



ORDINANCE NO. 28652

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating the
4 west 14 feet of North Pine Street lying between the southerly line of
5 North 29th Street and the eastern extension of the northerly line of
6 the North 28th Street alley, to incorporate the vacated area into the
7 Petitioners' adjacent real property, facilitating subdivision into an
8 additional lot for development; and adopting the Hearing Examiner's
9 Findings, Conclusions, and Recommendations related thereto.

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

13 BE IT ORDAINED BY THE CITY OF TACOMA:

14 Section 1. That the City Council hereby adopts the Hearing Examiner's
15 Findings, Conclusions, and Recommendations as contained in the Hearing
16 Examiner's Report and Recommendation to the City Council bearing File
17 No. 124.1398 and dated November 18, 2019, which Report is on file in the
18 office of the City Clerk.
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Section 2. That the west 14 feet of North Pine Street lying between the southerly line of North 29th Street and the eastern extension of the northerly line of the North 28th Street alley, legally described as follows:

A portion of the Southeast Quarter of the Southwest Quarter of Section 30, Township 21 North, Range 3 East, Willamette Meridian, Pierce County, Washington, more particularly described as follows:

The Westerly 14 feet of North Pine Street abutting Lot 1, Block 49 of Supplementary Map of Tacoma, Washington Territory, according to the plat thereof recorded in Volume 1 of Plats, page 11, records of Pierce County, Washington, lying between the southerly line of North 29th Street and the eastern extension of the northerly line of said Block 49 Alley.

Situate in the City of Tacoma, County of Pierce, State of Washington; 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 and reserved, pursuant to the statutes of the state of Washington, the following easements, to-wit:

1. City Environmental Services

A utility easement over the east five (5) feet of the vacation area must be established prior to finalizing the vacation for the maintenance and/or repair of City utility



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assets within the North Pine Street right of way adjacent and parallel to the vacation area.

2. Tacoma Power

Tacoma Power has overhead lines running parallel with and adjacent to the vacation area and requests reservation of an easement over the easterly five (5) feet of the vacation area to maintain ability to access the Tacoma Power infrastructure for on-going operations and maintenance, and maintain safety by avoiding conflicts with conductors. Reservation of this easement is a recommended condition of approval.



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3. Solid Waste

The City's Solid Waste division of the Public Works Department has no objection to the vacation provided that an easement, over the south five (5) feet of the west nine (9) feet, and the south 15 feet of the east five (5) feet, of the vacation area will be reserved from vacation. This easement will be for use by Solid Waste vehicles and personnel. No fences or structures will be permitted within the easement area.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: The west 14 feet of North Pine Street lying between the southerly line of North 29th Street and the eastern extension of the northerly line of the North 28th Street alley.

Petitioners: John and Miyon Kautz
Vacation Req. No. 124.1398