



ORDINANCE NO. 28875

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a portion
4 of South Madison Street, lying south of South 40th Street, and a portion
5 of South 50th Street, lying west of South Madison Street, to facilitate
6 development of an industrial park and associated storm ponds, utility
7 extensions, and parking facilities; and adopting the Hearing Examiner's
8 Findings, Conclusions, 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 Nos. 124.1432 and 124.1442 and dated February 6, 2023, which Report is on
17 file in the office of the City Clerk.
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Section 2. That a portion of South Madison Street, lying south of South 40th Street, and a portion of South 50th Street, lying west of South Madison Street, legally described as follows:

MADISON VACATION AREA

A 60 FOOT WIDE STRIP LYING WITHIN A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24 AND THE EAST HALF OF SECTION 13, ALL IN TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M., PIERCE COUNTY, WASHINGTON, WHICH INCLUDES A PORTION OF THE EASTERLY 60 FEET OF TRACT 19 AND THE EAST 60 FEET OF TRACTS 20 THROUGH 25, INCLUSIVE, OF EXCELSIOR PARK TRACTS, ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS AT PAGE(S) 128, RECORDS OF PIERCE COUNTY, WASHINGTON,

DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF PARCEL A, CITY OF TACOMA BOUNDARY LINE ADJUSTMENT NO. MPD2008-40000112398, UNDER RECORDING NUMBER 200810275003, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH 88°36'33" WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID PARCEL A, 60.00 FEET;
THENCE NORTH 01°35'59" EAST, 1393.23 FEET MORE OF LESS TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13;
THENCE NORTH 08°11'10" EAST, 665.35 FEET MORE OF LESS TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13;
THENCE NORTH 01°40'09" EAST, 629.77 FEET TO THE SOUTHERLY MARGIN OF SOUTH 40TH STREET; THENCE SOUTH 88°15'36" EAST ALONG SAID SOUTHERLY MARGIN, 60.00 FEET; THENCE SOUTH 01°40'09" WEST, 633.11 FEET



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MORE OF LESS TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 08°11'10" WEST, 665.32 FEET MORE OF LESS TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 01°35'59" WEST, 1389.56 FEET TO THE POINT OF BEGINNING.

SOUTH 50TH VACATION AREA

A 60-FOOT-WIDE STRIP LYING WITHIN A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M., PIERCE COUNTY, WASHINGTON, LYING EAST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF THE J. NEISSON DONATION LAND CLAIM NO. 40 AND WEST OF THE WESTERLY MARGIN OF MADISON STREET,

DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF PARCEL A, CITY OF TACOMA BOUNDARY LINE ADJUSTMENT NO. MPD2008-40000112398, UNDER RECORDING NUMBER 200810275003, RECORDS OF PIERCE COUNTY, WASHINGTON;
THENCE NORTH 88°36'33" WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID PARCEL A, 60.00 FEET TO A POINT ON THE WESTERLY MARGIN OF MADISON STREET; THENCE ALONG SAID WESTERLY MARGIN SOUTH 01°35'59" WEST, 652.30 FEET TO A POINT ON THE SOUTH LINE OF TRACT 17 OF EXCELSIOR PARK TRACTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2 OF PLATS AT PAGE 128, IN PIERCE COUNTY WASHINGTON, BEING 60.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID TRACT 17 AND BEING THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WESTERLY MARGIN SOUTH 01°35'59" WEST, 60.00 FEET TO THE NORTH LINE OF SAID J. NEISSON DONATION LAND CLAIM NO. 40;
THENCE ALONG SAID NORTH LINE NORTH 88°38'31" WEST, 531.30 FEET TO THE NORTHWEST CORNER OF SAID



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J. NEISSON DONATION LAND CLAIM NO. 40 AND THE EAST LINE OF A PORTION OF SOUTH 50TH STREET VACATED PER RECORDING NUMBER 9408220141, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID J. NEISSON DONATION LAND CLAIM NO. 40 NORTH 01°25'06" EAST, 60.00 FEET TO THE SOUTH LINE OF SAID TRACT 17; THENCE ALONG SAID SOUTH LINE SOUTH 88°38'31" EAST, 531.49 FEET TO THE POINT OF BEGINNING.

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 easements, to-wit:

Public Works/Traffic Engineering

An easement requiring a loop connecting South Burlington Way to Madison Street, which would require a dedication, would have to be reserved. Any dead-end streets must terminate in a turnaround that meets Tacoma Right-of-Way Design Manual, which is typically a cul-de-sac wholly in the right-of-way.

Tacoma Water

A City utility easement must be reserved over the southerly 150 feet of the Madison Vacation Area, which easement must include the following requirements:

- a) Petitioner/Property Owner/Developer will need to maintain clearances from Tacoma Water's facilities.



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- b) A minimum 10 feet of clearance must be maintained from any mains, and a minimum 5 feet of horizontal clearance and minimum 1-foot of vertical clearance must be maintained from any hydrants.
- c) If existing Tacoma Water facilities need to be relocated or adjusted, they will be relocated by Tacoma Water at the Petitioner/Property Owner/Developer's expense.
- d) Tacoma Water facilities must remain accessible at all times. Any damage to Tacoma Water facilities will be repaired by Tacoma Water crews at the expense of the Petitioner/Property Owner/Developer.

Environmental Services

Madison Vacation Area

A 60-foot-wide City utility easement centered on the existing wastewater pipes will need to be reserved. Specifically, the Madison Vacation Area includes three 48-inch wastewater Segments 6263889, 6264280, and 6264229, that will need to have (an) easement(s) reserved for them and that those easement(s) must remain in place unless and until the Petitioner/developer reroutes the segments outside the proposed Vacation Area at its own expense.



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South 50th Vacation Area

A 25-foot-wide City utility easement will need to be reserved in the street vacation ordinance for ES wastewater assets (6270739 and 6257541) within the South 50th Vacation Area. The reserved easement must include the right to enter, maintain, replace, and/or repair the wastewater assets.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: A portion of South Madison Street, lying south of South 40th Street, and a portion of South 50th Street, lying west of South Madison Street.
Petitioner: Bridge Point Tacoma, LLC
Request Nos.: 124.1432 and 124.1442