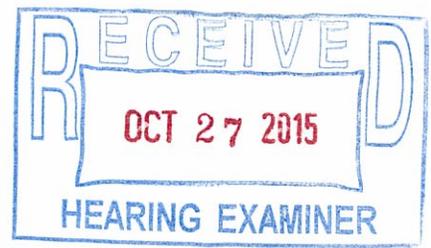


EXHIBIT LIST



HEARING DATE: November 5, 2015 at 9:00 a.m.

FILE NUMBER & NAME: (124.1353) PCSD Tacoma Facilities I, LLC, Petitioner

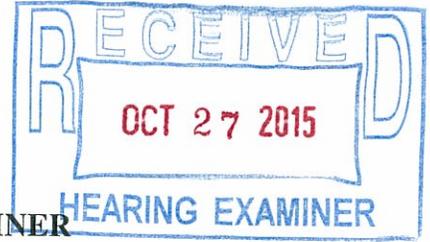
EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
Ex. 1	Preliminary Staff Report	COT/RPS	X			
Ex. 2	Map Exhibit – Aerials (2)	COT/RPS	X			
Ex. 3	Plat – The Tacoma Land Co.’s 1 st Add.	COT/RPS	X			
Ex. 4	Boundary Line Adjustments – MPD2003-00021 & MPD 2003-00023	COT/RPS	X			
Ex. 5	Substitute Ordinance No. 27216	COT/RPS	X			
Ex. 6	Tacoma Power, Water and Click! comments via email	COT/RPS	X			
Ex. 7	Puget Sound Energy comments via email	COT/RPS	X			
Ex. 8	Public Works/LID – comments via email	COT/RPS	X			
Ex. 9	Environmental Services/Site Development comments via email	COT/RPS	X			
Ex. 10	Tacoma Fire Department comments via email	COT/RPS	X			
Ex. 11	Comcast Communications comments via email	COT/RPS	X			
Ex. 12	Street Occupancy Permit 570 (Draft: permit has not been signed by Petitioner or recorded with Pierce County.)	COT/RPS	X			

KEY

A = Admitted

E = Excluded

W = Withdrawn



PRELIMINARY REPORT

**PREPARED FOR THE HEARING EXAMINER
BY REAL PROPERTY SERVICES**

**For the Hearing to be Held
Thursday, November 5, 2015 at 9:00 AM**

PETITIONER: PCSD TACOMA FACILITIES I, LLC

FILE NO. 124.1353

A. SUMMARY OF REQUEST:

Real Property Services has received a petition to vacate the alley between East D Street and East E Street, north of Puyallup Avenue and south of BNSF Railway Company property and the terminus of the City right-of-way, for a passenger drop-off and bus zone, as shown on the attached vicinity maps.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

A portion of the 20 foot alley way lying between Blocks 7321 and 7322 of the Plat of TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., recorded July 7, 1884, Pierce County, Washington, situated in the Northwest quarter of the Northeast quarter of Section 09, Township 20 North, Range 03 East, W.M. more particularly described as follows:

Commencing at the Northeast corner of said Block 7321 and the southerly margin of the Burlington Northern and Santa Fe Railway Company's right of way; Thence South 07°32'17" East along the easterly margin of said Block 7321, a distance of 121.12 feet to the Point of Beginning; Thence continuing South 07°32'17" East, a distance of 158.88 feet to the Southeast corner of said Block 7321; Thence North 82°37'19" East, a distance of 20.00 feet to the Southwest corner of said Block 7322; Thence North 07°32'17" West along the westerly margin of said Block 7322, a distance of 158.49 feet;

Thence South 83°43'54" West a distance of 20.00 feet to the Point of Beginning.

EX. 1

ORIGINAL

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 300 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 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. In all cases where the proceeding is initiated by the City Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, notice shall be sent as provided above. Failure to send notice by mail to any such property owner where the current address for such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation.

C. PUBLIC NOTICE:

Real Property Services in conjunction with the City of Tacoma Clerk's office issued the following public notice:

The Public Hearing Notice was posted September 30, 2015 at approximately 3:30 p.m. in the following locations:

1. Placed yellow public notice sign at the southeast corner of the alley between East D Street and East E Street, lying northerly of Puyallup Avenue.
2. Placed yellow public notice sign 113 feet north of the southeast corner of the alley between East D Street and East E Street, lying northerly of Puyallup Avenue.
3. Public notice memo placed into the glass display case located on the second floor of the Municipal Building.
4. Public notice memo placed into the glass display case located on the first floor of the Municipal building abutting the Finance Department.
5. Public notice memo advertised on the City of Tacoma web site at address: <http://www.cityoftacoma.org/page.aspx?nid=596>
6. Public Notice advertised in the Daily Index newspaper.
7. Public Notice mailed to all parties of record within the 300 feet of vacation request.
8. Public Notice advertised on Municipal Television Channel 12.

D. PURPOSE OF REQUEST:

The petitioner plans to combine the alley between East D Street and East E Street, north of Puyallup Avenue and south of BNSF Railway Company property, with its property for a passenger drop-off and bus zone.

E. HISTORY:

The Tacoma Land Company's First Addition to Tacoma, W.T. was filed on July 7, 1884, in the records of Pierce County, Washington. The subject alley is located between Blocks 7321 and 7322 of said plat. In 2003, two boundary line adjustments were recorded in the records of Pierce County, MPD 2003-00021 and MPD 2003-00023 (Exhibit 4), and abut the alley on either side. A portion of the alley lying northerly of the subject alley area abutting Blocks 7321 and 7322 was previously vacated under Substitute Ordinance No. 27216. (Exhibit 5)

The Petitioner has applied for a Street Occupancy Permit from Planning and Development Services for temporary occupancy of the vacate area while the street vacation is being processed, but the permit has not been finalized. It is known as Street Occupancy Permit No. 570. (Exhibit 12)

F. PHYSICAL LAND CHARACTERISTICS:

The proposed vacate area is 20 feet wide and approximately 160 feet long. The area is relatively level with concrete paving over the majority, but slightly slopes downward toward the north end of the right of way. It abuts a building on the west and there is a parking lot to the east. (Please refer to the Exhibit 2).

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 helps facilitate private development by giving the developer more flexibility in designing and marketing the adjoining property;
 - b. Assures excellent stewardship of the natural and built environment; and
 - c. Returns property to the tax rolls.
2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation.
3. No general public access will be impaired by this vacation action.
4. The vacation area is not contemplated or needed for future public use as a right of way.
5. No abutting owner, not contemplated under this development project, becomes landlocked nor will their access be impaired.
6. The vacation area is not close to a body of water as contemplated under RCW 35.79.035.

H. 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.

- Aerial Maps – Exhibit 2
- Plat – The Tacoma Land Company’s 1st Addition – Exhibit 3
- Boundary Line Adjustments MPD 2003-00021 & MPD 2003-00023 – Exhibit 4
- Substitute Ordinance No. 27216 – Exhibit 5
- Street Occupancy Permit No. 570 – Exhibit 12

Recommended Conditions:

- Tacoma Power, Water, & Click! – Exhibit 6
- Puget Sound Energy – Exhibit 7
- Public Works/LID – Exhibit 8

Advisory Comments:

- Environmental Services, Site Development – Exhibit 9
- Tacoma Fire – Exhibit 10
- Comcast Communications – Exhibit 11

- Pierce Transit – No objection
- CenturyLink Communications – No objection
- PW/Traffic Engineering – No objection
- PW/Planning and Development Services – No Objection

I. RECOMMENDED CONDITIONS OF APPROVAL:

Should this street vacation request be approved, the Real Property Services Division recommends that the following conditions be made conditions of approval for this street vacation petition.

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. CITY EASEMENT RESERVATIONS:

Reservation of a utility easement over the entire vacate area for the City of Tacoma for maintenance, repair, construction, and replacement of existing and future above ground and underground utilities.

3. PUGET SOUND ENERGY (PSE):

- a. Please contact Marilyn Danby at 253-476-6451 regarding PSE's comments.
- b. PSE has no objection; however, the Petitioner will need to grant PSE an easement for the existing gas main located in the alley serving 409 Puyallup Avenue.

4. PUBLIC WORKS/LID

- a. Please contact Sue Simpson at 591-5529 regarding LID's comments.
LID has no objection; however, an in-lieu assessment fee payment will be required in the amount of approximately \$3,053.71.

J. ADVISORY COMMENTS:

5. ENVIRONMENTAL SERVICES/SITE DEVELOPMENT

- a. Please contact Larry at 591-5787 regarding Site Development's comments.
- b. Site Development has objection; however, the Petitioner must complete the Work Order under WO 6-39382.

6. TACOMA FIRE

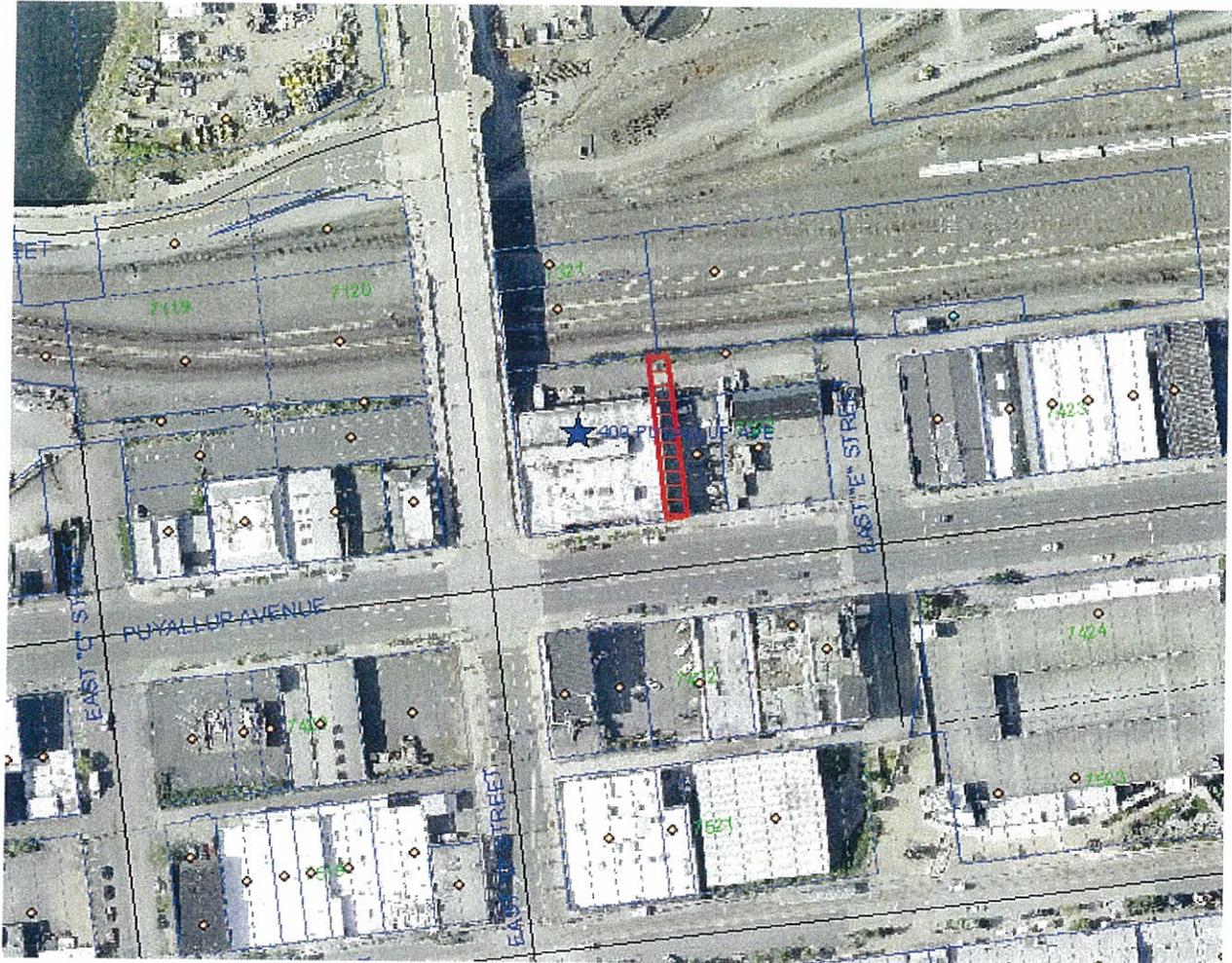
- a. Please contact Chris Seaman at 591-5503 regarding Tacoma Fire's comments.
- b. Tacoma Fire has no objection; however, changes to the site access, including to gates, barriers, and traffic calming devices, shall not be installed without the approval of Tacoma Fire.

7. COMCAST COMMUNICATIONS

- a. Please contact Aaron Cantrel at 253.864-4200 regarding Comcast Communication's comments.
- b. Comcast has 1 empty 2" conduit within the proposed vacate area that originates in the Puyallup Avenue right of way and ends at the Pacific Charter School building. Its sole purpose is to provide future service to the school. It will be at the Petitioner's sole discretion as to the disposition of the existing conduit. An easement will not be required; but, a Right of Entry will be. If not, Comcast will consider the equipment abandoned.

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.



PCSD Tacoma Facilities I, LLC (Pacific Charter School)

STREET VACATION NO. 124.1353

Alley between East "D" & East "E" Streets north of Puyallup Avenue

NE 1/4 SEC. 09, T20N, R3E

NOT TO SCALE



PCSD Tacoma Facilities I, LLC (Pacific Charter School)

STREET VACATION NO. 124.1353

Alley between East "D" & East "E" Streets north of Puyallup Avenue

NE 1/4 SEC. 09, T20N, R3E

NOT TO SCALE



MAP OF
The Tacoma Land Company's
FIRST ADDITION
TACOMA
W. T.

7119

7120

7221

South

Street

Street

Street

Street

7324

732

7321

7322

7423

Swallow

7424

7422

7420

7523

7418

7521

Twentyfifth

7517

7519

7524

7522

7520

7623

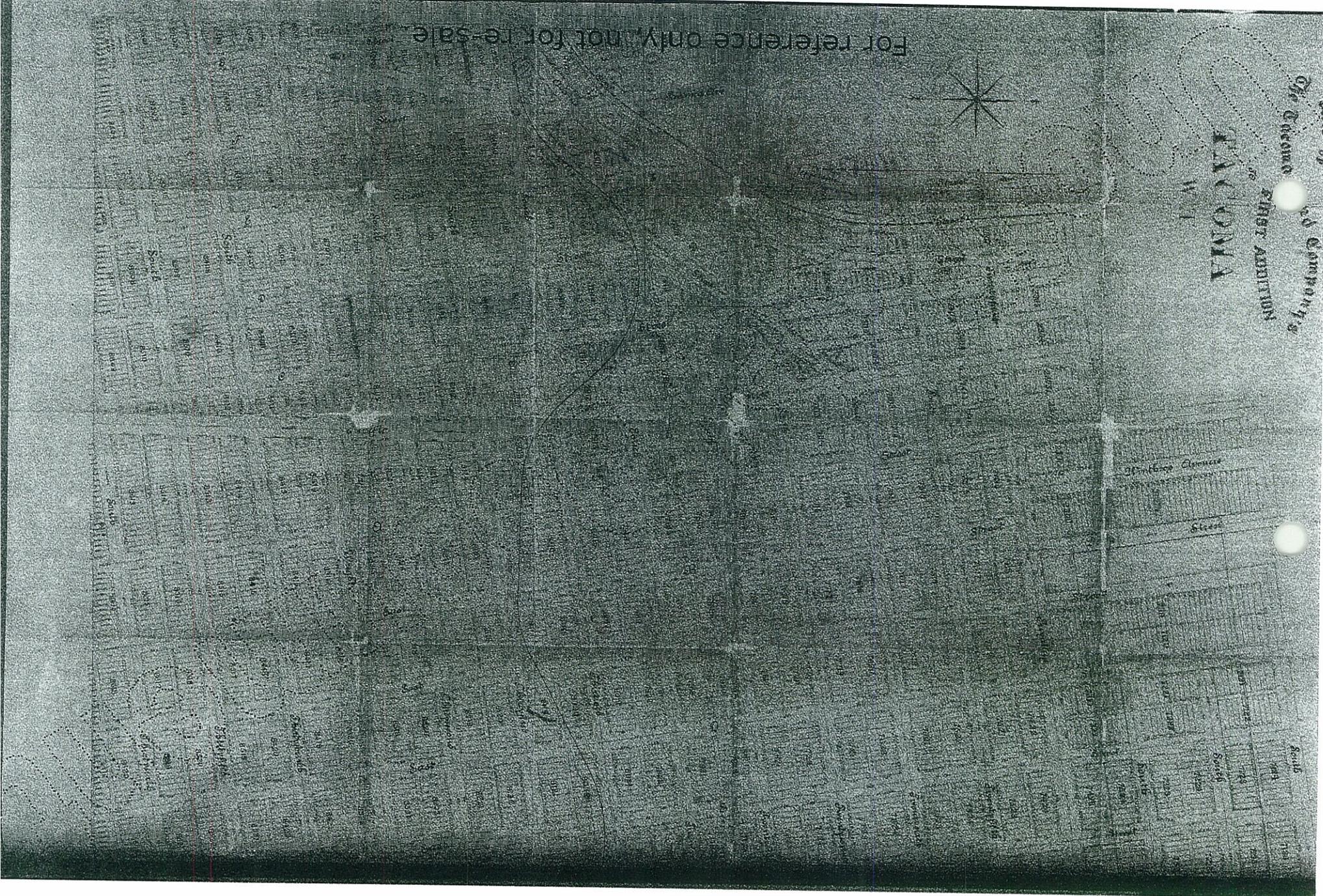
The Tacoma
FIRST AMBITION
Company's

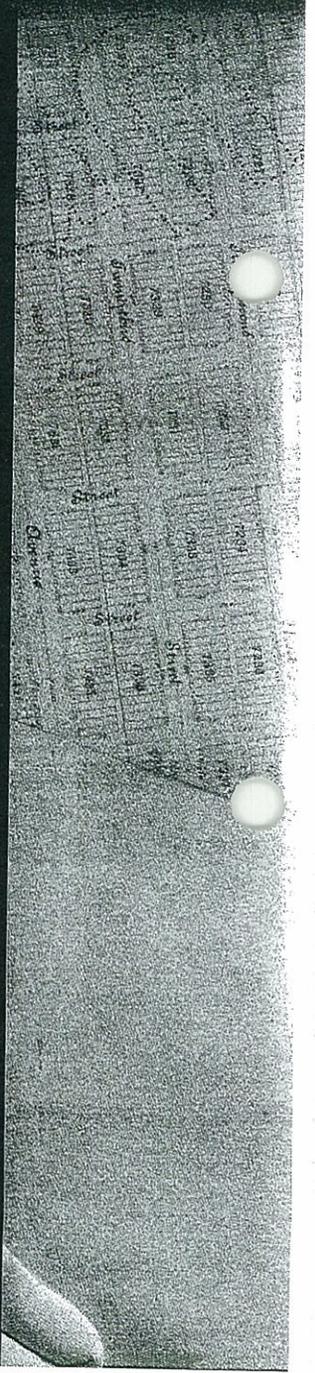
TACOMA

W. J.

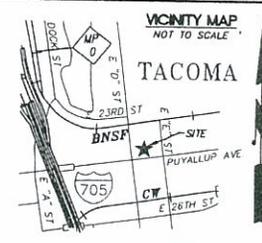


For reference only, not for re-sale.





ORIGINAL



ANDY P. RODERICK
 NOTARY PUBLIC
 STATE OF WASHINGTON
 COMMISSION EXPIRES
 MARCH 23, 2005

THIS BOUNDARY LINE ADJUSTMENT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNERS.

Andy James
 Real Estate Manager, Inc.

Dorothy Thiryaere

David Hartman

I HEREBY CERTIFY THAT THE ABOVE INDIVIDUAL(S) SIGNED AS A FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES HEREIN MENTIONED.

GIVEN UNDER MY HAND AND SEAL THIS 27th DAY OF July, 2003

CITY OF TACOMA
 BOUNDARY LINE ADJUSTMENT MPD 2003-00021

A PORTION OF NW 1/4, NE 1/4, SECTION 9, T20 N, R3 E,W.M.

ORIGINAL TRACT:
 ASSESSOR'S PARCEL NO(S) 207322-001-2,4

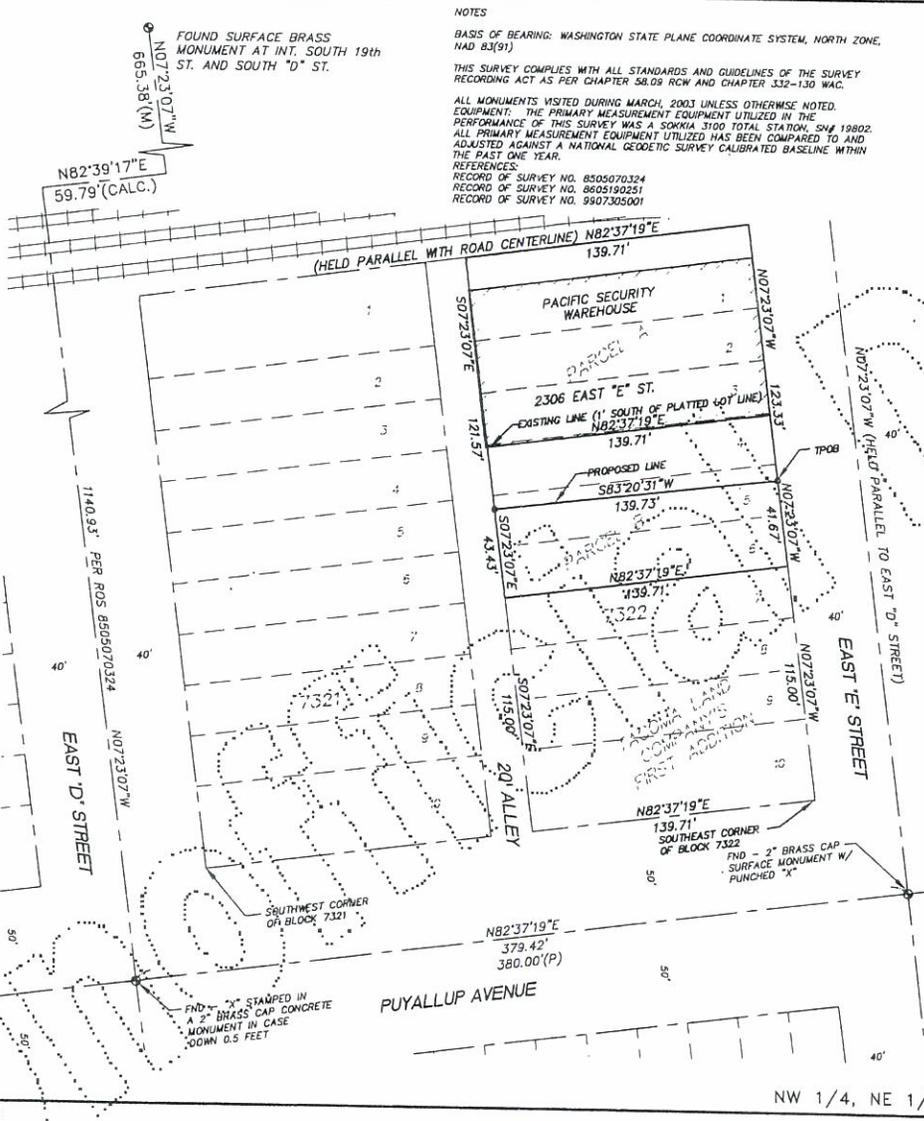
TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., PIERCE COUNTY, WASHINGTON

LAND USE ADMINISTRATOR
 APPROVED IN COMPLIANCE WITH CHAPTER 15.04 OF THE OFFICIAL CODE OF THE CITY OF TACOMA.

Tom Dolan 7/15/03
 Land Use Administrator

APPROVED FOR RECORDING
David J. Harrison
 Chief Surveyor, Public Works

CITY TREASURER



LEGAL DESCRIPTIONS

EXISTING PARCELS

PARCEL A
 LOTS 1, 2, 3 AND THE NORTH 1 FOOT OF LOT 4, BLOCK 7322, THE TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., ACCORDING TO THE PLAT THEREOF, RECORDED JULY 7, 1884, IN PIERCE COUNTY, WASHINGTON, SITUATE IN THE CITY OF TACOMA, PIERCE COUNTY, WASHINGTON.

PARCEL B
 LOTS 4, 5, AND 6, BLOCK 7322, THE TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., ACCORDING TO THE PLAT THEREOF, RECORDED JULY 7, 1884, IN PIERCE COUNTY, WASHINGTON, SITUATE IN THE CITY OF TACOMA, PIERCE COUNTY, WASHINGTON.

PROPOSED PARCELS

PROPOSED PARCEL A
 LOTS 1, 2, 3, 4 AND 5, BLOCK 7322, THE TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., ACCORDING TO THE PLAT THEREOF, RECORDED JULY 7, 1884, IN PIERCE COUNTY, WASHINGTON, EXCEPT THAT PORTION OF SAID LOT 5 LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK 7322 AND THE NORTHERLY MARGIN OF PUYALLUP AVENUE AND THE WESTERLY MARGIN OF EAST "E" STREET; THENCE NORTH 07°23'07" WEST, ALONG SAID EASTERLY MARGIN 156.67 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE EASTERLY MARGIN OF LOT 5 OF SAID PLAT SOUTH 83°20'31" WEST, 139.72 FEET TO THE WESTERLY MARGIN OF SAID LOT 5 AND END OF SAID LINE. SAID PARCEL HAVING 17,101 SQUARE FEET OR 0.39 ACRES MORE OR LESS.

PROPOSED PARCEL B
 LOTS 5 AND 6, BLOCK 7322, THE TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., ACCORDING TO THE PLAT THEREOF, RECORDED JULY 7, 1884, IN PIERCE COUNTY, WASHINGTON, EXCEPT THAT PORTION OF SAID LOT 5 LYING NORTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK 7322 AND THE NORTHERLY MARGIN OF PUYALLUP AVENUE AND THE WESTERLY MARGIN OF EAST "E" STREET; THENCE NORTH 07°23'07" WEST, ALONG SAID EASTERLY MARGIN 156.67 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE EASTERLY MARGIN OF LOT 5 OF SAID PLAT SOUTH 83°20'31" WEST, 139.72 FEET TO THE WESTERLY MARGIN OF SAID LOT 5 AND END OF SAID LINE. SAID PARCEL HAVING 5,944 SQUARE FEET OR 0.41 ACRES MORE OR LESS.

I HEREBY CERTIFY THAT ALL DELINQUENT ASSESSMENTS HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREON, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED. *CGA 7/15/03*

James Trumble for *Madison D. Johnson*
 City Treasurer

ASSESSOR/TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREON, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED.

Ken Madson by *Shari Patnam*
 Assessor/Treasurer

AUDITOR'S CERTIFICATE *485.00*

FILED FOR RECORD THIS 28th DAY OF July, 2003 AT 2:20 P.M. IN BOOK OF AT PAGE

AT THE REQUEST OF
Madison D. Johnson
 County Auditor

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF BURLINGTON NORTHERN RAILWAY COMPANY IN MARCH, 2003.

SMH

SETH D. O'HARE PLS
 CERTIFICATE NO. 38985
 04/21/2003
 06/12/05



#200307255003

THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT, OR SUBDIVISION

ORIGINAL TRACT OWNER
 THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY PHONE 425-921-1753

CONTACT: ANDY RODERICK, PHAROS CORP.
 PO BOX 1569 EDMONDS, WA. 98020

EXISTING ZONING UCX-TD
 SOURCE OF WATER CITY OF TACOMA
 TYPE OF ACCESS FROM "E" STREET
 SEWER SYSTEM CITY OF TACOMA
 SCALE 1"=40' NO. OF ADJUSTED PARCELS 2
 DRAWN BY SDO CHECKED BY DTH JOB NO.

NW 1/4, NE 1/4, SECTION 9, T 20 N, R 3 E,W.M.

For reference only, not for re-sale.

200307255003



200412291033 8 PGS
 12-29-2004 03:06pm \$26.00
 PIERCE COUNTY, WASHINGTON

When Recorded, Return To:

City of Tacoma City Clerk's Office
 General Services Department
 747 Market Street, Room 220
 Tacoma WA 98402-3769

DOCUMENT TITLE: SUBSTITUTE ORDINANCE NO. 27216

I, DORIS SORUM, City Clerk of the City of Tacoma, Pierce County, Washington, do hereby certify that the attached is a full, true and correct copy of Substitute Ordinance No. 27216.

WITNESS MY HAND and the Seal of said City this 28th day of December 2004.



Grantor: City of Tacoma, a Municipal Corporation

Grantee: Burlington Northern & Santa Fe Railroad Company

Legal Description: Vacating portions of the street and alley right-of-way between East B and East F Streets, excluding a portion of East D Street, abutting Burlington Northern's existing railroad trackage for the construction of three additional rail tracks and realignment of existing track for increased train speed around the south end of the Thea Foss Waterway. (Burlington Northern & Santa Fe Railroad Company; File No. 124.1175)

Reference Number: E3515

Assessor's Parcel Number: N/A



SUBSTITUTE ORDINANCE NO. 27216

1 AN ORDINANCE vacating portions of the street and alley right-of-way
2 situated between East "B" Street through East "F" Street, excluding
3 that portion of East "D" Street, abutting Burlington Northern's
4 existing railroad trackage, and more particularly described as
5 follows:

6 That portion of the Northeast quarter of the Northwest
7 quarter of Section 9, Township 20 North, Range 3 East,
8 W.M. in the City of Tacoma, County of Pierce, more
9 particularly described as follows:

10 Commencing at the Northwest corner of the intersection of
11 East 23rd Street and East "B" Street (also known as the
12 Southeast corner of Lot 12, of Block 2200 of MAP of the
13 TACOMA LAND COMPANY'S SECOND ADDITION to
14 TACOMA, W.T., according to the plat thereof recorded
15 May 14, 1885 in Volume 1 of Plats at Page 88,
16 Pierce County, Washington), said point of being the true
17 point of beginning; thence South 82°27'39" West, a distance
18 of 51.90 feet along the North Line of South 23rd Street to
19 the point of curve of a non-tangent curve to the left, of which
the radius point lies North 34°33'02" East, a radial distance
of 800.00 feet; thence southeasterly along the arc, through a
central angle of 03°20'09", a distance of 46.58 feet; thence
South 77°17'39" East, a distance of 102.86 feet to the East
margin of East "B" Street extended northerly; thence
North 07°31'29" West, a distance of 26.89 feet to the South
margin of the Burlington Northern and Santa Fe Railway
right-of-way and to the point of curve of a non-tangent curve
to the right, of which the radius point lies North 16°05'26"



1 East, a radial distance of 592.28 feet; thence westerly along
2 the arc, through a central angle of 08°46'06", a distance of
3 90.64 feet to the West margin of East "B" Street; thence
4 South 05°38'59" East, a distance of 3.63 feet to the true
5 point of beginning.

6 Containing 3,664 square feet or 0.08 acres.

7 Retaining and reserving therein an easement for public sanitary
8 and storm sewers over the entire vacated portion of public
9 right-of-way, as described above in the legal description for
10 East 23rd Street and East B Street. The installation of railroad
11 trackage, appurtenances, retaining walls, and fiber optics will not
12 be permitted until the public utilities have been relocated, to avoid
13 potential conflicts with the proposed railway improvements. The
14 existing public utilities shall be relocated in a manner approved by
15 the City Engineer under work order number: 60000008891.

16 No permanent structure(s) shall be erected within the public
17 easement area(s) unless specifically approved in writing by the City
18 of Tacoma Director of Public Works. Permanent structures shall
19 mean any concrete foundation, concrete slab, wall, rockery,
20 building, deck, overhanging structures, fill material, recreational
21 sport courts, carports, portable sheds, private utilities, fences, or
22 other site improvement that will unreasonably interfere with the
23 need to access or construct public storm and sanitary sewer utilities
24 in said easement(s). Permanent structures shall not mean
25 improvements such as normal landscaping, asphalt paving, gravel,
26 or other similar site improvements that do not prevent the access of
men, materials, and machinery across, along, and within the said
easement area. Land restoration by the City within the said
easement area due to the construction, operation, inspection,
replacement, repair, or maintenance of public storm and sanitary
sewer utilities will be strictly limited to grass seed, grass sod, and/or
asphalt replacement unless otherwise determined by the City of
Tacoma.

A portion of the 20 foot alley way between Block 7321 and
Block 7322 of the plat of TACOMA LAND COMPANY'S
FIRST ADDITION TO TACOMA, W.T., recorded
July 7, 1884, County of Pierce, situated in the Northeast
quarter of Section 9, Township 20 North, Range 3 East,



1 W.M., in the City of Tacoma, state of Washington, described
2 as follows:

3 Beginning at the Northeast corner of said Block 7321, and
4 the southerly margin of the Burlington Northern and Santa
5 Fe Railway Company's right-of-way; thence South 07°32'17"
6 East, along the easterly margin of said Block 7321, a
7 distance of 121.12 feet; thence North 83°43'54" East, 20.00
8 feet to the westerly margin of said Block 7322; thence
9 North 07°32'17" West, along said westerly margin
10 121.56 feet to the Northwest corner of said Block 7322 and
11 the southerly margin of said Burlington Northern and
12 Santa Fe Railway right-of-way; thence South 82°28'09"
13 West, along said right-of-way, 20.00 feet to the point of
14 beginning.

15 Containing 2,427 square feet, more or less.

16 A portion of East "E" Street between Block 7324 and
17 Block 7322, within the plat of TACOMA LAND COMPANY'S
18 FIRST ADDITION TO TACOMA, W.T., recorded
19 July 7, 1884, County of Pierce, in the Northeast quarter
20 Section 9, Township 20 North, Range 3 East, W.M., City of
21 Tacoma, state of Washington, described as follows:

22 Commencing at the Southeast corner of said Block 7322, at
23 the Northerly margin of Puyallup Avenue and the westerly
24 margin of East "E" Street; thence North 07°32'17" West,
25 along said margin of East "E" Street 156.67 feet to the true
26 point of beginning; thence continuing along said margin
North 07°32'17" West, 123.33 feet to the Northeast corner of
said Block 7322 and the southerly margin of The Burlington
Northern and Santa Fe Railway Company's right-of-way;
thence North 82°28'09" East, along said margin 80.00 feet to
the Northwest corner of said Block 7324; thence
South 07°32'17" East, along said easterly margin of
East "E" Street 129.88 feet to the Southwest corner of said
Block 7324; thence South 87°08'55" West 80.27 feet to the
true point of beginning. Containing 10,128 square feet,
more or less.



1 WHEREAS all steps and proceedings required by law and by
2 resolution of the City Council to vacate the portion of the street hereinafter
3 named have been duly taken and performed; Now, Therefore,

4
5 BE IT ORDAINED BY THE CITY OF TACOMA:

6 Section 1. That the City Council hereby adopts the Hearing
7 Examiner's Findings, Conclusions, and Recommendations as contained in
8 the Hearing Examiner's Report and Recommendation to the City Council
9 bearing File No. 124.1175, and dated March 4, 2004, which Report is on
10 file in the office of the City Clerk.

11
12 Section 2. Those portions of the street and alley right-of-way
13 situated between East "B" Street through East "F" Street, excluding that
14 portion of East "D" Street, abutting the Burlington Northern and Santa Fe
15 Railway Company, and more particularly described as follows:

16
17
18 Commencing at the Northwest corner of the intersection of
19 East 23rd Street and East "B" Street (also known as the
20 Southeast corner of Lot 12, of Block 2200 of MAP of the
21 TACOMA LAND COMPANY'S SECOND ADDITION to
22 TACOMA, W.T. according to the plat thereof recorded
23 May 14, 1885 in Volume 1 of Plats at Page 88,
24 Pierce County, Washington), said point of being the true
25 point of beginning; thence South 82°27'39" West, a distance
26 of 51.90 feet along the North Line of South 23rd Street to
the point of curve of a non-tangent curve to the left, of which
the radius point lies North 34°33'02" East, a radial distance
of 800.00 feet; thence Southeasterly along the arc, through
a central angle of 03°20'09", a distance of 46.58 feet; thence



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South 77°17'39" East, a distance of 102.86 feet to the East margin of East "B" Street extended northerly; thence North 07°31'29" West, a distance of 26.89 feet to the South margin of the Burlington Northern and Santa Fe Railway right-of-way and to the point of curve of a non-tangent curve to the right, of which the radius point lies North 16°05'26" East, a radial distance of 592.28 feet; thence westerly along the arc, through a central angle of 08°46'06", a distance of 90.64 feet to the West margin of East "B" Street; thence South 05°38'59" East, a distance of 3.63 feet to the true point of beginning.
Containing 3,664 square feet or 0.08 acres.

A portion of the 20 foot alley way between Block 7321 and Block 7322 of the plat of TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., recorded July 7, 1884, County of Pierce, situated in the Northeast quarter of Section 9, Township 20 North, Range 3 East, W.M., in the City of Tacoma, state of Washington, described as follows:

Beginning at the Northeast corner of said Block 7321, and the southerly margin of The Burlington Northern and Santa Fe Railway Company's right-of-way; thence South 07°32'17" East, along the easterly margin of said Block 7321, a distance of 121.12 feet; thence North 83°43'54" East, 20.00 feet to the westerly margin of said Block 7322; thence North 07°32'17" West, along said westerly margin 121.56 feet to the Northwest corner of said Block 7322 and the southerly margin of said Burlington Northern and Santa Fe Railway right-of-way; thence South 82°28'09" West, along said right-of-way, 20.00 feet to the point of beginning.
Containing 2,427 square feet, more or less.

A portion of East "E" Street between Block 7324 and Block 7322, within the plat of TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., recorded July 7, 1884, County of Pierce, in the Northeast quarter Section 9, Township 20 North, Range 3 East, W.M., City of Tacoma, state of Washington, described as follows:



1 Commencing at the Southeast corner of said Block 7322, at
2 the northerly margin of Puyallup Avenue and the westerly
3 margin of East "E" Street; thence North 07°32'17" West,
4 along said margin of East "E" Street 156.67 feet to the true
5 point of beginning; thence continuing along said margin
6 North 07°32'17" West, 123.33 feet to the Northeast corner
7 of said Block 7322 and the southerly margin of the
8 Burlington Northern and Santa Fe Railway Company's
9 right-of-way; thence North 82°28'09" East, along said margin
10 80.00 feet to the Northwest corner of said Block 7324;
11 thence South 07°32'17" East, along said easterly margin of
12 East "E" Street 129.88 feet to the Southwest corner of said
13 Block 7324; thence South 87°08'55" West 80.27 feet to the
14 true point of beginning.

15 Containing 10,128 square feet, more or less.

16 is hereby vacated, and the land so vacated is hereby surrendered and
17 attached to the property bordering thereon, respectively, as a part thereof,
18 and all right or title of the City in and to the portion of the streets so
19 vacated does hereby vest in the owners of the property abutting thereon,
20 all in the manner provided by law; provided, however, that there is hereby
21 retained and reserved, pursuant to statutes of the state of Washington,
22 the following easement, to wit:

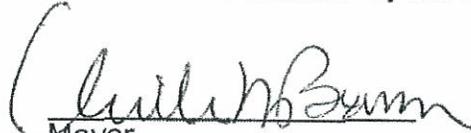
23 Retaining and reserving therein an easement for public sanitary
24 and storm sewers over the entire vacated portion of public right of
25 way, as described above in the legal description for
26 East 23rd Street and East B Street. The installation of railroad
trackage, appurtenances, retaining walls, and fiber optics will not
be permitted until the public utilities have been relocated, to avoid
potential conflicts with the proposed railway improvements. The
existing public utilities shall be relocated in a manner approved by
the City Engineer under work order number: 60000008891.



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No permanent structure(s) shall be erected within the public easement area(s) unless specifically approved in writing by the City of Tacoma Director of Public Works. Permanent structures shall mean any concrete foundation, concrete slab, wall, rockery, building, deck, overhanging structures, fill material, recreational sport courts, carports, portable sheds, private utilities, fences, or other site improvement that will unreasonably interfere with the need to access or construct public storm and sanitary sewer utilities in said easement(s). Permanent structures shall not mean improvements such as normal landscaping, asphalt paving, gravel, or other similar site improvements that do not prevent the access of men, materials, and machinery across, along, and within the said easement area. Land restoration by the City within the said easement area due to the construction, operation, inspection, replacement, repair, or maintenance of public storm and sanitary sewer utilities will be strictly limited to grass seed, grass sod, and/or asphalt replacement unless otherwise determined by the City of Tacoma.

Passed DEC 14 2004


Mayor

Attest:

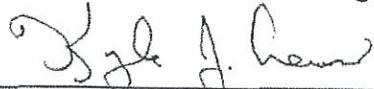

City Clerk

Location: Portions of the street and alley right-of-way situated between East "B" Street through East "F" Street, excluding that portion of East "D" Street, abutting Burlington Northern's existing railroad trackage.

Petitioner: The Burlington Northern and Santa Fe Railway Company
Vacation Request #124.1175

Approved as to form and legality:

Property description approved:


Assistant City Attorney


Acting Chief Surveyor
Public Works Department

Stevens, Troy

From: Fletcher, Gloria
Sent: Friday, August 07, 2015 7:01 AM
To: Cornforth, Ronda
Cc: Price, Richard; Muller, Gregory
Subject: SV 124.1353 Pacific Charter School

Ronda,

Tacoma Water, Tacoma Power, and Click! Network do not have any facilities or infrastructure within this alley. However TPU uses this alley to access its facilities located within the easement on the private property that abuts the East Side of the D Street right of Way. Therefore we would like the City to reserve an easement that provides access for utility purposes over the vacated area.

Let me know if you have any questions.

-Gloria

Gloria Fletcher | Tacoma Public Utilities
Senior Real Estate Officer
Facilities Management, Real Property Services
City of Tacoma Department of Public Works
P: (253) 502-8573 | <http://www.cityoftacoma.org/>

Stevens, Troy

From: Danby, Marilyn M <marilynn.danby@pse.com>
Sent: Thursday, August 06, 2015 10:04 AM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Ronda, It appears that PSE has an existing gas main located within the alley to serve the property at 409. PSE will need to obtain an easement for this gas main. Please forward the legal and I will prepare the gas easement.

Marilynn

Marilynn M. Danby SR/WA
Senior Real Estate Representative
Puget Sound Energy
3130 South 38th Street
Tacoma, Wa 98409
Work: 253/476-6451
Work Cell: 253/905-4668
e-mail: marilynn.danby@pse.com

From: Cornforth, Ronda [<mailto:rcornforth@cityoftacoma.org>]
Sent: Thursday, July 23, 2015 8:52 AM
To: Barnett, Elliott; Bateman, Joy; Ben Han (bhan@piercetransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn M; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita
Subject: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School
Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1353, as requested by Pacific Charter School, and provide comments for your respective utility/agency **on or before August 7, 2015**. Responses received later than August 7, 2015 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Thank you.

R. J. Cornforth
City of Tacoma, Public Works
Real Property Services

The meek shall inherit the Earth, but not its mineral rights.

Stevens, Troy

From: Simpson, Sue
Sent: Tuesday, October 20, 2015 2:54 PM
To: Stevens, Troy
Subject: Vac Request 124.1353

Troy;

The amount for the Connection Charge In Lieu of Assessment for 409 Puyallup Avenue Parcel B, DBLR 2003-07-29-5001 is: \$1,734.52

on 124.1353: 1,319.19

Vacati

\$3,053.71

Stevens, Troy

From: Criswell, Larry
Sent: Thursday, July 30, 2015 11:21 AM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Ronda,

PDS – Site Review approves the Vacation as long as WO plans 60000039382 are completed with associated public easements.

Larry Criswell

Construction Engineer
Site Review
Production and Delivery Center Division
City of Tacoma, Planning and Development Services
253-591-5787

From: McLeod, Bonnie **On Behalf Of** Site Development
Sent: Thursday, July 30, 2015 11:17 AM
To: Criswell, Larry
Subject: FW: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School
Importance: High

Larry, Can you provide comments to Ronda?
Thank you,

Bonnie McLeod

Engineering Technician II - (253) 591-5752
Site Development Group, Science & Engineering Division
City of Tacoma, Environmental Services Department

From: Cornforth, Ronda [<mailto:rcornforth@cityoftacoma.org>]
Sent: Thursday, July 23, 2015 8:52 AM
To: Barnett, Elliott; Bateman, Joy; Ben Han (bhan@piercetransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita
Subject: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School
Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1353, as requested by Pacific Charter School, and provide comments for your respective utility/agency **on or before August 7, 2015**. Responses received later than August 7, 2015 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Thank you.

R. J. Cornforth

City of Tacoma, Public Works

Real Property Services

The meek shall inherit the Earth, but not its mineral rights.

Stevens, Troy

From: Criswell, Larry
Sent: Thursday, July 30, 2015 12:04 PM
To: Cornforth, Ronda
Subject: 60000039382 - RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

In looking at govME, I'm not seeing anything.

Larry Criswell

Construction Engineer
Site Review
Production and Delivery Center Division
City of Tacoma, Planning and Development Services
253-591-5787

From: Cornforth, Ronda
Sent: Thursday, July 30, 2015 12:03 PM
To: Criswell, Larry
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Beyond City access easement thru the alley – does ESSE have infrastructure that needs protecting within the alley as well?

From: Criswell, Larry
Sent: Thursday, July 30, 2015 11:21 AM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Ronda,

PDS – Site Review approves the Vacation as long as WO plans 60000039382 are completed with associated public easements.

Larry Criswell

Construction Engineer
Site Review
Production and Delivery Center Division
City of Tacoma, Planning and Development Services
253-591-5787

From: McLeod, Bonnie **On Behalf Of** Site Development
Sent: Thursday, July 30, 2015 11:17 AM
To: Criswell, Larry
Subject: FW: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School
Importance: High

Larry, Can you provide comments to Ronda?

Thank you,

Bonnie McLeod

Engineering Technician II - (253) 591-5752
Site Development Group, Science & Engineering Division
City of Tacoma, Environmental Services Department

From: Cornforth, Ronda [<mailto:rcornforth@cityoftacoma.org>]

Sent: Thursday, July 23, 2015 8:52 AM

To: Barnett, Elliott; Bateman, Joy; Ben Han (bhan@piercetransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita

Subject: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1353, as requested by Pacific Charter School, and provide comments for your respective utility/agency **on or before August 7, 2015**. Responses received later than August 7, 2015 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Thank you.

R. J. Cornforth

City of Tacoma, Public Works

Real Property Services

The meek shall inherit the Earth, but not its mineral rights.

Stevens, Troy

From: Seaman, Chris
Sent: Friday, July 31, 2015 8:33 AM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Ronda,

TFD comment:

1. Fire department apparatus access must be maintained to the site. The vacated street shall not be used in a manner inconsistent with that of a fire lane. Future improvements to the vacated property will require prior approval from the Tacoma Fire Department.

Regards,
CHRIS SEAMAN, P.E.
Senior Engineer
Tacoma Fire Department | Prevention Division
901 Fawcett Avenue | Tacoma, WA 98402
253.591.5503 | cseaman@cityoftacoma.org



From: Cornforth, Ronda
Sent: Thursday, July 23, 2015 8:52 AM
To: Barnett, Elliott; Bateman, Joy; Ben Han (bhan@piercetransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita
Subject: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School
Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1353, as requested by Pacific Charter School, and provide comments for your respective utility/agency **on or before August 7, 2015**. Responses received later than August 7, 2015 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Thank you.

R. J. Cornforth
City of Tacoma, Public Works
Real Property Services

The meek shall inherit the Earth, but not its mineral rights.

Stevens, Troy

From: Seaman, Chris
Sent: Monday, August 03, 2015 8:06 AM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Ronda,

Gotcha, I didn't realize that we were getting an easement over the whole thing. Yes we could revise it read:

1. Changes to site access including but not limited to gates, barriers, and traffic calming devices shall not be installed without the approval of the Tacoma Fire Department.

Regards,
CHRIS SEAMAN, P.E.
Senior Engineer
Tacoma Fire Department | Prevention Division
901 Fawcett Avenue | Tacoma, WA 98402
253.591.5503 | cseaman@cityoftacoma.org



From: Cornforth, Ronda
Sent: Monday, August 03, 2015 7:59 AM
To: Seaman, Chris
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Chris,

The City will be retaining an access easement over the entirety – I would anticipate that they'll eventually want to gate this area. Can we include something along the lines of "in the event petitioner wishes to gate the vacated area in the future the City of Tacoma shall be provided with all necessary equipment to maintain continual accesses"...

Something like that anyways.

From: Seaman, Chris
Sent: Friday, July 31, 2015 8:33 AM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Ronda,

TFD comment:

1. Fire department apparatus access must be maintained to the site. The vacated street shall not be used in a manner inconsistent with that of a fire lane. Future improvements to the vacated property will require prior approval from the Tacoma Fire Department.

Regards,
CHRIS SEAMAN, P.E.

Senior Engineer
Tacoma Fire Department | Prevention Division
901 Fawcett Avenue | Tacoma, WA 98402
253.591.5503 | cseaman@cityoftacoma.org



From: Cornforth, Ronda
Sent: Thursday, July 23, 2015 8:52 AM
To: Barnett, Elliott; Bateman, Joy; Ben Han (bhan@piercettransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita
Subject: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School
Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1353, as requested by Pacific Charter School, and provide comments for your respective utility/agency **on or before August 7, 2015**. Responses received later than August 7, 2015 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Thank you.

R. J. Cornforth
City of Tacoma, Public Works
Real Property Services

The meek shall inherit the Earth, but not its mineral rights.

Stevens, Troy

From: Cantrel, Aaron R <Aaron_Cantrel@cable.comcast.com>
Sent: Tuesday, August 11, 2015 3:22 PM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School
Attachments: Comcast-Agency Comments 124.1353.doc

Sorry I'm late.

From: Cornforth, Ronda [<mailto:rcornforth@cityoftacoma.org>]
Sent: Thursday, July 23, 2015 8:52 AM
To: Barnett, Elliott; Bateman, Joy; Ben Han (bhan@piercetransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron R; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara; Seaman, Chris; Simpson, Sue; Site Development Group; Standley, Steven; Trohimovich, Merita
Subject: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School
Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1353, as requested by Pacific Charter School, and provide comments for your respective utility/agency **on or before August 7, 2015**. Responses received later than August 7, 2015 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Thank you.

R. J. Cornforth
City of Tacoma, Public Works
Real Property Services

The meek shall inherit the Earth, but not its mineral rights.

Exhibit 11



TO: ALL CONCERNED AGENCIES & DEPARTMENTS

**FROM: RJ CORNFORTH
PUBLIC WORKS /REAL PROPERTY SERVICES**

SUBJECT: STREET VACATION REQUEST NO. 124.1353

DATE: July 23, 2015

Real Property Services has received a petition to vacate all that remaining portion of the City's alley between East "D" Street and East "E" Streets, north of Puyallup Avenue, abutting and adjacent to Blocks 7321 and 7322 Tacoma Land Company's First Addition to Tacoma, for passenger drop-off area and private school uses, as shown on the vicinity maps attached to this email.

The Petitioner currently is obtaining a Street Occupancy permit for such private uses as an interim measure to this vacation action.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, by August 7, 2015**. 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
- Pierce Transit
- Puget Sound Energy
- Qwest Communications
- Fire Department
- Police Department
- TPU/Power/T&D
- TPU/Water/LID
- PW/Director (3)
- PW/BLUS (2)
- PW/Construction
- PW/Engineering
- PW/Engineering/LID
- PW/Engineering/Traffic
- PW/Environmental Services
- PW/Solid Waste
- PW/Street & Grounds

RESPONSE

No Objections

Comments Attached

8/11/15 _____ Date

Aaron Cantrell _____ Signature

Planning & Design _____ Department

- Comcast has 1 empty 2" conduit within this Vacation area that originates in the ROW of Puyallup Ave and ends at the building (Pacific Charter School) and its sole purpose is to provide future service to the school. Petitioner's sole discretion as to disposition of existing conduit.

Tacoma Economic Development
Click! Network

Stevens, Troy

From: Cantrel, Aaron R <Aaron_Cantrel@cable.comcast.com>
Sent: Tuesday, August 11, 2015 3:37 PM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

If they would want service they would have to sign a Right of Entry and no easement would be required. If no services requested we would consider it abandoned.

From: Cornforth, Ronda [<mailto:rcornforth@cityoftacoma.org>]
Sent: Tuesday, August 11, 2015 3:26 PM
To: Cantrel, Aaron R
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Aaron,

If the petitioner declines to provide you an easement, nor wish for services, are you okay with abandonment of the empty conduit or would you require surplus and purchase?

What would be your process for "petitioner's sole discretion as to disposition"?

From: Cantrel, Aaron R [mailto:Aaron_Cantrel@cable.comcast.com]
Sent: Tuesday, August 11, 2015 3:22 PM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School

Sorry I'm late.

From: Cornforth, Ronda [<mailto:rcornforth@cityoftacoma.org>]
Sent: Thursday, July 23, 2015 8:52 AM
To: Barnett, Elliott; Bateman, Joy; Ben Han (bhan@piercetransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron R; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara; Seaman, Chris; Simpson, Sue; Site Development Group; Standley, Steven; Trohimovich, Merita
Subject: Street Vacation 124.1353 - Comments DUE August 7th - Pacific Charter School
Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1353, as requested by Pacific Charter School, and provide comments for your respective utility/agency **on or before August 7, 2015**. Responses received later than August 7, 2015 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Thank you.

R. J. Cornforth
City of Tacoma, Public Works
Real Property Services

The meek shall inherit the Earth, but not its mineral rights.

When Recorded Return To:

City of Tacoma
Public Works Department
Real Property Services
747 Market Street, Room 737
Tacoma WA 98402-3701

Document Title: STREET OCCUPANCY PERMIT
Permit Number: SOP570
Grantor: CITY OF TACOMA
Grantee: PCSD TACOMA FACILITIES I, LLC
PACIFIC CHARTER SCHOOL DEVELOPMENT, INC.
Legal Description: NE ¼, SECTION 09, TOWNSHIP 20 NORTH, RANGE 03
EAST, W.M.
Assessor's Tax Parcel Numbers: Adjacent 207321-003-4

STREET OCCUPANCY PERMIT
Private School Use of the Alley

THIS PERMIT, made and entered into this _____ day of _____, 20____, by and between the **CITY OF TACOMA**, hereinafter called the "City", and PCSD TACOMA FACILITIES I, LLC, a Washington Limited liability company, a wholly owned subsidiary of PACIFIC CHARTER SCHOOL DEVELOPMENT, INC., hereinafter collectively referred to as the "Permittee."

WITNESSETH:

WHEREAS the City, under Chapter 9.08, Tacoma Municipal Code, may grant the use of street right of way to owners and occupants of abutting real property, and

WHEREAS the Permittee owns or occupies the real property along Puyallup Avenue commonly referred to as 409 Puyallup Avenue; and

WHEREAS the Permittee desires to occupy a portion of the Puyallup Avenue right of way abutting and adjacent the above referenced property private school use as depicted in the attached Exhibit "A", this authorized use is an interim measure until completion of a Street Vacation Petition.

NOW THEREFORE, in consideration of the covenants and agreements of the parties hereto hereinafter set forth, the City does hereby grant unto the Permittee a Street Occupancy

Permit for that portion of street adjacent to the above described property, subject to and upon the following terms, covenants and conditions, to wit:

1. **USE, MAINTENANCE AND OPERATION OF THE PERMIT AREA.** The permit area is for private school use, as an interim measure until completion of a Street Vacation Petition, as approved by City of Tacoma Work Order #60000039382. The site authorized under this permit shall be maintained in an orderly, safe and sanitary condition at all times. The permit area shall not be expanded without written consent from the Public Works Director.
2. **CONDITIONS OF USE.**
 - a. **Plans Approval.** All work performed on or under said right-of-ways by the Permittee, its successors and assigns, shall be in accordance with detailed plans and specifications prepared by the Permittee and approved by the City of Tacoma as submitted to the City of Tacoma.
 - i. The area within the SOP shall not be used in a manner inconsistent with a fire lane. Fire department access, as approved by the Fire Code Official, shall be maintained at all times.
 - b. **Labor and Materials.** All labor to be performed and material to be furnished in the operations of the Permittee hereunder shall be at the sole cost and expense of Permittee and the City shall not be chargeable with or liable for any part thereof. The Permittee shall protect and defend the City's property against liens of every character arising from Permittee's operations and use thereof.
 - c. **Utilities.** Permittee, its successors and assigns, will be responsible for establishing the location and protection of any and all utilities located on, under, over, along or across the permit area. Any costs incurred in repairing and/or relocating existing public or private utility facilities shall be at the Permittee's sole expense.
 - d. **Removal, Relocation, Corrective or Adjustment.** If the City of Tacoma directs the reasonable removal, relocation, corrective or adjustment of any the private improvements from the permit area, such restorative action will be taken by Permittee in a timely manner and at no cost to the City, which conform to the Right of Way Restoration Policy.
3. **TERM.** Subject to paragraph 12 of this permit, the term of this permit shall be for one (1) year and be renewable for additional one (1) year terms unless terminated under the terms of paragraph 12 of this permit. Said term shall commence upon the above date.
4. **FEES.** The **annual renewal fee is \$90.00, plus an annual use fee of \$4,265.00.** In accordance with Title 9.08 of the Official Code of the City of Tacoma, there is currently no annual use fee for non-commercial occupancy. The City of Tacoma reserves the right to adjust the fee rate to reflect an updated fee schedule as set by City Council Ordinance or Resolution. The fee shall also be subject to leasehold excise tax and an annual renewal fee.

5. **INDEMNIFICATION.** In granting this Permit, the City and its officers, agents and employees do not intend to be liable to the Permittee or to any other party whomsoever for any death, injury or damage that may result to any person or property by or from any cause whatsoever in or about the Permit Area or any part thereof as a result of Permittee's use. Permittee agrees to indemnify, defend, and hold the City and its officers, agents and employees harmless from and against any and all claims, liens and judgments for death of or injury to any person or damages to property whatsoever occurring, on or about the Permit Area or any part thereof, except to the extent any such claim arises from the City's sole negligence.

Permittee specifically assumes potential liability for actions brought by Permittee's own employees against the City and, for the purpose of this indemnification and defense, Permittee specifically waives any immunity under the state industrial insurance law, Title 51 RCW. PERMITEE ACKNOWLEDGES THAT THIS WAIVER WAS THE SUBJECT OF MUTUAL NEGOTIATION.

6. **LIABILITY INSURANCE.** The Permittee shall maintain liability insurance policies that shall name the City as an additional insured and, at a minimum, provide coverage in substance and in amount as specified in Title 9.08 of the Official Code of the City of Tacoma (or any amendments thereto) pertaining to street occupancies. Coverages shall include, but not be limited to, Operations Liability, Products/Completed Operations Liability, Owner's and Contractor's Protective Liability, and Blanket Contractual Liability. The insurance policy shall: (1) name the City of Tacoma as a named Additional Insured; (2) apply as primary insurance, regardless of any insurance the City may carry; (3) include a "cross-liability" (severability of interest) clause; and (4) include limits of protection of not less than \$1,000,000 combined single limit, bodily injury and property damage. If Permittee's insurance includes a deductible or any form of self-retention, Permittee shall be solely responsible for satisfying such deductible or self-retention requirement. For a residential use, coverage shall be that found in the typical homeowner's policy. It is to be understood and agreed that the obligation of Permittee to indemnify, defend and hold harmless the City from claims for damages arising out of the use or operations related to this Permit shall not be limited to the amount of insurance provided by the Permittee. The insurance policy shall further contain a clause obligating the issuing company to give notice to the Risk Manager of the City of Tacoma 30 days before the cancellation of the policy. A copy of said policy, including an endorsement naming the City as an additional insured, shall be forwarded to the City for approval and filing.

This Permit is conditioned upon Permittee's maintaining these minimal insurance requirements and said Permit shall not become effective until the City has approved Permittee's insurance. If the insurance lapses or terminates, this Permit is automatically cancelled and Permittee's rights hereunder are terminated. Evidence of self-insurance in sufficient amounts may be substituted by the Permittee for said certificates of insurance.

7. **ASSIGNMENT.** This permit may not be assigned by the Permittee or any part thereof sublet by the Permittee without the prior written consent of the City.

8. **TAXES.** Permittee shall pay City as an additional permit fee, (a) all leasehold excise tax (as required by RCW 82.29A in lieu of real property taxes), (b) any surface water and other governmental charges and assessments (special and general) of every kind and nature levied or assessed against the Permit Area, and (c) any taxes levied or assessed in lieu of the foregoing, in whole or in part. Leasehold excise tax is calculated by the State using a percentage multiplier of either the fee required hereunder or an imputed fair market rental value, and as a result, Permittee shall be responsible for any increases in leasehold excise tax that result from an increase in permit fee for the Permit Area over the term hereof, or for increases due to an increase in the statutory rate during the term of this Permit. If Permittee provides City with a proof of exemption from payment of leasehold excise tax issued by the Washington State Department of Revenue, Special Programs Division, (360) 570-3265, then Permittee shall not be required to pay leasehold excise tax for the period that such exemption is effective. If the exemption is of limited duration, Permittee shall be required to obtain documented renewal of such exemption and provide such to City in order to claim continued exemption under this Permit. To the extent that any use fee credit provisions are a part of this Permit, Permittee's obligation to pay leasehold excise tax shall not be obviated by such credit.
9. **NONWAIVER OF DEFAULTS.** The Waiver by the City of any breach by Permittee of any term, covenant or condition hereof shall not operate as a waiver of any subsequent breach of the same nor may any condition of this agreement be waived, except by the written consent of the City, and forbearance or indulgence by the City in covenant or condition to be performed by the Permittee to which the same may apply, and until complete performance by the Permittee of said term, covenant or condition, the City shall be entitled to invoke any remedy available to it under this permit or by law, despite said forbearance or indulgence.
10. **LABOR AND MATERIALS.** All labor to be performed and material to be furnished in the operations of the Permittee hereunder shall be at the sole cost and expense of Permittee and the City shall not be chargeable with or liable for any part thereof. The Permittee shall protect and defend the City's property against liens of every character arising from Permittee's operations thereon.
11. **COVENANT RUNNING WITH THE LAND.** The Permittee agrees that this permit and indemnity agreement is and shall be deemed to be a covenant attaching to and running with the above described real estate.
12. **RIGHT TO TERMINATE.** This permit is wholly of a temporary nature and vests no permanent right whatsoever. Notwithstanding any other provision herein to the contrary, the City reserves and shall have the right to terminate this permit at any time upon thirty (30) days written notice to the Permittee, if the City determines that such termination is necessary to allow for such public or municipal uses of the Permit Area as may be in the best interests of the City of Tacoma or the general public. Any removal or adjustment will be done at the sole expense of the Permittee. This permit may be terminated without such notice if the permitted use becomes dangerous, or any structures related to the use become

insecure or unsafe, or if such structures are not constructed, maintained or used in accordance with this agreement or Chapter 9.08 of the Municipal Code of Tacoma.

DRAFT

IN WITNESS WHEREOF the parties hereto have executed this document as of the day and year first written above.

**PCSD TACOMA FACILITIES I, LLC., a Washington
Limited liability company, a wholly owned subsidiary of
Pacific Charter School Development, Inc.**

**By: Washington Charter School, Development Inc., a
Washington Corporation, Member**

John Sun, Director

STATE OF CALIFORNIA)
) SS
COUNTY OF _____)

On _____, 20____, before me, _____,
Notary Public, personally appeared **John Sun**, who proved to me on the basis of satisfactory
evidence to be the person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his authorized capacity, and that his
signature on the instrument the person, or the entity upon which the person acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

**CITY OF TACOMA
PUBLIC WORKS DEPARTMENT**

Jeffrey A. Jenkins,
Asst. Public Works Director

Chris Larson, P. E.
Engineering Division Manager

Justin E. Davis
Facilities Division Manager

Risk Manager

Approved as to form:

Deputy City Attorney

EXHIBIT A –
TO STREET OCCUPANCY PERMIT



DR