



## ORDINANCE NO. 28325

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating  
4 portions of several street and alley right-of-way segments in the area  
5 lying between North Waterview Street and North Stevens Street,  
6 consisting of approximately 95,060 square feet of undeveloped and  
7 sloped property, for residential building lots; and adopting the Hearing  
8 Examiner's Findings, Conclusions, and Recommendations related  
9 thereto.

10 WHEREAS all steps and proceedings required by law and by resolution  
11 of the City Council to vacate the portion of the right-of-way hereinafter  
12 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. 124.1354 and dated September 11, 2015, which Report is on file in the  
18 office of the City Clerk.  
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Section 2. That portions of several street and alley right-of-way segments in the area lying between North Waterview Street and North Stevens Street, as more particularly described in Exhibit "A," are hereby vacated, and the lands so vacated are 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 rights-of-way so vacated do 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:

CITY EASEMENT RESERVATION

A utility easement is hereby reserved over the entire vacated area for the City of Tacoma for the maintenance, repair, construction, and replacement of existing and future above-ground and underground utilities.

- a. The easement area currently contains Tacoma Power infrastructure in the northeast 10 feet parallel with North Waterview Street; and
- b. The easement area southwesterly of the monument line of North Waterview Street currently contains a water main and water service and meters to a distance of 40 feet from the monument line of North Waterview Street.



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ENVIRONMENTAL SERVICES

Prior to second reading and finalization of this vacation, the Petitioner shall submit a separate request or legal agreement showing access for parcel 556000-0050 (4652 North Waterview Street); and, a Restrictive Covenant agreement is required for parcel 556500-0270 (4415 North Mason Avenue) providing access through parcels 556500-0260 (4407 Forest Street) and 556500-0250 (4403 Forest Street).

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
City Clerk

Approved as to form:  
\_\_\_\_\_  
Deputy City Attorney

Property description approved:  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: Several street and alley right-of-way segments in the area lying between North Waterview Street and North Stevens Street  
Petitioner: Waterview Point, LLC  
Vacation Req. No. 124.1354



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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**WATERVIEW STREET**

A STRIP OF LAND LYING WITHIN THE SOUTH HALF OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CITY OF TACOMA, PIERCE COUNTY, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THE SOUTHWESTERLY 40 FEET OF WATERVIEW STREET LYING SOUTHERLY OF THE NORTHWESTERLY LINE OF LOT 2, BLOCK 4, MASONS SHORELINE ADDITION AS RECORDED IN VOLUME 1 OF PLATS AT PAGE 108, RECORDS OF PIERCE COUNTY, WASHINGTON, EXTENDED NORTHEASTERLY AND LYING NORTHERLY OF THE CENTER LINE OF MORRISON STREET.

**ALLEY BLOCKS 10 AND 4 MASON'S SHORELINE ADDITION**

A STRIP OF LAND LYING WITHIN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF TACOMA, PIERCE COUNTY, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE ALLEY AS SHOWN ON THE PLAT OF MASON'S SHORELINE ADDITION TO TACOMA, RECORDED IN VOLUME 1 OF PLATS AT PAGE 108, IN PIERCE COUNTY, WASHINGTON.

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 1, BLOCK 10 OF SAID MASON'S SHORELINE ADDITION; THENCE NORTH 49°56'44" WEST, ALONG THE NORTHEASTERLY LINE OF SAID BLOCK, 60.00 FEET TO THE MOST NORTHERLY CORNER OF LOT 2 OF SAID BLOCK 10; THENCE NORTH 40°03'16" EAST, 20.00 FEET TO THE MOST WESTERLY CORNER OF LOT 2 OF BLOCK 4 OF SAID MASON'S SHORELINE ADDITION; THENCE SOUTH 49°56'44" EAST, ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK, 60.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID BLOCK 4; THENCE SOUTH 40°03'16" WEST, TO THE POINT OF BEGINNING.



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**SHERIDAN STREET**

A STRIP OF LAND LYING WITHIN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF TACOMA, PIERCE COUNTY, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SHERIDAN STREET (HERRIOT STREET) AS SHOWN ON THE PLAT OF MASON'S SHORELINE ADDITION TO TACOMA, RECORDED IN VOLUME 1 OF PLATS AT PAGE 108, IN PIERCE COUNTY, WASHINGTON, AS MODIFIED BY CITY OF TACOMA DEED NUMBER 366.

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 1, BLOCK 10 OF SAID MASON'S SHORELINE ADDITION; THENCE NORTH 40°03'16" EAST, ALONG THE SOUTHEASTERLY LINE OF BLOCKS 10 AND 4 OF SAID ADDITION 220.00 FEET TO THE MOST EASTERLY CORNER OF SAID BLOCK 4; THENCE SOUTH 49°56'44" EAST, 80.00 FEET TO THE MOST NORTHERLY CORNER OF BLOCK 3 OF SAID MASON'S SHORELINE ADDITION; THENCE SOUTH 40°03'16" WEST, ALONG THE NORTHWESTERLY LINE THEREOF 172.70 FEET TO THE SOUTH LINE OF SAID MASON'S SHORELINE ADDITION; THENCE NORTH 89°46'23" WEST, ALONG THE SOUTH LINE THEREOF, 73.87 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF NORTH 48TH STREET; THENCE NORTH 49°56'44" WEST, ALONG THE EAST LINE THEREOF 23.27 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 1, BLOCK 4 AND THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS VACATED BY ORDINANCE 19939.

**ALLEY BLOCK 1 HILLS ADDITION**

A STRIP OF LAND LYING WITHIN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 2 EAST FO THE WILLAMETTE MERIDIAN, CITY OF TACOMA, PIERCE COUNTY, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE ALLEY AS SHOWN ON THE PLAT OF HILL'S ADDITION, RECORDED IN VOLUME 1 OF PLATS AT PAGE 19, IN PIERCE



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COUNTY, WASHINGTON, LYING WESTERLY OF THE WEST  
RIGHT-OF-WAY LINE OF MASON AVENUE AND EAST OF THE  
FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 OF SAID  
BLOCK 1, SAID CORNER ALSO BEING A POINT ON THE NORTH LINE OF  
THE AFOREMENTIONED ALLEY; THENCE NORTH 89°35'28" WEST,  
ALONG SAID NORTH LINE, 118.45 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 28°05'13" EAST, 17.95 FEET; THENCE SOUTH  
27°35'41" EAST, 0.26 FEET TO THE SOUTH LINE OF SAID ALLEY AND  
THE TERMINUS OF THIS DESCRIBED LINE.

**NORTH MASON AVENUE**

A STRIP OF LAND LYING WITHIN THE EAST HALF OF THE SOUTHWEST  
QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 2 EAST OF  
THE WILLAMETTE MERIDIAN, CITY OF TACOMA, PIERCE COUNTY,  
WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THAT PORTION OF MASON AVENUE AS SHOWN ON THE PLAT OF  
HILL'S ADDITION, RECORDED IN VOLUME 1 OF PLATS AT PAGE 19, IN  
PIERCE COUNTY, WASHINGTON, LYING SOUTHERLY OF THE SOUTH  
RIGHT-OF-WAY LINE OF NORTH 45TH STREET AND NORTHERLY OF  
THE FOLLOWING-DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK 4, HILL'S  
ADDITION; THENCE SOUTH ALONG THE EASTERLY LINE OF SAID  
BLOCK 4, BEING THE WESTERLY LINE OF MASON AVENUE 73.87 FEET  
TO THE POINT OF BEGINNING; THENCE SOUTH 89°56'51" EAST,  
40.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MASON  
AVENUE AND THE TERMINUS OF THIS DESCRIBED LINE.

**MORRISON STREET**

A STRIP OF LAND LYING WITHIN THE WEST HALF OF THE SOUTHEAST  
QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 2 EAST OF  
THE WILLAMETTE MERIDIAN, CITY OF TACOMA, PIERCE COUNTY,  
WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:



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2 THAT PORTION OF MORRISON STREET AS SHOWN ON THE PLAT OF  
3 MASON'S WATER FRONT ADDITION TO TACOMA, WASHINGTON,  
4 ACCORDING TO THE PLAT RECORDED IN BOOK 1 OF PLATS AT  
5 PAGE 98, IN PIERCE COUNTY, WASHINGTON, LYING EASTERLY OF THE  
6 EAST RIGHT-OF-WAY LINE OF MASON AVENUE AND WESTERLY OF  
7 THE MOST WESTERLY 40.00 FEET OF WATERVIEW STREET,  
8 RIGHT-OF-WAY LINE.

9 EXCEPT THAT PORTION VACATED PER CITY OF TACOMA ORDINANCE  
10 NUMBER 15259.

#### 11 **NORTH 46TH STREET**

12 A STRIP OF LAND LYING WITHIN THE EAST HALF OF THE SOUTHWEST  
13 QUARTER AND A PORTION OF THE WEST HALF OF THE SOUTHEAST  
14 QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 2 EAST OF  
15 THE WILLAMETTE MERIDIAN, CITY OF TACOMA, PIERCE COUNTY,  
16 WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

17 THAT PORTION OF NORTH 46TH STREET (WATER STREET AND FIRST  
18 STREET) AS SHOWN ON THE PLAT OF HILL'S ADDITION RECORDED IN  
19 VOLUME 1 OF PLATS AT PAGE 19, IN PIERCE COUNTY, WASHINGTON,  
20 AND WOODRUFF'S SECOND ADDITION TO TACOMA, PIERCE COUNTY,  
21 WASHINGTON, RECORDED IN VOLUME 3 OF PLATS AT PAGE 61  
22 DESCRIBED AS FOLLOWS:

23 BEGINNING AT THE NORTHEAST CORNER OF BLOCK 1 OF SAID HILL'S  
24 ADDITION; THENCE NORTH  $89^{\circ}44'25''$  WEST, ALONG THE NORTH LINE  
25 OF SAID BLOCK 1, A DISTANCE OF 193.09 FEET TO A POINT ON A  
26 NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF  
455.00 FEET, AND TO WHICH POINT A RADIAL BEARS SOUTH  $50^{\circ}53'19''$   
WEST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A  
CENTRAL ANGLE OF  $07^{\circ}03'11''$ , AN ARC LENGTH OF 56.01 FEET;  
THENCE NORTH  $46^{\circ}09'51''$  WEST, 56.57 FEET TO THE SOUTH LINE OF  
BLOCK 7 OF SAID WOODRUFF'S SECOND ADDITION; THENCE SOUTH  
 $89^{\circ}44'25''$  EAST, ALONG THE SOUTH LINE OF BLOCKS 7 AND 8,  
320.61 FEET TO THE SOUTHEAST CORNER OF BLOCK 8 OF SAID



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2 WOODRUFF'S SECOND ADDITION; THENCE SOUTH 38°57'28" EAST, A  
3 DISTANCE OF 51.08 FEET TO THE CENTER LINE OF SAID NORTH 46TH  
4 STREET; THENCE SOUTH 89°29'30" WEST, ALONG SAID CENTER LINE,  
5 A DISTANCE OF 40.78 FEET TO THE EAST RIGHT-OF-WAY LINE OF  
6 NORTH MASON AVENUE; THENCE SOUTH 00°03'09" WEST, ALONG SAID  
7 RIGHT-OF-WAY 40.00 FEET; THENCE NORTH 89°44'25" WEST,  
8 40.00 FEET TO THE POINT OF BEGINNING.

### 9 **NORTH 45TH STREET**

10 A STRIP OF LAND LYING WITHIN THE EAST HALF OF THE SOUTHWEST  
11 QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 2 EAST OF  
12 THE WILLAMETTE MERIDIAN, CITY OF TACOMA, PIERCE COUNTY,  
13 WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

14 THAT PORTION OF NORTH 45TH STREET (FIRST STREET), AS SHOWN  
15 ON THE PLAT OF HILL'S ADDITION, RECORDED IN VOLUME 1 OF PLATS  
16 AT PAGE 19, IN PIERCE COUNTY, WASHINGTON, LYING WESTERLY OF  
17 THE WEST RIGHT-OF-WAY LINE OF NORTH MASON STREET AND EAST  
18 OF THE FOLLOWING DESCRIBED LINE;

19 COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 1 OF SAID  
20 HILL'S ADDITION; THENCE NORTH 89°26'32" WEST, ALONG THE SOUTH  
21 LINE OF SAID BLOCK 1, A DISTANCE OF 70.00 FEET TO THE POINT OF  
22 BEGINNING; THENCE SOUTH 00°03'09" WEST, 80.00 FEET TO THE  
23 SOUTH RIGHT-OF-WAY LINE OF SAID NORTH 45TH STREET AND THE  
24 TERMINUS OF THIS DESCRIBED LINE.

25 RETAINING AND RESERVING THEREIN AN EASEMENT TO THE CITY OF  
26 TACOMA FOR 10 FEET OF THE PROPOSED VACATION AREA, PARALLEL  
WITH WATERVIEW STREET, FOR POWER POLES, ANCHORS, GUY  
WIRES, OVERHEAD AND UNDERGROUND POWER AND DATA  
WIRES, DATA ENCLOSURES AND VAULTS, POWER AND DATA CONDUIT,  
AND TRANSFORMERS.

RETAINING AND RESERVING THEREIN AN EASEMENT TO THE CITY OF  
TACOMA FOR A WATER MAIN AND WATER SERVICE WITHIN THE  
RIGHT-OF-WAY OF WATERVIEW STREET. THE DEVELOPER SHALL



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RETAIN AN EASEMENT COVER EXISTING TACOMA WATER SERVICE AND METERS FOR OVER THE AREA SOUTHWESTERLY OF THE MONUMENT LINE OF WATERVIEW STREET, TO A DISTANCE OF 40 FEET FROM THE MONUMENT LINE OF WATER STREET.

RETAINING AND RESERVING THEREIN AN EASEMENT TO THE CITY OF TACOMA FOR A 20-FOOT STORM AND SANITARY SEWER EASEMENT CENTERED ON THE NORTH HERRIOT STREET RIGHT-OF-WAY FROM NORTH WATERVIEW STREET, WEST OF THE NORTHERN PROPERTY LINE OF TAX PARCEL 450000-0011 TO THE EAST LINE OF NORTH 43RD STREET.

NO PERMANENT STRUCTURES SHALL BE ERECTED WITHIN THE PUBLIC EASEMENT AREA UNLESS SPECIFICALLY APPROVED IN WRITING BY THE CITY OF TACOMA DIRECTOR OF PUBLIC WORKS. PERMANENT STRUCTURES SHALL MEAN ANY CONCRETE FOUNDATION, CONCRETE SLAB, WALL, ROCKERY, BUILDING, DECK, OVERHANGING STRUCTURES, FILL MATERIAL,

RECREATIONAL SPORTS COURTS, CARPORTS, PORTABLE SHEDS, PRIVATE UTILITIES, FENCES, OR OTHER SITE IMPROVEMENT THAT WILL UNREASONABLY INTERFERE WITH THE NEED TO ACCESS OR CONSTRUCT SANITARY OR STORM SEWER UTILITIES IN SAID EASEMENTS. PERMANENT STRUCTURES SHALL NOT MEAN IMPROVEMENTS SUCH AS NORMAL LANDSCAPING, ASPHALT PAVING, GRAVEL, OR OTHER SIMILAR SITE IMPROVEMENTS THAT DO NOT PREVENT THE ACCESS OF MEN, MATERIALS, AND MACHINERY ACROSS, ALONG, AND WITHIN THE SAID EASEMENT AREA. LAND RESTORATION BY THE CITY WITHIN THE SAID EASEMENT AREA DUE TO THE CONSTRUCTION, OPERATION, INSPECTION, REPLACEMENT, REPAIR, OR MAINTENANCE OF SANITARY OR STORM SEWER UTILITIES WILL BE STRICTLY LIMITED TO GRASS SEED, GRASS SOD, AND/OR ASPHALT REPLACEMENT UNLESS OTHERWISE DETERMINED BY THE CITY OF TACOMA. WATERVIEW POINTE LEGAL DESCRIPTION OF VACATION.