



TO: T.C. Broadnax, City Manager
FROM: Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer
Justin E. Davis, Division Manager, Facilities Management
Ronda Cornforth, Sr. Real Estate Specialist, Real Property Services
COPY: City Council and City Clerk
SUBJECT: Resolution - Setting Public Hearing – June 2, 2015
Street Vacation 124.1349 – BNSF Railway Company
DATE: May 15, 2015

SUMMARY:

A resolution setting Thursday, July 9, 2015, at 9:00 a.m., as the date and time for a hearing before the Hearing Examiner on the request of the City to vacate all that portion of South 22nd Street lying between the Easterly margin of Interstate 705 and the Westerly margin of Dock Street to facilitate full closure of the rail crossing as negotiated in the Exchange Agreement between the City of Tacoma and BNSF Railway Company dated April 17, 2014.

STRATEGIC POLICY PRIORITY:

- Strengthen and support a safe city with healthy residents.

BACKGROUND:

On March 5, 2013, by Resolution No. 38638, the City Council authorized execution of an Exchange Agreement between the City of Tacoma and BNSF Railway Company (BNSF), which was entered into on April 17, 2014. The Exchange Agreement states in part: “In connection with certain development objectives of the City and BNSF, the City desires to obtain certain easements related to the BNSF property from BNSF, and BNSF desires for the City to close the portion of “A” Street.” Within the Agreement BNSF agreed to grant the City various easements needed for projects such as Prairie Line Trail and Pedestrian Crossing Improvements at A Street and D Street, and the City agreed to vacate portions of A Street for private use by BNSF.

ISSUE:

Pursuant to RCW 35.79 and TMC 9.22 the Public Works Department is requesting the City Council set a date to consider this request for a City-initiated street vacation to be heard by the Hearing Examiner and report the findings of fact, conclusions of law, and recommendation to the City Council for their consideration.

ALTERNATIVES:

If the City Council does not proceed with the street vacation, the City will not be abiding by its agreement with BNSF and may impact the City’s ability to obtain the easements needed for its future development objectives.

RECOMMENDATION:

The Public Works Department recommends City Council approve this request to set the Hearing Examiner’s public hearing date for Thursday, July 9, 2015, at 9:00 a.m.

FISCAL IMPACT:

This action only sets the date of the hearing before the Hearing Examiner. The City has already received market value compensation for the vacated right-of-way by accepting the easements mentioned within the Exchange Agreement.