



Req. #10985

ORDINANCE NO. 27510

L.I.D. No. 8643

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3 AN ORDINANCE providing for the construction of permanent pavement with
4 storm drainage on Union Avenue from North 24th Street to
5 North 25th Street – northbound (Segment 1), Washington Street from
6 North 16th Street to North 18th Street (Segment 2), Wapato Street from
7 South 50th Street to South 51st Street (Segment 3), and Huson Street
8 from South 64th Street to South 66th Street (Segment 4), creating Local
9 Improvement District No. 8643; providing for a special fund for the
10 payment of the improvement by special assessment upon the property
11 within the district benefited thereby, for the issuance of warrants,
12 installment notes, bond anticipation notes, or other short-term obligations
13 to pay that part of the cost and expense of the improvement assessed
14 against the property in the district, and for the payment of the remainder
15 of the cost thereof.

16 WHEREAS all of the preliminary proceedings for the establishment of
17 Local Improvement District (“L.I.D.”) No. 8643 have been taken as provided by
18 law, and

19 WHEREAS the Hearing Examiner of the City, after public hearing duly
20 held, has recommended to the City Council the formation of L.I.D. No. 8643;
21 Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

22 Section 1. That there shall be constructed permanent pavement with
23 storm drainage on Union Avenue from North 24th Street to North 25th Street –
24 northbound (Segment 1), Washington Street from North 16th Street to
25 North 18th Street (Segment 2), Wapato Street from South 50th Street to
26 South 51st Street (Segment 3), and Huson Street from South 64th Street to
South 66th Street (Segment 4), together with all other work necessary to



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complete the project in accordance with the maps, plans, and specifications prepared and now on file in the office of the Director of the Department of Public Works, which maps, plans, and specifications are hereby adopted.

Section 2. That there is hereby created a local improvement district, to be known as L.I.D. No. 8643, which shall embrace as nearly as practicable all the property specially benefited by the improvements described above, which property is described as follows:

Platted property:

That portion of the Northwest quarter of the Northwest quarter of Section 31, Township 21 North, Range 03 East, W.M. described as follows:

All of Block 4 of THE REEVES ADDITION to Tacoma, W.T., as per plat recorded in Volume 1, Page 132, records of Pierce County Auditor; situate in the City of Tacoma, County of Pierce, State of Washington.

That portion of the Northeast quarter of the Southeast quarter and the Southeast quarter of the Northeast quarter of Section 36, Township 21 North, Range 02 East, W.M. described as follows:

The West 120 feet of Block 134, and the East half of Block 133, AMENDED MAP OF SECOND SCHOOL LAND ADDITION to the City of Tacoma, LESS portions for alley in Block 133, as per plat recorded in Volume 9, Page 41, records of Pierce County Auditor; situate in the City of Tacoma, County of Pierce, State of Washington.

That portion of the North half of the Northeast quarter of Section 19, Township 20 North, Range 03 East, W.M. described as follows:

173



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Lots 1 through 13, Block 19, BARKER'S ADDITION to Tacoma, Washington, as per plat recorded in Volume 7, Page 106, records of Pierce County Auditor; situate in the City of Tacoma, County of Pierce, State of Washington.

All of Block 21, SOUTH PARK ADDITION to Tacoma, W.T., as per plat recorded in Volume 3, Page 64, records of Pierce County Auditor; situate in the City of Tacoma, County of Pierce, State of Washington.

That portion of the Northwest quarter of the Northwest quarter of Section 25, Township 20 North, Range 02 East, W.M. described as follows:

All of Blocks 12 and 13, MANITOU PARK ANNEX, as per plat recorded in Volume 8, Page 104, records of Pierce County Auditor; situate in the City of Tacoma, County of Pierce, State of Washington.

Section 3. That the estimated cost and expense of the improvement is \$835,000.000; that \$625,908.60 of the cost thereof shall be contributed by the L.I.D. Participation Fund; that \$79,000 shall be contributed by the City's Surface Water Management; and that the balance of \$130,091.40 shall be borne and assessed against the property included in the L.I.D.

The assessments levied against the property described above shall become due and payable at the option of the property owners in cash, without interest, within 30 days after publication of the notice of assessment, or in ten equal annual installments with interest on deferred payments at a rate to be hereafter fixed, but in no event greater than .05 percent above the rate of interest fixed upon sale of bond for the district; and each year one of such

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installments, together with interest due thereon and on all installments thereafter to become due, shall be collected in the manner provided by law.

Section 4. That a special fund is hereby created, to be called Local Improvement Fund, District No. 8643, which shall consist in the aggregate of the several amounts assessed, levied, and collected upon the several lots and parcels of land in the local improvement district for the purpose of defraying the cost and expense of the improvement to be borne by the property within the district, and into which fund shall be deposited the proceeds of the sale of warrants, installment notes, bond anticipation notes, or other short-term obligations drawn against the fund which may be sold by the City. Out of the fund shall be paid the warrants, installment notes, bond anticipation notes, or other short-term obligations, interest thereon, and the cost of the improvement to be borne by the property included in the district.

Section 5. The Director of the Department of Public Works is hereby ordered to call for bids for said improvements, and to proceed and complete the improvements and to make out and certify to the City Council an assessment roll, all as provided by law.

In case no bid is accepted, the Director of Public Works is hereby authorized to proceed and complete the improvement by the method of day labor or force account and by use of materials, supplies, and equipment, as authorized by the City Charter and ordinances of the City. The Director of Public Works shall keep a separate account of the expenditures as made and the exact cost of the improvements separately computed. Upon certification by

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the Director of Public Works that any sums are due to any person for labor or materials for the improvements, the proper officers shall issue a warrant therefor drawn upon the L.I.D. Fund, District No. 8643. The Director of Public Works shall certify to the City Council the assessment roll on the property as provided by law.

Section 6. Under the provisions of the laws of the state of Washington, amendments thereto, and this ordinance, there shall be issued warrants, installment notes, bond anticipation notes, or other short-term obligations, issued pursuant to Ordinance No. 23412, as it may be amended, in payment of the cost and expense of the district, payable out of the Local Improvement District Fund. Such warrants, installment notes, bond anticipation notes, or other short-term obligations shall bear interest from the date of their issuance at a rate to be hereafter fixed by the Director of the Department of Finance in accordance with the Ordinance No. 23412, and shall be redeemed from the Local Improvement District Fund or by other warrants, installment notes, bond anticipation notes, or other short-term obligations, or from the proceeds of local improvement bonds hereafter issued.

Section 7. Pursuant to the provisions of the laws of the state of Washington, the City Council hereby directs that the improvements be paid for by the City in cash and that the warrants, installment notes, bond anticipation notes, or other short-term obligations authorized to be issued under the provisions of this ordinance be sold by the proper officers of the City in




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accordance with Ordinance No. 23412, as it may be amended, and that the proceeds thereof shall be applied in payment of the cost and expense of the improvement.

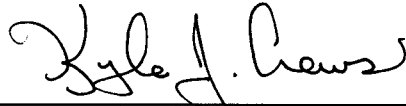
Passed JUL 25 2006


Deputy Mayor

Attest:


City Clerk

Approved as to form and legality:


Assistant City Attorney

Property description approved


Chief Surveyor
Public Works Department

177

**REPORT TO THE HEARINGS EXAMINER
FOR L.I.D. HEARING JUNE 12, 2006- 5:00 P.M.**

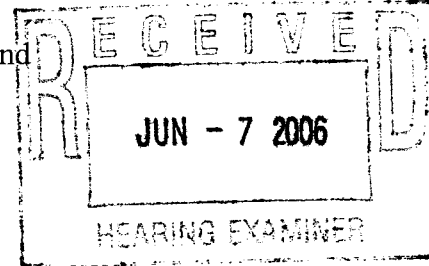
L.I.D. NO. 8643 Construction of permanent pavement, with storm drainage, on:

Union Avenue from North 24th Street to North 25th Street – northbound

Washington Street from North 16th Street to North 18th Street

Wapato Street from South 50th Street to South 51st Street

Huson Street from South 64th Street to South 66th Street



Notices: Resolution No. 36841 setting the hearing date was published May 4th and 5th, 2006.

Notice of Public Hearing letters were mailed to owner of record on May 5th, 2006.

Status: Being considered for creation as the result of a petition.

Background:	Estimated project cost:	\$835,000.00
	Rate per AUF:	\$52.00
	Total Est. Assessed to Property Owner:	\$130,091.40
	Surface Water Management	\$79,000.00
	City Participation	\$625,908.60

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

Protest: 30.92% (Segment 3)

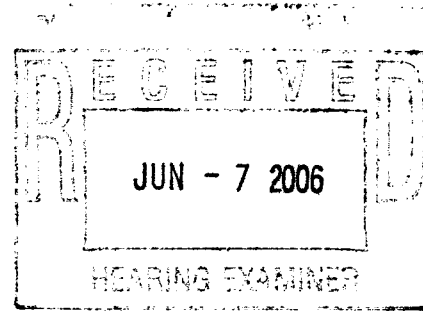
This is a 10-year Assessment Roll.

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

File: lid8643

EXH. 1 178

COST BREAKDOWN BY SEGMENT



Segment 1 - Union Avenue from North 24th Street to North 25th Street – northbound

Total Assessed to Property Owners	\$ 13,293.90
City Participation	<u>\$121,706.10</u>
Estimated Segment Cost	\$135,000.00

Segment 2 - Washington Street from North 16th Street to North 18th Street

Total Assessed to Property Owners	\$ 25,862.50
City Participation	<u>\$ 99,137.50</u>
Estimated Segment Cost	\$125,000.00

Segment 3 - Wapato Street from South 50th Street to South 51st Street

Total Assessed to Property Owners	\$31,111.60
Surface Water Management	\$ 9,000.00
City Participation	<u>\$94,888.40</u>
Estimated Segment Cost	\$135,000.00
LID Assistance (3)	\$ 8,492.95

Segment 4 - Huson Street from South 64th Street to South 66th Street

Total Assessed to Property Owners	\$ 59,823.40
Surface Water Management	\$ 70,000.00
City Participation	<u>\$310,176.60</u>
Estimated Segment Cost	\$440,000.00
LID Assistance (2)	\$ 5,113.00



City of Tacoma
Hearing Examiner

June 27, 2006

Ralph Rodriguez
Department of Public Works
Construction/LID Section
747 Market Street, Room 620
Tacoma, WA 98402
(Inter-office Delivery)

Re: Local Improvement District 8643 Formation

Please find enclosed a copy of the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation as a result of a public hearing held on June 12, 2006.

LOUISA LEGG
Administrative Legal Secretary

Enclosure (1)

cc: City Clerk, City of Tacoma
Jo Alstock, Finance Department, City of Tacoma
B. Welfringer, 724 Blaine Street, Steilacoom WA 98388
Ilona Lord, 5018 South Steele Street, Tacoma WA 98409
Marjorie Rivers, 5028 South Steele Street, Tacoma WA 98409
Joseph and Theresa Tacconelli, 6405 South Huson St., Tacoma WA 98409
Roberta A. Watkins, 5020 South Wapato Street, Tacoma WA 98409-7136
Katherine Feeney, 2409 North Union Avenue, Tacoma WA 98406-5822
Jeff Boers, 2411 North Union Avenue, Tacoma WA 98406-5811
Laura Gerdes, 2403 North Union Avenue, Tacoma WA 98406-5811
Jerome Matheson, 6439 South Huson Street, Tacoma WA 98409-1229
Rich Staatz, 6445 South Huson Street, Tacoma WA 98409-1229
Norm Bellamy, 6409 South Huson Street, Tacoma WA 98409-1229
Janet Kennedy, 6412 South Huson Street, Tacoma WA 98409-1230
German Anulacion, 3707 North 16th Street, Tacoma WA 98406-5201

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2 **OFFICE OF THE HEARING EXAMINER**

3 **CITY OF TACOMA**

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5
6 **In The Matter Of:**
7 **Local Improvement District**
8 **No. 8643**

)
) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW,**
) **AND RECOMMENDATION**

9
10 A public hearing on the formation of Local Improvement District No. 8643 was held
11 on June 12, 2006, and the Hearing Examiner having considered the evidence presented,
12 reviewed the file and being otherwise fully advised, makes the following:

13 **FINDINGS OF FACT:**

14 1. The Tacoma City Council adopted Resolution No. 36841 on May 2, 2006,
15 expressing the intent of the Council to construct improvements consisting of permanent
16 pavement with storm drainage on Union Avenue from North 24th Street to North 25th Street –
17 northbound (**Segment 1**); Washington Street from North 16th Street to North 18th Street
18 (**Segment 2**); Wapato Street from South 50th Street to South 51st Street (**Segment 3**); and
19 Huson Street from South 64th Street to South 66th Street (**Segment 4**); and all work necessary
20 to complete the improvement in full accordance with the plans and specifications to be
21 prepared by the City Engineer and collect special assessments to pay the cost and the expense
22 of such improvements upon real property specifically described therein to the extent that
23 such property would be specially benefited thereby. Resolution No. 36841 is incorporated
24 herein by reference as though fully set forth.

25 2. Notices of public hearing for Local Improvement District (LID) No. 8643 were

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
LID 8643**

COPY

1 published on May 4 and 5, 2006, and notices to affected property owners were mailed to
2 owners of record on May 5, 2006. Applications for the City's Local Improvement District
3 (LID) Assistance Program were included in said mailings. An Affidavit of Publication has
4 been filed with the City Clerk as well as plans and estimates required by said Resolution.

5 3. Pursuant to applicable laws and the direction of the Tacoma City Council, a public
6 hearing was held on June 12, 2006, to consider the formation of LID No. 8643.

7 4. The report of the Department of Public Works (hereinafter "DPW"), entered into
8 the record as Exhibit No. 1, indicates that this is a 10-year Assessment Roll; the rate per
9 Assessable Unit of Frontage (AUF) is fixed and guaranteed at a rate of \$52.00 (as indicated
10 on the petitions at time of their submissions); the overall estimated project cost is
11 \$835,000.00; the overall total estimated assessed amount to property owners is \$130,091.40;
12 the City's overall participation is \$625,908.60; and the City's Surface Water Management
13 overall contribution is \$79,000.00. The following is the cost breakdown by each segment:
14 **Segment 1 (Union Avenue from North 24th to North 25th Street – northbound):** The total
15 assessed to property owners is \$13,293.90, along with the City's participation of
16 \$121,706.10, equals an estimated segment cost of \$135,000.00. **Segment 2 (Washington**
17 **Street from North 16th Street to North 18th Street):** The total assessed to property owners
18 is \$25,862.50, along with the City's participation of \$99,137.50, equals an estimated segment
19 cost of \$125,000.00. **Segment 3 (Wapato Street from South 50th Street to South 51st**
20 **Street):** The total assessed to property owners is \$31,111.60, along with the City's
21 participation of \$94,888.40, and the Surface Water Management's contribution of \$9,000.00
22 equals an estimated segment cost of \$135,000.00. Additionally, three property owners
23 qualified for the City's LID Assistance Program at a total amount of \$8,492.95. **Segment 4**
24 **(Huson Street from South 64th Street to South 66th Street):** The total assessed to property
25

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
LID 8643**

1 owners is \$59,823.40, together with the City's participation of \$310,176.60 and the Surface
2 Water Management's contribution of \$70,000.00, equals an estimated segment cost of
3 \$440,000.00. Further, two owners of property qualified for the City's LID Assistance
4 Program for a total amount of \$5,113.00.

5 5. Testimony presented by Ralph Rodriguez, the Department of Public Works
6 (DPW), LID Section, establishes the following with regard to all four segments:
7

- 8 a. The oil mat surface will be removed from each segment.
9 Approximately one to two feet of material will be removed and
10 replaced with a structural section consisting of 5½" of ballast, 2½"
11 of crushed rock, and 3" of asphalt. Curb and gutter will be
12 installed on each side of the improved roadways.
- 13 b. A portion of the City's contribution towards the cost of the
14 proposed improvements is funded through a Public Works Trust
15 Fund loan.
- 16 c. The "zone and termini" formula, as set forth at *RCW* 35.44.030 and
17 .040, was used to determine the preliminary assessments for each
18 property within the proposed local improvement district.

19 With regard to **Segment 1**, Mr. Rodriguez testified to the following:

- 20 a. Union Avenue currently has an oil mat surface. The proposed
21 improvements will be only to the northbound lane of Union
22 Avenue. The street width will remain at 24 feet.
- 23 b. The City's Arborist and Streets and Grounds staff jointly
24 conducted a site visit to study possible damage the proposed
25 improvements would have on a number of large and fully matured
maple trees located in the median of Union Avenue. None were
found.
- c. The DPW, LID Section received two phone calls prior to the public
hearing. The first call was an inquiry from a property owner
pertaining to costs and financing of the proposed local

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
LID 8643**

-3-

City of Tacoma
Office of the Hearing Examiner
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183

1 improvement district; however, no applications for the LID
2 Assistance Program have been received. The second call was from
3 the daughter of a property owner stating her mother intended to
4 protest. To date, no formal letters of protest have been filed with
5 the DPW, therefore, the protest level for this segment remains at
6 zero percent.

7 With regard to **Segment 2**, Mr. Rodriguez testified to the following:

- 8 a. Current conditions include an oil mat surface on Washington Street
9 and North 16th and North 18th Streets have existing permanent
10 pavement and curbs. Under the proposed improvement plan, the
11 curbs on North 16th and North 18th Streets will extend around onto
12 Washington Street. Additionally, Washington Street will be
13 widened to 32 feet.
- 14 b. The DPW, LID Section reported the City's Arborist will be
15 conducting a site visit to conduct an evaluation of any possible
16 damage to the proposed street improvements by existing
17 ornamental cherry trees (shallow roots) located in the planting
18 strips on the east side and north end of Washington Street.
- 19 c. No property owners within this segment applied for the LID
20 Assistance Program.
- 21 d. The advisory petition was signed by 87.2 percent and the protest at
22 the time of hearing is zero percent.

23 With regard to **Segment 3**, Mr. Rodriguez testified to the following:

- 24 a. Wapato Street currently has an oil mat surface and would be
25 improved to a width of 32 feet. No sidewalks exist at this time but
they can be constructed as an additional work request by the
abutting property owner. The costs for the additional work would
be borne fully by the property owner and can be added to their
assessment which is payable over the 10 year Assessment Roll
period.
- b. The advisory petition was signed by 56 percent of the abutting
property owners within the proposed local improvement district

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
LID 8643**

1 boundaries. Three property owners have filed written letters of
2 protest and are included in the protest level of 30.9 percent.

3 c. Three property owners have applied and were found qualified for
4 the City's LID Assistance Program at a collective amount of
\$8,492.95.

5 With regard to **Segment 4**, Mr. Rodriguez testified to the following:

6 a. Huson Street will be widened to 32 feet.

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8 b. The advisory petition was signed by 58.5 percent of the abutting
9 property owners within the proposed local improvement district
boundaries. The level of protest is zero percent.

10 c. Two owners of property applied and were approved for the City's
11 LID Assistance Program.

12 c. If proposed LID 8643 is formed, the DPW plans to combine the
13 proposed storm sewer improvements with storm sewer
14 construction planned under the already formed LID 8630. This
will limit disruption to the neighborhood due to the proposed
15 construction.

16 6. Six owners of property within Segments 1 and 4 appeared and testified at hearing
17 in support of formation of the proposed local improvement district and another property
18 owner within Segment 4 appeared in writing in support of proposed LID 8643. A property
19 owner within Segment 2 appeared at hearing making inquiry as to how the DPW calculates
20 each assessment and voiced concerns that he was erroneously included within two local
21 improvement districts. The DPW addressed his questions and concerns and it was
22 determined he was correctly included only within proposed LID 8643. Also appearing at
23 hearing was a property owner within Segment 4 asking questions with regard to the costs of
24
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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
LID 8643**

1 sidewalk replacement, terms of assessment re-payments, and the timeline of construction for
2 the proposed improvements.

3 7. Only those properties that would be specially benefited by the proposed
4 improvements have been included within the boundaries of the proposed local improvement
5 district.
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7 8. The verbatim transcript in the referred-to matter is in the custody of the Hearing
8 Examiner's Office, the official file is in the custody of the City Clerk, and both are available
9 for review by the Council and any party of interest.
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11 9. Any Conclusion of Law hereinafter stated which may be deemed to be a Finding
12 of Fact herein is hereby adopted as such.

13 From these Findings of Fact come the following:
14

15 **CONCLUSIONS OF LAW:**

16 1. The Hearing has jurisdiction in the matter. *TMC 1.23.050.A.2.*

17 2. The Department of Public Works has complied with all applicable laws with
18 respect to the formation of LID No. 8643.

19 3. The purposes of the initial hearing in regard to formation of local improvement
20 districts are to determine if the formation of the district should proceed and if the limits of the
21 district are proper. *Chandler v. City of Puyallup*, 70 Wash. 632, 633 (1912). Accordingly,
22 the only issues properly presented during the formation stage of the LID process are:
23

24 (a) The jurisdiction or authority of the city to proceed with creating
25 the district.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
LID 8643**

1 (b) The proper boundaries of the district.

2 *Underground Equality v. Seattle*, 6 Wn. App. 338, 342, 492 P.2d 1071 (1972)

3 Issues relative to the amount of special benefit resulting from the improvements
4 proposed must await the hearing in regard to the final assessments. *Underground Equality*
5 at 342.

6
7 4. There has been no dispute presented in this proceeding relative to the City of
8 Tacoma's (City) authority to create the subject local improvement district.¹ The City's
9 authority to create a local improvement district initiated by resolution of the local legislative
10 body, as is the case here, is statutorily limited only by the following provision:
11

12 **35.43.180 Restraint by protest.** The jurisdiction of the
13 legislative authority of a city or town to proceed with any local
14 improvement initiated by resolution shall be divested by a protest filed
15 with the city or town council within thirty days from the date of passage of
16 the ordinance ordering the improvement, signed by the owners of the
17 property within the proposed local improvement district or utility local
18 improvement district subject to sixty percent or more of the total cost of
19 the improvement including federally-owned or other non-assessable
property as shown and determined by the preliminary estimates and
assessment roll of the proposed improvement district or, if all or part of
the local improvement district or utility local improvement district lies
outside of the city or town, such jurisdiction shall be divested by a protest

20 ¹RCW 35.43.040 provides, in pertinent part, that:

21 "...Whenever the public interest or convenience may require, the legislative authority of any city or town may
22 order the whole or any part of any local improvement including but not restricted to those, or any combination
23 thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not
restricted to the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees and
shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and
collect special assessments on property specially benefited thereby to pay the whole or any part of the expense
thereof, viz:

24 (1) Alley, avenues, boulevards, lanes, park drives, parkways, parking facilities, public places, public squares,
25 public streets, their grading, regarding, planking, re-planking, paving . . . " (Emphasis supplied.)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
LID 8643**

-7-

City of Tacoma
Office of the Hearing Examiner
Tacoma Municipal Building
747 Market Street, Room 720
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187

1 filed in the same manner and signed by the owners of property which is
2 within the proposed local improvement district or utility local
3 improvement district but outside the boundaries of the city or town, and
4 which is subject to sixty percent or more of that part of the total cost of the
5 improvement allocable to property within the proposed local improvement
6 district or utility local improvement district but outside the boundaries of
7 the city or town, including federally-owned or other non-assessable
8 property: . . . (Emphasis supplied.)

9 *RCW 35.43.180*

10 5. The Council, however, has further limited its authority to proceed with the
11 formation of a local improvement district through the adoption of a formal policy of
12 generally not forming such districts if the protest to formation is 50 percent or greater.²

13 6. Since the remonstrance for each segment is below 50 percent, the City clearly has
14 the authority by statute and its own adopted local improvement district policy to proceed with
15 the formation of LID 8643.

16 7. Properties within proposed LID 8643 would be specially benefited by the
17 proposed improvements and the boundaries proposed for the local improvement district are
18 proper.

19 8. Any Finding of Fact hereinbefore stated which may be deemed to be a Conclusion
20 of Law herein is hereby adopted as such.

21 _____
22 ² Resolution 32989, adopted April 25, 1995, provides in pertinent part as follows:

23 "2. In proposed LIDs in which the number of assisted property owners
24 constitutes less than twenty-five percent (25%) of the total number of property
25 owners, the proposed LID shall not be formed if the City has received written
protest signed by the owners of the property within the proposed LID subject to
more than fifty percent (50%) of the total cost of the improvement."

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
LID 8643**

-8-

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188

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From these Conclusions of Law is entered this:

RECOMMENDATION:

Based on applicable Tacoma City Council policies with respect to formation of local improvement districts, the Hearing Examiner recommends the formation of Local Improvement District No. 8643.

DATED this 27th day of June, 2006.



RODNEY M. KERSLAKE, Hearing Examiner

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
LID 8643**

189

NOTICE

RECONSIDERATION/APPEAL OF EXAMINER'S RECOMMENDATION

RECONSIDERATION:

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

APPEALS TO CITY COUNCIL OF EXAMINER'S RECOMMENDATION:

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

Appeals shall be reviewed and acted upon by the City Council in accordance with *TMC 1.70*.

GENERAL PROCEDURES FOR APPEAL:

The Official Code of the City of Tacoma contains certain procedures for appeal, and while not listing all of these procedures here, you should be aware of the following items which are essential to your appeal. Any answers to questions on the proper procedure for appeal may be found in the City Code sections 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 tapes. If a person desires a written transcript, he or she shall arrange for transcription and pay the cost thereof.

Notice - No Fee (7/11/00)



REQUEST FOR ORDINANCE OR RESOLUTION

RECEIVED

Request #:	10985
Ordinance #:	27510
Resolution #:	

2006 JUN 29 PM 1:10

1. DATE: JUNE 29, 2006

CITY CLERK'S OFFICE

2. REQUESTING DEPARTMENT/DIVISION/PROGRAM Hearing Examiner	3. CONTACT PERSON (for questions): Louisa Legg	PHONE/EXTENSION 5195
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4. PREPARATION OF AN ORDINANCE IS REQUESTED FOR THE CITY COUNCIL MEETING OF TUESDAY, JULY 25, 2006.

5. SUMMARY TITLE/RECOMMENDATION: (A concise sentence, as it will appear on the Council agenda.)

L.I.D. 8643 – Provide for construction of permanent pavement, with storm drainage on:
 (Segment 1) – Union Avenue from North 24th Street to North 25th Street – northbound;
 (Segment 2) – Washington Street from North 16th Street to North 18th Street;
 (Segment 3) – Wapato Street from South 50th Street to South 51st Street;
 (Segment 4) – Huson Street from South 64th Street to South 66th Street.

LOCATION: (Segment 1) – Union Avenue from North 24th Street to North 25th Street – northbound; (Segment 2) – Washington Street from North 16th Street to North 18th Street; (Segment 3) – Wapato Street from South 50th Street to South 51st Street; (Segment 4) – Huson Street from South 64th Street to South 66th Street.

6. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

7. FINANCIAL IMPACT:

- A. NO
- B. YES OVER \$100,000, Fiscal Note Attached
- C. YES, UNDER \$100,000, Provide funding source information below

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
1060 – Arterial Street Fund		\$625,908.60	Property Assessments --	\$835,000.00
4301 – Surface Water Management		\$79,000.00	\$130,091.40\$	

If an expenditure, is it budgeted? Yes No Where? Cost Center: 661600
529700

Acct #: 4368110 LID Colls - P.W.
611245 COST FR 4301
4335410 MUFT CITY ST

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
▪ Hearing Examiner Report and Recommendation	▪ Attached
▪ Departmental (DPW/L.I.D. Section) Preliminary Report	▪ Attached

9. ATTORNEY CONTACT:

191

10. Department Director/Utility Division Approval 	OMBA/Finance Director Approval 	City Manager/Director Utilities Approval
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JRO PS
SC

CITY CLERK USE

Request #:

10985

Ord/Res #:

27510

FISCAL NOTE

Each piece of legislation that has a financial impact or creates positions authority requires a fiscal note. After preparation by departmental staff, the Office of Management, Budget, and Analysis will review the fiscal note and make any necessary revisions before transmittal to the Legal department for legislation preparation.

DEPARTMENT: CONTACT PERSON/PHONE: OMBA CONSULTANT/PHONE:

Public Works	Ralph K. Rodriguez / 591-5522	Vicki Woolley / 591-5174
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Is it currently budgeted? Yes No

Is this a grant? Yes No If Yes, Operating Capital

EXPENDITURES:

FUND NAME & NUMBER	COST CENTER	WBS	ACCOUNT	2005-2006 EXPENDITURES
L.I.D. 8643 - 1060	661600	LID-8643R		\$50,000
ES Surface Water Utility	529700	LID-8643S		\$30,000
TOTAL				\$80,000

Purpose: To pave various streets requested by a majority of property owners in North and South Tacoma.

REVENUES:

FUND NAME & NUMBER	COST CENTER	WBS	ACCOUNT	2005-2006 REVENUES
Arterial Street Fund - 1060	661600	LID-8643R-FS-AD-01	4335420	\$50,000
ES Surface Water Utility - 4301	529700	LID-8643S-FS-AD-08	4348240	\$30,000
TOTAL				\$80,000

FUNDING SOURCE	2005-2006	2007	2008	2009	TOTAL
Property Assessments - 1060			\$130,091		\$130,091
Arterial Street Fund - 1060	\$50,000	\$575,909			\$625,909
ES Surface Water Utility - 4301	\$30,000	\$49,000			\$79,000
TOTAL	\$80,000	\$624,909	\$130,091		\$835,000

OTHER ISSUES:

The requested improvements comply with the policy set forth by Resolutions 32989 and 35403.

Ordinance No. 27510

First Reading of Ordinance: JUL 25 2006

Final Reading of Ordinance: JUL 25 2006

Passed: JUL 25 2006

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson	/			
Mr. Evans	/			
Mr. Fey	/			
Ms. Ladenburg	/			
Mr. Lonergan	/			
Mr. Manthou	/			
Mr. Stenger	/			
Mr. Talbert	/			
Mayor Baarsma				/

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Evans				
Mr. Fey				
Ms. Ladenburg				
Mr. Lonergan				
Mr. Manthou				
Mr. Stenger				
Mr. Talbert				
Mayor Baarsma				