

RESOLUTION NO. 145

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, AUTHORIZING EXECUTION OF AN
INTERLOCAL AGREEMENT BETWEEN THE CITY OF
UNIVERSITY PLACE, THE CITY OF FIRCREST, AND PIERCE
COUNTY DEFINING BORDERS AND RIGHTS OF WAY ALONG
67TH AVENUE WEST AND 44TH STREET WEST


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 Pierce County and the City of Fircrest regularizing rights of way and boundaries along 67th Avenue West and 44th Street West in substantially the form attached.

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 MAY 5, 1997.



Linda Bird, Mayor

ATTEST:



Susan Matthew, City Clerk

Interlocal Agreement Among Pierce County and the
Cities of Fircrest and University Place
to Remove Unincorporated Islands of Public Right of Way
along Portions of 67th Avenue West and 44th Street West Lying
Between the Cities of Fircrest and University Place
by Amending the Municipal Borders
of the Cities of University Place and Fircrest
to Include Such Right of Way
Within the City of University Place's Municipal Borders

WHEREAS, RCW 35.02.170 requires that boundaries of a newly incorporated city or town shall not include a portion of the right of way of any public street, road or highway except where the boundary runs from one edge of the right of way to the other edge of the right of way; and

WHEREAS, upon incorporation of the City of University Place, the Boundary Review Board of the State of Washington for Pierce County established that the eastern border of the City along 67th Avenue West between 19th Street South and 44th Street West should be at the western edge of the 67th Avenue West right of way; and

WHEREAS, upon incorporation of the City of University Place, the Boundary Review Board of the State of Washington for Pierce County established that a portion of the southeasterly border of the City should be the southerly edge of the public right of way along 44th Street West running between 67th Avenue West and Alameda Avenue; and

WHEREAS, the City of Fircrest has previously established its municipal border along portions of 67th Avenue West and 44th Street West to the centerline of the right of way; and

WHEREAS, portions of both 67th Avenue West and 44th Street West are presently unincorporated islands of public right of way belonging to Pierce County which lie between two cities; and

WHEREAS, RCW 35A.21.210 provides that the governing bodies of a county and any code city located therein may by agreement revise any part of the corporate boundary of the city which coincides with the centerline, edge, or any portion of a public street, road or highway right of way by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city; and

WHEREAS, it is burdensome and inefficient for both Pierce County and the City of Fircrest 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 another governmental entity; and

WHEREAS, Pierce County and the Cities of Fircrest and University Place all agree that it is logical for one governmental entity to provide services to the 67th Avenue West and 44th Street West right of ways; and

WHEREAS, the City of University Place is willing to assume responsibility for providing services to the entire 67th Avenue West right of way lying between 19th Street South and 44th Street West and to the entire 44th Street West right of way extending between 67th Avenue West and Alameda Avenue; and

WHEREAS, Pierce County and the Cities of Fircrest and University Place agree that the public health and welfare of its citizenry is best served by transferring to the City of University Place the above described public 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 governmental entity;

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

Section 1. **Parties.** The parties to this agreement are Pierce County ("County"), the City of Fircrest ("Fircrest"), and the City of University Place ("University Place").

Section 2. **Adjustment of Corporate Borders Along 67th Avenue West.** The County, Fircrest and University Place agree that the corporate borders of University Place shall be adjusted to include the entire 67th Avenue West right of way situated between the southerly edge of the 19th Street South right of way and the southerly edge of the 44th Street West right of way.

Section 3. **Adjustment of Corporate Borders Along 44th Street West.** The County, Fircrest and University Place agree that the corporate borders of University Place shall be adjusted to include the entire width of the 44th Street West right of way situated between the easterly edge of the 67th Avenue West right of way and the easterly edge of the Alameda Avenue right of way.

Section 4. **Establishing the New corporate Borders for the City of University Place.** On the effective date of this agreement, the new corporate borders of University Place shall be:

(INSERT LEGAL DESCRIPTION--To Be Provided by City of University Place)

Section 5. **Effective Date.** This Interlocal Agreement shall become effective at 12:01 AM on the thirtieth day after ratification of this Interlocal Agreement by the last of the parties to ratify it.

Section 6. **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 7. **Subsequent Actions.** The parties agree to enact all resolutions, ordinances pursuant to RCW 35A.21.210 (2) and any other necessary contract documents to carry out the purposes of this Interlocal Agreement.

Agreement dated this ____ day of _____, 1997.

PIERCE COUNTY EXECUTIVE

By: Doug Sutherland, County Executive

Date

Approved for Entry:
JOHN LADENBURG,
PIERCE COUNTY PROSECUTING ATTORNEY

By: Keith Black, Chief Civil Deputy

Date

CITY OF FIRCREST

By: Dennis R. Richards, City Manager

Date

Approved for Entry:

By: Patrick Comfort, City Attorney

Date

TXS:ROW:4/22/97

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CITY OF UNIVERSITY PLACE

By: Robert W. Jean, City Manager

Date

Approved for Entry:

By: Timothy X. Sullivan, City Attorney

Date