

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 5)
TACOMA HOV PROJECT)
MP 126.54 to MP 136.09)
COMBINED HEARING ON)
DESIGN AND LIMITED ACCESS)

FINDINGS AND ORDER
(Relating to Limited Access)

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 6:30 p.m., Wednesday, October 28, 1998 in the gymnasium of the Jenny Reed Elementary School, Tacoma, Washington before Sandra Robinson, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Anne Spangler, Assistant Attorney General, P. O. Box 40113, Olympia, WA 98504-0113;

CHONG SUNG SONG, by self, 15002 SE Fairwood Blvd., Renton, WA 98058;

MILES SAND AND GRAVEL, INC., by Brad Barton, P. O. Box 130, Auburn, WA 98021-0130;

NORMAN SMITH, by self, 1751 South 54th St., Tacoma, WA 98408;

MARSE MCNAUGHTON, by self, 10815 Greendale Drive SW, Tacoma, WA 98408;

LYNN JAMES, by self, 1766 South 52nd St., Tacoma, WA 98408;

ERICK DAVIS, by self, 5406 South Fife St., Tacoma WA, 98409;

STATE REPRESENTATIVE STEVE CONWAY, by self, 306 John L. O'Brien Bldg., Olympia, WA 98504-0600;

NICK STECKLER, by self, 8819 70th Court SW, Lakewood, WA 98498;

PALENT CORPORATION, by Bob Pailca, 14302 11th Ave. South, Tacoma, WA 98444;

TACOMA NATURE CENTER, by John Garner, 1919 Tyler St., Tacoma, WA 98405;

TERN PENSION SERVICES, by Terry Connor, 519 So. G St., Tacoma, WA 98407;

TAHOMA AUDOBON SOCIETY, by President, 2601 70th Ave. West Suite E, Tacoma, WA 98466-5430;

THELMA GILMUR, by self, 230 Farallone, Fircrest, WA 98466;

ART REDFORD, by self, 88 Pt. Fosdick Drive NW, Gig Harbor, WA 98335;

PAPER FACTORY'S PARTY WORLD, 1565 Center St., Tacoma, WA 98409;

KELLIS COMMERCIAL, INC., by William Kellis, Tacoma Corporate Center, 2115 S. 56th St., Tacoma, WA 98409;

TACOMA CORPORATE CENTER, by John Miller, Tacoma Corporate Center, 2115 S. 56th St., Tacoma, WA 98409;

CITY OF TACOMA, by Alan Tebaldi, City of Tacoma Public Works Department, 747 Market St., Room 408, Tacoma, WA 98402-3769.

As a courtesy to interested citizens, the Department of Transportation furnishes a copy of the Findings and Order to all persons filing a Notice of Appearance, even though some may not properly be parties to the hearing. For administrative convenience, all persons filing a Notice of Appearance are listed above. The Department, by including a person in this listing and by furnishing a copy of the Findings and Order, does not acknowledge or necessarily recognize the recipient to be a proper party to the hearing.

The meeting was called to order under the provisions of RCW 47.52 *et seq.* by Sandra Robinson Hearings Examiner, after which witnesses were called. Evidence was taken by a Court Reporter who, thereafter, transcribed the verbal testimony. Certain exhibits were duly introduced into evidence. Based upon the oral evidence and the exhibits introduced into evidence, and acting under the authority of the Secretary of Transportation for the State of Washington, the Director, Environmental and Engineering Programs makes the following findings:

I

Prior to August 19, 1957, a plan for the establishment of a limited access highway over State Route 512 in Pierce County, Washington, was ordered under Commission Resolution No. 526.

Such a plan was prepared and entitled "SR 512, SR 5 INTERCHANGE VICINITY TO STEELE STREET VICINITY, PIERCE COUNTY" sheets 1 through 7 of 7 sheets. These sheets were introduced into evidence marked Exhibit No. 6, which was made part of the hearing record.

Prior to December 19, 1956, a plan for the establishment of a limited access highway over State Route 5 in Pierce County, Washington, was ordered under Commission Resolution No. 430.

Such a plan was prepared and entitled "SR 5, UNION AVE. VICINITY TO SO. 96TH STREET VICINITY, PIERCE COUNTY" sheets 1 through 11 of 11 sheets. These sheets were introduced into evidence marked Exhibit No. 7, which was made part of the hearing record.

Prior to July 23, 1951, and prior to December 19, 1956, a plan for the establishment of a limited access highway over State Route 5 in Pierce County, Washington, was ordered under Commission Resolution Nos. 95 and 430, respectively.

Such a plan was prepared and entitled "SR 5, SO. 96TH STREET VICINITY TO SO. 72ND STREET VICINITY, PIERCE COUNTY" sheets 1 through 11 of 11 sheets. These sheets were introduced into evidence marked Exhibit No. 8, which was made part of the hearing record.

Prior to May 21, 1958, a plan for the establishment of a limited access highway over State Route 5 in Pierce County, Washington, was ordered under Commission Resolution Nos. 656.

Such a plan was prepared and entitled "SR 5, SO. 72ND STREET VICINITY TO SO. 45TH STREET, PIERCE COUNTY" sheets 1 through 8 of 8 sheets. These sheets were introduced into evidence marked Exhibit No. 9.

II

The Department of Transportation received from the public agencies concerned with the proposed plan their available data on planning, land use, local traffic, and such other information required, and thereafter prepared and submitted to appropriate officials an Access Report showing how those factors have been taken into account and covering other matters required by RCW 47.52, *et seq.* A copy of that report was introduced into evidence marked Exhibit No. 5.

III

On October 9, 1998, the State Design Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52, *et seq.* The Order of Hearing was introduced into evidence marked Exhibit No. 1.

IV

Nita Jackson, Public Involvement Coordinator, Washington State Department of Transportation issued a Notice of Hearing. On October 13, 1998 an exact copy of this notice was mailed to the City of Tacoma, various agencies and other interested parties and to each of the owners listed on the County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 3. Exact copies of the notice were published in the Tacoma Tribune three times commencing on September 25, 1998 and ending on October 16, 1998, as shown by the Affidavit of Publication of Mariann Ehresman, of the legal clerk of the Tacoma Tribune, which affidavit was introduced into evidence marked Exhibit No. 4 and in The Korea Central Daily, as shown by the advertisement bill dated October 20, 1998, attached to Exhibit No. 4.

V

The plans propose the establishment of a limited access facility with full access control for SR 5 from Sta. 3077+00 to Sta. 3311+00, as shown on Exhibits No. 7 through No. 9 and for SR 512 from Sta. 25+10 to Sta. 69+00.93, as shown on Exhibit No. 6.

VI

This section of State Route 5 is an important part of the highway system of the State of Washington and represents a substantial expenditure in construction costs. It is functionally classified as an Interstate

Highway and Department of Transportation Policy provides for full access control on highways of this type. In doing so, the investment of public funds is protected by preserving the highway for efficient future use.

The efficiency of the highway as a means of moving a maximum volume of traffic in a safe manner is directly related to the number of access points. It has been demonstrated in the past that, as property owners establish approaches to the highway for their personal use or business enterprise, the safe operation of the facility is jeopardized and the road gradually becomes obsolete. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designed interchanges and intersections.

The plan for the establishment of full access control facilities on SR 512 and SR 5 in Pierce County, introduced into evidence marked Exhibit No. 6 through Exhibit No. 9, will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

VII

In addition to the exhibits previously mentioned, the following exhibits were entered into evidence at or subsequent to the hearing and made part of the record:

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|----------------|--|
| Exhibit No. 2 | Legal Notice of Publication of Hearing |
| Exhibit No. 10 | Revised plan sheets 9 and 10 of 11 from Exhibit No. 7 |
| Exhibit No. 11 | (Parcel notes) List of affected property owners from which acquisition of either property or access will be required |
| Exhibit No. 12 | Letter dated November 12, 1998, from Alan M. Tebaldi, City of Tacoma |
| Exhibit No. 13 | Letter dated December 21, 1998, Department's response to Exhibit No. 12 |
| Exhibit No. 14 | Letter dated October 15, 1998 from Bob Pailca, President of the Palent Corporation |
| Exhibit No. 15 | Reserved Exhibit, Department's response to Exhibit No. 14 |
| Exhibit No. 16 | Letter dated October 27, 1998 from Art Redford |
| Exhibit No. 17 | Reserved Exhibit, Department's response to Exhibit No. 16 |
| Exhibit No. 18 | Comment sheet from Paper Factory's Party World |
| Exhibit No. 19 | Reserved Exhibit, Department's response to Exhibit No. 18 |
| Exhibit No. 20 | Comment sheet from Brad Barton |
| Exhibit No. 21 | Reserved Exhibit, Department's response to Exhibit No. 20 |
| Exhibit No. 22 | Letter dated November 2, 1998 from William Kellis representing Kellis Commercial, Inc., Tacoma Corporate Center. |

- Exhibit No. 23 Comment sheet from John Miller
- Exhibit No. 24 Reserved Exhibit, Department's response to Exhibit No. 22 and William Kellis, comments on page 4 and 5 of the hearing transcript and comments made by John Miller on page 5 of the hearing transcript and in Exhibit No. 23.
- Exhibit No. 25 Reserved Exhibit, Department's response to comments made by Chong Sung on page 33 of the hearing transcript.
- Exhibit No. 26 Reserved Exhibit, Department's response to comments made by Norman Smith on page 35 of the hearing transcript.
- Exhibit No. 27 Reserved Exhibit, Department's response to comments made by Marse McNaughton on pages 36 and 37 of the hearing transcript.
- Exhibit No. 28 Reserved Exhibit, Department's response to comments made by Lynn James on pages 39 and 40 of the hearing transcript.
- Exhibit No. 29 Reserved Exhibit, Department's response to comments made by Eric Davis on pages 40 and 41 of the hearing transcript.
- Exhibit No. 30 Reserved Exhibit, Department's response to comments made by Representative Steve Conway on page 41 and 42 of the hearing transcript.
- Exhibit No. 31 Reserved Exhibit, Department's response to comments made by Nick Steckler on page 42 and 43 of the hearing transcript.
- Exhibit No. 32 Letter dated October 28, 1998, from Trisha Hurly Smith
- Exhibit No. 33 Reserved Exhibit, Department's response to Exhibit No. 32.

VIII

The Director, Environmental and Engineering Programs also considered the following requests and makes the following findings:

1. The City of Tacoma, in Exhibit No. 12, requested the Department of Transportation review the implementation of access control along South 86th and Hosmer Sts. to allow the existing approaches remain for the adjacent businesses in the area.

A review by the Department of Transportation, in Exhibit No. 13, has stated that Modified access control can be established along the Hosmer St. frontage so that the existing access approaches within the Modified access control area can remain. Department representatives contacted each of the following owners and tenants of the effected Parcels:

- A. Parcel No. 3-08604, the Rotham Inn, and Parcel No. 3-08303, a Denny's restaurant, currently have a shared single approach, near the southern property line of Parcel No. 3-08604.

The access control will be revised allowing each Parcel to have a Type D approach.

- B. Parcel No. 3-08608, Sherwood Inn, currently has three approaches, near the northern and southern property lines and approximately in the middle of the parcel.

The access control will be revised so that the middle approach can remain.

- C. Parcel No. 3-08607, Chevron gas station, currently has two approaches, near the northern and southern property lines.

The northern approach is located outside the limits of access control. The access control will be revised so that the southern approach can remain.

- D. Parcel No. 3-08605, Holiday Inn, currently has two approaches, near the northern and southern property lines.

The access control will be revised along the Hosmer St. frontage for a sufficient distance to allow the southern access to remain.

2. The City of Tacoma, in Exhibit No. 12, requested the Department review the implementation of access control along South 74th and Tacoma Mall Blvd. and allow the existing approach to remain for Parcel No. 3-08616.

A review by the Department, in Exhibit No. 13, has revealed that Modified access control can be established along the South 74th St. frontage so that the existing access approach can remain.

3. The City of Tacoma, in Exhibit No. 12, requested the Department review the implementation of access control along the eastside of Tacoma Mall Blvd. south of So. 56th St. and allow the existing approaches to remain for the adjacent parcels in the area.

Department representatives contacted the owners and tenants of Parcel Nos. 3-09268, 3-09269, and 3-09270 east of Tacoma Mall Blvd. and south of So. 56th St., regarding implementation of access control along these parcels that front on Tacoma Mall Blvd.

The Department, in Exhibit No. 13, has revealed that Modified access control can be established along Tacoma Mall Blvd. for a sufficient distance to allow access to these parcels.

4. The City of Tacoma, in Exhibit No. 12, requested the Department review the implementation of access control along Tacoma Mall Blvd. north of So. 56th St. and allow the existing approaches to remain for Parcel No. 3-08643.

Department representatives contacted the owner and tenant of Parcel No. 3-08643, regarding implementation of access control along Tacoma Mall Blvd. The property currently has two accesses, both of which would be eliminated by the establishment of full access control.

A review by the Department has revealed that modified access control can be established along the Tacoma Mall Blvd. frontage for a sufficient distance to allow the northern access to remain.

5. The Department has also reviewed the implementation of access control along Alaska Street north and south of 56th St. to allow the existing alley access to remain for the adjacent parcels.

The review has revealed that modified access control can be established along Alaska Street to accommodate alley access to adjacent Parcels.

6. Mr. Chong Song on page 33 of the hearing transcript expressed concern about the hardship the project will have on the impending sale of his property (Parcel No. 3-08568).

As stated by the Department, in Reserved Exhibit No. 25, the Department does not currently have funding for the advanced purchase of his property. The Department will continue to look for funding sources that would allow for the purchase of his parcel.

IX

The Director, Environmental and Engineering Programs has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit Nos. 6, 7, 8, and 9 should be modified as hereinafter set forth.

Exhibit No. 6 "SR 512, SR 5 INTERCHANGE VICINITY TO STEELE STREET VICINITY":

Plan sheets 1 through 7 of 7 sheets dated September 4, 1998 will be replaced with new plan sheets with the same title. Sheets 1 through 7 of 7 sheets will include the following changes:

1. The Type D * approach for Parcel No. 3-08699 has been re-designated to a Type C * approach and relocated from Sta. 109th S. 11+33 Rt. to between Sta. SR1 11+00 and Sta. SR1 11+50 Rt. as shown on sheet 4 of 7 sheets. This plan revision, recommended by the Department, is consistent with current parcel usage.
2. Minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 through 7 of 7 sheets.

Exhibit No. 7 "SR 5, UNION AVE. VICINITY TO SO. 96TH STREET VICINITY":

Plan sheets 1 through 14 of 14 sheets dated October 9, 1998 will be replaced with new plan sheets with the same title. Sheets 1 through 11 of 11 sheets will include the following changes:

1. The right of way and limited access line has been relocated between Sta. 3077+00 and Sta. 3080+60.39, as shown on plan sheets 2 of 11 sheets. This revision is the result of the realignment of the SW Line and to lessen the impacts to Parcel No. 3-08547 and is recommended by the Department.
2. The right of way and limited access line has been relocated between Sta. 3084+20.48 and Sta. 3099+14.51; deletion of Parcel No. 3-008550; and the addition of the SR 10 Line as shown plan sheets 2 and 3 of 11 sheets. These plan revisions are the result of the realignment of the SW Line and to lessen the impacts to Parcel Nos. 3-08549 and 3-08551. These plan revisions were requested by Mr. Brad Barton on pages 16, 34, and 35 of the hearing transcript and in Exhibit No. 20 and are recommended by the Department in Reserved Exhibit No. 21.
3. The Type D approach for Parcel No. 3-08573 has been revised to a Type D-2 approach and relocated to Sta. STW 133+61.16 Lt. to provide joint use of the approach with Parcel No. 3-08560 as shown on sheet 9 of 11 sheets. The Department recommends this plan revision.

4. Minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 through 11 of 11 sheets.

Exhibit No. 8 "SR 5, SO. 96TH STREET VICINITY TO SO. 72ND STREET VICINITY"

Plan sheets 1 through 11 of 11 sheets dated October 5, 1998 will be replaced with new plan sheets with the same title. Sheets 1 through 11 of 11 sheets will include the following changes:

1. The relocation of the Stormwater Treatment Areas from between Sta. 3159+47 and Sta. 3160+62 to between Sta. 3155+72.96 and Sta. 3157+23 on the right; and from between Sta. 3157+59 and Sta. 3158+75 to between Sta. 3155+43.50 and Sta. 3158+44.79 on the left; the deletion of Parcel No. 3-08594 as it is no longer needed. These plan revisions were recommended by the Department and are shown on plan sheet 2 of 11 sheets.
2. The revision of access control on Hosmer St. from Full to Modified access control between Sta. JB6 12+91 Lt. and Sta. JB6 14+40 Lt. and between Sta. JB6 18+20 Lt. and Sta. JB6 18+92 Lt.; the extension of Modified access control on Hosmer St. between Sta. JB6 18+92 Lt. and Sta. JB6 21+42.38 Lt.; Type D approaches have been added to the plan for Parcel No. 3-08603, between Sta. JB6 13+45 and Sta. JB6 13+75 Lt.; for Parcel No. 3-08604, between Sta. JB6 14+05 to Sta. JB6 14+35 Lt.; and for Parcel No. 3-08608, between Sta. JB6 18+30 and Sta. JB6 18+60 Lt. as requested by the City of Tacoma in Exhibit No. 12 and as recommended by the Department in Reserved Exhibit No. 13 are shown on sheets 4 and 5 of 11 sheets.
3. The revision of access control on Hosmer St. from Full to Modified access control between Sta. JB6 12+91 Rt. and Sta. JB6 13+50 Rt. and between Sta. JB6 17+85 Rt. and Sta. JB6 18+92 Rt.; the extension of Modified access control on Hosmer St. between Sta. JB6 18+92 Rt. and Sta. JB6 19+00 Rt.; Type D approaches has been added to the plan for Parcel No. 3-08605, between Sta. JB6 13+10 and Sta. JB6 13+40 Rt.; for Parcel No. 3-08607, between Sta. JB6 17+90 and Sta. JB6 18+20 Rt., as requested by the City of Tacoma in Exhibit No. 12 and as recommended by the Department in Reserved Exhibit No. 13 are shown on sheets 4 of 11 sheets.
4. The relocation of the right of way and limited access line between Sta. SR 5 3171+33.91 Lt. and Sta. BL13 10+60.28 Rt. as shown on sheets 4 and 5 of 11 sheets. This plan revision was requested by Trish Hurley Smith in Exhibit No. 32 and recommended by the Department in Reserved Exhibit No. 33.
5. The deletion of Full access control between Sta. EW 15+80 and Sta. EW16+00 left and right; the revision of access control on SO. 74th St. from Full to Modified access control between Sta. EW 16+00 Lt. and Sta. EW 17+50 Lt.; the addition of a Type D approach between Sta. EW 16+81 and EW 17+41 Lt. for Parcel No. 3-08616 as requested by the City of Tacoma in Exhibit No. 12 and as recommended by the Department in Reserved Exhibit No. 13 are shown on sheet 8 of 11 sheets.
6. The revision of the limited access line between Sta. S-EW 16+30.60 and Sta. EW 30+12.94 Rt. to add an access easement for transfer to Parcel No. 3-08619; the extension of Full access control from Sta. EW 32+30 to Sta. JB6 63+28.96 on the right and the extension of Full access control from Sta. EW32+30 to EW 32+67 on the left as shown on sheets 8 and 9 of 11 sheets. This plan revision as recommended by the Department in Reserved Exhibit No. 13.
7. Minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 through 11 of 11 sheets.

Exhibit No. 9 "SR 5, SO. 72ND STREET VICINITY TO SO. 45TH STREET "

Replace plan sheets 1 through 8 of 8 sheets dated October 9, 1998 with new plan sheets entitled "SR 5, So. 72nd Street to So. 48th Street" sheets 1 through 8 of 8 sheets to include the following changes:

1. The revision of access control on SO. 56th St. from Full to Modified access control between Sta. FS 10+29.20 and Sta. 10+97 Lt; the right of way and limited access line has been relocated between Sta. FS 10+29.20 and Sta. FS 12+82.51 Lt. to lessen the impact to Parcel No. 3-08625; the Type D approach for Parcel No. 3-038625 has been relocated to Sta. FS 10+65.81 Lt. as shown on sheet 4 of 8 sheets. These plan revisions were requested by the City of Tacoma in Exhibit No. 12 and Mr. William Kellis, in Exhibit No. 22 and on pages 4 and 5 of the hearing transcript and by Mr. John Miller, in Exhibit No. 23 and on page 5 of the hearing transcript and were recommended by the Department in Reserved Exhibit Nos. 13 and 24.
2. The Full access control has been extended from Sta. TMB1 12+55.47 Rt. to Sta. TMB1 11+86.50 Rt.; Modified access control has been added from Sta. TMB1 11+86.50 Rt. to Sta. TMB1 10+16.54 Rt.; Full access control has been extended from Sta. TMB1 12+55.52 Lt. to Sta. TMB1 10+16.54 Lt.; Parcel No. 3-09270, with a Type D approach at Sta. TBM1 11+61.50 Rt.; Parcel No. 3-09269, with a Type A approach at Sta. TBM1 10+85 Rt.; and Parcel No. 3-09268 have been added to the plan as shown on sheet 4 of 8 sheets. These plan revisions were recommended by the Department in Reserved Exhibit No. 13.
3. The revision of access control on the eastside of Alaska Avenue from Full to Modified access control between Sta. ALSK 8+39 Rt. and Sta. ALSK 8+70 Rt.; the revision of access control on the eastside of Alaska Avenue from Full to Modified access control between Sta. ALSK 11+30 Rt. and Sta. ALSK 11+69.90 Rt.; the addition of Parcel Nos. 3-09276, 3-09277, 3-09274, and 3-09275 as shown on sheet 5 of 8 sheets. These plan revisions are recommended by the Department.
4. The deletion of access control on Tacoma Mall Blvd. from Sta. TMB2 29+98.47 Lt. and Rt. and Sta. TMB2 30+03.68 Lt. and Rt.; and delete Parcel No. 3-08702 as shown on sheet 6 of 8 sheets. This plan revision was recommended by the Department in Reserved Exhibit No. 13.
5. The section of the plan from Sta. 3303+50 to Sta. 3311+00 has been deleted from the plan as shown on sheet 8 of 8 as recommended by the Department. This section of the plan has been added to the "SR 5, South 48th Street to Tacoma Avenue" plan.
6. Minor plan revisions, to correct ownership and parcel details, area computations, and right of way details are.

X

The Director, Environmental and Engineering Programs specifically finds in the case of each abutting ownership that the adoption of the plan making said highway a limited access facility, said plan being attached hereto and marked Exhibit A, is required for public convenience and necessity.

Based upon the foregoing findings and evidence supporting them, the Director, Environmental and Engineering Programs for the Department of Transportation, State of Washington,

ORDERS:

I

That the section of State Route 5 in Pierce County, Washington is hereby designated as a limited access highway of the full and modified controlled type:

Between Sta. 3077+00 and Sta. 3146+00, as shown on sheets 1 through 11 of 11 sheets of the right of way and limited access plans entitled "SR 5 MP 126.95 TO MP 128.26, UNION AVE. VICINITY TO SO. 96TH STREET VICINITY, PIERCE COUNTY."

Between Sta. 3146+00 to Sta. 3239+00, as shown on sheets 2 through 11 of 11 sheets of the right of way and limited access plans entitled "SR 5 MP 128.26 to MP 130.02, SO. 96TH STREET VICINITY TO SO. 72nd STREET VICINITY, PIERCE COUNTY."

Between Sta. 3239+00 to Sta. 3303+00, as shown on sheets 1 through 8 of 8 sheets of the right of way and limited access plans entitled "SR 5 MP 130.02 TO MP 131.33, SO. 72ND STREET VICINITY TO SO. 48th STREET, PIERCE COUNTY."

That the section of State Route 512 in Pierce County, Washington is hereby designated as a limited access highway of the full and modified controlled type:

Between Sta. 25+10 to Sta. 69+00.94, as shown on sheets 1 through 7 of 7 sheets of the right of way and limited access plans entitled "SR 512 MP 0.48 TO MP 1.31, SR 5 INTERCHANGE VICINITY TO STEELE STREET VICINITY, PIERCE COUNTY."

II

That the plans set forth in Exhibit Nos. 6, 7, 8 and 9 for the establishment of access control of said highway be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part hereof.

Exhibit No. 6: "SR 512, SR 5 INTERCHANGE VICINITY TO STEELE STREET VICINITY"

Replace plan sheets 1 through 7 of 7 sheets dated September 4, 1998 with new plan sheets 1 through 7 of 7 sheets with the same title to include the following changes:

1. Show the re-designated Type C* has been relocated to between Sta. SR1 11+00 and Sta. SR1 11+50 Rt. on plan sheet 4 of 7 sheets.
2. Show minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 through 7 of 7 sheets.

Exhibit No. 7: "SR 5, UNION AVE. VICINITY TO SO. 96TH STREET VICINITY"

Replace plan sheets 1 through 14 of 14 sheets dated October 9, 1998 with new plan sheets 1 through 11 of 11 sheets with the same title to include the following changes:

1. Show that the right of way and limited access line has been relocated between Sta. 3077+00 and Sta. 3080+60.39 Rt. as shown on plan sheet 2 of 11 sheets.
2. Show that the right of way and limited access line has been relocated between Sta. 3084+20.48 and Sta. 3099+14.51; that Parcel No. 3-008550 has been deleted; and the SR 10 Line has been added to the plan as shown plan sheets 2 and 3 of 11 sheets.
3. Show that Type D-2 approach for Parcel No. 3-08573 and Parcel No. 3-08560 has been relocated to Sta. STW 133+61.16 Lt. as shown on sheet 9 of 11 sheets.
4. Show minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details on plan sheets 1 through 11 of 11 sheets.

Exhibit No. 8 "SR 5, SO. 96TH STREET VICINITY TO SO. 72ND STREET VICINITY"

Replace plan sheets 1 through 11 of 11 sheets dated October 9, 1998 with new plan sheets 1 through 11 of 11 sheets with the same title to include the following changes:

1. Show that the Stormwater Treatment Areas have been relocated to between Sta. 3155+72.96 and Sta. 3157+23 on the right; and to between Sta. 3155+43.50 and Sta. 3158+44.79 on the left; and that Parcel No. 3-08594 has been deleted on plan sheet 2 of 11 sheets.
2. Show that the access control on Hosmer St. was revised from Full to Modified access control between Sta. JB6 12+91 Lt. and Sta. JB6 14+40 Lt. and between Sta. JB6 18+20 Lt. and Sta. JB6 18+ 92 Lt.; Modified access control was extended between Sta. JB6 18+92 Lt. and Sta. JB6 21+42.38 Lt.; the addition of Type D approaches for Parcel No. 3-08603, between Sta. JB6 13+45 and Sta. JB6 13+75 Lt.; for Parcel No. 3-08604, between Sta. JB6 14+05 to Sta. JB6 14+35 Lt.; and for Parcel No. 3-08608, between Sta. JB6 18+30 and Sta. JB6 18+60 Lt. on plan sheets 4 and 5 of 11 sheets.
3. Show that the access control on Hosmer St. was revised from Full to Modified access control between Sta. JB6 12+91 Rt. and Sta. JB6 13+50 Rt. and between Sta. JB6 17+85 Rt. and Sta. JB6 18+92 Rt.; Modified access control was extended between Sta. JB6 18+92 Rt. and Sta. JB6 19+00 Rt.; the addition of Type D approaches for Parcel No. 3-08605, between Sta. JB6 13+10 and Sta. JB6 13+40 Rt.; for Parcel No. 3-08607, between Sta. JB6 17+90 and Sta. JB6 18+20 Rt., on sheet 4 of 11 sheets.
4. Show that the right of way and limited access line between Sta. SR 5 3171+33.91 Lt. and Sta. BL13 10+60.28 Rt. has been relocated as shown on sheets 4 and 5 of 11 sheets.
5. Show that the Full access control has been deleted between Sta. EW 15+80 and Sta. EW 16+00 left and right; the access control on So. 74th St. has been revised from Full to Modified between Sta. EW 16+00 Lt. and Sta. EW 17+50 Lt.; a Type D approach has been added between Sta. EW 16+81 and EW 17+41 Lt. for Parcel No. 3-08616 on sheet 8 of 11 sheets.
6. Show that the limited access line between Sta. S-EW 16+30.60 and Sta. EW 30+12.94 Rt. has been revised to add an access easement for transfer to Parcel No. 3-08619; the extension of Full access control from Sta. EW 32+30 to Sta. JB6 63+28.96 on the right and the extension of Full access control from Sta. EW32+30 to EW 32+67 on the left as shown on sheets 8 and 9 of 11 sheets.
7. Show minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 through 11 of 11 sheets.

Exhibit No. 9 "SR 5, SO. 72ND STREET VICINITY TO SO. 45TH STREET "

Replace plan sheets 1 through 8 of 8 sheets dated October 9, 1998 with new plan sheets 1 through 8 of 8 sheets entitled "SR 5, So. 72nd Street Vicinity to So. 48th Street to include the following changes:

1. Show that the access control on So. 56th St. has been revised from Full to Modified between Sta. FS 10+29.20 Lt. and Sta. 10+97 Lt.; the relocated right of way and limited access line between Sta. FS 10+29.20 and Sta. FS 12+82.51 Lt.; the relocated Type D approach for Parcel No. 3-038625 at Sta. FS 10+65.81 Lt. as shown on sheet 4 of 8 sheets.
2. Show the extension of Full access control from Sta. TMB1 12+55.47 Rt. to Sta. TMB1 11+86.50 Rt.; the addition of Modified access control from Sta. TMB1 11+86.50 Rt. to Sta. TMB1 10+16.54 Rt.; the extension of Full access control from Sta. TMB 12+55.52 Lt. to Sta. TMB 10+16.54 Lt.; the addition of Parcel Nos. 3-09270, with a Type D approach at Sta. TBM1 11+61.5 Rt.; 3-09269, with a Type A approach at Sta. TBM1 10+85 Rt.; and 3-09268 on sheet 4 of 8 sheets.
3. Show the revision of access control on the eastside of Alaska Avenue from Full to Modified access control between Sta. ALSK 8+39 Rt. and Sta. ALSK 8+70 Rt.; the revision of access control on the eastside of Alaska Avenue from Full to Modified access control between Sta. ALSK 11+30 Rt. and Sta. ALSK 11+69.90 Rt.; the addition of Parcel Nos. 3-09276, 3-09277, 3-09274, and 3-09275 as shown on sheet 5 of 8 sheets.
4. Show the access control on Tacoma Mall Blvd. from Sta. TMB2 29+98.47 Lt. and Rt. and Sta. TMB2 30+03.68 Lt. and Rt. has been deleted; and the deletion of Parcel No. 3-08702 as shown on sheet 6 of 8 sheets.
5. Show that the section of the plan from Sta. 3303+00 to Sta. 3311+00 has been deleted from the plan as shown on sheet 8 of 8.
6. Show minor plan revisions, to correct ownership and parcel details, area computations, and right of way details are.

III

That the Plans entitled:

"SR 5 MP 126.95 TO MP 128.26, UNION AVE. VICINITY TO SO. 96TH STREET VICINITY, PIERCE COUNTY."

"SR 5 MP 128.26 to MP 130.02, SO. 96TH STREET VICINITY TO SO. 72ND STREET VICINITY, PIERCE COUNTY."

"SR 5 MP 130.02 TO MP 131.23, SO. 72TH STREET VICINITY TO SO. 48TH STREET, PIERCE COUNTY."

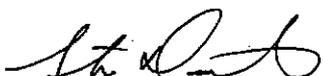
"SR 512 MP 0.48 TO MP 1.31, SR 5 INTERCHANGE VICINITY TO STEELE STREET VICINITY, PIERCE COUNTY" as revised above and reflected in Exhibit "A", are hereby adopted

ADOPTED THIS 24th DAY OF October, 2001

DIRECTOR,
ENVIRONMENTAL AND ENGINEERING PROGRAMS



Approved as to form:

 10-15-01
Assistant Attorney General