



## ORDINANCE NO. 28314

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a  
4 portion of the South Proctor Street right-of-way lying southerly of  
5 South 19th Street; reserving necessary easement rights; and adopting  
6 the Hearing Examiner's Findings, Conclusions, and Recommendations  
7 related thereto.

8 WHEREAS all steps and proceedings required by law and by resolution  
9 of the City Council to vacate the portion of the right-of-way hereinafter  
10 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. 124.1345 and dated January 12, 2015, which Report is on file in the office  
16 of the City Clerk.  
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Section 2. That a portion of the South Proctor Street right-of-way lying southerly of South 19th Street, described as follows:

All that portion of South Proctor Street lying southerly of South 19th Street within the Northeast and Northwest Quarters of the Northeast Quarter of Section 12, Township 20 North, Range 02 East, W.M., more particularly described as follows:

All that portion of South Proctor Street as described in paragraph 2 of City of Tacoma Deed No. 1763, recorded under Auditor's File No. 1489549, records of Pierce County Auditor, lying southerly of a line 35.00 feet South and parallel with the North line of said Section 12.

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:

An easement is reserved over the vacation area to the City of Tacoma for use specifically by the City's Department of Public Utilities as well as for any and all City utility purposes generally.

In the event that City utilities are relocated, formally abandoned and/or removed from the retained easement area and the



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easement is deemed, in the City’s discretion, to be no longer necessary, the City shall, upon formal request, relinquish the no longer necessary easement, or any part thereof, as retained herein.

Section 3. In addition to the foregoing, the Petitioner shall execute an easement over and along the northerly 10 feet of the subject South Proctor Street vacation area in favor of Century Link for future facilities, if requested.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

Property description approved:

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

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

Location: A portion of the South Proctor Street right-of-way lying southerly of South 19th Street

Petitioner: Jemstone, LLC  
Vacation Req. No. 124.1345