

PRELIMINARY REPORT

PREPARED FOR THE HEARING EXAMINER BY REAL PROPERTY SERVICES

For the Hearing to be Held
Thursday, July 16, 2015 at 9:00 AM

PETITIONER: SNR NORTHWEST PROPERTIES, LLC

FILE NO. 124.1352

A. SUMMARY OF REQUEST:

Real Property Services has received a petition of Street Vacation from SNR Northwest Properties, LLC to vacate that portion of South 52nd Street lying Easterly of Trafton Street and Westerly of the Alley, as depicted on the attached map Exhibits 2 & 3. The proposed vacation of South 52nd Street is to be constructed with a single family residence. This Petition does constitute full 100% of adjoining interest in said South 52nd Street right of way.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

That portion of South 52nd Street lying within the Northeast Quarter of Section 19, Township 20 North, Range 03 East, W.M. more particularly described as follows:

Beginning at the intersection of the Easterly margin of South Trafton Street and the Northerly margin of South 52nd Street, said point being the Southwest corner of Lot 21, Block 16, in Barker's Addition to Tacoma, Washington, according to the Plat thereof recorded in Volume 7 of Plats at Page 106, in Pierce County, Washington; thence South 01°03'40" West, along the Easterly margin of South Trafton Street, a distance of 66.00 feet to the Northwest Corner of Lot 1, Block 25 of said Barker's Addition; thence South 88°55'16" East, along the north line of said Lot 1, a distance of 115.00 feet; thence North 01°03'40" East 66.00 feet to the Southeast corner of said Lot 21; thence North 88°55'16" West, along the south line of said Lot 21, a distance of 115.00 feet to the True Point of Beginning.

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 June 3, 2015 at approximately 10:00 a.m. at locations described below:

1. Placed yellow public notice sign at the Northwesterly and Southeasterly corner of the proposed vacation area.
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 plans on acquiring the vacated area for the construction of single family residences in connection with adjacent lands already under development.

E. HISTORY:

The City acquired the right of way by plat filing of Barker's Addition to Tacoma, Washington on January 25, 1905, records of Pierce County, Washington, as provided herein as Exhibit 4.

F. PHYSICAL LAND CHARACTERISTICS:

South 52nd Street is 66 feet wide and, steeply sloped and unimproved with blackberry bushes, overgrown vegetation and trees.

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. It will produce and add increase of residential homes and uses to the tax rolls;
 - b. Will provide neighborhood and community development viability to the community; and
 - c. Facilitate economic development.
2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation.
3. The vacation area is not contemplated or needed for future public use as a right of way.
4. No abutting owner, not contemplated under this development project, becomes landlocked nor will their access be impaired.
5. 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.

Map Exhibit – Exhibit 2
Aerial Map – Exhibit 3
Barker’s Addition – Exhibit 4

Tacoma Power/Click – Exhibit 5
Public Works/LID – Exhibit 6

Tacoma Fire – No Objection
Environmental Services – No Objection
Tacoma Water – No Objection
Comcast Communications – No Objection
Planning & Development Services – No Objection
Puget Sound Energy – No Objection
Pierce Transit – No Objection

PW/Traffic Engineering – No Response
Solid Waste Management – No Response
PW Engineering – No Response
Police – No Response
Community & Economic Development – No Response
CenturyLink – 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. CITY OF TACOMA/TACOMA POWER & CLICK! NETWORK

- a. Please contact Rick Van Allen at (253) 502-8076 regarding Tacoma Power's comments.
- b. Tacoma Power has no objection; however, the City of Tacoma will reserve an easement within the Ordinance over the Northerly 10 feet of the Easterly 15 feet of the vacated area for City utilities, including, but not limited to poles, down guys and anchors.

3. PUBLIC WORKS/LID

- a. Please contact Sue Simpson at (253) 591-5529 regarding LID's comments.
- b. LID has no objection; as an advisory comment however, LID provides the following comment:
 - i) The area to be vacated does have an In-Lieu of Assessment in the amount of 1,460.92 which can either be paid in connection with this vacation action or by separate payment at time of development.

Note: LID Comments are advisory only and are not conditions of the vacation.

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.



SNR Northwest Properties, LLC
STREET VACATION NO. 124.1352

SOUTH 52nd STREET east of South Trafton Street

NE 1/4 SEC. 19, T20N, R3E

NOT TO SCALE



SNR Northwest Properties, LLC

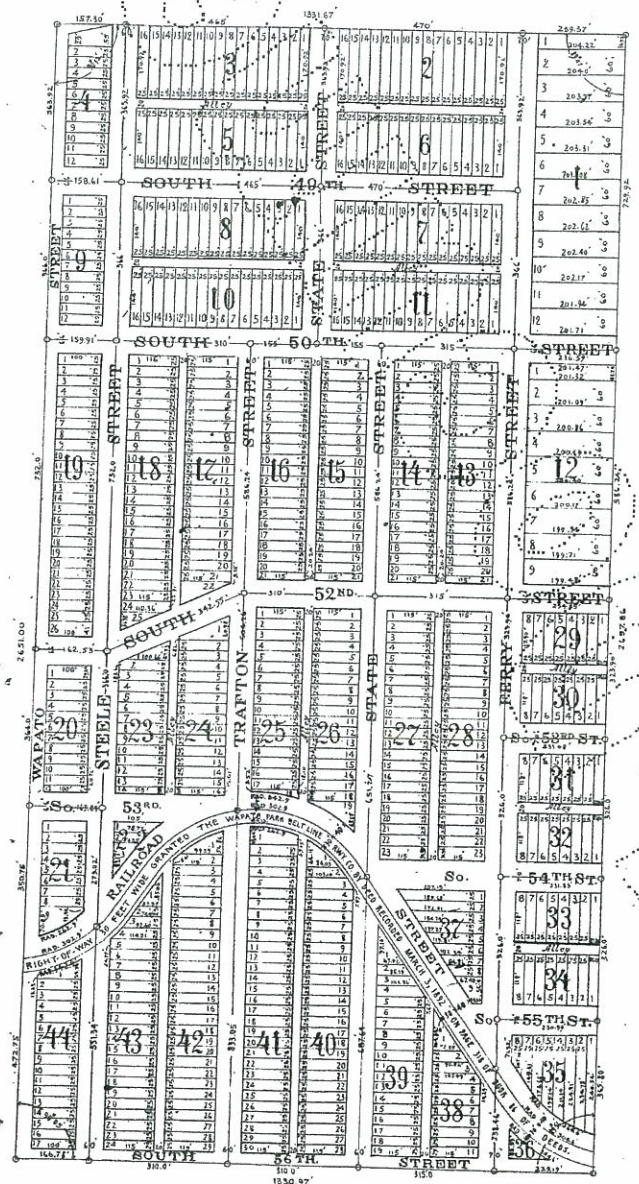
STREET VACATION NO. 124.1352

SOUTH 52nd STREET east of South Trafton Street

NE 1/4 SEC. 19, T20N, R3E

NOT TO SCALE

BARKER'S ADDITION TO TACOMA, WASHINGTON.



Delineator. Parker.

I do hereby certify that the measurements shown on the accompanying plat are correct and that stone monuments are placed at points indicated by small black circles.

L.A. Nicholson
Civil Engineer

Subscribed and sworn to before me this 10th day of Jan. A.D., 1905.

W.H. Harris

Notary Public in and for State of Washington, residing at Tacoma.



ORDINANCE # 21820
VACATING PORTIONS
OF # 2978357
ORDINANCE # 21887
VACATING PORTIONS
OF # 8104240205

This is to Certify that the TACOMA LAND AND IMPROVEMENT COMPANY a Corporation organized and existing under the laws of the State of Washington, owners of the following described property to wit: The East half of the Northeast quarter of Section 19 T.20 N. R.3E. W.M. have caused the same to be surveyed and platted according to the accompanying map and do record the same under the title of BARKER'S ADDITION TO TACOMA, WASHINGTON., and we do hereby donate and dedicate all the streets and alleys shown hereon to the public use forever.

In Witness Whereof, we do hereby set our hands and seals this 10th day of January A.D. 1905.

TACOMA LAND AND IMPROVEMENT COMPANY
By *Henry Longstreth* President.
Attest *John R. Arkley* Secretary.



State of Washington)
County of Pierce) ss.

On this 10th day of January, A.D. 1905, before me personally appeared Henry Longstreth and John R. Arkley, to me known to be the president and secretary of the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and the seal affixed is the corporate seal of said corporation.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

W. E. Bowen
Notary Public in and for County of Pierce and State of Washington, residing at Tacoma



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

ED. M. LAKIN
Treasurer, Pierce County, Washington
By *H. L. Crosby* Deputy



Recorded at the request of *W.P.M. Bride* on the 25th day of January, A.D. 1905. at 35 minutes past 3 o'clock P.M. on page 106, Vol. 7 of Record of Plats.

D. J. McNowell
Auditor Pierce County, Washington.

Indexed By *Phelps*

January 17th 1905.

Approved *Wm. Welch*
Commissioner of Public Works.

By *John Harris* Deputy

Approved *Frank S. Davis*
City Engineer.

By *J. F. Bullard* assistant.

Accepted by City Council of the City of Tacoma this 23rd day of January A.D., 1905.

Attest *L. H. Ross*
City Clerk.

Chas. Rice
President of City Council
Geo. P. Knight
Mayor.



For reference only, not for re-sale.

Cornforth, Ronda

From: Van Allen, Rick
Sent: Monday, May 04, 2015 10:49 AM
To: Cornforth, Ronda
Subject: FW: Street Vacation 124.1352 - Comments DUE May 5th
Attachments: RoW Vac S 52nd St.tif

Rick Van Allen | Tacoma Power
T&D Electrical Services - New Services Engineering
P: (253) 502-8076 | F: (253) 502-8659
<http://www.mytpu.org/tacomapower/permitting>

From: Van Allen, Rick
Sent: Wednesday, April 29, 2015 9:59 AM
To: Fletcher, Gloria; Glassy, Thad; Mounivong, Vinson; Vaughan, Stuart; Angel, Jesse
Cc: Martinson, John; Volkhardt, Greg
Subject: RE: Street Vacation 124.1352 - Comments DUE May 5th

Hi Gloria,

We currently **have plans to install** a pole, anchor and down-guy in the **NE corner of the proposed** vacation area (see attached). We **will be reserving** an easement beginning at the **NE corner of the proposed** vacation area, 15-foot west and 10-foot south **as shown on the attachment**.

Thanks, Rick
Rick Van Allen | Tacoma Power
T&D Electrical Services - New Services Engineering
P: (253) 502-8076 | F: (253) 502-8659
<http://www.mytpu.org/tacomapower/permitting>

From: Fletcher, Gloria
Sent: Friday, April 24, 2015 3:02 PM
To: Van Allen, Rick; Glassy, Thad; Mounivong, Vince; Vaughan, Stuart; Angel, Jesse
Cc: Martinson, John; Volkhardt, Greg
Subject: FW: Street Vacation 124.1352 - Comments DUE May 5th

See below **and attached and let me know** if you have any comments.

THANKS!
-Gloria

From: Cornforth, Ronda
Sent: Wednesday, April 22, 2015 8:28 AM
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 ; Stand Steven; Trohimovich, Merita
Subject: Street Vacation 124.1352 - Comments DUE May 5th

Agency Reviewer,

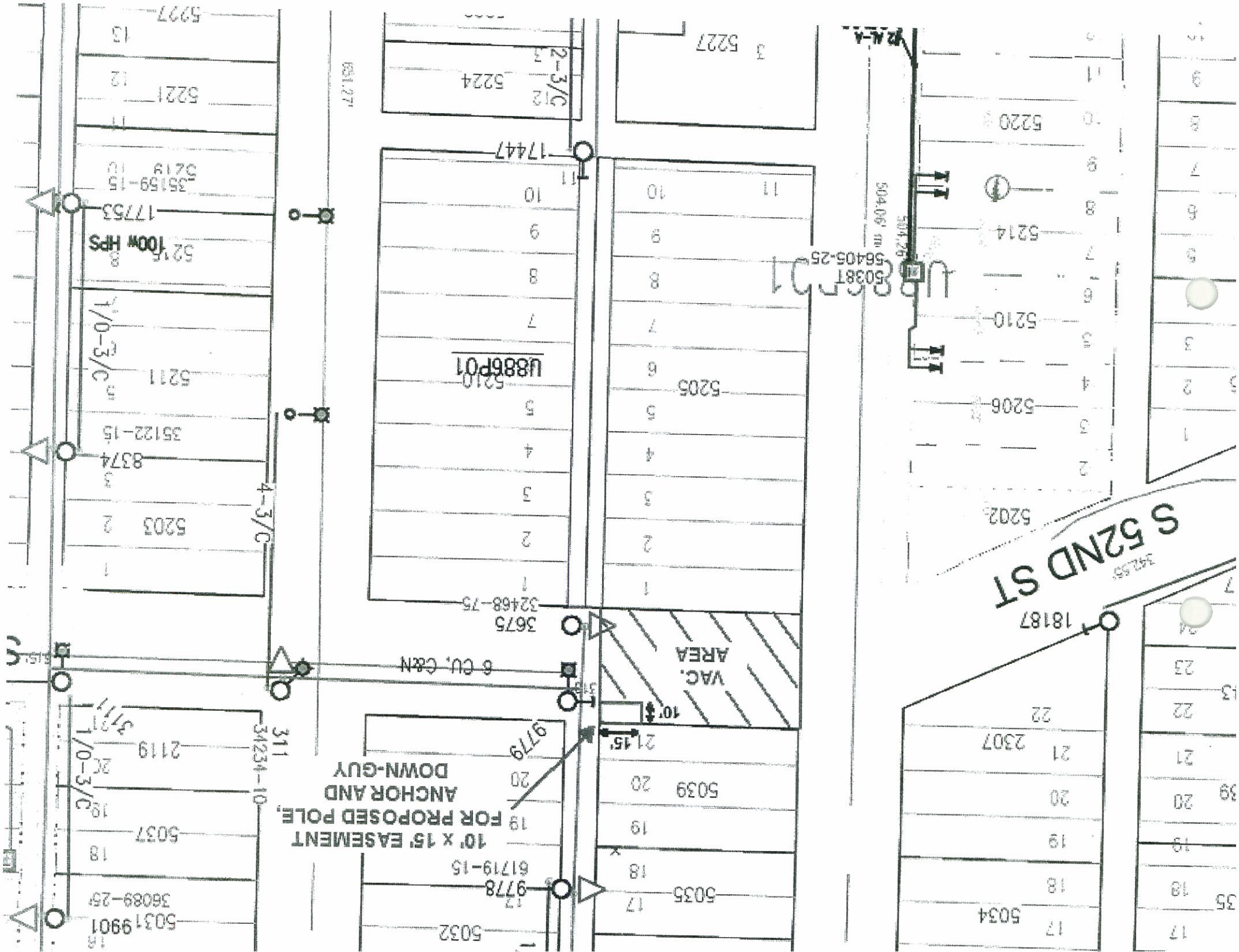
Please review the attached map exhibits for the proposed Street Vacation Petition 124.1352, as requested by SNR Northwest Properties, LLC, and provide comments for your respective utility/agency on or before MAY 5, 2015. Responses received later than May 5, 2015 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Thank you.

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

The meek shall inherit the Earth, but not its mineral rights.



10' x 15' EASEMENT FOR PROPOSED POLE

ANCHOR AND DOWN-GUY

6 CU. C&N

VAC. AREA

S 52ND ST

100W HPS

U886P01

U885P01

4-3/C

7/0-3/C

2-3/C

34234-10

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TO: ALL CONCERNED AGENCIES & DEPARTMENTS

FROM: RJ CORNFORTH
PUBLIC WORKS /REAL PROPERTY SERVICES

SUBJECT: STREET VACATION REQUEST NO. 124.1352

DATE: April 21, 2015

Real Property Services has received a petition to vacate all that portion of the South 52nd Street lying easterly of South Trafton Street and westerly of the alley for the development of residential housing.

The Petitioner proposes to add the lands to be vacated to the adjoining SNR Northwest Properties, LLC lands for such purposes.

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

Jim Simpson

Signature

PW/RPS

Department

ASSESSMENT IN LIEU FOR SANITARY
SEWER - \$1,460.12