



Legislation Passed October 8, 2019

The Tacoma City Council, at its regular City Council meeting of October 8, 2019, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 40440

A resolution authorizing an increase and extending the contract with Optic Fusion, Inc., in the amount of \$714,000, plus applicable taxes, for a total of \$1,409,800, budgeted from the Information Systems Fund, for the lease of space in a secure cage for datacenter equipment - Direct Negotiation.

[Kipling Morris, Manager; Daniel Key, Director, Information Technology]

Resolution No. 40441

A resolution authorizing the execution of an amendment to the agreement with the law firm of Keating, Bucklin and McCormack, Inc., P.S., in the amount of \$50,000, budgeted from the Internal Services Fund, for a total of \$250,000, for continued legal services in the matter of The Geo Group, Inc., v. City of Tacoma.

[Steve Victor, Deputy City Attorney; Bill Fosbre, City Attorney]

Resolution No. 40442

A resolution expressing opposition for the passage of Initiative 976 on the November 5, 2019 General Election Ballot, which reads as follows:

STATE OF WASHINGTON

INITIATIVE MEASURE NO. 976

Initiative Measure No. 976 concerns motor vehicle taxes and fees.

This measure would repeal, reduce, or remove authority to impose certain vehicle taxes and fees; limit annual motor-vehicle-license fees to \$30, except voter-approved charges; and base vehicle taxes on Kelley Blue Book value.

Should this measure be enacted into law?

Yes

No

[Mayor Woodards and Council Members Ibsen and Mello]

Resolution No. 40443

A resolution directing the City Manager to review how the City engages the public during construction projects and bring results and recommendations on how to improve neighborhood engagement and protection standards to the City Council Infrastructure, Planning, and Sustainability Committee.

[Mayor Woodards and Council Members Beale, Hunter, and Ushka]

Resolution No. 40444

A resolution authorizing the use of \$5,000 of City Council Contingency Funds to support the Día de los Muertos (Day of the Dead) celebration organized by Calavera Collective, contingent on the completion of the event; and directing the City Manager to confirm deliverables for the City's contribution.

[Council Member Ushka]

Ordinance No. 28617

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by the International Association of Machinists and Aerospace Workers, Local 160, General Unit, and changes in classification to create the classified title of Wastewater Treatment Plant Maintenance Technician.

[Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

Ordinance No. 28618

An ordinance amending Title 9 of the Municipal Code, relating to Public Ways, to repeal Chapter 9.30 in its entirety, relating to Fourth of July Concessions, to allow flexibility in the siting of a Fourth of July celebration.

[Kim Bedier, Director, Tacoma Venues and Events]



RESOLUTION NO. 40440

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. 4600010212 with Optic Fusion, Inc., in the amount of \$714,000, for
4 a cumulative contract amount of \$1,409,800, plus applicable taxes,
5 budgeted from the Information Systems Fund, for the lease of space in
6 a secure cage for datacenter equipment, pursuant to Direct Negotiation.

7 WHEREAS the City has complied with all applicable laws and processes
8 governing the acquisition of those supplies, and/or the procurement of those
9 services, inclusive of public works, as is shown by the attached Exhibit "A,"
10 incorporated herein as though fully set forth, and

11 WHEREAS the Board of Contracts and Awards has concurred with the
12 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

13 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

14 Section 1. That the Council of the City of Tacoma concurs with the Board of
15 Contracts and Awards to adopt the recommendation for award as set forth in the
16 attached Exhibit "A."

17 Section 2. That the proper officers of the City are hereby authorized to
18 increase Contract No. 4600010212 with Optic Fusion, Inc., in the amount of
19 \$714,000, for a cumulative contract amount of \$1,409,800, plus applicable taxes,
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1 budgeted from the Information Systems Fund, for the lease of space in a secure
2 cage for datacenter equipment, consistent with Exhibit "A."

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4 Adopted _____

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Mayor

7 Attest:

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City Clerk

10 Approved as to form:

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City Attorney

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RESOLUTION NO. 40441

1 A RESOLUTION relating to land use; authorizing the execution of Amendment
2 No. 1 to the Agreement for Legal Services with the law firm of Keating,
3 Bucklin & McCormack, Inc., P.S., in the amount of \$50,000, for a cumulative
4 total of \$250,000, budgeted from the Internal Services Fund, for continued
5 legal services in the matter of The Geo Group, Inc., v. City of Tacoma.

6 WHEREAS, on April 11, 2018, the City entered into a Legal Services
7 Agreement with Keating, Bucklin & McCormack, Inc., P.S. (“Law Firm”) to provide
8 legal services and representation to the City in the matter of The Geo
9 Group, Inc., v. City of Tacoma, U.S. District Court Cause No. 3:18-cv-05233, and

10 WHEREAS this lawsuit arises from the City Council’s adoption of amended
11 regulations for Detention and Correctional Facilities in Tacoma pursuant to
12 Amended Ordinance No. 28491, adopted February 20, 2018, and

13 WHEREAS the regulations prohibited new detention and correctional
14 facilities in the Port Maritime Industrial District, and made any existing facilities a
15 non-conforming use, and

16 WHEREAS The GEO Group, Inc., sued the City, claiming the regulations
17 violated its due process and civil rights, and were pre-empted by federal law, and

18 WHEREAS The GEO Group has aggressively pursued the federal litigation,
19 which has involved extensive discovery and motions practice, necessitating an
20 increase in the contract amount, and

21 WHEREAS it is necessary to increase the maximum compensation for the
22 agreement in the amount of \$50,000, for a cumulative total of \$250,000, budgeted
23 from the Internal Services Fund, to allow the law firm to continue representing the
24 City in this matter, and
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WHEREAS the City Attorney's Office is recommending that the proposed amendment be approved; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to enter into Amendment No. 1 to the Agreement for Legal Services with the law firm of Keating, Bucklin & McCormack, Inc., P.S., in the amount of \$50,000, for a cumulative total of \$250,000, budgeted from the Internal Services Fund, for continued legal services in the matter of The Geo Group, Inc., v. City of Tacoma, said amendment to be substantially in the form of the document on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 40442

1 BY REQUEST OF MAYOR WOODARDS, AND COUNCIL MEMBERS IBSEN
2 AND MELLO

3 A RESOLUTION expressing opposition for the passage of the “Motor Vehicle
4 Taxes and Fees” Initiative 976 at the November 5, 2019, General Election,
5 that would repeal, reduce, or remove authority to impose certain vehicle
6 taxes and fees; limit annual motor-vehicle-license fees to \$30, except voter-
7 approved charges; and base vehicle taxes on Kelley Blue Book value.

8 WHEREAS Initiative 976 (“I-976”) will appear on the November 5, 2019,
9 General Election ballot, and

10 WHEREAS, if approved, I-976 would: (1) limit annual license fees for
11 vehicles weighing under 10,000 pounds to \$30, except in the instance of voter-
12 approved charges, (2) repeal local Transportation Benefit District (“TBD”) fees,
13 (3) repeal authorization for certain regional transit authorities to impose motor
14 vehicle excise taxes, and (4) limit certain other taxes and fees related to
15 transportation, and

16 WHEREAS the Public Works Department of the City estimates the impact
17 of repealing local authority to impose TBD fees would constitute a loss of
18 approximately \$2.9 million per year, or \$5.8 million per biennium, which would
19 negatively impact the City’s ability to perform necessary work to improve
20 transportation infrastructure, and
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1 WHEREAS, I-976's impact on Washington State transportation revenues
2 will also affect the City, with the total revenue loss to the state estimated at
3 \$1.9 billion over the course of the next six years, and
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5 WHEREAS I-976's impact to Washington State's transportation revenues
6 will result in decreased funding to the Transportation Improvement and Multimodal
7 Accounts, for which the City has utilized grant dollars for streetscape
8 improvements, pedestrian and bicycle infrastructure, and Safe Routes to School
9 projects, and
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11 WHEREAS, if adopted, this Resolution would express the City Council's
12 opposition to I-976 for its repeal of the City's authority to impose TBD fees, and the
13 adverse impact the loss of revenue would have on the City's ability to complete
14 transportation improvement projects, and
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16 WHEREAS, RCW 42.17A.555 permits the City Council to oppose a ballot
17 proposition at an open public meeting so long as notice of the meeting includes the
18 title and number of the ballot proposition and those expressing an opposing view
19 are afforded an approximately equal opportunity to express an opinion; Now,
20 Therefore,
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22 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

23 Section 1. That the City Council hereby expresses its opposition for the
24 passage of the "Motor Vehicle Taxes and Fees" Initiative 976 ("I-976") at the
25 November 5, 2019, General Election, for its repeal of cities' authority to impose
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Transportation Benefit District fees, and the adverse effect the loss of revenues would have on the City's ability to accomplish transportation improvement projects.

Section 2. That the City Council urges Tacoma voters to vote "No" on I-976 on the November 5, 2019, General Election ballot, which ballot title reads as follows:

**STATE OF WASHINGTON
INITIATIVE MEASURE NO. 976**

Initiative Measure No. 976 concerns motor vehicle taxes and fees. This measure would repeal, reduce, or remove authority to impose certain vehicle taxes and fees; limit annual motor-vehicle-license fees to \$30, except voter-approved charges; and base vehicles taxes on Kelley Blue Book value.

Should this measure be enacted into law?

Yes _____
No _____

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 40443

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BEALE,
2 HUNTER, AND USHKA

3 A RESOLUTION directing the City Manager to review the City's current process for
4 public engagement during construction projects in the City, and to provide
5 an update and proposed recommendations relating to improving
6 neighborhood engagement and protection standards for construction
7 projects to the Infrastructure, Planning, and Sustainability Committee.

8 WHEREAS the City is experiencing rapid growth and development, which is
9 critical to increasing housing options and spurring economic development, and

10 WHEREAS, as communities grow and change, there are impacts on local
11 neighborhoods, and

12 WHEREAS some neighbors have expressed that their concerns about
13 health and safety are not being heard, and that the City needs to do more to
14 engage with them before and during construction projects, and

15 WHEREAS, to address these concerns, the City Council is directing the City
16 Manager to work with staff to review how the City and developers engage the
17 public during construction projects, and to provide an update and proposed
18 recommendations relating to improving neighborhood engagement and protection
19 standards for construction projects to the Infrastructure, Planning, and
20 Sustainability Committee, and

21 WHEREAS five areas of concern have been identified for review, as follows:

22 (1) *Notification to all residents* – Review potential amendments of noticing
23 procedures to all residents near development, including provisions to notify renters,
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1 as well as property owners, of pending development applications and construction
2 projects;

3 (2) *Neighborhood pre-construction notification and meeting requirements* –
4 Review methods for staff and developers to provide public noticing and
5 engagement right before construction of new projects, depending on the size of the
6 project and the projected impacts on the surrounding neighborhood;

7 (3) *Incorporate feedback from community in environmental and site*
8 *development review* – Review how neighborhoods are engaged in the State
9 Environmental Policy Act (SEPA) and site development permitting process. This
10 review should consider neighborhood meeting requirements. Additionally, there
11 should be consideration of how the City structures SEPA appeal procedures,
12 including consideration of a lower bar than filing in superior court for SEPA
13 appeals, such as use of the Hearing Examiner;

14 (4) *Enforcement mechanisms* – Review enforcement mechanisms, current
15 fines structure, and stop work procedures for construction sites that violate permit
16 conditions and environmental rules. This should include a review of how neighbors
17 can report concerns, and how those concerns will be reviewed by the City and
18 responded to by developers; and

19 (5) *Air quality standards* – Review of current codes around ambient air
20 quality standards, including dust control and suppression, and asbestos
21 management/abatement. This review should include consideration of performance
22 standards for air quality, not just adherence to Best Management Practices, and
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1 how asbestos and other toxic and harmful demolition byproducts will be managed,
 2 their safe removal ensured, and disposal appropriately handled. This should
 3 include a review of how neighbors can report concerns, and how those concerns
 4 will be reviewed by the City, and

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 6 WHEREAS Council Member Beale shared a Council Consideration Request
 7 for a proposed resolution for full City Council Consideration at the September 24,
 8 2019 Study Session; Now, Therefore,

9 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

10 That the City Manager is hereby directed to work with staff to review the
 11 City's current process for public engagement during construction projects in the
 12 City as detailed in the recitals above, and to provide an update and proposed
 13 recommendations relating to improving neighborhood engagement and protection
 14 standards for construction projects to the Infrastructure, Planning, and
 15 Sustainability Committee.
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17 Adopted _____
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19 _____
 20 Mayor

21 Attest:
 22 _____
 23 City Clerk

24 Approved as to form:
 25 _____
 26 City Attorney



RESOLUTION NO. 40444

1 BY REQUEST OF MAYOR WOODARDS, AND COUNCIL MEMBERS HUNTER,
2 MELLO, AND USHKA

3 A RESOLUTION authorizing the one-time expenditure of \$5,000, budgeted from
4 the Council Contingency Fund, to support Calavera Collective's Día de los
5 Muertos Celebration on November 2, 2019, at the Eastside Community
6 Center.

7 WHEREAS Día de los Muertos (Day of the Dead) is a Mexican tradition
8 celebrating life and honoring the legacy of those that came before us, and is a
9 reminder that we are all united in our journey to the end of our physical life,
10 regardless of our gender, race, age, ethnicity, beliefs, or social status, and

11 WHEREAS the Calavera Collective ("Calavera") has organized Día de los
12 Muertos on the Eastside for the past two years, and this year will be its first year as
13 part of the East Tacoma Collaborative Leadership Team ("ETCLT"), and

14 WHEREAS as part of the ETCLT, Calavera is partnering with Harvest Pierce
15 County as their fiscal sponsor, and to date have raised \$7,750 of an anticipated
16 cost of \$12,750 for the event, as well as an in-kind donation for the event space at
17 the Eastside Community Center ("Center"), and

18 WHEREAS the City has supported the growth and sustainability of local
19 leadership in the Eastside via its participation in the ETCLT, and this support will
20 significantly expand broader public enrichment, support the growth of diverse
21 leadership on the Eastside, and improve and invite access of all community
22 members to the Center, and
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WHEREAS, at the October 1, 2019, Study Session, Council Member Ushka shared a Council Consideration Request to authorize the one-time use of \$5,000 from the Council Contingency Fund for the Día de los Muertos celebration, and

WHEREAS RCW 35.33.145 and 35.34.250 authorize a withdrawal from the Council Contingency fund for any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the budget, and

WHEREAS the need for support of the Día de los Muertos celebration could not have been foreseen or reasonably evaluated at the time the City adopted its biennial budget, and

WHEREAS Ordinance No. 22569 requires an affirmative vote of not less than six members of the Council in order to withdraw moneys from this fund; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That one-time funding in the amount of \$5,000, budgeted from the Council Contingency Fund, is hereby approved for the purpose of supporting the Calavera Collective's Día de los Muertos celebration on November 2, 2019, at the Eastside Community Center.



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Section 2. That the proper officers of the City are hereby authorized to confirm (or negotiate) deliverables with Calavera Collective for the purposes hereinabove enumerated and document as appropriate.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



ORDINANCE NO. 28617

1 AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the
2 Tacoma Municipal Code to implement rates of pay and compensation for
3 employees represented by the International Association of Machinists and
4 Aerospace Workers, District Lodge #160, on behalf of Local Lodge #297,
5 General Unit; creating the classification of Wastewater Treatment Plant
6 Maintenance Technician; and declaring the effective dates thereof.

7 WHEREAS this ordinance will create a new Wastewater Treatment Plant
8 (WWTP) Maintenance Technician (CSC 5111) classification, which will be
9 classified, eligible for overtime pay, and represented by the International
10 Association of Machinists and Aerospace Workers, District Lodge #160, on behalf
11 of Local Lodge #297, General Unit, and

12 WHEREAS this classification will complement the existing WWTP
13 Maintenance Machinist classification and provide an opportunity for incumbents to
14 gain experience in wastewater treatment plant maintenance, and allow career
15 progression into the journey-level WWTP Machinist classification; Now, Therefore,

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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective as provided by law, to read as follows:

Code	A	Title	1	2	3
5111		WWTP Maintenance Technician	31.90	33.49	35.16

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28618

1 AN ORDINANCE relating to public ways and the use of street rights-of-way during
2 the Fourth of July celebration; amending Title 9 of the Tacoma Municipal
3 Code by repealing in its entirety Chapter 9.30, "Fourth of July Concessions,"
4 to allow flexibility in the siting of a Fourth of July celebration.

5 WHEREAS Ordinance No. 22708, passed June 1, 1982, enacted
6 Chapter 9.30 of the Tacoma Municipal Code ("TMC"), "Fourth of July Concessions,"
7 to provide for the regulation of a portion of the Ruston Way right-of-way during the
8 Fourth of July celebration, and

9 WHEREAS, following the passage of Ordinance No. 22708, the City
10 contracted for the production of a Fourth of July event within the area defined in
11 TMC 9.30, and

12 WHEREAS the Metropolitan Park District of Tacoma ("Metro Parks") has
13 recently opened a new 11-acre public area adjacent to Ruston Way, known as the
14 Dune Peninsula, which Metro Parks and the City believe is a very suitable location
15 for a Fourth of July celebration, and

16 WHEREAS the City currently has a robust special events code and street
17 occupancy code, and associated processes, which render the regulatory aspects
18 of TMC 9.30 obsolete, and

19 WHEREAS TMC 9.30 now acts only to limit the options for locating a Fourth
20 of July celebration, and

21 WHEREAS Metro Parks has recently issued a request for proposals ("RFP")
22 to contract with an entity to produce a Fourth of July celebration within the Dune
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Peninsula, Cummings Park, and Ruston Way, between 4105 Ruston Way and Point Ruston, and

WHEREAS City staff concurs that Metro Park’s RFP identifies a very suitable location for a Fourth of July celebration, and

WHEREAS, because its provisions are obsolete and unnecessarily limiting, City staff is recommending that TMC 9.30 be repealed in its entirety to remove outdated language and limitations on the location of a Fourth of July celebration;

Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Title 9 of the Tacoma Municipal Code is hereby amended by repealing in its entirety Chapter 9.30, “Fourth of July Concessions,” as set forth in the attached Exhibit “A.”

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**TITLE 9
PUBLIC WAYS**

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Chapters:

- Chapter 9.02 Banners Over Streets
- Chapter 9.04 *Repealed*
- Chapter 9.06 *Repealed*
- Chapter 9.08 Right-Of-Way Occupancies
- Chapter 9.10 Moving Buildings
- Chapter 9.12 Numbering Buildings
- Chapter 9.14 *Repealed*
- Chapter 9.16 Streets and Sidewalks – Keeping Clean
- Chapter 9.17 Private Use of Street Right-Of-Way
- Chapter 9.18 Trees and Shrubs – Trimming and Removal
- Chapter 9.19 Trees and Shrubs – Planting
- Chapter 9.20 Trees and Shrubs – View Blockage
- Chapter 9.22 Vacation of Streets
- Chapter 9.24 Minimum Vertical Clearance
- Chapter 9.26 Special Lighting Permits
- Chapter 9.28 *Repealed*
- ~~Chapter 9.30 Fourth of July Concessions~~
- Chapter 9.35 Hydroplane Races
- Chapter 9.40 *Repealed*

* * *

**~~CHAPTER 9.30
FOURTH OF JULY CONCESSIONS~~**

~~Sections:~~

- ~~9.30.010 Purpose.~~
- ~~9.30.020 Fourth of July concession permit.~~

~~**9.30.010 Purpose.**~~

~~The purpose of this chapter is to provide for regulation of street rights-of-way along or in the vicinity of the shorelines of Tacoma along Ruston Way during the Fourth of July celebration in order to more fully provide for the enjoyment of this event by the general public and to more fully protect the interests of the City and the general public in temporarily allowing the utilization of the public rights-of-way for the sale of certain goods and foods during such event.~~

~~**9.30.020 Fourth of July concession permit.**~~

~~In the event a nonprofit entity has, with the consent of the City of Tacoma, undertaken to sponsor and provide for the Fourth of July celebration in the area of the shoreline along Ruston Way, then such entity may, in accordance with a permit agreement to be approved by resolution of the City Council, utilize the following designated street rights-of-way: All street rights-of-way lying north of the southerly boundary of the Burlington Northern Railroad right-of-way from a point on such southerly boundary of railroad right-of-way 500 feet east of the extended easterly boundary of Starr Street to the intersection of such southerly boundary of railroad right-of-way with the easterly boundary of the Town of Ruston, hereinafter called the "street concession area," for the purpose of providing and managing, during the Fourth of July celebration, the sale of all goods and foods within such street concession area. The net proceeds from any such sales within the street concession area shall only be used to defer the costs associated with the providing of the Fourth of July celebration or for such other City project to be located within the Ruston Way Shoreline Area~~



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as may be approved by the City in the Fourth of July concession permit agreement. Such Fourth of July concession permit agreement shall require that, in the event the permittee provides for the sale of goods or foods by other than its own forces, it shall allow a reasonable opportunity for interested vendors to submit proposals, and that the vendors will be selected, based upon objective criteria which are designed to obtain the best available vending services in furtherance of the public interest. Notwithstanding any other ordinance of the City of Tacoma, during the Fourth of July celebration: (1) the sale of any goods or foods within the street concession area is prohibited, except as authorized pursuant to this chapter; and (2) no sales of any goods or foods shall be allowed upon any portion of dedicated street rights of way within the area described as follows: all street rights of way lying southerly of and within 2,000 feet of the southerly boundary of the Burlington Northern Railroad right of way from a point on such southerly boundary of the railroad right of way 500 feet east of the extended easterly boundary of Starr Street to the intersection of such southerly boundary of railroad right of way with the easterly boundary of the Town of Ruston.

* * *