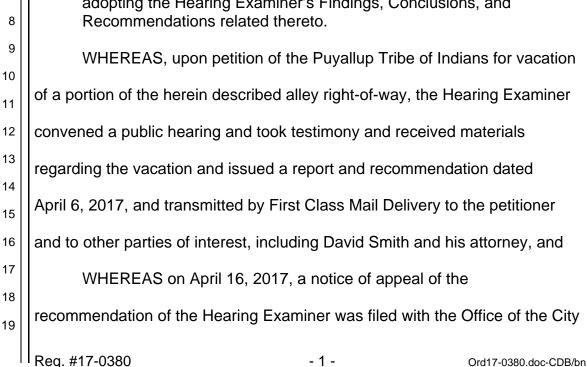


## **ORDINANCE NO. 28435**

AN ORDINANCE related to the vacation of City right-of-way; vacating a portion of the alley right-of-way lying between East 28th Street and East 29th Street, from Portland Avenue to the extended Easterly line of Lot 24 in Blocks 7846 and Block 7945 of the Indian Addition to the City of Tacoma, for the construction of a multi-level garage structure, casino, and hotel as part of the Emerald Queen Casino Relocation project; and adopting the Hearing Examiner's Findings, Conclusions, and Recommendations related thereto.



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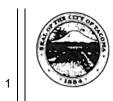
Clerk on behalf of David Smith, the owner of property located in the vicinity of the alley right-of-way vacation, and

WHEREAS a closed record hearing was convened before the City
Council on June 20, 2017, at approximately 5:30 p.m., whereupon the
petitioner, Puyallup Tribe of Indians, represented by counsel, and appellant
David Smith, represented by counsel, appeared and presented oral argument
to the City Council in favor of and in opposition to the alley right-of-way
vacation, and

WHEREAS the City Council, having considered the written and oral 13 14 arguments of the petitioner and appellant and having reviewed the record of 15 proceedings before the Hearing Examiner and the report and 16 recommendation of the Hearing Examiner, and having been in all matters fully 17 18 advised, determined that the appeal should be denied, and that the 19 Examiner's Findings, Conclusions, and Recommendations as contained in 20 the Hearing Examiner's Report and Recommendation to the City Council 21 22 should be adopted, and 23 WHEREAS all steps and proceedings required by law and by 24 resolution of the City Council to vacate the portion of the right-of-way 25 26 hereinafter described have been duly taken and performed; Now, Therefore,

Req. #17-0380

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1	1484			
2	BE IT ORDAINED BY THE CITY OF TACOMA:			
3 4	Section 1. That the City Council hereby adopts the Hearing			
5	Examiner's Findings, Conclusions, and Recommendations as contained in			
6	the Hearing Examiner's Report and Recommendation to the City Council			
7 8	bearing File No. 124.1371, and dated April 6, 2017, which Report is on file in			
9	the office of the City Clerk.			
10	Section 2. That the portion of the alley right-of-way lying between East			
11 12	28th Street and East 29th Street, from Portland Avenue to the extended			
13	Easterly line of Lot 24 in Blocks 7846 and Block 7945 of the Indian Addition to			
14	the City of Tacoma, legally described as follows:			
15 16 17 18	All that certain alley right-of-way lying between and abutting Lots 2 through 24 of Blocks 7846 and 7945 of the Indian Addition to the City of Tacoma, as per Plat recorded in Volume 7 of Plats at Page 30, records of Pierce County, Washington. Situate in the City of Tacoma, County of Pierce, State of Washington; within Section 10, Township 20 North, Range 03 East of the Willamette Meridian;			
19 20 21				
22	is hereby vacated, and the land so vacated is hereby surrendered and			
23 24	attached to the property bordering thereon, as a part thereof, and all right or			
25	title of the City in and to the portion of the right-of-way so vacated does			
26	hereby vest in the owners of the property abutting thereon, all in the manner			
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2	provided by law; provided, however, that there is hereby retained and				
3	reserved, pursuant to the statutes of the state of Washington, the following				
4	reserved, pursuant to the statutes of the state of washington, the following				
5	easements, to-wit:				
6	TACOMA POWER				
7 8 9 10	An easement shall be retained for the benefit of Tacoma Power over the southerly 10 feet of the westerly 45 feet of the subject alley for existing electrical infrastructure, including, but not limited to, power pole, anchor, guywire, and service.				
11 12 13	Passed				
14 15 16	Attest:	Mayor			
17 18	City Clerk				
19 20	Approved as to form:	Property	v description approved:		
21 22	Chief Deputy City Attorney	Chief Su Public V	urveyor Vorks Department		
23 24 25 26	Location: A portion of the alley right-of-way lying between East 28th Street and East 29th Street, from Portland Avenue to the extended Easterly line of Lot 24 in Blocks 7846 and Block 7945 of the Indian Addition to the City of Tacoma Petitioner: Puyallup Tribe of Indians Vacation Req. No. 124.1371				
	Req. #17-0380	-4-	Ord17-0380.doc-CDB/bn		