



ORDINANCE NO. 27727

L.I.D. No. 8644

AN ORDINANCE providing for the construction of permanent pavements, together with the installation of storm drain lines and storm water catch basins where needed at various locations in the City; creating Local Improvement District No. 8644; providing for a special fund for the payment of the improvement by special assessment upon the property within the district benefited thereby, for the issuance of warrants, installment notes, bond anticipation notes, or other short-term obligations to pay that part of the cost and expense of the improvement assessed against the property in the district, and for the payment of the remainder of the cost thereof.

WHEREAS all of the preliminary proceedings for the establishment of Local Improvement District ("L.I.D.") No. 8644 have been taken as provided by law, and

WHEREAS the Hearings Examiner of the City, after public hearing duly held, has recommended to the City Council the formation of L.I.D. No. 8644; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That there shall be constructed a public works and improvement consisting of providing for construction of permanent alley pavement with storm drainage, together with all other work necessary to complete the project in accordance with the maps, plans, and specifications prepared and now on file in the office of the Director of the Department of Public Works Department, which maps, plans, and specifications are hereby adopted.

Section 2. That there is hereby created a local improvement district, to be known as L.I.D. No. 8644, which shall embrace as nearly as practicable all the property specially benefited by the improvements described above, which property is described as follows:



Segment 1: The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less, legally described as: Those portions of the Southeast Quarter of Section 30 and the Southwest Quarter of Section 29, Township 21, Range 3 East, W.M., legally described as follows:

All of Blocks 4 and 5, MAP of the TACOMA LAND and IMPROVEMENT COMPANY'S OLD TOWN ADDITION to TACOMA, as recorded in Volume 7 of Plats at page 55, records of Pierce County, Washington; together with Block 21, MAP of TACOMA CITY, as recorded in Volume 1 of Plats at Page 10, records of Pierce County, Washington. Except the south half of the south half of said Block 21. Situate in the City of Tacoma, County of Pierce, State of Washington.

Segment 2: The alley between North 8th Street and North 9th Street, from Adams Street to Proctor Street, legally described as follows:

That portion of the Northeast Quarter of Section 1, Township 20, Range 2 East, W.M., described as follows:

The South 40 feet of Lots 1 through 4, all of Lots 5 through 20, Block 3, BOGLE'S FIRST ADDITION to Tacoma, W.T., as recorded in Volume 2 of Plats at page 114, records of Pierce County, Washington; together with Lots 1 through 3, Lots 20 through 22 and Lots E and F, Block 3, GLENDALE ADDITION to Tacoma, Pierce County, Washington, as recorded in Volume 4 of Plats at pages 40-41, records of Pierce County, Washington; also together with Lots 1 and 2, the south 45 feet of Lots 3 through 7, the north 62.5 feet of Lots 8 through 11 and all of Lots 12 through 14, Block 1, POWER'S FIRST ADDITION to Tacoma, Washington, as recorded in Volume 9 of Plats at page 86, records of Pierce County, Washington. Situate in the City of Tacoma, County of Pierce, State of Washington.

Segment 3: The alley between "L" Street and "M" Street, from South 17th Street to South 19th Street, legally described as follows:

That portion of the South half of Section 5, Township 20, Range 3 East, W.M., described as follows:

All of Blocks 1724, 1725 and 1824, together with Lots 1 through 10 and the easterly 55 feet of Lots 11 and 12, Block 1825, MAP of NEW TACOMA, Washington Territory, as filed February 03, 1875, records of the Pierce County Auditor, inclusive of westerly and easterly portions of alley abutting, vacated by City of Tacoma Ordinances 1979 and 2962, and that portion of South 18th Street vacated by City of Tacoma Ordinance 26853; together with Block 1725, less the west 75 feet of Lots 1 through 3, COMMONWEALTH ADDITION to Tacoma, Washington, as recorded in Volume 7 of Plats at Pages 102-103,



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

Segment 4: The alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th Street, legally described as follows:

That portion of the Northwest Quarter of Section 8, Township 20, Range 3 East, W.M., described as follows:

The west 65 feet of Lots 1 through 3, all of Lots 4 through 24, Block 56, and all of Block 57, MAP of SMITH and FIFE'S ADDITION to New Tacoma, W.T., as recorded in Volume 1 of Plats at Page 6, records of Pierce County Washington. Situate in the City of Tacoma, County of Pierce, State of Washington.

Segment 5: The alley between Martin Luther King, Jr. Way and "L" Street from South 25th Street to South 27th Street, legally described as follows:

That portion of the Northeast Quarter of Section 8, Township 20, Range 3 East, W.M., described as follows:

The west 50 feet of Lots 1 through 3, all of Lots 4 through 23, and the west one-half of Lots 24 through 26, Block 50, together with the east 60 feet of the north 52.5 feet of Lots 1 and 2, the south one-half of Lot 2, and all of Lots 3 through 26, Block 51, MAP of SMITH and FIFE'S ADDITION to New Tacoma, W.T., as recorded in Volume 1 of Plats at Page 6, records of Pierce County, Washington. Situate in the City of Tacoma, County of Pierce, State of Washington.

Section 3: That the estimated cost and expense of the improvements is \$939,750.35 and that the total estimate assessed amount to the property owners is \$138,660.35 at a fixed rate of \$27.00 per assessable unit of frontage (AUF).

The City's environmental services (Surface Water Utility) is contributing \$103,350.00 and the General Fund (L.I.D. Participation Fund) is contributing \$647,740.00. The proposed L.I.D. is a 10-year assessment roll. Actual assessments may vary from assessment estimates, so long as the assessments do not exceed the increased true and fair value the improvement adds to the



1 property being assessed. At the option of the property owners, the assessments
2 levied against the property shall become due and payable in cash, without interest,
3 within thirty days after publication of notice of assessment, or in ten (10) equal
4 annual installments with interest on deferred payments at a rate to be hereafter
5 fixed, but in no event greater than one-half percent above the rate of interest fixed
6 upon sale of bonds for the district; and each year one of such installments,
7 together with interest due thereon and on all installments thereafter to become
8 due, shall be collected in the manner provided by law.

9
10 Section 4. That a special fund is hereby created, to be called Local
11 Improvement Fund, District No. 8644, which shall consist in the aggregate of the
12 several amounts assessed, levied, and collected upon the several lots and parcels
13 of land in the local improvement district for the purpose of defraying the cost and
14 expense of the improvement to be borne by the property within the district, and
15 into which fund shall be deposited the proceeds of the sale of warrants, installment
16 notes, bond anticipation notes, or other short-term obligations drawn against the
17 fund which may be sold by the City. Out of the fund shall be paid the warrants,
18 installment notes, bond anticipation notes, or other short-term obligations, interest
19 thereon, and the cost of the improvement to be borne by the property included in
20 the district.
21

22 Section 5. The Director of the Department of Public Works is hereby
23 ordered to call for bids for said improvements, and to proceed and complete the
24 improvements and to make out and certify to the City Council an assessment roll,
25 all as provided by law.
26



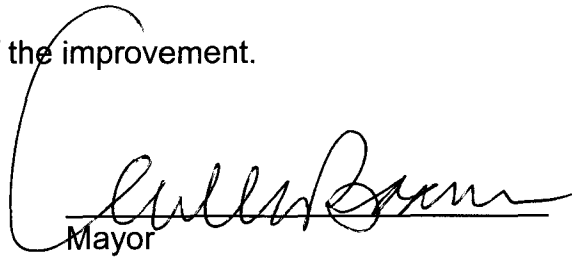
1 In case no bid is accepted, the Director of Public Works is hereby
2 authorized to proceed and complete the improvement by the method of day labor
3 or force account and by use of materials, supplies, and equipment, as authorized
4 by the City Charter and ordinances of the City. The Director of Public Works shall
5 keep a separate account of the expenditures as made and the exact cost of the
6 improvements separately computed. Upon certification by the Director of Public
7 Works that any sums are due to any person for labor or materials for the
8 improvements, the proper officers shall issue a warrant therefor drawn upon the
9 L.I.D. Fund, District No. 8644. The Director of Public Works shall certify to the City
10 Council the assessment roll on the property as provided by law.
11

12 Section 6. Under the provisions of the laws of the state of Washington,
13 amendments thereto, and this ordinance, there shall be issued warrants,
14 installment notes, bond anticipation notes, or other short-term obligations, issued
15 pursuant to Ordinance No. 23412, as it may be amended, in payment of the cost
16 and expense of the district, payable out of the Local Improvement District Fund.
17 Such warrants, installment notes, bond anticipation notes, or other short-term
18 obligations shall bear interest from the date of their issuance at a rate to be
19 hereafter fixed by the Director of the Department of Finance in accordance with
20 Ordinance No. 23412, and shall be redeemed from the Local Improvement District
21 Fund or by other warrants, installment notes, bond anticipation notes, or other
22 short-term obligations, or from the proceeds of local improvement bonds hereafter
23 issued.
24
25
26



Section 7. Pursuant to the provisions of the laws of the state of Washington,
the City Council hereby directs that the improvements be paid for by the City in
cash and that the warrants, installment notes, bond anticipation notes, or other
short-term obligations authorized to be issued under the provisions of this
ordinance be sold by the proper officers of the City in accordance with Ordinance
No. 23412, as it may be amended, and that the proceeds thereof shall be applied in
payment of the cost and expense of the improvement.

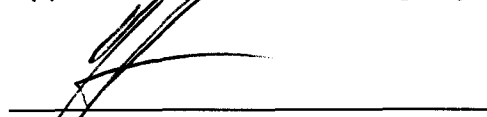
Passed JUN 24 2008


Mayor

Attest:


City Clerk

Approved as to form and legality:


Assistant City Attorney
Public Works Department

Property description approved:


Chief Surveyor



City of Tacoma
Hearing Examiner

April 30, 2008

David Wurzbach
Department of Public Works
Construction Division, L.I.D. Section
747 Market Street, Room 620
Tacoma, WA 98402
(Inter-office Delivery)

Re: Proposed Local Improvement District No. 8644 – Formation

Please find enclosed the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City Council in the above referred-to matter as a result of a hearing held on April 14, 2008.

LOUISA LEGG
Administrative Legal Secretary

Enclosure

cc: City Clerk, City of Tacoma
Liz Wheeler, Finance Department, City of Tacoma
Dan Landon, 2415 E. Ashlan, Fresno CA 93726
Mary L. McGinnis/Slaughter, 1702 South "L" Street, Tacoma WA 98405
Mary Hale, 1709 S. "M" Street, Tacoma WA 98405-3555
Lois Lopez, 2805 N. Starr Street, Tacoma WA 98403-2934
Bergitta Reese, 2002 N. 29th Street, Tacoma WA 98403-2945
Jill Haavig, 3812 N. 8th Street, Tacoma WA 98406-4916
Michael LaFreniere, 815 N. Proctor Street, Tacoma WA 98406-4935
Magdalene Nieves, 2522 S. Sheridan, Tacoma WA 98405-3458
John Goins, 2509 S. Cushman Ave., Tacoma WA 98405-3443
Sylvia Pelekane, 2518 S. Sheridan Ave., Tacoma WA 98405-3458
Melissa Elsing, 2539 S. "L" Street, Tacoma WA 98405-3420

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 or recommendation entered by the Hearing 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 Hearing 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 Hearing 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 Hearing 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 Hearing Examiner is based on errors of procedure, fact or law shall have the right to appeal the recommendation of the Hearing Examiner by filing written notice of appeal and filing fee with the City Clerk, stating the reasons the Hearing 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.

**REPORT TO THE HEARINGS EXAMINER
FOR L.I.D. HEARING APRIL 14, 2008- 5:00 P.M.**

L.I.D. NO. 8644 Construction of permanent alley pavement, with storm drainage, on:

The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less.

The alley between North 8th Street and North 9th Street, from Adams Street to Proctor Street.

The alley between "L" Street and "M" Street, from South 17th Street to South 19th Street.

The alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th Street.

The alley between Martin Luther King Jr Way and "L" Street, from South 25th Street to South 27th Street.

Notices: Resolution No. 37424 setting the hearing date was published March 27th and 28th, 2008.

Notice of Public Hearing letters were mailed to owner of record on March 28th, 2008.

Status: Being considered for creation as the result of a petition.

Background: Estimated project cost: \$939,750.35

Rate per AUF: \$27.00 (Fixed Rate)

Total Est. Assessed to Property Owner: \$138,660.35

Surface Water Utility \$103,350.00

General Fund Contribution \$697,740.00

To our knowledge the proceedings are all proper and in conformance with L.I.D. statutes.

Protest: 4.07% (Segment 3)

This is a 10-year Assessment Roll.

Recommendation: Considering the amount of protest, we recommend the L.I.D. be created.

COST BREAKDOWN BY SEGMENT

Segment 1 - The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less.

Total Assessed to Property Owners	\$ 12,561.60
General Fund Contribution	<u>\$ 60,113.00</u>
Estimated Segment Cost	\$ 72,674.60

Segment 2 - The alley between North 8th Street and North 9th Street, from Adams Street to Proctor Street.

Total Assessed to Property Owners	\$ 23,838.50
General Fund Contribution	\$203,112.00
Surface Water Utility	<u>\$ 12,500.00</u>
Estimated Segment Cost	\$239,450.50

Segment 3 - The alley between "L" Street and "M" Street, from South 17th Street to South 19th Street.

Total Assessed to Property Owners	\$ 36,095.15
General Fund Contribution	\$157,705.00
Surface Water Utility	<u>\$ 10,500.00</u>
Estimated Segment Cost	\$204,300.15
LID Assistance (2)	\$ 2,401.70

Segment 4 - The alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th Street.

Total Assessed to Property Owners	\$ 30,944.95
General Fund Contribution	\$130,980.00
Surface Water Utility	<u>\$ 80,350.00</u>
Estimated Segment Cost	\$242,274.95

Segment 5 - The alley between Martin Luther King Jr Way and "L" Street, from South 25th Street to South 27th Street.

Total Assessed to Property Owners	\$ 35,220.15
General Fund Contribution	<u>\$145,830.00</u>
Estimated Segment Cost	\$181,050.15

C

**REPORT TO THE HEARINGS EXAMINER
FOR L.I.D. HEARING APRIL 14, 2008- 5:00 P.M.**

L.I.D. NO. 8644 Construction of permanent alley pavement, with storm drainage, on:

The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less.

The alley between North 8th Street and North 9th Street, from Adams Street to Proctor Street.

The alley between "L" Street and "M" Street, from South 17th Street to South 19th Street.

The alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th Street.

The alley between Martin Luther King Jr Way and "L" Street, from South 25th Street to South 27th Street.

Notices: Resolution No. 37424 setting the hearing date was published March 27th and 28th, 2008.

Notice of Public Hearing letters were mailed to owner of record on March 28th, 2008.

Status: Being considered for creation as the result of a petition.

Background: Estimated project cost: \$939,750.35

Rate per AUF: \$27.00 (Fixed Rate)

Total Est. Assessed to Property Owner: \$138,660.35

Surface Water Utility \$103,350.00

General Fund Contribution \$697,740.00

To our knowledge the proceedings are all proper and in conformance with L.I.D. statutes.

Protest: 4.07% (Segment 3)

This is a 10-year Assessment Roll.

Recommendation: Considering the amount of protest, we recommend the L.I.D. be created.

File: lid8644

COST BREAKDOWN BY SEGMENT

Segment 1 - The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less.

Total Assessed to Property Owners	\$ 12,561.60
General Fund Contribution	<u>\$ 60,113.00</u>
Estimated Segment Cost	\$ 72,674.60

Segment 2 - The alley between North 8th Street and North 9th Street, from Adams Street to Proctor Street.

Total Assessed to Property Owners	\$ 23,838.50
General Fund Contribution	\$203,112.00
Surface Water Utility	<u>\$ 12,500.00</u>
Estimated Segment Cost	\$239,450.50

Segment 3 - The alley between "L" Street and "M" Street, from South 17th Street to South 19th Street.

Total Assessed to Property Owners	\$ 36,095.15
General Fund Contribution	\$157,705.00
Surface Water Utility	<u>\$ 10,500.00</u>
Estimated Segment Cost	\$204,300.15
LID Assistance (2)	\$ 2,401.70

Segment 4 - The alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th Street.

Total Assessed to Property Owners	\$ 30,944.95
General Fund Contribution	\$130,980.00
Surface Water Utility	<u>\$ 80,350.00</u>
Estimated Segment Cost	\$242,274.95

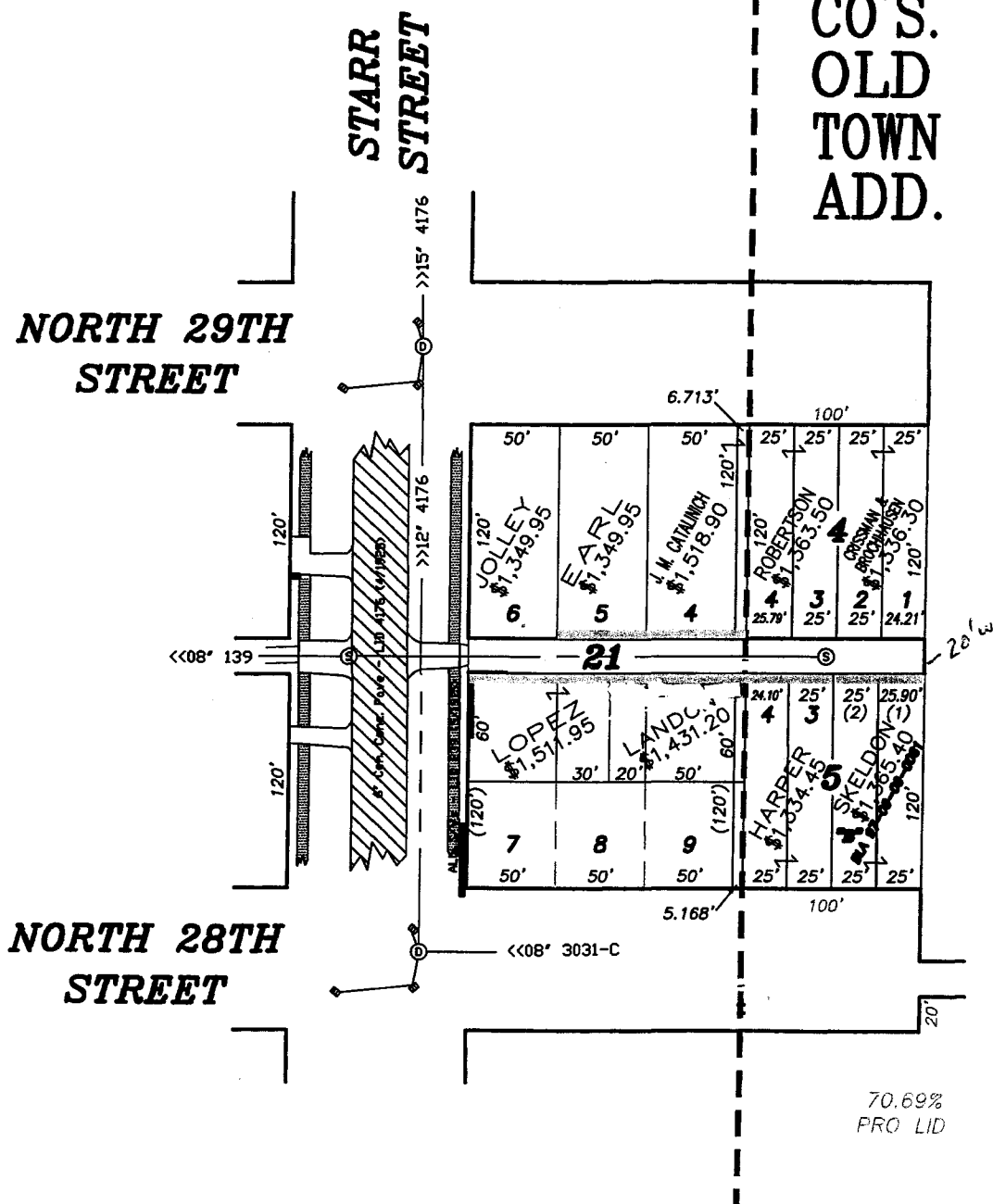
Segment 5 - The alley between Martin Luther King Jr Way and "L" Street, from South 25th Street to South 27th Street.

Total Assessed to Property Owners	\$ 35,220.15
General Fund Contribution	<u>\$145,830.00</u>
Estimated Segment Cost	\$181,050.15

1

MAP OF TACOMA CITY

TACOMA
LAND
AND
IM'VT.
CO'S.
OLD
TOWN
ADD.



EXH. 2.1

COMMONWEALTH ADDITION

MAP OF NEW TACOMA ADDITION

3

PAVEMENT LID 4687 (1962)

SOUTH 17TH
STREET

"M" STREET

"L" STREET

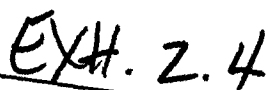
SOUTH 18TH
STREET

SOUTH 19TH
STREET

1 (130') 55'	1 120'
2 25' 124.87	2 MCGINNIS \$1,372.40
3 25' 130'	3 1,029.30
4 25' 130'	4 1,029.30
5 25' 130'	5 PORTELL \$1,029.30
6 25' 130'	6 SMITH \$886.20
7 25' 130'	7 CASTLE \$886.20
8 25' 130'	8 PALMER \$886.20
9 25' 130'	9 EVANS \$886.20
10 25' 130'	10 THADEN \$886.20
11 25' 130'	11 WILLIAMS \$1,372.40
12 25' 130'	12 120'
13 25' 130'	13 BOND \$1,045.85
14 25' 130'	14 1,024.40
15 25' 130'	15 1,024.40
16 25' 130'	16 MILLER \$1,372.40
17 25' 130'	17 1,029.30
18 25' 130'	18 DECOSMO \$1,029.30
19 25' 130'	19 1,029.30
20 25' 130'	20 HARBIN \$1,029.30
21 25' 130'	21 1,029.30
22 25' 130'	22 1,029.30
23 25' 130'	23 ALOZK \$1,029.30
24 25' 130'	24 1,029.30
25 25' 130'	25 RASMUSSEN \$1,372.40
26 25' 130'	26 1,372.40
27 25' 130'	27 1,372.40
28 25' 130'	28 1,372.40
29 25' 130'	29 1,372.40
30 25' 130'	30 1,372.40
31 25' 130'	31 1,372.40
32 25' 130'	32 1,372.40
33 25' 130'	33 1,372.40
34 25' 130'	34 1,372.40
35 25' 130'	35 1,372.40
36 25' 130'	36 1,372.40
37 25' 130'	37 1,372.40
38 25' 130'	38 1,372.40
39 25' 130'	39 1,372.40
40 25' 130'	40 1,372.40
41 25' 130'	41 1,372.40
42 25' 130'	42 1,372.40
43 25' 130'	43 1,372.40
44 25' 130'	44 1,372.40
45 25' 130'	45 1,372.40
46 25' 130'	46 1,372.40
47 25' 130'	47 1,372.40
48 25' 130'	48 1,372.40
49 25' 130'	49 1,372.40
50 25' 130'	50 1,372.40
51 25' 130'	51 1,372.40
52 25' 130'	52 1,372.40
53 25' 130'	53 1,372.40
54 25' 130'	54 1,372.40
55 25' 130'	55 1,372.40

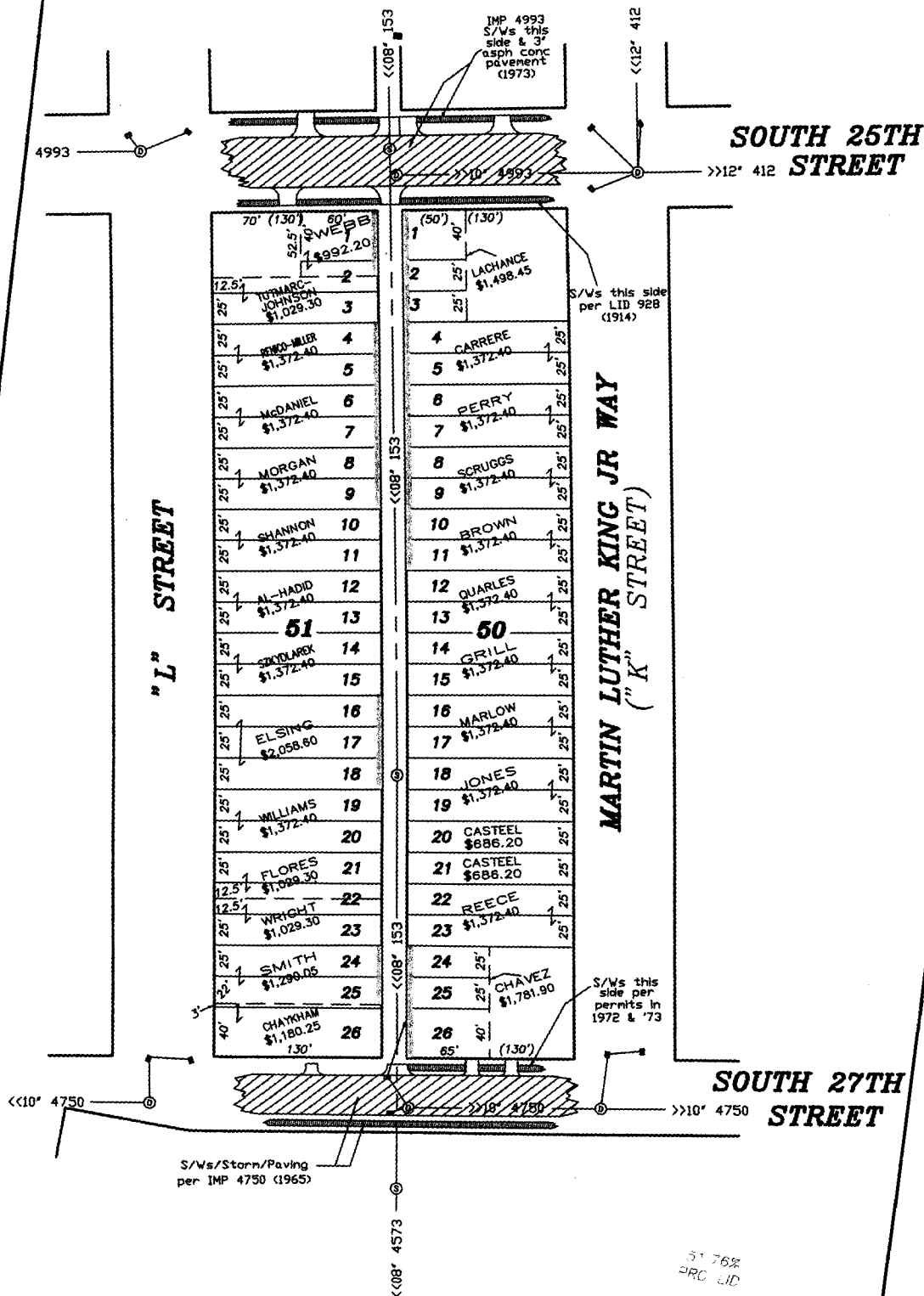
EXH. 2.3

4



SMITH AND FIFE ADDITION

5



EXH. 2.5

1
2
3 **OFFICE OF THE HEARING EXAMINER**

4 **CITY OF TACOMA**

5
6 **In the Matter of:**

7 **PROPOSED LOCAL**
8 **IMPROVEMENT DISTRICT**
9 **NO. 8644**

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION

10
11
12 A public hearing on the formation of Local Improvement District No. 8644 was held on
13 April 14, 2008, and the Hearing Examiner having considered the evidence presented, reviewed
14 the file and being otherwise fully advised, makes the following:

15 **FINDINGS OF FACT:**

16
17 1. The Tacoma City Council adopted Resolution No. 37424 on March 25, 2008,
18 expressing the intent of the Council to construct improvements consisting of establishing a
19 grade and placing thereon a permanent pavement, together with the installation of storm drain
20 lines and storm water catch basins, where needed, on the following alleys: **Segment 1:** The
21 alley between North 28th Street and North 29th Street, from Starr Street easterly approximately
22 256 feet, more or less; **Segment 2:** The alley between North 8th Street and North 9th Street from
23 Adams Street to Proctor Street; **Segment 3:** The alley between "L" Street and "M" street, from
24 South 17th Street to South 19th Street; **Segment 4:** The alley between Sheridan Avenue and

25
26 **FINDINGS OF FACT,**
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 1 -

1 Cushman Avenue, from South 25th Street to South 28th Street and; **Segment 5:** The alley
2 between Martin Luther King, Jr. Way and "L" Street, from South 25th Street to South 27th
3 Street. Furthermore, it is also the intent of the City Council collect special assessments to pay
4 the costs and the expenses of such improvements upon real property specifically described
5 therein to the extent that such property would be specially benefited thereby. Resolution No.
6 37424 is incorporated herein by reference as though fully set forth. Actual assessments may
7 vary from assessment estimates, so long as the estimates do not exceed the increased true and
8 fair value the improvement adds to the property being assessed.
9

10 2. Notices of Public Hearing, for Local Improvement District No. 8644 ,were
11 published on March 27 and 28, 2008, and said notices were mailed to the affected property
12 owner(s) of record on March 28, 2008. An Affidavit of Publication has been filed with the
13 City Clerk as well as plans and estimates required by said Resolution.

14 3. Pursuant to applicable laws and the direction of the Tacoma City Council, a
15 public hearing was held on April 14 2008, to consider the formation of Local Improvement
16 District (L.I.D.) No. 8644.

17 4. The report of the Department of Public Works (hereinafter "DPW"), entered into
18 the record as Exhibit No. 1, indicates that the estimated overall project cost is \$939,750.35 and
19 that the total estimated assessed amount to property owners is \$138, 660.35 at a fixed rate of
20 \$27.00 per Assessable Unit of Frontage (AUF). The City's Environmental Services (Surface
21 Water Utility) is contributing \$103,350.00 and the General Fund (L.I.D. Participation Fund) is
22 contributing \$697.740.00. The proposed L.I.D. is a 10-year assessment roll.
23

24 Cost breakdowns for each segment within the proposed L.I.D. are summarized below:

25 **FINDINGS OF FACT,**
26 **CONCLUSIONS OF LAW, AND**
RECOMMENDATION (L.I.D. 8644) - 2 -

1 **Segment 1** (The alley between North 28th Street and North 29th Street,
2 **from Starr Street easterly approximately 256 feet, more or less**): The total
3 assessed to property owners is \$12,561.60, along with the City's participation
4 (L.I.D. Participation Fund) of \$60,113.00, equals an estimated segment cost of
5 \$72,674.60.

6 **Segment 2** (The alley between North 8th Street and North 9th Street, from
7 **Adams Street to Proctor Street**): The total assessed to property owners is
8 \$23,838.50, along with the City's participation (L.I.D. Participation Fund) of
9 \$203,112.00, and contributions from the City's Surface Water Utility Fund of
10 \$12,500.00, together equals an estimated segment cost of \$239,450.00.

11 **Segment 3** (The alley between "L" Street and "M" Street, from South 17th
12 **Street to South 19th Street**): The total assessed to property owners is
13 \$36,095.15, along with the City's participation (L.I.D. Participation Fund) of
14 \$157,705.00, and contributions from the City's Surface Water Utility Fund of
15 \$10,500.00, together equals an estimated segment cost of \$204,300.15. A
16 total amount of \$2,401.70 will go towards assessments costs for two owners
17 of property who have applied and been approved for the City's L.I.D.
18 Assistance Funding Program.

19 **Segment 4** (The alley between Sheridan Avenue and Cushman Avenue,
20 **from South 25th Street to South 28th Street**): The total assessed to property
21 owners is \$30,944.95, along with the City's participation (L.I.D. Participation
22 Fund) of \$130,980.00, and contributions from the City's Surface Water Utility
23 Fund of \$80,350.00, together equals an estimated segment cost of
24 \$242,274.95.

25 **Segment 5** (The alley between Martin Luther King, Jr. Way and "L"
26 **Street from South 25th Street to South 27th Street**): The total assessed to
27 property owners is \$35,220.15, along with the City's participation (L.I.D.
28 Participation Fund) of \$145,830.00, equals an estimated segment cost of
29 \$181,050.15.

30 5. Testimony by David Wurzbach, representing the DPW, establishes the following
31 with regard to all five segments:

32 **FINDINGS OF FACT,**
33 **CONCLUSIONS OF LAW, AND**
34 **RECOMMENDATION (L.I.D. 8644) - 3 -**

- 1 A. Between 2001 and 2002, the proposed L.I.D. was initiated as the result of
2 advisory petitions, for each segment, circulated and signed for by a majority
3 of property owners whose properties directly abut the proposed L.I.D.
4 improvements.
- 5 B. The lack of City local improvement district funding is the reason for the
6 approximately six year time span between the signing of the advisory
7 petitions and the date of the proposed L.I.D. formation hearing.
- 8 C. The City will honor the \$27.00 AUF(fixed rate) amount originally quoted to
9 the property owners in 2001-2002. However, should an owner request
10 supplemental work, those costs will be added to each parcel's assessed cost.
- 11 D. A modification to the zone and termini formula, as set forth in RCW
12 35.44.30 and .40, was used to determine the preliminary assessments for
13 each property within the proposed L.I.D. This methodology is known as a
14 "modified" zone and termini formula and is summarized below:
- 15 (1) Only those properties abutting the proposed improvement were
16 considered to be specially benefited and have been included
17 within the boundaries of the proposed L.I.D.
- 18 (2) Properties within the L.I.D. are assessed based upon square
19 footage of the property's size and depth.
- 20 E. The total estimated segment cost is comprised of the assessed construction
21 costs billed to the owner plus any City contributions and added together, all
22 five estimated segment costs equal the total estimated project cost. The City
23 will pay any construction costs exceeding the estimated cost to each
24 segment.
- 25 F. Currently, all five segments have dirt and gravel surfaces that are drivable
26 up to a width of 10 to 12 feet. Four of the segments have rights-of-way
widths of 20 feet and once construction is completed, the paved right-of-
way width will be 16 feet. Segment 2 is the only alley that has a right-of-
way width of 16 feet and after completion of the proposed improvement, it
will have a completed paved right-of-way width of 13 feet.
- G. All five segments will have structural cross-sections of materials comprising
of 5 inches of crushed surface base course (ballasts) that will be topped with
a layer of 2-1/2 inches of crushed surface top course, and have a finished top

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 4 -**

1 layer of 2 inches of asphalt concrete edged with asphalt wedged curbing to
2 channel excess surface water to the nearest storm catch basins.

- 3 H. During the design phase of construction, individual property owners within
4 each segment will have an opportunity to meet on-site with City
5 Engineering staff to discuss proposed improvement impacts and
6 supplemental work options related to the proposed alley improvement.
7 Removal or trimming of trees/hedges which may impede right-of-way
8 construction can be expected, as well as removal or modifications to
9 landscaping and landscaping structures such as fences and retaining walls.
- 10 I. Once the L.I.D. has been created through a City ordinance, the formation
11 becomes a public record which will show on each parcel's Notification of
12 Title to Owners with regard to a future financial obligation to pay any
13 remaining L.I.D. construction costs. Should an owner decide to refinance or
14 market the property for sale, both the owner and prospective buyers,
15 financial institutions and realtors will have access to such information.

16 With regard to individual segments, Mr. Wurzbach testified to the following:

17 **Segment 1** (The alley between North 28th Street and North 29th
18 Street, from Starr Street easterly approximately 256 feet, more
19 or less): The advisory petition was signed by 70.69 percent of
20 abutting property owners. The City has received one letter of
21 support in favor of formation of this segment and the level of
22 remonstrance remains at zero percent. The DPW has not received
23 any applications for relief funds through the City's L.I.D. Assistance
24 Funding Program.

25 **Segment 2**(The alley between North 8th Street and North 9th
26 Street, from Adams Street to Proctor Street): The advisory
petition was signed by 70.43 percent of abutting owners and the City
has not received any applications for relief funding through the
City's L.I.D. Assistance Funding Program. The remonstrance level
remains at zero percent.

Segment 3 (The alley between "L" Street and "M" Street, from
South 17th Street to South 19th Street): The advisory petition was
signed by 55.146 percent of abutting property owners. The DPW
has received one letter of opposition against formation of this
segment which brings the remonstrance level up to 4.07 percent.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 5 -**

Two abutting property owners qualified for the City's L.I.D. Assistance Funding program. (see Finding 3) and their properties have been removed from the DPW's L.I.D. formation calculations.

Segment 4 (the alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th Street): The advisory petition was signed by 50.65 percent of abutting property owners. Since the City has not received any letters of protest with regard to this segment, the level of remonstrance remains at zero percent.

Segment 5 (The alley between Martin Luther King, Jr. Way and "L" Street from South 25th Street to South 27th Street): The advisory petition was signed by 55.00 percent of abutting property owners. Because the City has not received any protest letters with regard to this segment, the remonstrance level remains at zero percent.

6. A number of interested property owners appeared at hearing and their concerns, questions, and/or comments are summarized below along with the City's responses:

Segment 1 (The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less): Future storm drainage and actual drivable alley width concerns were voiced and questions regarding where the new locations of City refuse containers can be expected once the improvement is completed. In response, City staff explained engineers will address both the storm drainage and refuse container issues later during the design phase of the project. City staff further noted upon completion of the improvement, the 20-foot alley will have a paved surface of 16 feet with a drivable width between 10 to 12 feet.

Segment 2 (The alley between North 8th Street and North 9th Street, from Adams Street to Proctor Street): Additionally, questions were presented with regard to the anticipated construction schedule and whether there would be a cap to construction costs, as well as concerns about the new alley right-of-way width. City staff

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 6 -**

1 answered that the rate per AUF of \$27.00 was a fixed rate and would
2 not change and construction is expected to begin in 2009.

3 **Segment 3 (The alley between "L" Street and "M" Street, from**
4 **South 17th Street to South 19th Street):** At hearing, an abutting
5 property owner signed a protest letter due to her concerns with the
6 current unkempt condition of sidewalks and streets in the area. In
addition, she felt the improvement would not result in an increase in
her property value.

7 **Segment 4 (the alley between Sheridan Avenue and Cushman**
8 **Avenue, from South 25th Street to South 28th Street):** Property
9 owners in this segment made comments concerning their desire to
10 request supplemental work not included in the proposed L.I.D., such
11 as adding new driveways and curbing, and asked about the related
12 costs. Also, concerns and questions were raised about current and
13 future traffic conditions in the area including traffic flow, speed,
14 parking, and signage. The City answered by explaining that before
15 supplemental work begins, the City will review the most current bid
16 and will base its estimated construction cost from that bid. The City
stated that the proposed improvement is a stand alone project and
that typically, installation of speed humps is not included in L.I.D.
improvements. Related traffic concerns would need to be addressed
with the City's Traffic Engineering Division after the proposed
improvement project is completed.

17 **Segment 5 (The alley between Martin Luther King, Jr. Way and**
18 **"L" Street from South 25th Street to South 27th Street):** General
19 questions were asked and answered regarding the L.I.D. formation
20 process and how individual assessments are determined. In
21 answering questions related to differences in grade between private
properties and the alleyway as it relates to storm water run-off, the
City stated that, after engineering surveys are completed, each
property owner will be consulted individually.

22 7. At the conclusion of proceedings, the remonstrance to L.I.D. formation stood at
23 7.82 percent, with regard to Segment 3, but since a property owner who signed an official
24 protest at hearing later applied and was found qualified for the City's L.I.D. Assistance
25

26 **FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 7 -**

1 Program, the remonstrance increased to 7.83 percent.¹ At the time of the issuance of these
2 Findings of Fact, Conclusions of Law, and Decision, the remonstrance level for Segments No.
3 2, 4, and 5 remains at zero percent and the remonstrance level for Segment 1 stands at 11.39
4 percent.
5

6 8. Only those properties that would be specially benefited by the proposed alley
7 improvements have been included within the boundaries of the proposed L.I.D..

8 9. The verbatim transcript in the referred-to matter is in the custody of the Hearing
9 Examiner's Office, the official file is in the custody of the City Clerk, and both are available for
10 review by the Council and any party in interest.
11

12 10. Any Conclusion of Law hereinafter stated which may be deemed to be a Finding
13 of Fact herein is hereby adopted as such.
14

15 From these Findings of Fact come the following:

16
17 **CONCLUSIONS OF LAW:**

- 18 1. The Hearing has jurisdiction in the matter. *TMC 1.23.050.A.2.*
19 2. The Department of Public Works has complied with all applicable laws with
20 respect to the formation of Local Improvement District No. 8644.
21 3. The purposes of the initial hearing in regard to formation of L.I.D.s are to
22 determine if the formation of the district should proceed and if the limits of the district are
23

24 ¹ When an applicant is approved for the City's L.I.D. Assistance Program, his/her assessment is removed from the
25 L.I.D. but in this instance, because the applicant signed a protest to the L.I.D. formation, the protest was included
26 in the remonstrance calculation.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 8 -**

proper. *Chandler v. City of Puyallup*, 70 Wash. 632, 633 (1912). Accordingly, the only issues properly presented during the formation stage of the L.I.D. process are:

(a) The jurisdiction or authority of the city to proceed with creating the district.

(b) The proper boundaries of the district.

Underground Equality v. Seattle, 6 Wn. App. 338, 342, 492 P.2d 1071 (1972). Issues relative to the amount of special benefit resulting from the improvements proposed must await the hearing in regard to the final assessments. *Underground Equality* at 342.

4. There has been no dispute presented in this proceeding relative to the City of Tacoma's (City) authority to create the subject L.I.D..² The City's authority to create an L.I.D. initiated by resolution of the local legislative body, as is the case here, is statutorily limited only by the following provision:

35.43.180 Restraint by protest. The jurisdiction of the legislative authority of a city or town to proceed with any local improvement initiated by resolution shall be divested by a protest filed with the city or town council within thirty days from the date of passage of the ordinance ordering the improvement, signed by the owners of the property within the proposed local

²RCW 35.43.040 provides, in pertinent part, that:

"...Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those, or any combination thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not restricted to the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

* * *

(1) Alley, avenues, boulevards, lanes, park drives, parkways, parking facilities, public places, public squares, public streets, their grading, regarding, planking, re-planking, paving . . . (Emphasis supplied.)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 9 -**

1 improvement district or utility local improvement district subject to sixty
2 percent or more of the total cost of the improvement including federally-
3 owned or other non-assessable property as shown and determined by the
4 preliminary estimates and assessment roll of the proposed improvement
5 district or, if all or part of the local improvement district or utility local
6 improvement district lies outside of the city or town, such jurisdiction shall be
7 divested by a protest filed in the same manner and signed by the owners of
8 property which is within the proposed local improvement district or utility
9 local improvement district but outside the boundaries of the city or town, and
which is subject to sixty percent or more of that part of the total cost of the
improvement allocable to property within the proposed local improvement
district or utility local improvement district but outside the boundaries of the
city or town, including federally-owned or other non-assessable property: . . .
(Emphasis supplied.)

10 RCW 35.43.180.

11 5. The Council, however, has further limited its authority to proceed with the
12 formation of an L.I.D. through the adoption of a formal policy of not forming such districts if
13 the protest to formation is 50 percent or greater.³

14
15 6. The City has the authority by statute to proceed with the formation of L.I.D. 8644
16 under RCW 35.43.180, since the protest is less than 60 percent and by its own adopted policy
17 since the protest is less than 50 percent.

18
19
20
21
22 ³ Resolution 32989, adopted April 25, 1995 provides in pertinent part as follows:

23 "2. In proposed L.I.D.s in which the number of assisted property owners
24 constitutes less than twenty-five percent (25%) of the total number of property
25 owners, the proposed L.I.D. shall not be formed if the City has received written
26 protest signed by the owners of the property within the proposed L.I.D. subject to
more than fifty percent (50%) of the total cost of the improvement.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 10 -**

1 7. Properties within proposed L.I.D. 8644 would be specially benefited by the
2 proposed improvements and the boundaries proposed for the L.I.D. are proper and only include
3 those properties that would be specially benefited by the proposed improvement.
4

5 8. Any Finding of Fact hereinbefore stated which may be deemed to be a Conclusion
6 of Law herein is hereby adopted as such.

7 From these Conclusions of Law is entered this:

8
9 **RECOMMENDATION:**

10 Based on applicable Tacoma City Council policies with respect to formation of local
11 improvement districts, the Hearing Examiner recommends the formation of Local
12 Improvement District No. 8644.

13 **DATED** this 30th day of April, 2008.

14 
15 _____
16 **RODNEY M. KERSLAKE, Hearing Examiner**

17
18
19
20
21
22
23
24
25
26 **FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 11 -**



INITIAL

RESOLUTION NO. 37424

L.I.D. No. 8644

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That it is the intention of the City Council to order the local improvement described below and to pay the cost of such improvement by imposing and collecting special assessments upon the real property that will receive special benefit from the improvements.

That the improvement shall consist of permanent alley pavement.

That the real property to be benefited by the improvement and which will constitute Local Improvement District No. 8644, is described as follows:

The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less (Segment 1);

The alley between North 8th Street and North 9th Street from Adams Street to Proctor Street (Segment 2);

The alley between "L" Street and "M" Street, from South 17th Street to South 19th Street (Segment 3);

The alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th Street (Segment 4); and

The alley between Martin Luther King Jr. Way and "L" Street, from South 25th Street to South 27th Street (Segment 5).

Situate in the County of Pierce, State of Washington

Actual assessments may vary from assessment estimates, so long as the assessments do not exceed the increased true and fair value the improvement adds to the property being assessed. That the Hearing Examiner of the City of Tacoma shall conduct a hearing to consider the creation of the proposed local improvement district described herein. That such hearing shall be held in the



1 City Council Chambers on the first floor in the Tacoma Municipal Building, at 747
2 Market Street, on April 14, 2008 at 5:00 p.m. That all persons who may desire to
3 object to the making of the improvement shall do so in writing and file such
4 complaint with the City Clerk before 5:00 p.m. on Monday, April 14, 2008, or
5 shall appear and present their objections at the hearing.

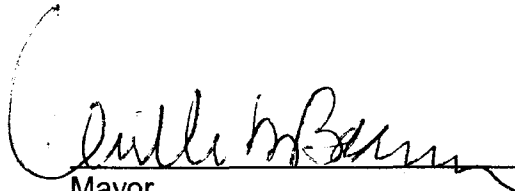
6 That the Director of the Public Works Department shall submit to the
7 Hearing Examiner, at a date prior to April 14, 2008, the estimated cost of the
8 improvement; a statement of the proportionate amount thereof which should be
9 borne by the property within the proposed local improvement district; a statement
10 of the aggregate actual value of the real estate, including 25 percent of the
11 actual value of the improvements thereon, within the district according to the
12 valuation last placed upon it for the purpose of general taxation; a statement, in
13 detail, of the local improvement assessments outstanding and unpaid against the
14 property within the district, together with a diagram or print showing the lots,
15 tracts, and parcels of land which will be specially benefited by the improvement;
16 and the estimated amount of the cost and expense of the improvement to be
17 borne by each parcel of property.
18
19
20
21
22
23
24
25
26



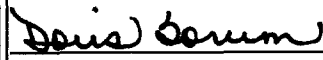
1 BE IT FURTHER RESOLVED that the City Clerk shall publish this
2 resolution in the official newspaper of the City of Tacoma, as required by law.

3 BE IT FURTHER RESOLVED that the Director of the Public Works
4 Department shall give notice of the hearing, as required by law.

5 Adopted MAR 25 2008

6
7 
8 Mayor

9 Attest:

10 
11 City Clerk

12 Approved as to form:

13 
14 Assistant City Attorney

Property description approved:

15 
16 Chief Surveyor
17 Public Works Department
18
19
20
21
22
23
24
25
26



CITY CLERK USE ONLY

REQUEST FOR RECEIVED
☐ ORDINANCE ☒ RESOLUTION

2008 MAR 12 11 08:43

Request #:

Ord./Res. #:

11762
37424

1. DATE: February 26, 2008

2. SPONSORED BY: COUNCIL MEMBER(S) N/A

3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM Public Works/Construction/LID	4a. CONTACT (for questions): Ralph K. Rodriguez	PHONE: 591-5522
3b. DO PASS FROM [Committee Name] ☐ Yes ☐ No ☒ Did not go before a Committee	4b. Person Presenting: Ralph K. Rodriguez	PHONE: 591-5522
	4c. ATTORNEY: Steve Gross	PHONE: 591-5638
 Michael P. Slevin III, P.E., Interim PWD Director	 Robert K. Biles, Finance Director	 Tansy Hayward, City Manager's Office

5. REQUESTED EFFECTIVE DATE: Tuesday, March 25, 2008

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)Fixing Monday, April 14, 2008, at 5:00 p.m. as date of hearing by the Hearing Examiner for L.I.D. 8644
for permanent alley pavement on:The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less
(Segment 1).The alley between North 8th Street and North 9th Street from Adams Street to Proctor Street.
(Segment 2)The alley between "L" Street and "M" Street, from South 17th Street to South 19th Street
(Segment 3)The alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th
Street (Segment 4)The alley between Martin Luther King Jr Way and "L" Street, from South 25th Street to South
27th Street (Segment 5)7. 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?)Property owners representing a majority of the assessable frontages have signed an advisory petition for the proposed
permanent alley pavement improvements.

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

Source Documents/Backup Material

Location of Document

Assessment Maps

City Clerks Office

Advisory Petitions

City Clerks Office

9. FINANCIAL IMPACT:

A. ☐ NO IMPACT (NO FISCAL NOTE)B. ☒ YES, OVER \$100,000, Fiscal Note AttachedC. ☐ YES, UNDER \$100,000, (NO FISCAL NOTE) Provide funding source
information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
4301-Surface Water Management		\$103,350		
10-General Fund		\$697,740		
1060-Streets Special Revenue		\$138,660.35		\$939,750.35

If an expenditure, is it budgeted?

☒ Yes ☐ No

Where? Cost Center:

661600

653000

529700

Acct #: 5330100

5110000

99

CITY CLERK USE ONLY

Request #:

11762

Ord/Res #:

37424

FISCAL NOTE

Each piece of legislation that has a financial impact or creates positions authority requires a fiscal note. After preparation by departmental staff, the Budget and Research Division will review the fiscal note and make any necessary revisions before transmittal to the Legal Department for legislation preparation.

DEPARTMENT: CONTACT PERSON/PHONE: OMBA CONSULTANT/PHONE:

Public Works	Ralph Rodriguez/5522	Dwight Shiotani/5741
--------------	----------------------	----------------------

Is it currently budgeted? ☒ Yes ☐ No

Is this a grant? ☐ Yes ☒ No If Yes, ☐ Operating ☐ Capital

EXPENDITURES:

FUND NAME & NUMBER *	COST CENTER	WBS	ACCOUNT	2007-2008 EXPENDITURES
Streets Special Revenue-1060	661600	LID-8644R-EX	5330100	\$100,000
TOTAL				\$100,000

* General Fund: Include Department

Purpose:

REVENUES:

FUND NAME & NUMBER	COST CENTER	WBS	ACCOUNT	2007-2008 REVENUES
Streets Special Revenue-1060	661600	LID-8644R-FS-AD-08	6311245	\$50,000
Streets Special Revenue-1060	661600	LID-8644R-FS-AD-02	6311010	\$50,000
TOTAL				\$100,000

FUNDING SOURCE	2007	2008	2009	2010	2011	TOTAL
Streets Special Revenue - 1060					\$138,660.35	\$138,660.35
PW Surface Water Utility-4301		\$50,000	\$53,350			\$103,350
General Fund-0010		\$50,000	\$647,740			\$697,740
TOTAL		\$100,000	\$701,090		\$138,660.35	\$939,750.35

100

Resolution No. 37424

Adopted: MAR 25 2008

Maker of Motion: Manthou

Seconded: Talbert

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson	✓			
Mr. Fey	✓			
Ms. Ladenburg	✓			
Mr. Lonergan	✓			
Mr. Manthou	✓			
Ms. Strickland	✓			
Mr. Talbert	✓			
Ms. Walker	✓			
Mayor Baarsma	✓			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Fey				
Ms. Ladenburg				
Mr. Lonergan				
Mr. Manthou				
Ms. Strickland				
Mr. Talbert				
Ms. Walker				
Mayor Baarsma				



City of Tacoma
Hearing Examiner

April 30, 2008

David Wurzbach
Department of Public Works
Construction Division, L.I.D. Section
747 Market Street, Room 620
Tacoma, WA 98402
(Inter-office Delivery)

Re: Proposed Local Improvement District No. 8644 – Formation

Please find enclosed the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City Council in the above referred-to matter as a result of a hearing held on April 14, 2008.

LOUISA LEGG
Administrative Legal Secretary

Enclosure

cc: City Clerk, City of Tacoma

Liz Wheeler, Finance Department, City of Tacoma
Dan Landon, 2415 E. Ashlan, Fresno CA 93726
Mary L. McGinnis/Slaughter, 1702 South "L" Street, Tacoma WA 98405
Mary Hale, 1709 S. "M" Street, Tacoma WA 98405-3555
Lois Lopez, 2805 N. Starr Street, Tacoma WA 98403-2934
Bergitta Reese, 2002 N. 29th Street, Tacoma WA 98403-2945
Jill Haavig, 3812 N. 8th Street, Tacoma WA 98406-4916
Michael LaFreniere, 815 N. Proctor Street, Tacoma WA 98406-4935
Magdalene Nieves, 2522 S. Sheridan, Tacoma WA 98405-3458
John Goins, 2509 S. Cushman Ave., Tacoma WA 98405-3443
Sylvia Pelekane, 2518 S. Sheridan Ave., Tacoma WA 98405-3458
Melissa Elsing, 2539 S. "L" Street, Tacoma WA 98405-3420

1
2
3 **OFFICE OF THE HEARING EXAMINER**

4 **CITY OF TACOMA**

5
6 **In the Matter of:**

7 **PROPOSED LOCAL**
8 **IMPROVEMENT DISTRICT**
9 **NO. 8644**

10 **FINDINGS OF FACT,**
11 **CONCLUSIONS OF LAW,**
12 **AND RECOMMENDATION**

13 A public hearing on the formation of Local Improvement District No. 8644 was held on
14 April 14, 2008, and the Hearing Examiner having considered the evidence presented, reviewed
15 the file and being otherwise fully advised, makes the following:

16 **FINDINGS OF FACT:**

17 1. The Tacoma City Council adopted Resolution No. 37424 on March 25, 2008,
18 expressing the intent of the Council to construct improvements consisting of establishing a
19 grade and placing thereon a permanent pavement, together with the installation of storm drain
20 lines and storm water catch basins, where needed, on the following alleys: **Segment 1:** The
21 alley between North 28th Street and North 29th Street, from Starr Street easterly approximately
22 256 feet, more or less; **Segment 2:** The alley between North 8th Street and North 9th Street from
23 Adams Street to Proctor Street; **Segment 3:** The alley between "L" Street and "M" street, from
24 South 17th Street to South 19th Street; **Segment 4:** The alley between Sheridan Avenue and

25 **FINDINGS OF FACT,**
26 **CONCLUSIONS OF LAW, AND**
RECOMMENDATION (L.I.D. 8644) - 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

1 Cushman Avenue, from South 25th Street to South 28th Street and; **Segment 5:** The alley
2 between Martin Luther King, Jr. Way and "L" Street, from South 25th Street to South 27th
3 Street. Furthermore, it is also the intent of the City Council collect special assessments to pay
4 the costs and the expenses of such improvements upon real property specifically described
5 therein to the extent that such property would be specially benefited thereby. Resolution No.
6 37424 is incorporated herein by reference as though fully set forth. Actual assessments may
7 vary from assessment estimates, so long as the estimates do not exceed the increased true and
8 fair value the improvement adds to the property being assessed.
9

10 2. Notices of Public Hearing, for Local Improvement District No. 8644 ,were
11 published on March 27 and 28, 2008, and said notices were mailed to the affected property
12 owner(s) of record on March 28, 2008. An Affidavit of Publication has been filed with the
13 City Clerk as well as plans and estimates required by said Resolution.

14 3. Pursuant to applicable laws and the direction of the Tacoma City Council, a
15 public hearing was held on April 14 2008, to consider the formation of Local Improvement
16 District (L.I.D.) No. 8644.

17 4. The report of the Department of Public Works (hereinafter "DPW"), entered into
18 the record as Exhibit No. 1, indicates that the estimated overall project cost is \$939,750.35 and
19 that the total estimated assessed amount to property owners is \$138, 660.35 at a fixed rate of
20 \$27.00 per Assessable Unit of Frontage (AUF). The City's Environmental Services (Surface
21 Water Utility) is contributing \$103,350.00 and the General Fund (L.I.D. Participation Fund) is
22 contributing \$697.740.00. The proposed L.I.D. is a 10-year assessment roll.
23

24 Cost breakdowns for each segment within the proposed L.I.D. are summarized below:

25
26 **FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 2 -**

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

1 **Segment 1** (The alley between North 28th Street and North 29th Street,
2 **from Starr Street easterly approximately 256 feet, more or less**): The total
3 assessed to property owners is \$12,561.60, along with the City's participation
4 (L.I.D. Participation Fund) of \$60,113.00, equals an estimated segment cost of
5 \$72,674.60.

6 **Segment 2** (The alley between North 8th Street and North 9th Street, from
7 **Adams Street to Proctor Street**): The total assessed to property owners is
8 \$23,838.50, along with the City's participation (L.I.D. Participation Fund) of
9 \$203,112.00, and contributions from the City's Surface Water Utility Fund of
10 \$12,500.00, together equals an estimated segment cost of \$239,450.00.

11 **Segment 3** (The alley between "L" Street and "M" Street, from South 17th
12 **Street to South 19th Street**): The total assessed to property owners is
13 \$36,095.15, along with the City's participation (L.I.D. Participation Fund) of
14 \$157,705.00, and contributions from the City's Surface Water Utility Fund of
15 \$10,500.00, together equals an estimated segment cost of \$204,300.15. A
16 total amount of \$2,401.70 will go towards assessments costs for two owners
17 of property who have applied and been approved for the City's L.I.D.
18 Assistance Funding Program.

19 **Segment 4** (The alley between Sheridan Avenue and Cushman Avenue,
20 **from South 25th Street to South 28th Street**): The total assessed to property
21 owners is \$30,944.95, along with the City's participation (L.I.D. Participation
22 Fund) of \$130,980.00, and contributions from the City's Surface Water Utility
23 Fund of \$80,350.00, together equals an estimated segment cost of
24 \$242,274.95.

25 **Segment 5** (The alley between Martin Luther King, Jr. Way and "L"
26 **Street from South 25th Street to South 27th Street**): The total assessed to
27 property owners is \$35,220.15, along with the City's participation (L.I.D.
28 Participation Fund) of \$145,830.00, equals an estimated segment cost of
29 \$181,050.15.

30 5. Testimony by David Wurzbach, representing the DPW, establishes the following
31 with regard to all five segments:

32 **FINDINGS OF FACT,**
33 **CONCLUSIONS OF LAW, AND**
34 **RECOMMENDATION (L.I.D. 8644) - 3 -**

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

- 1 A. Between 2001 and 2002, the proposed L.I.D. was initiated as the result of
2 advisory petitions, for each segment, circulated and signed for by a majority
3 of property owners whose properties directly abut the proposed L.I.D.
4 improvements.
- 5 B. The lack of City local improvement district funding is the reason for the
6 approximately six year time span between the signing of the advisory
7 petitions and the date of the proposed L.I.D. formation hearing.
- 8 C. The City will honor the \$27.00 AUF(fixed rate) amount originally quoted to
9 the property owners in 2001-2002. However, should an owner request
10 supplemental work, those costs will be added to each parcel's assessed cost.
- 11 D. A modification to the zone and termini formula, as set forth in RCW
12 35.44.30 and .40, was used to determine the preliminary assessments for
13 each property within the proposed L.I.D. This methodology is known as a
14 "modified" zone and termini formula and is summarized below:
- 15 (1) Only those properties abutting the proposed improvement were
16 considered to be specially benefited and have been included
17 within the boundaries of the proposed L.I.D.
- 18 (2) Properties within the L.I.D. are assessed based upon square
19 footage of the property's size and depth.
- 20 E. The total estimated segment cost is comprised of the assessed construction
21 costs billed to the owner plus any City contributions and added together, all
22 five estimated segment costs equal the total estimated project cost. The City
23 will pay any construction costs exceeding the estimated cost to each
24 segment.
- 25 F. Currently, all five segments have dirt and gravel surfaces that are drivable
26 up to a width of 10 to 12 feet. Four of the segments have rights-of-way
widths of 20 feet and once construction is completed, the paved right-of-
way width will be 16 feet. Segment 2 is the only alley that has a right-of-
way width of 16 feet and after completion of the proposed improvement, it
will have a completed paved right-of-way width of 13 feet.
- G. All five segments will have structural cross-sections of materials comprising
of 5 inches of crushed surface base course (ballasts) that will be topped with
a layer of 2-1/2 inches of crushed surface top course, and have a finished top

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 4 -**

1 layer of 2 inches of asphalt concrete edged with asphalt wedged curbing to
2 channel excess surface water to the nearest storm catch basins.

- 3 H. During the design phase of construction, individual property owners within
4 each segment will have an opportunity to meet on-site with City
5 Engineering staff to discuss proposed improvement impacts and
6 supplemental work options related to the proposed alley improvement.
7 Removal or trimming of trees/hedges which may impede right-of-way
8 construction can be expected, as well as removal or modifications to
9 landscaping and landscaping structures such as fences and retaining walls.
- 10 I. Once the L.I.D. has been created through a City ordinance, the formation
11 becomes a public record which will show on each parcel's Notification of
12 Title to Owners with regard to a future financial obligation to pay any
13 remaining L.I.D. construction costs. Should an owner decide to refinance or
14 market the property for sale, both the owner and prospective buyers,
15 financial institutions and realtors will have access to such information.

16 With regard to individual segments, Mr. Wurzbach testified to the following:

17 **Segment 1 (The alley between North 28th Street and North 29th**
18 **Street, from Starr Street easterly approximately 256 feet, more**
19 **or less):** The advisory petition was signed by 70.69 percent of
20 abutting property owners. The City has received one letter of
21 support in favor of formation of this segment and the level of
22 remonstrance remains at zero percent. The DPW has not received
23 any applications for relief funds through the City's L.I.D. Assistance
24 Funding Program.

25 **Segment 2(The alley between North 8th Street and North 9th**
26 **Street, from Adams Street to Proctor Street):** The advisory
petition was signed by 70.43 percent of abutting owners and the City
has not received any applications for relief funding through the
City's L.I.D. Assistance Funding Program. The remonstrance level
remains at zero percent.

Segment 3 (The alley between "L" Street and "M" Street, from
South 17th Street to South 19th Street): The advisory petition was
signed by 55.146 percent of abutting property owners. The DPW
has received one letter of opposition against formation of this
segment which brings the remonstrance level up to 4.07 percent.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 5 -**

Two abutting property owners qualified for the City's L.I.D. Assistance Funding program. (see Finding 3) and their properties have been removed from the DPW's L.I.D. formation calculations.

Segment 4 (the alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th Street): The advisory petition was signed by 50.65 percent of abutting property owners. Since the City has not received any letters of protest with regard to this segment, the level of remonstrance remains at zero percent.

Segment 5 (The alley between Martin Luther King, Jr. Way and "L" Street from South 25th Street to South 27th Street): The advisory petition was signed by 55.00 percent of abutting property owners. Because the City has not received any protest letters with regard to this segment, the remonstrance level remains at zero percent.

6. A number of interested property owners appeared at hearing and their concerns, questions, and/or comments are summarized below along with the City's responses:

Segment 1 (The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less): Future storm drainage and actual drivable alley width concerns were voiced and questions regarding where the new locations of City refuse containers can be expected once the improvement is completed. In response, City staff explained engineers will address both the storm drainage and refuse container issues later during the design phase of the project. City staff further noted upon completion of the improvement, the 20-foot alley will have a paved surface of 16 feet with a drivable width between 10 to 12 feet.

Segment 2(The alley between North 8th Street and North 9th Street, from Adams Street to Proctor Street): Additionally, questions were presented with regard to the anticipated construction schedule and whether there would be a cap to construction costs, as well as concerns about the new alley right-of-way width. City staff

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 6 -**

1 answered that the rate per AUF of \$27.00 was a fixed rate and would
2 not change and construction is expected to begin in 2009.

3 **Segment 3 (The alley between "L" Street and "M" Street, from**
4 **South 17th Street to South 19th Street):** At hearing, an abutting
5 property owner signed a protest letter due to her concerns with the
6 current unkempt condition of sidewalks and streets in the area. In
addition, she felt the improvement would not result in an increase in
her property value.

7 **Segment 4 (the alley between Sheridan Avenue and Cushman**
8 **Avenue, from South 25th Street to South 28th Street):** Property
9 owners in this segment made comments concerning their desire to
10 request supplemental work not included in the proposed L.I.D., such
11 as adding new driveways and curbing, and asked about the related
12 costs. Also, concerns and questions were raised about current and
13 future traffic conditions in the area including traffic flow, speed,
14 parking, and signage. The City answered by explaining that before
15 supplemental work begins, the City will review the most current bid
16 and will base its estimated construction cost from that bid. The City
stated that the proposed improvement is a stand alone project and
that typically, installation of speed humps is not included in L.I.D.
improvements. Related traffic concerns would need to be addressed
with the City's Traffic Engineering Division after the proposed
improvement project is completed.

17 **Segment 5 (The alley between Martin Luther King, Jr. Way and**
18 **"L" Street from South 25th Street to South 27th Street):** General
19 questions were asked and answered regarding the L.I.D. formation
20 process and how individual assessments are determined. In
21 answering questions related to differences in grade between private
properties and the alleyway as it relates to storm water run-off, the
City stated that, after engineering surveys are completed, each
property owner will be consulted individually.

22 7. At the conclusion of proceedings, the remonstrance to L.I.D. formation stood at
23 7.82 percent, with regard to Segment 3, but since a property owner who signed an official
24 protest at hearing later applied and was found qualified for the City's L.I.D. Assistance

25 **FINDINGS OF FACT,**
26 **CONCLUSIONS OF LAW, AND**
RECOMMENDATION (L.I.D. 8644) - 7 -

1 Program, the remonstrance increased to 7.83 percent.¹ At the time of the issuance of these
2 Findings of Fact, Conclusions of Law, and Decision, the remonstrance level for Segments No.
3 2, 4, and 5 remains at zero percent and the remonstrance level for Segment 1 stands at 11.39
4 percent.
5

6 8. Only those properties that would be specially benefited by the proposed alley
7 improvements have been included within the boundaries of the proposed L.I.D..

8 9. The verbatim transcript in the referred-to matter is in the custody of the Hearing
9 Examiner's Office, the official file is in the custody of the City Clerk, and both are available for
10 review by the Council and any party in interest.
11

12 10. Any Conclusion of Law hereinafter stated which may be deemed to be a Finding
13 of Fact herein is hereby adopted as such.
14

15 From these Findings of Fact come the following:
16

17 **CONCLUSIONS OF LAW:**

- 18 1. The Hearing has jurisdiction in the matter. *TMC* 1.23.050.A.2.
19 2. The Department of Public Works has complied with all applicable laws with
20 respect to the formation of Local Improvement District No. 8644.
21 3. The purposes of the initial hearing in regard to formation of L.I.D.s are to
22 determine if the formation of the district should proceed and if the limits of the district are
23

24 ¹ When an applicant is approved for the City's L.I.D. Assistance Program, his/her assessment is removed from the
25 L.I.D. but in this instance, because the applicant signed a protest to the L.I.D. formation, the protest was included
26 in the remonstrance calculation.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 8 -**

1 proper. *Chandler v. City of Puyallup*, 70 Wash. 632, 633 (1912). Accordingly, the only issues
2 properly presented during the formation stage of the L.I.D. process are:

3
4 (a) The jurisdiction or authority of the city to proceed with creating the
5 district.

6 (b) The proper boundaries of the district.

7 *Underground Equality v. Seattle*, 6 Wn. App. 338, 342, 492 P.2d 1071 (1972). Issues relative
8 to the amount of special benefit resulting from the improvements proposed must await the
9 hearing in regard to the final assessments. *Underground Equality* at 342.

10 4. There has been no dispute presented in this proceeding relative to the City of
11 Tacoma's (City) authority to create the subject L.I.D..² The City's authority to create an L.I.D.
12 initiated by resolution of the local legislative body, as is the case here, is statutorily limited
13 only by the following provision:

14
15 **35.43.180 Restraint by protest.** The jurisdiction of the legislative authority
16 of a city or town to proceed with any local improvement initiated by
17 resolution shall be divested by a protest filed with the city or town council
18 within thirty days from the date of passage of the ordinance ordering the
improvement, signed by the owners of the property within the proposed local

19 ²RCW 35.43.040 provides, in pertinent part, that:

20 "...Whenever the public interest or convenience may require, the legislative authority of any city or town may
21 order the whole or any part of any local improvement including but not restricted to those, or any combination
22 thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not
23 restricted to the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees and
shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and
collect special assessments on property specially benefited thereby to pay the whole or any part of the expense
thereof, viz:

* * *

24 (1) Alley, avenues, boulevards, lanes, park drives, parkways, parking facilities, public places, public
25 squares, public streets, their grading, regarding, planking, re-planking, paving . . . (Emphasis supplied.)

26 **FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 9 -**

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

1 improvement district or utility local improvement district subject to sixty
2 percent or more of the total cost of the improvement including federally-
3 owned or other non-assessable property as shown and determined by the
4 preliminary estimates and assessment roll of the proposed improvement
5 district or, if all or part of the local improvement district or utility local
6 improvement district lies outside of the city or town, such jurisdiction shall be
7 divested by a protest filed in the same manner and signed by the owners of
8 property which is within the proposed local improvement district or utility
9 local improvement district but outside the boundaries of the city or town, and
10 which is subject to sixty percent or more of that part of the total cost of the
11 improvement allocable to property within the proposed local improvement
12 district or utility local improvement district but outside the boundaries of the
13 city or town, including federally-owned or other non-assessable property: . . .
14 (Emphasis supplied.)

15 RCW 35.43.180.

16 5. The Council, however, has further limited its authority to proceed with the
17 formation of an L.I.D. through the adoption of a formal policy of not forming such districts if
18 the protest to formation is 50 percent or greater.³

19 6. The City has the authority by statute to proceed with the formation of L.I.D. 8644
20 under RCW 35.43.180, since the protest is less than 60 percent and by its own adopted policy
21 since the protest is less than 50 percent.

22 ³ Resolution 32989, adopted April 25, 1995 provides in pertinent part as follows:

23 "2. In proposed L.I.D.s in which the number of assisted property owners
24 constitutes less than twenty-five percent (25%) of the total number of property
25 owners, the proposed L.I.D. shall not be formed if the City has received written
26 protest signed by the owners of the property within the proposed L.I.D. subject to
more than fifty percent (50%) of the total cost of the improvement.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 10 -**

1 7. Properties within proposed L.I.D. 8644 would be specially benefited by the
2 proposed improvements and the boundaries proposed for the L.I.D. are proper and only include
3 those properties that would be specially benefited by the proposed improvement.
4

5 8. Any Finding of Fact hereinbefore stated which may be deemed to be a Conclusion
6 of Law herein is hereby adopted as such.

7 From these Conclusions of Law is entered this:

8
9 **RECOMMENDATION:**

10 Based on applicable Tacoma City Council policies with respect to formation of local
11 improvement districts, the Hearing Examiner recommends the formation of Local
12 Improvement District No. 8644.

13 **DATED** this 30th day of April, 2008.

14 COPY

15 **RODNEY M. KERSLAKE, Hearing Examiner**

16
17
18
19
20
21
22
23
24
25
26 **FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 11 -**

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

1 **NOTICE**

2 **RECONSIDERATION/APPEAL OF EXAMINER'S RECOMMENDATION**

3 **RECONSIDERATION:**

4 Any aggrieved person or entity having standing under the ordinance governing the matter, or as
5 otherwise provided by law, may file a motion with the Office of the Hearing Examiner requesting
6 reconsideration of a decision or recommendation entered by the Hearing Examiner. A motion for
7 reconsideration must be in writing and must set forth the alleged errors of procedure, fact, or law and
8 must be filed in the Office of the Hearing Examiner within 14 calendar days of the issuance of the
9 Hearing Examiner's decision/recommendation, not counting the day of issuance of the
10 decision/recommendation. If the last day for filing the motion for reconsideration falls on a weekend
11 day or a holiday, the last day for filing shall be the next working day. The requirements set forth
12 herein regarding the time limits for filing of motions for reconsideration and contents of such
13 motions are jurisdictional. Accordingly, motions for reconsideration that are not timely filed with
14 the Office of the Hearing Examiner or do not set forth the alleged errors shall be dismissed by the
15 Hearing Examiner. It shall be within the sole discretion of the Examiner to determine whether an
16 opportunity shall be given to other parties for response to a motion for reconsideration. The Hearing
17 Examiner, after a review of the matter, shall take such further action as he/she deems appropriate,
18 which may include the issuance of a revised decision/recommendation. (*Tacoma Municipal Code*
19 *1.23.140*)

20 **APPEALS TO CITY COUNCIL OF EXAMINER'S RECOMMENDATION:**

21 Within 14 days of the issuance of the Hearing Examiner's final recommendation, any aggrieved
22 person or entity having standing under the ordinance governing such application and feeling that the
23 recommendation of the Hearing Examiner is based on errors of procedure, fact or law shall have the
24 right to appeal the recommendation of the Hearing Examiner by filing written notice of appeal and
25 filing fee with the City Clerk, stating the reasons the Hearing Examiner's recommendation was in
26 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.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 12 -**

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

- 1 2. Any person who desires a copy of the electronic recording must pay the cost of
2 reproducing the tapes. If a person desires a written transcript, he or she shall
3 arrange for transcription and pay the cost thereof.

4 **Notice – Reconsideration of Recommendation/Appeal-Fee**

5 7/11/00

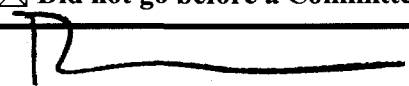
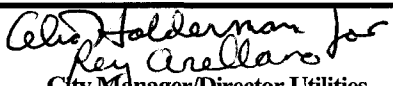
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 **FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION (L.I.D. 8644) - 13 -**

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

**REQUEST FOR**
☒ **ORDINANCE** ☐ **RESOLUTION**RECEIVED Request #:
2008 MAY 22 PM 2:51
Ord./Res. #:
CITY CLERK'S
OFFICE11850
27727

1. DATE: May 22, 2008

2. SPONSORED BY: COUNCIL MEMBER(S) N/A

3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM Hearing Examiner	4a. CONTACT (for questions): Louisa Legg	PHONE: x. 5195
3b. DO PASS FROM [Committee Name] ☐ Yes ☐ No ☒ Did not go before a Committee	4b. Person Presenting: Rodney Kerslake	PHONE: x. 5195
	4c. ATTORNEY:	PHONE:
 Department Director/Utility Division	 Budget Officer/Finance Director	 City Manager/Director Utilities

5. REQUESTED EFFECTIVE DATE: June 24, 2008

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)**L.I.D. No. 8644:** Provide for construction of permanent alley pavement, with storm drainage, on:

The alley between North 28th Street and North 29th Street, from Starr Street easterly approximately 256 feet, more or less.

The alley between North 8th Street and North 9th Street, from Adams Street to Proctor Street.

The alley between "L" Street and "M" Street, from South 17th Street to South 19th Street.

They alley between Sheridan Avenue and Cushman Avenue, from South 25th Street to South 28th Street.

The alley between Martin Luther King Jr Way and "L" Street, from South 25th Street to South 27th Street.

7. 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?)

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

Source Documents/Backup Material	Location of Document
Hearing Examiner Report and Recommendation	Attached
Departmental (DPW) Preliminary Report (Exhibit 1)	Attached
Assessment Map – Segment 1 (Exhibit 2.1)	Attached
(Larger map available for review in the Hearing Examiner's Office)	

Assessment Map – Segment 2 (Exhibit 2.2)
 (Larger map available for review in the Hearing Examiner's Office)
 Assessment Map – Segment 3 (Exhibit 2.3)
 (Larger map available for review in the Hearing Examiner's Office)
 Assessment Map – Segment 4 (Exhibit 2.4)
 (Larger map available for review in the Hearing Examiner's Office)
 Assessment Map – Segment 5 (Exhibit 2.5)
 (Larger map available for review in the Hearing Examiner's Office)

Attached

Attached

Attached

Attached

27727

9. FINANCIAL IMPACT: A. ☐ NO IMPACT (NO FISCAL NOTE)
 B. ☒ YES, OVER \$100,000, Fiscal Note Attached
 C. ☐ YES, UNDER \$100,000, (NO FISCAL NOTE) Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
4301-06 Con PW Surface Water Utility		\$103,350.00		
10 – General Fund		\$697,740.00		
1060 – Streets Special Revenue		\$138,660.35		\$939,750.35
If an expenditure, is it budgeted?	☒ Yes	☐ No	Where? Cost Center:	661600
				653000
				529800
			Acct #:	5330100
				5110100

188

Request #:

11850

Ord/Res #:

27727

FISCAL NOTE

Each piece of legislation that has a financial impact or creates positions authority requires a fiscal note. After preparation by departmental staff, the Budget and Research Division will review the fiscal note and make any necessary revisions before transmittal to the Legal Department for legislation preparation.

DEPARTMENT: **CONTACT PERSON/PHONE:** **OMBA CONSULTANT/PHONE:**

Public Works Construction/L.I.D.	Ralph K. Rodriguez/x5522	Dwight Shiotani/x5174
-------------------------------------	--------------------------	-----------------------

Is it currently budgeted? ☒ Yes ☐ No

Is this a grant? ☐ Yes ☒ No If Yes, ☐ Operating ☐ Capital

EXPENDITURES:

FUND NAME & NUMBER *	COST CENTER	WBS	ACCOUNT	2007-2008 EXPENDITURES
Streets Special Revenue-1060	661600	LID-8644R-EX	5330100	\$100,000
TOTAL				\$100,000

* General Fund: Include Department

Purpose: For the conversion of the overhead primary electrical distribution, utilities, telephone and cable-TV systems to underground.

REVENUES:

FUND NAME & NUMBER	COST CENTER	WBS	ACCOUNT	2007-2008 REVENUES
Streets Special Revenue-1060	661600	LID-8644R-FS-AD-08	6311245	\$50,000
Streets Special Revenue-1060	661600	LID-8644R-FS-AD-02	6311010	\$50,000
TOTAL				\$100,000

FUNDING SOURCE	2007	2008	2009	2010	2011	TOTAL
Streets Special Revenue-1060					\$138,660.35	\$138,660.35
PW Surface Water Utility-4301-06 Con		\$50,000	\$53,350			\$103,350
General Fund-0010		\$50,000	\$647,740			\$697,740
TOTAL		\$100,000	\$701,090		\$138,660.35	\$939,750.35

Ordinance No. 27727

First Reading of Ordinance: JUN 24 2008

Final Reading of Ordinance: JUN 24 2008

Passed: JUN 24 2008

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson	<i>J</i>			
Mr. Fey	<i>J</i>			
Ms. Ladenburg	<i>J</i>			
Mr. Lonergan	<i>J</i>			
Mr. Manthou	<i>J</i>			
Ms. Strickland	<i>J</i>			
Mr. Talbert				<i>J</i>
Ms. Walker	<i>J</i>			
Mayor Baarsma	<i>J</i>			

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Fey				
Ms. Ladenburg				
Mr. Lonergan				
Mr. Manthou				
Ms. Strickland				
Mr. Talbert				
Ms. Walker				
Mayor Baarsma				