

PRELIMINARY REPORT

PREPARED FOR THE HEARING EXAMINER BY REAL PROPERTY SERVICES

For the Hearing to be Held
Thursday, July 2, 2015 at 9:00 AM

PETITIONER: Central Puget Sound Regional Transit Authority, FILE NO. 124.1355
d/b/a Sound Transit

A. SUMMARY OF REQUEST:

Real Property Services has received a petition from Central Puget Sound Regional Transit Authority, d/b/a Sound Transit, hereinafter referred to as "Sound Transit", to vacate all that certain alley lying between East 25th Street and East 26th Street from of easterly margin of East "G" Street to the westerly margin of East "J" Street, as depicted on the attached Exhibits 2 and 3. The vacation of this alley is necessary for the development and construction of the Sound Transit Tacoma Trestle Replacement Project.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

All that certain alley right of way lying between and abutting Blocks 7627, 7528, 7629, 7530, 7631 and 7532 of The Tacoma Land Company's First Addition to Tacoma, W.T., according to the Plat thereof recorded July 7, 1884, records of Pierce County, Washington.

Also, that certain alley lying between and abutting vacated McKinley Avenue, as vacated by City of Tacoma Ordinance Numbers 3152 and 22436; and that alley lying between and abutting vacated East "I" Street, as vacated by City of Tacoma Ordinance Numbers 3129 and 16428, all records of Pierce County, Washington.

Situate in the City of Tacoma, County of Pierce, State of Washington.

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 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 Notice was posted May 28, 2015 at approximately 10:00 a.m. at location described in item 1 below:

1. Placed yellow public notice sign at both the Westerly and Easterly margin of said alley fronting East G Street and East J Street.
2. Public notice memo placed into the glass display case located on the second floor of the Municipal Building.
3. Public notice memo placed into the glass display case located on the first floor of the Municipal building abutting the Finance Department.
4. Public notice memo advertised on the City of Tacoma web site at address: <http://www.cityoftacoma.org/page.aspx?nid=596>
5. Public Notice advertised in the Daily Index newspaper.
6. Public Notice mailed to all parties of record within the 300 feet of vacation request.
7. Public Notice advertised on Municipal Television Channel 12.

D. PURPOSE OF REQUEST:

The Petitioner requests vacation of this alley as necessary for the Tacoma Trestle Replacement Project wherein Sound Transit will demolish the current 0.65 mile long wood structure and construct a new double-track bridge over East G Street, crossover tracks, and an expanded passenger platform to accommodate Amtrak passenger trains; make street repairs; relocate various utilities; and upgrade railroad signals.

E. HISTORY:

The City of Tacoma acquired the rights of way proposed to be vacated on July 7, 1884 by Plat filing of Tacoma Land Company's First Addition to the City of Tacoma. A copy of the Plat and Plat enlargement of area to be vacated are attached hereto as Exhibits 4 & 5.

F. PHYSICAL LAND CHARACTERISTICS:

This segment of alley is level, unimproved, graveled only at the entrances and has been gated to prevent vehicular travel and transient activities that may damage the existing wooden trestle.

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 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. Will increase potential economic, residential density and/or employment viability to the community; and
 - b. Facilitate economic development and increase business visibility.
 - c. Citizens of Tacoma will recognize the positive impacts of the double track construction in the, utility improvements, increased volume of ridership capability without the taxpayer expense of its construction.
2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation.
3. No general public is served by this gated alley segment.
4. The vacation area is not contemplated or needed for future public use as a right of way.
5. No abutting owner, not contemplated under this development project, becomes landlocked nor will their access be 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. 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 most current 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.

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
Map Exhibit – Exhibit 2
Aerial Map Exhibit – Exhibit 3
Plat of Tacoma Land Company First Addition – Exhibit 4
Plat Enlargement of area of vacation – Exhibit 5
Environmental Services – Exhibit 6
Tacoma Fire – Exhibit 7
 Comments have been addressed and amended as
 No objection
Public Works/LID – Exhibit 8
CenturyLink – Exhibit 9

Tacoma Power – No Objection
Click! – No Objection
Tacoma Water – No Objection

Pierce Transit – No Objection
Comcast Communications – No Objection
Puget Sound Energy – No Objection

PW Engineering – No Response
PW Traffic – No Response
Police – No Response
Solid Waste – No Response
Planning & Development Services – No Response

J. RECOMMENDED CONDITIONS OF APPROVAL:

Should this street vacation request be approved, the Real Property Services Department of Public Works recommends that the following conditions be made conditions 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*

2. ENVIRONMENTAL SERVICES

- a. Please contact Corey Newton at (253) 591-5765 regarding Environmental Service's comments.
- b. Environmental Services has no objection; however, they will require the following prior to completion of this vacation action.
 - i) The existing 8" sanitary sewer main shall be relocated, operational and accepted by the Environmental Services Director, at the Petitioners sole expense, prior to completion of this vacation action.
 - ii) A 30 foot wide easement shall be reserved within the Ordinance, centered on the existing 12" sanitary sewer main and appurtenances, within the vacated McKinley Avenue alignment.

3. PUBLIC WORKS/LID

- a. Please contact Sue Simpson at (253) 591-5529 regarding Public Works/LID comments.
- b. Public Works/LID Department has no objection; and has provided the Petitioner advisory comment:
 - i) The property has not been assessed for sanitary sewer connection and will be re-evaluated at time of development to determine if any In-Lieu Assessments will be applicable.

Third Party Comments for the record:

1. CENTURY LINK

- a. Please contact Jeff Lawrey at (206) 345-0333 regarding CenturyLink's comments.
- b. CenturyLink has no objection; provided all existing infrastructure is to be protected by either independent Easement and/or relocated, at Petitioner's sole expense.

2. PUBLIC COMMENT

Real Property Services have received the following public comments:

- i) None

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.

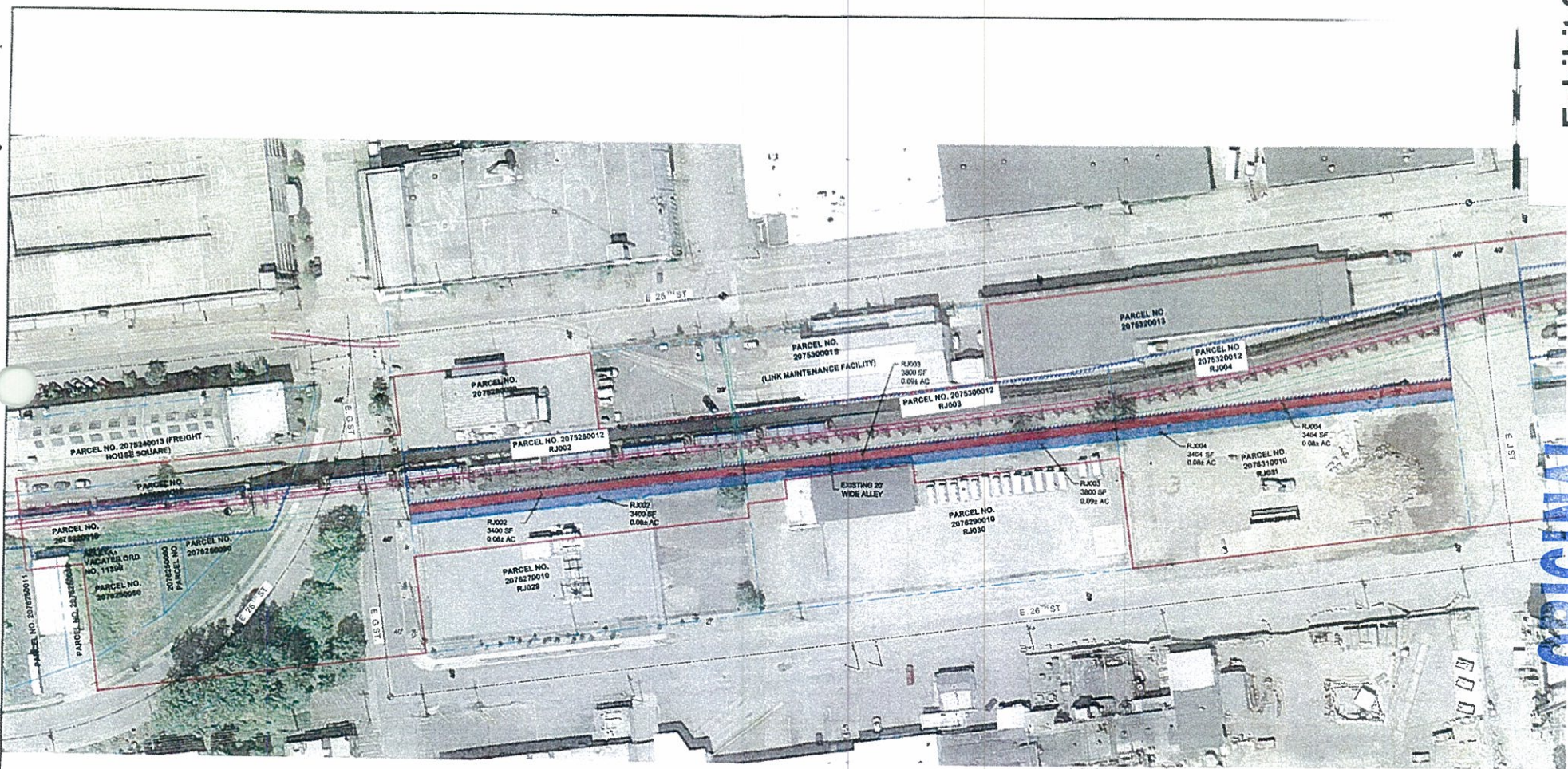
**Sound Transit
124.1355
Aerial Map Frame**



ORIGINAL

Exhibit 2

ORIGINAL



LEGEND

- ALLEY VACATION - REVERSION TO EXISTING RAIL ROW PARCELS
- ALLEY VACATION - REVERSION RIGHTS TO BE ACQUIRED
- EXISTING PROPERTY LINES
- EXISTING EASEMENT
- EXISTING RAIL ROW
- EXISTING TOP OF RAIL

TOTAL ALLEY AREA = 21,208 SF



Designed by	
Drawn by	
Checked by	
Approved by	

Scientist	Date	Approved
-----------	------	----------

Scale: 1" = 50'

File name: _____

Contract No. _____

Date: 03-20-2014



SOUNDER-TACOMA TRESTLE

EAST G ST. TO EAST J ST. ALLEY VACATION EXHIBIT

CONCEPTUAL ASSESSMENT - NEAR EAST 26TH ST.

Drawing No	1 of 1
Sheet No	Rev No

2/20/2014 12:12 PM

MAP of
The Tacoma Land Company's
FIRST ADDITION
TO
TACOMA
W. T.



ORIGINAL



Exhibit 4



ORIGINAL

Twentyfifth

Twenty-sixth

Twenty-seventh

Avenue

Street

Street

Street

Street



TO: Ronda Cornforth, Public Works, Real Property Services
FROM: Corey Newton, Environmental Services, Site Development Group
SUBJECT: Street Vacation 124.1355
DATE: 5/4/15

These comments/conditions are based on the following information provided for review:

- Agency Comment Memo

1. Storm and Sanitary Sewers

Conditions:

- a. The existing 8" sanitary sewer main shall be relocated, operational and accepted by the Environmental Services Director, at the applicant's sole expense, prior to completion of this vacation action.
- b. A 30 foot wide easement shall be reserved within the Ordinance, centered on the existing 12" sanitary main and appurtenances, within the vacated McKinley Avenue alignment.

ORIGINAL

Exhibit 6

Cornforth, Ronda

From: Seaman, Chris
Sent: Wednesday, June 03, 2015 4:32 PM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1355 - Comments DUE May 4th

Ronda,

Based on the information sent in by the petitioner you can revise my comments to:

TFD has no comments or conditions.

Regards,
CHRIS SEAMAN, P.E.
Senior Engineer
Tacoma Fire Department | Prevention Division
901 Fawcett Avenue | Tacoma, WA 98402
253.591.5503 | cseaman@cityoftacoma.org



From: Cornforth, Ronda
Sent: Thursday, April 30, 2015 9:27 AM
To: Seaman, Chris
Subject: RE: Street Vacation 124.1355 - Comments DUE May 4th

Thank you – I've forwarded this to Sound Transit....

From: Seaman, Chris
Sent: Thursday, April 30, 2015 9:15 AM
To: Cornforth, Ronda
Subject: RE: Street Vacation 124.1355 - Comments DUE May 4th

Ronda,

Prior to the vacation, the petitioner must demonstrate that the existing buildings at 801 E 26th Street will comply with:

1. IBC Section 705 for exterior walls and openings. Depending on the distance from these existing buildings and the new property line openings may not be permitted and/or fire rated walls may be required.
2. IBC Chapter 10 for Means of Egress. It must be demonstrated that the existing buildings do not have any required exits along the vacated right of way.

A drawing showing building occupancy classification, type of construction, exterior wall construction and elevations of the walls fronting the vacated right of way are the most efficient way to demonstrate the above requirements. Additionally a floor plan with exiting diagrams of the existing buildings would be required.

Regards,
CHRIS SEAMAN, P.E.
Senior Engineer
Tacoma Fire Department | Prevention Division
901 Fawcett Avenue | Tacoma, WA 98402

ORIGINAL



From: Cornforth, Ronda

Sent: Tuesday, April 21, 2015 3:51 PM

To: Barnett, Elliott; Bateman, Joy; Ben Han (bhan@piercetransit.org); Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita

Subject: Street Vacation 124.1355 - Comments DUE May 4th

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1355, as requested by Sound Transit, and provide comments for your respective utility/agency **on or before MAY 4, 2015**. Responses received later than May 4, 2015 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Thank you.

R. J. Cornforth

City of Tacoma, Public Works

Real Property Services

747 Market Street, Ste. 737

Tacoma, WA 98402-7941

(253) 591-5052 / Fax (253) 594-7941

rcornfor@cityoftacoma.org

We are made wise not by the recollection of our past, but by the responsibility for our future.

Cornforth, Ronda

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Sent: Thursday, April 30, 2015 9:15 AM
To: Cornforth, Ronda
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Regards,

CHRIS SEAMAN, P.E.

Senior Engineer

Tacoma Fire Department | Prevention Division

901 Fawcett Avenue | Tacoma, WA 98402

253.591.5503 | cseaman@cityoftacoma.org



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Subject: Street Vacation 124.1355 - Comments DUE May 4th

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Please email me with any questions you may have.

Thank you.

R. J. Cornforth
City of Tacoma, Public Works
Real Property Services

ORIGINAL
1

Exhibit 7



TO: ALL CONCERNED AGENCIES & DEPARTMENTS

FROM: RJ CORNFORTH
PUBLIC WORKS /REAL PROPERTY SERVICES

SUBJECT: STREET VACATION REQUEST NO. 124.1355

DATE: April 21, 2015

Real Property Services has received a petition to vacate all that portion of the City's alley, lying between East 25th and East 26th Streets from East "G" Street to East "J" Street, in connection with the Sound Transit Tacoma Trestle Project.

The Petitioner proposes to acquire the entirety of the alley to be vacated to for the proposed second track construction.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, by May 4, 2015**. 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

5/4/2015

Date

[Handwritten Signature]

Signature

PW/RPS

Department

THE PROPERTY HAS NOT BEEN ASSESSED FOR SANITARY SEWER. AT FUTURE DEVELOPMENT OF THE SITE THE PROPERTY WILL BE EVALUATED TO DETERMINE IF ANY IN LIEU OF ASSESSMENT IS APPLICABLE

ORIGINAL

RECEIVED
MAY 06 2015

CITY OF TACOMA
FACILITIES MANAGEMENT



CenturyLink®

May 4, 2015

City of Tacoma
Real Property Services
Attn: R. J. Cornforth
747 Market Street, Room 737
Tacoma, Washington 98402

RE: **Street Vacation Request No. 124.1355**

Dear Mr. Cornforth,

This letter is in response to the notice for the above referenced vacation. **Qwest Corporation (d/b/a CenturyLink, and formerly US West) has facilities in the area addressed by this action and wishes to retain any and all rights to remain in said area and to add facilities in the future as needed.**

At this time, Qwest (d/b/a CenturyLink) will not have issues with the proposed vacation **so long as provisions are made to retain our rights by means of an easement containing explicit language granting to "Qwest Corporation d/b/a CenturyLink QC and its successors" rights that will cover our existing & future facilities.**

Please feel free to contact me as needed; I can be reached at 206-345-0333 or R.Lawrey@CenturyLink.com. Thank you for your time.

Sincerely,

Qwest Corporation d/b/a CenturyLink QC
R. Jeff Lawrey
Network Real Estate
1208 NE 64th St. Rm 401
Seattle, WA 98115

1208 NE 64th St., 4th floor
Seattle, WA 98115-6722
www.centurylink.com

ORIGINAL

Exhibit 9



**Tacoma Trestle Track & Signal Project
Public Hearing Examiner Meeting**

July 2, 2015

SOUND TRANSIT

EX.1D

ORIGINAL

EX.1D

Background & History

- ST2 Transportation Plan
 - 2008 voter-approved project to replace the wooden single track trestle with a new double track bridge.
- Tacoma Trestle history
 - The timber and steel single track trestle is over 100 years old.
 - Railroad ROW and trestle formerly operated by the Milwaukee Railroad
 - City of Tacoma (Tacoma Rail) formerly owned railroad right of way
 - Tacoma Rail freight trains operate on the trestle





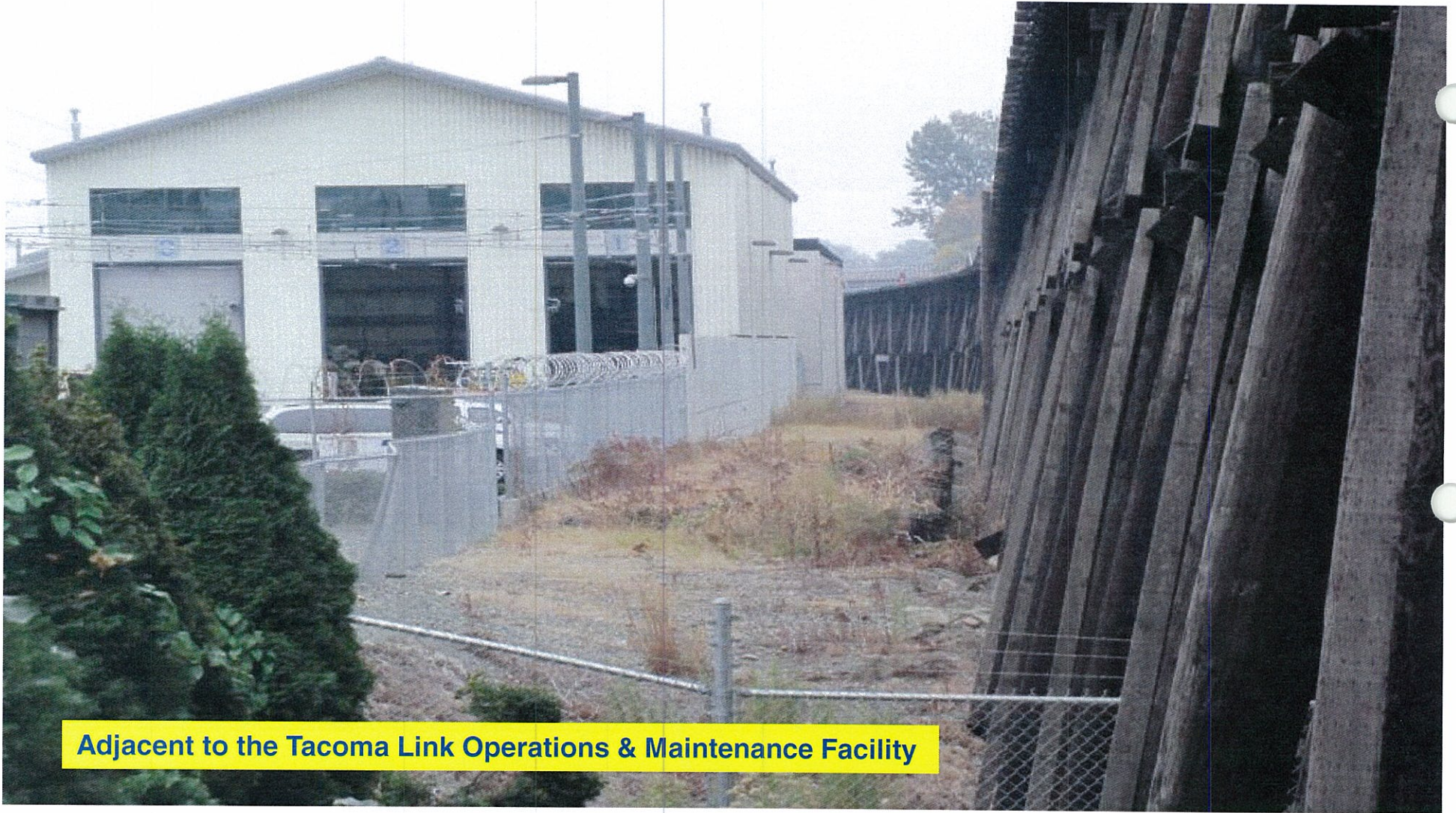
East end of Existing Single Track Trestle



Sound Transit ROW



Trestle and railroad signals near Tacoma Dome Station and Freighthouse Square



Adjacent to the Tacoma Link Operations & Maintenance Facility

Project overview

SCOPE

- Replace the existing single track trestle with a new bridge to accommodate two tracks
- Construct crossover track
- Modify railroad signals
- Civil and utility work
- Betterment scope item to design and construct WSDOT's extended platform for Amtrak's Coast Starlight train

Project overview

TIMELINE

- The schedule calls for completion of design and construction by May 2018
 - ✓ AUG 2013 Conceptual Engineering / Environmental (initiated)
 - ✓ SEP 2014 Preliminary Engineering (completed)
 - ✓ NOV 2014 Final Design (initiated)
 - SPR 2015 Construction (begin)
 - SPR 2018 Start-up of service

Project overview

BUDGET

- JUL 2013 Conceptual engineering phase funded
- MAR 2014 Preliminary engineering phase funded
- OCT 2014 Final Design authorization approved
- MAY 2015 Project baseline budget approved
- ST has been awarded a \$10M USDOT TIGER Grant to help advance the construction completion date from 2023 to 2018

Third Parties & Stakeholders

Federal & State Regulatory Agencies

- Federal Transit Administration
- Federal Railroad Administration

Sound Transit

- Sounder Commuter Rail Operations Team
- Tacoma Link Operations Team
- Tacoma Link Expansion Project Team
- Pt. Defiance By-Pass Project Team

Railroads

- BNSF Railway
- WSDOT – Sponsor of Amtrak Cascades
- Amtrak

City of Tacoma

- Tacoma Rail
- Tacoma Power
- Public Works Department
- Community Development Department
- Historic Preservation Office

Community

- Puyallup Tribe and Nisqually Tribe
- Dome District Development Group
- Adjacent property owners
- Local business owners

Utilities

- Private Utility Companies

Environmental

- Federal approvals:
 - NEPA/Documented Categorical Exclusion – FTA approval (APR 2014)
 - Section 106 – FTA / DAHP / ST executed Memorandum of Agreement (APR 2014)
 - Section 4(f) – U.S. Depart of Interior concurrence (MAR 2014)
- SEPA Checklist (JUL 2014)

Independent Technical Reviews

- APR 2014 Value Engineering
- SEP 2014 Independent Technical Cost Review
- MAR 2015 Constructability Technical Review



 **SOUNDTRANSIT**
RIDE THE WAVE

