



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
Ronda Van Allen, Senior Real Estate Specialist, Public Works Real Property Services *RJVA*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 21-0179 – Street Vacation 124.1408 – March 16, 2021  
**DATE:** February 23, 2021

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**SUMMARY AND PURPOSE:**

An ordinance vacating a portion of South 37th Street and South Union Avenue off-ramp right-of-way lying westerly of South Tacoma Way.

**BACKGROUND:**

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on January 21, 2021. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is a portion of South 37th Street and South Union Avenue off-ramp right-of-way lying westerly of South Tacoma Way. The Vacation Area is limited to a maximum vertical distance of twelve feet (12') in height from the existing finished grade. Petitioner Chandler Investment I, LLC (the “Petitioner”) requested the vacation in order to be able to use the area with its adjacent property for future business expansion/development potential, and presently for surface parking. The Vacation Area is not being used currently for any material right-of-way system purpose, nor does the City see any future need for it as right-of-way.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held on this petition on January 21, 2021, at which members of the community could attend and express their concerns with and/or support for the proposed right-of-way vacation. No members of the public appeared. The vacation will benefit the Petitioner by allowing the Vacation Area to be incorporated into its adjacent property for future business/development potential, and present surface parking. Public benefit is realized by reducing the City’s public right-of-way maintenance inventory and expenditures, facilitating business development, and through the Vacation Area being added to the taxable square footage of the abutting property for potential increased City revenue.

**2025 STRATEGIC PRIORITIES: NA**



**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve the vacation request under conditions different than those recommended.	Any positive impacts arising from different conditions would depend on what those conditions are.	Any difference in conditions imposed would have to find justification outside of the City's current position, i.e., of not needing the Vacation Area as public right-of-way.
2. The Council could deny the vacation petition.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo of encumbering the abutting property with an unneeded right-of-way interest.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo preserving the City's unneeded public right-of-way interest.

**EVALUATION AND FOLLOW UP:**

The recommendation on the street vacation petition is subject to the conditions listed in the Hearing Examiner's Report and Recommendation to the City Council issued on January 28, 2021, which includes various reservations of easement rights to the City. Follow up ensuring that these conditions are met prior to final reading will be conducted by Real Property Services staff.

**STAFF/SPONSOR RECOMMENDATION:**

The Hearing Examiner recommends approval of the requested street vacation, subject to the conditions listed in Conclusion 8 of the Hearing Examiner's Report and Recommendation.

**FISCAL IMPACT:**

The potential fiscal impact of this right-of-way vacation is not known at this time. If the vacation is approved, a fair market appraisal or market rate analysis will occur after first reading of the ordinance. When the market information is available, the estimated revenue from the vacation will be communicated to the City Council by the appropriate City Department. The Vacation Area will be added to the taxable square footage of the abutting real property, thereby possibly generating some additional ongoing property tax income.

**ATTACHMENTS:**

The following documents can be found in Legistar:

- The Hearing Examiner's City Council Action Memorandum, dated February 23, 2021.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on January 28, 2021.
- The City's Witness List, City's Exhibit List, and City Exhibits C-1 through C-19.
- Verbatim electronic recording from the hearing held on January 21, 2021.