RESOLUTION NO. 1856

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CITY OF MILTON TO ADJUST THEIR COMMON BOUNDARY WITHIN THE FREEMAN ROAD EAST RIGHT OF WAY

WHEREAS, the realignment and reconstruction of Freeman Road East near the 20th Street intersection resulted in the common boundary between Fife and Milton located within the Freeman Road right of way rather than at the edge of the right of way. A boundary adjustment between Fife and Milton is necessary to eliminate this situation; and

WHEREAS, RCW 35.13.310 provides that the councils of two cities with a common boundary within the right of way of a public street may enter into an agreement to alter those portions of their boundaries that are necessary to eliminate this situation and create a partial common boundary on either edge of the right of way. Boundary line adjustments under RCW 35.13.310 are not subject to potential review by the boundary review board; and

WHEREAS, it is burdensome and inefficient for both Fife and Milton to have to provide law enforcement, street maintenance and other services to only a portion of the right of way when the remainder of the right of way is owned and serviced by the other city; and

WHEREAS, the attached agreement adjusts the boundary to the new Freeman Road ROW edge; now therefore

BE IT RESOLVED that the Fife City Council hereby authorizes the City Manager to execute the Agreement between the City of Milton and the City of Fife to Adjust Common Boundaries within the Freeman Road East Right of Way in the form attached hereto as Exhibit A.

ADOPTED by the City Council at an open public meeting held on the 22nd day of January, 2019.

Kim Roscoe, Mayor

Attest:

Brodie Rota, City Clerk

RESOLUTION NO. 1856

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AGREEMENT BETWEEN THE CITY OF MILTON AND THE CITY OF FIFE TO ADJUST COMMON BOUNDARIES WITHIN THE FREEMAN ROAD EAST RIGHT OF WAY

1.	Date and Parties.	This	Agreement	("Agreeme	ent") is	dated	for	reference
purpos	ses only, the	_day of	January, 201	9, and is er	itered in	to by ar	ıd be	tween the
City o	of Fife, an optional	municip	al code city	organized	under (Chapter	35A	.13 RCW
(hereinafter "Fife"), and the City of Milton, an optional municipal code city organized								
under Chapter 35A.12 RCW ("Milton").								

2. General Recitals.

- 2.1 The realignment and reconstruction of Freeman Road East near the 20th Street intersection resulted in the common boundary between Fife and Milton located within the Freeman Road right of way rather than at the edge of the right of way. A boundary adjustment between Fife and Milton is necessary to eliminate this situation.
- 2.2 RCW 35.13.310 provides that the councils of two cities with a common boundary within the right of way of a public street may enter into an agreement to alter those portions of their boundaries that are necessary to eliminate this situation and create a partial common boundary on either edge of the right of way.
- 2.3 Boundary line adjustments under RCW 35.13.310 are not subject to potential review by the boundary review board.
- 2.4 It is burdensome and inefficient for both Fife and Milton to have to provide law enforcement, street maintenance and other services to only a portion of the right of way when the remainder of the right of way is owned and serviced by the other city.
- 2.5 Fife and Milton agree that it is in the best interests of both cities for the common boundary to be adjusted to the edge of the right of way.
- 2.6 The parties enter this Agreement in consideration of the mutual covenants and promises set forth in this Agreement, the mutual benefits derived from each, and the exercise of authority granted by RCW 35.13.310.

3. Adjustment of Boundary of Fife and Milton along Freeman Road East.

3.1 The common boundary between Fife and Milton shall be adjusted as of the Effective Date so that the portion of Freeman Road right of way legally described and graphically depicted in Exhibit A attached hereto is entirely within Milton. Fife reserves the right to operate, inspect, maintain, repair, remove, and replace a street light and appurtenant power lines, junction boxes and electrical equipment, over, under, upon and across the landscaped strip on the west side of the right of way described in Exhibit A.



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- 3.2 The common boundary between Fife and Milton shall be adjusted as of the Effective Date so that the portion of Freeman Road right of way legally described and graphically depicted in Exhibit B attached hereto is entirely within Fife.
- 4. <u>Effective Date</u>. This Agreement shall become effective at 12:01 AM on February 1, 2019.
- 5. <u>Filing</u>. The City Clerk of Fife shall file a certified copy of this Agreement with the Pierce County Auditor.
- 6. <u>Signature Authority</u>.
- 6.1 The Fife City Manager was authorized to execute this Agreement by Resolution No. ____ adopted by a majority of the entire City Council on the 22nd day of January, 2019 at a regularly scheduled Council meeting.
- 6.2 The Mayor of Milton was authorized to execute this Agreement by Resolution No. ____ adopted by a majority of the entire City Council on the 22nd day of January, 2019 at a regularly scheduled Council meeting.

CITY OF MILTON	CITY OF FIFE				
By:	By:				
Shanna Styron-Sherrell	Hyun Kim				
Mayor	City Manager				
APPROVED AS TO FORM:	APPROVED AS TO FORM:				
Ogden Murphy Wallace	Gregory F. Amann				
City Attorney	City Attorney				

LEGAL DESCRIPTION

CITY RIGHT-OF-WAY EXCHANGE

THAT PORTION OF PARCELS A AND B OF CITY OF FIFE LOT LINE ADJUSTMENT NO. LLA15-0004. RECORDED UNDER AUDITOR'S FILE NO. 201606225007, RECORDS OF PIERCE COUNTY, WASHINGTON, BEING A PORTION OF THE SE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 20 NORTH, RANGE 4 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A:

THENCE SOUTH 22°21'45" EAST, 163.46 FEET ALONG THE WEST MARGIN OF FREEMAN ROAD EAST:

THENCE SOUTH 39°55'59" EAST, 9.41 FEET ALONG SAID WEST MARGIN;

THENCE SOUTH 69°18'03" WEST, 33.02 FEET TO A POINT ON A NON-TANGENT CURVE, THE RADIUS OF WHICH BEARS NORTH 69°17'00" EAST;

THENCE NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 329.00 FEET, THROUGH A CENTRAL ANGLE OF 20°06'59", AND AN ARC LENGTH OF 115.51 FEET:

THENCE NORTH 10°38'41" WEST, 21.87 FEET TO A POINT OF TANGENCY;

THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 57.50 FEET, THROUGH A CENTRAL ANGLE OF 43°12'09", AND AN ARC LENGTH OF 43.36 FEET TO A POINT ON THE SOUTH MARGIN OF 20TH AVENUE EAST:

THENCE SOUTH 88°59'37" EAST, 10.55 FEET ALONG SAID SOUTH MARGIN TO THE POINT OF BEGINNING.

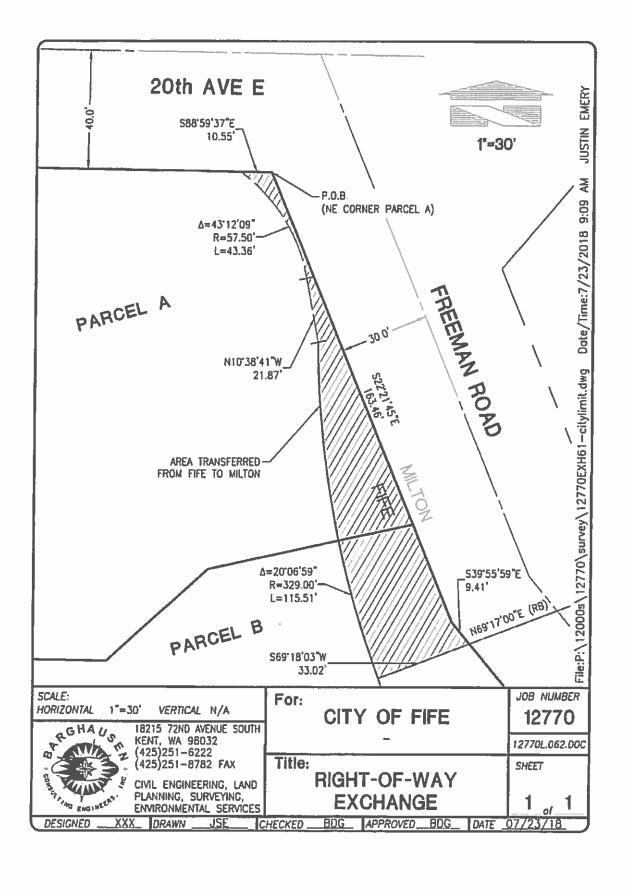
CONTAINS 9460 SQUARE FEET, MORE OR LESS. (0.217 ACRES +/-)



Project Name Freeman Road East July 23, 2018

BDG / JSE 12770L.062

EXHIBIT "A"



LEGAL DESCRIPTION

CITY RIGHT-OF-WAY EXCHANGE

THAT PORTION OF FREEMAN ROAD EAST IN THE SE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 20 NORTH, RANGE 4 EAST, W.M., PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF PARCEL A OF CITY OF FIFE LOT LINE ADJUSTMENT NO LLA15-004, RECORDED UNDER AUDITOR'S FILE NO 201606225007; THENCE SOUTH 22°21'45" EAST, 163.46 FEET ALONG THE WEST MARGIN OF FREEMAN ROAD EAST:

THENCE SOUTH 39°55'59" EAST, 9.41 FEET ALONG SAID WEST MARGIN, TO THE POINT OF BEGINNING;

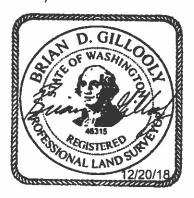
THENCE NORTH 69°18'03" EAST, 63.55 FEET TO A POINT ON THE EAST MARGIN OF SAID FREEMAN ROAD EAST;

THENCE SOUTH 39°55'59" EAST, 262.39 FEET ALONG SAID EAST MARGIN TO THE CITY OF MILTON CITY LIMIT LINE:

THENCE SOUTH 02°22'54" WEST, 89.13 FEET ALONG SAID CITY LIMIT LINE TO A POINT ON THE WEST MARGIN OF SAID FREEMAN ROAD;

THENCE NORTH 39°55'59" WEST, 349.23 FEET ALONG SAID WEST MARGIN, TO THE POINT OF BEGINNING.

CONTAINS 18,349 SQUARE FEET, MORE OR LESS (0.421 ACRES +/-)



Project Name: Freeman Road July 23, 2018

BDG / JSE 12770L.063 **EXHIBIT** "B"

