

# PRELIMINARY REPORT

## PREPARED FOR THE HEARING EXAMINER BY REAL PROPERTY SERVICES

For the Hearing to be Held  
Thursday, May 21, 2015 at 9:00 AM

PETITIONER: CURRAH & MCNAMARA

FILE NO. 124.1344

### A. SUMMARY OF REQUEST:

Real Property Services has received a petition from Mr. Brad Currah and Deborah McNamara to vacate a portion of South Stevens Street right-of-way lying northerly of South 64<sup>th</sup> Street, as depicted on the attached Exhibits ~~1 and 2~~, for the purposes of driveway, garden and landscaping enhancements. *2 and 3*

### B. GENERAL INFORMATION:

#### 1. Legal Description of Vacation:

Beginning at the Northwest corner of Lot 10, Block 18, Manito Park, Pierce County, according to the Plat thereof recorded in Volume 8 of Plats at Page 82, in Pierce County, Washington; thence North 88°35'14" West, along the Westerly extended North line of said Lot 10, a distance of 70.00 feet to the Easterly line of Block 19; thence South 01°27'43" West, along the East line of said Block 19, a distance of 85 feet, more or less, to the Northerly margin of South 64<sup>th</sup> Street; thence South 88°36'11" East, along said northerly margin, a distance of 70.00 feet to the West line of said Block 18; thence North 01°27'43" East, along said west line, a distance of 85 feet, more or less to the Point of Beginning.

Situate in the City of Tacoma, County of Pierce, State of Washington.

#### 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

**ORIGINAL**

**Exhibit 1**

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.

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 April 3, 2015 at approximately 9:15 a.m. at location described in item 1 below:

1. Placed yellow public notice signs at the Southerly and Northerly borders of the requested vacation area along Stevens Street at South 64<sup>th</sup> Street.
2. Public notice memo placed into the glass display case located on the second floor of the Municipal Building.
3. Public notice memo placed into the glass display case located on the first floor of the Municipal building abutting the Finance Department.
4. Public notice memo advertised on the City of Tacoma web site at address: <http://www.cityoftacoma.org/page.aspx?nid=596>
5. Public Notice advertised in the Daily Index newspaper.
6. Public Notice mailed to all parties of record within the 300 feet of vacation request.
7. Public Notice advertised on Municipal Television Channel 12.

**D. PURPOSE OF REQUEST:**

The Petitioner plans on acquiring the vacated area for driveway, garden and landscaping enhancements.

**E. HISTORY:**

The City of Tacoma acquired the rights of way proposed to be vacated by Plat filing of Manito Park on June 28, 1907 as filed record under Auditor's File Number 242895, at Volume 8, Page 82, records of Pierce County, Washington. Copy of recorded Plat attached as Exhibit ~~3-4~~.

(u)

**F. PHYSICAL LAND CHARACTERISTICS:**

This portion of South Stevens Street is unimproved, steeply sloped and does not contain asphalt, curbs, gutters or sidewalks. This portion of South Proctor Street is currently functioning as a private dirt and gravel driveway to service adjoining parcels. The right of way, as dedicated is 70 feet in width and does not make a thru connection to South 64<sup>th</sup> Street.

**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 commercial and/or residential uses of the lands to the tax rolls;
  - b. Will provide economic, residential density and/or employment viability to the community; and
  - c. Facilitate economic development.
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 dead end road segment.
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. ADDITIONAL INFORMATION:**

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 Sue Simpson of the 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.

Map Frame – Exhibit + 2 (44)

Aerial Map Frame – Exhibit ~~2~~ 3  
Manito Park Plat – Exhibit ~~3~~ 4  
PW Traffic Engineering – Exhibit 4 5  
Tacoma Fire – Exhibit ~~5~~ 6

(LL)

PW Engineering – No Objection  
Environmental Services – No Objection  
Tacoma Power – No Objection  
Click! Network – No Objection  
Tacoma Water – No Objection  
Public Works/LID – No Objection  
Puget Sound Energy – No Objection  
Comcast Communications – No Objection  
CenturyLink – No Objection

Tacoma Police – No Response  
Solid Waste – No Response  
Pierce Transit – 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. TRAFFIC ENGINEERING

- a. Please contact Jennifer Kammerzell at (253) 502-5511 regarding Traffic Engineering comments.
- b. Traffic Engineering has no objection; however, in order to provide a safe and reasonable area for the public to turnaround, an approved turnaround or cul de sac will be required at time of development. In addition, a driveway approach to delineated private property from public right of way will be required at time of development, as well. Blocking the right of way, e.g. gate or fence, will not be allowed without proper turnaround.
  - i) Traffic Engineering Advisory Comment.

- ii. Traffic Engineering recommends that the overgrown vegetation along 6250 Stevens Street be removed to allow for better vehicular access and clearance.

3. TACOMA FIRE

- a. Please contact Chris Seaman at (253) 591-5503 regarding Tacoma Fire's comments.
- b. Tacoma Water has no objection; however, Fire department access to the sites fronting the vacation area must be maintained. The construction of any gate or barricade that restricts or modifies access to the sites fronting the vacation area requires a building permit and Tacoma Fire Department approval.
  - i) Tacoma Fire Department Advisory Comment.
    - ii. Future development may require the addition of a fire hydrant and associated water main extension on Stevens Street.
    - iii. Future development may require the construction of a turnaround meeting fire department apparatus requirements.

4. PW / LID

- a. Please contact Sue Simpson at (253) 591-5529 regarding LID comments.
- b. Public Works LID has no objection; however, has provided the following advisory comment.
  - i) There is no connection charge in lieu of assessment for sanitary sewer at this time. The properties to the west of Stevens Street have not been assessed, as they do not abut a sanitary sewer main. Development plans would be required to determine how the westerly properties would be served.

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.



Currah & McNamara

STREET VACATION NO. 124.1344

SOUTH STEVENS STREET NORTH OF SOUTH 64<sup>TH</sup> STREET

SW 1/4 SEC. 24, T20N, R2E

NOT TO SCALE



Currah & McNamara

STREET VACATION NO. 124.1344

SOUTH STEVENS STREET NORTH OF SOUTH 64<sup>TH</sup> STREET

SW 1/4 SEC. 24, T20N, R2E

NOT TO SCALE

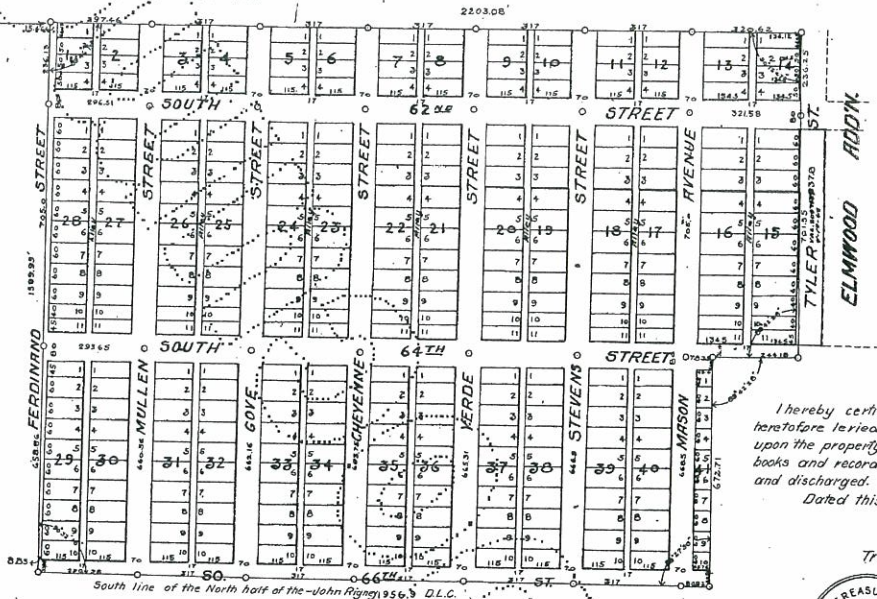


# Manito Park

## PIERCE COUNTY WASHINGTON

SCALE 1" = 250'

Point of Beginning of the North Line of the John Rigney D.L.C. and 797.94 feet East of the West Line of Section 24 T.20N. R.2E. W.M.



I hereby certify that all State and County taxes heretofore levied and which have become a charge upon the property described within according to the books and records of my office have been fully paid and discharged.

Dated this 31<sup>st</sup> day of May 1907.

Ed. W. Lusk  
Treasurer Pierce Co. Wash.  
By *W. Lusk* Deputy



This is to certify, that I H. Robert Paul a bachelor, owner of the following described property to-wit:

Beginning 924 feet South and 797.94 feet East of the intersection of the West line of Section 24 Township 20 North, Range 2 East of the Willamette Meridian, with the North line of the John Rigney Donation Land Claim, thence running South parallel with said West line of Section 24 and an extension thereof a distance of 1599.99 feet to the South line of the North half of said John Rigney Donation Land Claim, thence East along said South line 1956.90 feet, thence North parallel with said extension of the West line of Section 24 a distance of 672.71 feet to said South line of Section 24, thence East along said south line 246.18 feet, thence North parallel with said West line of Section 24 a distance of 937.5 feet to a line parallel with and 924 feet South of said North line of John Rigney D.L.C., thence West on said parallel line 2203.08 feet to place of beginning; have caused the same to be surveyed and platted according to the accompanying map and do record the same under the title of "MANITO PARK PIERCE COUNTY WASHINGTON", and do hereby donate and dedicate all the streets and alleys shown on said map to the use of the public forever and certify the same to be free from all incumbrances.

In witness whereof I hereby set my hand this 29<sup>th</sup> day of May 1907.

Witness:  
*H. J. Schwin*  
*J. M. Burtel*

STATE OF WASHINGTON )  
COUNTY OF PIERCE ) ss.

I *H. J. Schwin* a duly qualified Notary Public in and for said County and State do hereby certify that on this 29<sup>th</sup> day of May 1907 before me personally appeared *H. Robert Paul* a bachelor to me known to be the individual described in and who executed the accompanying instrument and who acknowledged to me that he signed and executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof I have hereunto set my hand and caused my official seal to be hereunto affixed the day and year in this certificate first above written.

ORDINANCE # 21898  
VACATING PORTION:  
OF # 21011902.67



*H. J. Schwin*  
Notary Public in and for the State of Washington, residing at Tacoma.

I hereby certify that I have surveyed the accompanying plat and that the measurements shown thereon are correct and that stone monuments are placed at points indicated by small circles.

*L. A. Nishland*  
Civil Engineer.

Approved June 6<sup>th</sup> 1907  
*Alfred S. Baker*  
County Surveyor

Approved as to form June 27<sup>th</sup> 1907  
*H. C. Paulson*  
Prosecuting Attorney  
of Pierce County, Wash.

Approved June 5 1907:  
*Frank L. Davis*  
City Engineer.

Approved June 12<sup>th</sup> 1907  
*Clara Brock*  
Commissioner of Public Works.

Accepted by the County Commissioners of Pierce County Washington this 27<sup>th</sup> day of June 1907.  
*W. H. Dickson* }  
*George Adams* } Commissioners

Accepted by the City Council of the City of Tacoma this 19<sup>th</sup> day of June 1907  
Attest *L. H. Poy* City Clerk



242895\*  
Approved June 24 1907  
*Geo. O. Wright*  
Mayor

Filed and recorded at the request of H. R. PAUL this 28 day of Jun 1907 at 13 minutes past 11 o'clock A.M. on page B2, Vol. B of Record of Plats.

*J. M. Stowell*  
Auditor Pierce County, Wash.  
*Dr. A. B. Lewis* Deputy  
Compared by *G. and Y.*

INDEXED BY *Chapin*

For reference only, not for re-sale.

## Cornforth, Ronda

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**From:** Kammerzell, Jennifer  
**Sent:** Monday, February 09, 2015 4:43 PM  
**To:** Cornforth, Ronda  
**Cc:** Seaman, Chris; Coyne, Richard  
**Subject:** RE: Street Vacation 124.1344 - Comments DUE February 9, 2015

Traffic Engineering has reviewed the request for vacation of Stevens Street north of South 64<sup>th</sup> Street and has no objections. In order to provide a safe and reasonable area for the public to turnaround, an approved turnaround or cul de sac will be required at time of development. In addition, a driveway approach to delineate private property from public right of way will be required at time of development, as well. Blocking the right of way, e.g. gate or fence, will not be allowed without a proper turnaround.

Traffic Engineering recommends that the overgrown vegetation along 6250 Stevens Street be removed to allow for better vehicular access and clearance.

### *Jennifer Kammerzell*

Senior Engineer  
City of Tacoma Public Works Engineering

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**From:** Cornforth, Ronda  
**Sent:** Monday, January 26, 2015 8:43 AM  
**To:** Bateman, Joy; Ben Han ([bhan@piercetransit.org](mailto:bhan@piercetransit.org)); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Coffman, James; Coyne, Richard; Danby, Marilynn; Dykas, Veronica; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey; Kammerzell, Jennifer; Kingsolver, Kurtis; Reynolds, Tanara; Seaman, Chris; Simpson, Sue; Standley, Steven; Trohimovich, Merita  
**Subject:** Street Vacation 124.1344 - Comments DUE February 9, 2015

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1344, as requested by neighbors Brad Currah and Deborah McNamara, and provide comments for your respective utility/agency **on or before FEBRUARY 9, 2015**. Responses received later than February 9, 2015 risk NOT being incorporated into the vacation action. Please call or email me with any questions you may have.

Thank you.

### *R. J. Cornforth*

City of Tacoma, Public Works  
Real Property Services  
747 Market Street, Ste. 737  
Tacoma, WA 98402-7941  
(253) 591-5052 / Fax (253) 594-7941  
[rcornfor@cityoftacoma.org](mailto:rcornfor@cityoftacoma.org)

*We are made wise not by the recollection of our past, but by the responsibility for our future.*

## Cornforth, Ronda

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**From:** Seaman, Chris  
**Sent:** Monday, February 09, 2015 5:13 PM  
**To:** Cornforth, Ronda  
**Subject:** RE: Street Vacation 124.1344 - Comments DUE February 9, 2015

Ronda,

TFD conditions:

1. Fire department access to the sites fronting the vacation must be maintained. The construction of any gate or barricade that restricts or modifies access to the sites fronting the vacation requires a building permit and Tacoma Fire Department approval.

TFD advisory comments:

1. Future development may require the addition of a fire hydrant and associated water main extension on Stevens Street.
2. Future development may require the construction of a turnaround meeting fire department apparatus requirements.

Regards,

**CHRIS SEAMAN, P.E.**

Senior Engineer

Tacoma Fire Department | Prevention Division

901 Fawcett Avenue | Tacoma, WA 98402

253.591.5503 | [cseaman@cityoftacoma.org](mailto:cseaman@cityoftacoma.org)



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**From:** Cornforth, Ronda

**Sent:** Monday, January 26, 2015 8:43 AM

**To:** Bateman, Joy; Ben Han ([bhan@piercettransit.org](mailto:bhan@piercettransit.org)); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Coffman, James; Coyne, Richard; Danby, Marilyn; Dykas, Veronica; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey; Kammerzell, Jennifer; Kingsolver, Kurtis; Reynolds, Tanara; Seaman, Chris; Simpson, Sue; Standley, Steven; Trohimovich, Merita

**Subject:** Street Vacation 124.1344 - Comments DUE February 9, 2015

Agency Reviewer,

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Thank you.

***R. J. Cornforth***

City of Tacoma, Public Works

Real Property Services



**TO: ALL CONCERNED AGENCIES & DEPARTMENTS**

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

**SUBJECT: STREET VACATION REQUEST NO. 124.1344**

**DATE: January 26, 2015**

Real Property Services has received an updated petition to vacate all that portion of South Stevens Street, adjacent and abutting 6251 South Stevens Street, for driveway, garden and landscaping, as shown on the vicinity maps attached to this email.

The Petitioner proposes to add the lands to be vacated to the adjoining lands to the East and West for such purposes.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, by February 9, 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
- Tacoma Economic Development
- Click! Network

RESPONSE

\_\_\_\_\_ No Objections

\_\_\_\_\_ Comments Attached

\_\_\_\_\_ 2/9/15 \_\_\_\_\_ Date

\_\_\_\_\_ *[Signature]* \_\_\_\_\_ Signature

\_\_\_\_\_ PW/R E Services \_\_\_\_\_ Department

There is no connection charge in lieu of assessment for sanitary sewer at this time. The properties to the west of Stevens St have not been assessed, as they are not abutting a san sewer main. A developmental plan would be necessary to determine how the properties are to be sewerred.