



## Legislation Passed November 10, 2020

The Tacoma City Council, at its regular City Council meeting of November 10, 2020, 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.

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### **Resolution No. 40681**

A resolution setting Tuesday, November 24, 2020, upon completion of Regular Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by the City Council on the 2020 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code, as recommended by the Planning Commission.

[Stephen Atkinson, Principal Planner; Peter Huffman, Director, Planning and Development Services]

### **Resolution No. 40682**

A resolution appointing Chelsea McElroy to the Board of Ethics.

[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

### **Resolution No. 40683**

A resolution reappointing individuals to the Planning Commission.

[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

### **Resolution No. 40684**

A resolution authorizing the execution of amendments to the South Intermodal Yard Lease Agreement and Operating Agreement with the Port of Tacoma, to allow for the option of a lower lease payment in exchange for extending the Operating Agreement.

[Dale King, Rail Superintendent; Jackie Flowers, Director, Tacoma Public Utilities]

### **Amended Resolution No. 40685**

A resolution directing the City Manager to further study and implement collection and reporting of data that allows the City to effectively identify and address racial disparities in policing, including broader categories such as traffic stops and public calls for service.

[Deputy Mayor Blocker]

### **Ordinance No. 28686**

An ordinance vacating a portion of South 4th Street, lying between Broadway and Court C, to facilitate development of an affordable family housing project.

(YWCA Home at Last LLC; File No. 124.1399)

[Jeff H. Capell, Hearing Examiner]

**Ordinance No. 28697**

An ordinance reclassifying approximately 28.4 acres of real property by adding a Planned Residential Development (“PRD”) Overlay District onto the existing “R-2” Single-Family Dwelling District to enable a PRD of 73 single-family residences concentrated on the southeasterly portion of the site located in the South End neighborhood of Tacoma at 7432 East “D” Street.

(Green Harbor Communities, Inc.; File No. LU19-0100)

[Jeff H. Capell, Hearing Examiner]



## RESOLUTION NO. 40681

1 A RESOLUTION setting Tuesday, November 24, 2020, upon completion of Regular  
2 Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by  
3 the City Council on the 2020 Annual Amendment to the Comprehensive Plan  
4 and Land Use Regulatory Code, as recommended by the Planning  
5 Commission.

6 WHEREAS, each year, the City Council considers revisions to the  
7 Comprehensive Plan (“Plan”) and development regulations contained in the Land  
8 Use Regulatory Code (“Code”), pursuant to the Growth Management Act (“Act”),  
9 and

10 WHEREAS the Planning Commission is scheduled to forward its  
11 recommendations on the 2020 Amendment to the Plan (“Amendment”) in early  
12 November, and completing the Amendment process by the end of 2020 would  
13 allow the City the flexibility to consider 2021 Amendments next year, while  
14 complying with the requirement of the Act, and

15 WHEREAS the Amendment includes three subjects: (1) Heidelberg-Davis  
16 Site – Land Use Designation Change; (2) View Sensitive Overlay District –  
17 Height Limit Change; and (3) Minor Plan and Code Amendments, and

18 WHEREAS, pursuant to TMC 13.02, the City Council is required to conduct  
19 a public hearing before enacting any amendments to the Land Use Regulatory  
20 Code; Now, Therefore,

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

22 Section 1. That Tuesday, November 24, 2020, upon completion of  
23 Regular Agenda Items, no earlier than 5:15 p.m., is hereby fixed as the time, and  
24 the City Council Chambers on the First Floor of the Tacoma Municipal Building,  
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1 747 Market Street, Tacoma, Washington, unless the Governor's proclamation  
 2 limiting in-person meetings is still in effect and then a call in option will be  
 3 provided, as the place when and where a public hearing shall be held on the  
 4 Comprehensive Plan and the Land Use Regulatory Code for 2020 as  
 5 recommended by the Planning Commission.  
 6

7 Section 2. That the City Clerk shall give proper notice of the time and place  
 8 of said hearing.

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 10 Adopted \_\_\_\_\_

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 Mayor

13 Attest:  
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 City Clerk

16 Approved as to form:  
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 Deputy City Attorney

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## RESOLUTION NO. 40682

1 BY REQUEST OF COUNCIL MEMBERS HINES, HUNTER, THOMS, AND  
2 WALKER

3 A RESOLUTION relating to committees, boards, and commissions; appointing an  
4 individual to the Board of Ethics.

5 WHEREAS a vacancy exists on the Board of Ethics, and

6 WHEREAS, at its meeting of November 3, 2020, the Government  
7 Performance and Finance Committee conducted interviews and recommended the  
8 appointment of Chelsea McElroy to said board, and

9 WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and  
10 Procedures of the City Council, Chelsea McElroy has been nominated to serve on  
11 the Board of Ethics; Now, Therefore,  
12

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

14 That Chelsea McElroy is hereby confirmed and appointed as a member of  
15 the Board of Ethics, to serve a three-year term, effective January 1, 2021, to expire  
16 December 31, 2023.

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. 40683

1 BY REQUEST OF COUNCIL MEMBERS BEALE, HUNTER, AND WALKER

2 A RESOLUTION relating to committees, boards, and commissions; reappointing  
3 individuals to the Planning Commission.

4 WHEREAS vacancies exist on the Planning Commission, and

5 WHEREAS, at its meeting of October 28, 2020, the Infrastructure,  
6 Planning, and Sustainability Committee conducted interviews and recommended  
7 the reappointment of individuals to said commission, and

8 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,  
9 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"  
10 have been nominated to serve on the Planning Commission; Now, Therefore,  
11

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

13 That those nominees to the Planning Commission, listed on Exhibit "A," are  
14 hereby confirmed and reappointed as members of such commission for such terms  
15 as are set forth on the attached Exhibit "A."  
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17 Adopted \_\_\_\_\_

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19 Mayor

19 Attest:  
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22 City Clerk

22 Approved as to form:  
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24 \_\_\_\_\_  
25 City Attorney

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**EXHIBIT "A"**

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**PLANNING COMMISSION**

Reappointing **Jeff McInnis** to the "Development Community" position to fill an unexpired term to expire June 30, 2023.

Reappointing **Andrew Strobel** to the "Council District No. 1" position to fill an unexpired term to expire June 30, 2023.



## RESOLUTION NO. 40684

1 A RESOLUTION relating to the Department of Public Utilities, Beltline Division  
2 (d.b.a. "Tacoma Rail"); authorizing the execution of amendments to the  
3 South Intermodal Yard Lease Agreement and the Operating Agreement with  
4 the Port of Tacoma, to allow for the option of a lower lease payment in  
5 exchange for extending the Operating Agreement.

6 WHEREAS, in 1984, the Department of Public Utilities, Beltline Division  
7 (d.b.a. "Tacoma Rail") and the Port of Tacoma ("Port") entered into a 31-year  
8 lease agreement for property located at 1123 Milwaukee Way, which the Port  
9 uses for the handling of domestic intermodal shipments, and

10 WHEREAS the lease agreement provides for two optional five-year  
11 extensions, subject to rent review, with the final five-year extension starting in  
12 2020, and

13 WHEREAS Tacoma Rail entered into a 20-year Operating Agreement with  
14 the Port in 2013, granting Tacoma Rail rights as the sole operator of Port-owned  
15 rail infrastructure in the Tideflats area, and

16 WHEREAS the operating agreement also established an annual volume  
17 incentive allowance paid to the Port for the first nine years to attract the Grand  
18 Alliance shipping lines to Tacoma, and

19 WHEREAS the volume incentive allowance ends in 2021 and is anticipated  
20 to be valued at zero, due to declines in intermodal traffic volumes, and

21 WHEREAS, although the Grand Alliance has been replaced and has  
22 changed over time, the Port continues to rely on the volume incentive allowance to  
23 attract new intermodal business and invest in rail infrastructure, and  
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1           WHEREAS, rather than extend the volume incentive allowance program,  
2 Tacoma Rail and the Port propose to amend both the South Intermodal Yard  
3 Lease Agreement and the Operating Agreement to allow for the option of a lower  
4 lease payment in exchange for extending the Operating Agreement, and

5           WHEREAS, if the Port selects the option of extending the Operating  
6 Agreement and making lower lease payments, then an amount equal to the  
7 difference between the lower lease payments and the higher lease payments due  
8 under the alternative option will be used by the Port to attract new intermodal  
9 business and invest in rail infrastructure, and

10           WHEREAS the Port will report on how the money used to attract new  
11 intermodal business and invest in rail infrastructure is spent, and

12           WHEREAS the proposed amendments will allow the Port to make additional  
13 investments to its intermodal incentive programs while providing stability to future  
14 Tacoma Rail operations, and

15           WHEREAS intermodal traffic incented by the Port also adds to Tacoma  
16 Rail's revenue base, and

17           WHEREAS, by adoption of Public Utility Board Resolution No. U-11216 on  
18 October 28, 2020, the proposed amendments were approved, pending  
19 confirmation from the City Council; Now, Therefore,

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

21           That the request of the Department of Public Utilities, Beltline Division  
22 (d.b.a. "Tacoma Rail"), to enter into amendments to the South Intermodal Yard  
23 Lease Agreement and the Operating Agreement with the Port of Tacoma, to allow  
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for the option of a lower lease payment in exchange for extending the Operating Agreement, is hereby approved, and the proper officers of the City are authorized to execute and implement said documents in substantially the form of the proposed amendments on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney

Requested by Public Utility Board  
Resolution No. U-11216



## RESOLUTION NO. 40685

1 BY REQUEST OF MAYOR WOODARDS AND DEPUTY MAYOR BLOCKER,  
2 AND COUNCIL MEMBERS BEALE AND WALKER

3 A RESOLUTION relating to policing and equity in enforcement; directing the City  
4 Manager to take certain actions related to the Tacoma Police Department's  
5 current assessment, and the collection and reporting of data, including  
6 traffic enforcement and the origins of calls that result in use of force, in  
7 support of transformation efforts to address racial disparities in policing and  
8 eliminate racially disparate outcomes, by the end of first quarter 2021.

9 WHEREAS the City Council, pursuant to Resolution No. 40622, affirmed the  
10 City Council's dedication and commitment to comprehensive and sustained  
11 transformation of all institutions, systems, policies, practices, and contracts  
12 impacted by systemic racism, with initial priority being given to policing in the City  
13 of Tacoma, and

14 WHEREAS the Tacoma Police Department ("TPD") data and national  
15 studies, such as those by the Center for Policing Equity, show disparities in  
16 policing by race, including use of force, particularly for Black community members,  
17 and

18 WHEREAS in furtherance of Resolution No. 40622, while seeking to better  
19 understand when and how these disparities originate, the City Council finds it is  
20 reasonable and necessary to take action to reduce the potential number of police  
21 engagements which might result in inequitable outcomes while continuing to  
22 uphold public safety, and

23 WHEREAS the Community's Police Advisory Committee is a long-standing  
24 public body that periodically reviews use of force and other data to identify trends  
25 and provide recommendations on TPD Policy, and  
26



1           WHEREAS, according to the Bureau of Justice Statistics, being a driver in a  
2 traffic stop is nationally the most common interaction that the public has with  
3 police, and

4           WHEREAS traffic stops can result in additional investigation and/or a  
5 search, and

6           WHEREAS in a study of over 100 million traffic stops published May of 2020  
7 in peer-reviewed journal “Nature Human Behaviour,” the authors found that Black  
8 drivers were 20 percent more likely to be stopped than White drivers relative to  
9 their share of the residential population, and that Black drivers were searched  
10 about 1.5 to 2 times as often as White drivers in the United States, and

11           WHEREAS the authors of this national study concluded that “police stops  
12 and search decisions suffer from persistent racial bias and point to the value of  
13 policy interventions to mitigate these disparities,” and

14           WHEREAS ongoing, strategic work related to data collection and review that  
15 promote overall understanding of the origin and prevention of existing disparities  
16 will be a part of the anti-racist systems transformation work, and

17           WHEREAS Resolution No. 40622 calls for comprehensive, community-led,  
18 anti-racist systems transformation with first priority placed on policing, yet,  
19 simultaneously, there are interim policy changes and process improvements which  
20 can be implemented immediately to prevent or reduce inequitable outcomes in  
21 community services; Now, Therefore,

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

Section 1. That the City Manager is directed to further study and implement collection and reporting of data that allows the City to effectively identify and address racial disparities in policing, including broader categories such a traffic stops and public calls for service, by the end of first quarter 2021.

Section 2. That the City Manager is directed to ensure that the Tacoma Police Department’s current state assessment that is currently underway will provide initial recommendations on data analysis, including the disaggregation of data by race, in addition to a number of areas critical for advancing equity, including use of force policy, investigation, transparency and accountability.



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Section 3. That once data standards are developed, the City Manager be directed to, in collaboration with the Tacoma Police Chief, report on a quarterly basis to the Community’s Police Advisory Committee (“CPAC”) on all data and statistics identified as most relevant to forwarding equity in policing; and CPAC will review such data, look for trends, and provide recommendations on future policy changes to eliminate racially disparate outcomes.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney



## ORDINANCE NO. 28686

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2  
3 AN ORDINANCE related to the vacation of City right-of-way; vacating a portion  
4 of South 4th Street, lying between Broadway and Court C, to facilitate  
5 development of an affordable family housing project; and adopting the  
6 Hearing Examiner's Findings, Conclusions, and Recommendations  
7 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. 124.1399 and dated July 28, 2020, which Report is on file in the office of  
16 the City Clerk.  
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Section 2. That the portion of South 4th Street, lying between  
Broadway and Court C, legally described as follows:

A 3.00 FOOT STRIP OF LAND WITHIN THE RIGHT-OF-WAY  
FOR SOUTH 4TH STREET, BETWEEN BROADWAY AND  
COURT C, BEING ADJACENT TO AND NORTHWESTERLY  
OF THE NORTHERLY LINE OF LOT 1, BLOCK 406, MAP OF  
NEW TACOMA, WASHINGTON TERRITORY, ACCORDING  
TO PLAT FILED FOR RECORD FEBRUARY 3, 1875 IN THE  
OFFICE OF THE COUNTY AUDITOR;

SAID STRIP BEING A PORTION OF THE SOUTHEAST  
QUARTER OF THE SOUTHEAST QUARTER OF SECTION  
32, TOWNSHIP 21 NORTH, RANGE 03 EAST, WILLAMETTE  
MERIDIAN, IN TACOMA, PIERCE COUNTY, 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





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hereby vest in the owners of the property abutting thereon, all in the manner provided by law.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney

Property description approved:  
  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: A portion of South 4th Street, lying between Broadway and Court C.  
Petitioner: YWCA Home at Last LLC  
Vacation Req. No. 124.1399



## ORDINANCE NO. 28697

1  
2 AN ORDINANCE relating to zoning; changing the zoning classification of  
3 approximately 28.4 acres of real property by adding a Planned  
4 Residential Development ("PRD") Overlay District onto the existing  
5 "R-2" Single-Family Dwelling District to enable a PRD of 73 single-  
6 family residences concentrated on the southeasterly portion of the  
7 site located in the South End neighborhood of Tacoma at  
8 7432 East "D" Street.

9 BE IT ORDAINED BY THE CITY OF TACOMA:

10 Section 1. That the City Council hereby adopts the Hearing Examiner's  
11 Findings, Conclusions, and Recommendations contained in the Hearing  
12 Examiner's Report dated September 30, 2020, bearing File No. LU19-0100,  
13 which Report is on file in the office of the City Clerk.

14 Section 2. That the approximately 28.4 acres of real property located in  
15 the South End neighborhood of Tacoma, currently addressed as 7432 East "D"  
16 Street, shall be hereafter included in the Overlay Districts governed by Tacoma

17 Municipal Code 13.06.070.C:

18 Req. #20-0707



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THAT PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28;

THENCE SOUTH 00°00'00" WEST ALONG THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 251.38 FEET, TO THE SOUTHWEST CORNER OF THE NORTH 7.5 ACRES OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°38'06" EAST PARALLEL WITH THE NORTH LINE OF SAID SUBDIVISION AND ALONG THE SOUTH LINE OF SAID NORTH 7.5 ACRES, A DISTANCE OF 338.78 FEET TO THE NORTHWEST CORNER OF THE EAST 960.65 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28 AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89°38'06" EAST ON SAID PARALLEL LINE AND THE SOUTH LINE OF SAID NORTH 7.5 ACRES A DISTANCE OF 197.53 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE METROPOLITAN PARK DISTRICT OF TACOMA BY DEED RECORDED OCTOBER 13, 1994, UNDER AUDITOR'S NO. 9410130147;

THENCE SOUTH 00°01'53" EAST ALONG THE WEST LINE OF SAID PARK DISTRICT PREMISES AND PARALLEL WITH THE WEST LINE OF THE EAST 960.95 FEET OF SAID WEST HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 1166.18 FEET TO THE SOUTHWEST



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CORNER OF SAID PARK DISTRICT PREMISES, BEING ALSO THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO THE TACOMA SCHOOL DISTRICT NO. 10 BY DEED RECORDED JUNE 29, 1967, UNDER AUDITOR'S NO. 2195583;

THENCE SOUTH 89°38'06" EAST A DISTANCE OF 742.76 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF EAST "D" STREET AS CONVEYED TO THE CITY OF TACOMA BY QUIT CLAIM DEED RECORDED MARCH 10, 1970, UNDER AUDITOR'S NO. 2335861;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID CITY OF TACOMA TRACT 1220 FEET, MORE OR LESS, TO A POINT 30 FEET NORTH OF THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER, BEING THE NORTH LINE OF THE FIRST DESCRIBED PARCEL IN SAID QUIT CLAIM DEED IN FAVOR OF THE CITY OF TACOMA; THENCE WEST ALONG SAID NORTH LINE A DISTANCE OF 920 FEET, MORE OR LESS, TO THE WEST LINE OF THAT CERTAIN TRACT OF LAND AWARDED TO THE TACOMA SCHOOL DISTRICT NO. 10, DESCRIBED AS PARCEL NO. 1 IN DECREE OF APPROPRIATION ENTERED NOVEMBER 24, 1964 IN PIERCE COUNTY SUPERIOR COURT CAUSE NO. 157307 (SAID DECREE AS TO PARCEL NO. 1, ALSO RECORDED UNDER AUDITOR'S NO. 2054427);

THENCE NORTH ALONG THE WEST LINES OF SAID PARCEL NO. 1, THAT STREET CONVEYED TO THE TACOMA SCHOOL DISTRICT NO. 10, RECORDED MAY 14, 1963, UNDER AUDITOR'S NO. 2009232, PARCEL 3 OF SAID DECREE, WHICH WAS RECORDED UNDER



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AUDITOR'S NO. 2054429, AND PARCEL 4 OF SAID DECREE, WHICH WAS RECORDED UNDER AUDITOR'S NO. 2079599, TO THE NORTHWEST CORNER OF SAID PARCEL 4, A DISTANCE OF 1050 FEET, MORE OR LESS;

THENCE CONTINUING NORTH ON A LINE PARALLEL WITH AND 960.95 FEET WEST OF THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPT ANY PORTION LYING NORTH OF THE FOLLOWING DESCRIBED LINE:

THE SOUTH LINE OF THE NORTH 75 FEET OF THE NORTH HALF OF THE SOUTH 10 ACRES OF THE NORTH 37.5 ACRES OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28;

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.



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Section 3. That the above-described property shall hereafter be governed by Tacoma Municipal Code 13.06.070.C, Overlay Districts.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney

Property description approved:  
  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: Approximately 28.4 acres of real property located in the South End neighborhood of Tacoma currently addressed as 7432 East "D" Street.

Petitioner: Green Harbor Communities, Inc.  
Request No.: LU19-0100