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ORDINANCE NO. 27999

AN ORDINANCE related to the vacation of City property; vacating a 40- to 65-foot-wide portion of Ruston Way lying northwesterly of North 49th Street; and adopting the Hearing Examiner's Findings, Conclusions, and Recommendations related thereto.

WHEREAS all steps and proceedings required by law and by resolution of the City Council to vacate the portion of the street hereinafter named have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council bearing File No. 124.1282, and dated May 23, 2011(the "HEX Report"), which Report is on file in the office of the City Clerk.



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Section 2. A 40- to 65-foot-wide portion of Ruston Way lying
northwesterly of North 49th Street, and more particularly described as
follows:

THAT PORTION OF RUSTON WAY WITHIN SECTION
24, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., CITY
OF TACOMA, PIERCE COUNTY, WASHINGTON,
DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF
SAID SECTION, BEING A 2" BRASS DISK SCRIBED
WITH AN "X";

THENCE ALONG THE CENTER LINE OF SAID SECTION,
S 88°06'22" E, 1323.89 FEET TO THE SOUTHEAST
CORNER OF THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER THEREOF, BEING A STONE
SCRIBED WITH AN "X";

THENCE CONTINUING S 88°06'22" E, 46.00 FEET TO
THE NORTHERLY MARGIN OF N. 49TH STREET AS
DEDICATED BY DEED D-1097 ON FILE IN THE OFFICE
OF REAL PROPERTY SERVICES AT TACOMA,
WASHINGTON;

THENCE ALONG SAID NORTHERLY MARGIN, N
37°40'36" E, 125.84 FEET TO THE SOUTHWESTERLY
MARGIN OF FRONT STREET (ALSO KNOWN AS
RUSTON WAY);

THENCE ALONG SAID SOUTHWESTERLY MARGIN OF
RUSTON WAY, N 50°58'39" W, 320.88 FEET;



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THENCE N 39°10'44" E, 60.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N 50°58'39" W, 1001.83 TO THE SOUTHWESTERLY MARGIN OF RUSTON WAY;

THENCE ALONG SAID SOUTHWESTERLY MARGIN, N 40°18'49" W, 56.41 FEET;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY MARGIN, N 88°06'22" W, 17.29 FEET;

THENCE N 50°58'39" W, 172.22 FEET TO A POINT OF CURVATURE;

THENCE NORTHWESTERLY 127.14 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1069.00 FEET, THROUGH A CENTRAL ANGLE OF 06°48'51" TO A POINT OF TANGENCY;

THENCE N 57°47'30" W, 10.00 FEET;

THENCE N 55°59'27" W, 31.03 FEET TO THE NORTHEASTERLY MARGIN OF RUSTON WAY;

THENCE ALONG SAID NORTHEASTERLY MARGIN, THE FOLLOWING COURSES:

S 56°51'07" E, 144.96 FEET;

N 51°29'32" E, 2.71 FEET;

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S 64°35'50" E, 251.65 FEET;

S 45°11'50" E, 348.88 FEET;

N 51°24'10" E, 10.08 FEET;

S 50°58'39" E, 672.45 FEET;

THENCE S 39°10'44" W, 40.00 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONVEYED TO THE CITY OF TACOMA BY THE TACOMA SMELTING COMPANY BY DEED RECORDED APRIL 17, 1912, UNDER PIERCE COUNTY RECORDING NUMBER 359283, ALSO KNOWN AS CITY OF TACOMA DEED NUMBER D-548; AND

EXCEPT THAT PORTION CONVEYED TO THE CITY OF TACOMA BY THE AMERICAN SMELTING AND REFINING COMPANY JUNE 24, 1964, BY THE QUIT CLAIM DEED AND EASEMENT RECORDED UNDER PIERCE COUNTY RECORDING NUMBER 2129771, ALSO KNOWN AS CITY DEED NUMBER D-3339; AND

EXCEPT THAT PORTION, IF ANY, DEDICATED TO THE CITY OF TACOMA BY POINT RUSTON, LLC, ON OCTOBER 1, 2010, UNDER PIERCE COUNTY RECORDING NUMBER 201010011015, ALSO KNOWN AS CITY DEED NUMBER D-7126;

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, respectively, as a part



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thereof, and all right or title of the City in and to the portion of the streets so vacated does hereby vest in the owners of the property abutting thereon, but subject to all reservations of easements contained in the HEX Report, all in the manner provided by law.

Passed _____

Mayor

Attest:

City Clerk

Location: A 40- to 65-foot-wide portion of Ruston Way lying northwesterly of North 49th Street

Petitioners: Point Ruston, LLC

Vacation Request File No. 124.1282

Approved as to form:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department