

PRELIMINARY REPORT

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

**For the Hearing to be Held
Thursday, July 10, 2014 at 9:00 AM**

PETITIONER: WESCO MANAGEMENT, LLC

FILE NO. 124.1341

A. SUMMARY OF REQUEST:

Real Property Services has received a petition from Wesco Management, LLC to vacate a portion of South 49th Street right-of-way lying between South Wilkeson Street and Interstate 5 to fulfill the commercial development requirements of a fire lane and parking as depicted on the attached map Exhibit 3 (b).

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

All that portion of South 49th Street lying between South Wilkeson Street and I-5 described as follows:

Beginning at the Southeast corner of Lot 16, Block 22 Acme Addition to Tacoma, according to the Plat thereof recorded in Book 8 of Plats, Page 110, records of Pierce County, Washington; thence North 87°26'32" West, along the South line of said Block 22, a distance of 365.29 feet; thence South 03°03'10" East a distance of 60.29 feet, more or less, to the north line of Block 23 of said Acme Addition; thence South 87°26'32" East, along the North line of said Block 23, a distance of 269.39 feet; thence North 02°33'28" East a distance of 47.50 feet; thence South 87°26'32" East a distance of 90.00 feet; thence North 02°33'28" East a distance of 12.50 feet to the True Point of Beginning.

All situate in the Northwest Quarter of the Northwest Quarter of Section 20, Township 20 North, Range 03 East, W.M., within 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 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 June 6, 2014 at approximately 1:00 p.m. at locations 1 and 2 described below:

1. Placed yellow public notice sign approximately 90 feet east of the South 48th Street overpass and southerly and adjacent to the sidewalk.
2. Placed yellow public notice sign at the northwest corner of South Wilkeson Street and South 49th Street, northerly and adjacent to the sidewalk.
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 on acquiring the vacated area in furtherance of adherence to commercial development requirements of a fire lane and parking. The northerly portion of this vacation is also intended for the construction and maintenance of a concrete retaining wall supporting the proposed loading dock.

E. HISTORY:

The City acquired the right of way subject to vacation by plat filing of Acme's Addition to Tacoma Washington on November 2, 1907 as filed in Book 8 of Plats, at Page 110, records of Pierce County, Washington, as provided herein as Exhibit 4.

F. PHYSICAL LAND CHARACTERISTICS:

South 49th Street is 60 feet wide and was first improved in 1908 by private contract under City Improvement Plans No. 381 with the construction of sidewalks, wooden curb and gutter box. Improved again in 1955 and 1962 with the construction of wastewater and storm water mains, curb, gutter and asphalt roadway measuring 32' in width.

With the 1957 construction of Tacoma Freeway, South City Limits to Pacific Avenue (referred to as Interstate 5) this section of South 49th Street became a dead end. South 49th Street has a slope of approximately 13% from South Wilkeson Street to Interstate 5.

South 49th Street has become attractive for illegal dumping, as such, the City has long since barricaded with ecology blocks to prevent public access.

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 uses of the lands to the tax rolls;
 - b. Will provide economic and 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. South 49th Street entrance will be limited to a fire lane, utilities easements and parking and will not direct customer and/or delivery traffic via South 49th Street to ensure that such will not negatively impact the neighborhood.
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.

- Preliminary Report – Exhibit 1
- Exhibit List – Exhibit 2
- Aerial Maps (2) – Exhibit 3
- Plat Maps – Exhibit 4
- WSDOT I-5 Map – Exhibit 5
- Environmental Services – Exhibit 6
- Tacoma Fire – Exhibit 7
- Tacoma Water – Exhibit 8
- Public Works/LID – Exhibit 9
- Puget Sound Energy – Exhibit 10

- PW/Traffic Engineering – No Objection
- Tacoma Power – No objection
- Comcast Communications – No Objection
- Planning & Development Services – No Objection
- CenturyLink – No Objection

- Community & Economic Development – No Response
- Solid Waste – No Response
- Pierce Transit – 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. ENVIRONMENTAL SERVICES
 - a. Please contact Merita Trohimovich at (253) 502-2103 regarding Environmental Services' comments.
 - b. Environmental Services has no objection; however, they will require reservation of an easement for the existing storm and sanitary mains.

3. TACOMA FIRE
 - a. Please contact Chris Seaman at (253) 591-5503 regarding Tacoma Fire's comments.
 - b. Tacoma Fire has no objection; however they advise that the Petitioner will be required to relocate the existing fire hydrant, in coordination with Tacoma Water, to a location near South 49th Street termination.

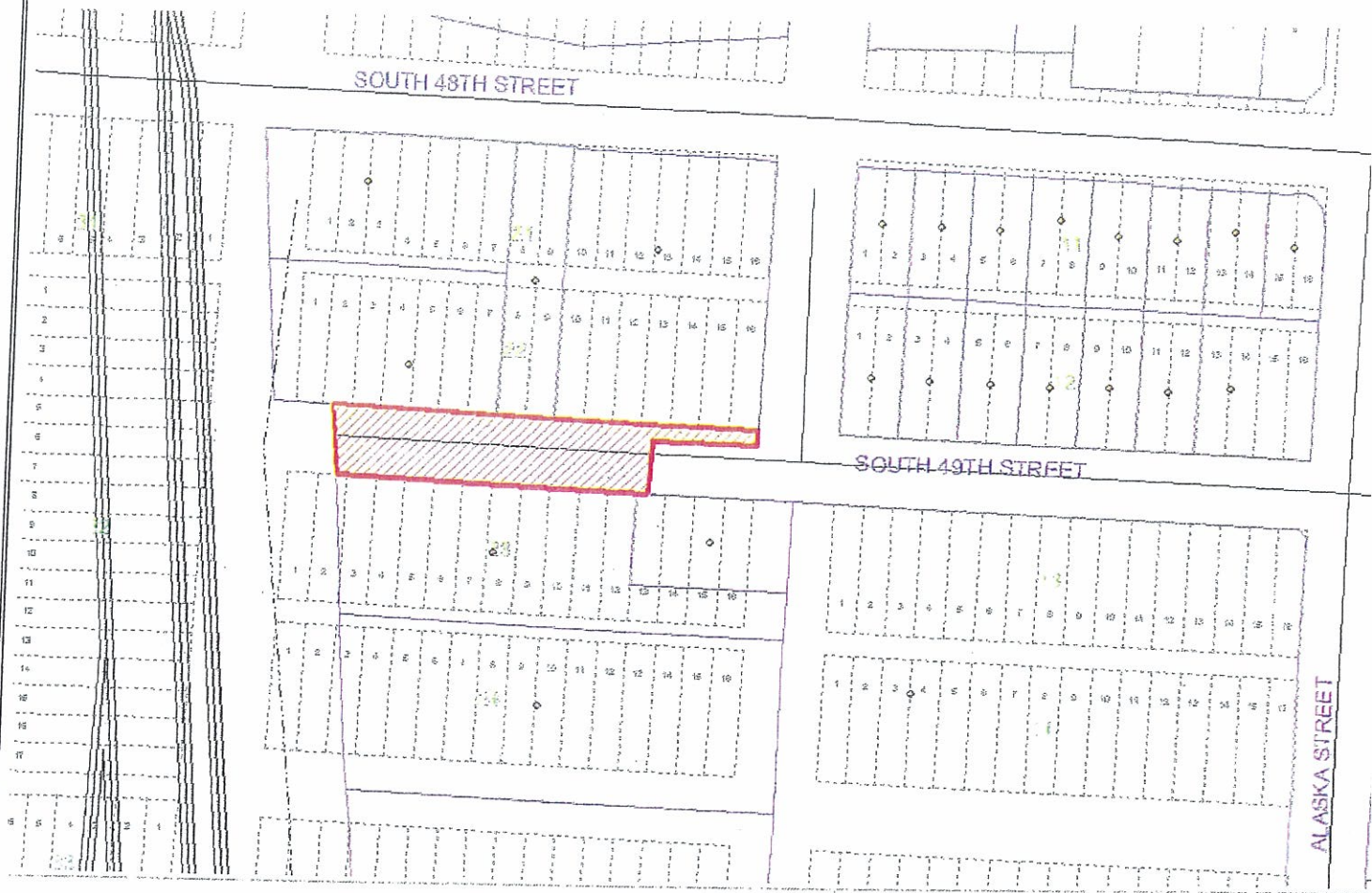
4. TACOMA WATER
 - a. Please contact Jesse Angel at (253) 502-8280 regarding Tacoma Water's comments.
 - b. Tacoma Water has no objection; however, they will require a separate easement to be executed and recorded concurrently with the vacation Ordinance and not as a reservation therein.

5. PUBLIC WORKS/LID
 - a. Please contact Sue Simpson at (253) 591-5529 regarding LID's comments.
 - b. LID has no objection; as an advisory comment however, the collection in-lieu of assessment for sanitary sewer, as of May 15, 214 is \$1,896.21.
Note: Advisory Comment only

6. PUGET SOUND ENERGY
 - a. Please contact Marilyn Danby at (253) 476-6451 regarding Puget Sound Energy's comments.
 - b. Puget Sound Energy has no objection; however, they will require a separate easement to be executed and recorded concurrently with the vacation Ordinance.

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.



SOUTH 48TH STREET

SOUTH 49TH STREET

ALASKA STREET

WESCO MANAGEMENT, LLC

STREET VACATION NO. 124.1341

SOUTH 49TH STREET BETWEEN WILKESON STREET & I-5

NW 1/4 SEC. 20, T20N, R3E

NOT TO SCALE



SOUTH 48TH STREET

SOUTH 49TH STREET

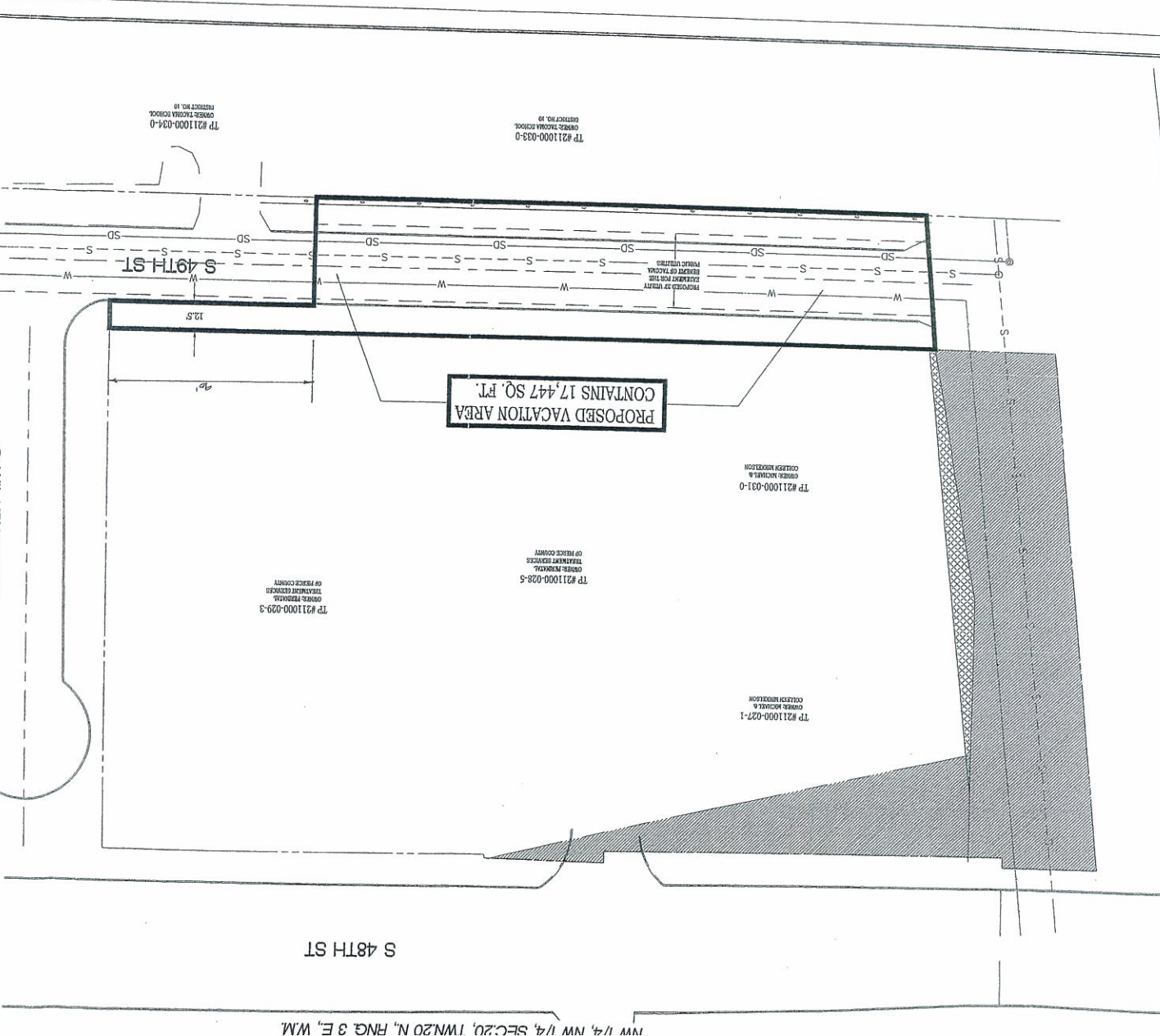
ALASKA STREET

WESCO MANAGEMENT, LLC
STREET VACATION NO. 124.1341

SOUTH 49TH STREET BETWEEN WILKESON STREET & I-5

NW 1/4 SEC. 20, T20N, R3E

NOT TO SCALE



PROPOSED SOUTH 49th STREET VACATION EXHIBIT

LARSON and ASSOCIATES
Larson, Jungwirth & Associates, Inc.
 4401 So. 89th St. - Midway, VA 22109 (753) 274-3100

Prepared for:
 MDC PARTNERS FOR LESS
 1560 VIA DEL CORTE
 SAN MARCOS, CA 92078 PH: (760) 744-0044

PROJECT NO. 03-21-14
 DATE 03-21-14
 DRAWING NO. 8240-VAC
 SHEET 1 OF 1

REVISION	DATE	SCALE
DRAWN	CAL	HOR. 1"=20'
CHECKED	CAL	VERT. 1"=40'

INDEX MAP

The index map shows a grid of streets. A shaded rectangle indicates the location of the site at the intersection of S 49th St and S Wilkeson St. Other streets shown include S 47th St, S 48th St, and S Wilkeson St.

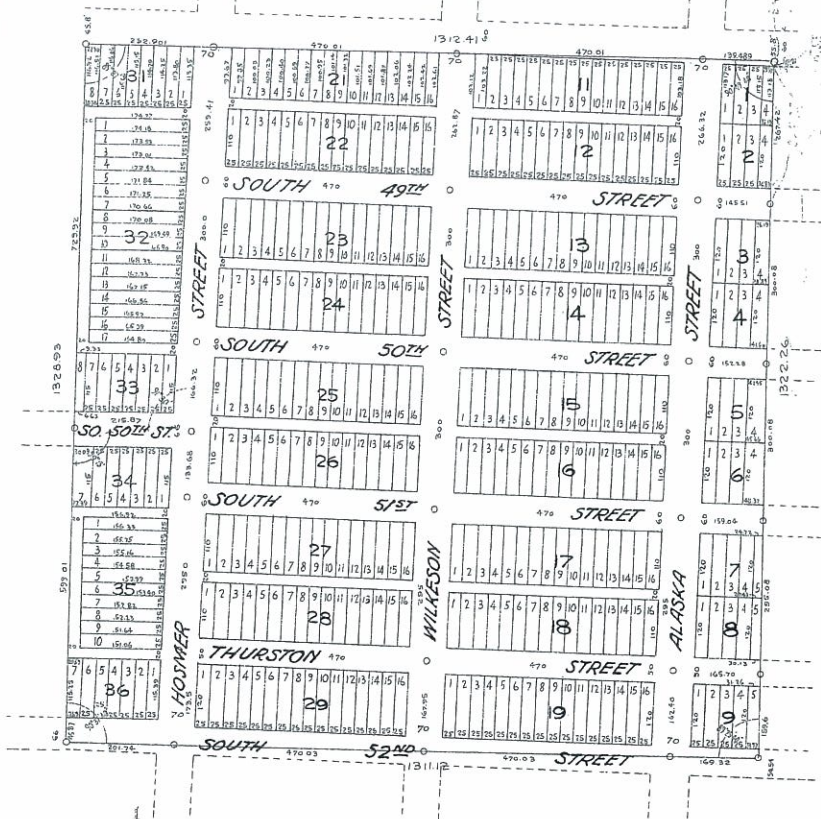
Exhibit 3 (b)

Arme Addition TO TACOMA, WASHINGTON.

Scale 1"=200'

11-02-1907

Vol. 8, p. 110



THIS IS TO CERTIFY: That we John L. Grandin and Grace H. Grandin man and wife owners of the following described property to-wit:-

The N. 1/4 of the N. 1/4 of Section 20, Township 20 North, Range 3 East of the Willamette Meridian have caused the same to be surveyed and platted according to the accompanying map and do record the same under the title of Arme Addition To Tacoma Washington and do hereby donate and dedicate all the streets and alleys shown on said map to the use of the public forever.

We further certify that the same is free from all incumbrances.

In witness whereof we do hereby set our hands and seals this _____ day of _____ 1907.

Witness: _____

STATE OF WASHINGTON)
COUNTY OF _____)

I, _____ a duly qualified Notary Public in and for said County and State do hereby certify that on this _____ day of _____ 1907 before me personally appeared John L. Grandin and Grace H. Grandin man and wife to me known to be the individuals described in and who executed the accompanying instrument and who acknowledged to me that they signed and executed the same as their 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 affixed the day and year in this certificate first above written.

Notary Public in and for the State of _____ residing at _____

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 _____ day of _____ 1907.

Treasurer Pierce County, Washington

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.

Civil Engineer.

Approved _____ 1907.

City Engineer.

Approved _____ 1907

Commissioner of Public Works.

Accepted by the City Council of the City of Tacoma this _____ day of _____ 1907.

City Clerk _____ President _____

Approved _____ 1907.

Mayor.

Filed and recorded at the request of _____ this _____ day of _____ 1907 at _____ minutes past _____ o'clock _____ M. on Page _____ Vol. _____ of Record of Plats.

By _____ Deputy. Auditor Pierce County, Washington.





TO: ALL CONCERNED AGENCIES & DEPARTMENTS

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

SUBJECT: STREET VACATION REQUEST NO. 124.1341

DATE: May 14, 2014

Real Property Services has received a petition to vacate all that portion of South 49th Street, lying between South Wilkeson Street and I-5, for future development, 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 North for the purpose of commercial development as parking and fire access. This is not intended for customer entrance/exit.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, by MAY 30, 2014**. 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)

PW/Environmental Services

RESPONSE

_____ No Objections

___X___ Comments

_____ May 15, 2014 _____ Date

_____ Merita Trohimovich _____ Signature

___ES SW - WW_____ Department

Environmental Services Wastewater/Stormwater will require a minimum 30' (thirty foot) easement for access and utilities. The easement shall be centered over the wastewater line and provide at least 10 feet of easement on both sides of the stormwater line. There shall be no impediment to travel of personnel and equipment through the entire easement. No obstructions (structures, gates, fences etc.) will be allowed to impede travel along South 49th St from one side of the vacated area to the other.

From: Seaman, Chris
Sent: Tuesday, May 20, 2014 2:28 PM
To: Cornforth, Ronda
Cc: Erickson, Ryan
Subject: RE: Street Vacation 124.1341 - Comments DUE May 30, 2014

Ronda,

TFD comments below:

1. Records show an existing public hydrant at the west end of South 49th Street. Removal, relocation, and/or modification of this existing hydrant must be coordinated with Tacoma Water. Approval must be granted by both Tacoma Water and Tacoma Fire.
2. A new public fire hydrant will be required at the new termination of South 49th Street. Coordinate the installation of this hydrant with Tacoma Water. Final placement to be approved by Tacoma Fire.

Regards,

CHRIS SEAMAN

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



From: Cornforth, Ronda
Sent: Wednesday, May 14, 2014 4:01 PM
To: Bateman, Joy; Ben Han (bhan@piercetransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Coffman, James; Cornforth, Ronda; 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 124.1341 - Comments DUE May 30, 2014

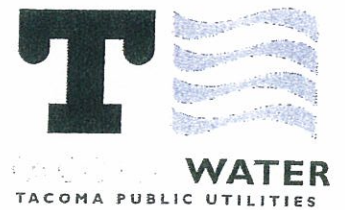
Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1341, as requested by Wesco Management, LLC, and provide comments for your respective utility/agency **on or before MAY 30, 2014**. 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



DATE: May 27, 2014

TO: Ronda Cornforth, Senior Real Estate Specialist
Department of Public Works, Facilities Division

FROM: TONY LINDGREN, Water Distribution Engineering Manager
Tacoma Water

SUBJECT: Street Vacation Request No. 124.1341

Tacoma Water has reviewed the above-referenced street vacation and has the following comments:

1. The requested vacation area contains a 6" Water Main that will need to remain in place.
2. Tacoma Water requests a 20-foot perpetual easement over, under, across, and through the existing right-of-way for maintenance, repair, construction, modification, and replacement of existing and future Tacoma Water facilities, including water mains, fire hydrants, service laterals, and meters. Said easement shall be centered over the main, described by a Professional Land Surveyor, and reviewed and approved by Tacoma Water.
3. The easement shall include unlimited access to the easement area.
4. To avoid conflicts with existing facilities and access, Tacoma Water requests review and approval rights for any proposed improvements within the easement area.
5. Any relocation or adjustment of existing Tacoma Water infrastructure requested by the Petitioner will be done by Tacoma Water at the Petitioner's sole cost and expense.
6. Damage to any Tacoma Water facilities within the easement area by the Petitioner or their lessee shall be repaired by Tacoma Water at the Petitioner's sole cost and expense.
7. No permanent structures shall be placed within the easement area.



TO: ALL CONCERNED AGENCIES & DEPARTMENTS

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

SUBJECT: STREET VACATION REQUEST NO. 124.1341

DATE: May 14, 2014

Real Property Services has received a petition to vacate all that portion of South 49th Street, lying between South Wilkeson Street and I-5, for future development, 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 North for the purpose of commercial development as parking and fire access. This is not intended for customer entrance/exit.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, by MAY 30, 2014**. 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

5/15/14

Date

[Handwritten Signature]

Signature

E.S.S. / WW / Bus Ops

Department

IN LIEU OF ASSESSMENT -
\$1,896.21

From: Danby, Marilyn M <marilynn.danby@pse.com>
Sent: Thursday, May 15, 2014 2:50 PM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1341 - Comments DUE May 30, 2014

Ronda, PSE has a 4 in gas main located within the proposed vacate area. The gas line goes approximately 110 feet west of the west right of way line of Wilkeson St and approximately 19 – 20 feet north of the center line of 49th. If the petitioner still desires to proceed with the vacate, PSE will need to obtain an easement. Please forward me the legal description of the vacate, if PSE is to proceed with the 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: Wednesday, May 14, 2014 4:01 PM
To: Bateman, Joy; Ben Han (bhan@piercetransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Coffman, James; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn M; 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 124.1341 - Comments DUE May 30, 2014

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1341, as requested by Wesco Management, LLC, and provide comments for your respective utility/agency **on or before MAY 30, 2014**. 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

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