

Meyers, Aundrea

From: Legg, Louisa on behalf of Hearing Examiner
Sent: Tuesday, November 24, 2020 4:07 PM
To: Rodriguez, Ralph; Garrison, Michael; San Soucie, Michael; Wheeler, Liz; ghatans@wamail.net; jaredasmith@msn.com; jackied_98125@yahoo.com; jwdotson71@yahoo.com; erik@luxurypnw.com; cjscheu51@gmail.com; cdnokelby@aim.com; 'rmdaubert@comcast.net'
Cc: Jenkins, Jessica; Meyers, Aundrea
Subject: Addendum to Proposed LID 3970 Findings of Fact, Conclusions of Law, and Recommendation
Attachments: SIGNED_ADDENDUM_Proposed_Formation_LID3970_11.24.20.pdf; Memo to Hearing Examiner - Ghatan ammendment_11.20.20.pdf
Importance: High

Dear Parties,

In regard to the above referenced matter, please find attached the Hearing Examiner's Addendum to Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City Council, entered on November 24, 2020. The attached Public Works Department Memo is for informational purposes.

Sincerely,

Louisa Legg

Office Administrator

Tacoma Hearing Examiner Office

Ph: 253-591-5195 | Fax: 253.591.2003

Hearing.examiner@cityoftacoma.org

1 **OFFICE OF THE HEARING EXAMINER**
2 **CITY OF TACOMA**

3 **In the Matter of:**

4 **PROPOSED LOCAL**
5 **IMPROVEMENT DISTRICT**
6 **NO. 3970**

HEX2020-031

ADDENDUM TO FINDINGS OF
FACT, CONCLUSIONS OF LAW,
AND RECOMMENDATION

7
8 **A PUBLIC HEARING** on the above-captioned matter was held on October 26, 2020, and
9 the Hearing Examiner issued written findings of fact, conclusions of law, and a recommendation
10 thereafter on November 6, 2020 (the “Recommendation”). Based on the findings and conclusions in
11 the recommendation, the Hearing Examiner requested that the City’s Department of Public Works
12 Local Improvement District (“LID”) Section provide the following:

- 13 1. Revised costs for the LID to reflect removal of the Ghatan property, and
14 2. An amended legal description of the boundary of the LID revised to reflect the removal of
15 the Ghatan property.

16 On November 20, 2020, the LID Section submitted an amended (a) assessment map, (b)
17 assessment roll, (c) legal description, and (d) report to the Hearing Examiner, all reflecting the
18 removal of the Ghatan property from the LID. These submissions are incorporated into this
19 Addendum as follows:

- 20 - Exhibit One to Addendum, Amended Assessment Map for LID 3970,
21 - Exhibit Two to Addendum, Amended Assessment Roll for LID 3970,

ADDENDUM TO
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION - 1

City of Tacoma
Office of the Hearing Examiner
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747 Market Street, Room 720
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- 1 - Exhibit Three to Addendum, Amended Legal Description for LID 3970, and
2 - Exhibit Four to Addendum, Amended Report for LID 3970.

3 These exhibits to this Addendum shall supersede their counterparts in the hearing record and
4 in the Recommendation as follows:

- 5 A. Exhibit One to Addendum, Amended Assessment Map for LID 3970,
6 supersedes Exhibit C-10 from the hearing record.
- 7 B. Exhibit Two to Addendum, Amended Assessment Roll for LID 3970,
8 supersedes Exhibit C-9 from the hearing record.
- 9 C. Exhibit Three to Addendum, Amended Legal Description for LID 3970,
10 supersedes the legal description of the LID boundary in Finding of Fact 1 in
11 the Recommendation and at the third recital of the Hearing Resolution
(Exhibit C-6 of the hearing record).
- 12 D. Exhibit Four to Addendum, Amended Report for LID 3970, amends Exhibit
13 C-1 of the hearing record.

14 In addition to the above, Finding of Fact 7 is hereby amended to read as follows (with
15 tracking to show the changed amounts):

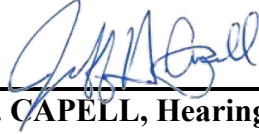
16 7. DPWs' LID Section (the "LID Section") prepared a staff report which was entered
17 into the record as Exhibit C-1. DPW's report, as now amended, indicates that the
18 estimated project cost is \$342,650.52 with an estimated ~~\$97,026.25~~ \$87,006.75 being
19 assessed to property owners within the LID and an estimated ~~\$245,624.27~~
20 \$255,643.77 being contributed by the City of Tacoma. The LID is proposed to have a
21 20-year Assessment Roll/repayment period, and the estimated cost per Assessable
Unit of Frontage (AUF) is \$167.00.

**ADDENDUM TO
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION - 2**

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1 With the foregoing amendments and revisions made, the Hearing Examiner's
2 Recommendation otherwise remains the same, and the recommendation for formation may now
3 proceed to the City Council for its consideration.

4 **DATED** this 24th day of November, 2020



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6 **JEFF H. CAPELL, Hearing Examiner**

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**ADDENDUM TO
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION - 3**

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1 **NOTICE**

2 **RECONSIDERATION/APPEAL OF EXAMINER'S RECOMMENDATION**

3 **RECONSIDERATION:**

4 Any aggrieved person or entity having standing under the ordinance governing the matter, or as otherwise
5 provided by law, may file a motion with the Office of the Hearing Examiner requesting reconsideration of
6 a decision or recommendation entered by the Hearing Examiner. A motion for reconsideration must be in
7 writing and must set forth the alleged errors of procedure, fact, or law and must be filed in the Office of
8 the Hearing Examiner within 14 calendar days of the issuance of the Hearing Examiner's
9 decision/recommendation, not counting the day of issuance of the decision/recommendation. If the last
10 day for filing the motion for reconsideration falls on a weekend day or a holiday, the last day for filing
11 shall be the next working day. The requirements set forth herein regarding the time limits for filing of
12 motions for reconsideration and contents of such motions are jurisdictional. Accordingly, motions for
13 reconsideration that are not timely filed with the Office of the Hearing Examiner or do not set forth the
14 alleged errors shall be dismissed by the Hearing Examiner. It shall be within the sole discretion of the
15 Examiner to determine whether an opportunity shall be given to other parties for response to a motion for
16 reconsideration. The Hearing Examiner, after a review of the matter, shall take such further action as
17 he/she deems appropriate, which may include the issuance of a revised decision/recommendation.
18 (*Tacoma Municipal Code 1.23.140*).

19 **APPEALS TO CITY COUNCIL OF EXAMINER'S RECOMMENDATION:**

20 Within 14 days of the issuance of the Hearing Examiner's final recommendation, any aggrieved person or
21 entity having standing under the ordinance governing such application and feeling that the
22 recommendation of the Hearing Examiner is based on errors of procedure, fact or law may have the right
23 to appeal the recommendation of the Hearing Examiner by filing written notice of appeal and filing fee
24 with the City Clerk, stating the reasons the Hearing Examiner's recommendation was in error.

25 **APPEALS SHALL BE REVIEWED AND ACTED UPON BY THE CITY COUNCIL IN
26 ACCORDANCE WITH TMC 1.70.**

27 **GENERAL PROCEDURES FOR APPEAL:**

28 The Official Code of the City of Tacoma contains certain procedures for appeal, and while not listing all
29 of these procedures here, you should be aware of the following items which are essential to your appeal.
30 Any answers to questions on the proper procedure for appeal may be found in the City Code sections
31 heretofore cited:

1. The written request for review shall also state where the Examiner's findings or conclusions were in error.
2. Any person who desires a copy of the electronic recording must pay the cost of reproducing the verbatim recording. If a person desires a written transcript, he or she shall arrange for transcription and pay the cost thereof.

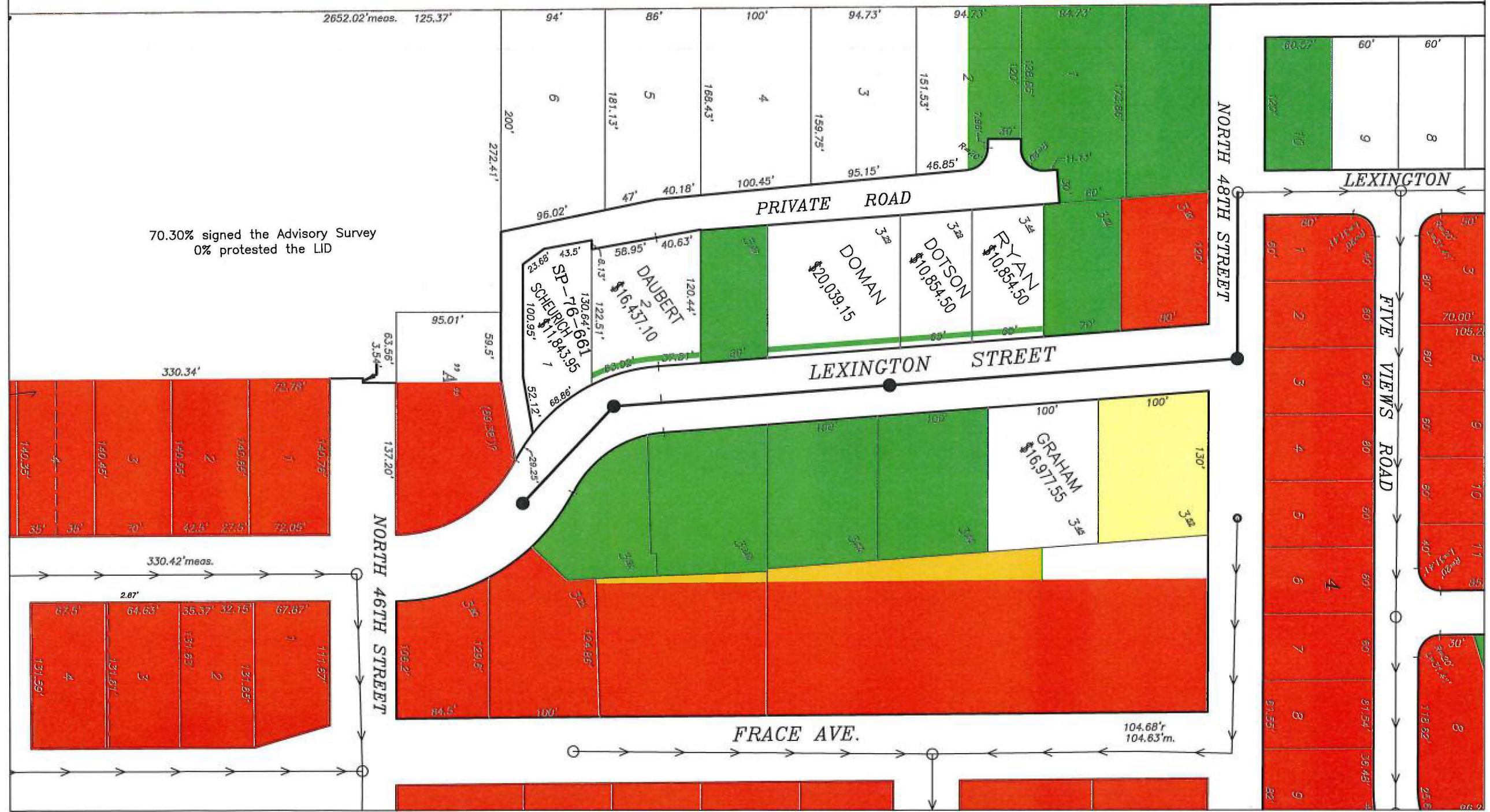
32 **ADDENDUM TO
33 FINDINGS OF FACT,
34 CONCLUSIONS OF LAW,
35 AND RECOMMENDATION - 4**

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Exhibit One to Addendum

UNPLATTED 23-21-2



70.30% signed the Advisory Survey
 0% protested the LID

- = Assessed by LID
- = Released by WO
- = Released by PWKs
- = Pd In-Lieu-of

Actual Value Land \$	2,564,500.00
1/4 Actual Value Imp. \$	536,225.00
Total Actual Value \$	3,100,725.00
Total Unpaid Assessments Chargeable against Dist. \$	0.00
Delinquent Assts \$	0.00
Total Cost \$	342,650.52
Am'l. Assessed \$	87,006.75
Public Funds:	
WASTEWATER-UTILITY	255,643.77

ASSESSMENT ROLL LID 3970

RECEIVED

NOVEMBER 20, 2020

HEARING EXAMINER

Exhibit Two to Addendum

Page 1 of 2

NOTE: 20 Year Roll

Amended 11-20-20

Parcel No.	Taxpayer	Address	Legal Description	Assmt No.	Est Assmt.	Est.Suppl	P.O. Disc.	LID Assist.	LID Disc.	Final Assmt	Suppl Desc.	Land Value	Improv. Value
<u>UNPLATTED 23-21-02</u>													
02-21-23-3-044	Kevin & Melinda Ryan	4646 N Lexington Street Tacoma, WA 98407-1216	65 ft of N 265 ft of foll beg 819.5 ft N & 165 ft E of SW Cor of NW of SW th S 03 deg 50 min 17 sec E 551.84 ft th E 120 ft th N 03 deg 50 min 17 sec W 551.84 ft th W 120 ft to beg	1	10,854.50	0.00	0.00	0.00	0.00	0.00		399,600	211,200
02-21-23-3-029	Jason W Dotson & Erik D Molzen	4640 N Lexington Street Tacoma, WA 98407-1216	65 ft of N 330 ft of foll beg 819.5 ft N & 165 ft E of SW Cor of NW of SW th S 03 deg 50 min 17 sec E 551.84 ft th E 120 ft th N 03 deg 50 min 17 sec W 551.84 ft th W 120 ft to beg	2	10,854.50	0.00	0.00	0.00	0.00	0.00		349,700	162,100
02-21-23-3-024	Jacqueline L Doman	4632 N Lexington Street Tacoma, WA 98407-1216	S 120 ft of N 450 ft of foll beg 819.5 ft N & 165 ft E of SW Cor of NW of SW th S 03 deg 50 min 17 sec E 551.84 ft th E 120 ft th N 03 deg 50 min 17 sec W 551.84 ft th W 120 ft to beg	3	20,039.15	0.00	0.00	0.00	0.00	0.00		415,500	566,700
02-21-23-7-002	Richard A & M Daubert	4620 N Lexington Street Tacoma, WA 98407-1216	Lot 2, SP 76-661	4	16,437.10	0.00	0.00	0.00	0.00	0.00		448,400	360,400
02-21-23-7-001	Charles J Scheurich	4616 N Lexington Street Tacoma, WA 98407-1216	Lot 1, SP 76-661	5	11,843.95	0.00	0.00	0.00	0.00	0.00		370,200	294,700
02-21-23-3-045	Wayne E & Carol D	4647 N Lexington Street	S 100 ft of N 200 ft of foll	6	16,977.55	0.00	0.00	0.00	0.00	0.00		187,900	212,300

ASSESSMENT ROLL LID 3970

Parcel No.	Taxpayer	Address	Legal Description	Assmt No.	Est Assmt.	Est.Suppl	P.O. Disc.	LID Assist.	LID Disc.	Final Assmt	Suppl Desc.	Land Value	Improv. Value
	Graham	Tacoma, WA 98407-1216	all that part of NW of SW ly S of N 48th st & E of Lexington St & W of a li beg at a pt 130 ft E of inter of S li N 48th St & E li of Lexington Ave th Sly in a straight li to mon located at inter of c/l of N 46th St & Lexington Ave										

SUBTOTALS	87,006.75	0.00	0.00	0.00	0.00	0.00	2,171,300	1,807,400
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LAND VALUE	2,171,300
1/4 IMP VALUE	451,850
TOTAL VALUE	2,623,150
TOTAL EST PO ASSMT	87,006.75
TOTAL FINAL PO ASSMT	0.00

CHECKED 10/8/2020 RKR
 CHECKED
 CHECKED
 CHECKED
 CHECKED

RECEIVED

NOVEMBER 20, 2020

HEARING EXAMINER

LID 3970

Amended Legal Description – November 20, 2020

Unplatted Property:

The South 250 feet of the North 450 feet of the following described property;

Commencing at the Southwest corner of the Five Views Addition to Tacoma, Washington, according to Plat recorded in Volume 12, at page 28, records of the Pierce County Auditor, said corner being 819.5 feet North of the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 23, Township 21 North, Range 02 East, W.M.; Thence East 165 feet to the True Point of Beginning; Thence South 03°50'17" East 551.84 feet; Thence East 120 feet; Thence North 03°50'17" West 551.84 feet; Thence West 120 feet to the Point of Beginning.

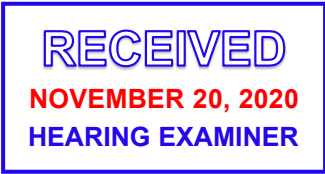
Together with the South 100 feet of the North 200 feet (measured at right angles to North 48th Street) of the following described property;

All of that part of the Northwest Quarter of the Southwest Quarter of said Section 23, lying South of North 48th Street and East of Lexington Street as said streets were conveyed to the City of Tacoma by Deeds recorded under Pierce County Auditor No.'s 1267285 and 1658301 and West of a line beginning at a point 130 feet East of the intersection of the South line of North 48th Street and the East line of Lexington Street; Thence Southerly in a straight line to the City monument located at the intersection of North 46th Street and Lexington Street, as shown on the Plat of Wiborg's Narrows View Addition to Tacoma, Washington, according to Plat recorded in Volume 12, at page 47, records of Pierce County Auditor;

All situate in the City of Tacoma, County of Pierce, State of Washington;
and,

Short Platted Property:

Lots 1 & 2, City of Tacoma Short Plat No. 76-661, recorded in Book 13, at page 31, records of the Pierce County Auditor, Washington.



REPORT TO THE HEARINGS EXAMINER
FOR L.I.D. HEARING OCTOBER 26, 2020- 5:00 P.M.
Amended November 20, 2020

L.I.D. NO. 3970 Extension of an 8-inch wastewater main within:

North 48th Street from Lexington Street east 150 feet, thence south in Lexington Street, approximately 680 feet

Notices: The Tacoma City Council on October 6, 2020 adopted Resolution No. 40659 setting the Formation Hearing date for LID 3970 on October 26, 2020. The Resolution was published October 8th and 9th, 2020.

Notices of the Public Hearing were mailed to owners of record on October 9, 2020.

Status: A Public Hearing is being scheduled for consideration of the formation of LID 3970. Property owners representing a 70.3% of the assessments have indicated their support by signing an Advisory Survey presented to the neighborhood.

Background: Estimated rate per A.U.F: \$167.00
Estimated Property Owner Assessment: \$87,006.75
Environmental Services Science & Engineering Wastewater Contribution: \$255,643.77
Estimated project cost: \$342,650.52

To our knowledge the proceedings are all proper and in conformance with L.I.D. statutes.

Protest: 0%

This is a 20-year Assessment Roll.

Recommendation: Considering the amount of protest, we recommend the L.I.D. be created.