



ORDINANCE NO. 28292

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a
4 portion of Jefferson Avenue south of South 17th Street, for the purpose
5 of constructing pedestrian and bicycle improvements, landscaping,
6 traffic management, parking, and vehicle access to the University of
Washington Tacoma; and adopting the Hearing Examiner's Findings,
Conclusions, and Recommendations related thereto.

7 WHEREAS all steps and proceedings required by law and by
8 resolution of the City Council to vacate the portion of the right-of-way
9 hereinafter described have been duly taken and performed; Now, Therefore,
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11 BE IT ORDAINED BY THE CITY OF TACOMA:

12 Section 1. That the City Council hereby adopts the Hearing
13 Examiner's Findings, Conclusions, and Recommendations as contained in
14 the Hearing Examiner's Report and Recommendation to the City Council
15 bearing File No. 124.1347 and dated March 10, 2015, which Report is on file
16 in the office of the City Clerk.
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Section 2. That a portion of Jefferson Avenue south of South 17th Street, described as follows:

A portion of the Northwest quarter of the Southwest quarter of Section 04, Township 20 North, Range 03 East, W.M. more particularly described as follows:

That portion of Jefferson Avenue lying southerly of the South right-of-way margin of South 17th Street and easterly of the southerly extension of the West line of Block 1705, Map of New Tacoma, Washington Territory, according to the Plat thereof as recorded February 3, 1875, records of Pierce County Auditor;

Said southerly extension terminates at the West line of Block 1806 of said Plat;

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:



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1. Reservation of sidewalk, street light, and utility easement by City of Tacoma for public access and City ownership and maintenance over the existing sidewalk and street lights fronting 1711 Jefferson Avenue.

2. Reservation of a utility easement over the entire vacation area for the City of Tacoma for maintenance, repair, construction, modification, and replacement of existing and future facilities.

a) The vacation area contains a 24-inch water main and appurtenances which will need to remain in service, unobstructed, and accessible at all times.

b) The easement includes unlimited access to the easement area with 24-hour notice to Grantor; prior notice is not required in the event of an emergency.

c) To avoid conflicts with existing facilities and access, Tacoma Water retains review and approval rights for any improvements proposed within a 10 foot width on either side of the 24-inch water main.

d) Any Grantor-directed relocation or adjustment of existing Tacoma Water infrastructure within the easement area must be completed by Tacoma Water at the Grantor's sole cost and expense.



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e) Damage to any Tacoma Water facilities within the easement area by the Grantor, its agents, tenants, employees, assignees, or invitees shall be repaired by Tacoma Water at the Grantor's sole cost and expense; provided, third-party utilities are not deemed to be Grantor's agents, tenants, employees, assignees, or invitees.

f) No permanent structures shall be placed within the easement area without Tacoma Water approval; provided, that if approval is given, Grantor shall be responsible for all costs and expenses of utility relocation made necessary by Grantor's improvements.

g) No grading will be allowed within a 10 foot width on either side of the 24-inch water main or future Tacoma Water facilities without the prior consent of Tacoma Water. If approval is given, no removal of material



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over Tacoma Water infrastructure will be allowed which will result in a depth of cover of less than three feet. No filling over Tacoma Water infrastructure will be allowed which will result in a depth of cover greater than five feet.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: Portions of Jefferson Avenue south of South 17th Street
Petitioner: University of Washington Tacoma
Vacation Req. No. 124.1347