

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

**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 (“Agreement”) is dated for reference purposes only, the \_\_\_\_\_ day of January, 2019, and is entered into by and between the City of Fife, an optional municipal 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 20<sup>th</sup> 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.

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. Effective Date. This Agreement shall become effective at 12:01 AM on February 1, 2019.

5. Filing. The City Clerk of Fife shall file a certified copy of this Agreement with the Pierce County Auditor.

6. Signature Authority.

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 22<sup>nd</sup> 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 22<sup>nd</sup> day of January, 2019 at a regularly scheduled Council meeting.

CITY OF MILTON

CITY OF FIFE

By: \_\_\_\_\_  
Shanna Styron-Sherrell  
Mayor

By: \_\_\_\_\_  
Hyun Kim  
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
Ogden Murphy Wallace  
City Attorney

\_\_\_\_\_  
Gregory F. Amann  
City Attorney

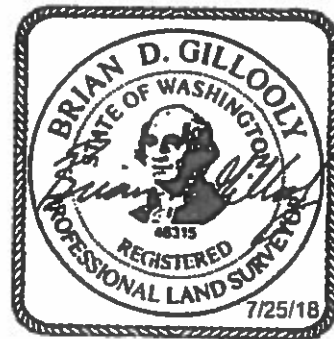
**LEGAL DESCRIPTION**

**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.

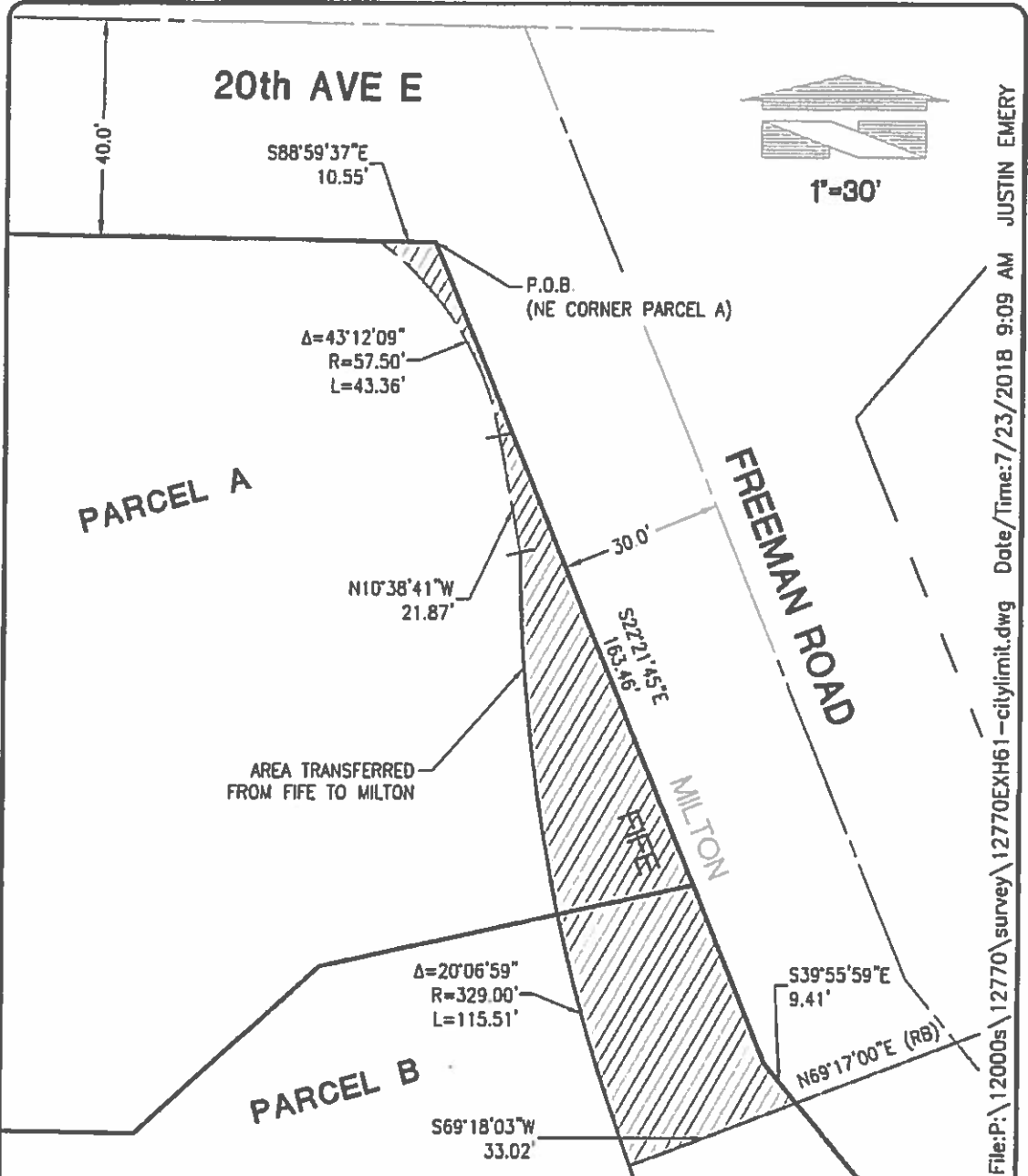
CONTAINS 9460 SQUARE FEET, MORE OR LESS. (0.217 ACRES +/-)




Project Name: Freeman Road East  
July 23, 2018

BDG / JSE  
12770L062

EXHIBIT "     A     "



SCALE: HORIZONTAL 1"=30' VERTICAL N/A		For: <b>CITY OF FIFE</b>	JOB NUMBER <b>12770</b>
 18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES		Title: <b>RIGHT-OF-WAY EXCHANGE</b>	12770L.062.DOC SHEET <b>1 of 1</b>
DESIGNED	XXX	DRAWN	JSE
CHECKED	BDG	APPROVED	BDG
DATE 07/23/18			

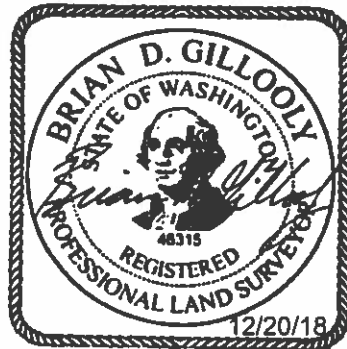
**LEGAL DESCRIPTION**

**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.

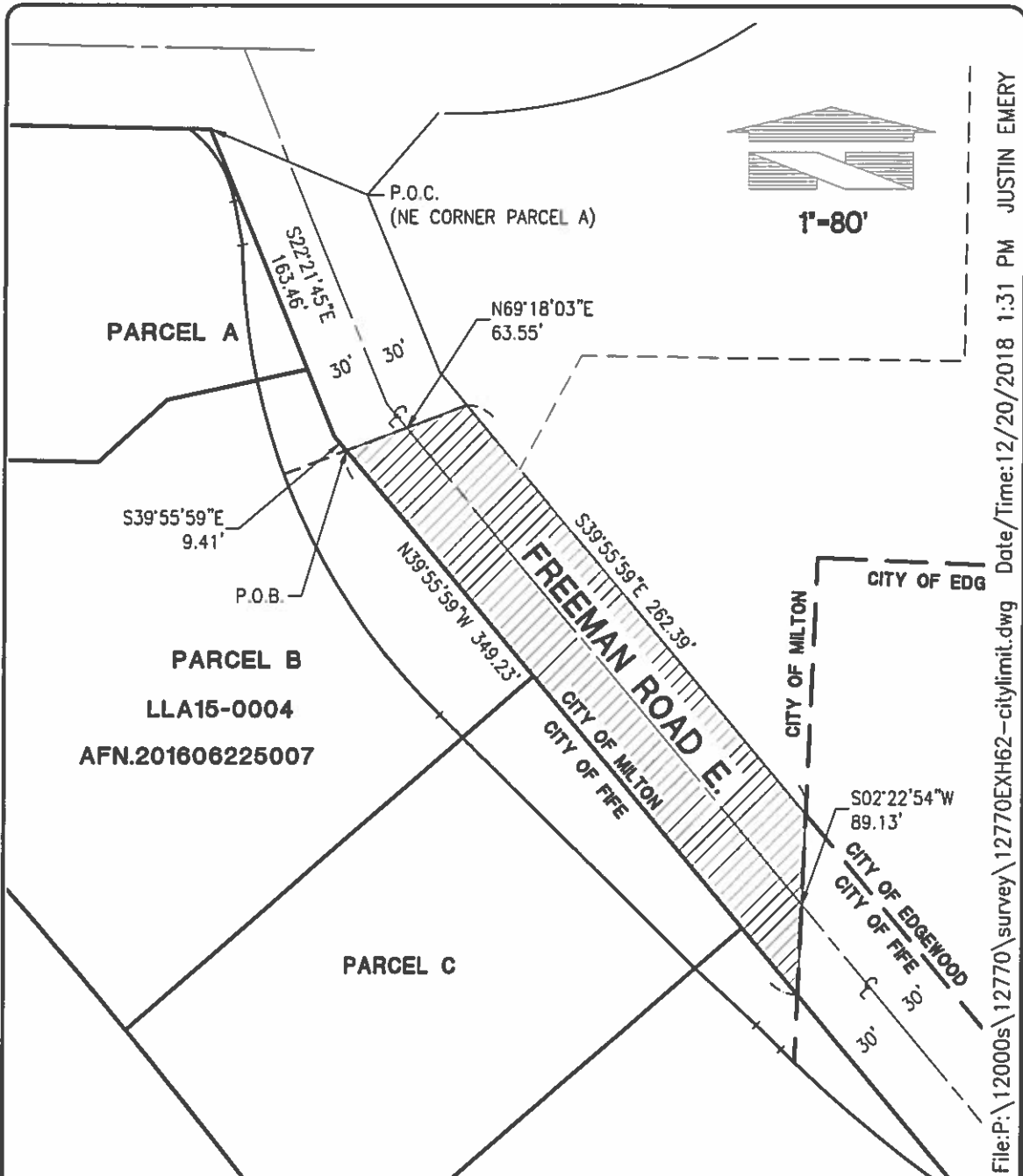
CONTAINS 18,349 SQUARE FEET, MORE OR LESS (0.421 ACRES +/-)



Project Name: Freeman Road  
July 23, 2018

**EXHIBIT "B"**

BDG / JSE  
12770L.063



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SCALE:  
 HORIZONTAL 1"=80' VERTICAL N/A


 18215 72ND AVENUE SOUTH  
 KENT, WA 98032  
 (425)251-6222  
 (425)251-8782 FAX  
 CIVIL ENGINEERING, LAND  
 PLANNING, SURVEYING,  
 ENVIRONMENTAL SERVICES

For:  
**CITY OF FIFE**

JOB NUMBER  
**12770**  
 12770L.063.DOC

Title:  
**CITY RIGHT-OF-WAY  
 EXCHANGE**

SHEET  
**1 of 1**

DESIGNED XXX DRAWN JSE CHECKED BDG APPROVED BDG DATE 07/23/18