




TO: Elizabeth A. Pauli, City Manager
FROM: Susie Rogers, Principal Real Property Officer, Public Works
Ramiro A. Chavez, P.E. PgMP, Public Works Director/City Engineer 
COPY: City Council and City Clerk
SUBJECT: Ordinance – Condemnation Authorization – East Portland Avenue Project
(from East 56th Street to East 64th Street) - City Project No. PWK-G0052-03 – April 30, 2024
DATE: March 29, 2024

SUMMARY AND PURPOSE:

An ordinance authorizing the use of eminent domain as may be required for the acquisition of fee interests and/or easement interests for rights of way necessary to construct the pedestrian, signal safety, and road improvements in connection with the East Portland Avenue Project (from East 56th Street to East 64th Street).

BACKGROUND:

This Department’s Recommendation is Based On: The City is planning to improve East Portland Avenue from East 56th Street to East 64th Street. The area of improvement is approximately a half mile in length. The project will include replacing the curb ramps to comply with ADA standards, installing a new HAWK (High-Intensity Activated Crosswalk Beacon) signalized pedestrian crossing at East 60th Street and grinding and replacing the roadway surface. While six (6) out of the seven (7) parcel negotiations have been completed successfully, there is currently one (1) parcel negotiation in which negotiations have come to an impasse. Property right acquisition on the one remaining parcel is comprised of a temporary construction easement for 18 square feet.

The outstanding parcel negotiation is critical to allow the project to proceed and avoiding impacts to grant funding timelines and deadlines. Negotiations will continue with the property owners up until trial or final settlement. If the property owners settle, they will be removed from the condemnation action.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

Public Works has worked with the community members of the City of Tacoma to identify and achieve a number of accessibility options, road safety improvement goals, and road improvement projects, which this project will accomplish. This project helps to complete the citywide Street Rehabilitation Program, which is included in Tacoma's Six-Year Comprehensive Transportation Improvement Program.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

The East Portland Avenue Project (from East 56th Street to East 64th Street) represents an opportunity to improve pedestrian safety, access, and roadway conditions in an area of the city that historically has been under-represented.

Economy/Workforce: High Opportunity

Increase the number of infrastructure projects and improvements that support existing and new business developments. Increase positive public perception related to the City of Tacoma.

Livability: High Opportunity



Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment. Increase positive public perception of safety and overall quality of life.

Explain how your legislation will affect the selected indicator(s).

Authorization to use eminent domain will allow the project to proceed with construction so that the community has access to new safety infrastructure and improvements and accessibility options. Authorization for use of eminent domain will assure the public that the City is maintaining good stewardship of taxpayer dollars by using fair market value as the basis for compensation to individual property owners so that all property owners are treated consistently and equitably.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Council could deny the use of eminent domain.	None.	1. The City would have to pay, using City funds, in excess of fair market value in order to obtain necessary property rights, thereby creating inherent inequity for those property owners who have already accepted fair market value as compensation. 2. The City would stop the project and attempt to design a build-around option which would be costly in terms of both time and money and may not be feasible. Funding deadlines would be missed, and the City may lose the state and federal funding, thereby cancelling the project. 3. The City would need to forego the application of state and federal funds, and/or repay those monies already received for failure to assemble the necessary property rights.

EVALUATION AND FOLLOW UP:

N/A

STAFF/SPONSOR RECOMMENDATION:

Staff recommends authorization for use of eminent domain when (1) property owners cannot be identified or located, (2) property owners are non-responsive to repeated requests for contact, or (3) no agreement concerning compensation can be reached within thirty (30) days of receipt of offer packages by property owners.

FISCAL IMPACT:



This action is requested for authorization to use the legislative powers of eminent domain. There is no fiscal impact directly associated with this request.

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
N/A – seeking authority to use eminent domain			
TOTAL			

What Funding is being used to support the expense?

N/A

Are the expenditures and revenues planned and budgeted in this biennium’s current budget?

N/A

Are there financial costs or other impacts of not implementing the legislation?

Yes, inability to assemble the necessary property rights up to and including the use of eminent domain will likely result in the loss of funding for this project. The project is primarily federally funded through a National Highway Performance Program (NHPP) grant.

For this project specifically, the grant total of \$1,130,000 would ultimately be lost if the project is cancelled. The City would also be required to pay back any funds spent to date to WSDOT if the project does not move forward.

Will the legislation have an ongoing/recurring fiscal impact?

No.

Will the legislation change the City’s FTE/personnel counts?

No.

ATTACHMENTS:

- Aerial Map