

CITY EXHIBIT LIST

HEARING DATE: Thursday, January 30, 2020, at 1:30 p.m.

FILE NUMBER: HEX2019-035 (SV 124.1406)

FILE NAME: *Metropolitan Park District of Tacoma, Petitioner*

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
EX. C-1	Preliminary Report	City of Tacoma, Real Property Services ("COT, RPS")	X			Revised preliminary report filed on 1/6/2020.
EX. C-2	Aerial Map Exhibit	COT, RPS	X			
EX. C-3	Map Exhibit	COT, RPS	X			
EX. C-4	Plat – Homestead Park	COT, RPS	X			
EX. C-5	Plat – Portland Avenue First Addition	COT, RPS	X			
EX. C-6	City of Tacoma Ordinance No. 10398	COT, RPS	X			
EX. C-7		COT, RPS				
EX. C-8		COT, RPS				
EX. C-9		COT, RPS				
EX. C-10		COT, RPS				
EX. C-11		COT, RPS				
EX. C-12		COT, RPS				

KEY

A = Admitted

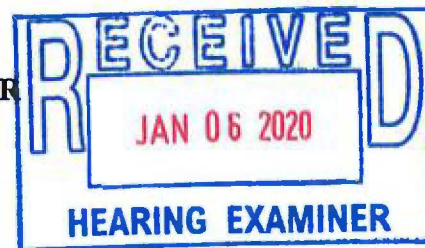
E = Excluded

W = Withdrawn

PRELIMINARY REPORT

PREPARED FOR THE HEARING EXAMINER
BY REAL PROPERTY SERVICES

For the Hearing to be Held
Thursday, January 30, 2020 at 1:30 PM



PETITIONER: METROPOLITAN PARK DISTRICT OF TACOMA **FILE NO. 124.1406**

A. SUMMARY OF REQUEST:

Real Property Services has received a petition by Metropolitan Park District of Tacoma to vacate all those portions of publicly dedicated streets, lying between East 48th Street and the northerly margin of East 52nd Street, within the Swan Creek Park boundaries, as depicted on the attached Exhibits 2 and 3. The vacated area of right of way will be incorporated into the Park property for park enhancements and improvements.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

All those portions of East 48th Street, East 50th Street, East "R" Street (also known as East "T" Street per City of Tacoma Ordinance No. 10398, passed February 13, 1930), East "S" Street (also known as Homestead Avenue per City of Tacoma Ordinance No. 10398, passed February 13, 1930), East "T" Street (also known as Roosevelt Avenue per City of Tacoma Ordinance No. 10398, passed February 13, 1930) and all alleys therein lying between the northerly margin of East 48th Street and the northerly margin of East 52nd Street, all as dedicated by Plat filing of Homestead Park, Pierce County, Washington according to the Plat thereof recorded in Book 6, Page 112, records of Pierce County, Washington, all lying east and south of Tract "M", as shown Plat filing of Salishan Division 2, according to the Plat recorded under Auditor's File number 200806245003, records of Pierce County, Washington, and lying east of Tract "K", as shown on Plat filing of Salishan Division 4, according to the Plat recorded under Auditor's File number 201007155004, records of Pierce County, Washington

Together with that portion of unrecorded East "T" Street lying south of the North margin of East 48th Street and North of East 52nd Street depicted outside of the plat of Portland Avenue First Addition, according to the Plat thereof recorded in Book 17, Page 82, records of Pierce County, Washington, more particularly described as follows:

Commencing at the Southeast corner of Tract 'J' as per said plat, thence South 88°03'57" East along the easterly projection of the south line of said Tract "J", 86.91 feet to a line perpendicularly 73 feet East and parallel to the East line of said Tract "J";

Thence North $30^{\circ}56'07''$ West along said parallel line a distance of 159.46 feet to a point of tangency with a 633.30 foot radius curve to the right;

Thence parallel Northwesterly along said curve through a central angle $12^{\circ}57'53''$ an arc distance of 143.30 feet to an angle point;

Thence North $89^{\circ}40'58''$ West a distance of 76.45 feet more or less to a point on a non-tangent curve to the right having a radius of 706.30 feet, from which point the center bears North $73^{\circ}58'33''$ East, said point being on the East line of said Tract "J";

Thence Northwesterly along said curved East line through a central angle of $1^{\circ}13'59''$ an arc distance of 15.20 feet;

Thence continuing along said East line North $14^{\circ}47'27''$ West a distance of 57.35 feet to an angle point;

Thence departing said East line South $89^{\circ}40'58''$ East a distance of 75.61 feet to a line that is 73 feet perpendicularly East and parallel to said East line of Tract "J";

Thence North $14^{\circ}47'27''$ West along said parallel line a distance of 243.75 feet to a point of tangency with a 464.40 foot radius curve to the right;

Thence Northeasterly along said parallel curve through a central angle of $21^{\circ}04'31''$ an arc distance of 170.82 feet to an angle point;

Thence North $69^{\circ}36'40''$ West a distance of 74.95 feet more or less to a point on the East line of said Tract "J", said point being on a non-tangent curve to the right having a radius of 537.40 feet, from which the center bears South $81^{\circ}46'04''$ East;

Thence Northeasterly along said curve and said East line through a central angle of $5^{\circ}24'22''$ an arc distance of 50.71 feet to an angle point;

Thence departing said East line South $69^{\circ}36'40''$ East a distance of 73.59 feet to a point on a line that is 73 feet perpendicularly East and parallel to the East line of said Tract "J", said point being a non-tangent curve to the right having a radius of 464.40 feet, from which point the center bears South $77^{\circ}25'44''$ East;

Thence Northeasterly along said parallel curve through a central angle of $22^{\circ}03'07''$ an arc distance of 178.74 feet;

Thence North $34^{\circ}37'23''$ East along said parallel line a distance of 22.24 feet more or less to the North line of the Northeast Quarter of the Northeast Quarter of Section 22, Township 20 North, Range 3 East of Willamette Meridian, said North line being the North margin of East 48th Street; Thence along said North line South $89^{\circ}16'31''$ East a distance of 65.06 feet;

Thence departing said North line South $34^{\circ}37'23''$ West a distance of 58.52 feet to a point of tangency with a 410.40 foot radius curve to the left;

Thence Southwesterly and Southeasterly along said curve through a central angle $49^{\circ}24'50''$ an arc distance of 353.94 feet;

Thence South $14^{\circ}47'27''$ East a distance of 281.39 feet to a point of tangency with a 579.30 foot radius curve to the left;

Thence Southeasterly along said curve through a central angle $16^{\circ}08'40''$ an arc distance of 163.23 feet;

Thence South $30^{\circ}56'07''$ East a distance of 194.36 feet more or less to intersect said easterly projection of the south line of Tract "J";

Thence North $88^{\circ}03'57''$ West along said projection a distance of 64.29 feet to the Point of Beginning.

All situate in the City of Tacoma, County of Pierce, State of Washington; within the Northeast Quarter of the Northeast Quarter of Section 22, Township 20 North, Range 03 East of the Willamette Meridian.

2. Notification:

9.22.060 NOTICE OF PUBLIC HEARING The Public Works Department shall cause a 30-day notice to be given of the pendency of the petition by written notice posted in three of the most public places in the City, a like notice in a conspicuous place on the street or alley sought to be vacated, a like notice in a newspaper of general circulation in the City, and a like notice to the legal property owners of all property abutting the right of way requested for vacation as enumerated on the applicant's vacation petition, and to any other interested parties of record. In addition to posting notices of the hearing, the Public Works Department shall mail a copy of the notice to all owners and occupants of the property which lies within 1,000 feet of the street or alley to be vacated. The said notice shall contain the statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.

In all cases where the proceeding is initiated by the City Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, notice shall be sent as provided above. Failure to send notice by mail to any such property owner where the current address for such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation.

C. PUBLIC NOTICE:

Real Property Services in conjunction with the City of Tacoma Clerk's office issued the following public notice:

The Public Hearing Notices have been advertised, and posted, as described below:

1. Yellow public notice signs were posted on November 26, 2019, affixed to the existing fencing, fronting both South Tacoma Way and Union Avenue off-ramp.
2. On December 19, 2019 public notice memo placed into the glass display case located on the first floor of the Municipal building abutting the Finance Department.
3. Public notice memo advertised on the City of Tacoma web site at address:
<http://www.cityoftacoma.org/notices>
4. Public Notice advertised in the Daily Index newspaper.
5. Public Notice mailed to all parties of record within the 300 feet of vacation request.
6. Public Notice advertised on Municipal Television Channel 12.

D. PURPOSE OF REQUEST:

The Petitioner intends to absorb this segment of right of way into their adjacent property for park enhancements and improvements.

E. HISTORY:

East 48th Street, East 50th Street, East "R" Street (also known as East "T" Street per City of Tacoma Ordinance No. 10398, passed February 13, 1930), East "S" Street (also known as Homestead Avenue), East "T" Street (also known as Roosevelt Avenue), and all alleys therein lying between the northerly margin of East 48th Street and the northerly margin of East 52nd Street, were dedicated, in 1903, by Plat filing of Homestead Park, Pierce County; And that portion of unrecorded East "T" Street as depicted outside the Plat of Portland Avenue First Addition, Copies of the Plats of Homestead Park and Portland Avenue First Addition, and City of Tacoma Ordinance No. 10398, are attached hereto and referenced as Exhibits 4 through 6.

F. PHYSICAL LAND CHARACTERISTICS:

None of these described rights of way have been improved with any street or utility infrastructure and have been historically management, improved and utilized as park amenities/paths.

G. APPLICABLE SECTIONS OF THE OFFICIAL CODE OF THE CITY OF TACOMA:

9.22.010 PETITION TO VACATE AUTHORIZED: The owners of an interest in any real estate abutting on any street or alley who may desire to vacate any street or alley, or any part thereof, shall petition to the City Council to make vacation in the manner hereafter provided in this chapter and pursuant to RCW 35.79 or the City Council may itself initiate by Resolution such vacation procedure. The City Council shall require the petitioners to compensate the City in an amount which equals one-half of the appraisal value of the area vacated; provided that if the street or alley has been a public right of way for 25 years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated; provided that when the vacation is initiated by the City or the City Council deems it to be in the best interest of the City, all or any portion of such compensation may be waived. Except as provided below, one-half of the revenue received hereunder shall be devoted to the acquisition, improvement, and maintenance of public open space land and one-half may be devoted to transportation projects and the management and maintenance of other City owned lands and unimproved rights-of-way.

In the case of vacations of rights-of-way in the tide flats area, defined as easterly of the Thea Foss Waterway (inclusive of the Murray Morgan Bridge), northerly of State Route 509 and westerly of Marine View Drive, the total revenue received hereunder shall be devoted to transportation projects in the tide flats area.

9.22.040 PUBLIC'S RIGHT TO TRAVEL – UTILITIES: Vacation of any portion of a street that is designated as an arterial under Section 11.05.490 of the Municipal Code shall be of a minor nature only and shall not unreasonably limit the public's right to travel upon said street or interfere with the ancillary right to occupy said street for utility purposes.

CRITERIA: Section 9.22.070 of the Official Code of the City of Tacoma. The following criteria have been considered:

1. That the vacation will provide a public benefit and/or will be for a public purpose.
2. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
3. That the public need shall not be adversely affected.
4. That the right-of-way is not contemplated or needed for future public use.
5. That no abutting owner, not contemplated for development within the Swan Creek Park Master Plan, as adopted by Metropolitan Park District of Tacoma in 2011, becomes landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.
6. That vacation of right-of-way shall not be in violation of RCW 35.79.035

Regarding the above Criteria, Real Property Services finds the following:

1. The vacation is a public benefit because:
 - a. It will reduce the City's maintenance expenditures.
2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation.
3. No general public is currently served by this unimproved right of way.
4. The vacation area is not contemplated or needed for future public use as a right of way.
5. No abutting property becomes landlocked nor will their access be substantially impaired.
6. The vacation area is not close to a body of water as contemplated under RCW 35.79.035.

H. ADDITIONAL INFORMATION:

The area to be vacated has not been assessed for sanitary sewers and is subject to a Connection Charge In-Lieu-of-Assessment per T.M.C. 12.08.350. At the time of this reading the Assessment is provided as an Advisory Comment only and not a condition of this action. Should the petitioner(s) wish to clear this item from title the Assessments can be paid in connection with this vacation action or will become due and payable at such time as future permitting of the site. Please note that the ordinance establishing the rate of assessment is updated every few years, and/or the infrastructure is replaced, and the amount quoted may increase in the future. As such, should the petitioner elect to wait to make such payment the In-Lieu Assessment should be recalculated at time of such development to ensure current rates.

I. PROJECT RECOMMENDATIONS:

As part of the City's review process for street vacation petitions, notice of this application was mailed to various City departments as well as many outside quasi-governmental agencies. These agencies, as noted below, have provided comments and recommended conditions to the Real Property Services Division. These comments, where appropriate, have been incorporated in the "Recommended Conditions of Approval" section of this preliminary report.

Preliminary Report – Exhibit 1
Aerial Map Exhibit – Exhibit 2
Map Exhibit – Exhibit 3
Plat of Homestead Park – Exhibit 4
Plat of Portland Avenue First Addition – Exhibit 5
City of Tacoma Ordinance No. 10398 – Exhibit 6
Public Works/LID – Advisory Note Provided

Environmental Services – No Objection
Tacoma Fire – No Objection
PW Engineering – No Objection
Tacoma Power – No Objection
Click! Network – No Objection
Tacoma Water – No Objection
Planning & Development Services – No Objection
Comcast Communications – No Objection
Puget Sound Energy – No Objection
CenturyLink – No Objection

Police – No Response
Solid Waste – No Response
Pierce Transit – No Response

J. RECOMMENDED CONDITIONS OF APPROVAL:

Since no comments were received should this street vacation request be approved, the Real Property Services Department of Public Works recommends that Payment be the only condition of approval:

1. PAYMENT OF FEES

The petitioner shall compensate the City in an amount equal to the full appraised value of the area vacated. One-half of the revenue received shall be devoted to the acquisition, improvement and maintenance of public open space land and one-half may be devoted to transportation projects and /or management and maintenance of other City owned lands and unimproved rights-of-way. *TMC 9.22.010*

Advisory Comment Only

2. *PUBLIC WORKS/LID - ADVISORY COMMENT ONLY*

- a. *LID estimates and comments provided herein by Real Property Services are advisory comments only, and not as a condition of closing, and can be voluntarily paid at time of this right of way purchase or will be required at time of development.*

Real Property Services has received the following public comment:

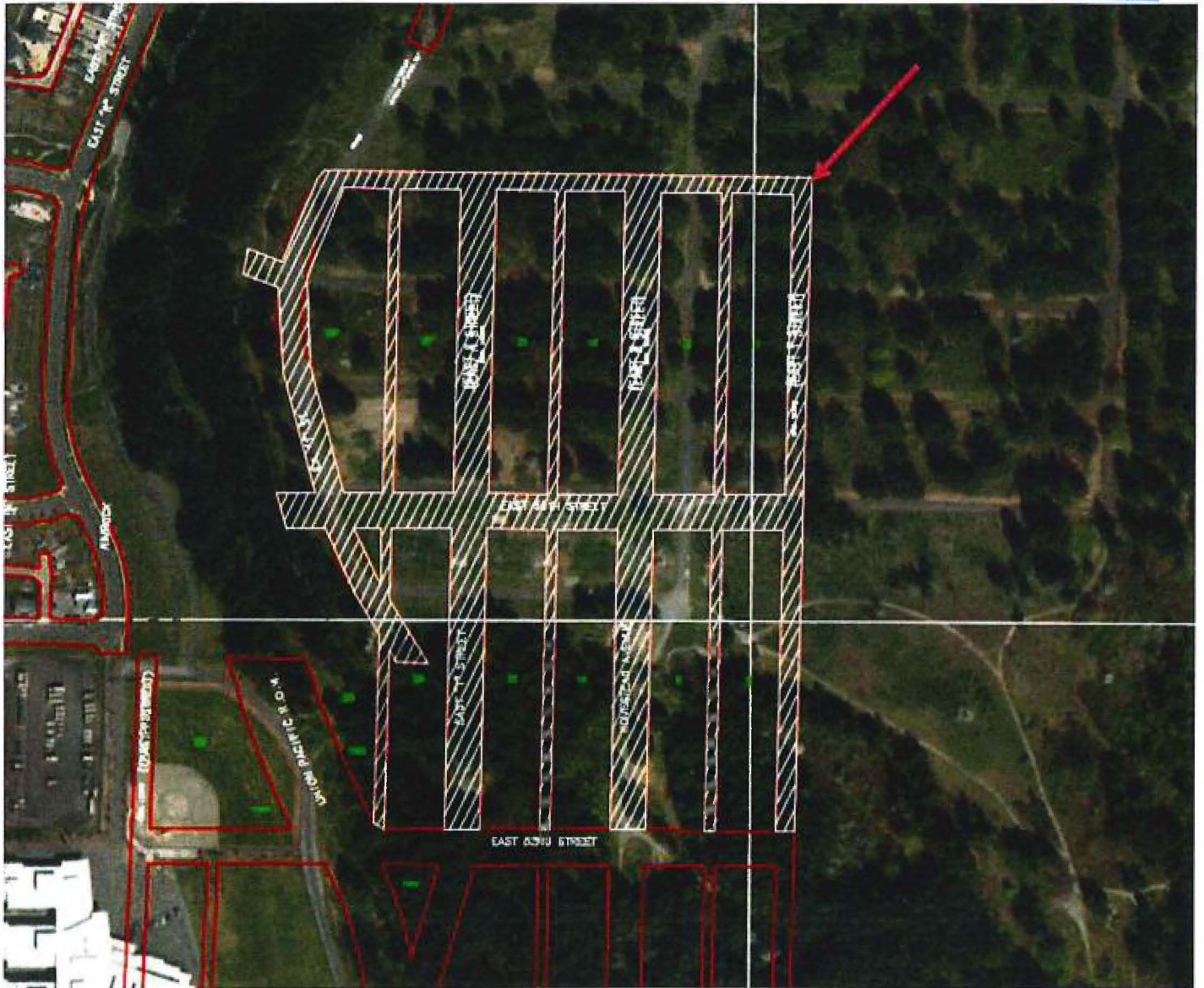
- ❖ No public comments received.

The applicant shall comply with all City regulations for any future use of the subject site.

ATTACHMENT: Vacation Jacket containing all pertinent maps and papers.



RECEIVED
DEC 20 2019
HEARING EXAMINER



Metropolitan Park District of Tacoma

STREET VACATION NO. 124.1406

Homestead Park, Pierce County platted streets between East 48th – East 52nd,
lying within Tacoma's Swan Creek Park

NE ¼ of the NE ¼ SEC. 22, T20N, R03E

NOT TO SCALE



RECEIVED
DEC 20 2019
HEARING EXAMINER



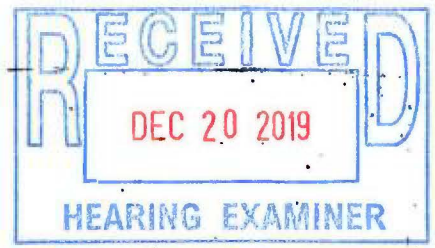
Metropolitan Park District of Tacoma

STREET VACATION NO. 124.1406

Homestead Park, Pierce County platted streets between East 48th – East 52nd,
lying within Tacoma's Swan Creek Park

NE ¼ of the NE ¼ SEC. 22, T20N, R03E

NOT TO SCALE



Homestead Park,

PIERCE COUNTY, WASHINGTON.

sec 23856 1-14-75

Scale, 250 feet per inch.

Know all men by these presents, that J. H. A. Bodecker, trustee, owner in fee simple, do hereby set and plat into acre tracts, streets, and parks the following described tract of land, viz: the northeast quarter of the northeast quarter and lots three (3), four (4), and five (5), all in section twenty-two (22), Township twenty (20) north, range three (3), east, Willamette meridian, all lying in the Puyallup Indian Reservation and containing 150 acres, more or less, which is hereafter to be known as "Homestead Park, Pierce County, Washington," and I do hereby donate and dedicate to the use of the public forever all the streets and alleys in this plat. The widths of streets and alleys and dimensions of the tracts or blocks are as shown on this plat. In witness whereof I have hereunto set my hand this 6th day of April A.D. 1905.

Witnesses
 J. F. Bahr
 Charles Woodworth

H. A. Bodecker.
 Trustee.

State of Washington }
 County of Pierce } ss

This is to certify that on this 6th day of April A. D. 1905 personally appeared before me, a notary public in and for the State of Washington, H. A. Bodecker, trustee, to me known to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same freely and voluntarily for the use and purpose therein mentioned. In witness whereof I have hereunto set my hand and affixed my official seal this 6th day of April A. D. 1905.

Charles Woodworth
 Notary public residing at Tacoma, Washington.

I hereby certify that I have surveyed Homestead Park, Pierce County, Washington, that this plat is correct and that stone monuments have been placed at points indicated by small circles

Adolph Franke
 Civil Engineer.

Accepted by the Board of County Commissioners of Pierce County, Washington, this 11th day of April A. D. 1905.



Board of County Commissioners
 of Pierce County, Washington, by
 Geo. P. Mandler,
 Chairman

Tacoma, April 9th 1905

I hereby certify that all State and County taxes heretofore levied and which have become a charge on the property described within, according to the books and records of my office, have been fully paid and discharged.

Geo. P. Reed
 Treasurer Pierce County, Wash.
 By: L. H. Boye, Deputy.

160240

State of Washington, County of Pierce

This is to certify that this instrument was filed for record in the office of the Auditor of Pierce County, at the request of Charles Woodworth on this April 15, 1905 at 10:10 o'clock A. M., and recorded in Vol. 6, Record of Plats of said County, on page 112.

J. H. A. Bodecker
 County Auditor.

by _____ Deputy
 Indorsed by Conger

For reference only, not for re-sale.

Connection of... 7-6-11-11

PORTLAND AVENUE FIRST ADDITION

SECTIONS 15 AND 22, TWP. 20, RANGE 3E. W.M.

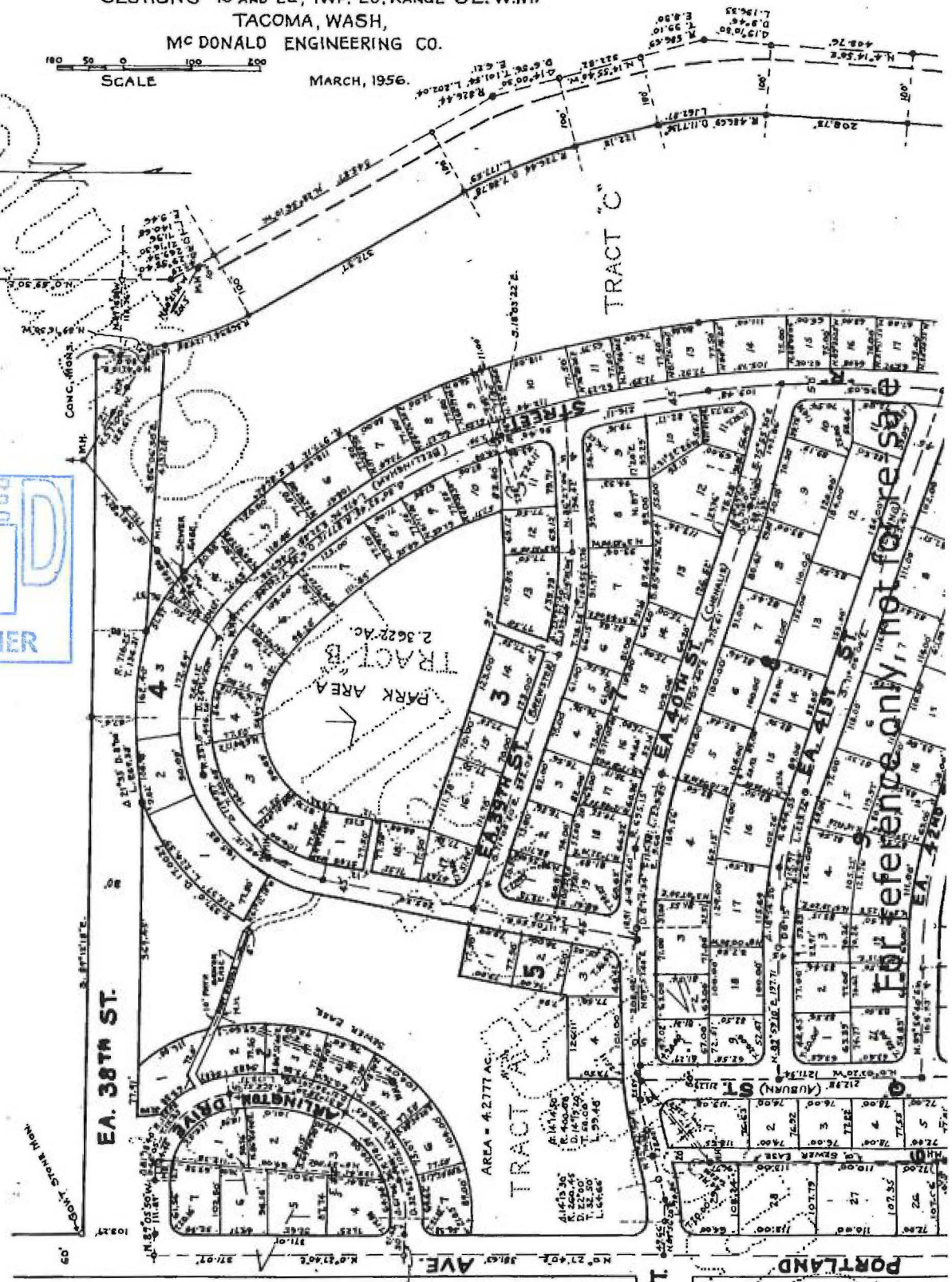
TACOMA, WASH,

Mc DONALD ENGINEERING CO.



MARCH, 1956.

RECEIVED
DEC 20 2019
HEARING EXAMINER



- LEGEND -
- MONUMENTS SET
 - EXISTING MONUMENTS
 - M-H. (MANHOLE)

Notes:

All radii at street intersections are 20', unless otherwise noted.

COMPAILED BY J.K.P.N.
INDEXED BY

EA. 40TH ST

PORTLAND

For reference only, not for use

PORTLAND

N. 0° 03' 40" W. 1231.97'

EA. 44TH ST.

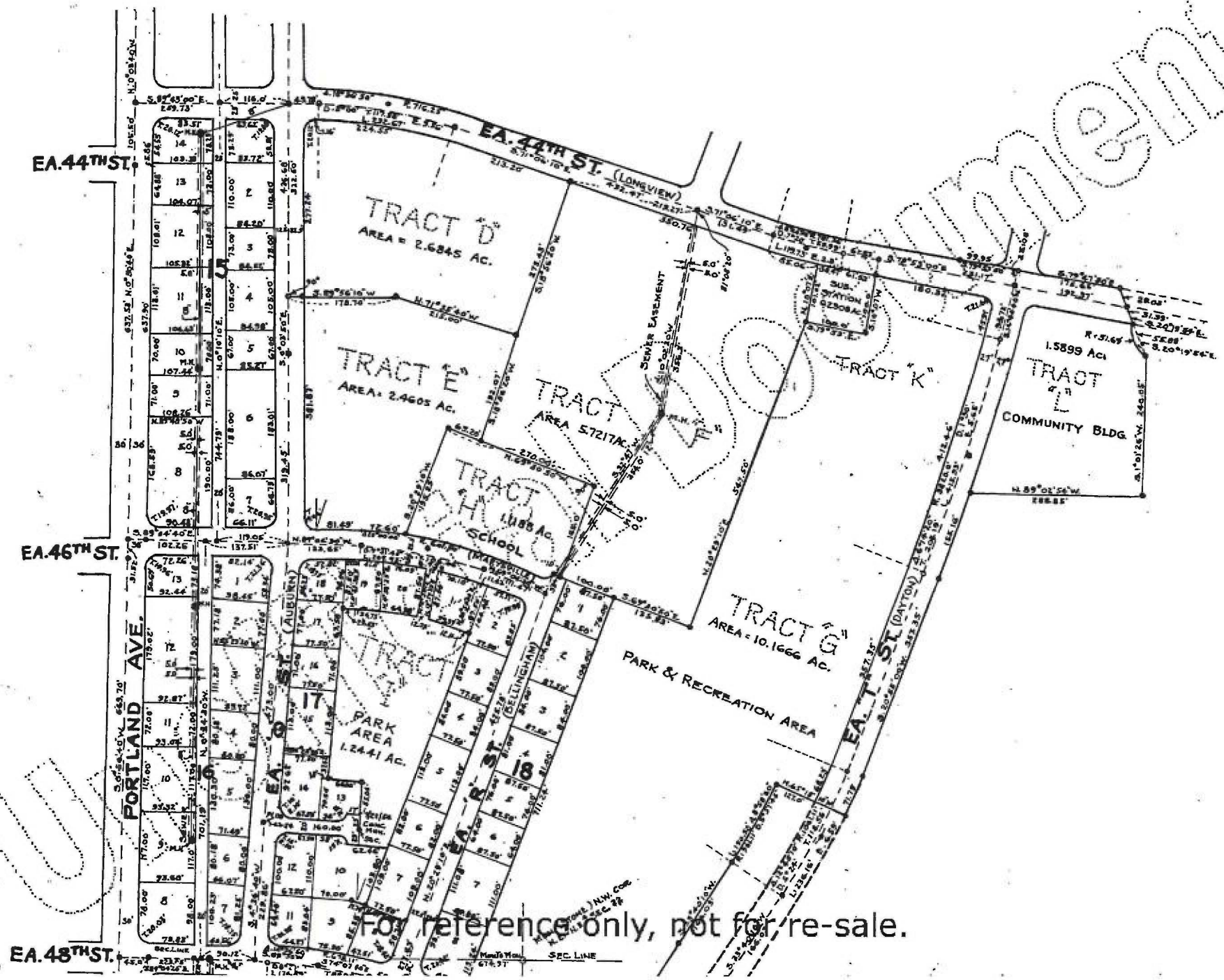


PARK
AREA: 14.7820 AC.



NOTE:
ALL RADII AT STREET INTERSECTIONS
ARE 20' UNLESS OTHERWISE NOTED

SOON TO BE IMPLEMENTED

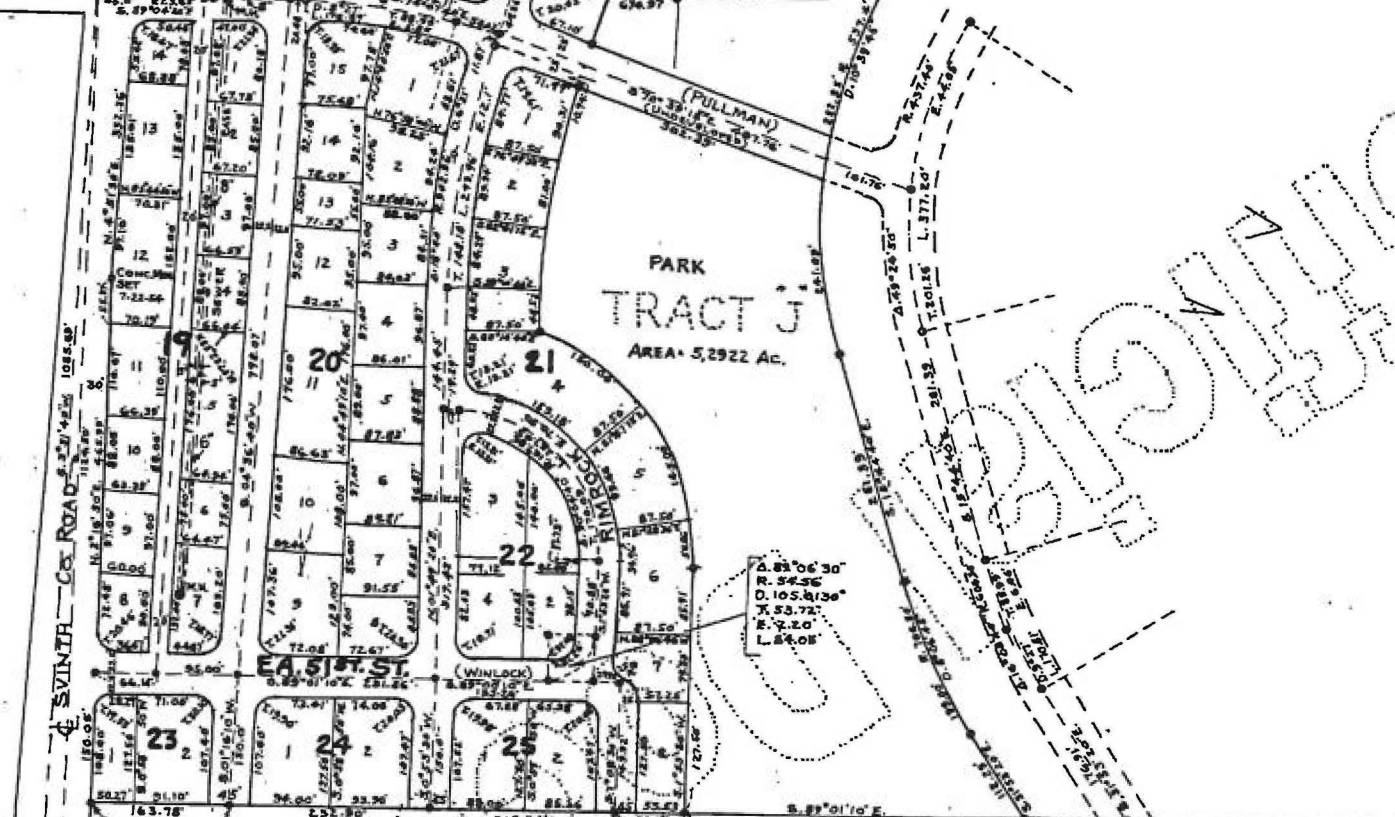


For reference only, not for re-sale.

Map of Portland, Maine, N.W. Co. 1892, p. 22

For reference only. Not for re-sale.

EA. 48TH ST.

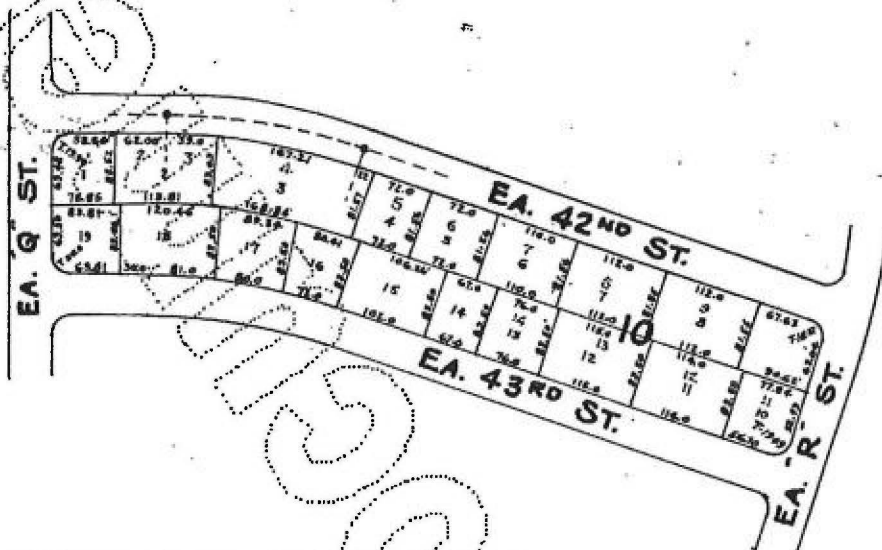


NOTE:
 ALL RADII AT STREET INTERSECTIONS
 ARE 20' UNLESS OTHERWISE NOTED

UNOFFICIAL

REPLAT OF BLOCK 10 PORTLAND AVENUE FIRST ADD.

TO THE CITY OF TACOMA
SCALE 1"=100' MAY 12-1956



I hereby certify that the above plat is correct. Signed this 12th day of May A.D. 1956

M. L. McDonald
M. L. McDonald, Registered Civil Engineer and Land Surveyor. License No. 514-0167000

MAYIS L. Mc DONALD
Registered
PROFESSIONAL ENGINEER
State of Washington

KNOW ALL MEN BY THESE PRESENTS, that the Housing Authority of the City of Tacoma, by Gerrit Vander Ende, Chairman of the Board of Commissioners, owner of the above described parcel of land, publishes the attached plat, such plat to be known as the "Replat of Block 10, Portland Avenue First Addition" to the City of Tacoma, Pierce County, Washington.

IN WITNESS WHEREOF said representative above mentioned has caused his name to be hereunto subscribed:
Signed this 15th day of May A.D. 1956

HOUSING AUTHORITY OF THE CITY OF TACOMA

By G Vander Ende
Chairman.

Attest Harold Bergerason
Harold Bergerason, Executive Director

State of Washington } S S
County of Pierce }

This is to certify that on this 15th day of May A.D. 1956, personally appeared before me Gerrit Vander Ende, and Harold Bergerason, known to me to be the representatives described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above mentioned.

Gertrude S. Mc Caffery
Notary Public in and for the State of Washington
Residing in Tacoma, Washington.

GERTRUDE S. McCAFFERY NOTARY PUBLIC
State of Washington
Commission expires Nov. 20, 1957

Filed and recorded at the request of "Housing Authority of the City of Tacoma"

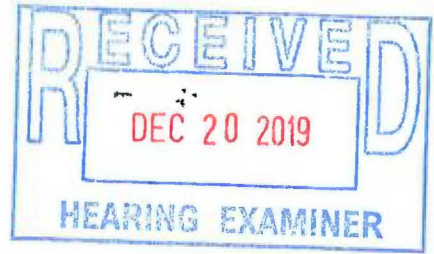
This 23rd day of May A.D. 1956, at 46 min. past 2 o'clock P.M., on page 820, Vol. 27 of record of plats.

J. W. Bonnier
Auditor, Pierce County, Washington.
Sue Bendrak Deputy.

1756574

For reference only, not for re-sale.

COMPILED BY PH JK
INDEXED BY



ORDINANCE NO. 10398

By VOTAW:

An ordinance to change the names of certain streets in the City of Tacoma,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the names of the following streets in the City of Tacoma be and the same are hereby changed as follows, to-wit:

1. The street running northwesterly from North 46th Street to Vassault Street through Columbia Addition shall be hereafter known and designated NORTON PLACE.
2. The street lying between Blocks 2 and 3, Roxburgh Addition and its extension northerly to South 76th Street shall be hereafter known and designated THOMPSON AVENUE.
3. East "J" Street in McGregor's, McGregor's 2nd, Cleveland and Marathon Additions shall be hereafter known and designated EAST "I" STREET.
4. The Flume Line Right of Way from the west line of Wing's Addition to South 48th Street and Broadway in Amended Plat of a Part of Latshaw's, Amended Plat of Manning's, and Branson's Additions shall be hereafter known and designated SOUTH TACOMA WAY.
5. East "N" Street in McKinley Park 4th Addition and Knowles First Addition shall be hereafter known and designated HILL STREET.
6. East "O" Street in McKinley Park 4th Addition and Knowles First Addition shall be hereafter known and designated EAST "N" STREET. Pa. 5.
7. East "P" Street in Sweet's, McCoy's, London and Liverpool and Central Park Additions shall be hereafter known and designated EAST "Q" STREET. Pa. 71
8. East "P" Street in Homestead Park Addition shall be hereafter known and designated EAST "R" STREET. Pa. 70
9. East "Q" Street in McCoy's and London and Liverpool Additions shall be hereafter known and designated EAST "S" STREET. Pa. 70
10. East "R" Street in McCoy's, London and Liverpool and Homestead Park Additions shall be hereafter known and designated EAST "T" STREET. Pa. 70
11. East "S" Street in McCoy's and Homestead Park Additions shall be hereafter known and designated HOMESTEAD AVENUE. Pa. 70
12. East "T" Street in Homestead Park Addition shall be hereafter known and designated ROOSEVELT AVENUE.

13. Pearson Street in Pearson's First Addition shall be hereafter known and designated BELL STREET.

Passed FEB 15 1930

J. H. Newby
Mayor

Attest Genevieve Martin
City Clerk