RESOLUTION NO. 235

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF FIRCREST PROVIDING FOR BOUNDARY LINE ADJUSTMENTS ALONG CERTAIN PORTIONS OF RIGHTS-OF-WAY LYING BETWEEN THE TWO CITIES.

BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Authorization. City Manager or his designee is authorized and directed to execute on behalf of the City the Interlocal Agreement with the City of Fircrest Providing for Boundary Line Adjustments Along Certain Portions of Rights-of-Way Lying Between the Two Cities, attached as Exhibit A to this Resolution.

Section 2. Ratification and Confirmation. Any acts made consistent with the authority and prior to the effective date of this resolution are ratified and confirmed.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 20, 1999.

Debbie Klosowski

Debbie Klosowski, Mayor

ATTEST:

Susan Matthew

Susan Matthew, City Clerk

M:/RES/Interlocal-Fircrest-BoundaryLine Adjustments

An Interlocal Agreement between the Cities of Fircrest and University Place, Washington, Providing for Boundary Line Adjustments Along Certain Portions of Rights-of-Way Lying between the Two Cities

WHEREAS, RCW 35.13.310(a) provides a method to adjust boundary lines between two cities where the two cities share a common boundary within a right-of-way; and

WHEREAS, due to the incorporation of the City of University Place ("University Place" and subsequent annexations by both the City of Fircrest ("Fircrest") and University Place there are now several rights-of-way in which the cities' boundaries are presently located in the middle of the rights-of-way; and

WHEREAS, RCW 35.13.310 provides that the governing bodies of two cities by mutual agreement and without any required action by the Boundary Review Board may revise any part of the corporate boundary of the city which coincides with the centerline of a public street by creating a partial common boundary on either edge of the right-of-way; and

WHEREAS, it is burdensome and inefficient for both Fircrest and University Place to have to provide public safety, public works, traffic engineering and other services to only portions of a right-of-way when the remainder of the right-of-way is owned and served by the other city; and

WHEREAS, Fircrest and University Place agree that it is logical for only one city to have to provide governmental services to these heretofore commonly owned segments of rights-of-way; and

WHEREAS, the parties are authorized by interlocal agreement to regularize their borders so that the entire width of a right of way will be located within the corporate borders of a single city;

NOW, THEREFORE, the parties to this Interlocal Agreement agree as follows:

Section 1. **Adjusting the Boundary of Fircrest and University Place along 37th Street West and the West Half of 63rd Avenue West.** The City of University Place agrees to transfer that portion of the right-of-way for 37th Street West and 63rd Avenue West described in Exhibit A (attached hereto and incorporated by this reference) to the City of Fircrest. The common boundary between the two cities henceforth shall be the north edge of the 37th Street West right-of-way line and the west edge of the 63rd Avenue West right-of-way line.

200003060527

The City of University Place reserves utility easement rights to construct, maintain and operate any utility along the entire width of 37th Street West and along the west half of 63rd Avenue West. The City of University Place may assign these easement rights to Pierce County for sanitary sewer purposes.

Section 2. **Adjusting the Boundary of Fircrest and University Place along 67th Avenue West.** The City of Fircrest agrees to transfer the east half of 67th Avenue West between 44th Street West and 37th Street West described in Exhibit B (attached hereto and incorporated by this reference) to University Place. The common boundary between the two cities henceforth shall be the east edge of the 67th Avenue West right-of-way line.

The City of Fircrest reserves utility easement rights to construct, maintain and operate any utility along the east half of 67th Avenue West.

Section 3. **Effective Date.** This Interlocal Agreement shall become effective at 12:01 AM on January 1, 2000.

Section 4. **Filing.** The City Clerk for University Place shall file a certified copy of this Interlocal Agreement with the Pierce County Auditor and the Clerk of the Washington State Boundary Review Board after ratification by the parties.

Section 5. **Subsequent Actions.** The parties agree to enact all other necessary resolutions, ordinances, deeds or other documents, to carry out the purposes of this Interlocal Agreement.

Agreement dated this 1st day of January, 2000.

CITY OF FIRCREST

By: Susan Clough, Interim City Manager Date 12/14/99

Approved for Entry:

Michael B. Smith 12-14-99

By: Michael B. Smith, City Attorney Date

20000306052 7

CITY OF UNIVERSITY PLACE

By: Robert W. Jean, City Manager — Date 12/8/99

Approved for Entry:

By: Timothy X. Sullivan, City Attorney — Date 12/8/99

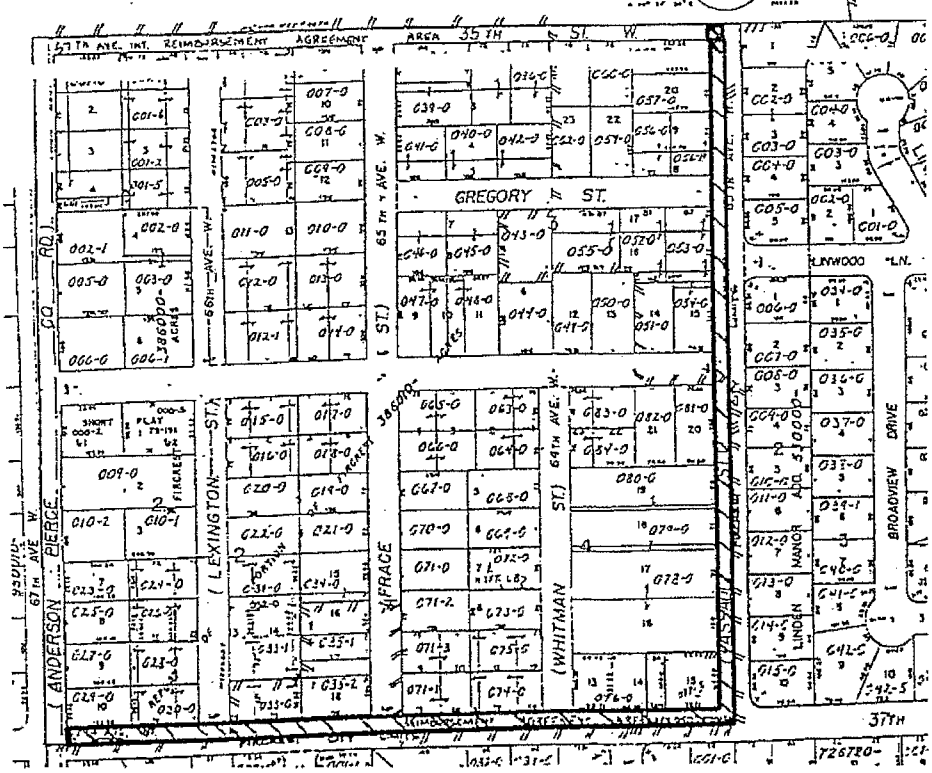
200003060527

Legal Description for Boundary Line Adjustment
Between Cities of Fircrest and University Place
Street Transfer To Fircrest

That portion of 37th Street W. lying north of the centerline of the right of way of said street and east of the east right of way line of 67th Avenue and within the current city limits of University Place; and

That portion of 63rd Avenue W. lying west of the centerline of the right of way of said street and lying north of the north right of way line of 37th Street and south of the north right of way line of 35th Street and within the current city limits of University Place.

43

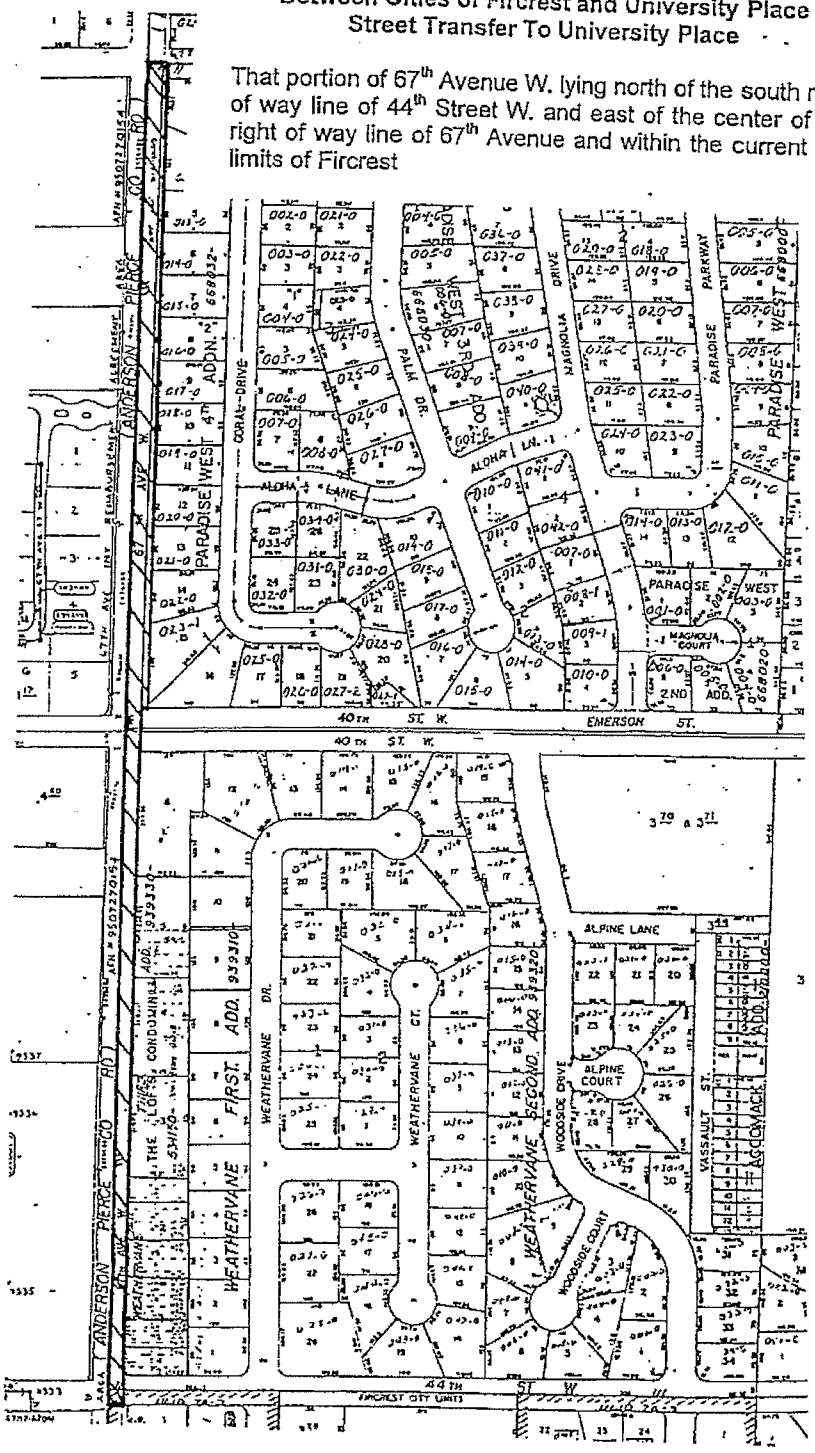


20000306052 7

Exhibit B

Legal Description for Boundary Line Adjustment Between Cities of Fircrest and University Place Street Transfer To University Place

That portion of 67th Avenue W. lying north of the south right of way line of 44th Street W. and east of the center of the right of way line of 67th Avenue and within the current city limits of Fircrest



200003060527