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**SUBSTITUTE  
ORDINANCE NO. 28381**

AN ORDINANCE related to the vacation of City right-of-way; vacating the north 10 feet of South 23rd Street, lying between the westerly margin of Jefferson Avenue and the easterly margin of Fawcett Avenue, to the City of Tacoma for use in an economic development project; and adopting the Hearing Examiner's Findings, Conclusions, and Recommendations related thereto.

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,

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. 124.1369 and dated August 26, 2016, which Report is on file in the office of the City Clerk.



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Section 2. That the north 10 feet of South 23rd Street, lying between the westerly margin of Jefferson Avenue and the easterly margin of Fawcett Avenue, legally described as follows:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 09, TOWNSHIP 20 NORTH, RANGE 03 EAST, W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHERLY 10.00 FEET OF SOUTH 23RD STREET LYING BETWEEN THE WESTERLY MARGIN OF JEFFERSON AVENUE EXTENDED SOUTHERLY AND THE EASTERLY MARGIN OF FAWCETT AVENUE EXTENDED SOUTHERLY.

ALL SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

(CONTAINING 1,866 SQUARE FEET, MORE OR LESS OR APPROXIMATELY 0.043 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 and reserved, pursuant to the statutes of the state of Washington, the following easement, to-wit:



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City of Tacoma

An easement shall be reserved over the vacation area for the City of Tacoma for the protection, maintenance, repair, construction, and replacement of existing and future above-ground and underground utilities, along with the establishment of a non-motorized access easement and emergency access easement.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

Property description approved:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: The north 10 feet of South 23rd Street, lying between the westerly margin of Jefferson Avenue and the easterly margin of Fawcett Avenue

Petitioner: City of Tacoma  
Vacation Req. No. 124.1369