



ORDINANCE NO. 28877

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating portions
4 of South 23rd Street and South Cushman Avenue, to cure existing
5 building encroachments; and adopting the Hearing Examiner's
6 Findings, Conclusions, and Recommendations related thereto.

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,

10 BE IT ORDAINED BY THE CITY OF TACOMA:

11 Section 1. That the City Council hereby adopts the Hearing Examiner's
12 Findings, Conclusions, and Recommendations as contained in the Hearing
13 Examiner's Report and Recommendation to the City Council bearing File
14 No. 124.1439 and dated February 21, 2023, which Report is on file in the
15 office of the City Clerk.
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Section 2. That the portions of South 23rd Street and South Cushman Avenue, legally described as follows:

That portion of South Cushman Avenue and South 23rd Street lying Westerly and Southerly of Block 27, Smith and Fife's Addition to New Tacoma, as recorded in Book 1 of Plats at Page 63, in Pierce County, Washington, more particularly described as follows:

BEGINNING at the Southwesterly corner of said Block 27;
THENCE North 82°35'30" East, along the Southerly right-of-way margin of said South 23rd Street, 48.00 feet;
THENCE South 07°24'30" East, 3.00 feet to a line 3.00 feet South of and parallel with said margin;
THENCE South 82°35'30" West, 50.00 feet to a line 2.00 feet West of and parallel with the East right-of-way margin and its Southerly prolongation of South Cushman Avenue;
THENCE North 07°25'08" West, along said parallel line, 44.00 feet;
THENCE North 82°34'52" East, 2.00 feet to the Easterly right-of-way margin of said South Cushman Avenue;
THENCE South 07°25'08" East, along said margin, 41.00 feet to the TRUE POINT OF BEGINNING.

All 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



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reserved, pursuant to the statutes of the state of Washington, the following easements, to-wit:

Tacoma Power

- a. Tacoma Power requests an easement be reserved over the entire area proposed for vacation along the north side of South 23rd Street for power facilities; and,
- b. Tacoma Power also requests an easement be reserved over the southerly 6 feet of the 2-foot-wide Vacation Area in South Cushman Avenue.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: Portions of South 23rd Street and South Cushman Avenue.
Petitioner: SoHo Properties Inc. dba SoHo Properties 2 Inc
Request No.: 124.1439