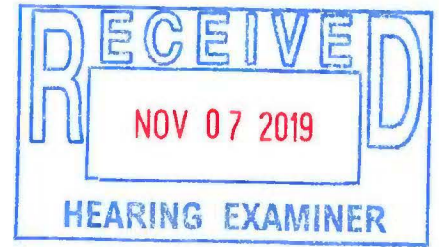


CITY WITNESS LIST

HEARING DATE: Thursday, November 7, 2019, at 1:30 p.m.

FILE NUMBER: HEX2019-025 (SV 124.1398)

FILE NAME: *John and Miyon Kautz, Petitioners*



WITNESS NAME	E	F	SUMMARY OF TESTIMONY
Jennifer Kammerzell, Engineer, Principal City of Tacoma Public Works, Traffic Programs			Explain City of Tacoma Traffic Engineering standards related to street vacation, and answer any questions from Hearing Examiner or public.
Shannon Brenner, Environmental Specialist, City of Tacoma Planning & Development Services, Land Use			Explain City of Tacoma Planning & Development Services standards related to street vacation and answer any questions from Hearing Examiner or public.
Chris Seamen, Engineer, Sr. Principal, City of Tacoma Fire, Fire Administration Bureau			Explain City of Tacoma Fire standards related to street vacation and answer any questions from Hearing Examiner or public.

E=EXPERT WITNESS; F=FACT WITNESS

ORIGINAL

CITY EXHIBIT LIST

HEARING DATE: Thursday, November 7, 2019, at 1:30 p.m.

FILE NUMBER: HEX2019-025 (SV 124.1398)

FILE NAME: *John and Miyon Kautz, Petitioners*

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
EX. C-1	Preliminary Report	City of Tacoma, Real Property Services ("COT, RPS")	X			
EX. C-2	Maps	COT, RPS	X			
EX. C-3	Plat of Supplementary Map of Tacoma	COT, RPS	X			
EX. C-4	Tacoma Public Utilities Conditions	COT, RPS	X			
EX. C-5	Tacoma ESSE Conditions	COT, RPS	X			
EX. C-6	CenturyLink Conditions	COT, RPS	X			
EX. C-7	Tacoma RPS/In-Lieu Advisory Comments	COT, RPS	X			
EX. C-8	Tacoma Traffic Engineering No Objection	COT, RPS	X			
EX. C-9	Tacoma PDS No Objection	COT, RPS	X			
EX. C-10	Tacoma Fire No Objection	COT, RPS	X			
EX. C-11	Comcast Comment – No Facilities	COT, RPS	X			
EX. C-12	Puget Sound Energy Comment – No Facilities	COT, RPS	X			
EX. C-13	Amendment to the Preliminary Report	COT, RPS	X			
EX. C-14	Map from City of Tacoma GIS showing location of prior vacations.	COT, RPS	X			

KEY

A = Admitted

E = Excluded

W = Withdrawn

CITY EXHIBIT LIST

HEARING DATE: Thursday, November 7, 2019, at 1:30 p.m.

FILE NUMBER: HEX2019-025 (SV 124.1398)

FILE NAME: *John and Miyon Kautz, Petitioners*

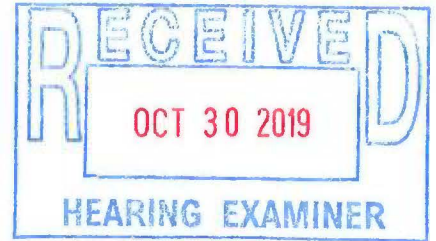
EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
EX. C-15	Ordinance No. 11710, dated June 28, 1939, vacating a portion of North Pine Street.	COT, RPS	X			
EX. C-16	Ordinance No. 22101, dated July 15, 1980, vacating a portion of North Pine Street.	COT, RPS	X			
EX. C-17	City of Tacoma Planning & Site Development Information	COT, RPS	X			
EX. C-18	Tacoma Solid Waste Conditions	COT, RPS	X			
EX. C-19	Andy & Jennifer Johnson email sent November 4, 2019, at 3:33 p.m. (Objection to Street Vacation)	COT, RPS	X			
EX. C-20	Michael & Kristin Johnson email sent November 4, 2019, at 3:07 p.m. (Objection to Street Vacation)	COT, RPS	X			
EX. C-21	Michael & Kristin Johnson email sent November 4, 2019, at 5:25 p.m. (Geotechnical Addendum to Objection to Street Vacation)	COT, RPS	X			
EX. C-22	Jessica Corddry email sent November 6, 2019, at 9:36 p.m. (Objection to Street Vacation)		X			
EX. C-23	Brien L. Downie email sent November 7, 2019, at 10:20 a.m. (Comment regarding use of North Pine.)	COT, RPS	X			
EX. C-24	Saul and Michelle Farber's Letter of Formal Opposition, dated November 5, 2019.	COT, RPS	X			Offered and admitted at hearing.
EX. C-25	Saul Farber email, dated November 8, 2019, withdrawing previously submitted letter of objection.	COT, RPS	X			Offered by email on 11/8/19 and admitted that same day (record reopened per RPS request to allow exhibit into record).

KEY

A = Admitted

E = Excluded

W = Withdrawn



PRELIMINARY REPORT

PREPARED FOR THE HEARING EXAMINER BY REAL PROPERTY SERVICES

**For the Hearing to be Held
Thursday, November 7, 2019 at 1:30 PM**

PETITIONER: JOHN & MIYON KAUTZ

FILE NO. 124.1398

A. SUMMARY OF REQUEST:

Real Property Services has received a petition to vacate the west 14 feet of North Pine Street, lying between the southerly line of North 29th Street and the eastern extension of the northerly line of North 28th Street Alley. The area is shown on the attached aerial and cadastral maps, Exhibit 2.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

A portion of the Southeast Quarter of the Southwest Quarter of Section 30, Township 21 North, Range 3 East, Willamette Meridian, Pierce County, Washington, more particularly described as follows:

The Westerly 14 feet of North Pine Street abutting Lot 1, Block 49 of Supplementary Map of Tacoma, Washington Territory, according to the plat thereof recorded in Volume 1 of Plats, page 11, records of Pierce County, Washington, lying between the southerly line of North 29th Street and the eastern extension of the northerly line of said Block 49 Alley.

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 October 4, 2019:

1. Placed yellow public notice sign at the southwest corner of the intersection of North Pine Street and North 29th Street.
2. Placed yellow public notice sign at the east end of the North 28th Street Alley where it terminates and intersects with North Pine Street.
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 300 feet of vacation request.
7. Public Notice advertised on Municipal Television Channel 12.

D. PURPOSE OF REQUEST:

The Petitioner intends to incorporate the vacated lands together with the adjoining real property acquisition pursuant for the purpose of dividing the lot into an additional parcel for development.

E. HISTORY:

The City of Tacoma acquired the street right of way proposed to be vacated by dedication, within the Plat of Supplementary Map of Tacoma W.T., filed for record on February 18, 1874 in Volume 1 of Plats, Page 11, records of Pierce County Auditor. A print of the plat is attached as Exhibit 3.

F. PHYSICAL LAND CHARACTERISTICS:

North Pine Street is a sloping 80 foot wide right of way developed with a graveled alley-width surface for vehicle travel running approximately along the center of the right of way, connecting North 29th Street with the North 28th Street Alley. This street is classified as a residential street.

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 facilitate the City's comprehensive plan supporting future development of housing.
 - b. It will support the City's strategic policy to assure outstanding stewardship of the natural and built environment.
 - c. Once the property is no longer in City ownership or control, it will return it to the Pierce County tax rolls.
 - d. Increased tax benefits: property taxes.
2. City of Tacoma Traffic Engineering / PDS - long range planning has been consulted regarding this petition and does not object to the vacation.
3. The proposed street vacation will not adversely affect future need for North Pine Street right of way as long as easements are reserved for protection, maintenance, repair and reconstruction of adjacent, existing public infrastructure within the remaining North Pine Street right of way.
4. The proposed vacate area is not contemplated or needed for future public use.
5. No abutting owner will become landlocked nor will their access be substantially impaired. The remaining right of way of North Pine Street will be 66 feet wide after the street vacation, and therefore allows any future reconstruction of North Pine Street to meet the minimum design standard of 52 feet of right of way, which provides sufficient space for utility facilities, sidewalk, curb and gutter in addition to a developed residential street. The currently improved roadway of North Pine Street, in this location a graveled alley-width surface, will not be impacted by the vacation, and will provide the same access previously available to the public.
6. The vacate area is not close to a body of water as contemplated under RCW 35.79.035, and not applicable to this action.

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. The estimated in-lieu sewer charge is \$45.48 for the vacated right of way. Should the petitioner wish to clear this item from title, please contact Lee Russell of the Public Works Department, Real Property Services, at 253-591-5529 for a calculation of the assessment amount. Please note that the ordinance establishing the

rate of assessment is updated every few years, and the amount quoted may increase in the future. When the petitioner has submitted a development plan, an in lieu of amount will be computed.

I. PROJECT RECOMMENDATIONS:

As part of the City's review process for street vacation petitions, notice of this application was mailed to various City departments as well as many outside quasi-governmental agencies. These agencies, as noted below, have provided comments and recommended conditions to the Real Property Services Division. These comments, where appropriate, have been incorporated in the "Recommended Conditions of Approval" section of this preliminary report.

Preliminary Report – Exhibit 1
Aerial Maps (2) – Exhibit 2
Plat – Supplemental Map of Tacoma, W.T. – Exhibit 3

Recommended Conditions:

- 1) RPS/Payment of Fees – No exhibit necessary
- 2) City Utility Easement:
 - a. Tacoma Public Utilities – Exhibit 4
 - b. ESSE – Exhibit 5
- 3) CenturyLink – Exhibit 6

Advisory Comments

- 4) RPS/In-Lieu – In-Lieu Assessment fee - Exhibit 7

J. RECOMMENDED CONDITIONS OF APPROVAL:

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

1. PAYMENT OF FEES

The petitioner shall compensate the City in an amount equal to the full appraised value of the area vacated. One-half of the revenue received shall be devoted to the acquisition, improvement and maintenance of public open space land and one-half may be devoted to transportation projects and /or management and maintenance of other City owned lands and unimproved rights-of-way. *TMC 9.22.010*

2. CITY EASEMENT RESERVATIONS:

Reservation of an easement over the east 5 feet of the vacation area for the City of Tacoma for the protection, maintenance, repair, construction, and replacement of existing and future above ground and underground utilities. (Exhibit 4 and Exhibit 5)

- a. Please contact Greg Muller at (253) 502-8256 regarding TPU comments related to the City easement reservation requirement.

TPU Advisory comment: Tacoma Power has O/H lines running parallel with and adjacent to the proposed vacation area and requests reservation of an easement over the easterly 5 feet of the vacation area. This will maintain ability to access the Tacoma Power infrastructure for on-going operations and maintenance, and maintain safety by avoiding conflicts with the conductors. (Exhibit 4)

- b. Please contact Rod Rossi at (253) 502-2127 regarding ESSE comments related to the City easement reservation requirement.

ESSE Advisory comment: ESSE has no objection to the vacation with the understanding that a utility easement over the east 5 feet of the vacation area will be established prior to the vacation, for the maintenance and/or repair of utility assets within the North Pine Street right of way adjacent and parallel to the proposed vacation area. (Exhibit 5)

3. CENTURYLINK

- a. Please contact Brad Baker at (425) 374-4525 regarding CenturyLink's comments.
- b. CenturyLink indicates that aerial facilities are attached to Tacoma Power poles and their rights must be protected by means of an easement, or by relocation of their facilities at the petitioner's expense. (Exhibit 6)

K. **ADVISORY COMMENTS:**

4. RPS/IN-LIEU

- a. Please contact Lee Russell at (253) 591-5277 regarding RPS's comments.
- b. RPS has no objection; however, an in-lieu of assessment sewer charge of \$45.48 is due at this time or at time of development. If the petitioner chooses to wait, the amount due may increase. (Exhibit 7)

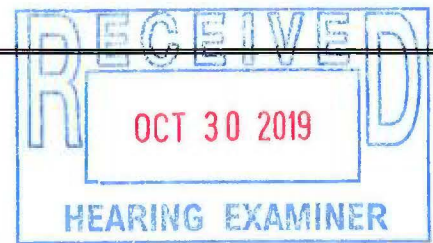
5. NO OBJECTION

- a. PW/Traffic Engineering – Exhibit 8

- b. PDS – Exhibit 9
- c. Fire – Exhibit 10
- d. Comcast – Exhibit 11
- e. Puget Sound Energy – Exhibit 12

No comment or objection was received from:
ES/Solid Waste Management.
Tacoma Police
Pierce Transit

ATTACHMENT: Vacation Jacket containing all pertinent maps and papers.



JOHN & MIYON KAUTZ
STREET VACATION NO. 124.1398
PORTION OF PINE STREET BETWEEN NORTH 29 TH STREET AND NORTH 28 TH ALLEY
SW 1/4 SEC. 30, T21N, R3E
NOT TO SCALE

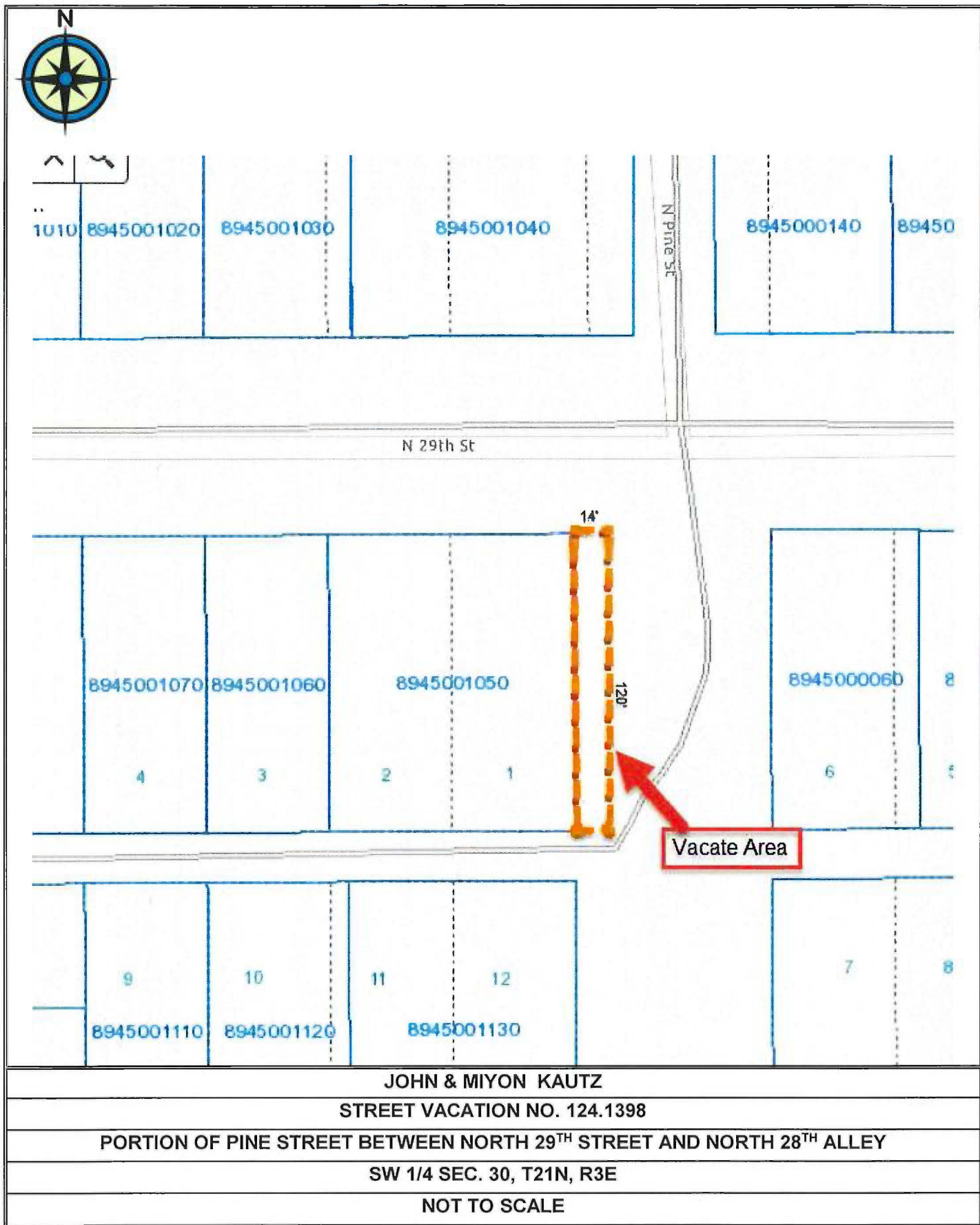
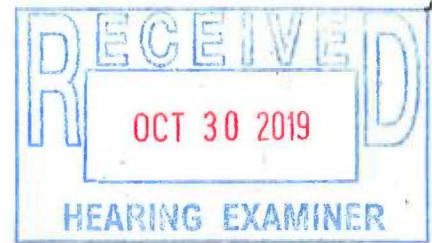


Exhibit C-2
(b)



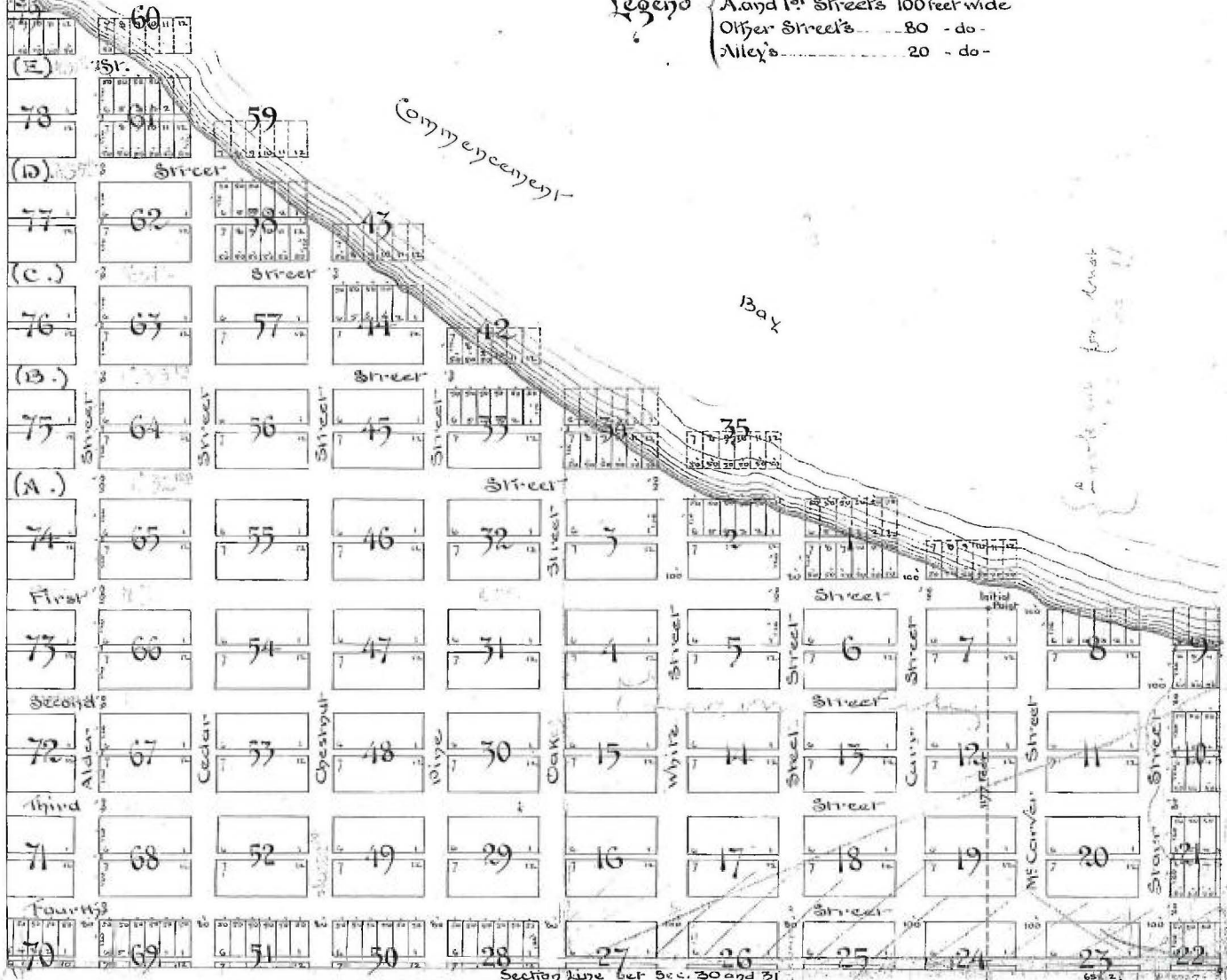
Supplementary Map of IACOMA W.T.

Book 1. Page 11.

Scale 700 ft. = 1 inch

Legend

Blocks, 260x300 feet
Lots 50x120 - do
A and 1st Streets 100 feet wide
Other Streets 80 - do
Alix's 20 - do

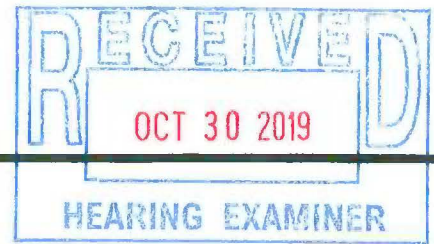


Section Map bet Sec. 30 and 31

ARCHIVE NUMBER
0040120

Exhibit C-3

Pasco, Teague



From: Muller, Gregory
Sent: Wednesday, September 25, 2019 11:51 AM
To: Pasco, Teague
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

Teague,

No easement request from Tacoma Water. Tacoma Power has O/H lines running parallel with and adjacent to the proposed vacation area and requests reservation of an easement over the easterly 5 feet – this will maintain ability to access the Tacoma Power infrastructure for on-going operations and maintenance and maintain safety by avoiding conflicts with the conductors.

Please let me know if you have any questions.

Greg Muller, Real Estate Officer
Tacoma Public Utilities
253.502.8256

From: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Sent: Thursday, September 5, 2019 1:15 PM
To: Himes, Gail <ghimes@ci.tacoma.wa.us>; Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth, Ronda <rcornforth@cityoftacoma.org>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@ci.tacoma.wa.us>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; Johnson, Christopher <cjohnso2@ci.tacoma.wa.us>; Johnson, David (PDS) <DJohnson2@ci.tacoma.wa.us>; Kammerzell, Jennifer <jkammerzell@ci.tacoma.wa.us>; Kidd, Brennan <bkidd@ci.tacoma.wa.us>; Larson, Chris <CLARSON@ci.tacoma.wa.us>; Lynett, Kristin <kristin.lynett@cityoftacoma.org>; Mary Hutton <mary.hutton@centurylink.com>; Muller, Gregory <GMuller@ci.tacoma.wa.us>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James <JPARVEY@ci.tacoma.wa.us>; Russell, Lee <LRussell@ci.tacoma.wa.us>; Seaman, Chris <cseaman@ci.tacoma.wa.us>; Site Development <SiteDevelopment@ci.tacoma.wa.us>; Stringer, Shawn <SStringe@ci.tacoma.wa.us>; Tina Vaslet <tvaslet@piercettransit.org>; Torres, Andrew <ATORRES@ci.tacoma.wa.us>; Trohimovich, Merita <MPollard@ci.tacoma.wa.us>
Cc: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Subject: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz
Importance: High

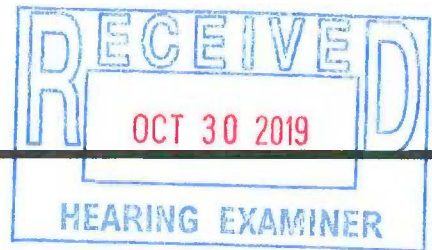
Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1398 and provide comments for your respective utility/agency **on or before September 26, 2018**. Responses received later than September 26, 2018 risk **NOT** being incorporated into the vacation action.

Note, due to non-responsive departments/contacts we are paring down the contact distribution list to only those directly relevant to the vacation process. Please let me know if you'd voluntarily like to be removed from the distribution list, or if the request for comment should be sent to another person at your agency.

Exhibit C-4

Pasco, Teague



From: Rossi, Rod
Sent: Tuesday, October 29, 2019 8:10 AM
To: Pasco, Teague
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

You're welcome.....It looks like are assets run parallel to the requested vacation and are approx. 20' from the existing PL. We would like a 20' easement so if we grant the 14' vacation we can make do with the same 5' that power has requested.

Rod Rossi, PMP
City of Tacoma, Environmental Services
Science & Engineering Division
326 East D Street
Tacoma, WA 98421
253.502.2127

From: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Sent: Tuesday, October 29, 2019 8:03 AM
To: Rossi, Rod <rrossi@ci.tacoma.wa.us>
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

Hi Rod,

Thank you for turning it around so fast. Do you know how much of the vacated area should be subject to the access easement for maintenance? Tacoma Power asked for the east 5 ft. of the 14' vacation strip.

From: Rossi, Rod <rrossi@ci.tacoma.wa.us>
Sent: Monday, October 28, 2019 4:36 PM
To: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

ES response attached

Rod Rossi, PMP
City of Tacoma, Environmental Services
Science & Engineering Division
326 East D Street
Tacoma, WA 98421
253.502.2127

From: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Sent: Monday, October 28, 2019 3:48 PM
To: Rossi, Rod <rrossi@ci.tacoma.wa.us>
Subject: FW: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz
Importance: High

**Exhibit C-5 -
(a)**

RE: Street Vacation Request # 124.1402

Environmental Services has no objections to the vacation with the understanding that utility easements will need to be established prior to the vacation.

Environmental Services has assets 6260523 (10" WW segment) & 6296830 8" SW segment) running parallel to the proposed vacation. If utility easements are established for the maintenance and/or repair of the assets parallel to the proposed vacation Environmental Services has no objections.



TO: ALL CONCERNED AGENCIES & DEPARTMENTS

FROM: TEAGUE PASCO
PUBLIC WORKS /REAL PROPERTY SERVICES

SUBJECT: STREET VACATION REQUEST NO. 124.1398

DATE: September 4, 2019

Real Property Services has received a petition to vacate the east 14 feet of Pine Street right of way between the south boundary of N. 28th Street right of way and the eastern extension of the north boundary of the North 29th Alley right of way.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, by September 26, 2019**. 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

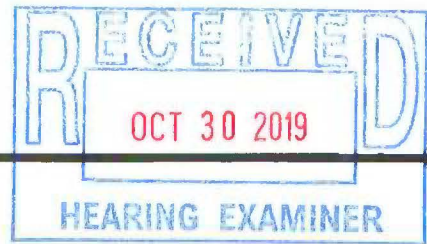
10/08/19 Date

[Signature] Signature

ES S & E Department

If you have questions, please contact Teague Pasco at (253) 591-5570 or tpasco@cityoftacoma.org

Pasco, Teague



From: Baker, Brad <Brad.Baker@centurylink.com>
Sent: Monday, September 9, 2019 4:43 PM
To: Pasco, Teague
Subject: P820298 N 29 St & N Pine St, Tacoma/ proposed Street Vacation Petition 124.1398

Hi Teague, CenturyLink does object to this proposed vacation, see the comment highlighted below. Let me know if you have any questions. Thanks.

Brad Baker
Faulk & Foster | CenturyLink
Network Infrastructure Services
11108 Chennault Beach Rd
Mukilteo WA 98275
NEW cell: 425.374.4525
brad.baker@centurylink.com

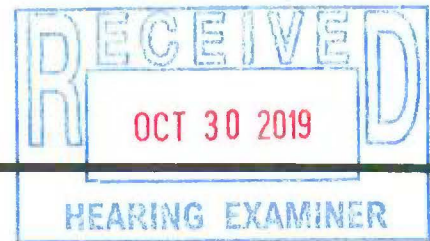
From: Bair, Rob
Sent: Monday, September 09, 2019 2:39 PM
To: Baker, Brad
Subject: RE: P820298 vacate request at N 29 St & N Pine St, Tacoma

Hi Brad,
This one is a concern as we do have an aerial TPU pole lead that includes power, CATV and our fiber cable. I assume the span is centered within that 14' width. I'd reject the vacate unless we can get an underground JUT trench to relocate.

View is to the east on N 29th St

Exhibit C-6

Pasco, Teague



From: Russell, Lee
Sent: Monday, October 28, 2019 3:10 PM
To: Pasco, Teague
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

Teague,

Regarding the portion of vacated right of way, the In-lieu sewer assessment that will be owed is \$45.48.

Thanks

Lee Russell

Real Estate Specialist
City of Tacoma Real Property Services
747 Market St. Rm 737
Tacoma, Wa 98402
lrussell@cityoftacoma.org
Ph. 253-591-5277

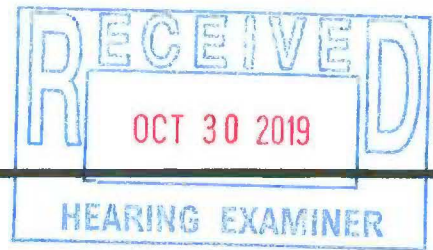
From: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Sent: Thursday, September 5, 2019 1:15 PM
To: Himes, Gail <ghimes@ci.tacoma.wa.us>; Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth, Ronda <rcornforth@cityoftacoma.org>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@ci.tacoma.wa.us>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; Johnson, Christopher <cjohnso2@ci.tacoma.wa.us>; Johnson, David (PDS) <DJohnson2@ci.tacoma.wa.us>; Kammerzell, Jennifer <jkammerzell@ci.tacoma.wa.us>; Kidd, Brennan <bkidd@ci.tacoma.wa.us>; Larson, Chris <CLARSON@ci.tacoma.wa.us>; Lynett, Kristin <kristin.lynett@cityoftacoma.org>; Mary Hutton <mary.hutton@centurylink.com>; Muller, Gregory <GMuller@ci.tacoma.wa.us>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James <JPARVEY@ci.tacoma.wa.us>; Russell, Lee <LRussell@ci.tacoma.wa.us>; Seaman, Chris <cseaman@ci.tacoma.wa.us>; Site Development <SiteDevelopment@ci.tacoma.wa.us>; Stringer, Shawn <SStringe@ci.tacoma.wa.us>; Tina Vaslet <tvaslet@piercettransit.org>; Torres, Andrew <ATORRES@ci.tacoma.wa.us>; Trohimovich, Merita <MPollard@ci.tacoma.wa.us>
Cc: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Subject: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz
Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1398 and provide comments for your respective utility/agency **on or before September 26, 2018**. Responses received later than September 26, 2018 risk **NOT** being incorporated into the vacation action.

Exhibit C-7

Pasco, Teague



From: Kammerzell, Jennifer
Sent: Thursday, September 26, 2019 5:12 PM
To: Pasco, Teague
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

Traffic Engineering has no objections.

Jennifer Kammerzell

Principal Engineer
City of Tacoma - Public Works Dept.

voice: 253.591.5511
jkammerzell@cityoftacoma.org
www.cityoftacoma.org

From: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Sent: Thursday, September 5, 2019 1:15 PM
To: Himes, Gail <ghimes@ci.tacoma.wa.us>; Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth, Ronda <rcornforth@cityoftacoma.org>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@ci.tacoma.wa.us>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; Johnson, Christopher <cjohnso2@ci.tacoma.wa.us>; Johnson, David (PDS) <DJohnson2@ci.tacoma.wa.us>; Kammerzell, Jennifer <jkammerzell@ci.tacoma.wa.us>; Kidd, Brennan <bkidd@ci.tacoma.wa.us>; Larson, Chris <CLARSON@ci.tacoma.wa.us>; Lynett, Kristin <kristin.lynett@cityoftacoma.org>; Mary Hutton <mary.hutton@centurylink.com>; Muller, Gregory <GMuller@ci.tacoma.wa.us>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James <JPARVEY@ci.tacoma.wa.us>; Russell, Lee <LRussell@ci.tacoma.wa.us>; Seaman, Chris <cseaman@ci.tacoma.wa.us>; Site Development <SiteDevelopment@ci.tacoma.wa.us>; Stringer, Shawn <SStringe@ci.tacoma.wa.us>; Tina Vaslet <tvaslet@piercettransit.org>; Torres, Andrew <ATORRES@ci.tacoma.wa.us>; Trohimovich, Merita <MPollard@ci.tacoma.wa.us>
Cc: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Subject: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz
Importance: High

Agency Reviewer,

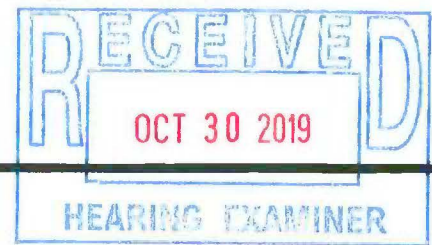
Please review the attached map exhibits for the proposed Street Vacation Petition 124.1398 and provide comments for your respective utility/agency **on or before September 26, 2018**. Responses received later than September 26, 2018 risk **NOT** being incorporated into the vacation action.

Note, due to non-responsive departments/contacts we are paring down the contact distribution list to only those directly relevant to the vacation process. Please let me know if you'd voluntarily like to be removed from the distribution list, or if the request for comment should be sent to another person at your agency.

Please also note that pursuant to RCW 35.79.030 conditions of the vacation are limited to that which are directly associated to the bounds of the vacated right of way and do not subject the vacation to actions beyond the limits of the

Exhibit C-8

Pasco, Teague



From: Barnett, Elliott
Sent: Tuesday, October 29, 2019 10:03 AM
To: Pasco, Teague
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

Hi Teague,
Got your vm. I have no objections to this street vacation. I had emailed a while back...

Elliott Barnett, Senior Planner
747 Market Street, Room 345
Tacoma, WA 98402
(253) 591-5389
www.cityoftacoma.org/planning

From: Barnett, Elliott
Sent: Thursday, September 5, 2019 1:30 PM
To: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

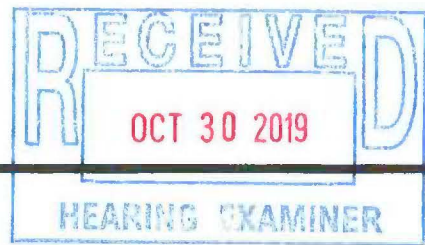
Hi Teague,
Speaking for PDS Long Range Planning, I have no objections to this vacation request.

Elliott Barnett, Senior Planner
747 Market Street, Room 345
Tacoma, WA 98402
(253) 591-5389
www.cityoftacoma.org/planning

From: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Sent: Thursday, September 5, 2019 1:15 PM
To: Himes, Gail <ghimes@ci.tacoma.wa.us>; Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth, Ronda <rcornforth@cityoftacoma.org>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@ci.tacoma.wa.us>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; Johnson, Christopher <cjohnso2@ci.tacoma.wa.us>; Johnson, David (PDS) <DJohnson2@ci.tacoma.wa.us>; Kammerzell, Jennifer <jkammerzell@ci.tacoma.wa.us>; Kidd, Brennan <bkidd@ci.tacoma.wa.us>; Larson, Chris <CLARSON@ci.tacoma.wa.us>; Lynett, Kristin <kristin.lynett@cityoftacoma.org>; Mary Hutton <mary.hutton@centurylink.com>; Muller, Gregory <GMuller@ci.tacoma.wa.us>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James <JPARVEY@ci.tacoma.wa.us>; Russell, Lee <LRussell@ci.tacoma.wa.us>; Seaman, Chris <cseaman@ci.tacoma.wa.us>; Site Development <SiteDevelopment@ci.tacoma.wa.us>; Stringer, Shawn <SStringe@ci.tacoma.wa.us>; Tina Vaslet <tvaslet@piercetransit.org>; Torres, Andrew <ATORRES@ci.tacoma.wa.us>; Trohimovich, Merita <MPollard@ci.tacoma.wa.us>
Cc: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Subject: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz
Importance: High

Exhibit C-9

Pasco, Teague



From: Seaman, Chris
Sent: Friday, September 6, 2019 4:02 PM
To: Pasco, Teague
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

Teague,

Tacoma Fire does not have any objections to the vacation.

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



From: Pasco, Teague
Sent: Thursday, September 05, 2019 1:15 PM
To: Himes, Gail; Atkinson, Chris; Atkinson, Stephen; Barnett, Elliott; Boudet, Brian; Brock, Stephanie; Cantrel, Aaron; CenturyLink; Cornforth, Ronda; Erickson, Ryan; Fletcher, Gloria; Holt, Megan (megan.holt@pse.com); Johnson, Christopher; Johnson, David (PDS); Kammerzell, Jennifer; Kidd, Brennan; Larson, Chris; Lynett, Kristin; Mary Hutton; Muller, Gregory; Newton, Corey; Parvey, James; Russell, Lee; Seaman, Chris; Site Development; Stringer, Shawn; Tina Vaslet; Torres, Andrew; Trohimovich, Merita
Cc: Pasco, Teague
Subject: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz
Importance: High

Agency Reviewer,

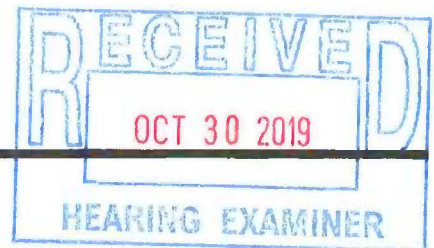
Please review the attached map exhibits for the proposed Street Vacation Petition 124.1398 and provide comments for your respective utility/agency **on or before September 26, 2018**. Responses received later than September 26, 2018 risk **NOT** being incorporated into the vacation action.

Note, due to non-responsive departments/contacts we are paring down the contact distribution list to only those directly relevant to the vacation process. Please let me know if you'd voluntarily like to be removed from the distribution list, or if the request for comment should be sent to another person at your agency.

Please also note that pursuant to RCW 35.79.030 conditions of the vacation are limited to that which are directly associated to the bounds of the vacated right of way and do not subject the vacation to actions beyond the limits of the request. Accordingly, please refrain from commenting on any future development conditions that are not relative to the vacation action and apply said conditions to any actual development permitting that may follow. If deemed necessary, a representative from your respective utility may be required to attend the public hearing to present the perceived merits of any conditions you've placed. Please check in with me just before start of the hearing. The Public Hearings are held in the City Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street,

Exhibit C-10

Pasco, Teague



From: Cantrel, Aaron R <Aaron_Cantrel@comcast.com>
Sent: Monday, September 9, 2019 8:03 AM
To: Pasco, Teague
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz
Attachments: Comcast Comments 124.1398.doc

Comcast comments attached.

From: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Sent: Thursday, September 05, 2019 1:15 PM
To: Himes, Gail <ghimes@ci.tacoma.wa.us>; Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron R <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth, Ronda <rcornforth@cityoftacoma.org>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@ci.tacoma.wa.us>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; Johnson, Christopher <cjohnso2@ci.tacoma.wa.us>; Johnson, David (PDS) <DJohnson2@ci.tacoma.wa.us>; Kammerzell, Jennifer <jkammerzell@ci.tacoma.wa.us>; Kidd, Brennan <bkidd@ci.tacoma.wa.us>; Larson, Chris <CLARSON@ci.tacoma.wa.us>; Lynett, Kristin <kristin.lynett@cityoftacoma.org>; Mary Hutton <mary.hutton@centurylink.com>; Muller, Gregory <GMuller@ci.tacoma.wa.us>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James <JPARVEY@ci.tacoma.wa.us>; Russell, Lee <LRussell@ci.tacoma.wa.us>; Seaman, Chris <cseaman@ci.tacoma.wa.us>; Site Development <SiteDevelopment@ci.tacoma.wa.us>; Stringer, Shawn <SStringe@ci.tacoma.wa.us>; Tina Vaslet <tvaslet@piercettransit.org>; Torres, Andrew <ATORRES@ci.tacoma.wa.us>; Trohimovich, Merita <MPollard@ci.tacoma.wa.us>
Cc: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Subject: [EXTERNAL] Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz
Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1398 and provide comments for your respective utility/agency **on or before September 26, 2018**. Responses received later than September 26, 2018 risk **NOT** being incorporated into the vacation action.

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**Exhibit C-11 -
(a)**



TO: ALL CONCERNED AGENCIES & DEPARTMENTS

**FROM: TEAGUE PASCO
PUBLIC WORKS /REAL PROPERTY SERVICES**

SUBJECT: STREET VACATION REQUEST NO. 124.1398

DATE: September 4, 2019

Real Property Services has received a petition to vacate the east 14 feet of Pine Street right of way between the south boundary of N. 28th Street right of way and the eastern extension of the north boundary of the North 29th Alley right of way.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, by September 26, 2019**. 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

 X No Objections

 X Comments Attached

 9/9/19 Date

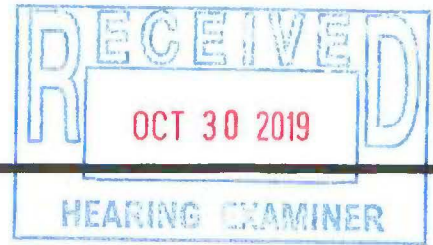
 Aaron Cantrell Signature

 Planning & Design Department

- Comcast has no facilities within this Vacation area

If you have questions, please contact Teague Pasco at (253) 591-5570 or tpasco@cityoftacoma.org

Pasco, Teague



From: Holt, Megan <megan.holt@pse.com>
Sent: Tuesday, September 24, 2019 11:12 AM
To: Pasco, Teague
Subject: RE: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz

Hi Teague,

I have reviewed the vacate request and PSE does not maintain any gas facilities within the proposed vacate area bordering N. Pine St. and N. 29th St. & N 28th alley.

Thank you

Megan Holt SR/WA

Sr. Real Estate Representative

Puget Sound Energy, Inc.

253-476-6417 (O) | 253-495-1427 (C)

From: Pasco, Teague [mailto:tpasco@ci.tacoma.wa.us]
Sent: Thursday, September 05, 2019 1:15 PM
To: Himes, Gail; Atkinson, Chris; Atkinson, Stephen; Barnett, Elliott; Boudet, Brian; Brock, Stephanie; Cantrel, Aaron; CenturyLink; Cornforth, Ronda; Erickson, Ryan; Fletcher, Gloria; Holt, Megan; Johnson, Christopher; Johnson, David (PDS); Kammerzell, Jennifer; Kidd, Brennan; Larson, Chris; Lynett, Kristin; Mary Hutton; Muller, Gregory; Newton, Corey; Parvey, James; Russell, Lee; Seaman, Chris; Site Development; Stringer, Shawn; Tina Vaslet; Torres, Andrew; Trohimovich, Merita
Cc: Pasco, Teague
Subject: Street Vacation 124.1398 - Comments DUE September 26, 2018 - John & Mihon Kautz
Importance: High

CAUTION: This email originated from outside of the organization. Exercise extra caution when responding, opening attachments, and clicking links.

Agency Reviewer,

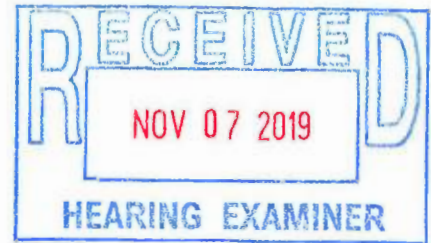
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Exhibit C-12

**AMENDMENT
TO THE
PRELIMINARY REPORT**



**Prepared for the Hearing Examiner
By the Real Property Services Division
To Be Held on
THURSDAY, NOVEMBER 7, 2019, AT 1:30 P.M.**

**PETITIONER: JOHN & MIYON KAUTZ
FILE NO. 124.1398**

A. SUMMARY OF REQUEST:

Real Property Services has received a petition to vacate the west 14 feet of North Pine Street, lying between the southerly line of North 29th Street and the eastern extension of the northerly line of North 28th Street Alley.

B. AMENDMENTS & ADDITIONAL EXHIBITS:

Amendment to Preliminary Report; HISTORY; Paragraph E.

Additional Exhibits: Information regarding prior vacations of North Pine Street right of way, which are consistent with the current vacation application.

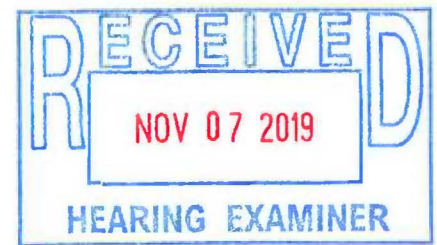
1. Map from City of Tacoma GIS showing location of prior vacations (Exhibit 14)
2. Ordinance No. 11710 dated June 28, 1939 vacated North Pine Street from the alley between North 29th and North 30th Streets, to North 30th Street. (Exhibit 15)
3. Ordinance No. 22101 dated July 15, 1980 vacating the west 25 feet and the east 22 feet of that portion of North Pine Street lying between Lot 7, Block 30 and Lot 12, Block 48, Supplementary Map of Tacoma, W.T. (Exhibit 16)

Amendment to Preliminary Report; PHYSICAL LAND CHARACTERISTICS; Paragraph F.

Additional Exhibit: City of Tacoma Planning and Site Development provided information regarding characteristics of the proposed vacation area and surrounding property, and its relation to standards of review under Tacoma Municipal Code Section 13.11 governing Critical Areas; Biodiversity Areas; and Geologically Hazardous Areas. (Exhibit 17)

ORIGINAL

EX. C-13



Amendment to Preliminary Report; RECOMMENDED CONDITIONS OF APPROVAL; Paragraph J; subparagraph 2 CITY EASEMENT RESERVATIONS, new subsection (c) "Tacoma Solid Waste"

After submission of the preliminary report, Tacoma Solid Waste requested reservation of an easement on the south 5 feet of the west 9 feet and the south 15 feet of the east 5 feet of the area to be vacated, for access and use by Solid Waste collection vehicles and employees. (Exhibit 18)

Amendment to Preliminary Report; PUBLIC COMMENTS; New Paragraph L.

Comments received from residents within 300-Foot Notification Area:

1. Andy & Jennifer Johnson email sent November 4, 2019 at 3:33 p.m. (Objection to Street Vacation) (Exhibit 19)
2. Michael & Kristin Johnson email sent November 4, 2019 at 3:07 p.m. (Objection to Street Vacation) (Exhibit 20)
3. Michael & Kristin Johnson email sent November 4, 2019 at 5:24 p.m. (Geotechnical Addendum to Objection to Street Vacation) (Exhibit 21)

C. DEPARTMENTAL RECOMMENDATIONS ON ADDITIONS TO ORIGINAL REPORT:

Real Property Services requests the Hearing Examiner to accept this Amendment to the Preliminary Report as Exhibit 13, and amend Preliminary Report Paragraphs as follows to add the underlined text:

E. HISTORY:

The City of Tacoma acquired the street right of way proposed to be vacated by dedication, within the Plat of Supplementary Map of Tacoma W.T., filed for record on February 18, 1874 in Volume 1 of Plats, Page 11, records of Pierce County Auditor. A print of the plat is attached as Exhibit 3.

Prior vacations of North Pine Street right of way exist, which are consistent with the current vacation application:

1. Map from City of Tacoma GIS showing location of prior vacations (Exhibit 14)

ORIGINAL

Exhibit C-13

2. Ordinance No. 11710 dated June 28, 1939 vacated North Pine Street from the alley between North 29th and North 30th Streets, to North 30th Street. (Exhibit 15)

3. Ordinance No. 22101 dated July 15, 1980 vacating the west 25 feet and the east 22 feet of that portion of North Pine Street lying between Lot 7, Block 30 and Lot 12, Block 48, Supplementary Map of Tacoma, W.T. (Exhibit 16)

F. PHYSICAL LAND CHARACTERISTICS:

North Pine Street is a sloping 80 foot wide right of way developed with a graveled alley-width surface for vehicle travel running approximately along the center of the right of way, connecting North 29th Street with the North 28th Street Alley. This street is classified as a residential street.

City of Tacoma Planning and Site Development provided information regarding characteristics of the proposed vacation area and surrounding property, and its relation to standards of review under Tacoma Municipal Code Section 13.11 governing Critical Areas; Biodiversity Areas; and Geologically Hazardous Areas. (Exhibit 17)

...

J. RECOMMENDED CONDITIONS OF APPROVAL

2. CITY EASEMENT RESERVATIONS:

Reservation of an easement over the east 5 feet of the vacation area for the City of Tacoma for the protection, maintenance, repair, construction, and replacement of existing and future above ground and underground utilities. (Exhibit 4 and Exhibit 5)

a. Please contact Greg Muller at (253) 502-8256 regarding TPU comments related to the City easement reservation requirement.

TPU Advisory comment: Tacoma Power has O/H lines running parallel with and adjacent to the proposed vacation area and requests reservation of an easement over the easterly 5 feet of the vacation area. This will maintain ability to access the Tacoma Power infrastructure for on-going operations and maintenance, and maintain safety by avoiding conflicts with the conductors. (Exhibit 4)

b. Please contact Rod Rossi at (253) 502-2127 regarding ESSE comments related to the City easement reservation requirement.

ESSE Advisory comment: ESSE has no objection to the vacation with the understanding that a utility easement over the east 5 feet of the vacation area will be established prior to the vacation, for the maintenance and/or repair of utility assets within the North Pine Street right of way adjacent and parallel to the proposed vacation area. (Exhibit 5)

c. Tacoma Solid Waste. Please contact Lyle Hauenstein at (253) 594-7843 regarding Solid Waste requirements related to the City easement reservation requirement.

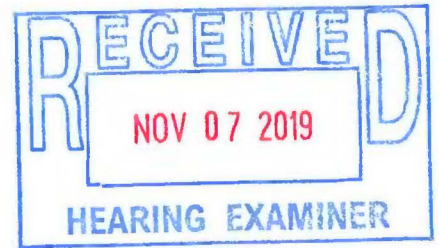
Additional (Solid Waste) Easement Requirement: Tacoma Solid Waste has no objection to the vacation with the understanding that an access easement, over the south 5 feet of the west 9 feet, and the south 15 feet of the east 5 feet, of the vacation area will be established prior to the vacation. This easement will be for use by Solid Waste vehicles and personnel. No fences or structures will be permitted within the easement area. (Exhibit 18)

...

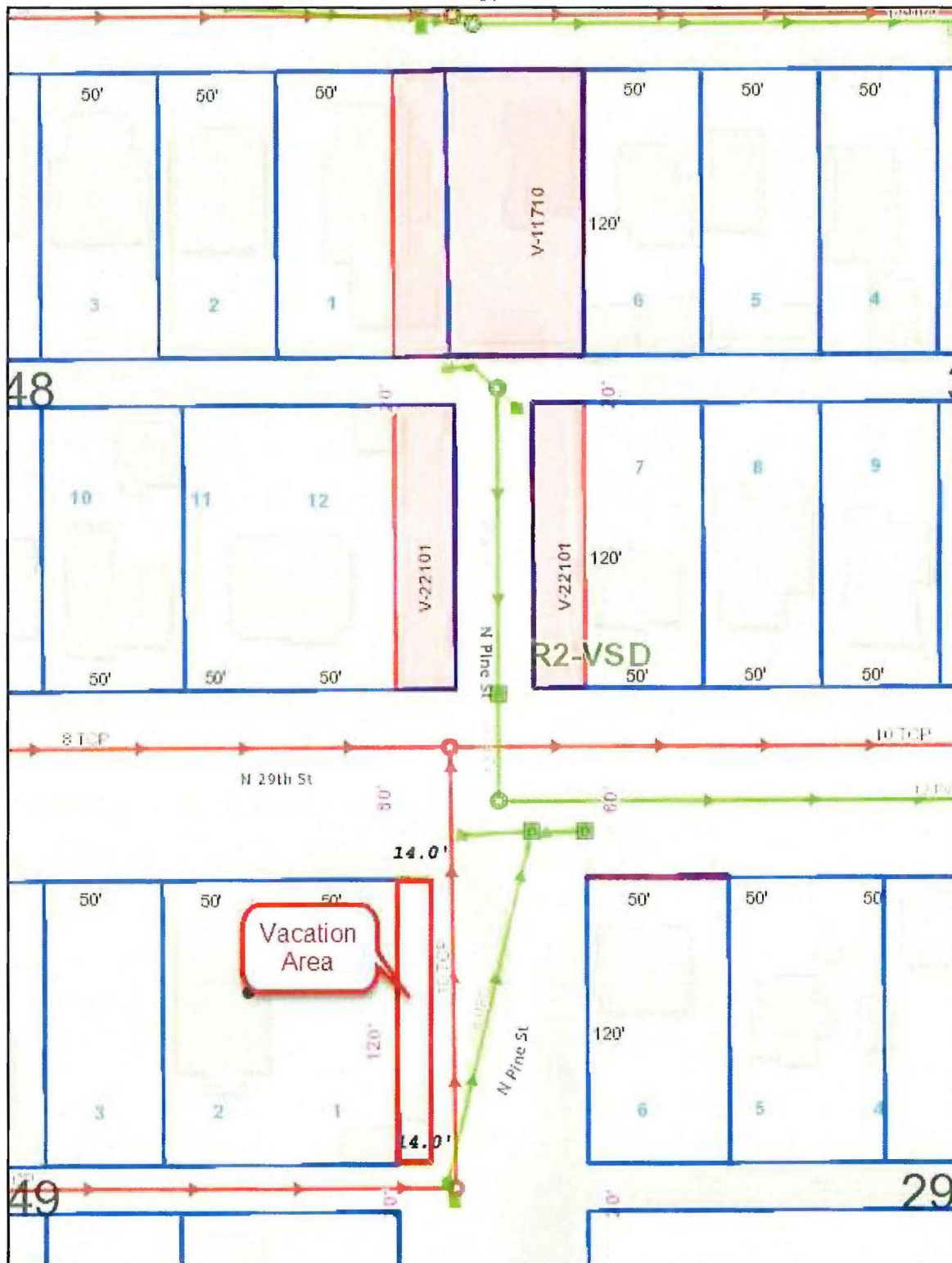
L. PUBLIC COMMENTS:

Comments received from residents within 300-Foot Notification Area:

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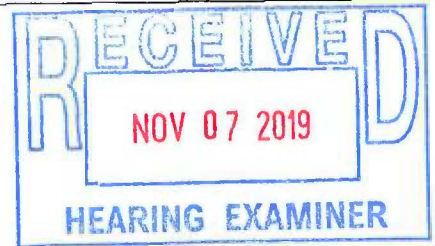
Street Vacation 124.1398
Map of Consistent Prior Vacations
N ^



ORIGINAL

Exhibit C-14

ORDINANCE NO. 11710



BY BERGERSEN:

An ordinance to vacate North Pine Street from the alley between North 29th and 30th Streets to North 30th Street.

WHEREAS, the owners of more than two-thirds of the property abutting upon the portion of the street herein described, did, on the 6th day of March, 1939, petition the Council of the City of Tacoma to vacate said portion of said street; and

WHEREAS, upon the filing and presentation of said petition the Council of said City did by resolution fix Monday, the 12th day of June, 1939, at ten o'clock A.M. as the time, and the Council Chamber in the City Hall in the City of Tacoma, Washington, as the place, when and where said petition would be heard and determined, said time being not less than twenty days nor more than sixty days after the adoption of said resolution; and

WHEREAS, on the adoption of said resolution the City Clerk of said City duly gave twenty (20) days' notice of the pendency of said petition by written notice set up in three of the most public places of said City, and a like notice in a conspicuous place on the portion of said street to be vacated, which notice contained a description of the portion of said street to be vacated, and also contained a statement of the time and place fixed for the hearing of said petition; and

WHEREAS, at the time and place fixed the said petition was duly heard, and there being no objections thereto the said Council duly determined to grant said petition to vacate that portion of North Pine Street herein set forth; and

ORIGINAL

Exhibit C-15

ORD. 11710

011710-1

WHEREAS, all steps and proceedings required by law and by resolution of the Council to vacate said portion of said street have been duly taken and carried out; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF TACOMA:

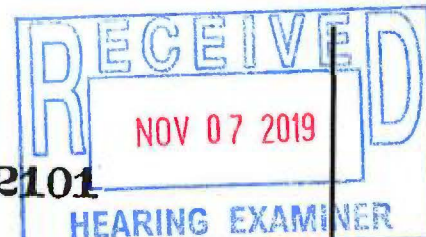
Section 1. That North Pine Street from the alley between North 29th and 30th Streets to North 30th Street be and the same is hereby vacated and the land so vacated is hereby surrendered and attached to the lots bordering thereon respectively, as a part thereof, and all right or title of the City of Tacoma and of the public in and to the portion of said street so vacated shall and does hereby vest in the owners of said lots bordering thereon, as provided by Section 9299, Remington's Revised Statutes of Washington.

Passed JUN 28 1939

W. A. Davison
Acting Mayor

Attest *Edna Melsnes*
Deputy City Clerk

V-11710



ORDINANCE NO. 22101

AN ORDINANCE vacating the west 25 feet and the east 22 feet of that portion of North Pine Street lying between Lot 7, Block 30, and Lot 12, Block 48, SUPPLEMENTARY MAP OF TACOMA, W.T., as recorded February 18, 1874, in Volume 1 of Plats at Page 11, Records of the Pierce County Auditor, retaining and reserving therein an easement for the construction, repair and maintenance of public utilities and services.

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

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the west 25 feet and the east 22 feet of that portion of North Pine Street lying between Lot 7, Block 30, and Lot 12, Block 48, SUPPLEMENTARY MAP OF TACOMA, W.T., as recorded February 18, 1874, in Volume 1 of Plats at Page 11, Records of the Pierce County Auditor, be and the same is hereby vacated, and the land so vacated be and is hereby surrendered and attached to the lots bordering thereon, respectively, as a part thereof, and all right or title of said City of Tacoma and the public in and to the portion of said streets so vacated shall and does hereby vest in the owners of said property abutting thereon, all in the manner provided by law; provided however, that there is hereby retained and reserved, pursuant to statutes of the State of Washington, the following easement, to wit:

An easement in favor of the City of Tacoma over the

ORIGINAL

Exhibit C-16



1 east 10 feet of the west 25 feet of the area for the erection,
2 operation and maintenance of power poles, lines and related
3 facilities, together with the perpetual right and privilege to
4 enter upon each and every part of the property hereinabove
5 reserved at any time and with all necessary men, materials,
6 appliances and equipment, for the purpose of constructing,
7 reconstructing, inspecting, operating, repairing or maintain-
8 ing said power lines.

9
10 Passed JUL 15 1980

11
12 MIKE PARKER
Mayor

13 Attest CATHERINE URSICH
14 Acting City Clerk

15 Location: Portions of North Pine Street from North 29th Street
to the alley between North 29th and 30th Streets.
16 Petitioners: John Sack and Kenneth Gross
Vacation Request #124.666

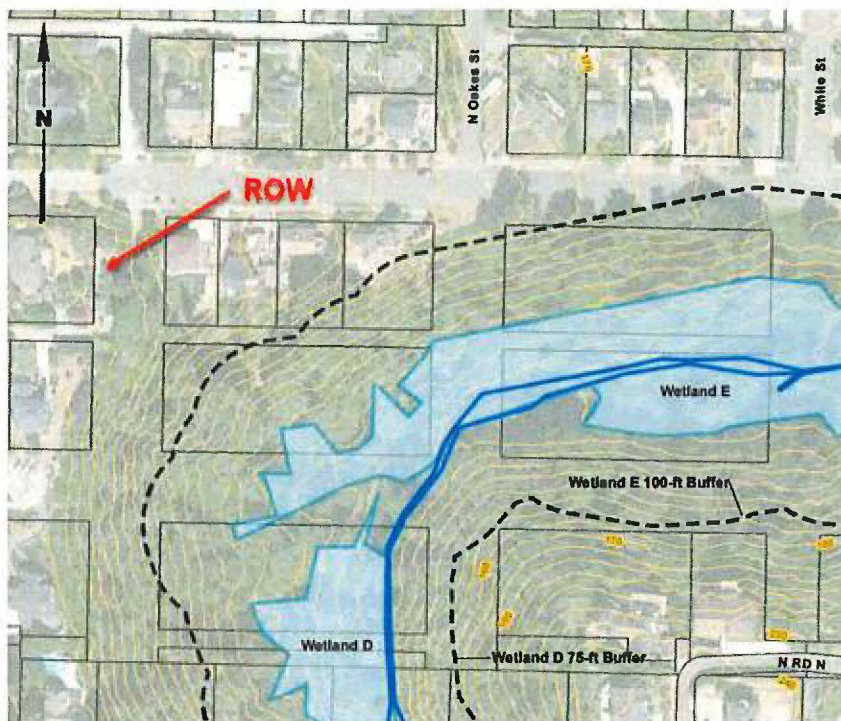
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Pasco, Teague

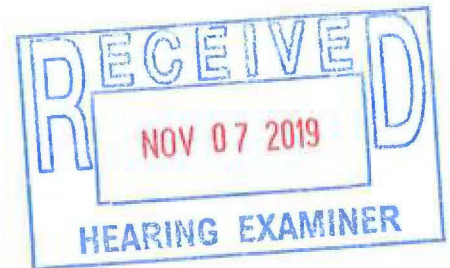
From: Brenner, Shannon
Sent: Tuesday, November 5, 2019 11:02 AM
To: Pasco, Teague
Subject: RE: Geotechnical Addendum: Objection to Street Vacation 124.1398 - portion of N. Pine adjacent to 2904 N. 29th St.

All Critical Areas are defined and regulated under TMC 13.11. Improvements in an area identified to be a critical area or critical area buffer/geo-setback must meet the requirements of TMC 13.11 which require avoidance of impacts as the first measure.

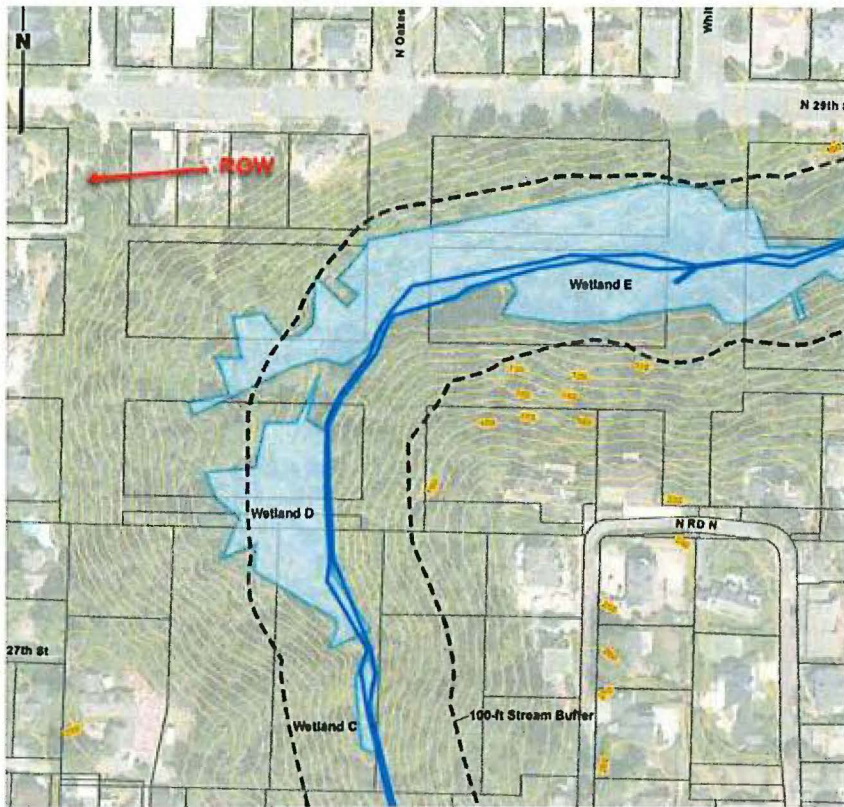
The 200-foot wetland buffer depicted on the map is not accurate. The most recent information that the City has for the wetland is that this is a Category II wetland that would require a 100-foot buffer. Please note that the maps provided by Mr. Johnson and the City maps depicting the location of the wetland are not surveyed and only provide the general location; however, the 100-foot buffer would end a sufficient distance from the unimproved ROW. The stream buffer also does not extend into the unimproved ROW.



Wetland Buffer



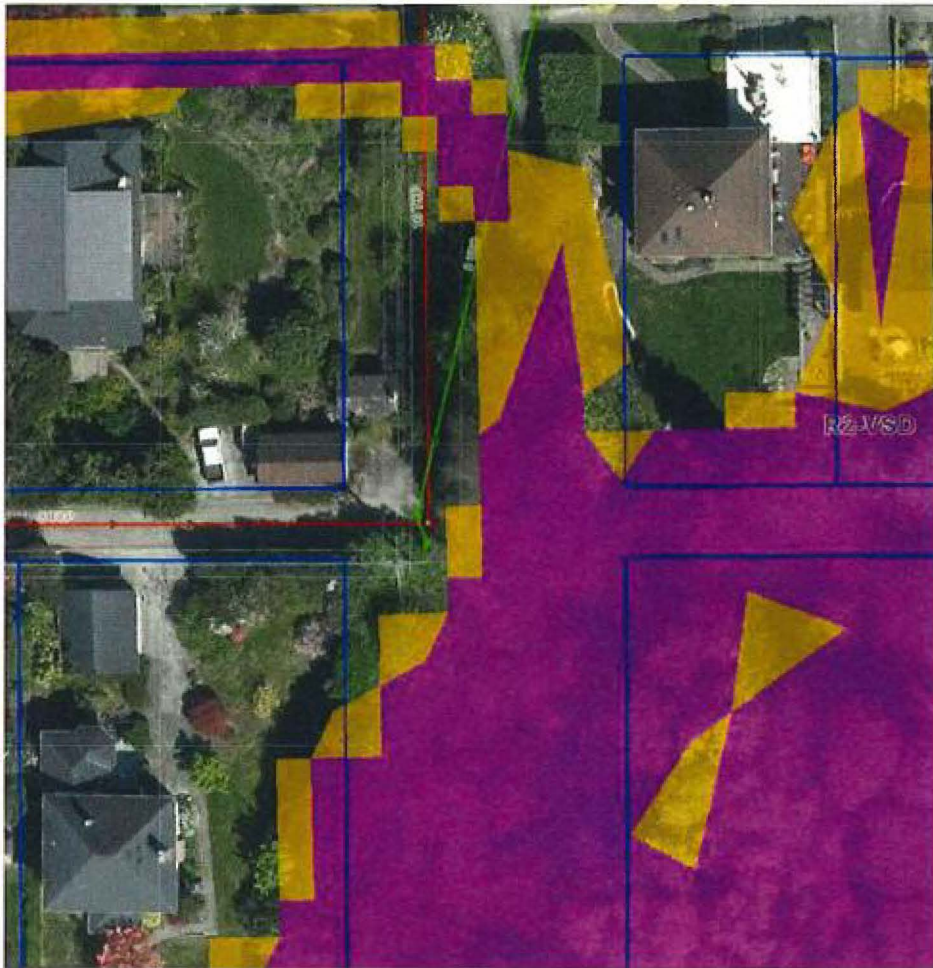
ORIGINAL



Stream Buffer

Buckley Gulch is also designated as a Biodiversity Area. The extent of the Biodiversity Area may extend into the unimproved ROW but would not include landscaped yards. The 14-foot area that is proposed for vacation includes an outbuilding and landscaping and would not be considered a Biodiversity Area.

Geologically Hazardous Areas are defined in TMC 13.11. City maps depict the general location of areas with slopes that may require additional review under TMC 13.11. TMC 13.11 also requires a minimum 50-foot geo-setback from the edge of the Geologically Hazardous Area. That geo-setback may be reduced based on an investigation and assessment by a licensed Geo-Engineer or other qualified professional. The 14-foot area proposed for vacation includes Geological Hazardous Areas in the northern extent adjacent to N 29th Street. The remaining area proposed for vacation is not shown to contain Geologically Hazardous Areas. Areas outside of the 14-feet to the south and east do contain Geologically Hazardous Areas.



Areas in yellow and purple are potential Geologically Hazardous Areas

The vacation of public streets and roads or conversion of public right of way do not trigger environmental review. Future improvements of the ROW may trigger NEPA (National Emergency Policy Act) review, review for compliance with TMC 13.11, and the State Environmental Policy Act (SEPA) review, unless the action is categorically exempt. Avoidance and minimization of impacts is always the first measure and then adequate mitigation must be provided for impacts that cannot be avoided.

Shannon Brenner

Environmental Specialist-Biologist I Critical Areas
City of Tacoma Planning and Development (PDS)
sbrenner@cityoftacoma.org P: 253.591.5482

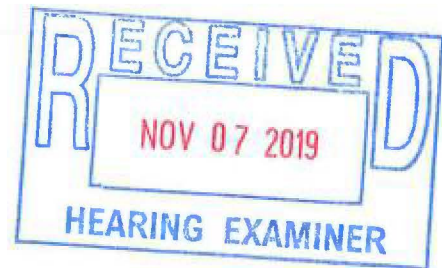
**We work with the community to plan and permit a safe, sustainable, livable city.
Take our survey!**

From: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Sent: Tuesday, November 5, 2019 7:56 AM

From: [Hauenstein, Lyle](#)
To: [Pasco, Teague](#)
Subject: RE: Street Vacation - 2904 N 29th (alley and Pine St)
Date: Wednesday, November 6, 2019 4:05:07 PM

Teague,
I agree this is what we will need.

From: Pasco, Teague <tpasco@ci.tacoma.wa.us>
Sent: Wednesday, November 6, 2019 2:09 PM
To: Hauenstein, Lyle <lhauenstein@ci.tacoma.wa.us>
Subject: Street Vacation - 2904 N 29th (alley and Pine St)



Hi Lyle,

As we discussed, please send me an email confirming that the easement we discussed, the south 5 feet plus the east 5 feet of the vacation area will work for vehicle access for Solid Waste. I sketched it out below on GIS – I was thinking that for vehicle access we might want to limit the east 5 feet to 15 feet or so going North, since that area will have to be paved and no fences or structures will be allowed. The TPU access easement won't be as restrictive.



Teague Pasco, Esq.
Sr. Real Estate Specialist
City of Tacoma, Public Works

ORIGINAL

Exhibit C-18

From: [Andy Johnson](#)
To: [Pasco, Teague](#)
Cc: [jjohnson4@rocketmail.com](#); [kristin.lee.johnson@gmail.com](#); "Michael Johnson"; [thefarbers@gmail.com](#)
Subject: Street Vacation Application 124.1398
Date: Monday, November 4, 2019 3:33:32 PM

Dear Ms. Pasco:

Pursuant to RCW 35.79.020, we hereby submit a written objection to the Street Vacation 124.1398 – portion of Pine Street adjacent to 2904 N 29th Street.

Our Primary Concerns:

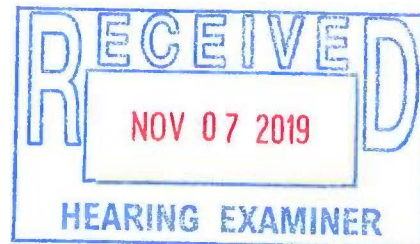
- 1 Ability for fire, aid and police to access homes.
- 2 Ability for refuse to service homes.
- 3 Impact on wild life living in adjacent gulch
- 4 Safety of existing street due to overgrowth of applicants existing property

Thank you for your help on this matter.

Best

Andy & Jennifer Johnson
2915 N 28th St
Tacoma, WA 98407

253.606.2020

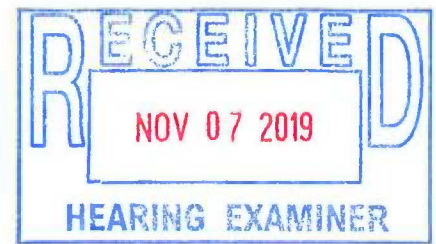


Andy Johnson
Hydraulic Industries Inc.
andy@hydraulic-industries.com

ORIGINAL

Exhibit C-19

From: [Michael Johnson](#)
To: [Pasco, Teague](#)
Cc: [thefarbers@gmail.com](#); [andy@hydraulic-industries.com](#); [kristin.lee.johnson@gmail.com](#)
Subject: RCW 35.79.020 - Written Objection to Street Vacation 124.1398 - portion of N. Pine adjacent to 2904 N. 29th St.
Date: Monday, November 4, 2019 3:07:17 PM
Importance: High



Dear Ms. Pasco:

Pursuant to RCW 35.79.020, we hereby submit a written objection to the Street Vacation 124.1398 – portion of Pine Street adjacent to 2904 N 29th Street. Since our property and one other property abuts the proposed vacation, and per RCW 35.79.020 “...*PROVIDED, that fifty percent of the abutting property owners file a written objection to the proposed vacation with the clerk, prior to the time of the hearing, the city shall be prohibited from proceeding with the resolution.*” As the owner of 2905 N. 28th street, our property is one of two abutting the proposed vacation. It seems clear the City *shall be* prohibited from proceeding with the resolution on this basis. We have arranged to retain counsel to assist if further clarification is needed.

The basis of our objection is as follows:

There is a steep slope (>50% grade) to the south and east of the proposed vacation. Vacating the portion of Pine Street in its current form would make it impossible for Garbage and Emergency vehicles to access the alley – their historical route. The street would need to be widened the equivalent of the 14' to the south, encroaching on the slope, extending the impervious surface for stormwater and also encroaching on the Buckley Gulch riparian area – and almost certainly within the 200' wetland buffer. It is also notable that this portion of Pine Street has become unpassable at times due to the property owner's practices. We have had to remove downed trees, trim branches and on one occasion restore the road surface after flooding. The occlusion and poor visibility has created attractive nuisance and we believe contributed to three occasions of theft and one of significant vandalism. The application to vacate is something of a wake-up call to existing unacceptable conditions.

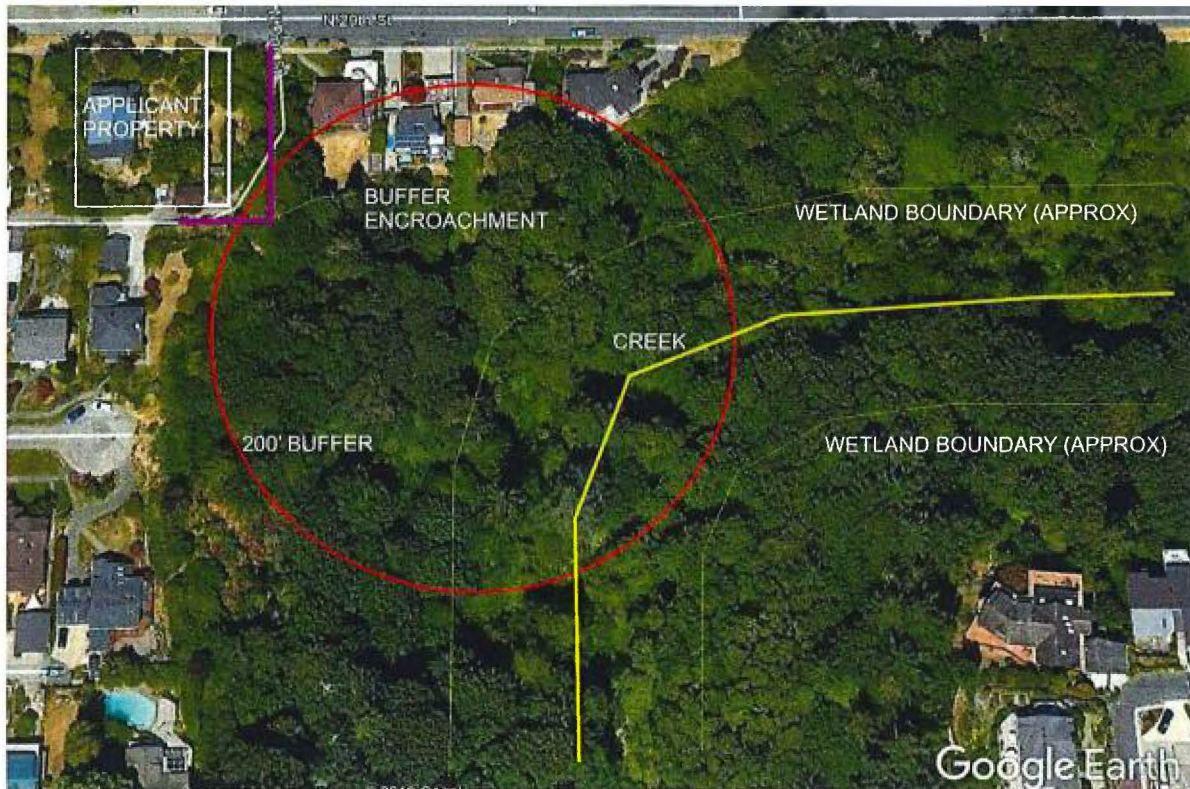
Such a vacation would require that:

1. Pine Street must be widened at the SW corner to accommodate garbage trucks and emergency vehicles without crossing onto the vacated portion.
2. A geotechnical assessment of the expanded area to ensure safety and erosion protection for garbage trucks and emergency vehicles must be included with any current or future application.
3. An environmental impact assessment for any adverse effect to the Buckley Gulch riparian area and wetland buffer with any current or future application.
4. Geotechnical and structural assessment of road construction, and appropriate structural measures implemented to prevent further erosion.
5. Concrete paving of the expanded area of the alley must be affected to match the existing public conveyance.
6. Stormwater construction is needed to accommodate a 100-year storm. Alley tributary area is nearly two blocks. Winter 2018 storm events have flooded both alley and Pine Street causing severe erosion that I was compelled to repair personally.
7. Clearing the public right-of-way to the edge of the vacated property, especially at the base of the intersection of 29th and Pine Streets. I have, along with City of Tacoma Solid Waste Crews, kept the road open. We require the City or property owner maintain the right-of-way to a satisfactory width for public safety.
8. Easement must be provided for maintenance of public sewers and power lines; it makes no sense to vacate under high voltage regional service.

Any expansion of Pine Street to the east or south will likely fall into the Buckley Gulch riparian zone. Attached is an aerial photo with an estimated location of wetland boundary and potential impact to the Buckley Gulch riparian area. You will see that any expansion of Pine Street to the South or East will result in potential encroachment on the wetland buffer. This wetland is home to eagles, great horned owls, barred and other owls, harrier, a variety of hawks, heron, deer, coyote, racoon, fox, skunk, rabbit, and many other species. Pine Street must be extended to the east or south to accommodate the garbage and emergency vehicles – but as you can see, either direction could easily affect to 200' buffer. The slope and structural considerations greatly compound the concern, as diversion of game trails create hazardous erosion conditions on the slope.

Exhibit C-20

ORIGINAL



What is not shown is the areas closest to roads are very nearly cliffs, well in excess of 50% slope in many areas. The drop from the cul-de-sac to the creek is over 150' — and structural aspects should be an important part of any consideration, and vacation should not be considered in the absence of dire necessity.

For these reasons, we respectfully request that the application be denied, and pursuant to RCW 35.79.020 the resolution be dismissed. Please advise if any further notification to the City is needed to conform with RCW 35.79.020 and City Ordinance regarding the submission of this objection. We regret any adverse impact to the applicant once the dust settles. Please feel free to call me at 844-786-7642 if you have questions or if I may be of assistance.

Sincere thanks,

Michael & Kristin Johnson
2905 N 28th Street
Tacoma, WA 98407

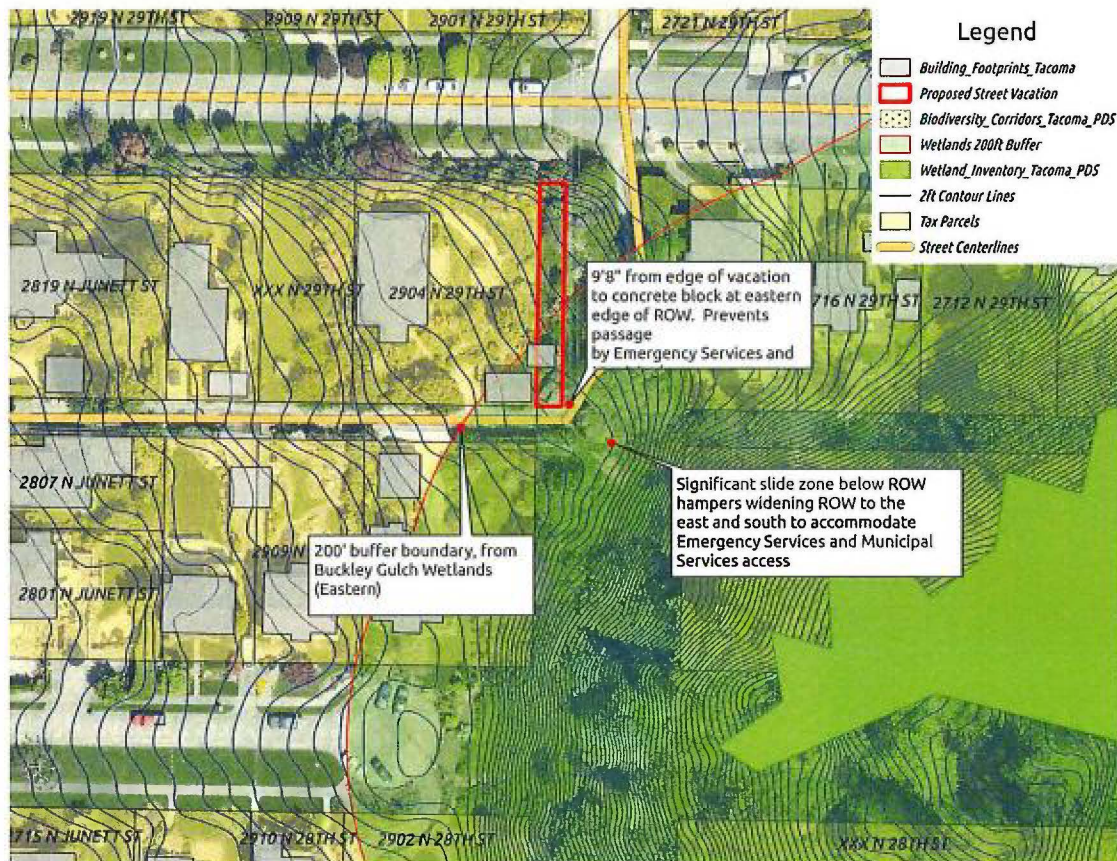
From: [Michael Johnson](#)
To: [Pasco Teague](#)
Cc: [thefarbers@gmail.com](#); [andw@hydraulic-industries.com](#); [kristin.tee.johnson@gmail.com](#)
Subject: Geotechnical Addendum: Objection to Street Vacation 124.1398 - portion of N. Pine adjacent to 2904 N. 29th St.
Date: Monday, November 4, 2019 5:25:15 PM
Attachments: [2904 N 29th - Geotechnical concern.pdf](#)
Importance: High

Dear Ms. Pasco:

To support your evaluation, a 2' contour map is provided with Tacoma PDS wetland buffer delineation for your consideration. An aerial photo cannot convey the geotechnical and environmental complexity associated with the proposed vacation of 14' of the western portion of Pine Street. We have asserted earlier that to provide adequate turning radius for emergency services and garbage collection, the alley and/or Pine Street would need to be extended east and/or south a minimum of 14' -20' to provide adequate clearance. Per the contour map, the road bed will need to be filled approximately six feet to meet grade, plus a minimum of 1% to the catch basins to achieve adequate stormwater flow to achieve the required turning radius. Capacity of stormwater conveyances is another matter.

It appears the southern portion of the subject property is within the City of Tacoma Planning and Development Services (PDS) 200' wetland buffer, suggesting an environmental impact assessment (EIA) would be appropriate for any construction occurring within the zone. Additionally, the construction cost and geotechnical engineering required to support a fire truck or garbage truck (40,000 Lbs gross wt, up to 20,000 per axle) for the 14'-20' extension will be prohibitive. The contiguous areas fall very steeply into the wetland area, increasing the potential for erosion and destabilized slope. The structure required to support such a roadway will undoubtedly disrupt known game trails and encourage erosion elsewhere.

Please inspect the intersection of 29th and White Streets (two blocks east) so you can see the complex nature of soils and geotechnical concerns for transportation infrastructure in the immediate area. The southern portion of 29th Street is slowly falling into the gulch.



Our nightmare scenario is a forest fire in the gulch. Access for emergency service vehicles is not optional, and the current condition of the roadway is not acceptable. California's current experience should inform our decision-making. The corner of Pine street and the alley is the only access for emergency services to that portion of the gulch. If vacating the site would in any way prevent a firetruck from reaching large swaths of bone-dry forest or an EMT from reaching our neighbor's kid, the City should not support the application. This is a bad idea.

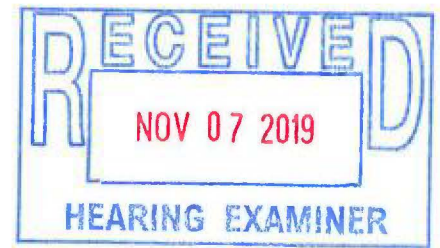
Again, the we are grateful for your thoughtful consideration on the matter.

Sincerely,

Michael & Kristin Johnson
2905 N 28th Street
Tacoma, WA 98407

ORIGINAL

Exhibit C-21



From: [Jessica Corddry](#)
To: [Pasco, Teague](#)
Subject: Street Vacation 124.1398 - portion of N. Pine adjacent to 2904 N. 29th St.
Date: Wednesday, November 6, 2019 9:36:28 PM

Dear Ms. Pasco,

I am a resident in the area being effected by the proposed changes to the alley/street listed on the filing:

Street Vacation [124.1398](#) - portion of N. Pine adjacent to [2904 N. 29th St.](#)

There are numerous reasons why this should not be approved - tight alley/non existent fire and emergency vehicle access and tenuous slope stability into the gulch.

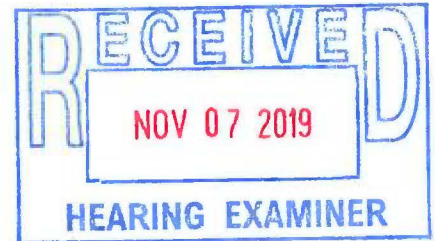
Furthermore - building on this lot could potentially harm view corridors for many of the neighbors - and at the cost of our property taxes - that limited view is already overpriced and would be nonexistent for some if that parcel is developed.

Whatever you end up voting on - if passed - the future owners should be restricted to building height so as not to impede current home owner's views - AND should be required to bury the telephone wires in the alley as part of the property improvement.

But ideally the property just shouldn't be sold.

Jessica Corddry
2801 North Junett Street

From: [Brien Downie](#)
To: [Pasco, Teague](#)
Subject: Street Vacation 124.1398 - portion of N. Pine adjacent to 2904 N. 29th St
Date: Thursday, November 7, 2019 10:20:26 AM
Attachments: [image003.png](#)



Hello Teague,

I live at the house at 2807 N. Junett St, adjacent to the Pine Street Vacation request. I was under the impression that the unpaved section of Pine Street was a private road, given its state of disrepair. Having recently learned that it is public property, I am concerned that it is not passable for fire & emergency services, and at risk for a landslide, given its proximity to the gulch.

Before any vacation request should be granted, affordances should be made to investigate the viability of the road's future, and what needs to be done in order to secure that future.

Thank you!

-Brien



Warehousing | Manufacturing Logistics | Transportation

Brien L. Downie
President
M 562-686-7854

EXTRAORDINARY SERVICE FOR OVER A CENTURY

RECEIVED
AT HEARING

NOV 07 2019

HEARING EXAMINER

Saul and Michelle Farber
2909 N. 28th Street
Tacoma, WA 98407

November 5th, 2019

Ms. Teague Pasco
City of Tacoma, Public Works
Real Property Services

Ms. Pasco:

This letter is in formal opposition to the Street Vacation Application No. 124.1398, requesting vacation of the west 14 feet of N. Pine Street, between 29th Street and the alley between 28th and 29th Street.

Vacating this land would restrict the ability of vehicles to pass through the alley, precluding:

- solid waste/recycling vehicles
- emergency vehicles
- other local, residential vehicular traffic

from passing through the alley.

Widening the paved street to accommodate the vacation is impractical and dangerous, due to the steep slope to the south and west of the vacation. In addition, such a widening would have an impact on the Buckley Gulch Wetlands, appx 175 feet to the southwest.

The N. Pine Street right of way has long been neglected by the city and existing abutters. Vacating this street is not in the public interest, nor in the interest of nearby neighbors.

Thank you for your attention,

Saul and Michelle Farber
2909 N. 28th Street

EX. C-24

Meyers, Aundrea

From: Pasco, Teague
Sent: Friday, November 8, 2019 12:54 PM
To: Hearing Examiner
Subject: SV 124.1398 Kautz - Request to Re-open Record
Attachments: Revised objection to Street Vacation 124.1398



Hearing Examiner:

RPS respectfully requests that your office re-open the record of the hearing on Street Vacation 124.1398 (Kautz), to add the attached email from Saul Farber withdrawing a previously submitted letter of objection dated November 5, 2019.

Thank you,

Teague Pasco
Sr. Real Estate Specialist
City of Tacoma, Public Works
Real Property Services
(253) 591-5570 (phone)
tpasco@cityoftacoma.org

Pasco, Teague

From: Michelle and Saul Farber <thefarbers@gmail.com>
Sent: Friday, November 8, 2019 11:55 AM
To: Pasco, Teague
Subject: Revised objection to Street Vacation 124.1398

Hello Ms. Pasco,

I'm writing today to withdraw my letter of objection to Street Vacation 124.1398, dated Nov. 5th.

Based on exhibits at the hearing, conversations with the property owner and time to reflect, I believe that this Street Vacation should be approved, given the easements disclosed at the hearing, and with access provided by the homeowner to continue to maintain and clear the remaining Pine Street ROW.

Please confirm receipt of this email, and let me know if this record can be added to the material to be reviewed by the Hearing Examiner. If not, then please let me know what further avenues I might have to communicate this revision to those considering the application.

Sincerely,
Saul Farber

EXHIBIT LIST

HEARING DATE: Thursday, November 7, 2019, at 1:30 p.m.

FILE NUMBER: HEX2019-025 (SV 124.1398)

FILE NAME: *John and Miyon Kautz, Petitioners*

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
EX. J-1	Michael Johnson's Power Point	Michael Johnson, Citizen	X			Offered and admitted at hearing.

KEY

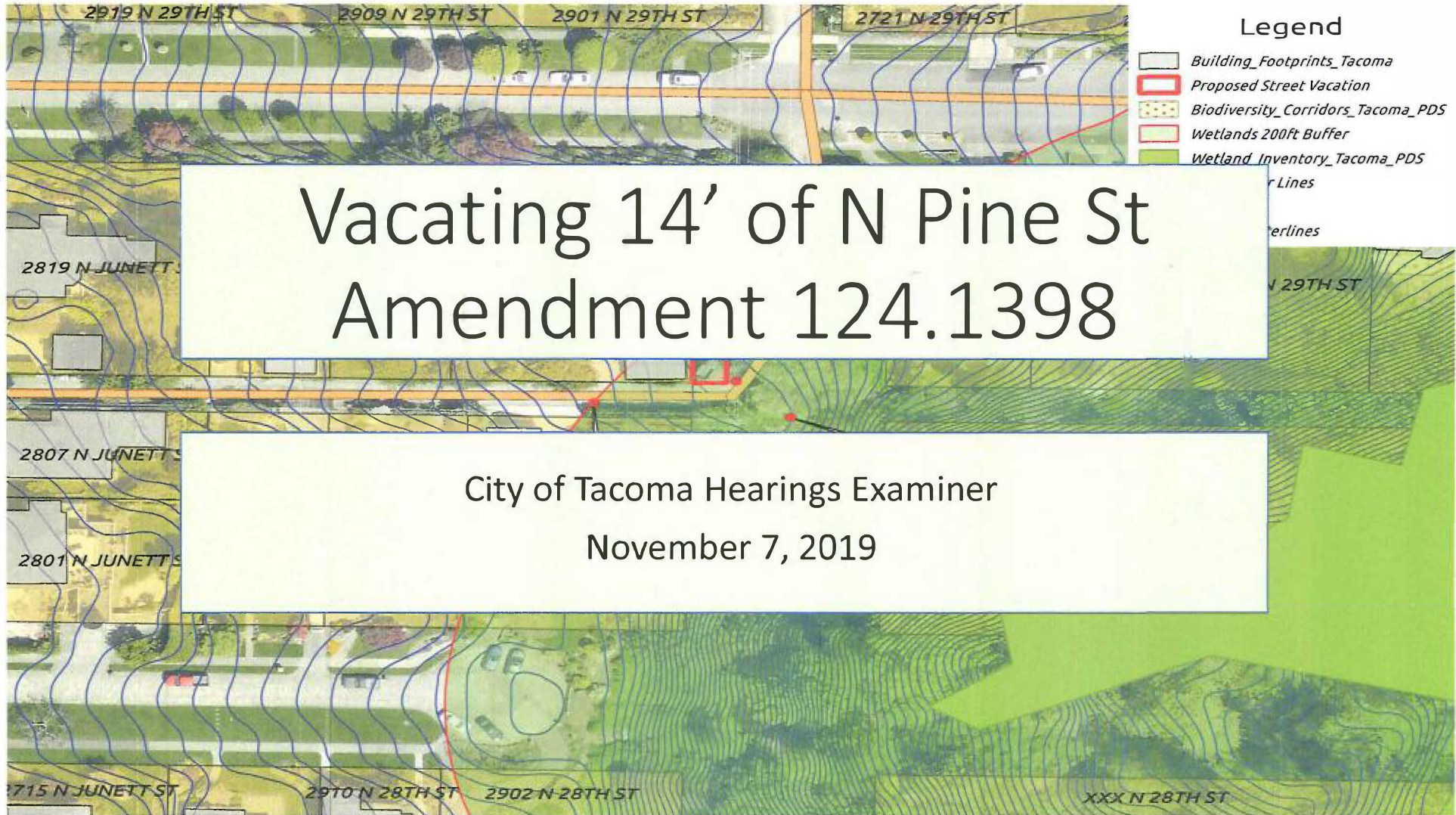
A = Admitted

E = Excluded

W = Withdrawn

NOV 07 2019

HEARING EXAMINER



Legend

- Building_Footprints_Tacoma
- Proposed Street Vacation
- Biodiversity_Corridors_Tacoma_PDS
- Wetlands 200ft Buffer
- Wetland_Inventory_Tacoma_PDS

er Lines

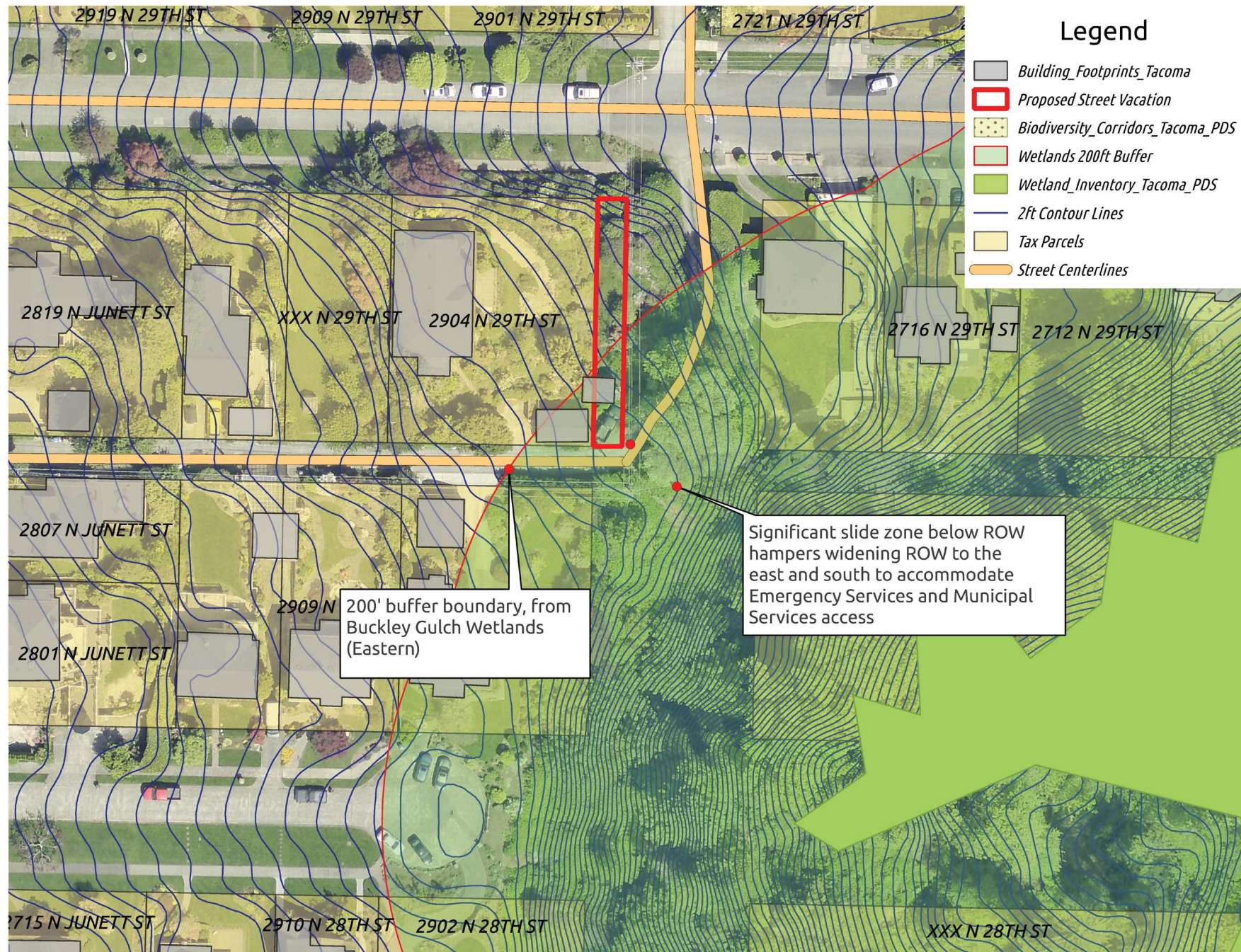
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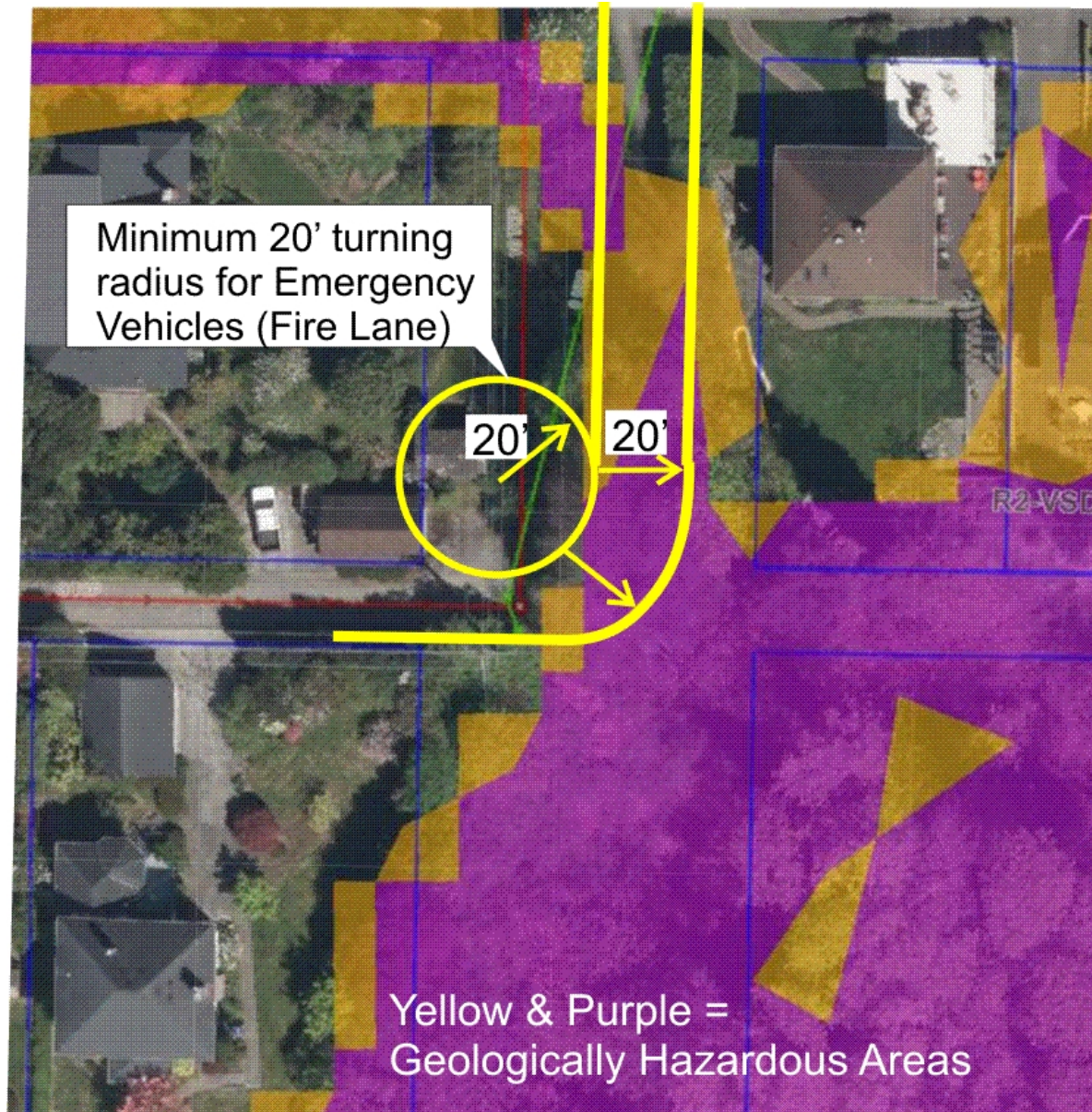
N 29TH ST

Vacating 14' of N Pine St Amendment 124.1398

City of Tacoma Hearings Examiner
November 7, 2019

EX. J-1





Geologically Hazardous Area

Superimposing an adequate Fire Lane onto the TPD Geologically Hazardous Area Map

Achieving reasonable turning radius for Emergency Services requires improvement into known hazardous areas

What of the City's 50' Setback?



Width of Alley Facing East

White dot shows eastern edge of vacated area
(the actual corner is 24" north)

Edge of paved surface in places 4-6" drop-off
to Pine the unpaved portion of Pine



Hazardous Traffic Conditions N 29th and Pine

Intersection of 29th and Pine is extraordinarily dangerous due to poor visibility leaving Pine Street and high vehicular speeds coming down hill on 29th



Attractive Nuisance

Poor visibility is a magnet for midnight dumping and vandalism. Residents frequently collect trash and tires for disposal



Pine Street is Narrow and Dangerous

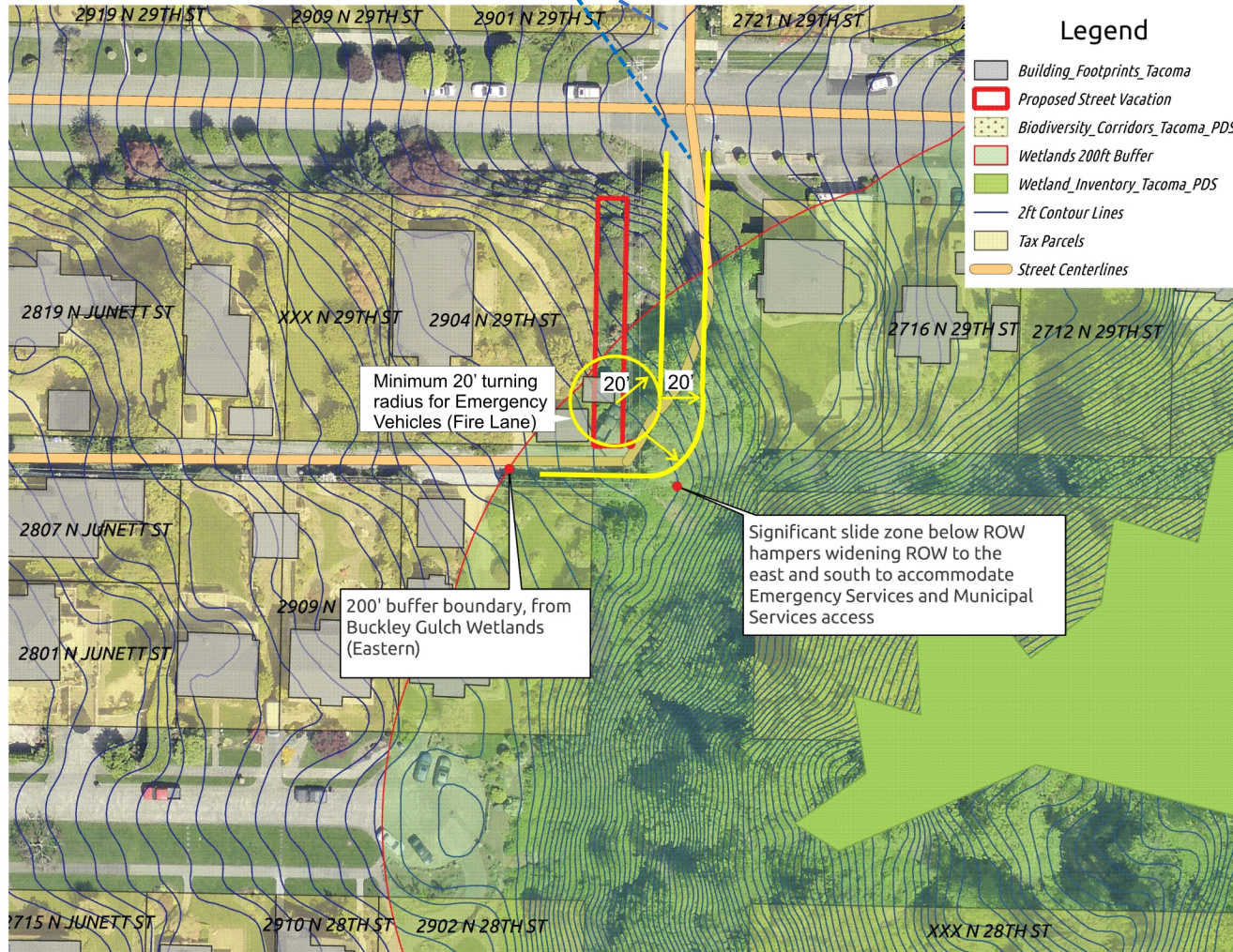
Vacating limits City's options for developing acceptable Public Right-of-Way

Road is narrow due to overgrowth

Residents periodically maintain, City's role unclear

This tree in public right-of-way shows mirror scars from Garbage Trucks and commercial vehicles

Note that a hypothetical fire lane matches Pine Street north of 29th



Geo-Technical Design

Achieving ANY adequate lane width will push the road into areas of steep decent

A nominal fire lane requires build-up of six feet or more, with geotechnical design and structural support

NEPA and SEPA Compliance

Any improvements within the 200' buffer are subject to National Environmental Policy Act (1972) and SEPA. Wildlife habitat, corridors and wetland buffers will be affected.



[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)

What is the HURRY?

There are too many unanswered questions.

Create an atmosphere where the City, property owner and community can work together for a mutually acceptable solution.

Once public lands are gone, they are gone.

Collaboration is *always* better.