

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1928

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, VACATING PORTIONS OF FREEMAN ROAD EAST ABUTTING TAX PARCEL NOS. 0420084083 AND 0420171084 AND RESERVING EASEMENT RIGHTS THEREIN**

WHEREAS, the City of Fife received a petition from the abutting owners to vacate portions of city right of way known as Freeman Road East legally described in Exhibit A and graphically depicted in Exhibit B attached hereto; and

WHEREAS, upon proper notice, a public hearing was held before the City Council on January 12, 2015; now therefore,

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON  
DO ORDAIN AS FOLLOWS:

Section 1. The City Council finds as follows:

a. The property legally described in Exhibit A and graphically depicted in Exhibit B attached hereto, totaling approximately 11,605.82 square feet, has been part of a dedicated public right-of-way known as Freeman Road East for twenty-five years or more.

b. No portion of the right-of-way abuts a body of water.

c. The developer of property abutting the west side of Freeman Road is currently undertaking, as a condition of development, a project to improve and realign Freeman Road (the "Freeman Road Project").

d. Upon completion of the Freeman Road Project, the property legally described in Exhibit A and graphically depicted in Exhibit B attached hereto will not be useful as part of the City road system and the public will be benefited by vacation of the City's interest.

e. As a condition of development, the abutting property owners are required to dedicate portions of their property to the City for the Freeman Road Project. Such portions exceed the amount of property they are requesting to be vacated.

Section 2. The portion of Freeman Road East legally described in Exhibit A and graphically depicted in Exhibit B attached hereto shall be vacated without further action of the City

Council, subject to the reservation of easement described in Section 3, upon satisfaction of the conditions set forth in Section 4.

Section 3. The City reserves and maintains an easement and right to exercise and grant easements in respect to vacated land legally described in Exhibit A and graphically depicted in Exhibit B attached hereto for the construction, repair, and maintenance of public utilities and services existing at the time of vacation.

Section 4. This vacation is subject to the following condition and shall not be effective until all such conditions are satisfied:

- a. The Freeman Road Project is completed and accepted by the City.
- b. The owners of the abutting property have dedicated to the City all property necessary for additional right of way for the Freeman Road Project, as required as a condition of development of the abutting property.

Section 5. Because the amount of property the abutting owners are required to dedicate to the City of Fife for the Freeman Road Project exceeds the amount of land vacated hereunder, the City is not requiring compensation. However, 11,605.82 square feet of property that the abutting owners dedicate to the City as a condition of development for the Freeman Road Project shall not be included in the calculation of any impact fee credits under FMC 20.10.100.

Section 6. The City Clerk is authorized and directed to record a certified copy of this ordinance with the Pierce County Auditor upon satisfaction of the conditions provided above.


Section 7. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

*[This space intentionally left blank]*

Section 8. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 26<sup>th</sup> day of January, 2016.

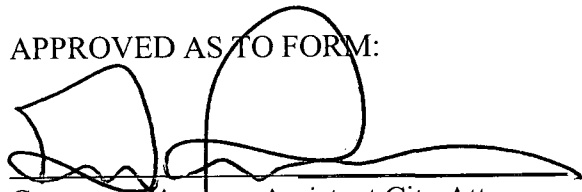
Passed by the City Council on the 9<sup>th</sup> day of February, 2016.

  
Subir Mukerjee, City Manager

ATTEST:

  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
Gregory F. Amann, Assistant City Attorney

Published: 2/12/2016  
Effective Date: February 17, 2016

**LEGAL DESCRIPTION**  
**RIGHT-OF-WAY VACATION**

That portion of Freeman Road East adjacent to Parcel B, City of Fife Lot Line Adjustment No. LLA14-0001, Auditor's File No. 201410205004, Records of Pierce County, Washington, more particularly described as follows:

COMMENCING at the Northeast corner of said Parcel B;  
THENCE South 44°17'31" East, 50.65 feet to a point of tangency along the West margin of Freeman Road East;  
THENCE southeasterly along the arc of a curve to the right, having a radius of 542.77 feet, through a central angle of 17°09'00", and an arc length of 162.46 feet along the West margin of Freeman Road East;  
THENCE South 27°08'31" East, 273.31 feet to a point of tangency along the West margin of Freeman Road East;  
THENCE southeasterly along the arc of a curve to the left, having a radius of 316.39 feet, through a central angle of 29°53'58", and an arc length of 165.11 feet along the West margin of Freeman Road East;  
thence continuing southeasterly along said curve through a central angle of 02°39'02", a distance of 14.64 feet to a point (of tangency//to which a radial line bears South 30°18'29" West;  
THENCE South 59°41'31" East, 24.31 feet to a point of tangency along the West margin of Freeman Road East;  
THENCE southeasterly along the arc of a curve to the right, having a radius of 65.00 feet, through a central angle of 61°22'28", and an arc length of 69.63 feet along the West margin of Freeman Road East;  
THENCE South 01°40'57" West, 124.84 feet along the West margin of Freeman Road East to the TRUE POINT OF BEGINNING;  
THENCE CONTINUING South 01°40'57" West, 21.88 feet along the West margin of Freeman Road East;  
THENCE North 89°06'48" East, 0.79 feet along the West margin of Freeman Road East to a point on a non-tangent curve, the radius of which bears North 88°51'48" West;  
THENCE northerly along the arc of a curve concave to the west, having a radius of 407.75 feet, through a central angle of 03°04'18", and an arc length of 21.86 feet to the West margin of Freeman Road East and the TRUE POINT OF BEGINNING.

Containing 10.82 square feet, more or less.

AND

That portion of Freeman Road East adjacent to Parcel A and Parcel B, City of Fife Lot Line Adjustment No. LLA14-0001, Auditor's File No. 201410205004, Records of Pierce County, Washington, more particularly described as follows:

Project Name: FedEx  
January 6, 2016

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**EXHIBIT**  
" A "  
1 of 3

BEGINNING at the Southeast corner of said Parcel A;  
THENCE North 44°17'31" West, 183.02 feet to a point of tangency along the West margin of Freeman Road East;  
THENCE northwesterly along the arc of a curve to the right, having a radius of 602.77 feet, through a central angle of 16°58'00", and an arc length of 178.50 feet along the West margin of Freeman Road East;  
THENCE North 27°19'31" West, 183.92 feet along the West margin of Freeman Road East;  
THENCE South 29°22'28" East, 228.54 feet to a point of tangency;  
THENCE Southeasterly along the arc of a curve to the left, having a radius of 464.00 feet, through a central angle of 16°18'32", and an arc length of 132.07 feet;  
THENCE South 45°40'59" East, 167.72 feet to a point of tangency;  
THENCE Southeasterly along the arc of a curve to the right, having a radius of 721.00 feet, through a central angle of 17°17'38", and an arc length of 217.62 feet;  
THENCE South 28°23'22" East, 200.62 feet to a point of tangency;  
THENCE Southeasterly along the arc of a curve to the left, having a radius of 628.50 feet, through a central angle of 09°19'10", and an arc length of 102.23 feet;  
THENCE South 37°42'32" East, 103.53 feet to a point of tangency;  
THENCE Southeasterly along the arc of a curve to the right, having a radius of 407.75 feet, through a central angle of 05°37'28", and an arc length of 40.03 feet to said West margin, being a point on a non-tangent curve, the radius of which bears North 32°58'41" East;  
THENCE Northwesterly along the arc of a curve concave to the Northeast, having a radius of 316.39 feet, through a central angle of 29°52'48", and an arc length of 165.00 feet;  
THENCE North 27°08'31" West, 273.31 feet to a point of tangency along the West margin of Freeman Road East;  
THENCE northwesterly along the arc of a curve to the left, having a radius of 542.77 feet, through a central angle of 17°09'00", and an arc length of 162.46 feet along the West margin of Freeman Road East;  
THENCE North 44°17'31" West, 50.65 feet along the West margin of Freeman Road East and the TRUE POINT OF BEGINNING.

Containing 8,542 square feet, more or less.

AND

That portion of Freeman Road East adjacent to Parcel A, City of Fife Lot Line Adjustment No. LLA14-0001, Auditor's File No. 201410205004, Records of Pierce County, Washington, more particularly described as follows:

COMMENCING at the Southeast corner of said Parcel A;  
THENCE North 44°17'31" West, 183.02 feet to a point of tangency along the West margin of Freeman Road East;  
THENCE northwesterly along the arc of a curve to the right, having a radius of 602.77 feet, through a central angle of 16°58'00", and an arc length of 178.50 feet along the West margin of Freeman Road East;  
THENCE North 27°19'31" West, 369.39 feet along the West margin of Freeman Road East to the TRUE POINT OF BEGINNING;

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January 6, 2016

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THENCE CONTINUING North 27°19'31" West, 98.24 feet along the West margin of Freeman Road East;  
THENCE North 21°30'29" East, 117.95 feet along the West margin of Freeman Road East;  
THENCE South 13°05'41" West, 23.49 feet to a point of tangency;  
THENCE southerly along the arc of a curve to the left, having a radius of 327.00 feet, through a central angle of 30°54'37", and an arc length of 176.41 feet to the West margin of Freeman Road East and the TRUE POINT OF BEGINNING.

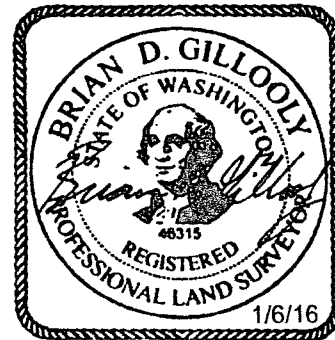
Containing 2,437 square feet, more or less.

AND

That portion of Freeman Road East adjacent to Parcel A, City of Fife Lot Line Adjustment No. LLA14-0001, Auditor's File No. 201410205004, Records of Pierce County, Washington, more particularly described as follows:

COMMENCING at the Southeast corner of said Parcel A;  
THENCE North 44°17'31" West, 183.02 feet along the West margin of Freeman Road East to a point of tangency;  
THENCE northwesterly along the arc of a curve to the right, having a radius of 602.77 feet, through a central angle of 16°58'00", and an arc length of 178.49 feet along the West margin of Freeman Road East;  
THENCE North 27°19'31" West, 467.63 feet along the West margin of Freeman Road East;  
THENCE North 21°30'29" East, 186.30 feet along the West margin of Freeman Road East;  
THENCE North 04°43'01" West, 76.38 feet along the West margin of Freeman Road East to the TRUE POINT OF BEGINNING;  
THENCE CONTINUING North 04°43'01" West, 200.65 feet along the West margin of Freeman Road East;  
THENCE South 07°39'08" East, 79.18 feet to a point of tangency;  
THENCE Southerly along the arc of a curve to the right, having a radius of 720.00 feet, through a central angle of 09°41'29", and an arc length of 121.78 feet to West margin of Freeman Road East and the TRUE POINT OF BEGINNING.

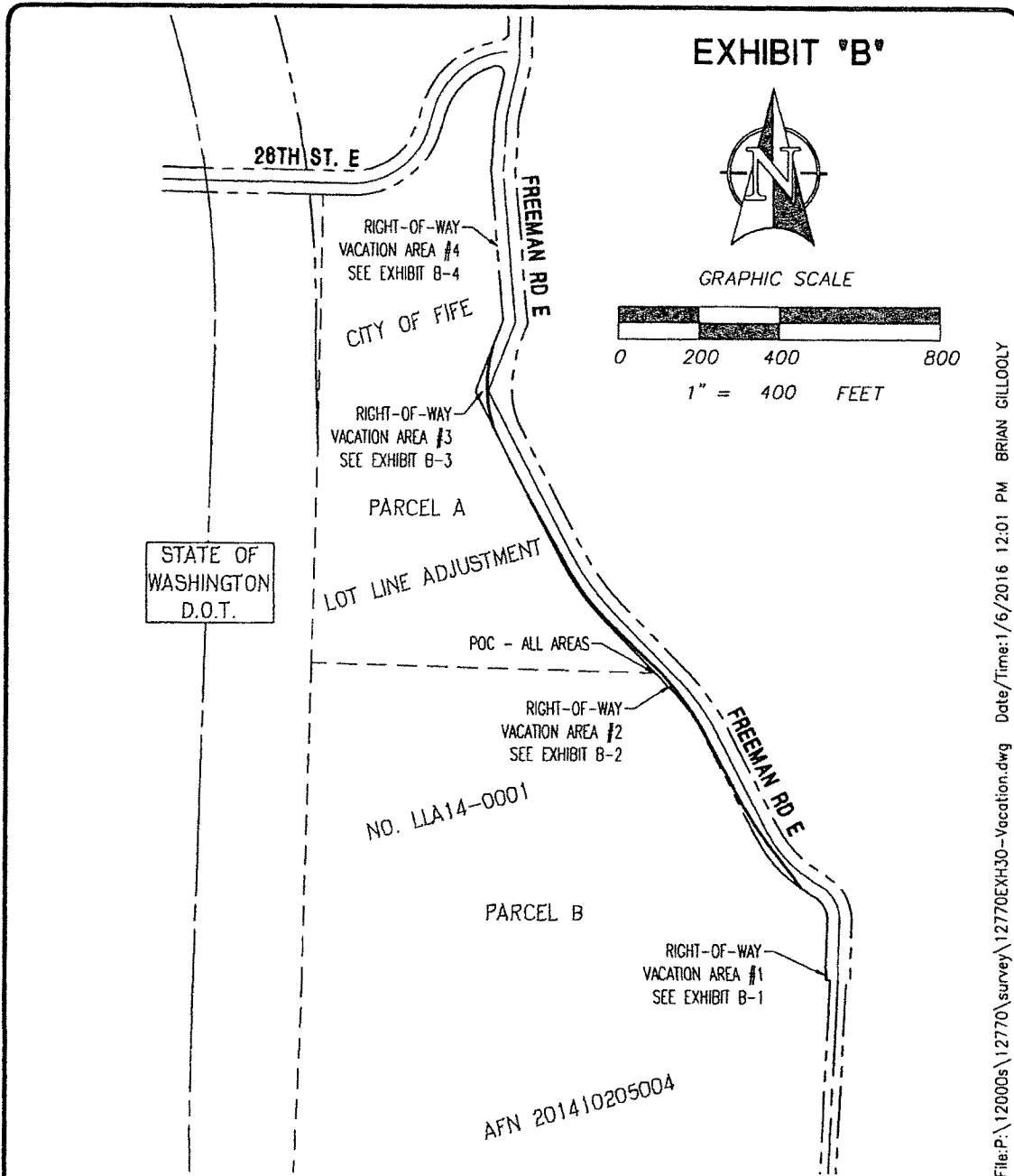
Containing 616 square feet, more or less.



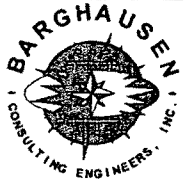
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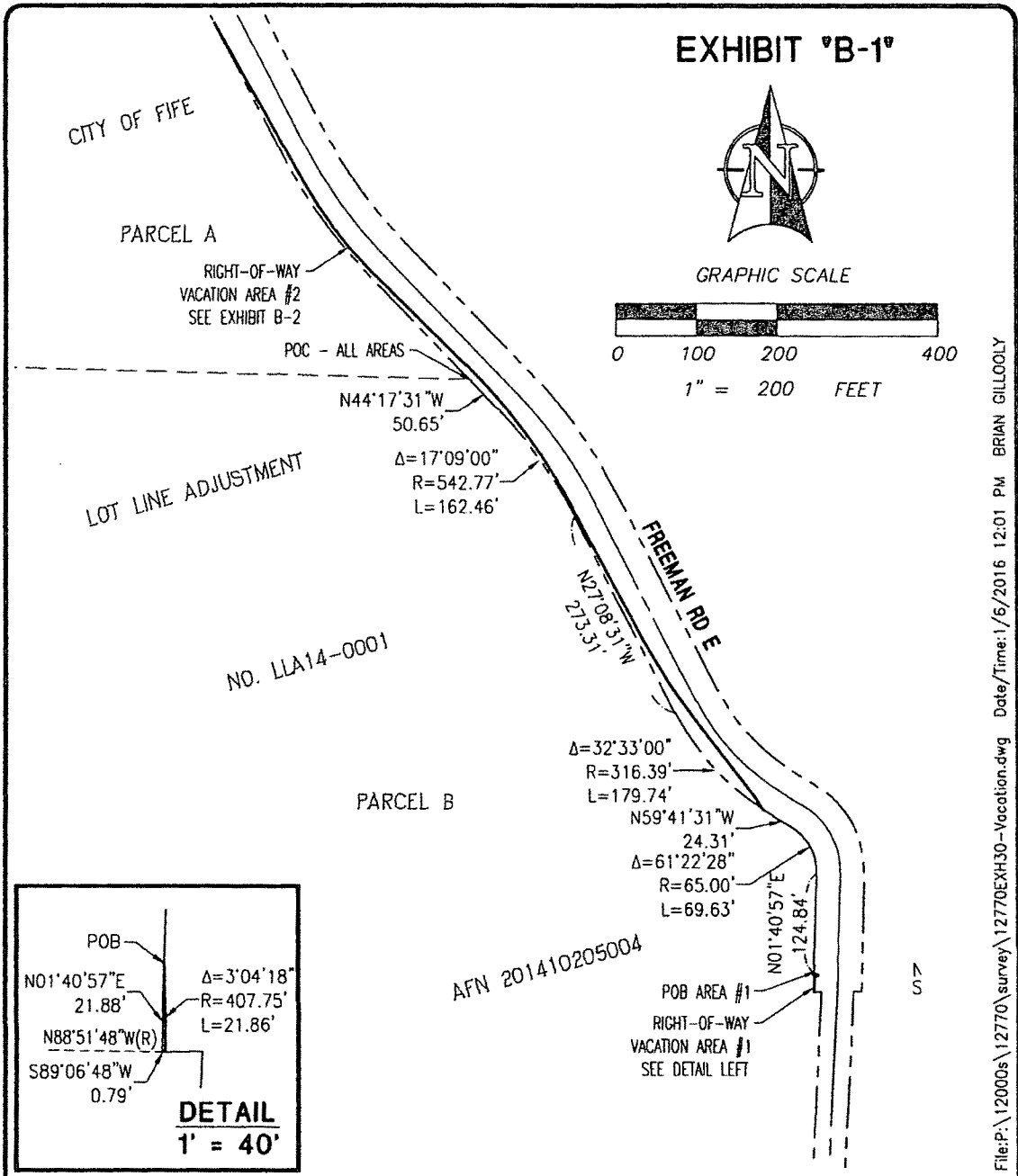
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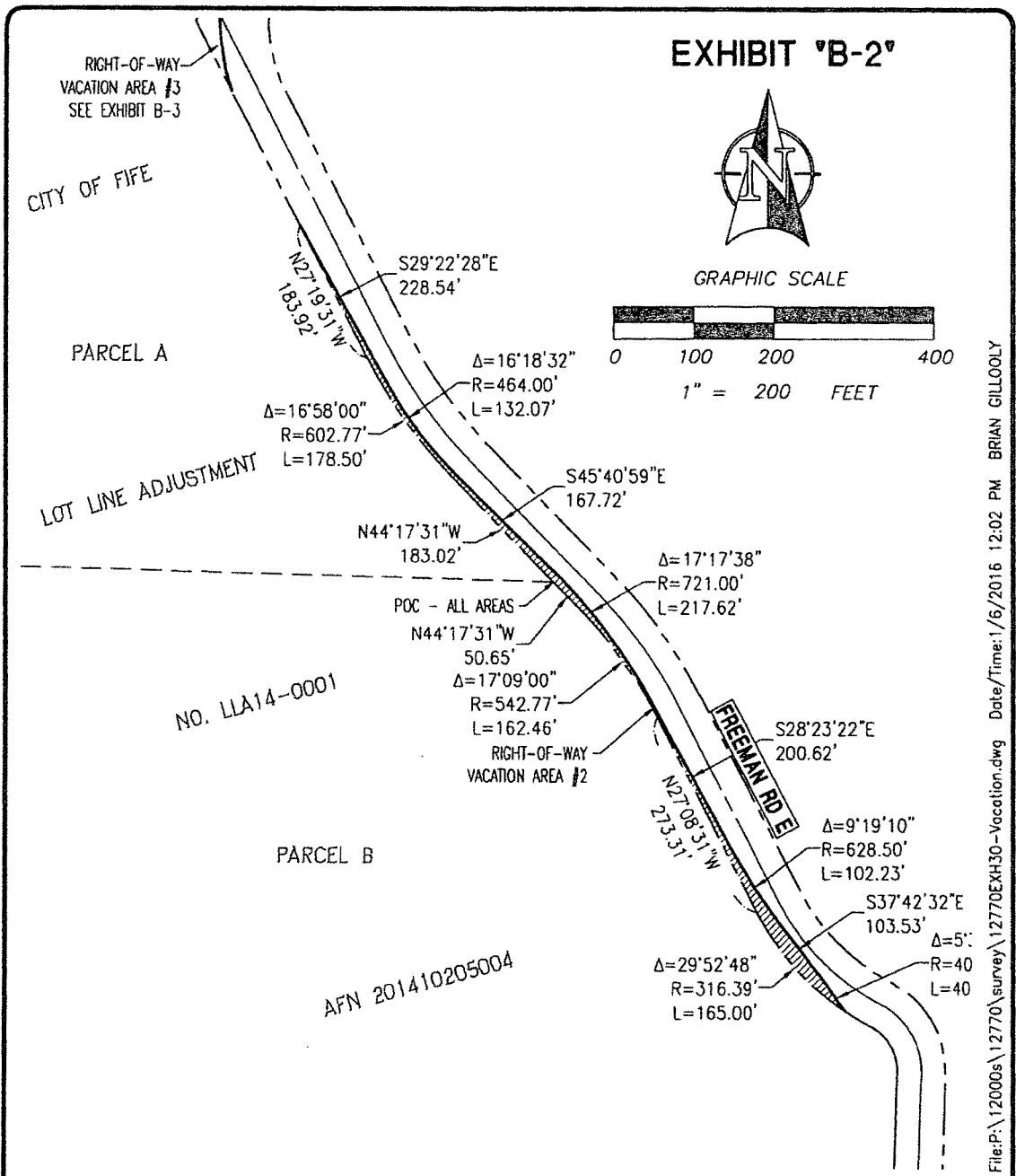
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| DESIGNED   | DRAWN KMA | CHECKED BDG   | APPROVED BDG                             |
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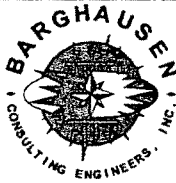
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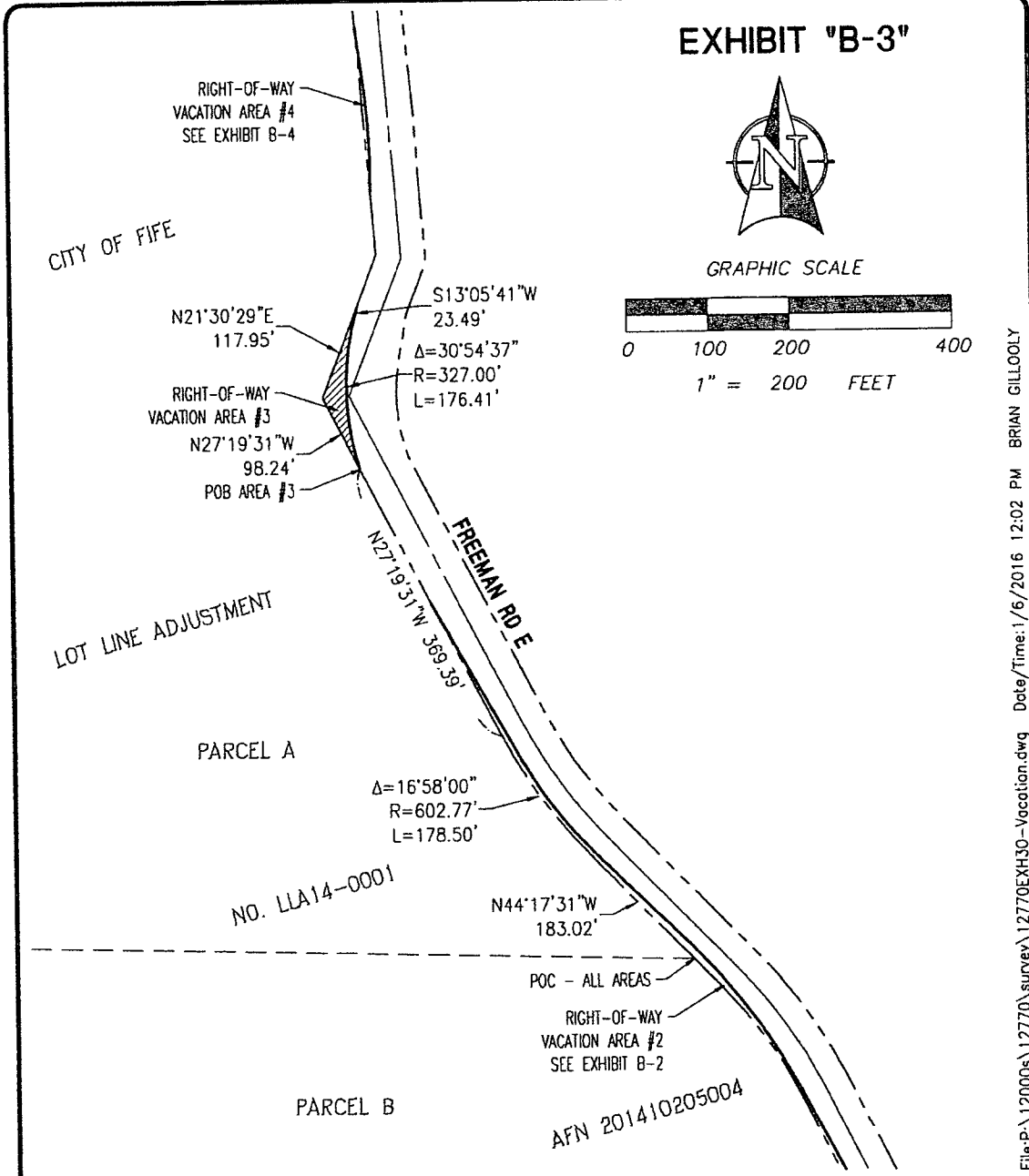
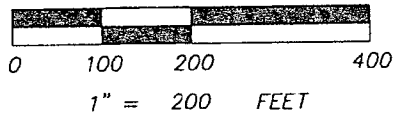
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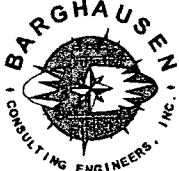
**EXHIBIT "B-3"**

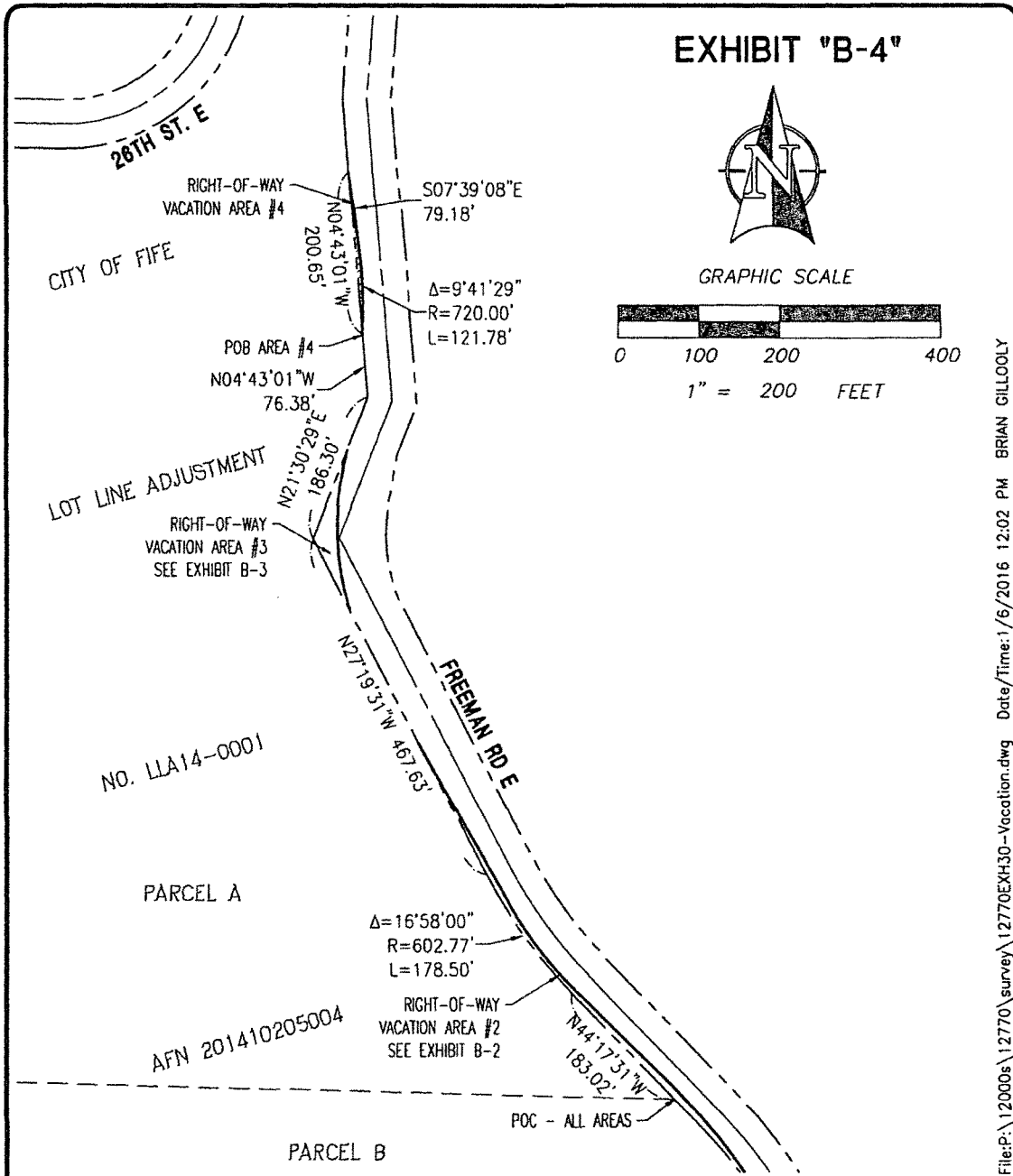


GRAPHIC SCALE

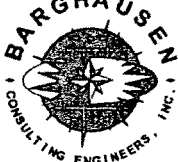


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| DESIGNED   | DRAWN KMA   | CHECKED BDG                           |
| APPROVED BDG   | DATE 8/26/15  |                                       |