



**TO:** Hyun Kim, Interim City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
 Joseph Romero, Sr. Real Estate Specialist *JR*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 26-0110 – Street Vacation 124.1463 – March 10, 2026  
**DATE:** February 6, 2026

**SUMMARY AND PURPOSE:**

An ordinance vacating the right-of-way air rights above East 30th Street approximately 400 feet easterly from the intersection of East Portland Avenue and East 30th Street, to build an elevated 20-foot by 80-foot pedestrian connection between the Emerald Queen Casino and a planned parking garage.

**BACKGROUND:**

The Hearing Examiner’s recommendation is based on the evidence and testimony presented as a part of a public hearing held on January 15, 2026. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) consists of the right-of-way (“ROW”) air rights above East 30th Street approximately 400 feet easterly from the intersection of East Portland Avenue and East 30th Street. The Petitioner, the Puyallup Tribe of Indians, requested the vacation to build an elevated 20-foot by 80-foot pedestrian connection between the Emerald Queen Casino and a planned parking garage. The Vacation Area is not being used currently for any ROW purpose, nor does the City see any future need for it as public ROW.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held on January 15, 2026, at which members of the community could attend to speak and express their concerns, opposition, and/or support for the proposed vacation. No members of the public attended to offer testimony. The vacation will benefit the Petitioner by aiding in the realization of the Petitioner’s plan to build a pedestrian connection between the Emerald Queen Casino and a planned parking garage. The public will benefit from an increase to public safety because the pedestrian connection will eliminate the risk of injury to pedestrians where they would otherwise have to traverse between the garage facility and casino at street-level against vehicle traffic.

**2025 STRATEGIC PRIORITIES: NA**

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve the vacation petition under conditions different than those recommended.	Any positive impact arising from different conditions would depend on what those conditions are.	Different conditions could require an additional hearing with different findings and conclusions than are present now to support them.
2. The Council could deny the vacation petition.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo, hampers design flexibility for the petitioner, and fails to address the additional safety for pedestrians.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo preserving the City’s unneeded right-of-way air rights interest.



**EVALUATION AND FOLLOW UP:**

The recommendation is made subject to the conditions listed in Conclusion 8 of the Hearing Examiner's Report and Recommendation, issued on January 21, 2026. All evaluations and follow up should be coordinated between the Petitioner and the appropriate City departments referenced in the Report and Recommendation.

**STAFF/SPONSOR RECOMMENDATION:**

The Hearing Examiner recommends approval of the requested vacation subject to the conditions contained in Conclusion 8 of the Hearing Examiner's Report and Recommendation.

**FISCAL IMPACT:**

The potential fiscal impact of this street vacation is not known at this time. If the vacation is approved, a fair market appraisal or a market rate analysis for the area to be vacated will be conducted after first reading of the ordinance. The Petitioner will be required to pay the City the market value amount as a condition to the vacation being finalized. Unlike street vacations where the adjacent owner(s) are private individuals/businesses, in which the vacated area would be added to the taxable square-footage of the abutting real property, the Puyallup Tribe of Indian's real property is likely exempt from the payment of property taxes, which would negate any increase in property taxes from the vacated area being added to taxable property.

**ATTACHMENTS:**

- The Hearing Examiner's City Council Action Memorandum, dated February 6, 2026.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on January 21, 2026.
- The City Exhibit List and Exhibits C-1 through C-14.
- The verbatim electronic recording from the hearing held on January 15, 2026.