



ORDINANCE NO. 28744

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a
4 portion of the South 37th Street and South Union Avenue off-ramp,
5 lying westerly of South Tacoma Way, for incorporation into the abutting
6 parcel for future business expansion and development potential; and
7 adopting the Hearing Examiner's Findings, Conclusions, and
8 Recommendations related thereto.

9 WHEREAS all steps and proceedings required by law and by
10 resolution of the City Council to vacate the portion of the right-of-way
11 hereinafter described have been duly taken and performed; Now, Therefore,

12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That the City Council hereby adopts the Hearing
14 Examiner's Findings, Conclusions, and Recommendations as contained in
15 the Hearing Examiner's Report and Recommendation to the City Council
16 bearing File No. 124.1408 and dated January 28, 2021, which Report is
17 on file in the office of the City Clerk.
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Section 2. That the portion of South 37th Street and South Union Avenue off-ramp, lying westerly of South Tacoma Way, legally described as follows:

That portion of South 37th Street, situated between Block 10 and Block 23 of Wing's Addition to Tacoma, W.T., according to the Plat thereof recorded in Volume 1 of Plats, Page 83, records of Pierce County, Washington, lying northwesterly of the Westerly margin of South Tacoma Way and northeasterly of improved Union Avenue South Off-ramp, together with a portion of Lots 49 and 50, Block 23 of said plat, being a portion of described 'Parcel 10' within Pierce County Superior Court Cause No. 2329536, records of Pierce County, more particularly described as follows:

Commencing at a surface brass disk within South Tacoma Way located approximately 68 feet northeast of the intersection of Puget Sound Avenue and South Tacoma Way, from which another surface brass disk within South Tacoma Way bears South 29°34'46" West a distance of 730.94 feet;

Thence South 29°34'46" West along said monument line a distance of 233.83 feet;

Thence North 60°25'14" West a distance of 37.30 feet to the intersection of the North margin of said South 37th Street with the Westerly margin of South Tacoma Way and **True** Point of Beginning;

Thence North 88°41'11" West along the North margin of South 37th Street, a distance of 169.94 feet to intersect a 6-foot tall chain link fence;

Thence following said chain link fence South 20°55'15" East a distance of 8.79 feet to an angle point;



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Thence following said chain link fence South 29°50'37" East a distance of 27.06 feet to an angle point;

Thence following said chain link fence South 34°06'24" East a distance of 33.45 feet to an angle point;

Thence following said chain link fence South 44°57'58" East a distance of 48.54 feet to an angle point;

Thence following said chain link fence South 59°25'20" East a distance of 43.28 feet to said Westerly margin of South Tacoma Way;

Thence North 29°22'50" East along said Westerly margin a distance of 128.38 feet to the Point of Beginning.

Except the Southeasterly 6 feet thereof.

All situate in the City of Tacoma, County of Pierce, State of Washington; within the Southwest Quarter of the Northwest Quarter of Section 18, Township 20 North, Range 03 East of the Willamette Meridian.

(Containing ±10,339 Square feet or approximately 0.24 Acres)

is hereby vacated, and the land so vacated is 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; provided, however, that there is hereby retained



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and reserved, pursuant to the statutes of the state of Washington, the following easements, to-wit:

Public Works Traffic:

An easement over the entire Vacation Area for access and maintenance to the bridge overpass, off-ramp, road and slopes. Traffic further requested that existing fencing be removed and relocated to the new property line and chamfered at the intersection of the off-ramp to open sight lines. Alternatively, the Petitioner could obtain a City permit (ROCC) for any portion of the fencing allowed to remain within unvacated right-of-way.

Public Works Engineering:

An easement over the entire Vacation Area for access and maintenance to the bridge overpass, off-ramp, road and slopes. Engineering further requested that the easement memorialize the requirement for a joint locking system for any fencing/gating to be determined together with alternative points of access on adjacent property. In addition, for structural safety reasons, Engineering has requested that a negative easement be granted prohibiting the storage of combustible or flammable materials under the South Union Avenue aerial overpass encompassing a 40-foot area from the edges of the bridge deck.

Public Works Street Light:

Access to City street light infrastructure and related in and around the Vacation Area should be made an express part of the easement(s) reserved in this vacation.

Tacoma Fire:

Fire access and emergency services access the bridge overpass, off-ramp and road surfaces should be made an express part of the easement(s) reserved in this vacation.



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Environmental Services:

Easement rights should be reserved for existing storm water infrastructure in the Vacation Area to stay in place and for the same to be maintained, repaired, restored, and/or replaced.

Tacoma Power:

Easement rights should be reserved for the overhead service drop, crossing the Vacation Area to the existing billboard on neighboring (BNSF) railroad right-of-way.

Tacoma Water:

Easement rights should be reserved over the Easterly 70 feet of the Vacation Area for existing water infrastructure to be maintained, repaired, restored, and/or replaced.

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 37th Street and South Union Avenue off-ramp, lying westerly of South Tacoma Way

Petitioner: Chandler Investment I, LLC

Vacation Req. No. 124.1408