 4. The vacated area of right of way will be incorporated into the abutting residential lands for the planned expansion and improvement of yard space.

В. **GENERAL INFORMATION:**

1. **Legal Description of Vacation:**

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 02 EAST OF THE WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3-INCH BRASS DISK MARKING HIGHWAY ENGINEER'S STATION (HEREINAFTER DESCRIBED AS HES) FR6 SURVEY LINE PC 0+82.58 AS SHOWN ON SR16, TACOMA: SO .23RD ST. TO NARROWS BRIDGE, SHEET 6 DATED NOVEMBER 5, 1970, AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 600.00 FEET FROM WHICH THE CENTER OF CURVATURE BEARS N01°16'00" EAST;

THENCE WESTERLY ALONG SAID FR6 LINE AND CURVE THROUGH A CENTRAL ANGLE OF 8°20'41" AN ARC DISTANCE OF 87.39 FEET TO A POINT MARKING HES FR6 1+69.97;

THENCE NORTH 1°16'00" EAST PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 16.01 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°16'00" EAST A DISTANCE OF 44.71 FEET MORE OR LESS TO THE SOUTH LINE OF VACATION ORDINANCE NO. 24680 BY THE CITY OF TACOMA RECORDED UNDER AUDITOR'S FILE NO. 90092402276, WHICH AMENDED CITY OF TACOMA VACATION ORDINANCE NO. 24413 RECORDED UNDER AUDITOR'S FILE NUMBER 9004020206;

THENCE NORTH 88°23'53" WEST ALONG SAID SOUTH LINE A DISTANCE OF 116.93 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 570.00 FEET, FROM WHICH POINT THE CENTER BEARS N22°14'18"E;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 5°16'10" AN ARC DISTANCE OF 52.42 FEET MORE OR LESS TO THE CENTERLINE OF VACATED CASCADE AVENUE ACCORDING TO CITY OF TACOMA ORDINANCE NO. 26308 RECORDED UNDER AUDITOR'S FILE NUMBER 9904260633;

THENCE SOUTH 01°15'29" WEST ALONG THE SOUTHERLY PROJECTION OF SAID CASCADE AVENUE CENTERLINE A DISTANCE OF 10.10 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 597.84 FEET, FROM WHICH THE CENTER BEARS NORTH 28°29'16" EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°45'45"AN ARC DISTANCE OF 174.91 FEET MORE OR LESS TO THE POINT OF BEGINNING;

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

(CONTAINS ±4,031 SQUARE FEET OR APPROXIMATELY 0.09 ACRES)

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 1,000 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.

E. HISTORY:

This segment of the North 10th Street right of way, also referred to as portions of Olympic Boulevard and Frontage Road, has been periodically absorbed by, and returned from, the Washington State Department of Transportation for highway development beginning with State Road 14, Primary State Highway 14, and later expanded and renamed to State Route 16.

In 1987 WSDOT, in accordance with the turnback agreement, conveyed this segment of North 10th Street back to the City by Quit Claim Deed recorded under Auditor's File Number 8704290460.

F. PHYSICAL LAND CHARACTERISTICS:

North 10th Street is fully improved with curb, gutter, sidewalks and is in relatively good condition. The subject portion of right of way contemplated under this vacation action is sloped and vegetated.

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 produce and add residential square footage of the lands to the tax rolls:
 - b. It will reduce the City's maintenance expenditures.
- 2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation.
- 3. No general public is served by this sloped road segment.
- 4. The vacation area is not contemplated or needed for future public use as a right of way.
- 5. No abutting property, not currently owned in whole or in part by this applicant, and contemplated under this development project, becomes landlocked nor will their access be substantially impaired.
- 6. The vacation area is not close to a body of water as contemplated under RCW 35.79.035.

H. ADDITIONAL INFORMATION:

Access to adjoining properties, located at 7517 North 10th Street and 1102 North Jackson Avenue, is shared by a single improved driveway and driveway approach from North 10th Street, a portion of which is contemplated herein for vacation. This shared driveway, and the maintenance thereof, is governed by a privately negotiated Road Maintenance Agreement recorded April 19, 1990 under Auditor's File Number 9004190490, records of Pierce County, and referenced herein as Exhibit 5. This Road Maintenance Agreement is limited only to that portion of private property and does not affect the City's right of way.

Vacation of that portion of North 10th Street, as it affects the existing driveway and approach, shall be conditioned upon execution of expanded permissions/agreement to amend, replace, or mutually dissolve, which includes separating and relocating driveways to meet Tacoma Right-of-Way Design Manual and Tacoma Municipal Code 10.14. This condition of vacation is referenced herein as Exhibit 6.

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 Public Works Department, L.I.D. Section, at 591-5529 for the most current 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
Map Exhibit – Exhibit 2
Aerial Map Exhibit – Exhibit 3
Vacation Enlargement – Exhibit 4
Road Maintenance Agreement – Exhibit 5
Public Works Traffic – Exhibit 6
Public Works/LID – Exhibit 7

Tacoma Fire – No Objection
Tacoma Power – No Objection
Click! Network – No Objection
Tacoma Water – No Objection
Solid Waste – No Objection
PW Engineering – No Objection
Pierce Transit – No Objection
Comcast Communications – No Objection
CenturyLink – No Objection
Puget Sound Energy – No Objection

Police – No Response Planning & Development Services – No Response

J. RECOMMENDED CONDITIONS OF APPROVAL:

Should this street vacation request be approved, the Real Property Services Department of Public Works recommends that the following conditions be made conditions of approval:

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. PUBLIC WORKS / TRAFFIC

- a. Please contact Jennifer Kammerzell at (253) 591-5511 regarding Traffic's comments.
- b. Traffic has no objection provided completion of executed and expanded permissions/agreement of the Road Maintenance Agreement to amend, replace, or mutually dissolve, which includes separating and relocating driveways to meet Tacoma Right-of-Way Design Manual and Tacoma Municipal Code 10.14.

3. PUBLIC WORKS/LID

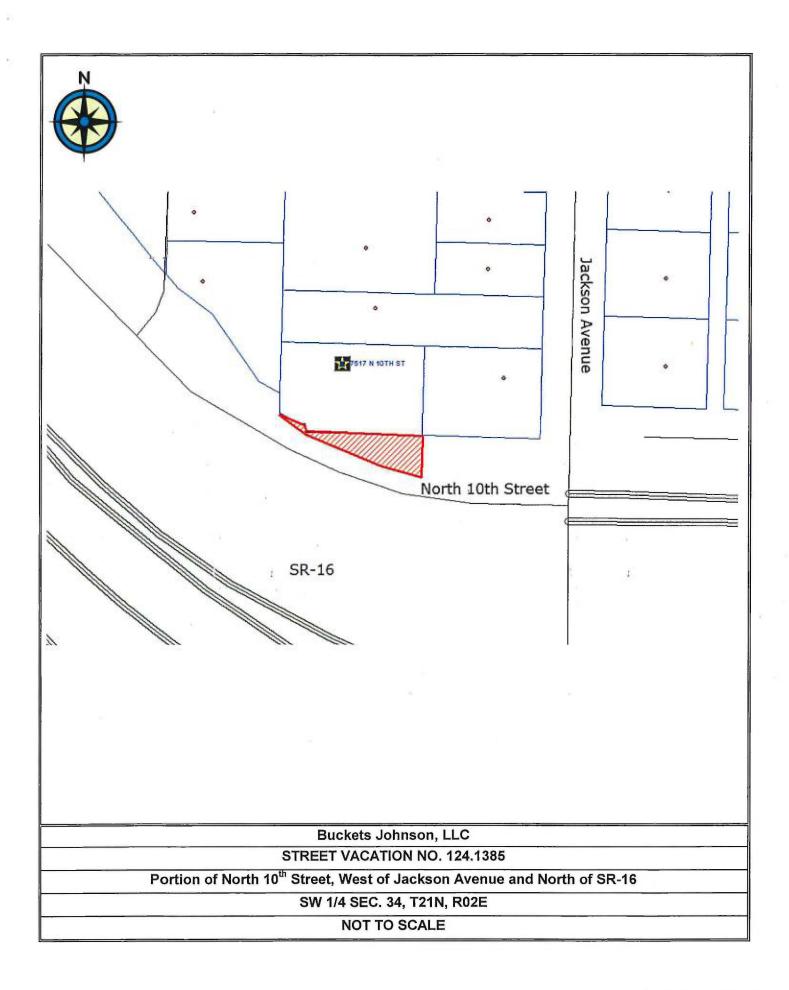
- a. Please contact Public Works at (253) 591-5529 regarding LID's comments.
- b. LID has no objection; however has provided an Advisory Comment for the Petitioner that there currently is an in-lieu of assessment for sanitary sewer in the amount of \$1,796.71.
- c. Note: Advisory Comment only- this can be voluntarily paid at time of purchase or will be required at time of development.

Real Property Services has received the following public comment:

❖ A phone call, from 1102 North Jackson, wanting to ensure that continued access via the existing driveway remains available. We had a discussion relative to the effect of the Road Maintenance Agreement as well as the condition for its modification.

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.







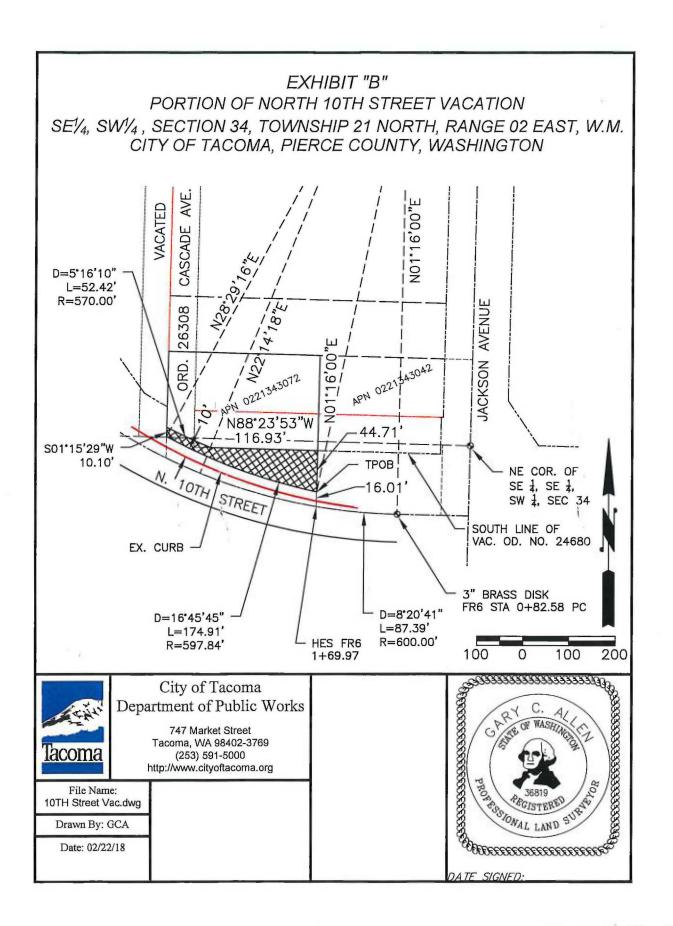
Buckets Johnson, LLC

STREET VACATION NO. 124.1385

Portion of North 10th Street, West of Jackson Avenue and North of SR-16

SW 1/4 SEC. 34, T21N, R02E

NOT TO SCALE





ROAD MAINTENANCE AGREEMENT

VOL. 0605 PAGE 2472

WHEREAS: The Parties hereto are the owners of certain parcels of real estate located in Pierce County, Washington, and

WHEREAS: Access to each of said parcels of property is across and along a

WHEREAS: Each party hereto in behalf of himself and his successors, heirs and assigns wishes to contact for the perpetual maintenance of said roadway

NOW THEREFORE: In consideration of mutual covenants contained herein and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto agree as follows:

I. PARCELS OF PROPERTY AFFECTED.

The following is a list of the parcels of real property affected by this agreement. Those individuals signing this agreement have the primary interest as to the maintenance of the road hereinafter described under paragraph II.

Assessors Parcel No. (02-21-34-3-072 1101 North Cascade)

Beginning at a point 570 feet south and 30 feet west of the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 34, Township 21 North, Range 2 East of the Willamette Meridian; thence west 270 feet; thence south 62.93 feet; thence east 270 feet; thence north 63.25 feet to the point of beginning. Except the east 135 feet thereof.

Assessors Parcel no. 02-21-34-3-042 (1102_North Jackson)

The east 135 feet of the following described property:

Beginning at a point 570 feet south and 30 feet west of the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 34, Township 21 North, Range 2 East of the Willamette Meridian; thence west 270 feet; thence south 62.93 feet; thence east 270 feet; thence north 63.25 feet to the point of beginning.

II. DESCRIPTION OF EXISTING ROADWAY

A 20 foot private roadway located in a portion of North 11th Street vacated by City of Tacoma Ordinance No. 24413 being on the easterly 40 feet of the vacated right-of-way attaching to Parcel No. 02-21-34-3-072; and on the westerly 10 feet of the vacated right-of-way attaching to Parcel No. 02-21-34-3-042.

III. MAINTENANCE OF ROADWAY

The parties hereby agree that the roadway described above shall be maintained in perpetuity within its present boundary or such boundaries as may be agreed to by all parties hereto. The surface of the roadway shall be maintained so as to allow free and reasonable passage of such vehicular traffic as may be reasonable and necessary in order that all parties may enjoy full and free use of the parcels of real property affected hereby

The rights and obligations set forth herein shall inure to and be binding upon the heirs, successors or assigns of the parties hereto and shall constitute a covenant running with the parcels of real estate affected hereby.

day of STATE OF WASHINGTON COUNTY OF PIERCE On this day personally appeared before me Edward R. Cuzzetto and Bernice Cuzzetto, to me known to be the individuals described in and who executed the within and foregoing instrument; and acknowledged that they migned the same as their free and voluntary act and deed, for the uses and purposes therein mentioned. GIVEN under my hand and official seal this ★for re-sale Notary Public in and for Washington, residing at

STATE OF WASHINGTON COUNTY OF PIERCE

On this day personally appeared before me Arthur D. DeCaro and ... Viola M. DeCaro, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and week or the uses and purposes therein mentioned.

GIVEN under my hand and official seal th 1989.

> the State of Tacoma.

> > 90041904

Cornforth, Ronda

From:

Kammerzell, Jennifer

Sent:

Monday, April 09, 2018 9:33 AM

To:

Cornforth, Ronda; Kidd, Brennan

Subject:

RE: Street Vacation 124.1385

Hi Ronda,

Brennan and I made some edits below. If it doesn't make sense, let me know.

Jennifer Kammerzell

Senior Engineer

City of Tacoma - Public Works Dept.

voice: 253.591.5511

jkammerell@cityoftacoma.org

www.cityoftacoma.org

From: Cornforth, Ronda

Sent: Thursday, April 5, 2018 11:37 AM

To: Kidd, Brennan < bkidd@ci.tacoma.wa.us>; Kammerzell, Jennifer < jkammerzell@ci.tacoma.wa.us>

Subject: Street Vacation 124.1385

Brennan,

Thanks for picking up the phone - here's one more.....

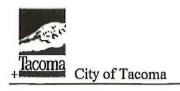
75147 North 10st Street is vacating a portion of North 10th north of the further sidewalk alignment – I think we've finished nailing down that section. Now I need to get your take on the shared driveway. Below is what I've included in my Staff Report but I think this needs to be a condition from Traffic for the hearing. Can you review the below and provide any amendments on Monday also.

Thanks.

ADDITIONAL INFORMATION:

Access to adjoining properties, located at 7517 North 10th Street and 1102 North Jackson Avenue, is shared by a single improved driveway and driveway approach from North 10th Street, a portion of which is contemplated herein for vacation. This shared driveway, and the maintenance thereof, is governed by a privately negotiated Road Maintenance Agreement recorded April 19, 1990 under Auditor's File Number 9004190490, records of Pierce County. This Road Maintenance Agreement is limited only to that portion of private property and does not affect the City's right of way.

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TO:

ALL CONCERNED AGENCIES & DEPARTMENTS

FROM:

RJ CORNFORTH

PUBLIC WORKS /REAL PROPERTY SERVICES

SUBJECT:

STREET VACATION REQUEST NO. 124.1385

DATE:

October 31, 2017.

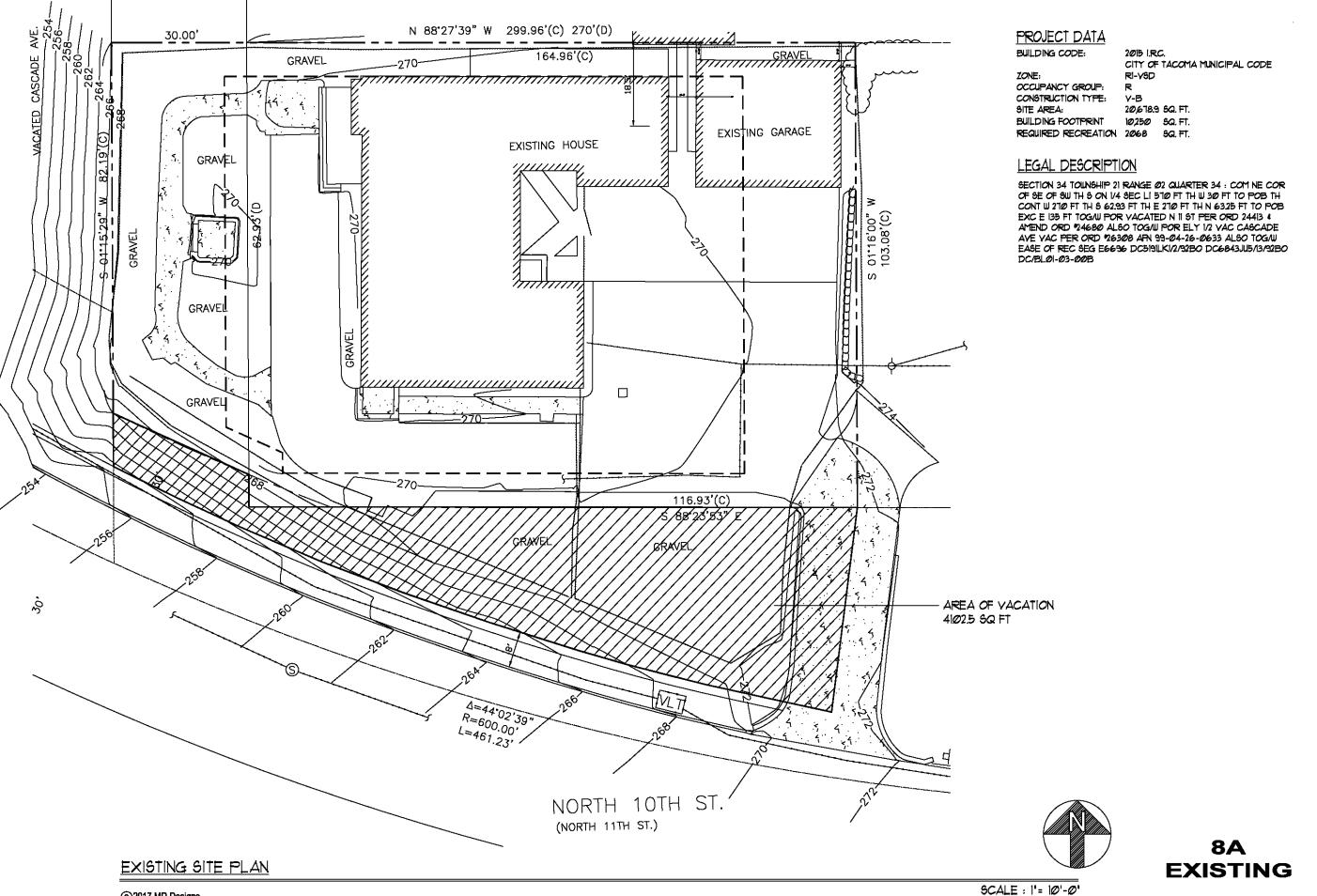
Tacoma Economic Development

Click! Network

Real Property Services has received a petition from the representative for Buckets Johnson, LLC to vacate the a portion of North 10th Street, west of Jackson Avenue and north of SR-16 for yard expansion, stabilization and landscaping.

In order to be considered, your comments must be received by **Real Property Services**, **TMB**, **Room 737**, by **November 16**, **2017**. 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	RESPONSE	
Pierce Transit		
Puget Sound Energy	No Objections	
Qwest Communications		
Fire Department	Comments Attached	
Police Department	. / /	
TPU/Power/T&D	11/16/17	
TPU/Water/LID		Date
PW/Director (3)	Su. Cost	
PW/BLUS (2)	- SW 8	Signature
PW/Construction	D11/2P<	
PW/Engineering	PHIRPS	Department
PW/Engineering/LID	/ / /	
PW/Engineering/Traffic	TO LIEU of ASSESS M	ENT
PW/Environmental Services	IN MICH OF THE	
PW/Solid Waste	\$179611	
PW/Street & Grounds	$\Psi I, I P$.	



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PRELIMINARY SITE PLAN

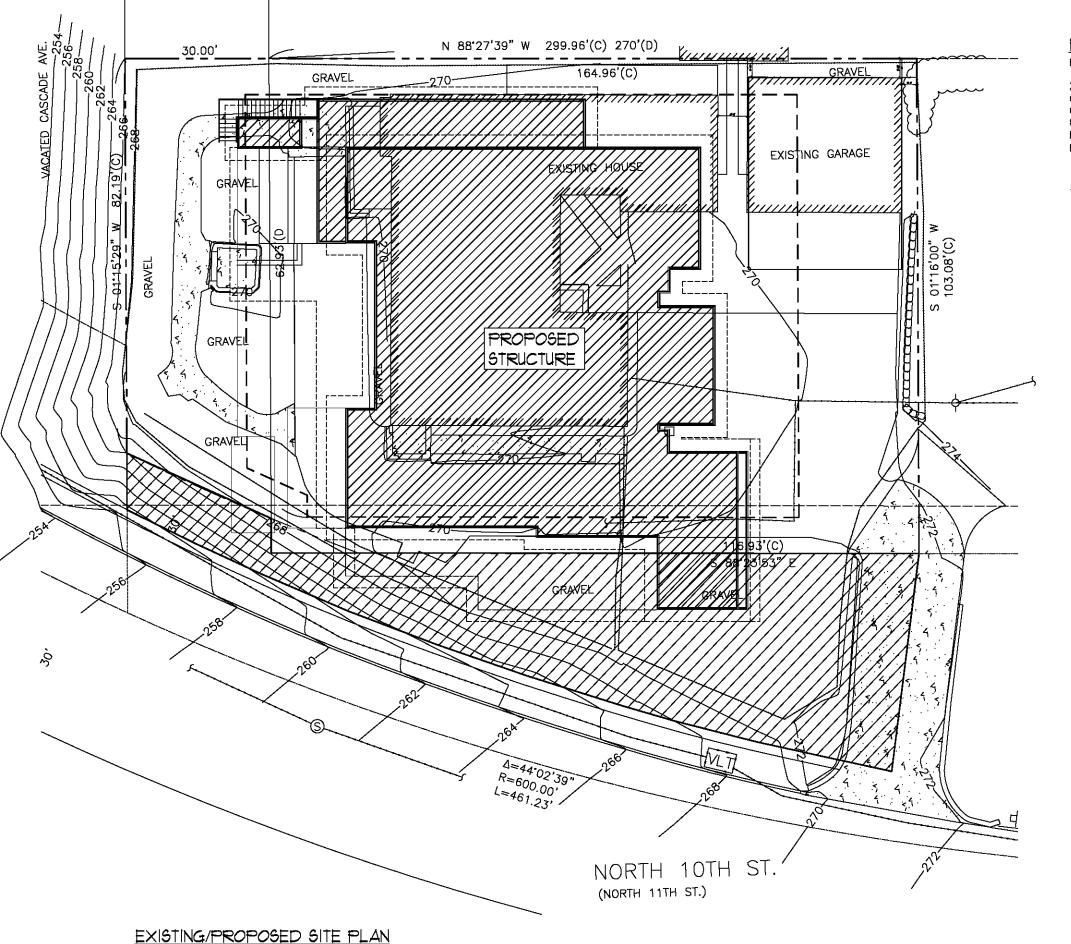
THE NARROWS BUCKETS JOHNSON,

Design.

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PROJECT DATA

BUILDING CODE:

2015 I.R.C.

CITY OF TACOMA MUNICIPAL CODE

ZONE: RI-Y9D OCCUPANCY GROUP: R

CONSTRUCTION TYPE: V-B SITE AREA: 20,618.9 SQ. FT. BUILDING FOOTPRINT 10,250 SQ. FT.

BUILDING FOOTPRINT 10,250 SQ. FT. REQUIRED RECREATION 2068 SQ. FT.

LEGAL DESCRIPTION

SECTION 34 TOLINSHIP 21 RANGE Ø2 QUARTER 34 : COM NE COR OF SE OF SW TH S ON 1/4 SEC LI 51Ø FT TH W 3Ø FT TO POB TH CONT W 21Ø FT TH S 62.93 FT TH E 21Ø FT TH N 63.25 FT TO POB EXC E 135 FT TOQUW POR VACATED N II ST PER ORD 244/3 4 AMEND ORD 246/80 ALSO TOQUW POR ELY 1/2 VAC CASCADE AVE VAC PER ORD 263/08 ARN 99-04-26-0633 ALSO TOQUW EASE OF REC SEG E66/96 DC5191LK1/2/92BO DC6843JU5/13/92BO DC/BLØ1-03-00B

SCALE : 1'= 10'-0'

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THE NARROWS BUCKETS JOHNSON,

Design:
I - Commercial Designed www.mdarchitects.ne

PRELIMINARY SITE PLAN

C2 DATE SHIPD

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4

PROJECT DATA

BUILDING CODE:

2015 I.R.C.

CITY OF TACOMA MUNICIPAL CODE

ZONE: OCCUPANCY GROUP:

RI-VSD

CONSTRUCTION TYPE: V-B SITE AREA: 20,618.9 SQ. FT.

BUILDING FOOTPRINT 10,250 SQ. FT. REQUIRED RECREATION 2068 5Q. FT.

LEGAL DESCRIPTION

SECTION 34 TOWNSHIP 21 RANGE Ø2 QUARTER 34 : COM NE COR OF SE OF SW TH S ON 1/4 SEC LI 570 FT TH W 30 FT TO POB TH CONT W 270 FT TH S 62.93 FT TH E 270 FT TH N 63.25 FT TO POB EXC E 135 FT TOGAU POR VACATED N 11 ST PER ORD 24413 \$ AMEND ORD \$24680 ALSO TOGAU POR ELY 1/2 VAC CASCADE AVE VAC PER ORD \$26308 ARN 99-04-26-0633 ALSO TOGAU EASE OF REC SEG E6696 DC5|9|LK|/2/92BO DC6843JU5//3/92BO DC/BLØ1-Ø3-ØØB

NARROWS KETS JOHNSON,

PRELIMINARY SITE PLAN

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PROPOSED

SCALE : 1'= 10'-0'

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PROPOSED SITE PLAN