



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
Ronda Cornforth, Senior Real Estate Specialist, Public Works Real Property Services *RC*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 17-1247 – Street Vacation 124.1382 – December 19, 2017  
**DATE:** November 28, 2017

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**SUMMARY:**

An ordinance granting the petition of the Puyallup Tribe of Indians to vacate that portion of the East 29<sup>th</sup> Street air rights, beginning at a minimum vertical distance of 24.5 feet from the finished street grade, between the easterly margin of Portland Avenue and terminating at a point 100 feet west of the westerly margin of East R Street, abutting and adjacent to tribal property, in connection with the Emerald Queen Casino relocation project.

**COUNCIL SPONSORS:**

N/A

**STRATEGIC POLICY PRIORITY:**

The proposed action would be aligned with the following strategic policy priorities:

- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

**BACKGROUND:**

The Puyallup Tribe of Indians seeks the vacation of that portion of the air rights above East 29<sup>th</sup> Street described in the Hearing Examiner's Report and Recommendation in order to facilitate completion of the Emerald Queen Casino relocation project. The Federal Government, through its Bureau of Indian Affairs, and the Puyallup Tribe of Indians own all abutting real property. The requested vacation of air rights will not affect vehicular traffic in the existing street right-of-way area, and the vacation area is not needed for public use. The Tribe's present plans include sky-bridge type improvements across the requested vacation area if the petition is granted.

**ISSUE:**

Whether the Council should approve the proposed street vacation?

**ALTERNATIVES:**

The Council could choose to follow the Hearing Examiner's Recommendation and approve the requested air rights vacation, the Council could approve the requested air rights vacation under conditions different than those recommended, or the Council could deny the vacation petition. The Hearing Examiner has determined that the requested vacation meets the standards for approval of such requests contained in Chapter 9.22 of the Tacoma Municipal Code and Chapter 35.79 of the Revised Code of Washington.

**RECOMMENDATION:**

The request is hereby recommended for approval, subject to conditions contained in Conclusion 6 of the Hearing Examiner's Report and Recommendation to the City Council.

**FISCAL IMPACT:**

N/A