

ACTION ITEM MEMO

Port of Tacoma Commission



Item No: 5C
Meeting Date: 11/19/24

DATE: November 12, 2024

TO: Port of Tacoma Commission

FROM: Eric Johnson, Executive Director
Sponsor: Heather Burgess
Project Manager: Tyra Dieffenbach, Senior Manager, Real Estate

SUBJECT: Resolution 2024-08-PT, Correcting the Legal Description of Property Previously Sold and Authorizing the Executive Director to Execute a Correction Deed

A. ACTION REQUESTED

Request Commission approval of Resolution 2024-08-PT, Correcting the Legal Description of Property Previously Sold and Authorizing the Executive Director to Execute a Correction Deed

B. BACKGROUND

Tax Parcel Number: 5190000090
Property Size: .017 acres (755 sq. feet)

In 1959, the Port acquired title to property which included Lot 16 Block 9 in Lawler-Miller's Tidelands. In 1980, the Port petitioned the City of Fife to vacate the adjacent street, which was approved via City of Fife Ordinance 585. The vacated street became part of the Port's larger property.

In 1989, the Port Commission passed Resolution 89-25 to sell the larger property but mistakenly excluded the vacated street in the legal description. In September 1989, the Port sold the property to Occidental Chemical using this incorrect description, omitting the vacated street.

In 2001, the Pierce County Assessor's office discovered the omission and assigned a tax parcel number to the property and assigned ownership to the Port in the absence of any recorded conveyance. However, the Port did not discover the error until Occidental identified it in the course of preparing environmental covenants required to complete its cleanup of the overall "Petarcik Site" during 2023 and 2024.

Following review, Port Real Estate and Port Legal Counsel believe that an administrative error in the legal description caused the vacated portion to be left off the legal description. This error can be fixed by executing and recording a correction deed to the 1989 conveyance with the Pierce County's auditor's office. This will allow Occidental to execute and record the necessary environmental covenants for the entire property.

C. TIMEFRAME/PROJECT SCHEDULE

Commission Approval	November 17, 2024
Correction Deed Signature and Recording	To follow

D. FINANCIAL SUMMARY ECONOMIC INVESTMENT / JOB CREATION

Financial impacts regarding this request are considered de minimis.

E. ENVIRONMENTAL IMPACTS / REVIEW

Occidental Chemical is required by Department of Ecology to record environmental covenants on this area including the adjacent properties. By executing a correction deed, Occidental can proceed with recording the covenant as required by Ecology.

F. ALTERNATIVE ANALYSIS

Status Quo: If the Port elects to retain ownership of this small piece of property, it will remain responsible for the property as a typical property owner would. Consequently, the Port will also be party to the Department of Ecology's required environmental covenant.

G. NEXT STEPS

Upon Commission approval of the requested action, the Real Estate department will finalize and record the correction deed.

Attachments:

1. Port of Tacoma Resolution 89-25
2. Statutory Warranty Deed, Port of Tacoma – Occidental Chemical, AFN 8909070177