



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
Troy Stevens, Senior Real Estate Specialist, Public Works Real Property Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 20-0825 - Street Vacation 124.1410 – November 24, 2020  
**DATE:** November 6, 2020

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**SUMMARY AND PURPOSE:**

An ordinance to vacate portions of Commerce Street and South 7th Street, to cure existing building encroachments on the perimeter of the building known as Old City Hall.

**BACKGROUND:**

The Hearing Examiner’s Recommendation is based on the evidence and testimony presented at a public hearing held on October 22, 2020, as well as additional clarifying information provided post-hearing by the Petitioner City of Tacoma (the “Petitioner” or “City”) at the Examiner’s request. The Vacation Areas (as defined in the Hearing Examiner’s Report and Recommendation) consist of portions of Commerce Street and South 7th Street. The City initiated a petition to vacate the Vacation Areas to cure existing building and infrastructure encroachments. As originally filed, the petition included a section of right-of-way in Pacific Avenue as well, but due to Public Works Traffic Engineering’s opposition to this section being vacated, all involved agreed to remove this section from the petition. Approving the vacation will not landlock any abutting property nor is any access to any property affected. In addition, the City does not see any future need for the Vacation Areas as public right-of-way. It has been determined that the petition meets the vacation criteria set forth in Tacoma Municipal Code 9.22.070 and is not in violation of RCW 35.79.035 regarding proximity to bodies of water. The City has requested that no interfund payment of fees be required for this vacation and the Examiner concurs with this request and recommends that there be no payment attached as a condition to approval.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held on this petition on October 22, 2020, at which members of the community could attend and speak to express their concerns with and/or support for the proposed street vacation. No members of the public appeared. The street vacation will benefit the Petitioner by clearing the encroachments, establishing a clear delineation between the Petitioner’s proprietary property interest and the usable public right-of-way interest. Clearing the encroachments also paves the way for future redevelopment of this historic property.

**2025 STRATEGIC PRIORITIES:**

**Equity and Accessibility:**

The primary positive impact on equity, equality, diversity or inclusion that could result from approving this street vacation would be the decrease in vacant properties downtown and the increase in possible new business developments when the building is conveyed out of the City’s ownership as intended in the future.

**Economy/Workforce:** *Equity Index Score: Very Low Opportunity*

Decrease the number of vacant properties downtown and in the neighborhood business districts.  
Increase the number of infrastructure projects and improvements that support existing and new business developments.



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

Clearing the existing encroachments will help facilitate later third party redevelopment and preservation of this historic property.

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve the vacation request under conditions different than those recommended, and/or deny the request to waive interfund payment of fees.	Any positive impact arising from different conditions would depend on what those conditions are.	Any difference in conditions imposed would have to find justification outside of the City's current position, i.e., of not needing the Vacation Areas for any public purpose and being supportive of the waiver. Also, it would leave unresolved encroachments.
2. The Council could deny the vacation petition.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo preserving the City's unneeded public right-of-way interests.

**EVALUATION AND FOLLOW UP:**

The recommended street vacation petition is subject to the conditions listed in the Hearing Examiner's Report and Recommendation to the City Council, issued on October 30, 2020. All review 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 street vacation, subject to the condition(s) listed 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. Unencumbering the Vacation Area from the City's right-of-way interest will add taxable square footage to the abutting real property, which may generate some additional tax revenue if the property is conveyed out of City ownership.

**ATTACHMENTS:**

List attachments using bullet points.

- The Hearing Examiner's City Council Action Memorandum, dated November 6, 2020.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on October 30, 2020.
- The City's Exhibit List and Exhibits C-1 through C-17.
- Verbatim electronic recording from the hearing held on October 22, 2020.