



**TO:** T.C. Broadnax, City Manager  
**FROM:** Phyllis Macleod, Hearing Examiner *PM*  
Ronda Cornforth, Senior Real Estate Specialist *RC*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 15-0793 – Street Vacation – August 18, 2015  
**DATE:** July 23, 2015

**SUMMARY:**

A City initiated ordinance petitioning for the vacation of that portion of South 22<sup>nd</sup> Street lying between the easterly margin of Interstate 705 and the westerly margin of Dock Street. Title to the vacated area will be held by the BNSF Railway Company (BNSF). The street vacation is necessary to fulfill the terms of an Exchange Agreement entered into between the City of Tacoma and BNSF. The Exchange Agreement includes plans for the larger area, including property needed to construct a portion of the Prairie Line Trail.

**COUNCIL SPONSORS:**

N/A

**STRATEGIC POLICY PRIORITY:**

The street vacation will support the following Strategic Policy Priorities

- Strengthen and support a safe city with healthy residents.
- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.
- Cultivate a vibrant cultural sector that fosters a creative, cohesive community.

**BACKGROUND:**

In March 2013, the City Council authorized execution of an Exchange Agreement between the City of Tacoma and BNSF. The Exchange Agreement encompassed a number of plans, projects and property transactions in the larger Thea Foss Waterway area. A portion of the Exchange Agreement involved a commitment by the City to initiate a street vacation for a portion of South 22<sup>nd</sup> Street (also known as “A” Street). The property at issue crossed the BNSF railroad tracks in a particularly dangerous location. The street vacation would allow permanent closure of the South 22<sup>nd</sup> Street crossing to vehicular and pedestrian traffic. South 22<sup>nd</sup> Street has effectively been closed to vehicular traffic since 2009, through the placement of ecology blocks. The crossing would enhance public safety, as the four-track, at grade crossing is located on a curve with limited site distance in both directions. The Hearing Examiner conducted a public hearing on the proposed street vacation on July 9, 2015. No members of the public appeared at the hearing opposing the street vacation. Su Dowie, Executive Director of the Foss Waterway Development Authority testified in support of the street vacation, as did James Ball of BNSF. The Exchange Agreement recites compensation for the South 22<sup>nd</sup> Street vacation in the form of offsetting public benefits recognized through acceptance of various easement interests under the terms of the Agreement. No further compensation is contemplated. The Hearing Examiner issued Findings of Fact, Conclusions of Law, and a Recommendation supporting approval of the street vacation.

**ISSUE:**

Whether the City Council should approve the requested street vacation.



**ALTERNATIVES:**

The City Council could choose to deny the street vacation, however, the petition was initiated by the City in fulfillment of the terms of the Exchange Agreement entered into between the City of Tacoma and BNSF. Moreover, the proposal appears to comply with the applicable criteria for approval of a street vacation request.

**RECOMMENDATION:**

The vacation request is hereby recommended for approval, subject to the conditions contained in the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendation.