



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
Ronda Cornforth, Senior Real Estate Specialist, Public Works Real Property Services *RC*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 18-1359 – Street Vacation 124.1392 – December 4, 2018  
**DATE:** November 15, 2018

**SUMMARY:**

Request for an ordinance granting the petition to vacate a portion of North 30<sup>th</sup> Street beginning from the northwest intersection of North 30<sup>th</sup> Street and North Carr Street, abutting and adjacent to commercial property addressed as 2301 North 30<sup>th</sup> Street, as legally described in the Hearing Examiner’s Report and Recommendation.

**COUNCIL SPONSORS:**

N/A

**STRATEGIC POLICY PRIORITY:**

- Assure outstanding stewardship of the natural and built environment.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

**BACKGROUND:**

Petitioner Connelly Family Properties, LLC has requested the vacation of an approximately 4-foot wide by approximately 45-foot long portion of the North 30<sup>th</sup> Street right-of-way, beginning from the northwest corner of the intersection of North 30<sup>th</sup> Street with North Carr Street (the “Vacation Area”). The Vacation Area abuts and is adjacent to commercial property addressed as 2301 North 30<sup>th</sup> Street. The petitioner has requested this vacation in order to rectify an encroachment into the existing right-of-way by the commercial building at this location. Given that the Vacation Area is already occupied by the encroaching building, the Vacation Area is not integral to current city traffic patterns, nor is it part of the City’s future right-of-way needs. If vacated, the area of former right-of-way will be absorbed back into the abutting commercial property eliminating the existing encroachment that is the result of prior permitted alterations to the structure of the adjacent building.

**ISSUE:**

Whether the Council should approve the proposed street vacation?

**ALTERNATIVES:**

The Council could (1) choose to follow the Hearing Examiner’s Recommendation and approve the requested vacation, (2) the Council could approve the requested vacation under conditions different than those recommended, or (3) the Council could deny the vacation petition.

**RECOMMENDATION:**

The Hearing Examiner has determined that the requested vacation meets the criteria for approval of such petitions as set forth in Chapter 9.22 of the Tacoma Municipal Code and Chapter 35.79 of the Revised Code of Washington. Therefore, the request is hereby recommended for approval, subject to the condition contained in Conclusion of Law 6 of the Hearing Examiner’s Recommendation to the City Council.

**FISCAL IMPACT:**

N/A

**ORIGINAL**