

of the Report is in conflict with this Report and Recommendation, the provisions of this Report and Recommendation shall control.

14. Public hearing notices were posted/published at various locations on November 1, 2019. Notices of the upcoming Public Hearing were posted/published at the following locations:

- a. Yellow public notice sign placed at the northwest corner of the intersection of the unimproved subject portion of East 51st Street and East N Street.
- b. Yellow public notice sign placed at the southwest corner of the intersection of the unimproved subject portion of East 51st Street and East N Street.
- c. Public notice memo placed into the glass display case located on the second floor of the Municipal Building.
- d. Public notice memo placed into the glass display case located on the first floor of the Municipal building next to the Finance Department.
- e. Public notice memo advertised on the City of Tacoma web site at address: <http://www.cityoftacoma.org/page.aspx?nid=596>
- f. Public Notice advertised in the Daily Index newspaper.
- g. A public notice mailing was mailed to all parties of record within 300 feet of the Vacation Area.
- h. Public Notice advertised on Municipal Television Channel 12. *Ex. C-1.*

15. Any finding above, which may be more properly deemed or considered a conclusion, is hereby adopted as such.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction over the parties and subject matter in this proceeding to conduct a hearing and make a recommendation to the City Council. *See Tacoma Municipal Code (FMC) 1.23.050.A.5, TMC 9.22.070, RCW 35. 79.030.*

2. The Hearing Examiner's role in street vacation proceedings is quasi-judicial in nature (making findings and conclusions based on evidence presented), leading to a legislative determination by the City Council that is enacted by ordinance. *State ex rel. Myhre v. City of Spokane, 70 Wn.2d 207, 218, 442 P.2d 790 (1967); TMC 9.22.070.*

3. Pursuant to WAC 197-1 1-800(2)(i), the vacation of streets or roads is exempt from the threshold determination and Environmental Impact Statement requirements of RCW 43.21.C, the State Environmental Policy Act (SEPA).