



ORDINANCE NO. 28572

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a
4 westerly portion of East D Street, lying south of East 18th Street,
5 primarily fronting the Johnny's Dock restaurant property, for restaurant
6 and marina parking; and adopting the Hearing Examiner's Findings,
7 Conclusions, and Recommendations related thereto.

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

11 BE IT ORDAINED BY THE CITY OF TACOMA:

12 Section 1. That the City Council hereby adopts the Hearing Examiner's
13 Findings, Conclusions, and Recommendations as contained in the Hearing
14 Examiner's Report and Recommendation to the City Council bearing File
15 No. 124.1391 and dated December 28, 2018, which Report is on file in the
16 office of the City Clerk.
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Section 2. That the westerly portion of East D Street, lying south of East 18th Street, primarily fronting the Johnny's Dock restaurant property, legally described as follows:

The Westerly 23.50 feet of the following described portion of East "D" Street:

Commencing at the Northwest corner of Block 52, Map of Tacoma Tidelands as surveyed and platted by the Board of Tidelands Appraisers of Pierce County, as per map thereof filed for record September 14, 1895, in the office of the County Auditor;

Thence North 82°38'31" East along the North line of said Block 52, a distance of 201.90 feet to the Westerly margin of the above described East "D" Street and the True Point of Beginning;

Thence continuing North 82°38'31" East along the extension of said North line, a distance of 100.59 feet to the centerline of the above described East "D" Street;

Thence South 01°11'30" East along said centerline, a distance of 256.50 feet to an angle point thereof;

Thence South 07°23'37" East along said centerline, a distance of 160.01 feet to the City of Tacoma Control Monument Number 216;

Thence continuing South 07°23'37" East along said centerline, a distance of 80.52 feet to a line parallel with and 545.00 feet North of the South line of the above described Block 52;



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Thence South 82°39'35" West along said parallel line, a distance of 100.00 feet to the above described Westerly margin of East "D" Street;

Thence North 07°23'37" West along said Westerly margin, a distance of 245.85 feet to an angle point thereof;

Thence North 01°11'30" West along said Westerly margin, a distance of 251.12 feet to the Point of Beginning.

Containing 0.268 acres, more or less.

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 easement, to-wit:



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City of Tacoma

An easement shall be reserved for the City of Tacoma over a portion of the vacation area for the protection, maintenance, repair, construction, and replacement of existing and future above-ground and underground utilities:

Including, but not limited to: Tacoma Water, Environmental Services, and Click! Network.

Note: All three City divisions indicate they have infrastructure located within the Vacation Area. If such infrastructure needs to be relocated, it will be done at the Petitioner's expense.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: Westerly portion of East D Street, lying south of East 18th Street primarily fronting the Johnny's Dock Restaurant property
Petitioner: Pacific Harbor Landing LLC
Vacation Req. No. 124.1391