

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

3 **In the Matter of:**

4 **PROPOSED LOCAL**
5 **IMPROVEMENT DISTRICT**
6 **NO. 8667**

HEX2020-036

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

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8 **A PUBLIC HEARING** on the above-captioned matter was held on December 14, 2020,
9 and the Hearing Examiner issued written findings of fact, conclusions of law, and a
10 recommendation thereafter on December 30, 2020 (the “Recommendation”). No timely requests for
11 reconsideration were made by the deadline of January 13, 2021. On January 15, 2021, the Office of
12 the Hearing Examiner received an emailed memo from the Department of Public Works LID
13 Section informing that three property owners within Segment 1 of the proposed LID had rescinded
14 their opposition to formation and now were in favor of forming Segment 1 of the LID. The memo is
15 attached hereto as Attachment 1.

16 RCW 35.43.180 allows for protests to formation to be filed up to thirty days after the
17 formation ordinance has been passed. Presumably, a previously lodged protest could also be
18 rescinded prior to the expiration of that same period.

19 With these three rescissions, as set forth in the LID Section’s memo, the percentage of
20 protest in Segment 1 drops below 50% to 44%, and with that reduction, pursuant to the legal

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

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1 authorities referenced in Conclusions of Law 6 and 7, the City Council has the authority to form
2 Segment 1 of proposed LID 8667. Given that authority, the Examiner hereby modifies Conclusion
3 of Law 10 in the Recommendation to reflect the revised level of protest now at 44%, and the
4 Recommendation is revised accordingly to support formation for both Segment 1 and Segment 2 of
5 the proposed LID.

6 **DATED** this 22nd day of January, 2021.

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JEFF H. CAPELL, Hearing Examiner

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

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1 **NOTICE**

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

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

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

10 **GENERAL PROCEDURES FOR APPEAL:**

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

- 15 1. The written request for review shall also state where the Examiner's findings or
16 conclusions were in error.
 - 17 2. Any person who desires a copy of the electronic recording must pay the cost of
18 reproducing the verbatim recording. If a person desires a written transcript, he or she
19 shall arrange for transcription and pay the cost thereof.
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**ADDENDUM TO
FINDINGS OF FACT,
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AND RECOMMENDATION - 3**

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Attachment 1 to Addendum,
LID Section Memo

RECEIVED

By Hearing Examiner's Office at 3:50 pm, Jan 15, 2021



City of Tacoma

Memorandum

TO: Jeff H. Capell, Hearing Examiner

FROM: Ralph K Rodriguez, MA III, LID Administrator *RKR*

SUBJECT: Local Improvement District 8667 - Remonstrance
(HEX2020-036)

DATE: January 15, 2021

The City received a document signed by three property owners within segment 1, LID 8667, being Ruby Street from Baltimore Street to Shirley Street, who have rescinded their protest. The property owners rescinding their protest are:

Douglas J Keil	5335 N Ruby Street	\$10,671.50
Juan & Myong H Garnica	5325 N Ruby Street	\$7,732.95
Aleksey & Natalya Shvets	5342 N Ruby Street	<u>\$7,999.65</u>
Total		\$26,404.10

The LID office has re-calculated the level of protest on Segment 1 and reports that the opposition currently stands at 44.17%. Since the level of protest is now less than 50% the department is requesting that Segment 1 of LID 8667 be added back to the LID, pursuant to the formation of Local Improvement District guidelines adopted by Resolution 37956. The department now requests that all segments of LID 8667 be recommended for formation to the City Council.

**ADDENDUM TO
FINDINGS OF FACT,
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1 Segment 1, LID 8667 – Revised remonstrance list:

2	Jerry S Tomal	5323 N Ruby Street	\$7,732.95
	Annette Mora	5317 N Ruby Street	\$7,732.95
3	Dustin & Kelsie Lane	5309 N Ruby Street	\$7,732.95
	Timothy M Shulich	5301 N Ruby Street	\$10,071.35
4	Frank P & Michelle L Malfet	5326 N Ruby Street	\$7,999.65
	Lewis C & Jeanette M Keel	5320 N Ruby Street	\$7,999.65
5	Sean & Casey Brown	5312 N Ruby Street	\$7,999.65
	Jeffrey Mueller & Robin Preciso	5308 N Ruby Street	\$7,999.65
6	Marvin D & Doris A Libhart	4816 N Baltimore Street	\$7,616.30
	Martin Zeno	4812 N Baltimore Street	⁽¹⁾ <u>\$3,853.10</u>
7	Total		\$76,738.20

8 ⁽¹⁾ Received January 6, 2021

9 Total remonstrance for Segment 1 is \$76,738.20 / total segment assessment \$173,737.80 = 44.17%.

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**ADDENDUM TO
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