



ORDINANCE NO. 28368

1
2
3 AN ORDINANCE related to the vacation of City right-of-way; vacating that
4 portion of Fawcett Avenue lying between South 21st and South 23rd
5 Streets to facilitate construction of a large commercial mixed-use
6 development; and adopting the Hearing Examiner's Findings,
7 Conclusions, and Recommendations related thereto.

8 WHEREAS all steps and proceedings required by law and by
9 resolution of the City Council to vacate the portion of the right-of-way
10 hereinafter described have been duly taken and performed; Now, Therefore,

11 BE IT ORDAINED BY THE CITY OF TACOMA:

12 Section 1. That the City Council hereby adopts the Hearing Examiner's
13 Findings, Conclusions, and Recommendations as contained in the Hearing
14 Examiner's Report and Recommendation to the City Council bearing File
15 No. 124.1358 and dated June 2, 2016, which Report is on file in the office of
16 the City Clerk.
17
18
19



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Section 2. That the portion of Fawcett Avenue lying between South 21st and South 23rd Streets, legally described as follows:

That portion of the Southwest quarter of the Southwest quarter of Section 04 and the Northwest quarter of the Northwest quarter of Section 09, both in Township 20 North, Range 03 East, W.M. and more particularly described as follows:

That portion of Fawcett Avenue lying southerly of the South right of way margin of South 21st Street and northerly of the westerly extended South line of the Replat of Spinning's Addition and Block 2109 of the Amendatory Map of Smith and Denton's Addition Tacoma, Washington as recorded in Volume 10 of Plats at Page 111, records of Pierce County Auditor.

Situate in the City of Tacoma, County of Pierce, state of Washington;

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:



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

City of Tacoma

An easement shall be reserved over the center 40 feet of the vacation area for the protection, maintenance, repair, construction, and replacement of existing and future above-ground and underground utilities, along with establishment of a non-motorized access easement and emergency access easement (which emergency access may be by motorized vehicle), including such interest in the air rights above the easement as necessary to assure no interference with emergency apparatus will occur.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department

Location: That portion of South Fawcett Avenue lying between South 21st and South 23rd Streets

Petitioner: North America Asset Management, LLC
Vacation Req. No. 124.1358