



ORDINANCE NO. 27609

1 AN ORDINANCE vacating portions of Waterview Street, Morrison Street,
2 Mason Avenue, North 46th Street, North 45th Street, Herriot
3 Street, and portions of an alleyway located between 48th Street
4 and Waterview Street, and more fully described as follows:

5 **Waterview Street**

6 A strip of land lying within the South half of Section 24,
7 Township 21 North, Range 2 East of the Willamette Meridian,
8 City of Tacoma, Pierce County, Washington, and more
9 specifically described as follows:

10 The southwesterly 40 feet of Waterview Street lying southerly
11 of the centerline of Sheridan Street (Herriot Street) and
12 northerly of the following described line:

13 Commencing at the most northerly corner of Block 9 of
14 MASON'S WATER FRONT ADDITION TO TACOMA,
15 recorded in Volume 1 of plats at Page 98, Pierce County,
16 Washington, and modified by City of Tacoma Deed number
17 366; thence South 35°46'32" East along the East line of said
18 MASON'S WATER FRONT ADDITION as modified 60.00 feet
19 to the point of beginning; thence North 54°13'28" East 40.00
feet to the terminus of this described line.



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Alley Blocks 10 and 4 Mason's Shoreline Addition

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East, of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of the alley as shown on the plat of MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, in Pierce County, Washington.

Beginning at the most easterly corner of Lot 1, Block 10 of said MASON'S SHORELINE ADDITION; thence North 49°56'44" West along the northeasterly line of said Block, 120.00 feet to the most northerly corner of Lot 4 of said Block 10; thence North 40°03'16" East 20.00 feet to the most westerly corner of Lot 4 of Block 4 of said MASON'S SHORELINE ADDITION; thence South 49°56'44" East along the southwesterly line of said block, 120.00 feet to the most southerly corner of said Block 4; thence South 40°03'16" West to the point of beginning.

Sheridan Street

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East, of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Sheridan Street (Herriott Street) as shown on the plat of MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, in Pierce County, Washington, as modified by City of Tacoma Deed Number 366.



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Beginning at the most southerly corner of Lot 1, Block 10 of said MASON'S SHORELINE ADDITION; thence North 40°03'16" East along the southeasterly line of Blocks 10 and 4 of said addition 220.00 feet to the most easterly corner of said Block 4; thence South 49°56'44" East 80.00 feet to the most northerly corner of Block 3 of said MASON'S SHORELINE ADDITION; thence South 40°03'16" West along the northwesterly line thereof 172.70 feet to the South line of said MASON'S SHORELINE ADDITION; thence North 89°46'23" West along the South line thereof 73.87 feet to the easterly right-of-way line of North 48th Street; thence North 49°56'44" West along the East line thereof 23.27 feet to the most southerly corner of said Lot 1, Block 4 and the point of beginning. Except those portions vacated by Ordinance 19939.

Alley Block 1 Hills Addition

A strip of land lying within the East half of the Southwest Quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of the alley as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at page 19, in Pierce County, Washington, lying westerly of the West right-of-way line of Mason Avenue and East of the following described line:

Commencing at the Southeast corner of Lot 1 of said Block 1, said corner also being a point on the North line of the aforementioned alley; thence North 89°35'28" West along said North line 118.45 feet to the point of beginning; thence



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South 28°05'13" East 17.95 feet; thence South 27°35'41" East 0.26 feet to the South line of said alley and the terminus of this described line.

Mason Avenue

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Mason Avenue as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, lying southerly of the South right-of-way line of North 46th Street and northerly of the following described line:

Commencing at the northeast corner of Block 4, HILL'S ADDITION; thence South along the easterly line of said Block 4, being the westerly line of Mason Avenue 73.87 feet to the point of beginning; thence South 89°56'51" East 40.00 feet to the easterly right-of-way line of Mason Avenue and the terminus of this described line.

Morrison Street

A strip of land lying within the West half of the Southeast quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Morrison Street as shown on the plat of MASON'S WATER FRONT ADDITION TO TACOMA, Washington, according to the plat recorded in Book 1 of plats at Page 98, in Pierce County, Washington, lying easterly of



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the East right-of-way line of Mason Avenue and westerly of the most westerly 40.00 feet of Waterview Street, right-of-way line. Except that portion vacated per City of Tacoma Ordinance No. 15259.

North 46th Street

A strip of land lying within the East half of the Southwest quarter and a portion of the West half of the Southeast quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of North 46th Street (Water Street and First Street) as shown on the plat of HILL'S ADDITION recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, and WOODRUFF'S SECOND ADDITION TO TACOMA, Pierce County, Washington, recorded in Volume 3 of Plats at Page 61 described as follows:

Beginning at the Northeast corner of Block 1 of said HILL'S ADDITION; thence North 89°44'25" West along the North line of said Block 1, a distance of 193.09 feet to a point on a non-tangent curve to the left, having a radius of 455.00 feet, and to which point a radial bears South 50°53'19" West; thence northwesterly along said curve, through a central angle of 07°03'11", an arc length of 56.01 feet; thence North 46°09'51" West 56.57 feet to the South line of Block 7 of said WOODRUFF'S SECOND ADDITION; thence South 89°44'25" East along the South line of Blocks 7 and 8 320.61 feet to the Southeast corner of Block 8 of said WOODRUFF'S SECOND ADDITION; thence South 38°57'28" East a distance of 51.08 feet to the center line of said North 46th Street; thence South 89°29'30" West along said center line a distance of 40.78 feet to the East



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right-of-way line of Mason Avenue; thence South 00°03'09" West along said right-of-way 40.00 feet; thence North 89°44'25" West 40.00 feet to the point of beginning.

North 45th Street

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington and more specifically described as follows:

That portion of North 45th Street (First Street), as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, lying westerly of the West right-of-way line Mason Street and East of the following described line;

Commencing at the Southeast corner of Block 1 of said HILL'S ADDITION; thence North 89°26'32" West along the South line of said Block 1, a distance of 70.00 feet to the point of beginning; thence South 0°03'09" West 80.00 feet to the South right-of-way line of North 45th Street and the terminus of this described line.

Retaining and reserving therein an easement to the City of Tacoma for 10 feet of the proposed vacation area, parallel with Waterview Street, for power poles, anchors, guy wires, overhead and underground power and data wires, data enclosures and vaults, power and data conduit, and transformers.

Retaining and reserving therein an easement to the City of Tacoma for a water main and water service within the right-of-way of Waterview Street. The developer shall retain an easement cover existing Tacoma Water service and



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meters for over the area southwesterly of the monument line of Waterview Street, to a distance of 40 feet from the monument line of Water Street.

Retaining and reserving therein an easement to the City of Tacoma for a 20-foot storm and sanitary sewer easement centered on the North Herriot Street right-of-way from North Waterview Street, west of the northern property line of tax parcel 450000-0011 to the east line of North 48th Street.

No permanent structures shall be erected within the public easement area unless specifically approved in writing by the City of Tacoma Director of Public Works. Permanent structures shall mean any concrete foundation, concrete slab, wall, rockery, building, deck, overhanging structures, fill material, recreational sports courts, carports, portable sheds, private utilities, fences, or other site improvement that will unreasonably interfere with the need to access or construct sanitary or storm sewer utilities in said easements.

Permanent structures shall not mean improvements such as normal landscaping, asphalt paving, gravel, or other similar site improvements that do not prevent the access of men, materials, and machinery across, along, and within the said easement area. Land restoration by the City within the said easement area due to the construction, operation, inspection, replacement, repair, or maintenance of sanitary or storm sewer utilities will be strictly limited to grass seed, grass sod, and/or asphalt replacement unless otherwise determined by the City of Tacoma.



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WHEREAS all steps and proceedings required by law and by resolution of the City Council to vacate the portions of the streets hereinafter named have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council bearing File No. 124.1269, and dated March 8, 2007, and amended by Errata dated March 13, 2007, which Report and Errata are on file in the office of the City Clerk.

Section 2. That the portions of Waterview Street, Morrison Street, Mason Avenue, North 46th Street, North 45th Street, Herriot Street, and a portion of an alleyway located between 48th Street and Waterview Street, and more fully described as follows:



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Waterview Street

A strip of land lying within the South half of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

The southwesterly 40 feet of Waterview Street lying southerly of the centerline of Sheridan Street (Herriot Street) and northerly of the following described line:

Commencing at the most northerly corner of Block 9 of MASON'S WATER FRONT ADDITION TO TACOMA, recorded in Volume 1 of plats at Page 98, Pierce County, Washington, and modified by City of Tacoma Deed number 366; thence South 35°46'32" East along the East line of said MASON'S WATER FRONT ADDITION as modified 60.00 feet to the point of beginning; thence North 54°13'28" East 40.00 feet to the terminus of this described line.

Alley Blocks 10 and 4 Mason's Shoreline Addition

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East, of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of the alley as shown on the plat of MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, in Pierce County, Washington.

Beginning at the most easterly corner of Lot 1, Block 10 of said MASON'S SHORELINE ADDITION; thence North 49°56'44" West along the northeasterly line of said Block, 120.00 feet to the most northerly corner of Lot 4 of said



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Block 10; thence North 40°03'16" East 20.00 feet to the most westerly corner of Lot 4 of Block 4 of said MASON'S SHORELINE ADDITION; thence South 49°56'44" East along the southwesterly line of said block, 120.00 feet to the most southerly corner of said Block 4; thence South 40°03'16" West to the point of beginning.

Sheridan Street

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East, of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Sheridan Street (Herriott Street) as shown on the plat of MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, in Pierce County, Washington, as modified by City of Tacoma Deed Number 366.

Beginning at the most southerly corner of Lot 1, Block 10 of said MASON'S SHORELINE ADDITION; thence North 40°03'16" East along the southeasterly line of Blocks 10 and 4 of said addition 220.00 feet to the most easterly corner of said Block 4; thence South 49°56'44" East 80.00 feet to the most northerly corner of Block 3 of said MASON'S SHORELINE ADDITION; thence South 40°03'16" West along the northwesterly line thereof 172.70 feet to the South line of said MASON'S SHORELINE ADDITION; thence North 89°46'23" West along the South line thereof 73.87 feet to the easterly right-of-way line of North 48th Street; thence North 49°56'44" West along the East line thereof 23.27 feet to the most southerly corner of said Lot 1, Block 4 and the point of beginning. Except those portions vacated by Ordinance 19939.



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Alley Block 1 Hills Addition

A strip of land lying within the East half of the Southwest Quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of the alley as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at page 19, in Pierce County, Washington, lying westerly of the West right-of-way line of Mason Avenue and East of the following described line:

Commencing at the Southeast corner of Lot 1 of said Block 1, said corner also being a point on the North line of the aforementioned alley; thence North 89°35'28" West along said North line 118.45 feet to the point of beginning; thence South 28°05'13" East 17.95 feet; thence South 27°35'41" East 0.26 feet to the South line of said alley and the terminus of this described line.

Mason Avenue

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Mason Avenue as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, lying southerly of the South right-of-way line of North 46th Street and northerly of the following described line:



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Commencing at the northeast corner of Block 4, HILL'S ADDITION; thence South along the easterly line of said Block 4, being the westerly line of Mason Avenue 73.87 feet to the point of beginning; thence South 89°56'51" East 40.00 feet to the easterly right-of-way line of Mason Avenue and the terminus of this described line.

Morrison Street

A strip of land lying within the West half of the Southeast quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Morrison Street as shown on the plat of MASON'S WATER FRONT ADDITION TO TACOMA, Washington, according to the plat recorded in Book 1 of plats at Page 98, in Pierce County, Washington, lying easterly of the East right-of-way line of Mason Avenue and westerly of the most westerly 40.00 feet of Waterview Street, right-of-way line. Except that portion vacated per City of Tacoma Ordinance No. 15259.

North 46th Street

A strip of land lying within the East half of the Southwest quarter and a portion of the West half of the Southeast quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:



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That portion of North 46th Street (Water Street and First Street) as shown on the plat of HILL'S ADDITION recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, and WOODRUFF'S SECOND ADDITION TO TACOMA, Pierce County, Washington, recorded in Volume 3 of Plats at Page 61 described as follows:

Beginning at the Northeast corner of Block 1 of said HILL'S ADDITION; thence North 89°44'25" West along the North line of said Block 1, a distance of 193.09 feet to a point on a non-tangent curve to the left, having a radius of 455.00 feet, and to which point a radial bears South 50°53'19" West; thence northwesterly along said curve, through a central angle of 07°03'11", an arc length of 56.01 feet; thence North 46°09'51" West 56.57 feet to the South line of Block 7 of said WOODRUFF'S SECOND ADDITION; thence South 89°44'25" East along the South line of Blocks 7 and 8 320.61 feet to the Southeast corner of Block 8 of said WOODRUFF'S SECOND ADDITION; thence South 38°57'28" East a distance of 51.08 feet to the center line of said North 46th Street; thence South 89°29'30" West along said center line a distance of 40.78 feet to the East right-of-way line of Mason Avenue; thence South 00°03'09" West along said right-of-way 40.00 feet; thence North 89°44'25" West 40.00 feet to the point of beginning.

North 45th Street

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington and more specifically described as follows:



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That portion of North 45th Street (First Street), as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, lying westerly of the West right-of-way line Mason Street and East of the following described line;

Commencing at the Southeast corner of Block 1 of said HILL'S ADDITION; thence North 89°26'32" West along the South line of said Block 1, a distance of 70.00 feet to the point of beginning; thence South 0°03'09" West 80.00 feet to the South right-of-way line of North 45th Street and the terminus of this described line.

are hereby vacated, and the land so vacated is hereby surrendered and attached to the properties bordering thereon, respectively, as a part thereof, and all right or title of the City in and to the portions of the streets so vacated do hereby vest in the owners of the properties abutting thereon, all in the manner provided by law; provided, however, that there is hereby retained and reserved, pursuant to statutes of the state of Washington, the following easements, to wit:

Retaining and reserving therein an easement to the City of Tacoma for 10 feet of the proposed vacation area, parallel with Waterview Street, for power poles, anchors, guy wires, overhead and underground power and data wires, data enclosures and vaults, power and data conduit, and transformers.



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Retaining and reserving therein an easement to the City of Tacoma for a water main and water service within the right-of-way of Waterview Street. The developer shall retain an easement cover existing Tacoma Water service and meters for over the area southwesterly of the monument line of Waterview Street, to a distance of 40 feet from the monument line of Water Street.

Retaining and reserving therein an easement to the City of Tacoma for a 20-foot storm and sanitary sewer easement centered on the North Herriot Street right-of-way from North Waterview Street, west of the northern property line of tax parcel 450000-0011 to the east line of North 48th Street.

No permanent structures shall be erected within the public easement area unless specifically approved in writing by the City of Tacoma Director of Public Works. Permanent structures shall mean any concrete foundation, concrete slab, wall, rockery, building, deck, overhanging structures, fill material, recreational sports courts, carports, portable sheds, private utilities, fences, or other site improvement that will unreasonably interfere with the need to access or construct sanitary or storm sewer utilities in said easements. Permanent structures shall not mean improvements such as normal landscaping, asphalt paving, gravel, or other similar site improvements that do not prevent the access of men, materials, and machinery across, along, and within the said easement area. Land restoration by the City within the said easement area due to the construction, operation, inspection,



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replacement, repair, or maintenance of sanitary or storm sewer utilities will be strictly limited to grass seed, grass sod, and/or asphalt replacement unless otherwise determined by the City of Tacoma.

Passed _____

Mayor

Attest:

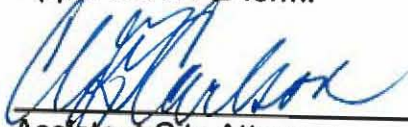
City Clerk

Location: Portion of Waterview Street, Morrison Street, Mason Avenue, North 46th Street, North 45th Street, Heriott Street and portion of an alleyway between 48th Street and Waterview Street

Petitioners: James McGranahan
Vacation Request File No. 124.1269

Approved as to form:

Property description approved:



Assistant City Attorney



Acting Chief Surveyor
Public Works Department



REQUEST FOR ORDINANCE OR RESOLUTION

CITY CLERK USE

Request #:	11359
Ordinance #:	27009
Resolution #:	

2007 MAR 29 PM 4:23

1. DATE: March 29, 2007

2a. REQUESTING DEPARTMENT/DIVISION/PROGRAM Hearing Examiner	3. CONTACT PERSON (for questions): Louisa Legg	PHONE/EXTENSION X5195
2b. DO PASS FROM COUNCIL STANDING COMMITTEE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PERSON PRESENTING (if different): Rodney M. Kerslake	

4. PREPARATION OF AN ORDINANCE IS REQUESTED FOR THE CITY COUNCIL MEETING OF TUESDAY May 1, 2007.

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

Petitioner: James McGranahan

File No.: 124.1269

A petition to vacate portions of Waterview Street, Morrison Street, Mason Avenue, North 46th Street, Herriot Street and portions of an alleyway located between 48th Street and Waterview Street.

LOCATION: Portions of Waterview Street, Morrison Street, Mason Avenue, North 46th Street, Herriot Street and portions of an alleyway located between 48th Street and Waterview 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
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If an expenditure, is it budgeted? Yes No Where? Cost Center:

Acct #:

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

Source Documents/Backup Material

Location of Document

Errata	Attached
Legal Description, North 45 th Street (Exhibit 3 – attached to Errata)	Attached
Attachment "A", DPW Preliminary Report (Legal Description of Vacation) – pages 1 through 4 of 8	Attached
Hearing Examiner Report and Recommendation	Attached
Departmental (DPW) Preliminary Report (Exhibit 1)	Attached

9. ATTORNEY CONTACT: (Enter name of attorney with whom you've been working.)

135

10. Department Director/Utility Division Approval	Finance Director Approval	City Manager/Director Utilities Approval



City of Tacoma
Hearing Examiner

March 13, 2007

TO THE PARTIES:
(See attached Transmittal List)

Re: Street Vacation Petition File No. 124.1269 Petitioner: James McGranahan

Please find enclosed your copy of the Errata issued with regard to the above-referenced matter.

The Office of the Hearing Examiner regrets the subject oversight and any inconvenience it may have caused.

LOUISA LEGG
Administrative Legal Secretary

Enclosure

March 13, 2007

Errata

Street Vacation Petition No. 124.1269

Page 2

TRANSMITTAL LIST:

William T. Lynn, Attorney at Law, Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP
H-H One, LLC
Flashover, LLC
McGranahan Development, LLC, ATTN: James McGranahan
Apex Engineering, PLLC, ATTN: Jeff Mann
Apex Engineering, PLLC, ATTN: Bruce Martin, P.E.
Puget Creek Restoration Society, ATTN: Scott Hansen
Mark E. Holcomb, Attorney at Law, Morton McGoldrick, Attorneys at Law
City Clerk
Legal Department (Civil Division), City of Tacoma (M. Schmidt)
Department of Public Works, City of Tacoma (Env. Svcs. Eng./R. Meuschke)
Department of Public Works, City of Tacoma (Env. Svcs. Eng./R. Flynn)
Department of Public Works, City of Tacoma (Solid Waste Mgmt./R. Coyne)
Department of Public Works, City of Tacoma (Construction/LID/S. Simpson)
Department of Public Works, City of Tacoma (LUA/P. Katich)
Department of Public Works, City of Tacoma (BLUS/C. Haynes-Castro)
Department of Public Works, City of Tacoma (BLUS/Jennifer Ward)
Department of Public Works, City of Tacoma (BLUS/K. Kluge)
Department of Public Works, City of Tacoma (BLUS/S. Coffman)
Department of Public Works, City of Tacoma (Traffic Engineering/K. Kingsolver)
Department of Public Works, City of Tacoma (Real Prop. Svcs./R. Price)
Tacoma Fire Department, City of Tacoma (Carl Anderson)
Tacoma Power, City of Tacoma (Transmission and Distribution/N. Tomanelli)
Tacoma Water, City of Tacoma (G. Whitley)
CEDD, City of Tacoma (L. Wung)
Pierce County Assessor-Treasurer (Sally Barnes)
Comcast, ATTN: Aaron Cantrel
Tacoma-Pierce County Health Department, ATTN: Nedda S. Turner, R.S.
WA State Dept. of Ecology, Environmental Review Section, ATTN: Kevin Rochlin,
Dan Guy, SW WA Branch Chief, WA State Habitat Office/NOAA Fisheries
James Coker
Kathy Westlin
Jack and Lilly Warnick
Victoria Olson
Patricia Reed and Richard Dehlinger
Maryanne Bell
Marilyn Bridgan
Gayle McIntosh
Kathy and Mark Falk
Julie Barnhard and Paul Harding
James and Nancy Billingsley
Paula Kepler
Debra A.C. Lawandowski
Jon Scalf and Joanne Christopher
Gordon Hamilton
Richard Beuttenmuller
Katherine Spear and David Leon
Phyllis Churchill
Jonathan L. Ritson, M.D.
Candyce Anderson
C. Zamjahn
Jim and Judy McAfee
Anne Roberts
Rose Lincoln
Mieke Hoppin
Hoppin/Tete home
Susan Doten
Kym Sonderman
Mac Ward
Patricia and George Krick
Dale Howard
Sandra Starr
Joan Best
Marilyn Bridgan
William L. Driscoll and Lisa M. Hoffman
Jan Hale
Thomas G. Kimpel, M.D. and L. Lee Carlisle, M.D.
Dina and Diane Herforth

1
2 **OFFICE OF THE HEARING EXAMINER**

3 **CITY OF TACOMA**

4
5 **In The Matter of:**)
6) **ERRATA**
7 **Street Vacation Petition**)
8 **File No. 124.1269,**)
9 **James McGranahan, Petitioner.**)
_____)

10
11 On February 15, 2007, RODNEY M. KERSLAKE, the duly acting Hearing
12 Examiner for the City of Tacoma, Washington, conducted a public hearing in the above-
13 captioned matter. Thereafter, on March 8, 2007, the Hearing Examiner entered his Findings
14 of Fact, Conclusions of Law, Recommendation to the Tacoma City Council in the above-
15 captioned matter.

16
17 Subsequent to the issuance of the Hearing Examiner's Report, it was discovered that
18 due to a clerical error, the Legal Description of North 45th Street (Exhibit 3) was erroneously
19 omitted from Attachment "A" of said report. Therefore, the Legal Description of North 45th
20 Street, appended hereto, should hereby be incorporated into Attachment "A" of the Hearing
21 Examiner's Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City
22 Council.

23
24 **DATED** this 13th day of March 2007.

25 

LOUISA LEGG
Administrative Legal Secretary

ERRATA

- 1 -

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

104

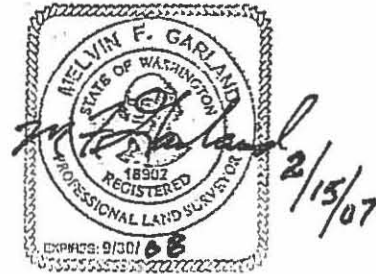
**LEGAL DESCRIPTION
NORTH 45TH STREET**

A STRIP OF LAND LYING WITHIN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CITY OF TACOMA, PIERCE COUNTY, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THAT PORTION OF NORTH 45TH STREET (FIRST STREET), AS SHOWN ON THE PLAT OF HILL'S ADDITION, RECORDED IN VOLUME 1 OF PLATS AT PAGE 19, IN PIERCE COUNTY, WASHINGTON, LYING WESTERLY OF THE WEST RIGHT OF WAY LINE MASON STREET AND EAST OF THE FOLLOWING DESCRIBED LINE;

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 1 OF SAID HILL'S ADDITION; THENCE NORTH 89°26'32" WEST ALONG THE SOUTH LINE OF SAID BLOCK 1, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°03'09" WEST 80.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF NORTH 45TH STREET AND THE TERMINUS OF THIS DESCRIBED LINE.

I:\29019\Docs-Reports\Legal\Drafts\29019_dr_Waterview_North 45th Street_08-24-06.doc



PRELIMINARY REPORT

**PREPARED FOR THE HEARING EXAMINER
BY REAL PROPERTY SERVICES**

**For the Hearing to be Held
Thursday, February 15, 2007 at 9:30 AM**

PETITIONER: JAMES McGRANAHAN

FILE NO. 124.1269

A. SUMMARY OF REQUEST:

Real Property Services has received a petition to vacate portions of Waterview Street, Morrison Street, Mason Avenue, North 46th Street, Herriot Street and portions of an alleyway between 48th Street and Waterview Street, as shown on the attached vicinity map.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

Waterview Street

A strip of land lying within the South half of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

The southwesterly 40 feet of Waterview Street lying southerly of the centerline of Sheridan Street (Herriot Street) and northerly of the following described line:

Commencing at the most northerly corner of Block 9 of MASON'S WATER FRONT ADDITION TO TACOMA, recorded in Volume 1 of plats at Page 98, Pierce County, Washington, and modified by City of Tacoma Deed number 366; thence South 35°46'32" East along the East line of said MASON'S WATER FRONT ADDITION as modified 60.00 feet to the point of beginning; thence North 54°13'28" East 40.00 feet to the terminus of this described line.

Alley Blocks 10 and 4 Mason's Shoreline Addition

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East, of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of the alley as shown on the plat of MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, in Pierce County, Washington.

EXH. 1

Beginning at the most easterly corner of Lot 1, Block 10 of said MASON'S SHORELINE ADDITION; thence North 49°56'44" West along the northeasterly line of said Block, 120.00 feet to the most northerly corner of Lot 4 of said Block 10; thence North 40°03'16" East 20.00 feet to the most westerly corner of Lot 4 of Block 4 of said MASON'S SHORELINE ADDITION; thence South 49°56'44" East along the southwesterly line of said block, 120.00 feet to the most southerly corner of said Block 4; thence South 40°03'16" West to the point of beginning.

Sheridan Street

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East, of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Sheridan Street (Herriot Street) as shown on the plat of MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, in Pierce County, Washington, as modified by City of Tacoma Deed number 366.

Beginning at the most southerly corner of Lot 1, Block 10 of said MASON'S SHORELINE ADDITION; thence North 40°03'16" East along the southeasterly line of Blocks 10 and 4 of said addition 220.00 feet to the most easterly corner of said Block 4; thence South 49°56'44" East 80.00 feet to the most northerly corner of Block 3 of said MASON'S SHORELINE ADDITION; thence South 40°03'16" West along the northwesterly line thereof 172.70 feet to the South line of said MASON'S SHORELINE ADDITION; thence North 89°46'23" West along the South line thereof 73.87 feet to the easterly right-of-way line of North 48th Street; thence North 49°56'44" West along the East line thereof 23.27 feet to the most southerly corner of said Lot 1, Block 4 and the point of beginning. Except those portions vacated by Ordinance 19939.

Alley Block 1 Hills Addition

A strip of land lying within the East half of the Southwest Quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of the alley as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at page 19, in Pierce County, Washington, lying westerly of the West right-of-way line of Mason Avenue and East of the following described line:

Commencing at the Southeast corner of Lot 1 of said Block 1, said corner also being a point on the North line of the aforementioned alley; thence North 89°35'28" West along said North line 118.45 feet to the point of beginning; thence South 28°05'13" East 17.95 feet; thence South 27°35'41" East 0.26 feet to the South line of said alley and the terminus of this described line.

Mason Avenue

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County,

Washington, and more specifically described as follows:

That portion of Mason Avenue as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, lying southerly of the South right-of-way line of North 46th Street and northerly of the following described line:

Commencing at the northeast corner of Block 4, HILL'S ADDITION; thence South along the easterly line of said Block 4, being the westerly line of Mason Avenue 73.87 feet to the point of beginning; thence South $89^{\circ}56'51''$ East 40.00 feet to the easterly right-of-way line of Mason Avenue and the terminus of this described line.

Morrison Street

A strip of land lying within the West half of the Southeast quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Morrison Street as shown on the plat of MASON'S WATER FRONT ADDITION TO TACOMA, Washington, according to the plat recorded in Book 1 of plats at Page 98, in Pierce County, Washington, lying easterly of the East right-of-way line of Mason Avenue and westerly of the most westerly 40.00 feet of Waterview Street, right-of-way line. Except that portion vacated per City of Tacoma Ordinance No. 15259.

North 46th Street

A strip of land lying within the East half of the Southwest quarter and a portion of the West half of the Southeast quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of North 46th Street (Water Street and First Street) as shown on the plat of HILL'S ADDITION recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, and WOODRUFF'S SECOND ADDITION TO TACOMA, Pierce County, Washington, recorded in Volume 3 of Plats at Page 61 described as follows:

Beginning at the Northeast corner of Block 1 of said HILL'S ADDITION; thence North $89^{\circ}44'25''$ West along the North line of said Block 1, a distance of 193.09 feet to a point on a non-tangent curve to the left, having a radius of 455.00 feet, and to which point a radial bears South $50^{\circ}53'19''$ West; thence northwesterly along said curve, through a central angle of $07^{\circ}03'11''$, an arc length of 56.01 feet; thence North $46^{\circ}09'51''$ West 56.57 feet to the South line of Block 7 of said WOODRUFF'S SECOND ADDITION; thence South $89^{\circ}44'25''$ East along the South line of Blocks 7 and 8 320.61 feet to the Southeast corner of Block 8 of said WOODRUFF'S SECOND ADDITION; thence South $38^{\circ}57'28''$ East a distance of 51.08 feet to the center line of said North 46th Street; thence South $89^{\circ}29'30''$ West along said center line a distance of 40.78 feet to the East right-of-way line of Mason Avenue; thence South $00^{\circ}03'09''$ West along said right-of-way 40.00 feet;

thence North 89°44'25" West 40.00 feet to the point of beginning.

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 300 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 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. PURPOSE OF REQUEST:

The petitioner plans to combine vacated right of way into adjoining property for the purpose of consolidating existing ownerships and to afford the petitioner the opportunity to create the preliminary plat of "Waterview Pointe".

D. HISTORY:

The City of Tacoma acquired the rights of way proposed to be vacated within the following plats:

MASON'S WATER FRONT ADDITION TO TACOMA, recorded in Volume 1 of plats at Page 98, on June 21, 1886 in Pierce County, Washington;

MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, on August 8, 1887 in Pierce County, Washington.;

HILL'S ADDITION TO THE CITY OF TACOMA, recorded in Volume 1 of plats at page 19, December 1, 1873 in Pierce County, Washington;

WOODRUFF'S SECOND ADDITION TO TACOMA, recorded in Volume 3 of Plats at Page 61, August 2, 1889 in Pierce County, Washington



City of Tacoma
Hearing Examiner

March 8, 2007

TO THE PARTIES:

(See attached Transmittal List)

Re: "Waterview Pointe" Re-Plat/Preliminary Plat, Wetland Development Permit & Height Variances
File Nos.: PLT2005-40000063339, WET2005-40000063361, and MLU-40000063362
AND
Street Vacation Petition File No. 124.1269 Petitioner: James McGranahan

Enclosed please find a copy of the Hearing Examiner's Findings of Fact, Conclusions of Law, and Decisions with regard to File Nos. PLT2005-40000063339, WET2005-40000063361, and MLU-40000063362. Also, enclosed is copy of the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City Council and attachment, with regard to Street Vacation Petition File No. 124.1269.

LOUISA LEGG
Administrative Legal Secretary

Enclosures (2)
Attachment (1)

Transmittal List: See attached list of parties

TRANSMITTAL LIST:

William T. Lynn, Attorney at Law, Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP
H-H One, LLC
Flashover, LLC
McGranahan Development, LLC, ATTN: James McGranahan
Apex Engineering, PLLC, ATTN: Jeff Mann
Apex Engineering, PLLC, ATTN: Bruce Martin, P.E.
Puget Creek Restoration Society, ATTN: Scott Hansen
Mark E. Holcomb, Attorney at Law, Morton McGoldrick, Attorneys at Law
City Clerk
Legal Department (Civil Division), City of Tacoma (M. Schmidt)
Department of Public Works, City of Tacoma (Env. Svcs. Eng./R. Meuschke)
Department of Public Works, City of Tacoma (Env. Svcs. Eng./R. Flynn)
Department of Public Works, City of Tacoma (Solid Waste Mgmt./R. Coyne)
Department of Public Works, City of Tacoma (Construction/LID/S. Simpson)
Department of Public Works, City of Tacoma (LUA/P. Katich)
Department of Public Works, City of Tacoma (BLUS/C. Haynes-Castro)
Department of Public Works, City of Tacoma (BLUS/Jennifer Ward)
Department of Public Works, City of Tacoma (BLUS/K. Kluge)
Department of Public Works, City of Tacoma (BLUS/S. Coffman)
Department of Public Works, City of Tacoma (Traffic Engineering/K. Kingsolver)
Department of Public Works, City of Tacoma (Real Prop. Svcs./R. Price)
Tacoma Fire Department, City of Tacoma (Carl Anderson)
Tacoma Power, City of Tacoma (Transmission and Distribution/N. Tomanelli)
Tacoma Water, City of Tacoma (G. Whitley)
CEDD, City of Tacoma (L. Wung)Pierce County Assessor-Treasurer (Sally Barnes)
Comcast, ATTN: Aaron Cantrel
Tacoma-Pierce County Health Department, ATTN: Nedda S. Turner, R.S.
WA State Dept. of Ecology, Environmental Review Section, ATTN: Kevin Rochlin,
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Candyce Anderson
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Joan Best
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William L. Driscoll and Lisa M. Hoffman
Jan Hale
Thomas G. Kimpel, M.D. and L. Lee Carlisle, M.D.
Dina and Diane Herforth

OFFICE OF THE HEARING EXAMINER

CITY OF TACOMA

REPORT AND RECOMMENDATION TO THE CITY COUNCIL

PETITIONER: James McGranahan

FILE NO: 124.1269

SUMMARY OF REQUEST:

A petition to vacate portions of Waterview Street, Morrison Street, Mason Avenue, North 46th Street, Herriot Street and portions of an alleyway located between 48th Street and Waterview Street.

RECOMMENDATION OF THE HEARING EXAMINER:

The request is hereby recommended for approval and waiver of the portion of the compensation required by *TMC* 9.22.010 to be allocated for open space purposes, both subject to conditions.

PUBLIC HEARING:

After reviewing the report of the Department of Public Works, Real Property Services Division, examining available information on file with the application, and visiting the subject site and the surrounding area, the Hearing Examiner conducted a public hearing on the application on February 15, 2007.

FINDINGS, CONCLUSIONS, AND RECOMMENDATION:

FINDINGS:

1. James McGranahan (hereinafter "petitioner") is requesting vacation of portions of Waterview Street, Morrison Street, Mason Avenue, North 46th Street, Herriot Street and portions of an alleyway located between North 48th Street and Waterview Street. The rights-of-way sought to be vacated are more particularly described in Attachment A appended hereto.

2. The purpose of the petitioner seeking the vacation of the rights-of-way is to allow the consolidation of the properties abutting the rights-of-way so that a 16-foot lot single-family residential subdivision, referred to in these proceedings as "Waterview Pointe" could be developed.

3. The vacation petition has been joined in by all owners of properties abutting the rights-of-way petitioned for vacation.

4. The rights-of-way sought to be vacated were dedicated for public street or alley purposes when the plats of MASON'S WATER FRONT ADDITION TO TACOMA, MASON'S SHORELINE ADDITION TO TACOMA, HILL'S ADDITION TO THE CITY OF TACOMA, and WOODRUFF'S SECOND ADDITION TO TACOMA were filed for record between 1873 and 1889.

5. The subject rights-of-way are situated within a steeply sloped vegetated hillside lying southwesterly of Waterview Street and have never been used or developed for public street purposes except in some instances for the ancillary purpose of carrying utilities.

6. The area of right-of-way proposed to be vacated encompasses approximately 98,730 square feet. The developer of the proposed subdivision has offered to dedicate to the public or otherwise restrict approximately 69,146 square feet of steep slope area for open space purposes and asks that such dedication be counted toward the amount of required compensation for the rights-of-way vacated as required by *Tacoma Municipal Code (TMC) 9.22.010*.

7. The vacation of the long unused and undeveloped public rights-of-way would benefit the public to the extent that it would return the properties to the property tax rolls of Pierce County.¹

8. Since these rights-of-way have not been used or developed as streets or alleys in the over 100 years since their dedication and due to the steep topography in the area which makes it impractical to interconnect the rights-of-way with the City's street system, their vacation would not adversely affect the street pattern in the area and not affect traffic circulation.

¹ The term "public benefit" as used in the street vacation context is construed broadly and may include the enrichment of the local economy, the facilitating of the providing goods and services to the community, and increasing property tax revenues. *Banchero v. City Council of Seattle*, 2 Wn. App. 519, 524, 468 P.2d 724 (1970).

9. The rights-of-way are not contemplated for current or future public use and the public need would not be adversely affected by their vacation provided easements are retained for existing utilities located within portions of the rights-of-way.

10. No property would become landlocked or have its access substantially impaired as a result of the vacation of the rights-of-way.

11. Since none of the rights-of-way abut, nor are they proximate to a body of water, the provisions of *RCW 35.79.035* are not implicated.

12. The proposed right-of-way vacations have been reviewed by a number of governmental agencies and utility providers. None object to the vacation of the rights-of-way; however, conditions have been recommended concerning the retention of an easement for existing Tacoma Power facilities or relocation of the facilities at the developer's expense; the retention of easements for Tacoma Water facilities; and the retention of an easement for storm and sanitary sewers. The Department of Public Works (DPW) advises that an in-lieu-of-assessment charge for sanitary sewer services may be owing for the property vacated pursuant to *TMC 12.08.350*.

13. The DPW recommends that, provided the subdivision developer dedicates to the City or otherwise restricts the open space portions of the subdivision for open space purposes in perpetuity, the value of such property be used as an offset against the open space compensation required by *TMC 9.22.010*.

14. The petitioner concurs in the conditions recommended.

15. No one appeared at hearing in opposition to the grant of the vacation petition.

16. Pursuant to *WAC 197-11-800(2)(h)*, the vacation of streets or roads is exempt from the threshold determination and Environmental Impact Statement requirements of *RCW 43.21.C*, the *State Environmental Policy Act (SEPA)*.

17. The Department of Public Works, Real Property Services Division Report, as entered into this record as Exhibit 1, accurately describes the proposed project, general and specific facts about the site and area, and applicable codes. The report is incorporated herein by reference as though fully set forth.

18. All property owners of record and adjacent to the proposed vacation have been notified of the hearing date at least 30 days prior to the hearing, as required by *TMC 9.22.060*.

19. Any conclusion hereinafter stated which may be deemed to be a finding herein is hereby adopted as such.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction over the parties and subject matter in this proceeding. *See TMC 1.23.050.A.5 and TMC 9.22.*
2. Proceedings involved in the consideration of petitions for the vacation of public rights-of-way are quasi judicial in nature. *State v. City of Spokane, 70 Wn.2d 207, 442 P.2d 790 (1967).*
3. Petitions for the vacation of public right-of-way are reviewed for consistency with the following criteria:
 1. The vacation will provide a public benefit, and/or will be for 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 becomes land-locked 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 the vacation of right-of-way shall not be in violation of RCW 35.79.035.

TMC 9.22.070.

The petitioner must demonstrate by a preponderance of the evidence that its vacation request conforms to the foregoing criteria. *See TMC 1.23.070.*

4. Findings entered herein, based upon substantial evidence in the hearing record, support a conclusion that requested vacation conforms to the applicable criteria for vacation of public rights-of-way.

5. In these proceedings the petitioner also seeks to be allowed to offset the amount of compensation under *TMC 9.22.010*² allocated to the City's Open Space Fund by the value of the

² *TMC 9.22.010:*

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 Chapter 35.79 *RCW*, 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-

property the developer intends to commit to open space. The language of *TMC 9.22.010* does not expressly authorize such an exchange but it seems reasonable and is consistent with the purposes of the compensation for vacated right-of-way where one-half of the full compensation is to be used for open space purposes. However, since such offset is not expressly provided, the full compensation requirement, in accordance with *TMC 9.22.010* should be waived to the extent of the appraised value of the open space property.

6. Accordingly, the requested vacations should be granted subject to the conditions below:

A. SPECIAL CONDITIONS:

1. TACOMA POWER

- a. The developer shall retain the northeasterly 10 feet of the proposed vacation area parallel with Waterview Street as an easement for Tacoma Power poles, anchors, guy wires, overhead and underground power and data wires, power and data enclosures and vaults, power and data conduit, and transformers. Relocation of existing Tacoma Power facilities will be at the developer's expense.

2. DEPARTMENT OF PUBLIC WORKS, ENVIRONMENTAL SERVICES

- a. The developer shall retain a 20-foot storm and sanitary sewer easement centered in the North Herriot Street right-of-way from North Waterview Street west of the northern property line of tax parcel 450000-0011 to the east line of North 48th Street.
- b. The "no permanent structures" clause shall be retained and inserted into the easement language.

half of the appraised 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 of the revenue received hereunder shall be devoted to transportation projects in the tide flats area.

3. TACOMA WATER

- a. Tacoma Water has water main and water service within the right-of-way of Waterview Street. The developer shall retain an easement cover existing Tacoma Water service and meters for over the area southwesterly of the monument line of Waterview Street, to a distance of 40 feet from the monument line of Water Street

4. OPEN SPACE

- a. The waiver of the portion of the compensation required by *TMC* 9.22.010 to be allocated for open space purposes shall be granted provided the developer shall either deed the property identified in Exhibit 4, Attachment A-1 as open space to the City or otherwise restrict the use of that portion of the subdivision to open space in perpetuity in a manner approved by the City Attorney.

B. USUAL CONDITIONS:

1. THE RECOMMENDATION SET FORTH HEREIN IS BASED UPON REPRESENTATIONS MADE AND EXHIBITS, INCLUDING DEVELOPMENT PLANS AND PROPOSALS, SUBMITTED AT THE HEARING CONDUCTED BY THE HEARING EXAMINER. ANY SUBSTANTIAL CHANGE(S) OR DEVIATION(S) IN SUCH DEVELOPMENT PLANS, PROPOSALS, OR CONDITIONS OF APPROVAL IMPOSED SHALL BE SUBJECT TO THE APPROVAL OF THE HEARING EXAMINER AND MAY REQUIRE FURTHER AND ADDITIONAL HEARINGS.
2. THE AUTHORIZATION GRANTED HEREIN IS SUBJECT TO ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, REGULATIONS, AND ORDINANCES. COMPLIANCE WITH SUCH LAWS, REGULATIONS, AND ORDINANCES IS A CONDITION PRECEDENT TO THE APPROVALS GRANTED AND IS A CONTINUING REQUIREMENT OF SUCH APPROVALS. BY ACCEPTING THIS/THESE APPROVALS, THE PETITIONER REPRESENTS THAT THE DEVELOPMENT AND ACTIVITIES ALLOWED WILL COMPLY WITH SUCH LAWS, REGULATIONS, AND ORDINANCES. IF, DURING THE TERM OF THE APPROVAL GRANTED, THE DEVELOPMENT AND ACTIVITIES PERMITTED DO NOT COMPLY WITH SUCH LAWS, REGULATIONS, OR ORDINANCES, THE PETITIONER AGREES TO PROMPTLY BRING SUCH DEVELOPMENT OR ACTIVITIES INTO COMPLIANCE.

7. Any finding hereinbefore stated which may be deemed to be a conclusion herein is hereby adopted as such.

RECOMMENDATION:

The vacation request is hereby recommended for approval and waiver of the portion of the compensation required by *TMC 9.22.010* to be allocated for open space purposes, both subject to conditions as contained in Conclusion 6.

DATED this 8th day of March, 2007.



RODNEY M. KERSLAKE, Hearing Examiner

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.

c

PRELIMINARY REPORT

PREPARED FOR THE HEARING EXAMINER BY REAL PROPERTY SERVICES

For the Hearing to be Held
Thursday, February 15, 2007 at 9:30 AM

PETITIONER: JAMES McGRANAHAN

FILE NO. 124.1269

A. SUMMARY OF REQUEST:

Real Property Services has received a petition to vacate portions of Waterview Street, Morrison Street, Mason Avenue, North 46th Street, Herriot Street and portions of an alleyway between 48th Street and Waterview Street, as shown on the attached vicinity map.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

Waterview Street

A strip of land lying within the South half of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

The southwesterly 40 feet of Waterview Street lying southerly of the centerline of Sheridan Street (Herriot Street) and northerly of the following described line:

Commencing at the most northerly corner of Block 9 of MASON'S WATER FRONT ADDITION TO TACOMA, recorded in Volume 1 of plats at Page 98, Pierce County, Washington, and modified by City of Tacoma Deed number 366; thence South 35°46'32" East along the East line of said MASON'S WATER FRONT ADDITION as modified 60.00 feet to the point of beginning; thence North 54°13'28" East 40.00 feet to the terminus of this described line.

Alley Blocks 10 and 4 Mason's Shoreline Addition

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East, of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of the alley as shown on the plat of MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, in Pierce County, Washington.

Beginning at the most easterly corner of Lot 1, Block 10 of said MASON'S SHORELINE ADDITION; thence North 49°56'44" West along the northeasterly line of said Block, 120.00 feet to the most northerly corner of Lot 4 of said Block 10; thence North 40°03'16" East 20.00 feet to the most westerly corner of Lot 4 of Block 4 of said MASON'S SHORELINE ADDITION; thence South 49°56'44" East along the southwesterly line of said block, 120.00 feet to the most southerly corner of said Block 4; thence South 40°03'16" West to the point of beginning.

Sheridan Street

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East, of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Sheridan Street (Herriot Street) as shown on the plat of MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, in Pierce County, Washington, as modified by City of Tacoma Deed number 366.

Beginning at the most southerly corner of Lot 1, Block 10 of said MASON'S SHORELINE ADDITION; thence North 40°03'16" East along the southeasterly line of Blocks 10 and 4 of said addition 220.00 feet to the most easterly corner of said Block 4; thence South 49°56'44" East 80.00 feet to the most northerly corner of Block 3 of said MASON'S SHORELINE ADDITION; thence South 40°03'16" West along the northwesterly line thereof 172.70 feet to the South line of said MASON'S SHORELINE ADDITION; thence North 89°46'23" West along the South line thereof 73.87 feet to the easterly right-of-way line of North 48th Street; thence North 49°56'44" West along the East line thereof 23.27 feet to the most southerly corner of said Lot 1, Block 4 and the point of beginning. Except those portions vacated by Ordinance 19939.

Alley Block 1 Hills Addition

A strip of land lying within the East half of the Southwest Quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of the alley as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at page 19, in Pierce County, Washington, lying westerly of the West right-of-way line of Mason Avenue and East of the following described line:

Commencing at the Southeast corner of Lot 1 of said Block 1, said corner also being a point on the North line of the aforementioned alley; thence North 89°35'28" West along said North line 118.45 feet to the point of beginning; thence South 28°05'13" East 17.95 feet; thence South 27°35'41" East 0.26 feet to the South line of said alley and the terminus of this described line.

Mason Avenue

A strip of land lying within the East half of the Southwest quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County,

Washington, and more specifically described as follows:

That portion of Mason Avenue as shown on the plat of HILL'S ADDITION, recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, lying southerly of the South right-of-way line of North 46th Street and northerly of the following described line:

Commencing at the northeast corner of Block 4, HILL'S ADDITION; thence South along the easterly line of said Block 4, being the westerly line of Mason Avenue 73.87 feet to the point of beginning; thence South $89^{\circ}56'51''$ East 40.00 feet to the easterly right-of-way line of Mason Avenue and the terminus of this described line.

Morrison Street

A strip of land lying within the West half of the Southeast quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of Morrison Street as shown on the plat of MASON'S WATER FRONT ADDITION TO TACOMA, Washington, according to the plat recorded in Book 1 of plats at Page 98, in Pierce County, Washington, lying easterly of the East right-of-way line of Mason Avenue and westerly of the most westerly 40.00 feet of Waterview Street, right-of-way line. Except that portion vacated per City of Tacoma Ordinance No. 15259.

North 46th Street

A strip of land lying within the East half of the Southwest quarter and a portion of the West half of the Southeast quarter of Section 24, Township 21 North, Range 2 East of the Willamette Meridian, City of Tacoma, Pierce County, Washington, and more specifically described as follows:

That portion of North 46th Street (Water Street and First Street) as shown on the plat of HILL'S ADDITION recorded in Volume 1 of plats at Page 19, in Pierce County, Washington, and WOODRUFF'S SECOND ADDITION TO TACOMA, Pierce County, Washington, recorded in Volume 3 of Plats at Page 61 described as follows:

Beginning at the Northeast corner of Block 1 of said HILL'S ADDITION; thence North $89^{\circ}44'25''$ West along the North line of said Block 1, a distance of 193.09 feet to a point on a non-tangent curve to the left, having a radius of 455.00 feet, and to which point a radial bears ~~South $50^{\circ}53'19''$ West~~ ^{South $50^{\circ}53'19''$ West}; thence northwesterly along said curve, through a central angle of $07^{\circ}03'11''$, an arc length of 56.01 feet; thence North $46^{\circ}09'51''$ West 56.57 feet to the South line of Block 7 of said WOODRUFF'S SECOND ADDITION; thence South $89^{\circ}44'25''$ East along the South line of Blocks 7 and 8 320.61 feet to the Southeast corner of Block 8 of said WOODRUFF'S SECOND ADDITION; thence South $38^{\circ}57'28''$ East a distance of 51.08 feet to the center line of said North 46th Street; thence South $89^{\circ}29'30''$ West along said center line a distance of 40.78 feet to the East right-of-way line of Mason Avenue; thence South $00^{\circ}03'09''$ West along said right-of-way 40.00 feet;

thence North 89°44'25" West 40.00 feet to the point of beginning.

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 300 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 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. PURPOSE OF REQUEST:

The petitioner plans to combine vacated right of way into adjoining property for the purpose of consolidating existing ownerships and to afford the petitioner the opportunity to create the preliminary plat of "Waterview Pointe".

D. HISTORY:

The City of Tacoma acquired the rights of way proposed to be vacated within the following plats:

MASON'S WATER FRONT ADDITION TO TACOMA, recorded in Volume 1 of plats at Page 98, on June 21, 1886 in Pierce County, Washington;

MASON'S SHORELINE ADDITION TO TACOMA, recorded in Volume 1 of plats at page 108, on August 8, 1887 in Pierce County, Washington.;

HILL'S ADDITION TO THE CITY OF TACOMA, recorded in Volume 1 of plats at page 19, December 1, 1873 in Pierce County, Washington;

WOODRUFF'S SECOND ADDITION TO TACOMA, recorded in Volume 3 of Plats at Page 61, August 2, 1889 in Pierce County, Washington

E. PHYSICAL LAND CHARACTERISTICS:

The proposed vacation areas are located within the steeply sloped area lying generally between southwesterly of Waterview Street and North Stevens Street. The area contains slopes that are greater than 40 percent. The area contains natural vegetation including trees with help to provide slope stability. The applicant is seeking to vacate approximately 98,730 square feet of undeveloped right of way contained within four plats. The developer has offered to dedicate back to the City of Tacoma approximately 69,146 square feet to create an open space buffer area. Please refer to the site plan attached depicting the dedication areas.

F. 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 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

G. 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. Should the petitioner wish to clear this item from title, please contact Sue Simpson of the Public Works Department, L.I.D. Section, at 591-5529 for the assessment amount. Please note that the ordinance establishing the rate of assessment is updated every few years, and the amount quoted may increase in the future. When the petitioner has submitted a development plan, an in lieu of amount will be computed.

H. 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.

Public Works / Construction / LID – Exhibit A
 Tacoma Power – Exhibit B
 Comcast Communications – Exhibit C
 Tacoma Water – Exhibit D
 Public Works / Environmental Services – Exhibit E

Pierce Transit – No objection
 Community and Economic Development – No objection
 Puget Sound Energy – No objection
 Qwest Communications – No objection
 Pierce Transit – No objection

I. RECOMMENDED CONDITIONS OF APPROVAL:

Should this street vacation request be approved, the Real Property Services Division recommends that the following conditions be made conditions of approval for this street vacation petition.

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*

The developer has proposed dedication of 69,146 square feet to the City of Tacoma to create an open space buffer zone adjacent to the proposed development of "Waterview Pointe". Since the *Tacoma Municipal Code* is silent on the issue of alternate compensation, Real Property Services seeks permission to enter into an agreement with the developer, for the City to receive title to the dedication areas shown on the attached map. The developer is requesting the dedicated land value be credited against the final cost of the vacated property. The Open Space Acquisition Fund would be receiving a deed in lieu of the one-half cash payment as required under the Municipal Code.

The street vacation area and the proposed property dedication area is currently being appraised by the appraisal firm of Strickland, Heischman & Hoss. The appraisal report is expected to be received within the next couple of weeks outlining the appraisers opinion of market value.

2. PUBLIC WORKS / CONSTRUCTION / LID

- a. Please contact Sue Simpson at 591-5529 for questions regarding LID's comments.
- b. *Advisory Comment* – the proposed area to be vacated has not been assessed for sanitary sewer. A development plan would be required to determine whether or not an assessment in lieu would be due.

3. TACOMA POWER

- a. Please contact Nick Tomanelli at 502-8296 regarding Tacoma Power's comments.
- b. Tacoma Power has no objection to the proposed request; however, Tacoma Power requests the northeasterly 10 feet of the proposed vacation area parallel with Waterview Street as an easement for poles, anchors, guy wires, overhead and underground power and data wires, power and data enclosures and vaults, power and data conduit, and transformers. Relocation of existing Tacoma Power facilities will be at the developer's expense.

4. COMCAST COMMUNICATIONS

- a. Please contact Aaron Cantrel at 253.864-4200 regarding Comcast Communication's comments.

- b. *Advisory Comment* – Comcast is attached to Tacoma Public Utilities poles in the vacation area along Waterview Street.
- c. *Real Property Services Comment*: Comcast Communications is attached to Tacoma Power's poles by a pole attachment agreement. Therefore, no additional easement will need to be reserved to protect Comcast's infrastructure.

5. TACOMA WATER

- a. Please contact Grant Whitley at 597-5282 regarding Tacoma Water's comments.
- b. Tacoma Water has a water main and water service within the right of way of Waterview Street. To cover the existing service and meters, Tacoma Water will request an easement be reserved over the area southwesterly of the monument line of Waterview Street, to a distance of 40 feet from the monument line of Waterview Street.

6. PUBLIC WORKS / ENVIRONMENTAL SERVICES

- a. Please contact Richard Meuschke at 502-2151 regarding Environmental Service's comments.
- b. The department does not object to the vacation of several portions of City streets located within the Waterview Pointe Plat as shown on the request.
- c. The City will need to retain a 20 foot storm and sanitary sewer easement centered in the North Herriot Street right of way from North Waterview Street west the northern property line of tax parcel 450000-0011, then west along the north edge of tax parcel 450000-0011 to the east line of North 48th Street.
- d. It is also requested that the no permanent structures clause be retained and inserted into the easement.

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.



EXHIBIT A

City of Tacoma

Memorandum

TO: ALL CONCERNED AGENCIES & DEPARTMENTS

**FROM: RICHARD PRICE
PUBLIC WORKS /REAL PROPERTY SERVICES**

SUBJECT: STREET VACATION REQUEST NO. 124.1269

DATE: JANUARY 24, 2007

Real Property Services has received a petition to vacate portions of several streets lying northerly of Waterview Street, as shown on the attached vicinity map.

The Petitioner proposes to add the lands to be vacated to the adjoining property for the purpose of consolidating existing ownerships and affording the petitioner the opportunity to create the preliminary plat of "Waterview Pointe".

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, FEBRUARY 5, 2007**. If your comments are not received by that date, it will be understood that the office you represent has no interest in this matter.

- Attachment(s)
- AT&T Broadband
 - Pierce Transit
 - Puget Sound Energy
 - Qwest Communications
 - Fire Department
 - Police Department
 - TPU/Power/T&D
 - TPU/Water/LID
 - PW/Director (3)
 - PW/BLUS (2)
 - PW/Construction
 - PW/Engineering
 - PW/Engineering/LID
 - PW/Engineering/Traffic
 - PW/Environmental Services
 - PW/Solid Waste
 - PW/Street & Grounds
 - Tacoma Economic Development
 - Click! Network

RESPONSE

_____ No Objections

_____ Comments Attached

_____ 1/26/2007 _____ Date

_____ Gene Spyr _____ Signature

_____ Department

PROPOSED AREAS TO BE VACATED HAVE NOT BEEN ASSESSED FOR SANITARY SEWER. A DEVELOPMENTAL PLAN WOULD BE REQUIRED TO DETERMINE WHETHER OR NOT AN ASSESSMENT IN LIEN WOULD BE DUE.

RECEIVED
JAN 29 2007

EXHIBIT B



DATE: January 26, 2007
TO: Rich Price, General Services Asset Management
FROM: Nick Tomanelli, Transmission & Distribution Supervisor, New Services Engineering
SUBJECT: Street Vacation Request No. 124.1269
LOCATION: Waterview Street

RESPONSE DUE BY: WEDNESDAY, JANUARY 31

NO COMMENTS

COMMENTS CONTINUED ON REVERSE SIDE

COMMENTS: ATTACHED

Subject: Steet Vacation Request No. 124.1269

Location: Waterview Street

Tacoma Power has no objection to the proposed request; however, Tacoma Power requests the north-easterly 10 feet of the proposed vacation area parallel with Waterview Street as an easement for poles, anchors, guy wires, overhead and underground power and data wires, power and data enclosures and vaults, power and data conduit, and transformers. Relocation of existing Tacoma Power facilities will be at the developer's expense.

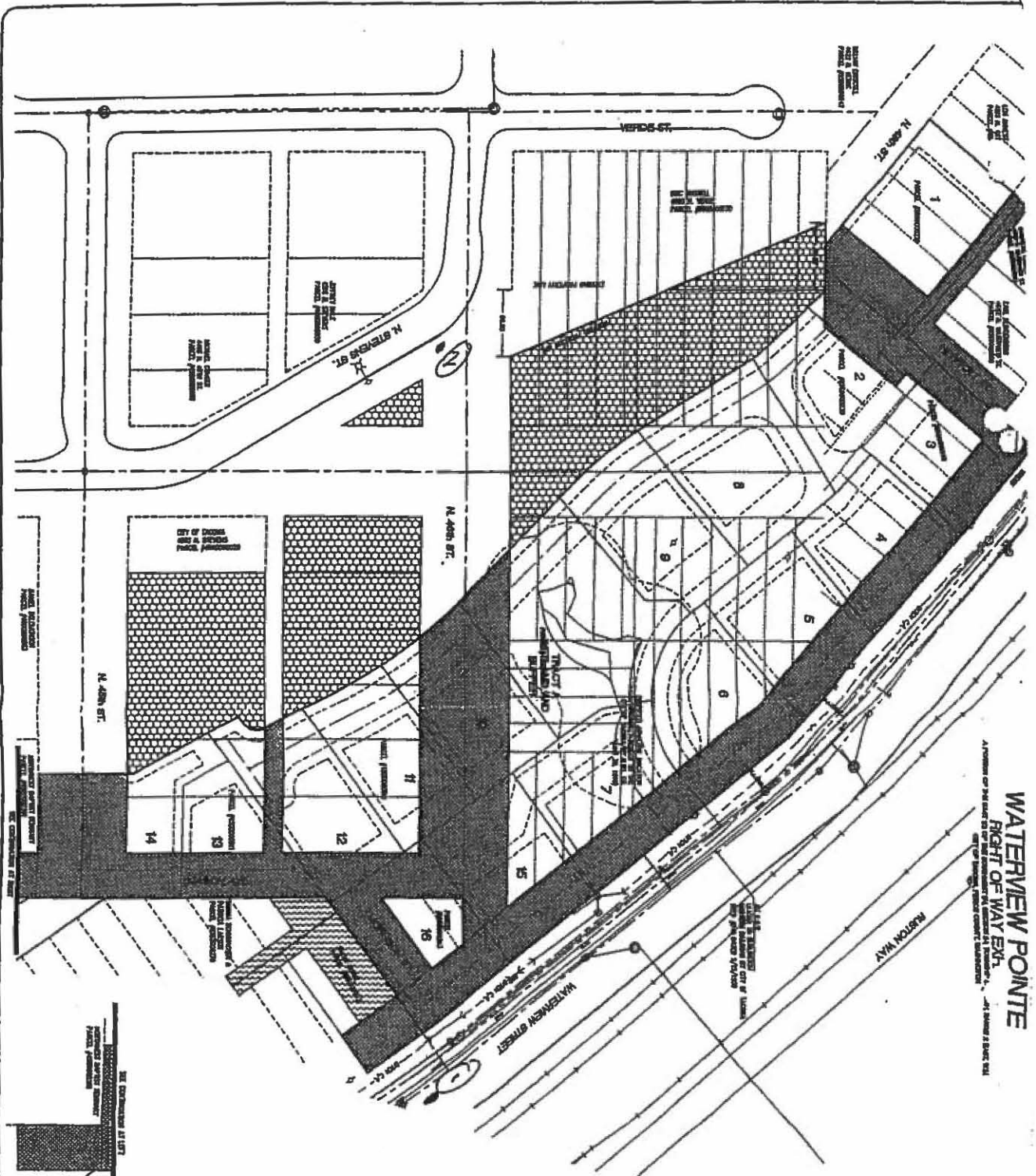
Rich Price *RS*
 New Services Engineering
 Transmission & Distribution

1-31-07
 Date

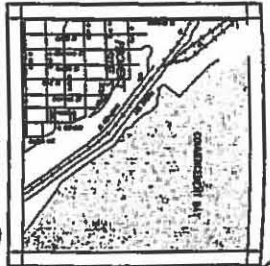
cc: Ronda Cornforth, TPU/Real Property Services

WATERVIEW PONTE RIGHT OF WAY EXH.

A PORTION OF THE LOTS 1 TO 18 AND WATERVIEW STREET, AS SHOWN ON THE MAP, ARE THE PROPERTY OF TRENT WOHLFEL, 4602 WATERVIEW STREET, TACOMA, WA 98402. THE REMAINING PORTION OF THE LOTS AND WATERVIEW STREET ARE THE PROPERTY OF THE CITY OF TACOMA.



130



VICINITY MAP
SEE PLAN SET



LEGEND

	PROPOSED RIGHT OF WAY VARIATION AREA - 10' WIDE
	PROPOSED PROPERTY VARIATION AREA - 10' WIDE
	PROPOSED PROPERTY VARIATION AREA - 10' WIDE
	PROPOSED PROPERTY VARIATION AREA - 10' WIDE

Apex
Engineering

3001 South 23rd, Suite 200
Tacoma, WA 98402
Phone: 252-8899

TITLE
WATERVIEW PONTE
RIGHT OF WAY EXH.

CLIENT/OWNER
TRENT WOHLFEL
4602 WATERVIEW STREET
TACOMA, WA 98402



PROJECT MANAGER: BRUCE A. MARTIN

REV. NO.	REVISION DESCRIPTION	DATE BY	DESIGN CHECKED	ENGINEER

DATE PLOTTED: 07/27/2009

SHEET 1 OF 1
DATE: 07/27/09

EXHIBIT C

Price, Richard

From: Cantrel, Aaron R [Aaron_Cantrel@cable.comcast.com]
Sent: Thursday, January 25, 2007 2:22 PM
To: Price, Richard
Subject: RE: Agency Comments - Street Vacation File No. 124.1269 - Comments due - 2/5/07

Richard,

Comcast is attached to TPU poles in the Vacation Area along Waterview Street.

-----Original Message-----

From: Price, Richard [mailto:RPRICE@ci.tacoma.wa.us]
Sent: Thursday, January 25, 2007 12:15 PM
To: Cantrel, Aaron R; Anderson, Carl; Beier, Spencer; Grant Whitley; Hedges, Cheryl; James Howatson; Kingsolver, Kurtis; Marge Bailey; Marilyn Danby; Meuschke, Richard; Monica Adams; Nick Tomanelli; O'Donnal, Kevin; Pearson, Charles (Cap); Peter Huffman; Richard Coyne; Richard Price; Ronda Cornforth; Rutha Mitchell; Ryan Flynn; Sue Simpson; Tanara Reynolds; Veronica Dykas
Subject: Agency Comments - Street Vacation File No. 124.1269 - Comments due - 2/5/07

<<Agency Comments.doc>>

EXHIBIT D

Price, Richard

From: Whitley, Grant
Sent: Friday, February 02, 2007 3:01 PM
To: Price, Richard
Cc: Cornforth, Ronda; Hedges, Cheryl; Nelson, Corey
Subject: RE: Agency Comments - Street Vacation File No. 124.1269 - Comments due - 2/5/07

Richard

Tacoma Water has a water main and water services within the right of way of Waterview Street. The drawing or memo did not state the width of the vacation in Waterview Street. To be sure to cover the existing services and meters, Tacoma Water will request an easement be reserved over the area southwesterly of the monument line of Waterview Street, to a distance of 40 feet from the monument line of Waterview street.

Grant Whitley
Tacoma Water

From: Price, Richard
Sent: Thursday, January 25, 2007 12:15 PM
To: Aaron Cantrel; Anderson, Carl; Beier, Spencer; Whitley, Grant; Hedges, Cheryl; Howatson, James; Kingsolver, Kurtis; Marge Bailey; Marilyn Danby; Meuschke, Richard; Monica Adams; Tomanelli, Nick; O'Donnal, Kevin; Pearson, Charles (Cap); Huffman, Peter; Coyne, Richard; Price, Richard; Cornforth, Ronda; Mitchell, Rutha; Flynn, Ryan; Simpson, Sue; Tanara Reynolds; Dykas, Veronica
Subject: Agency Comments - Street Vacation File No. 124.1269 - Comments due - 2/5/07

EXHIBIT E



City of Tacoma
Public Works Department

Memorandum

TO: Richard Price, Asset Management
FROM: *RAM* Richard Meuschke, Environmental Services Engineering Division
SUBJECT: Street Vacation No. 124-1269
Several streets within Waterview Pointe Plat
DATE: February 7, 2007

This department does not object to the vacation of several portions of City streets located within Waterview Pointe Plat as shown on the Street Vacation Request No. 124-1269.

However, the City will need to retain a 20-foot storm and sanitary sewer easement centered in the North Herriott Street right-of-way from North Waterview Street west to the north property line of tax parcel 4500000011, then west along the north edge of tax parcel 4500000011 to the east line of North 48th Street.

Please include the following condition in the easement language:

No permanent structures shall be erected within the public storm and/or sanitary sewer easement areas unless specifically approved in writing by the City of Tacoma, Director of Public Works. Permanent structures shall mean any concrete foundation, concrete slab, wall, rockery, building, deck, overhanging structures, fill material, recreational sport courts, carports, portable sheds, private utilities, fences, or other site improvement that will unreasonably interfere with the need to access or construct storm and/or sanitary sewer utilities in said easements. Permanent structures shall not mean improvements such as normal landscaping, asphalt paving, gravel, or other similar site improvements that do not prevent the access of men, materials, and machinery across, along, and within the said easement area. Land restoration by the City within the said easement area due to the construction, operation, inspection, replacement, repair, or maintenance of storm and/or sanitary sewer utilities will be strictly limited to grass seed, grass sod, and/or asphalt replacement unless otherwise determined by the City of Tacoma.

Thank you.

