



TO: T.C. Broadnax, City Manager
FROM: Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer /KDC
Justin E. Davis, Division Manager, Facilities Management
Troy Stevens, Sr. Real Estate Specialist, Real Property Services
COPY: City Council and City Clerk
SUBJECT: Resolution - Setting Public Hearing – June 2, 2015
Street Vacation 124.1356 – Tacoma Hospitality, L.L.C.
DATE: May 13, 2015

SUMMARY:

A resolution setting Thursday, July 9, 2015, at 1:30 p.m., as the date and time for a hearing before the Hearing Examiner on the request to vacate a one-foot portion of Commerce Street, South 15th Street, and Pacific Avenue to Tacoma Hospitality, L.L.C., to cure a building foundation encroachment previously permitted under Street Occupancy Permit 140.

STRATEGIC POLICY PRIORITY:

- Assure outstanding stewardship of the natural and built environment.

Vacating one foot of the public right-of-way adjacent to the Waddell Building will cure a one-foot foundation encroachment and complete a portion of the Development Agreement that was mutually agreed to in 2002 by Hollander Investments, Inc., the parent company of Tacoma Hospitality, L.L.C., and the City.

BACKGROUND:

During the construction of the Marriott Hotel and remodel of the Waddell Building, a survey disclosed a one foot portion of the Waddell Building's foundation encroached into the right-of-way at Commerce Street, South 15th Street, and Pacific Avenue. As an interim measure, the City and Hollander Investments, Inc. entered into a Development Agreement and Street Occupancy Permit 140 to allow the building foundation to remain in the right-of-way. It was mutually agreed the foundation encroachment would be cured via the street vacation process.

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 this 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 agree to proceed with the street vacation, it will not be abiding by its agreement to process the street vacation and will perpetuate a known encroachment. The building foundation is a permanent part of the structure and not feasible to remove. The Street Occupancy Permit is only a temporary solution until the street vacation is completed.

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 1:30 p.m.



FISCAL IMPACT:

This action only sets the date of the hearing before the Hearing Examiner. Unless decided otherwise, the City will receive market value compensation for the vacated right-of-way. The proceeds will be deposited in accordance with TMC 9.22.