



**SUBSTITUTE**  
**ORDINANCE NO. 28751**

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating the alley  
4 right-of-way lying between South 11th and South 12th Streets, and  
5 Martin Luther King Jr. Way and South "J" Street, to facilitate a mixed-  
6 use development of affordable housing, office, and small business  
7 space; and adopting the Hearing Examiner's Findings, Conclusions,  
8 and Recommendations related thereto.

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

12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That the City Council hereby adopts the Hearing Examiner's  
14 Findings, Conclusions, and Recommendations as contained in the Hearing  
15 Examiner's Report and Recommendation to the City Council bearing File  
16 No. 124.1409 and dated February 17, 2021, which Report is on file in the  
17 office of the City Clerk.  
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Section 2. That the alley right-of-way lying between South 11th and South 12th Streets, and Martin Luther King Jr. Way and South "J" Street, legally described as follows:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 05, TOWNSHIP 20 NORTH, RANGE 03 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 4.91 FEET OF THE WEST 30 FEET OF THE 40 FOOT WIDE ALLEY SITUATED BETWEEN BLOCKS 1120 AND 1121, MAP OF NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1875, RECORDS OF PIERCE COUNTY AUDITOR;

TOGETHER WITH THE EAST 10 FEET OF ALLEY ABUTTING AS VACATED BY CITY OF TACOMA ORDINANCE NO. 2131 AND TOGETHER WITH THE WEST 19.09 FEET OF SAID BLOCK 1120, AS CONVEYED TO THE CITY OF TACOMA BY INSTRUMENT NUMBER 9812310546, RECORDS OF PIERCE COUNTY AUDITOR; SITUATE IN THE CITY OF TACOMA COUNTY OF PIERCE, STATE OF WASHINGTON;

(CONTAINING ±10,199 SQUARE FEET OR APPROXIMATELY 0.23 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



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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:

Environmental Services

A City utility easement must be reserved in the vacation ordinance preserving the continued existence of several segments of 8-inch wastewater mains (and the ability to access, maintain, repair, replace, etc.) running through the Vacation Area, specifically segments 6253001, 6253010, and 6253024.

Alternatively, the wastewater system may be relocated out of the Vacation Area at the Petitioner's expense.

Tacoma Power/CLICK!

~~In the reserved City easement, Tacoma Power/Click! must have the ability to maintain conduit running the length of the Vacation Area, with an additional 5 feet on~~



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either side of the actual facilities, for a total of 10 feet in width in order to be able to access, maintain, repair, and replace the conduit.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

Property description approved:

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

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

Location: The alley right-of-way lying between South 11th and South 12th Streets, and Martin Luther King Jr. Way and South "J" Street

Petitioner: Forterra Hilltop East LLC and Forterra Hilltop West LLC

Vacation Req. No. 124.1409