



PETITION NO.

124.1402

CITY OF TACOMA
PETITION TO VACATE RIGHT OF WAY

19-082

Tacoma Municipal Code 9.22 RCW 35.79

NW Vintage Homes, LLC
Michael Musica

Petitioner (Print or Type):

Phone: 253-573-0133

Address: P.O. Box 111882

City: Tacoma

Zip: 98411

Contact: Michael Musica

Parcel No.: 2965000050

Address: 5102 E. N Street

Phone:

1 I/We the undersigned hereby petition the Tacoma City Council to vacate the following City right of way:

Undeveloped East 51st Street Right of way

2 Describe the proposed use of right-of-way to be vacated (Please explain in detail and attach building and or site plans where applicable.)

Private access to Cook's Landing Plat for 13 new homes

3 By signing this form, the petitioner(s) and abutting owner(s), if applicable, agree(s) to pay to the City of Tacoma:

- A non-refundable filing fee of \$500 shall be deposited with the City Treasurer upon acceptance of the petition by the Asset Management Division.
- One-Half of the appraised value of the vacated right of way held in inventory for less than (25) twenty-five years. For any right of way held longer than 25 years, the City shall be compensated in an amount equal to the full-appraised value of the vacated property.
- Any additional costs for fee appraisal and/or other charges deemed necessary, including but not limited to: in lieu of sewer assessment fee, traffic studies, and costs to move/replace sidewalks, curbs & gutters

4 By signing this form, the petitioner(s) acknowledge(s) that final transfer of vacated right-of-way cannot be executed until all conditions of approval have been met and a vacation ordinance passed by City Council.

Signature of Petitioner

[Handwritten Signature]

Date

4/15/19

Signature of Co-Petitioner

[Handwritten Signature]

Date

4/15/19



**CITY OF TACOMA
 PETITION TO VACATE RIGHT OF WAY
 SIGNATURES OF ABUTTING OWNERS**

We, the undersigned, support this request, and represent one hundred per cent (100%) of all owners of property abutting the right of way to be vacated:

Signature		Assessor's Parcel No.	
Name (Print)	Michel Musica	Phone	253-573-0133
Street	1317 E. 52nd Street	City Tacoma	Zip 98404

Signature		Assessor's Parcel No.	5004410210
Name (Print)	NGUYEN BICH HIEP	Phone	253-579-8476
Street	1360 E. 51st Street	City Tacoma	Zip 98404

Signature		Assessor's Parcel No.	5004410210
Name (Print)	NGUYEN TAM	Phone	253-579-8476
Street	1360 E. 51st Street	City Tacoma	Zip 98404

Signature		Assessor's Parcel No.	
Name (Print)		Phone	
Street		City Tacoma	Zip

Signature		Assessor's Parcel No.	
Name (Print)		Phone	
Street		City Tacoma	Zip

Signature		Assessor's Parcel No.	
Name (Print)		Phone	
Street		City Tacoma	Zip



**CITY OF TACOMA
PETITION TO VACATE RIGHT OF WAY
INSTRUCTIONS AND INFORMATION**

Following are instructions for completing your petition to the City Council. If you have any questions, please contact 253-591-5515.

FILLING OUT THE FORM

- Petitioner:** Must be the owner of property abutting the area in the vacation request.
- Address:** Mailing address of the Petitioner.
- Phone:** Telephone number where Petitioner can be reached during normal business hours.
- Parcel No.** The Assessor's Parcel Number identifying Petitioner's property. This may be found on your tax statement and/or valuation notice, or on the internet at www.co.pierce.wa.us/atr.
- Contact:** The name of an alternate contact person who may be your agent, builder, architect, family member, etc. Include complete address and phone number.
- Box 1:** Describe in general terms the right of way to be vacated. Example: The alley between Pine and Cedar Avenues from 8th to 9th Streets.
- Box 2:** How do you intend to use the right of way? Example: as a garden, an extension of your yard, a parking area, to build a garage, additional development. Describe your plans in detail. Submit development/site plans to aid City staff in understanding your request.
- Signature:** Petitioner must sign and date the form. If property is in joint ownership, all co-owners must sign the petition. By signing this document, Petitioner(s) acknowledge(s) the potential financial obligations and necessary conditions that may be required prior to City Council's consideration of an authorizing ordinance.
- All owners (100 percent) of property abutting the right of way to be vacated must sign the petition indicating that they are in agreement with the vacation request.

GENERAL INFORMATION ABOUT STREET VACATIONS

FILING FEE

A fee of ^{1,000}\$500 is required for all vacation requests. (TMC 9.22.020.A)

The fee must be paid after Asset Management reviews the petition, identifies and verifies the right of way vacated and the abutting ownership. If staff recognizes a potential problem that may prevent approval, we will consult other agencies for opinions prior to accepting the filing fee.

Once the fee is paid, it is not refundable, except under very limited circumstances deemed to be in the best interest of the City.

The purpose of the fee is to partially defray the normal administrative, engineering, and legal expenses in processing the petition for vacation. (TMC 9.22.020.B)

OTHER COSTS

State law states that, if the street or alley has been part of a dedicated public right of way for twenty-five years or less, the City may be compensated at one half of the appraised value of the area to be vacated. (RCW 35.79.030 and TMC 9.22.010) Under the Tacoma Municipal Code, if the subject right of way or portions thereof has been in the inventory for more than 25 years, the City requires the owners of the abutting property to compensate the City in an amount not to exceed the full-appraised value of the area to be vacated. Following the first reading of the ordinance before the City Council, Asset Management will send a notice to the petitioner stating the amount to be paid. This must be paid within ninety days (90) of the date of the notice. (TMC 9.22.090).

One-half of the revenue received shall be devoted to the acquisition, improvement, and maintenance of public open space land within the City of Tacoma, and one-half may be devoted to transportation projects and the management and maintenance of other City owned lands and unimproved right of way. In the case of vacations of right of way in the tide flats area, defined as easterly of the Thea Foss Waterway (inclusive of the Murray Morgan Bridge), northerly of State Route 509 and westerly of Marine View Drive, the total of the revenue received hereunder shall be devoted to transportation projects in the tide flats area. (TMC 9.22.010)

Asset Management staff usually determines the value of the property to be vacated based on Assessor records and comparables. However, if it is determined that a fee appraisal is necessary, the Petitioner(s) will be required to submit payment for the appraisal prior to the appraisal assignment being completed. City will solicit bids from three qualified appraisers and City reserves the right to select the appraiser for the assignment. (TMC 9.22.090)

Vacation of an alley or street may require removal and/or replacement of sidewalks, street returns, curbs, and gutters. The Petitioner(s) must pay the cost of the removal(s).

CONDITIONS

Advice will be solicited from various agencies with an interest in the right of way (Tacoma Water, Tacoma Power, Sewer Utility, Comcast, Qwest Communications, etc. (TMC 9.22.030). Conditions of approval may include replacement of sidewalks, curbs, and gutters, or use restrictions. Also, certain agencies may retain easements for construction, maintenance and repair of public utilities and services. No permanent structures may be built over these easements. (RCW 35.79.030 and TMC 9.22.080)

In addition, the Hearing Examiner will consider the following criteria when making his/her decision: (TMC 9.22.070)

1. Will the vacation provide a public benefit and/or will it be for a public purpose?

2. Will the right of way vacation adversely affect the traffic pattern of the immediate area or the community as a whole?
3. Will the greater public good be adversely affected by this vacation?
4. Will the right of way be needed for future public use?
5. Will any abutting owner become landlocked or will access be substantially impaired if this vacation is granted (there must be alternative ingress and egress even if less convenient)?
6. Will the vacation of right of way be in violation of RCW 35.79.035 (Limitation of vacation abutting bodies of water)?

THE APPROVAL PROCESS

1. After the initial review by the Public Works Review Panel, Asset Management will request a hearing date and time from the Hearing Examiner's office.
2. Asset Management staff will prepare maps, check and certify the description of all properties involved, and make a field check of the property. (TMC 9.22.030)
3. The City Clerk will be requested to prepare a resolution for submission to City Council to set the time and date of a public hearing. This resolution must be adopted no more than sixty (60) days prior to the public hearing. (RCW 35.79.010 and TMC 9.22.050)
4. The City Clerk will notify all abutting property owners and other "interested parties." The Asset Management Division will post a notice on the property to be vacated and the City Clerk will advertise notice in the newspaper. This must occur at least thirty (30) days prior to the hearing. (TMC 9.22.060)
5. City staff will prepare a preliminary report for the Hearing Examiner. All interested parties will receive a copy of this report at least one week prior to the hearing date. (TMC 9.22.030 and 1.23.090)
6. Vacation petition hearings are held on Tuesdays, at 9:30 a.m. and 1:30 p.m. The Petitioner(s) or their representative **must** be at the hearing. The Examiner's findings, conclusions, and recommendations will be submitted to the City Council. (RCW 35.79.030 and TMC 9.22.070)
7. The Hearing Examiner will mail his/her report to all parties concerned, as well as those attending the hearing (TMC 1.23.050). Any motion for reconsideration must be filed in writing within fourteen (14) days of the issuance of the report (TMC 1.23.140). The Hearing Examiner's recommendations may be appealed to the City Council within fourteen (14) days of entering the recommendation. (TMC 1.23.1.50 and 1.70)
8. The City Attorney will prepare an ordinance and set a day for first reading before the City Council. (TMC 9.22.080)
9. Asset Management will send a notice to the Petitioner(s) stating the appraised value and the amount the Petitioner(s) must pay along with other conditions which must be met. (TMC 9.22.090)
10. All conditions must be met within sixty (60) days following the first reading of the ordinance, except when "good cause" is shown for the delay. (TMC 9.22.090)
11. All amounts billed must be deposited with the City Treasurer within ninety (90) days of the date of the notice. (TMC 9.22.090)
12. After payment has been received and all conditions of the vacation have been met, the City Attorney will prepare the ordinance for final reading before the City Council. (TMC 9.22.090)
13. City Council will hear final reading of the ordinance and, if the Council grants the petition, the vacation ordinance will be recorded in the Pierce County Auditor's Office. (RCW 35.79.030)

VACATION OF RIGHT OF WAY

APPROVAL PROCESS

Receive Petition	Resolution Adopted	Notice Period	Preliminary Report Mailed	Hearing Date	Report Mailed	Appeal Period	Ordinance First Reading	Payment Notice Mailed	Conditions Met	Payment Due	Passage Of Ordinance
	30 – 60 Days* Before Hearing	30 Days* Before Hearing	1 Week* Before Hearing	Held in City Council Chamber	Within 1-2 Weeks After Hearing	2 Weeks* After Report	3 Weeks After Appeal Period	Within 1 Week After First Reading	60 Days* After First Reading	90 Days* After Notice	3 Weeks After Payment Received & Conditions Met

*By RCW and/or Tacoma Municipal Code

The Hearing Date drives all other dates after receipt of the Petition and is subject to Hearing Examiner's availability.