



TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner *JHC*
Kandi Bremer, Senior Real Estate Specialist, Public Works Real Property Services Division *KB*
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 23-0414 - Street Vacation 124.1437 - May 9, 2023
DATE: April 19, 2023

SUMMARY AND PURPOSE:

An ordinance vacating a portion of undeveloped South 35th Street, west of South G Street to facilitate expansion of public-school sports fields and parking.

BACKGROUND:

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on April 6, 2023. The Vacation Area (as defined by the Hearing Examiner’s Report and Recommendation) is a portion of undeveloped South 35th Street, west of South G Street. Petitioner, Tacoma School District No. 10, requested the street vacation to facilitate expansion of school sports fields and parking. The Vacation Area is not being used currently for any right-of-way purpose, nor does the City see any future need for it as public right-of-way.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

A public hearing was held on this petition on April 6, 2023, at which members of the community could attend and speak to express their concerns, opposition, and/or support for the proposed vacation. No members of the public appeared. The Vacation will benefit the Petitioner (and the public) by aiding in the realization of the Petitioner’s plan to expand public-school sports fields and school parking.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

The primary positive impact on equity, equality, diversity, or inclusion that could result from approving this vacation would be the eventual realization of the Petitioner’s expanded public-school sports fields, which is beneficial to Tacoma School District students and members of the public that utilize Tacoma School District’s facilities.

Education: *Equity Index Score:* Moderate Opportunity

Explain how your legislation will affect the selected indicator(s).

Expanding and improving public-school facilities benefits Tacoma School District students and members that utilize public-school facilities.



ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve the vacation request under conditions different than those recommended.	Any positive impacts arising from different conditions would depend on what those conditions are.	Different conditions could require an additional hearing with different findings and conclusions than are present now to support them.
2. The Council could deny the vacation petition.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo of using the Vacation area only for utilities but not for any public traversal.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo preserving the City's mostly unused right-of-way. Utility use can be preserved.

EVALUATION AND FOLLOW UP:

The recommendation is made subject to the conditions listed in Conclusion 8 of the Hearing Examiner’s Report and Recommendation, issued on April 11, 2023. All evaluations and follow-up should be coordinated between the Petitioner and the appropriate City departments referenced in the Report and Recommendation.

STAFF/SPONSOR RECOMMENDATION:

The Hearing Examiner recommends approval of the requested vacation subject to the condition(s) contained in Conclusion 8 of the Hearing Examiner’s Report and Recommendation.

FISCAL IMPACT:

The potential fiscal impact of this street vacation is not known at this time. If the vacation is approved, a fair market appraisal or a market rate analysis for the area to be vacated will be conducted after first reading of the ordinance. The Petitioner will be required to pay the City the market value amount as a condition to the street vacation being finalized. Unlike street vacations where the adjacent owner(s) are private individuals/businesses, in which the vacated area would be added to the taxable square-footage of the abutting real property, Tacoma School District No. 10’s real property may very well be exempt from the payment of property taxes, which would negate any increase in property taxes from a vacated area.

ATTACHMENTS:

- The Hearing Examiner’s City Council Action Memorandum, dated April 19, 2023.
- The Hearing Examiner’s Report and Recommendation to the City Council, issued on April 11, 2023.
- The City Exhibit List and City Exhibits C-1 through C-16.
- The verbatim electronic recording from the hearing held on April 6, 2023.