

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: C 9
DATE: May 28, 2008
SUBJECT: WSDOT – Update to Right of Way Procedures
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

ISSUE:

The issue before the City Council is the request from WSDOT to update the City’s Right of Way Procedures in order to proceed with the work on the Sultan Basin Road Intersection Realignment project.

SUMMARY:

The current procedures on file with WSDOT are from 2003 and due to staffing changes, the procedures need to be updated.

The City will use WSDOT staff for the appraisal, appraisal review, acquisition and relocation services. There are no city staff members who meet the minimum requirements to perform these functions. (Associate Degree in real estate or Bachelor’s Degree in real estate acquisition, appraisal, escrow, etc.).

The Waiver of Appraisal threshold has been increased from \$10,000 to \$25,000. If the property has a value of \$25,000 or less, the appraisal could be waived.

The Administrative Settlement policy allows the City Administrator to offer for each parcel up to \$5,000 in excess of the amount of just compensation shown on the “Summary Offer”.

RECOMMENDED ACTION:

Authorize the Mayor Eslick to sign updated letters to WSDOT for Right of Way Procedures, Waiver of Appraisal and Administrative Settlement Policies

Attachments: A. Updated Letters to WSDOT

RIGHT OF WAY PROCEDURES SECTION

**THE FOLLOWING IS IN LETTER FORM, TO BE ON CITY OF SULTAN
LETTERHEAD**

(Date)

Ed Conyers
Regional Highway and Local Programs Engineer
Washington State Department of Transportation
15700 Dayton Avenue North
P.O. Box 330310
Shoreline, WA 98133-9710

RE: City of Sultan Updated Right of Way Procedures

Dear Mr. Conyers:

The City of Sultan (“AGENCY”), desiring to acquire Real Property in accordance with the state Uniform Relocation Assistance and Real Property Acquisition Act (Ch. 8.26 RCW) and state regulations (Ch. 468-100 WAC) and applicable federal regulations, hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The Public Works Department of the AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements, the Public Works Department (“Department”) will acquire right-of-way in accordance with the policies set forth in the Washington State Department of Transportation Right of Way Manual (M26-01) and Local Agency Guidelines manual (M36-63). The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

1. Include the following as they relate to the AGENCY’S request.
 - a. List the functions below for which the AGENCY has qualified staff and the responsible position. Attach a list of the individuals on the AGENCY staff who currently fill those positions and a brief summary of their qualifications. This list will need to be updated whenever staffing changes occur. An AGENCY will be approved to acquire based on staff qualifications.
- (1) PROGRAM ADMINISTRATION:

City – City Administrator and Public Works Director
- (2) APPRAISAL:

WSDOT, another local AGENCY with approved procedures, or a qualified consultant

(3) APPRAISAL REVIEW:

WSDOT, another local AGENCY with approved procedures, or a qualified consultant

(4) ACQUISITION:

Qualified consultant

(5) RELOCATION:

Qualified consultant

(6) PROPERTY MANAGEMENT:

City Public Works Director and City Clerk

b. Any functions for which the AGENCY does not have staff will be contracted for with WSDOT, another local AGENCY with approved procedures or a qualified outside contractor. An AGENCY that proposes to use outside contractors for any of the above functions will need to work closely with the WSDOT Local Agency Coordinator and Highways and Local Programs to ensure all requirements are met. When the AGENCY proposes to have a staff person negotiate who is not experienced in negotiation for FHWA funded projects, the Coordinator must be given a reasonable opportunity to review all offers and supporting data before they are presented to the property owners.

c. An AGENCY wishing to take advantage of an Appraisal Waiver process on properties valued up to \$25,000 or less should make their proposed waiver process a part of these procedures. The process outlined in LAG manual Appendix 26.146 has already been approved. The AGENCY must submit a process different than that shown and it will be reviewed and approved if it provides sufficient information to determine value.

d. Attach a copy of the Agency's administrative settlement policy showing the approving authority(s) and the process involved in making administrative settlements.

2. All projects shall be available for review by the FHWA and WSDOT at any time and all project documents shall be retained and available for inspection during the plan development, right-of-way and construction stages and for a three-year period following acceptance of the projects by WSDOT.

3. Approval of the AGENCY'S procedures by WSDOT may be rescinded at any time the AGENCY is found to no longer have qualified staff or is found to be in non-compliance with the regulations. The rescission may be applied to all or part of the functions approved.

AGENCY

CITY OF SULTAN

By: _____

Date

Its: _____

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION

Approved by: _____
Real Estate Services

Date

CITY OF SULTAN
ATTACHMENT TO RIGHT OF WAY PROCEDURES
AGENCY STAFF POSITIONS & QUALIFICATIONS

City Administrator – Deborah Knight

Experienced in municipal, county and regional government, including property acquisition, project management and leasing. Administers current leases for several City properties and facilities in the city.

Public Works Director – Connie Dunn

Experienced in municipal, county and regional government, including property acquisition, project management and leasing

City Attorney – Margaret King

Experienced in municipal, county and regional government, including property acquisition. Has assisted the City with acquisition of property.

City Clerk – Laura Koenig

Experienced in municipal, county and regional government, including property acquisition, project management and leasing. Administers current leases for several City properties and facilities in the city.

WAIVER OF APPRAISAL SECTION

TO BE IN LETTER FORM ON CITY OF SULTAN LETTERHEAD

(Date)

Ed Conyers
Regional Highway and Local Programs Engineer
Washington State Department of Transportation
15700 Dayton Avenue North
P.O. Box 330310
Shoreline, WA 98133-9710

RE: City of Sultan Waiver of Appraisal

Dear Mr. Conyers:

The City of Sultan, desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives and desiring to take advantage of the \$25,000 appraisal waiver process approved by the Federal Highway Administration for Washington State, hereby agrees to follow the procedure approved for the Washington Department of Transportation as follows:

Rules:

- A. The City of Sultan (“Agency”) may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the PFE (Project Funding Estimate) is \$25,000.00 or less, including cost-to-cure items.
- B. The Agency must make the property owner(s) aware that an appraisal has not been done on the property, and that one will be completed if they desire.
- C. Special care should be taken in the preparation of the waiver. As no review is mandated, the preparer needs to assure that the compensation is fair and that all calculations are correct.

Procedures:

- A. An Administrative Offer Summary (AOS) is prepared using data from the PFE.
- B. The AOS is submitted to the Mayor for approval.
- C. The Mayor signs the AOS authorizing a first offer to the property owner(s).

AGENCY

CITY OF SULTAN

By: _____

Date

Its: _____

APPROVED:

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION

Approved by: _____
Real Estate Services

Date

ADMINISTRATIVE SETTLEMENT POLICIES SECTION

TO BE ON CITY OF SULTAN LETTERHEAD

**CITY OF SULTAN
ADMINISTRATIVE SETTLEMENT POLICIES**

The City of Sultan's Public Works Department follows the Washington State Department of Transportation's (WSDOT's) Acquisition Procedures as set forth in the WSDOT Right-of-Way Manual and also detailed in the WSDOT Local Agency Guidelines (LAG) Manual.

If during acquisition, an agreement to purchase cannot be reached based upon Just Compensation given on the "Summary-of-Offer", the following parameters will serve as a guideline for an administrative settlement:

- A. The City Administrator is authorized to offer for each parcel an Administrative Settlement of up to \$5,000 in excess of the amount of Just Compensation shown on the "Summary-of-Offer".
- B. The City Administrator must submit to the Mayor and City Council proposed settlements that are in excess of his or her approval authority.