



City of Tacoma
Hearing Examiner

VIA FIRST CLASS MAIL

November 21, 2013

Kell Mc Aboy, AICP
Port of Tacoma
PO Box 1837
Tacoma, WA 98401-1837

Rich Price, Real Estate Specialist
Conor McCarthy, Assistant Division Manager
Real Property Services, City of Tacoma
747 Market Street Room 737
Tacoma, WA 98402

Re: **HEX No. 2013-035 (Vacation Petition File No. 124.1108)**
Petitioners: City of Tacoma and Port of Tacoma

To the Parties,

Enclosed please find a copy of the Hearing Examiner's Order Amending Hearing Examiner's Recommendation to the Tacoma City Council entered on November 21, 2013.

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid or via delivery through City of Tacoma Mail Services to the parties or attorneys of record herein.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED November 21, 2013 at Tacoma, WA.

Louisa Legg

Sincerely,

LOUISA LEGG
Legal Assistant

Enclosure

cc: Pierce County Assessor-Treasurer
Comcast, ATTN: Aaron Cantrel, 410 Valley Ave. NW, STE 12 (Bldg C), Puyallup WA 98371
Century Link, ATTN: R. Jeff Lawrey, R-o-W Manager WW, 1208 NE 64th Street, Rm.401,
Seattle WA 98115-6722
City Clerk, City of Tacoma
Legal Department, Civil Division, City of Tacoma

Via Electronic Copy:

Environmental Services Department, City of Tacoma (Env. Svcs. Eng./Merita Trohimovich-Pollard)
Environmental Services Department, City of Tacoma (Env. Svcs. Eng./Steve Standley)
Environmental Services Department, City of Tacoma (Env. Svcs. Eng./Olivia Mathison)
Environmental Services Department, City of Tacoma (Solid Waste Mgmt./R. Coyne)
Planning and Development Services Department, City of Tacoma (BLUS/Lisa Spadoni)
Planning and Development Services Department, City of Tacoma (BLUS/Jana Magoon)
Planning and Development Services Department, City of Tacoma (Lihuang Wung)
Department of Public Works, City of Tacoma (Construction/LID/Sue Simpson)
Department of Public Works, City of Tacoma (Engineering/Joshua Diekmann)
Tacoma Fire Department, City of Tacoma (James Duggan)
Tacoma Rail, City of Tacoma (Dale King)
Tacoma Power, City of Tacoma (Dolores Stegeman)

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OFFICE OF THE HEARING EXAMINER

CITY OF TACOMA

**STREET VACATION PETITION
FILE NO. 124.1108,**

**CITY OF TACOMA AND
PORT OF TACOMA,**

Petitioners.

FILE NO. HEX 2013-035

**ORDER AMENDING
HEARING EXAMINER'S
RECOMMENDATION TO THE
CITY COUNCIL**

THIS MATTER, involving the vacation of a portion of Milwaukee Way, came before Hearing Examiner Phyllis K. Macleod for hearing on September 26, 2013, at the joint request of the City of Tacoma (City) and the Port of Tacoma. After the record in the matter was held open for further supplementation by the parties, a Report and Recommendation to the Tacoma City Council was issued by the Hearing Examiner on October 23, 2013. After receipt of the Report and Recommendation, the Port of Tacoma requested that the Hearing Examiner reconsider the language in one condition of the street vacation. The original Report and Recommendation indicated that an easement would be retained by the City over the vacated area for existing sanitary and storm sewer systems. The Port of Tacoma is assuming ownership of the existing storm sewer main as part of the street vacation and, therefore, the City will not need an easement for the storm sewer system. Accordingly, the Port of Tacoma is seeking a modification of the language governing the easement requirement. The City agrees with the suggested modification.

**ORDER AMENDING
HEARING EXAMINER'S
RECOMMENDATION**

- 1 -

ORIGINAL

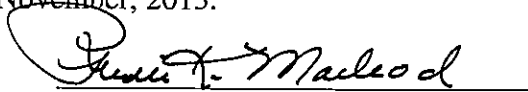
City of Tacoma
Office of the Hearing Examiner
Tacoma Municipal Building
747 Market Street, Room 720
Tacoma, WA 98402-3768
(253)591-5195 FAX (253)591-2003

1 Therefore, the Hearing Examiner grants the request for reconsideration and amends her
2 report to the City Council as follows to reflect the change in the language of Condition A.2.a
3 requested by the Port of Tacoma:

4 Special Condition A.2.a under the Conclusions of Law shall be
5 amended as follows:

6 “An easement shall be retained over the entire vacated area for the
7 existing sanitary ~~and storm~~ sewer system.”

8 **SO ORDERED** this 21th day of November, 2013.

9 

10 **Phyllis K. Macleod**
11 **Hearing Examiner**

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**ORDER AMENDING
HEARING EXAMINER'S
RECOMMENDATION**

- 2 -

ORIGINAL

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