Resolution No. 41011
A resolution setting Tuesday, September 13, 2022, upon completion of Regular Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by the City Council on the proposed Tideflats Subarea Plan and Environmental Impact Statement alternatives, as recommended by the Tideflats Steering Committee.
[Stephen Atkinson, Principal Planner; Peter Huffman, Director, Planning and Development Services]

Amended Resolution No. 41012
A resolution appointing an individual to the City Council At-Large Position 7, for a term to be effective August 9, 2022, through December 31, 2023.
[Mayor Woodards]

Resolution No. 41013
A resolution authorizing the execution of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Alpha Sharp Development Partners, Inc., for the development of 20 multi-family market and regulated rate rental housing units, located at 4343 South Alder Street, in the Tacoma Mall Mixed-Use Center.
[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

Resolution No. 41014
A resolution authorizing the execution of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Andrew and Tawny Putnam, for the development of 15 multi-family market and regulated rate rental housing units, located at 4501 South Warner Street, in the Tacoma Mall Mixed-Use Center.
[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

Resolution No. 41015
A resolution authorizing the one-time use of Council Contingency Funds, in the amount of $2,500, to support The Peace Bus and the “Every Kid Eats” summer program.
[Mayor Woodards]
Ordinance No. 28813
An ordinance vacating the air rights over a portion of South 15th Street, lying between South Court “E” and South Fawcett Avenue, and a westerly portion of South Fawcett Avenue, lying south of South 15th Street, to facilitate design variability for a residential building project. 
(Fawcett Avenue Owner, LLC; File No. 124.1431) 
[Jeff H. Capell, Hearing Examiner]

Ordinance No. 28826
An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by District Lodge No. 160 on behalf of Local Lodge No. 297 of the International Association of Machinists and Aerospace Workers, General Unit; and the nonrepresented classifications of Municipal Court Judge and Court Commissioner.
[Kari Louie, Assistant Director; Shelby Fritz, Director, Human Resources]

Ordinance No. 28827
(First and Final Reading) An ordinance declaring the public necessity for, and providing for the acquisition by eminent domain certain property located along the South Tacoma Way Corridor between South Pine and South “M” Streets, to construct pedestrian improvements and related facilities in connection with the Water Flume Line Trail Phase III project; and declaring an emergency, and making necessary the passage of this ordinance, and its taking effect immediately.
[Troy Stevens, Senior Real Estate Specialist; Josh Diekmann, P.E. PTOE, Interim Director, Public Works]
RESOLUTION NO. 41011

A RESOLUTION setting Tuesday, September 13, 2022, upon completion of Regular Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by the City Council on the proposed Tideflats Subarea Plan and Environmental Impact Statement alternatives, as recommended by the Tideflats Steering Committee.

WHEREAS, in recognition of the regional significance of the Port of Tacoma Manufacturing-Industrial Center, the City of Tacoma, Port of Tacoma, Puyallup Tribe of Indians, City of Fife, and Pierce County have partnered to develop a Tideflats Subarea Plan for adoption by the City of Tacoma as part of the City’s Comprehensive Plan, and

WHEREAS the Tideflats Subarea Plan and companion Environmental Impact Statement ("EIS") process is intended to create a shared long-term vision and more coordinated approach to development, environmental review, and strategic capital investments in the Tideflats, and

WHEREAS completion of the Tideflats Subarea Plan will support the ongoing eligibility for and prioritization of transportation funding in the regional manufacturing and industrial center, and

WHEREAS, on March 24, 2022, the Tideflats Steering Committee unanimously recommended a range of preliminary future development alternatives to be used as the basis for the State Environmental Policy Act ("SEPA") Planned Action EIS scoping process, and

WHEREAS the recommendation includes the proposed Guiding Principles and a range of alternatives including the “No Action” alternative, representing the

-1-
baseline conditions, and three “Action” alternatives, representing a range of policy choices for consideration in the Tideflats Subarea Plan, and

WHEREAS alternatives are one of the basic building blocks of an EIS, presenting options in a meaningful way for decision-makers, and

WHEREAS, following this recommendation, the City initiated the EIS public scoping process; as part of this process, a public hearing will be held to gather community input prior to making a final recommendation on the EIS scope and future development alternatives to be considered, and

WHEREAS, upon completion of the scoping process, the consultant team will conduct the environmental analysis and work with the Steering Committee to develop the draft plan, and

WHEREAS the City desires to fix a time and date for public hearing for the purpose of considering the proposed Tideflats Subarea Plan and Environmental Impact Statement alternatives, as recommended by the Tideflats Steering Committee; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Tuesday, September 13, 2022, upon completion of Regular Agenda Items, no earlier than 5:15 p.m., is hereby fixed as the time, and the City Council Chambers on the First Floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, or alternatively, a call-in option will be provided, as the place when and where a public hearing shall be held on the proposed Tideflats
Subarea Plan and Environmental Impact Statement alternatives, as recommended by the Tideflats Steering Committee.

Section 2. That the City Clerk shall give proper notice of the time and place of said hearing.

Adopted __________________

________________________
Mayor

Attest:

________________________
City Clerk

Approved as to form:

________________________
Deputy City Attorney
RESOLUTION NO. 41012

A RESOLUTION appointing an individual to the City Council At-Large Position 7, for a term to be effective August 9, 2022, through December 31, 2023.

WHEREAS Conor McCarthy was elected as a representative for the City Council At-Large Position 7, for a term beginning on January 1, 2020, and ending on December 31, 2023, and

WHEREAS Council Member McCarthy resigned as the representative for the City Council At-Large Position 7, effective June 22, 2022, and

WHEREAS applications for the vacancy were accepted for the period of June 22, 2022, through July 7, 2022, and 43 applications were received, and

WHEREAS the City Council discussed the process for filling the vacancy and discussed the desired qualifications for the At-Large Position 7 at the July 12, 2022, Study Session, followed by an Executive Session to evaluate applicant qualifications, and

WHEREAS, at the City Council meeting of July 12, 2022, the City Council adopted a selection process that would include forwarding applicants for a three-minute presentation and interviewing the finalists at a later time, and

WHEREAS 24 candidates were selected to make presentations to the City Council on July 19, 2022, and the City Council selected six finalists to interview at a special City Council meeting held on August 1, 2022, and

WHEREAS Olgy Diaz has been nominated for appointment to the City Council At-Large Position 7, for a term to be effective August 9, 2022, and ending on December 31, 2023, and

-1-
WHEREAS it is in the best public interest that this individual be appointed to the City Council At-Large Position 7, for said period; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That, in accordance with Tacoma City Charter 2.7, the City Council does hereby appoint Olgy Diaz to the City Council At-Large Position 7, for a term to be effective August 9, 2022, through December 31, 2023.

Adopted ____________________________

____________________________
Mayor

Attest:

____________________________
City Clerk

Approved as to form:

____________________________
City Attorney
RESOLUTION NO. 41013

A RESOLUTION relating to the multi-family property tax exemption program; authorizing the execution of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Alpha Sharp Development Partners, Inc., for the development of 20 multi-family market-rate and affordable rental housing units to be located at 4343 South Alder Street in the Tacoma Mall Mixed-Use Center.

WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of Washington, designated several Residential Target Areas for the allowance of a limited property tax exemption for new multi-family residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners in Residential Target Areas may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS Alpha Sharp Development Partners, Inc., is proposing to develop 20 new market-rate and affordable rental housing units to consist of:

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Type of Unit</th>
<th>Average Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Studio</td>
<td>432 Square Feet</td>
</tr>
<tr>
<td>15</td>
<td>One bedroom, one bath</td>
<td>432 Square Feet</td>
</tr>
<tr>
<td>Affordable Rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>One bedroom, one bath</td>
<td>432 Square Feet</td>
</tr>
</tbody>
</table>

WHEREAS the affordable units will be rented to households whose income is at or below 70 percent of Pierce County Area Median Income, adjusted for household size, as determined by the Department of Housing and Urban Development on an annual basis, and rent will be capped at 30 percent of those income levels, adjusted annually, and
WHEREAS the project will also include one on-site residential parking stall, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that a conditional property tax exemption be awarded for the property located at 4343 South Alder Street in the Tacoma Mall Mixed-Use Center, as more particularly described in the attached Exhibit “A”; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of 12 years, to Alpha Sharp Development Partners, Inc., for the property located at 4343 South Alder Street in the Tacoma Mall Mixed-Use Center, as more particularly described in the attached Exhibit “A.”
Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Alpha Sharp Development Partners, Inc., said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted ________________

________________________
Mayor

Attest:

________________________
City Clerk

Approved as to form: Legal description approved:

________________________
Deputy City Attorney Chief Surveyor

________________________
Public Works Department
EXHIBIT “A”

LEGAL DESCRIPTION

Tax Parcel: 2890001480

Legal Description:

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 03 EAST, W. M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 8 FEET OF LOT 4, ALL OF LOT 5 AND THE NORTH 21 FEET OF LOT 6, BLOCK 27, CASCADE PARK ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 120, RECORDS OF PIERCE COUNTY, WASHINGTON.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.
RESOLUTION NO. 41014

A RESOLUTION relating to the multi-family property tax exemption program; authorizing the execution of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Andrew and Tawny Putnam, for the development of 15 multi-family market-rate and affordable rental housing units to be located at 4501 South Warner Street in the Tacoma Mall Mixed-Use Center.

WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of Washington, designated several Residential Target Areas for the allowance of a limited property tax exemption for new multi-family residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners in Residential Target Areas may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS Andrew and Tawny Putnam, is proposing to develop 15 new market-rate and affordable rental housing units to consist of:

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Type of Unit</th>
<th>Average Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Rate</td>
<td>One bedroom, one bath</td>
<td>450 Square Feet</td>
</tr>
<tr>
<td>Affordable Rate</td>
<td>One bedroom, one bath</td>
<td>450 Square Feet</td>
</tr>
</tbody>
</table>

WHEREAS the affordable units will be rented to households whose income is at or below 70 percent of Pierce County Area Median Income, adjusted for household size, as determined by the Department of Housing and Urban Development on an annual basis, and rent will be capped at 30 percent of those income levels, adjusted annually, and
WHEREAS the project will also include seven on-site residential parking stalls, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that a conditional property tax exemption be awarded for the property located at 4501 South Warner Street in the Tacoma Mall Mixed-Use Center, as more particularly described in the attached Exhibit “A”; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of 12 years, to Andrew and Tawny Putnam, for the property located at 4501 South Warner Street in the Tacoma Mall Mixed-Use Center, as more particularly described in the attached Exhibit “A.”
Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Andrew and Tawny Putnam, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted __________________________

_______________________________
Mayor

Attest:

_______________________________
City Clerk

Approved as to form: Legal description approved:

_______________________________  ______________________________
Deputy City Attorney  Chief Surveyor

                           Public Works Department
EXHIBIT "A"

LEGAL DESCRIPTION

Tax Parcel: 2890002391

Legal Description:

LOTS 1 THROUGH 3, INCLUSIVE, IN BLOCK 40 OF CASCADE PARK ADDITION TO TACOMA, W.T., AS PER MAP THEREOF RECORDED IN BOOK 1 OF PLATS AT PAGE 120, IN TACOMA, PIERCE COUNTY, WASHINGTON.

EXCEPT THE WEST 3 FEET THEREOF CONVEYED TO THE CITY OF TACOMA PER RECORDING NUMBER 2389051, RECORDS OF PIERCE COUNTY.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.
RESOLUTION NO. 41015

BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR USHKA, AND COUNCIL MEMBER DANIELS

A RESOLUTION authorizing the one-time use of funds in the amount of $2,500, budgeted from the Council Contingency Fund, to support the Peace Bus and the “Every Kid Eats” summer program.

WHEREAS in March 2022, Mayor Woodards joined the Mayors Alliance to End Childhood Hunger, and

WHEREAS the Mayors Alliance is focused on using the collective power of mayors across the country to take meaningful actions to end childhood hunger in cities nationwide, and

WHEREAS the Peace Bus and its founder, Kwabi Amoah-Forson, are known for tireless humanitarian aid efforts around South Puget Sound, and

WHEREAS Kwabi Amoah-Forson has spent years advocating for peace, feeding hungry children, and offering essentials like clean socks to those struggling with homelessness, and

WHEREAS Kwabi Amoah-Forson took the Peace Bus to the southern border to speak with border patrol and those impacted by immigration policies, and, most recently, has partnered with restaurants across Tacoma to ensure children can eat out this summer, and

WHEREAS, from July 1, 2022, until September 2022, through the “Every Kid Eats” summer program, children 18 years of age and under in Tacoma will be able to go to designated restaurants every day throughout the week and receive a free meal, and
WHEREAS restaurants supporting this program include Cooper’s Food and Drink, Tacoma Pita Pit, Only Oatmeal Cookie Creations, Crisp Greens, Happy Belly, Buddy’s Chicken & Waffles, and Shakabrah Java, and

WHEREAS the “Every Kid Eats” summer program is one immediate step to support food security for children in Tacoma while continuing to support larger efforts, and

WHEREAS, at the July 26, 2022, Study Session, Mayor Woodards shared a Council Consideration Request to authorize the one-time use of $2,500 from the Council Contingency Fund to support the Peace Bus and “Every Kid Eats” summer program, to help provide food to youth, and

WHEREAS, following the end of the “Every Kid Eats” summer program, staff will follow up to learn how this funding impacted the program and share stories with the City Council, and

WHEREAS RCW 35.34.250 and 35.34.260 authorize a withdrawal from the Council Contingency fund for any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the budget, and

WHEREAS Ordinance No. 22569 requires an affirmative vote of not less than six members of the Council in order to withdraw moneys from this fund;

Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That one-time funding in the amount of $2,500, budgeted from the Council Contingency Fund, is hereby approved for the purpose of supporting the Peace Bus and “Every Kid Eats” summer program.

Adopted ______________________

________________________________
Mayor

Attest:

________________________________
City Clerk

Approved as to form:

________________________________
Deputy City Attorney
ORDINANCE NO. 28813

AN ORDINANCE related to the vacation of City right-of-way; vacating the air rights over a portion of South 15th Street, lying between South Court “E” and South Fawcett Avenue, and a westerly portion of South Fawcett Avenue, lying south of South 15th Street, to facilitate design variability for a residential building project; and adopting the Hearing Examiner’s Findings, Conclusions, and Recommendations related thereto.

WHEREAS the City received a petition for vacation of air rights over a portion of South 15th Street, lying between South Court “E” and South Fawcett Avenue, and the westerly portion of South Fawcett Avenue, lying south of South 15th Street, and

WHEREAS the Petitioner requested the vacation to allow for design flexibility on a residential building project, specifically building façade modulation and/or extensions/outcroppings such as small balconies, and

WHEREAS the vacation area is not currently used for any public right-of-way purpose, nor does the City see any need of it for future public use, and
WHEREAS a public hearing was held on March 24, 2022, and the
Hearing Examiner’s recommendation is based on the evidence and testimony
presented at this hearing, however, no members of the public appeared to
express concerns or opposition to, and/or support for the proposed vacation,
and
WHEREAS all steps and proceedings required by law and by
resolution of the City Council to vacate the portion of the right-of-way
hereinafter described have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner’s
Findings, Conclusions, and Recommendations as contained in the Hearing
Examiner’s Report and Recommendation to the City Council bearing File
No. 124.1431 and dated March 28, 2022, which Report is on file in the office of
the City Clerk.
Section 2. That the air rights over a portion of South 15th Street, lying between South Court “E” and South Fawcett Avenue, and a westerly portion of South Fawcett Avenue, lying south of South 15th Street, legally described as follows:

SOUTH FAWCETT AVENUE AIR SPACE VACATION:

THE WESTERLY 3.00 FEET OF THE WESTERLY 40.00 FEET OF SOUTH FAWCETT AVENUE LYING ADJACENT TO LOTS 1 THROUGH 19, INCLUSIVE, BLOCK 1510, MAP OF NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1875, RECORDS OF THE PIERCE COUNTY AUDITOR; SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON; AND LYING BETWEEN THE ELEVATIONS OF 177.00 FEET AND 272.50 FEET AT THE SOUTHEAST CORNER AND 210.67 FEET AND 272.50 FEET AT THE NORTHEAST CORNER, CITY OF TACOMA PUBLISHED NGVD 29 VERTICAL DATUM;

and

SOUTH 15TH STREET AIR SPACE VACATION:

THE SOUTH 3.00 FEET OF THE SOUTHERLY 40.00 FEET OF SOUTH 15TH STREET LYING ADJACENT TO LOT 1, BLOCK 1510, MAP OF NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1875, RECORDS OF THE PIERCE COUNTY AUDITOR; SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON; AND LYING BETWEEN THE ELEVATIONS OF 204.00 FEET AND 272.50 FEET AT THE NORTHEAST CORNER AND 220.50 FEET AND 272.50 FEET AT THE NORTHWEST CORNER, CITY OF TACOMA PUBLISHED NGVD 29 VERTICAL DATUM;
are hereby vacated, and the air rights so vacated are hereby surrendered
and attached to the property bordering thereon, as a part thereof, and all
right or title of the City in and to the portion of the right-of-way so vacated
does hereby vest in the owners of the property abutting thereon, all in the
manner provided by law.

Passed

________________________ 
Mayor

Attest:

________________________ 
City Clerk

Approved as to form: Property description approved:

________________________ 
Deputy City Attorney Chief Surveyor

Public Works Department

Location: A portion of South 15th Street, lying between South Court “E” and
South Fawcett Avenue, and a westerly portion of South Fawcett
Avenue, lying south of South 15th Street.

Petitioner: Fawcett Avenue Owner, LLC
Vacation Req. No. 124.1431

Req. #22-0427
AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the Tacoma Municipal Code to implement rates of pay and compensation for employees represented by District Lodge No. 160 on behalf of Local Lodge No. 297 of the International Association of Machinists and Aerospace Workers, General Unit, and the nonrepresented classifications of Municipal Court Judge and Court Commissioner; and declaring the effective dates thereof.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code ("TMC") is hereby amended, effective retroactive to June 6, 2022, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>5338</td>
<td></td>
<td>Solid Waste Mechanic</td>
<td>34.23</td>
</tr>
</tbody>
</table>

Section 2. That Section 1.12.355 of the TMC is hereby amended, effective retroactive to July 1, 2022, pursuant to the final salary schedule adopted by the Washington State Citizen's Commission on Salaries for Elected Officials, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>4312</td>
<td>A</td>
<td>Municipal Court Judge</td>
<td>91.40</td>
</tr>
<tr>
<td>4313</td>
<td>A</td>
<td>Court Commissioner</td>
<td>82.26</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>4312</td>
<td>A</td>
<td>Municipal Court Judge</td>
<td>93.00</td>
</tr>
<tr>
<td>4313</td>
<td>A</td>
<td>Court Commissioner</td>
<td>83.70</td>
</tr>
</tbody>
</table>
Section 3. That Section 1 is effective retroactive to June 6, 2022, and
Section 2 is effective retroactive to July 1, 2022.

Passed ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
ORDINANCE NO. 28827

AN ORDINANCE relating to transportation and streets and sidewalks; declaring the public necessity for, and providing for the acquisition by the City of Tacoma by eminent domain of fee and temporary easement interests in certain property described herein located along the South Tacoma Way Corridor between South Pine and South “M” Streets, to construct pedestrian improvements and related facilities within the City of Tacoma, Washington; authorizing the City Attorney to prosecute eminent domain proceedings and to stipulate in mitigation of damages; providing for payment for such property; and declaring an emergency, making this ordinance effective upon passage.

WHEREAS the City of Tacoma Public Works Department has developed right-of-way plans which indicate that fee interests and temporary easements in portions of three (3) parcels located along the South Tacoma Way Corridor between South Pine and South “M” Streets are necessary to be acquired as one of the final links for the Water Ditch Trail Phase IIIA and IIIB Project, and
WHEREAS the City has negotiated in good faith as to the amount of
compensation due to the property owners, and

WHEREAS written and published notice has been provided to the
property owners of the City’s intent to commence eminent domain
proceedings as required by law, and

WHEREAS the City Council is exercising its independent discretion to
proceed with eminent domain to establish the right to take such property for
a public purpose and to settle the amount of compensation owing to the
property owners; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. Findings.

A. The City Council finds that the public use, necessity, and
convenience now require the acquisition of fee interests and temporary
easements in certain portions of parcels of real property located within and
adjacent to the South Tacoma Way corridor between South Pine and
South "M" Streets, for the construction of pedestrian improvements and
related facilities for the Water Ditch Trail Phase IIIA and IIIB project ("Project")
to improve pedestrian and bicycle safety along the South Tacoma Way
corridor and to connect South Tacoma with downtown Tacoma, the Tacoma
Dome, and the Thea Foss Waterway.
B. The property to be taken pursuant to this Ordinance includes fee
and temporary easement interests in portions of three (3) parcels commonly
referred to as 2719 South Tacoma Way, 1717 South Tacoma Way, and
1517 South Tacoma Way ("Subject Property"), depicted on the map(s)
attached hereto as Exhibit "A," Depiction of Subject Property.

C. The City of Tacoma, by and through its Public Works Department,
has actively worked in good faith to acquire the Subject Property by
negotiated sale.

D. Honest differences of opinion exist between the City of Tacoma
and the owners of the Subject Property.

E. The City of Tacoma’s Public Works Department has a Six-Year
Comprehensive Transportation Improvement Program, which indicates that
the Subject Property is necessary in the public interest and convenience to
be acquired for the Project.

F. Due to the public need for pedestrian safety improvements to
accommodate present growth, development, and traffic needs, the public
necessity and convenience requires the City to initiate the acquisition of the
Subject Property by exercise of the power of eminent domain.

G. The Subject Property to be acquired by negotiated sale or by
eminent domain proceedings authorized by this Ordinance are within the city
limits of the City of Tacoma, Pierce County, Washington and are necessary
for the Project.

Section 2. The Subject Property to be acquired by eminent domain
proceedings, shall be acquired only after just compensation has been made
or paid into the Pierce County Superior Court registry or special account for
the benefit of the owner or owners in a manner provided by law.

Section 3. All just compensation, fees, and costs associated with the
acquisition by eminent domain proceedings of the Subject Property, shall be
paid from the Transportation Capital Fund, and if this fund were insufficient,
from the City’s General Fund or other funds then available for such
purposes.

Section 4. The City Attorney is hereby authorized to begin and
prosecute the actions and proceedings in the manner provided by law to
condemn, take, and appropriate all lands and other properties as necessary
to carry out the provisions of this Ordinance. The City Attorney is also
authorized to enter into stipulations for the purpose of minimizing damages,
including all stipulations authorized by Washington State law.

Section 5. There is an immediate need to initiate eminent domain
proceedings to acquire the Subject Property to accommodate the Project; an
emergency is hereby declared; and this Ordinance shall go into effect immediately upon final passage.

Passed __________________________


Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney
EXHIBIT “A”

DEPICTION OF SUBJECT PROPERTY
EXHIBIT 'A'
T.P.N. 7105000340
1517 SOUTH TACOMA WAY
(OWNERSHIP: 1517 S. TACOMA LLC)

LEGEND

- RIGHT OF WAY LINE
- PROPERTY LINE
- PROPERTY

SCALE: 1"=50'

SOUTH SAWYER STREET
SOUTH CUSHMAN STREET
SOUTH TACOMA WAY
ALLEY
SOUTH TACOMA WAY