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SUBSTITUTE
ORDINANCE NO. 28482

4 AN ORDINANCE related to the vacation of City right-of-way; vacating that
5 portion of the East 29th Street air rights, beginning at a minimum
6 vertical distance of 24.5 feet from the finished street grade, between the
7 easterly margin of Portland Avenue and terminating at a point 100 feet
8 west of the westerly margin of East R Street, abutting and adjacent to
9 tribal property, in connection with the Emerald Queen Casino relocation
project; and adopting the Hearing Examiner's Findings, Conclusions,
and Recommendations related thereto.

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

15 Section 1. That the City Council hereby adopts the Hearing
16 Examiner's Findings, Conclusions, and Recommendations as contained in
17 the Hearing Examiner's Report and Recommendation to the City Council
18 bearing File No. 124.1382 and dated November 27, 2017, which Report is on
19 file in the office of the City Clerk.
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22 Section 2. That that portion of the East 29th Street air rights,
23 beginning at a minimum vertical distance of 24.5 feet from the finished street
24 grade, between the easterly margin of Portland Avenue and terminating at a
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point 100 feet west of the westerly margin of East R Street, abutting and adjacent to tribal property, legally described as follows:

That portion of the Southwest Quarter of the Northeast Quarter of Section 10, Township 20 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

That portion of East 29th Street air rights lying easterly of the east margin of Portland Avenue extended between a point marking the Northeast corner of a parcel conveyed to the City of Tacoma as recorded under Auditor File Number 8508260151, records of Pierce County, Washington, said point being 18 feet east of the Northwest corner of Block 7946 of the Indian Addition to the City of Tacoma, according to the Plat thereof filed on May 1, 1896, in Book 7 of Plats at pages 30 and 31, records of Pierce County, Washington and the Southwest corner of Lot 2, Block 7945 of said plat and lying westerly of a line extended from the Southeast corner of Lot 24 of said Block 7945 to the Northeast corner of Lot 24 of Block 7946, beginning at a minimum vertical distance of 24.5 feet above as measured perpendicular to the finished street grade.

All 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



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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:

City of Tacoma

An easement of variable width being that portion of vacated East 29th Street lying Twenty-four and one half feet (24-1/2 feet) above existing grade at ground level, the centerline of which is described as follows:

Commencing at the Northwest corner of Block 7946 of the Indian Addition to the City of Tacoma, according to the Plat thereof recorded in Book 7 of Plats, at Pages 30 and 31, records of Pierce County, Washington;

Thence North 82°41'16" East, along the North line of said Block, a distance of 25.53 feet to the Point of Beginning of this described centerline, being 15.00 feet in width, lying 7.5 feet on each side of the following described line;

Thence North 02°21'09" West a distance of 11.85 feet to Temporary Point "A";

Thence continuing North 02°21'09" West a distance of 68.48 feet to the South line of said Block 7945 of said Indian Addition and the Terminus of this described centerline.

Together with a 10.00 foot wide easement lying 5.00 feet on each side of the following described centerline;

Beginning at Temporary Point "A";



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Thence North 80°48'56" East a distance of 32.00 feet to the Terminus of this described centerline.

The sidelines of said easement are to be extended and/or shortened so as to terminate at the Block lines and their respective intersections.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department

Location: That portion of the East 29th Street air rights, beginning at a minimum vertical distance of 24.5 feet from the finished street grade, between the easterly margin of Portland Avenue and terminating at a point 100 feet west of the westerly margin of East R Street

Petitioner: Puyallup Tribe of Indians
Vacation Req. No. 124.1382