



## ORDINANCE NO. 28213

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4 AN ORDINANCE related to the vacation of City right-of-way; vacating a  
5 portion of alleyway air rights westerly of Proctor Street, between  
6 North 27th and North 28th Streets, for development of a mixed-use  
7 building; and adopting the Hearing Examiner's Findings, Conclusions,  
8 and Recommendations related thereto.

9 WHEREAS all steps and proceedings required by law and by resolution  
10 of the City Council to vacate the portion of the alley hereinafter named have  
11 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 No. 124.1337 and dated January 30, 2014, and Order on Reconsideration,  
17 dated March 5, 2014, on file in the office of the City Clerk.  
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1 Section 2. That a portion of alleyway air rights westerly of Proctor  
2 Street, between North 27th and North 28th Streets, and more particularly  
3 described as follows:  
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5 THAT PORTION OF THE AIR RIGHTS, BEING A MINIMUM OF  
6 16.50 FEET ABOVE THE FINISHED GRADE OF ALLEYWAY,  
7 LYING EAST OF A LINE 110.00 FEET WEST OF AND BEING  
8 PARALLEL TO THE MONUMENTED CENTERLINE OF  
9 PROCTOR STREET, LYING BETWEEN BLOCKS 21 AND 22 OF  
10 THE PLAT OF LAWRENCE ADDITION TO TACOMA,  
11 RECORDED IN VOLUME 3 OF PLATS, PAGE 40, RECORDS  
12 OF PIERCE COUNTY, WASHINGTON AND BETWEEN THOSE  
13 PORTIONS OF VACATED PROCTOR STREET AS VACATED  
14 BY CITY OF TACOMA ORDINANCES 13316 AND 10191.

15 THE ABOVE DESCRIBED PORTION LYING WITHIN THE  
16 SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 21  
17 NORTH, RANGE 02 EAST, WILLAMETTE MERIDIAN.

18 SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE,  
19 STATE OF WASHINGTON.

20 is hereby vacated, and the right-of-way so vacated is hereby surrendered and  
21 attached to the property bordering thereon, respectively, as a part thereof, and  
22 all right or title of the City in and to the portion of the alley so vacated does  
23 hereby vest in the owners of the property abutting thereon, all in the manner  
24 provided by law; provided, however, that such vacation is subject to the  
25 following conditions:  
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1. Payment of Fees.

28 Proctor shall compensate the City in an amount equal to the full appraised value of the area vacated. One-half of the revenue received shall be devoted to the acquisition, improvement, and maintenance of public open space land and one-half may be devoted to transportation projects and/or management and maintenance of other City-owned lands and unimproved rights-of-way. *TMC 9.22.010.*

2. Planning and Development Services (PDS).

The walkway shall be no less than 16.5 feet above grade pursuant to TMC 2.02.210, Section 3202.3.3.

3. Tacoma Fire Department.

- a. The building (sky bridge) constructed over public right-of-way shall be constructed of non-combustible materials (such as steel, concrete).
- b. The interior of the sky bridge shall be equipped with an automatic fire sprinkler system in accordance with NFPA 13.
- c. The underside of the sky bridge shall be equipped with an automatic fire sprinkler system in accordance with NFPA 13.
- d. The minimum vertical clearance, with absolutely no obstructions, shall be 13-feet 6-inches.

4. Environmental Services (ES).

- a. The minimum vertical clearance, with absolutely no obstructions, shall be 13-feet 6-inches.
  - 1) A minimum of 16 vertical feet from grade shall be required to access and maintain the existing wastewater main and appurtenances located in the alley.



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5. Tacoma Power.

- a. Vacation of the alleyway air rights shall be dependent on the existing overhead power lines being converted to underground. The developer is aware of these requirements and shall be responsible for all associated costs.
- b. If the developer wishes to proceed before it pays for and executes the overhead to underground conversion, then Tacoma Power will need to maintain the air rights over the entire area. If it wishes to proceed, then Tacoma Power will need to make it contingent on the lines being converted or maintaining an easement over the entire area.

6. CenturyLink.

A 12-foot wide easement the length of the vacated area shall be granted for underground and aerial facilities. Any relocation will be done at 28 Proctor's expense.



1 7. Public Works Department.

2 The Petitioner shall pave the alley in question. The Petitioner can meet  
3 this condition by construction of the paving or by providing assurance  
4 that the paving will be installed by including the requirement as a  
5 development condition and/or posting a bond insuring its completion.

6 Passed \_\_\_\_\_

8 \_\_\_\_\_  
Mayor

9 Attest:  
10  
11 \_\_\_\_\_  
12 City Clerk

13 Approved as to form: Property description approved:

15 \_\_\_\_\_  
16 Deputy City Attorney Chief Surveyor  
17 Public Works Department

18 Location: A portion of alleyway air rights west of Proctor Street  
19 between North 27th and 28th Streets

20 Petitioner: 28 Proctor Holdings, LLC

21 Request No.: 124.1337

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