



## ORDINANCE NO. 28435

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a portion  
4 of the alley right-of-way lying between East 28th Street and East 29th  
5 Street, from Portland Avenue to the extended Easterly line of Lot 24 in  
6 Blocks 7846 and Block 7945 of the Indian Addition to the City of  
7 Tacoma, for the construction of a multi-level garage structure, casino,  
8 and hotel as part of the Emerald Queen Casino Relocation project; and  
9 adopting the Hearing Examiner's Findings, Conclusions, and  
10 Recommendations related thereto.

11 WHEREAS, upon petition of the Puyallup Tribe of Indians for vacation  
12 of a portion of the herein described alley right-of-way, the Hearing Examiner  
13 convened a public hearing and took testimony and received materials  
14 regarding the vacation and issued a report and recommendation dated  
15 April 6, 2017, and transmitted by First Class Mail Delivery to the petitioner  
16 and to other parties of interest, including David Smith and his attorney, and

17 WHEREAS on April 16, 2017, a notice of appeal of the  
18 recommendation of the Hearing Examiner was filed with the Office of the City  
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Clerk on behalf of David Smith, the owner of property located in the vicinity of the alley right-of-way vacation, and

WHEREAS a closed record hearing was convened before the City Council on June 20, 2017, at approximately 5:30 p.m., whereupon the petitioner, Puyallup Tribe of Indians, represented by counsel, and appellant David Smith, represented by counsel, appeared and presented oral argument to the City Council in favor of and in opposition to the alley right-of-way vacation, and

WHEREAS the City Council, having considered the written and oral arguments of the petitioner and appellant and having reviewed the record of proceedings before the Hearing Examiner and the report and recommendation of the Hearing Examiner, and having been in all matters fully advised, determined that the appeal should be denied, and that the Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council should be adopted, and

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



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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council bearing File No. 124.1371, and dated April 6, 2017, which Report is on file in the office of the City Clerk.

Section 2. That the portion of the alley right-of-way lying between East 28th Street and East 29th Street, from Portland Avenue to the extended Easterly line of Lot 24 in Blocks 7846 and Block 7945 of the Indian Addition to the City of Tacoma, legally described as follows:

All that certain alley right-of-way lying between and abutting Lots 2 through 24 of Blocks 7846 and 7945 of the Indian Addition to the City of Tacoma, as per Plat recorded in Volume 7 of Plats at Page 30, records of Pierce County, Washington.

Situate in the City of Tacoma, County of Pierce, State of Washington; within Section 10, Township 20 North, Range 03 East of the Willamette Meridian;

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



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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:

TACOMA POWER

An easement shall be retained for the benefit of Tacoma Power over the southerly 10 feet of the westerly 45 feet of the subject alley for existing electrical infrastructure, including, but not limited to, power pole, anchor, guywire, and service.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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

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

Location: A portion of the alley right-of-way lying between East 28th Street and East 29th Street, from Portland Avenue to the extended Easterly line of Lot 24 in Blocks 7846 and Block 7945 of the Indian Addition to the City of Tacoma

Petitioner: Puyallup Tribe of Indians  
Vacation Req. No. 124.1371