



## ORDINANCE NO. 28813

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating the air  
4 rights over a portion of South 15th Street, lying between South Court "E"  
5 and South Fawcett Avenue, and a westerly portion of South Fawcett  
6 Avenue, lying south of South 15th Street, to facilitate design variability  
7 for a residential building project; and adopting the Hearing Examiner's  
8 Findings, Conclusions, and Recommendations related thereto.

9 WHEREAS the City received a petition for vacation of air rights over a  
10 portion of South 15th Street, lying between South Court "E" and South  
11 Fawcett Avenue, and the westerly portion of South Fawcett Avenue, lying  
12 south of South 15th Street, and

13 WHEREAS the Petitioner requested the vacation to allow for design  
14 flexibility on a residential building project, specifically building façade  
15 modulation and/or extensions/outcroppings such as small balconies, and

16 WHEREAS the vacation area is not currently used for any public right-  
17 of-way purpose, nor does the City see any need of it for future public use, and  
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1           WHEREAS a public hearing was held on March 24, 2022, and the  
2 Hearing Examiner’s recommendation is based on the evidence and testimony  
3 presented at this hearing, however, no members of the public appeared to  
4 express concerns or opposition to, and/or support for the proposed vacation,  
5 and  
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7           WHEREAS all steps and proceedings required by law and by  
8 resolution of the City Council to vacate the portion of the right-of-way  
9 hereinafter described have been duly taken and performed; Now, Therefore,  
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11           BE IT ORDAINED BY THE CITY OF TACOMA:  
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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 No. 124.1431 and dated March 28, 2022, which Report is on file in the office of  
17 the City Clerk.  
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Section 2. That the air rights over a portion of South 15th Street, lying between South Court "E" and South Fawcett Avenue, and a westerly portion of South Fawcett Avenue, lying south of South 15th Street, legally described as follows:

SOUTH FAWCETT AVENUE AIR SPACE VACATION:

THE WESTERLY 3.00 FEET OF THE WESTERLY 40.00 FEET OF SOUTH FAWCETT AVENUE LYING ADJACENT TO LOTS 1 THROUGH 19, INCLUSIVE, BLOCK 1510, MAP OF NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1875, RECORDS OF THE PIERCE COUNTY AUDITOR; SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON; AND LYING BETWEEN THE ELEVATIONS OF 177.00 FEET AND 272.50 FEET AT THE SOUTHEAST CORNER AND 210.67 FEET AND 272.50 FEET AT THE NORTHEAST CORNER, CITY OF TACOMA PUBLISHED NGVD 29 VERTICAL DATUM;

and

SOUTH 15TH STREET AIR SPACE VACATION:

THE SOUTH 3.00 FEET OF THE SOUTHERLY 40.00 FEET OF SOUTH 15TH STREET LYING ADJACENT TO LOT 1, BLOCK 1510, MAP OF NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1875, RECORDS OF THE PIERCE COUNTY AUDITOR; SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON; AND LYING BETWEEN THE ELEVATIONS OF 204.00 FEET AND 272.50 FEET AT THE NORTHEAST CORNER AND 220.50 FEET AND 272.50 FEET AT THE NORTHWEST CORNER, CITY OF TACOMA PUBLISHED NGVD 29 VERTICAL DATUM;



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are hereby vacated, and the air rights so vacated are 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.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

Property description approved:

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

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

Location: A portion of South 15th Street, lying between South Court "E" and South Fawcett Avenue, and a westerly portion of South Fawcett Avenue, lying south of South 15th Street.

Petitioner: Fawcett Avenue Owner, LLC  
Vacation Req. No. 124.1431