



**TO:** Hyun Kim, Interim City Manager  
**FROM:** Kandi Bremer, Senior Real Estate Specialist, Public Works  
 Kurtis D. Kingsolver, P.E., Interim Director, Public Works  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance – Eminent Domain Authorization – East Portland Avenue (64th-72nd Streets) Project -  
 March 10, 2026  
**DATE:** February 18, 2026

Initial Initial  
 kk CEN

**SUMMARY AND PURPOSE:**

(First and Final Reading) An emergency ordinance authorizing the use of eminent domain as may be required for the acquisition of fee interests and/or easement interests for rights of way necessary to construct the East Portland Avenue project, from East 64th Street to East 72nd Street, and providing for an immediate and effective date.

**BACKGROUND:**

**This Department’s Recommendation is Based On:** The City is planning to improve East Portland Avenue, from East 64th Street to East 72nd Street. The area of improvement is approximately 0.5 miles in length. The project will include grinding sections of pavement to make minor repairs and preparing for the placement of a 2-inch layer of asphalt; addition of Americans with Disabilities Act (ADA) curb ramp upgrades, new traffic calming bulb-outs, and installation of a new HAWK (high-intensity activated crosswalk) signal for pedestrian crossing.

While eight (8) out of the nine (9) parcel acquisitions have been completed successfully, there is currently one (1) parcel acquisition in which negotiations have come to an impasse. Property right acquisition on the one remaining parcel is comprised of a small right of way fee acquisition. The outstanding parcel acquisition is necessary to allow the project to proceed. Without eminent domain authorization, the project’s federal funding is at risk if the City cannot obligate construction funds by June 1, 2026. Negotiations will continue with the property owner up until trial or final settlement. If the property owner settles, the condemnation action will cease.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

Public Works has worked with Tacoma community members to identify and achieve a number of accessibility options, road safety improvement goals, and road improvement projects, which this project will accomplish. This project will help to complete the citywide Street Rehabilitation Program, which is included in Tacoma’s Six-Year Comprehensive Transportation Improvement Program.

**2025 STRATEGIC PRIORITIES:**

**Equity and Accessibility:**

The East Portland Avenue Project (from East 64th Street to East 72nd Street) represents an opportunity to improve pedestrian safety, access, and roadway conditions in an area of the city that historically has been under-represented.

**Economy/Workforce: Equity Index Score: Moderate Opportunity**

Increase the number of infrastructure projects and improvements that support existing and new business developments.



**Livability:** *Equity Index Score:* Moderate Opportunity

Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

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

Authorization to use eminent domain will allow the project to proceed with construction so that the community has access to new safety infrastructure and improvements and accessibility options. Authorization for use of eminent domain will assure the public that the City is maintaining good stewardship of taxpayer dollars by using fair market value as the basis for compensation to individual property owners so that all property owners are treated consistently and equitably.

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Council could deny the use of eminent domain.	None.	<p>1. The City would have to pay, using City funds, in excess of fair market value in order to obtain necessary property rights, thereby creating inherent inequity for those property owners who have already accepted fair market value as compensation.</p> <p>2. The City would stop the project and attempt to design a build-around option which would be costly in terms of both time and money and may not be feasible. Funding deadlines would be missed, and the City may lose the federal funding, thereby cancelling the project.</p> <p>3. The City would need to forego the application of federal funds and not receive reimbursement of construction funding for failure to assemble the necessary property rights.</p>

**EVALUATION AND FOLLOW UP:**

N/A

**STAFF/SPONSOR RECOMMENDATION:**

Staff recommends authorization for use of eminent domain when (1) property owners cannot be identified or located, (2) property owners are non-responsive to repeated requests for contact, or (3) no agreement concerning compensation can be reached within sixty (60) days of receipt of offer packages by property owners.



**FISCAL IMPACT:**

This action is requested for authorization to use the legislative powers of eminent domain. There is no fiscal impact directly associated with this request.

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
N/A – seeking authority to use eminent domain			
<b>TOTAL</b>			

**What Funding is being used to support the expense?**

N/A

**Are the expenditures and revenues planned and budgeted in this biennium’s current budget?**

N/A

**Are there financial costs or other impacts of not implementing the legislation?**

Yes, inability to assemble the necessary property rights up to and including the use of eminent domain will likely result in the loss of federal funding for this project. If eminent domain is not authorized, federal funds would be lost, the project cannot be constructed, and the City would be required to reimburse the federal funds already utilized for this project.

**Will the legislation have an ongoing/recurring fiscal impact?**

No

**Will the legislation change the City’s FTE/personnel counts?**

No

**ATTACHMENTS:**

- Aerial Map