

**MEMORANDUM**  
**For Meeting of December 9, 2008**

TO: Mayor and Councilmembers  
 THROUGH: Steve Worthington, City Manager  
 FROM: Russ Blount, Public Works Director

SUBJECT: **Resolution No. 1268** – Authorizing the City Manager to execute an agreement with Bertha J. Turnipseed for acquisition of an easement on a portion of Tax Parcel No. 0420172706, for right-of-way.

**REPORT IN BRIEF:** Resolution 1268 authorizing the City Manager to execute an agreement with Bertha J. Turnipseed for acquisition of a perpetual right of way easement on a portion of Tax Parcel No. 0420172706, for right-of-way necessary for the reconstruction of Valley Avenue East, as part of the 70<sup>th</sup> Avenue East and Valley Avenue East Road Improvement Project.

**BACKGROUND:** The City needs to acquire property owned by the United States in Trust for Bertha J. Turnipseed, an enrolled member of the Puyallup Tribe for right of way for the 70<sup>th</sup> Avenue East and Valley Avenue East road Improvement Project.

**ATTACHMENT:** Resolution No. 1268, legal description and map.

**DISCUSSION:** The City needs to acquire a portion of the property located at 7502 Valley Avenue East, tax parcel no. 0420172706, for right of way for the 70<sup>th</sup> and Valley Road Improvement Project. The property is owned by the United States in Trust for Bertha J. Turnipseed, an enrolled member of the Puyallup Tribe of Indians. The City does not have the authority to condemn the property, and may only acquire it with the consent of the beneficiary Bertha J. Turnipseed and authorization by the Bureau of Indian Affairs (“BIA”). Per BIA regulations, if approved, the acquisition would be of an exclusive right of way easement.

The Puyallup Tribe has indicated that it would not support the Project unless there was no net loss to tribal member land. The City owns property adjoining parcel no. 0420172706 that is approximately the size of the right of way needed from parcel no. 0420172706, and which is not needed for City purposes. The property was acquired by the City as part of the Managing Green transaction as “trading stock” for the Turnipseed transaction.

The City Manager has negotiated an agreement with Bertha J. Turnipseed for the acquisition of the necessary right of way easement in exchange for cash payment of \$170,715.00 (\$15.00/ s.f.), conveyance of the adjoining surplus City property, and sewer access to the property, subject to BIA approval. The Puyallup Tribe has reviewed the agreement and indicated its approval.

**FISCAL IMPACT:** \$170,715.00, plus recording fees, BIA application fees, and closing fees.

***ALTERNATIVE COURSES OF ACTION:***

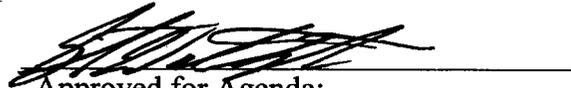
1. Approve Resolution 1268.
2. Amend Resolution 1268 and then approve Resolution 1268.
3. Decline to approve Resolution 1268.

***RECOMMENDATIONS:*** Approve Resolution 1268 as drafted.

***SUGGESTED MOTION:*** Move to approve Resolution 1268.



Russ Blount  
Public Works Director



Approved for Agenda:  
Steve Worthington, City Manager

RESOLUTION NO. 1268

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BERTHA J. TURNIPSEED FOR THE ACQUISITION BY THE CITY OF FIFE OF A RIGHT OF WAY EASEMENT ON PORTION OF TAX PARCEL NO. 0420172706

WHEREAS, the City wishes to acquire a perpetual easement on a portion of the property located at 7502 Valley Avenue East, tax parcel no. 0420172706, for right of way for the 70<sup>th</sup> and Valley Road Improvement Project; and

WHEREAS, the property is owned by the United States in Trust for Bertha J. Turnipseed, an enrolled member of the Puyallup Tribe of Indians; and

WHEREAS, the City owns property adjoining parcel no. 0420172706 that is approximately the size of the right of way needed from parcel no. 0420172706, and which is not needed for City purposes; and

WHEREAS, grants of right of way on trust property must be authorized by the Bureau of Indian Affairs (“BIA”) with the consent of the beneficiary; and

WHEREAS, the City has negotiated an agreement with Bertha J. Turnipseed for the acquisition of the necessary right of way easement in exchange for cash payment and conveyance of the adjoining surplus City property, subject to BIA approval. A copy of the Agreement is attached hereto as Exhibit 1 and by reference incorporated herein (the “Agreement”); and

WHEREAS, the Council has reviewed the Agreement and finds that it is in the best interests of the City and its citizens to approved the Agreement; now, therefore

BE IT RESOLVED that the City Council hereby declares the property described in Exhibit C of the attached Agreement as surplus.

BE IT FURTHER RESOLVED that the City Council approves the Agreement with Bertha J. Turnipseed attached hereto as Exhibit A and authorizes the City Manager to execute the Agreement on behalf of the City and to pay the amounts necessary and take such other further acts as necessary to effectuate the transaction.

ADOPTED by the City Council at an open public meeting held on the 9th day of December, 2008.

---

Barry D. Johnson, Mayor

Attest:

---

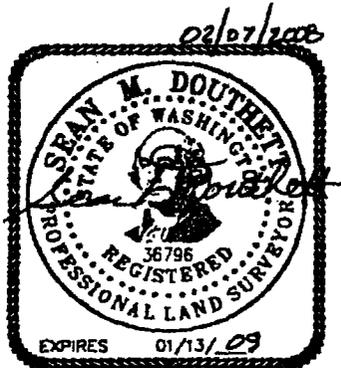
Steve Marcotte, City Clerk

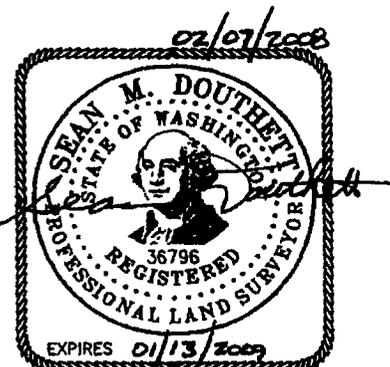
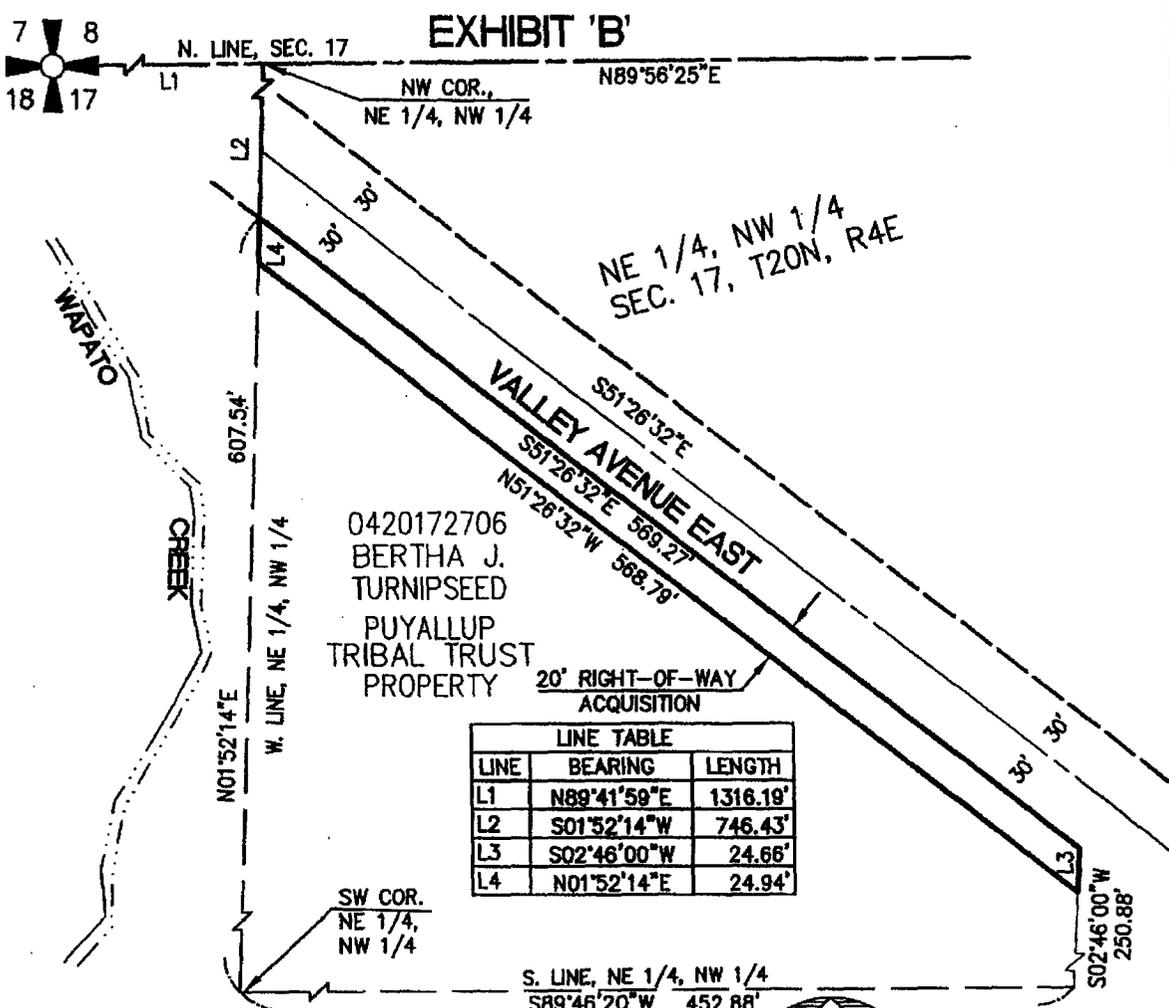
EXHIBIT 'A'  
RIGHT-OF-WAY ACQUISITION  
PIERCE COUNTY TAX PARCEL NUMBER 0420172706

THE NORTHERLY 20.00 FEET AS MEASURED PERPENDICULAR TO THE CENTERLINE OF VALLEY AVENUE EAST, SITUATE IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE W.M., CITY OF FIFE, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION SUBDIVISION;  
THENCE NORTH 01° 52' 14" EAST ALONG THE WEST LINE OF SAID SECTION SUBDIVISION 607.54 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY MARGIN OF SAID VALLEY AVENUE EAST;  
THENCE SOUTH 51° 26' 32" EAST ALONG SAID SOUTHERLY MARGIN 569.27 FEET;  
THENCE SOUTH 02° 46' 00" WEST 250.88 FEET TO THE SOUTHERLY LINE OF SAID SECTION SUBDIVISION;  
THENCE SOUTH 89° 46' 20" WEST ALONG SAID SOUTH LINE 452.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,381 SQUARE FEET OR 0.26 ACRES, MORE OR LESS.





DAVID EVANS AND ASSOCIATES INC.  
3700 Pacific Hwy. East, Suite 311  
Tacoma Washington 98424  
Phone: 253.922.9780

PROJECT	<b>RIGHT-OF-WAY ACQUISITION EXHIBIT FOR:</b>					SHEET	
TITLE	<b>TURNIPSEED, BERTHA</b>					1	
	<b>PIERCE COUNTY TAX PARCEL NUMBER 0420172706</b>					OF	
DWG. REF.	PROJECT	SCALE	DRAWN BY	DESIGN BY	APPROVED BY	AMENDMENT NO.	DATE
FIFE0062		1"=100'	MJC	---	SMD	0.0	02-06-2008

CHICAGO TITLE INSURANCE COMPANY  
A.L.T.A. COMMITMENT  
**SCHEDULE A**  
(Continued)

Order No.: 4336517  
Your No.: TURNIPSEED

---

**LEGAL DESCRIPTION EXHIBIT**  
(Paragraph 4 of Schedule A continuation)

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE W.M., THENCE NORTH 00 DEGREES 05 MINUTES 19 SECONDS WEST, ALONG THE WEST LINE OF SAID SUBDIVISION, 607.68 FEET TO AN INTERSECTION WITH THE SOUTHERLY MARGIN OF VALLEY AVE. THENCE SOUTH 53 DEGREES 24 MINUTES 17 SECONDS EAST ALONG SAID SOUTHERLY MARGIN, 569.25 FEET; THENCE SOUTH 00 DEGREES 48 MINUTES 27 SECONDS WEST 250.91 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SUBDIVISION, THENCE SOUTH 87 DEGREES 48 MINUTES 02 SECONDS WEST ALONG SAID SOUTH LINE 452.89 FEET TO THE POINT OF BEGINNING.

---

CLTACMA8/RDA/8999

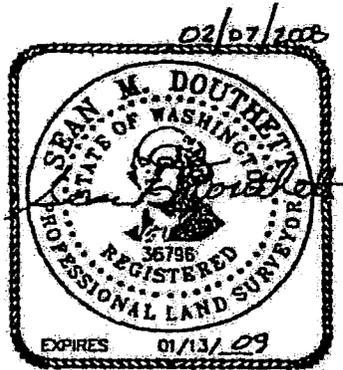
**EXHIBIT**  
" A "

RIGHT-OF-WAY ACQUISITION  
PIERCE COUNTY TAX PARCEL NUMBER 0420172706

THE NORTHERLY 20.00 FEET AS MEASURED PERPENDICULAR TO THE CENTERLINE OF VALLEY AVENUE EAST, SITUATE IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE W.M., CITY OF FIFE, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION SUBDIVISION;  
THENCE NORTH 01° 52' 14" EAST ALONG THE WEST LINE OF SAID SECTION SUBDIVISION 607.54 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY MARGIN OF SAID VALLEY AVENUE EAST;  
THENCE SOUTH 51° 26' 32" EAST ALONG SAID SOUTHERLY MARGIN 569.27 FEET;  
THENCE SOUTH 02° 46' 00" WEST 250.88 FEET TO THE SOUTHERLY LINE OF SAID SECTION SUBDIVISION;  
THENCE SOUTH 89° 46' 20" WEST ALONG SAID SOUTH LINE 452.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,381 SQUARE FEET OR 0.26 ACRES, MORE OR LESS.



EXHIBIT

" B "

1 of 2



N. LINE, SEC. 17

NW COR., NE 1/4, NW 1/4

N89°56'25"E

NE 1/4, NW 1/4 SEC. 17, T20N, R4E

WAPATO CREEK

607.54'

W. LINE, NE 1/4, NW 1/4

0420172706  
BERTHA J. TURNIPSEED  
PUYALLUP TRIBAL TRUST  
PROPERTY

VALLEY AVENUE EAST

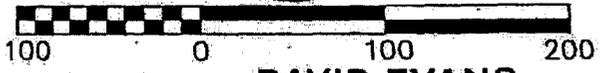
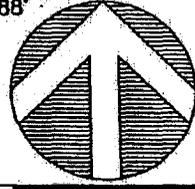
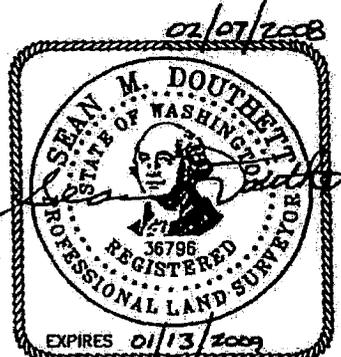
20' RIGHT-OF-WAY ACQUISITION

LINE	BEARING	LENGTH
L1	N89°41'59"E	1316.19'
L2	S01°52'14"W	746.43'
L3	S02°46'00"W	24.66'
L4	N01°52'14"E	24.94'

SW COR. NE 1/4, NW 1/4

S. LINE, NE 1/4, NW 1/4  
S89°46'20"W 452.88'

S02°46'00"W  
250.88'



**DAVID EVANS AND ASSOCIATES INC.**  
3700 Pacific Hwy. East, Suite 311  
Tacoma Washington 98424  
Phone: 253.922.9780

PROJECT	RIGHT-OF-WAY ACQUISITION EXHIBIT FOR:						REVISION
TITLE	TURNIPSEED, BERTHA						1
	PIERCE COUNTY TAX PARCEL NUMBER 0420172706						of
DWG. REV.	PROJECT	SCALE	DRAWN BY	DESIGN BY	APPROVED BY	AMENDMENT NO.	DATE
	FIFE0062	1"=100'	MJC	---	SMD	0.0	02-06-2008

P:\F\Fife00000062\0400 CAD\SV\DWG\PARCEL DRAWING\EXHIBIT 0420172706.dwg 01-25-2008

Ex. B  
2 of 2

## EXHIBIT C

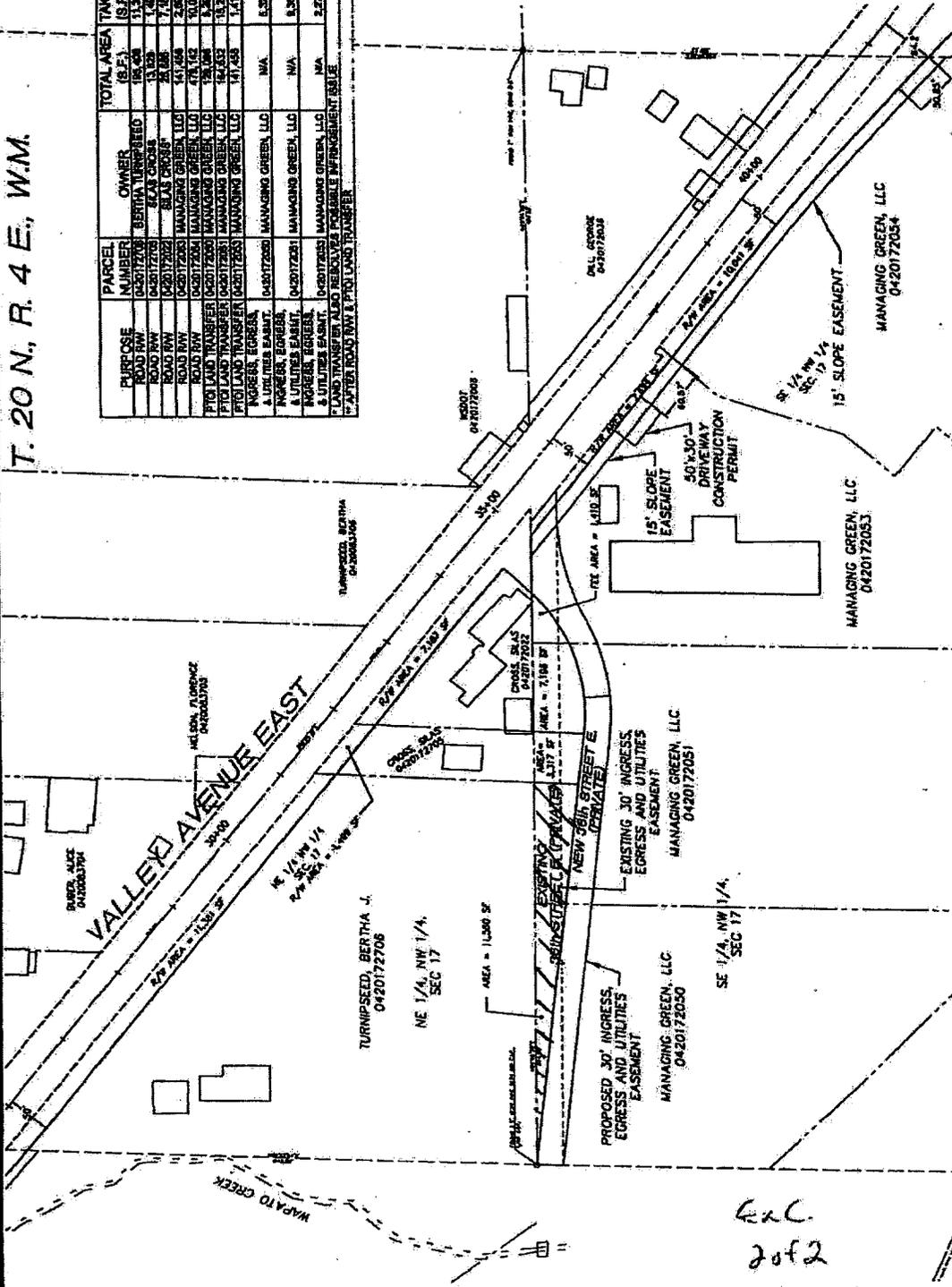
### Legal Description of Trading Stock

That portion of the following described property lying west of the east line of the property described in Exhibit A to this Agreement:

THAT PORTION OF PARCELS 'A,' 'B' AND 'D,' CITY OF FIFE BOUNDARY LINE ADJUSTMENT LLA02-0009, FILED UNDER PIERCE COUNTY RECORDING NUMBER 200309035004, SITUATE IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE W.M., CITY OF FIFE, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID PARCEL 'D', SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY MARGIN OF VALLEY AVENUE EAST AND ON THE NORTH LINE OF SAID SECTION SUBDIVISION; THENCE SOUTH 89° 46' 20" WEST ALONG THE NORTH LINE OF SAID SECTION SUBDIVISION 85.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89° 46' 20" WEST ALONG THE NORTH LINE OF SAID SECTION SUBDIVISION 676.73 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 83° 45' 27" EAST 517.65 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 195.18 FEET; THENCE NORTHEASTERLY 178.71 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 52° 27' 41" TO THE POINT OF BEGINNING.

T. 20 N., R. 4 E., W.M.



PARCEL NUMBER	PURPOSE	OWNER	TOTAL AREA (S.F.)	TAKE AREA (S.F.)	ACQUISITION GAIN/LOSS (S.F.)	REMAINDER (S.F.)
0420172001	ROAD R/W	BERTHA TURNPIED	18,000	11,500	11,500	6,500
0420172002	ROAD R/W	ELIAS CROSS	1,000	1,000	1,000	0
0420172003	ROAD R/W	ELIAS CROSS	2,000	2,000	2,000	0
0420172004	ROAD R/W	MANAGING GREEN, LLC	147,000	2,800	2,800	144,200
0420172005	ROAD R/W	MANAGING GREEN, LLC	478,100	10,000	10,000	468,100
0420172006	PILOT LAND TRANSFER	MANAGING GREEN, LLC	128,000	0	0	128,000
0420172007	PILOT LAND TRANSFER	MANAGING GREEN, LLC	142,000	0	0	142,000
0420172008	PILOT LAND TRANSFER	MANAGING GREEN, LLC	147,000	0	0	147,000
0420172009	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172010	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172011	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172012	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172013	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172014	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172015	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172016	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172017	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172018	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172019	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172020	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172021	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172022	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172023	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172024	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172025	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172026	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172027	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172028	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A	0	0	N/A
0420172029	INGRESS, EGRESS AND UTILITIES EASMT.	MANAGING GREEN, LLC	N/A </tr			



LEGEND  
 --- EXISTING ROAD R/W LINE  
 --- EXISTING PROPERTY LINE  
 --- PROPOSED ROAD R/W LINE  
 --- PROPERTY LINE  
 --- PROPOSED EASEMENT LINE

DATE	03/17/2010
BY	DAVID EVANS
CHECKED	DAVID EVANS
DATE	03/17/2010
BY	DAVID EVANS
CHECKED	DAVID EVANS
DATE	03/17/2010
BY	DAVID EVANS
CHECKED	DAVID EVANS
DATE	03/17/2010
BY	DAVID EVANS
CHECKED	DAVID EVANS

DAVID EVANS  
 CIVIL ENGINEER  
 1000 POND HILL, SUITE 200  
 FORT WASHINGTON, PA 19040  
 PH: 610-338-1111  
 FAX: 610-338-1112

City of File  
 Department of Public Works  
 2411-27rd Street East  
 Ft. Washington 19042



DATE	03/17/2010	BY	DAVID EVANS
DATE	03/17/2010	BY	DAVID EVANS
DATE	03/17/2010	BY	DAVID EVANS
DATE	03/17/2010	BY	DAVID EVANS
DATE	03/17/2010	BY	DAVID EVANS
DATE	03/17/2010	BY	DAVID EVANS
DATE	03/17/2010	BY	DAVID EVANS
DATE	03/17/2010	BY	DAVID EVANS
DATE	03/17/2010	BY	DAVID EVANS
DATE	03/17/2010	BY	DAVID EVANS

MANAGING GREEN, LLC - COMBINED EXHIBIT A

Exc.  
 2 of 2