



RESOLUTION NO. 38797

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,
2 January 16, 2014, at 1:30 p.m., as the date for public hearing before the
3 City of Tacoma Hearing Examiner on the petition of a street vacation for a
4 portion of the Dock Street air rights northerly of State Route 509.

5 WHEREAS the Henry Foss Group LLC, a Washington limited liability
6 company ("Henry Foss Group"), has petitioned the City of Tacoma, Public Works
7 Department, for a street vacation of a portion of the Dock Street air rights northerly
8 of State Route 509 as legally described on Exhibit "A" attached hereto, and

9 WHEREAS the proposed project giving rise to the petition, known as "The
10 Henry," will replace a gravel parking lot with a building that will include
11 approximately 10,400 square feet of retail space and 161 residential units, and

12 WHEREAS the proposed project will add vitality to the Foss Waterway and
13 downtown, as well as various public amenities along the esplanade and within the
14 park area to the south, and

15 WHEREAS the air rights requested consist of three small, triangular
16 extensions of the building over the sidewalk, occurring above an elevation of 16'6",
17 which will not affect traffic patterns, and

18 WHEREAS the proposed project will provide a public benefit to the extent
19 that vacation of the requested air rights will facilitate the development of the
20 adjacent property and its return to the tax rolls of Pierce County, and the
21 businesses that are a part of the project will provide added tax revenue to the
22 City; Now, Therefore,

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25 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:
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Section 1. That Thursday, January 16, 2014, at 1:30 p.m., is hereby fixed as the date and time, and the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the place when and where the petition for a street vacation for a portion of the Dock Street air rights northerly of State Route 509 will be heard by the Hearing Examiner and her recommendations thereafter transmitted to the Council of the City of Tacoma.

Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Legal Description Approved:

Chief Surveyor

Location: A portion of the Dock Street air rights northerly of State Route 509
Petitioner: Henry Foss Group LLC
Street Vacation File No: 124.1338



EXHIBIT "A"

AIR RIGHTS VACATION DESCRIPTION

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THAT PORTION OF THE AIR RIGHTS, BEING A MINIMUM OF 16.5 FEET ABOVE THE FINISHED GRADE OF DOCK STREET AND LYING WITHIN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 3 EAST, W.M., CITY OF TACOMA, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

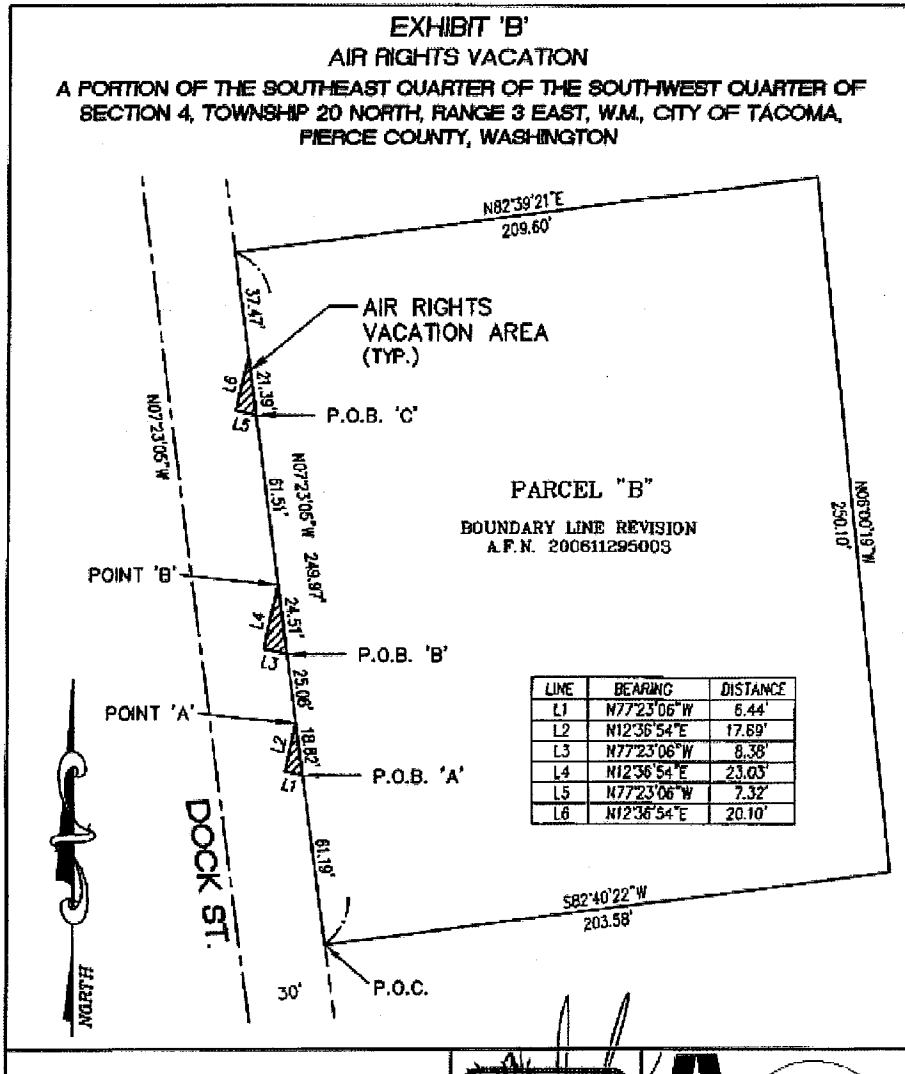
COMMENCING AT THE SOUTHWEST CORNER OF PARCEL "B" OF BOUNDARY LINE REVISION RECORDED UNDER AUDITOR'S FILE NO. 200611295003, BEING A POINT ON THE EASTERLY RIGHT OF WAY OF DOCK STREET, COINCIDENT WITH THE EASTERLY LINE OF SAID PARCEL "B"; THENCE NORTH 07°23'05" WEST ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 61.19 FEET TO THE POINT OF BEGINNING 'A'; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY NORTH 77°23'06" WEST, 6.44 FEET; THENCE NORTH 12°36'54" EAST, 17.69 FEET TO HEREINAFTER DESCRIBED POINT 'A', BEING A POINT ON SAID EASTERLY RIGHT OF WAY; THENCE SOUTH 07°23'05" EAST ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 18.82 FEET TO THE POINT OF BEGINNING 'A'.

TOGETHER WITH THE FOLLOWING:

COMMENCING AT AFOREMENTIONED POINT 'A'; THENCE NORTH 07°23'05" WEST ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY, A DISTANCE OF 25.08 FEET TO THE POINT OF BEGINNING 'B'; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY NORTH 77°23'06" WEST, 8.38 FEET; THENCE NORTH 12°36'54" EAST, 23.03 FEET TO HEREINAFTER DESCRIBED POINT 'B', BEING A POINT ON SAID EASTERLY RIGHT OF WAY; THENCE SOUTH 07°23'05" EAST ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 24.51 FEET TO THE POINT OF BEGINNING 'B'.

TOGETHER WITH THE FOLLOWING:

COMMENCING AT AFOREMENTIONED POINT 'B'; THENCE NORTH 07°23'05" WEST ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY, A DISTANCE OF 61.51 FEET TO THE POINT OF BEGINNING 'C'; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY NORTH 77°23'06" WEST, 7.32 FEET; THENCE NORTH 12°36'54" EAST, 20.10 FEET TO SAID EASTERLY RIGHT OF WAY; THENCE SOUTH 07°23'05" EAST ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 21.39 FEET TO THE POINT OF BEGINNING 'C'.



HENRY FOSS GROUP, LLC

STREET VACATION NO. 124.1338

A PTN. OF THE ELY SIDE OF DOCK STREET ADJACENT TO REDEVELOPMENT SITE 1

SW1/4 SEC. 4, T20N, R3E

NOT TO SCALE