

RESOLUTION NO. 432

A RESOLUTION OF THE WOODINVILLE CITY COUNCIL ADOPTING THE RIGHT-OF-WAY ACQUISITION PROCEDURES TO BE USED ON FEDERALLY FUNDED PROJECTS, AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT SUCH PROCEDURES WHEN NECESSARY TO COMPLY WITH FUNDING REQUIREMENTS FOR THE PROJECTS.

WHEREAS, the City desires to utilize federal funds and grants to construct necessary and required infrastructure projects throughout the City; and

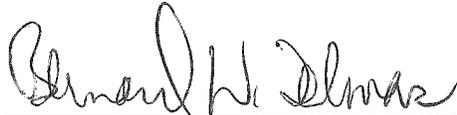
WHEREAS, the City Council authorized staff on December 11, 2012 to make application to the Washington State Department of Transportation (WSDOT) for Certification Acceptance to become certified to manage federally funded projects; and

WHEREAS, the WSDOT requires the City of Woodinville as part of the Certification Acceptance approval process to adopt Right-of-Way Acquisition Procedures so as to establish clear lines of authority and approval for acquisition of necessary rights of way for federally funded projects;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

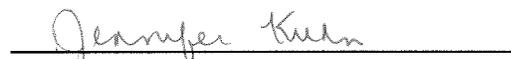
Section 1. The Woodinville City Council hereby adopts Right-of-Way Acquisition Procedures to be used on federally funded projects as shown in Exhibit A, and directs the City Manager to implement these procedures on such projects, and to send a copy of the procedures to the Washington State Department of Transportation for their approval.

RESOLVED this 5th day of March, 2013.



BERNARD W. TALMAS, MAYOR

ATTEST/AUTHENTICATED:



JENNIFER KUHN, CITY CLERK/CMC

City of Woodinville

RIGHT-of-WAY ACQUISITION ADMINISTRATIVE SETTLEMENT PROCEDURES FOR THE WOODINVILLE - DUVALL ROAD PROJECT

The CITY will expeditiously attempt to negotiate settlement of all Fair Market Value (FMV) offers for the acquisition of real property. However, the CITY recognizes the fact that differences in opinion of FMV may occur with property owners. These differences typically exceed the FMV offered by the CITY. In such cases, an Administrative Settlement may be necessary where the CITY will continue to negotiate considering all the information supporting just compensation in excess of the City's determination of FMV's.

The CITY's negotiator will work with CITY staff and property owners towards a mutual and reasonable agreement of just compensation. Counter offers by the property owner will be submitted to the CITY's Public Works Director or his/her designee for review. If in agreement, the CITY's Public Works Director or his/her designee will coordinate with the assigned negotiator and other CITY staff, in preparation of a letter of support and justification towards an Administrative Settlement. The extent of the letter of support is a matter of judgment and discretion, and subject to the particular circumstances and the amount of compensation involved for the property. Considerations in the letter of support may include, but not be limited to: salaries; all available pertinent appraisals; range of testimony in a condemnation trial; construction schedules; prior court awards; trial costs (legal counsel) and the public interest. Authority for approval of administrative settlement proposals during project negotiations shall be delegated as follows:

The Acquisition Consultant shall be authorized to offer up to \$1,000 above the City's FMV offer or up to 10% above the FMV, not to exceed \$1,000. However, CITY approval is required for any amount above the appraised FMV.

The City Manager shall have the authority to approve administrative settlements up to 25% of the FMV offer, not to exceed \$35,000.

The City Council will approve administrative settlements that exceed \$35,000 above the appraised FMV. All administrative settlements will be documented, thoroughly justified and shall be set forth in writing.

January 7, 2014

Mr. Ed Conyers
Local Programs Engineer
Washington State Department of Transportation
P.O. Box 330310
Seattle, WA 98133-9710

RE: *City of Woodinville Right-of-Way Procedures*

Dear Mr. Conyers:

The City of Woodinville, ("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* (M 26-01) and *Local Agency Guidelines* manual (M 36-6). The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

(see attached list of staff qualifications dated April 2013)

(1) PROGRAM ADMINISTRATION

City Manager / Public Works Director
AGENCY Position

(2) APPRAISAL

Another local AGENCY with approved procedures or a qualified consultant

(3) APPRAISAL REVIEW

Another local AGENCY with approved procedures or a qualified consultant

(4) ACQUISITION

Another local AGENCY with approved procedures or a qualified consultant

(5) RELOCATION

Another local AGENCY with approved procedures or a qualified consultant

(6) PROPERTY MANAGEMENT

City Manager
AGENCY Position

- a. Any functions for which the AGENCY does not have staff will be contracted for with 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.
- b. An AGENCY wishing to take advantage of an Appraisal Waiver process on properties valued at \$25,000 or less will make their proposed waiver process a part of these procedures. The process outlined in LAG manual Appendix 25.146 has already been approved. The AGENCY may submit a process different than that shown and it will be reviewed and approved if it provides sufficient information to determine value.

C. Administrative Settlement Procedure: Resolution 432 dated 3/5/13 attached ✓

All projects shall be available for review by the FHWA and the 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.

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.

Richard A. Leahy
Richard A. Leahy, City Manager

1/07/2014
Date

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION

Approved By: Dianna Nausley
Real Estate Services

1/30/14
Date

**SUBJECT TO REQUIREMENTS LISTED IN
RIGHT OF WAY PROCEDURES APPROVAL LETTER**

CITY OF WOODINVILLE STAFF QUALIFICATION

Right-of-Way Procedures

April 2013

- 1) Program Administrator: Rich Leahy, City Manager
 - a. Experience: 30 Years City Administration
 - b. 30 Years City Officer responsible for all City real property acquisitions
 - c. Execute deeds of acquisition and closings on behalf of the City of Woodinville

- 2) Thomas E. Hansen, P.E., Public Works Director
 - a. Experience: 33 Years of Civil Engineering experience, including land surveying, right-of-way plan preparation, and ownerships and easement assessment.
 - b. Training: On-the-job practical experience with general right-of-way plan preparation and surveying, from 1983 to present. College courses in land survey practice & law.

- 3) Rick Roberts, P.E., Assistant Public Works Director
 - a. Experience: 20 Years Civil Engineering experience, primarily roadway, including right-of-way plan preparation, and ownership and easement assessment.
 - b. Training: General surveying class in college, as well as on-the-job training in survey as it relates to plans preparation, and in property research and definition related to plans preparation.

- 4) Dan Beck, P.E., Senior Engineer
 - a. Experience: 14 Years Civil Engineering experience at the City level, including researching, defining and securing easements. Survey practices related to construction.
 - b. Training: On-the-job practical experience with general right-of-way issues from 1999 to present. College course in basic survey.

RECEIVED

JAN 23 2014

LOCAL PROGRAMS



"Citizens, business and local government;
a community commitment to our future."

January 22, 2014

Mr. Ed Conyers
Local Programs Engineer, Northwest Region
Washington State Department of Transportation
P.O. Box 330310
Seattle, WA 98133-9710

RE: *City of Woodinville - Waiver of Appraisal*

Dear Mr. Conyers:

The City of Woodinville, desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives and desiring to take advantage of the \$25,000.00 appraisal waiver process approved by the Federal Highway Administration for Washington State, hereby agrees to follow the procedure approved for the Washington State Department of Transportation as follows:

Rules:

- A. The City of Woodinville, ("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 completed for offers \$10,000 or less.
- C. The Agency must make the property owner(s) aware that an appraisal has not been completed for offers \$10,001 or greater, up to \$25,000. An appraisal will be prepared at the Agency's expense if requested by the property owner.
- D. 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 the calculations are correct.

Procedures:

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

**SUBJECT TO REQUIREMENTS LISTED IN
RIGHT OF WAY PROCEDURES APPROVAL LETTER**

APPROVED:

The City of Woodinville

By: *Richard A. Leahy*
Richard A. Leahy, City Manager

1/22/2014
Date

Approved By: *Diantha Nausley*
WSDOT Real Estate Services

1/30/14
Date

City of Woodinville

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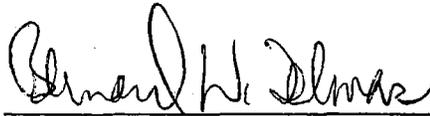
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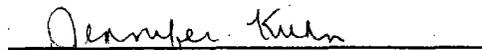
Section 1. The Woodinville City Council hereby adopts Right-of-Way Acquisition Procedures to be used on federally funded projects as shown in Exhibit A, and directs the City Manager to implement these procedures on such projects, and to send a copy of the procedures to the Washington State Department of Transportation for their approval.

RESOLVED this 5th day of March, 2013.



BERNARD W. TALMAS, MAYOR

ATTEST/AUTHENTICATED:


JENNIFER KUHN, CITY CLERK/CMC



**Washington State
Department of Transportation**

Lynn Peterson
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300
360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 6, 2014

Mr. Tom Hansen
Public Works Director
City of Woodinville
17301 133rd Avenue NE
Woodinville, Washington 98072

RECEIVED
FEB 10 2014
City of Woodinville

**City of Woodinville
Right of Way Procedures**

Dear Mr. Hansen:

Recently, the Washington State Department of Transportation (WSDOT) Headquarters, Real Estate Services Division, reviewed your agency's submittal of updated right of way procedures. Upon their review, your right of way procedures are approved with the following restrictions:

- The City Manager and the Public Works Director are responsible for carrying out program administration for real estate activities for the agency.
- All appraisals and appraisal reviews must be contracted with a qualified agency or consultant on WSDOT's approved qualified appraisers/reviewer list. The city is advised to work closely with the region Local Agency Coordinator (LAC) prior to initiating the valuation process.
- All acquisition activities must be contracted for with consultants or other agencies with qualified staff. The city is furthermore directed to offer the LAC the opportunity to undertake a preliminary review of right of way files prior to making initial offers to property owners.
- Relocations must be contracted for with consultants or other agencies with qualified staff. Any relocation consultant must be monitored by the Local Agency Coordinator. For any projects involving relocation, the city must submit their Relocation Appeal Process for approval prior to starting relocation activities.
- The City Manager is responsible for carrying out property management activities for the city.

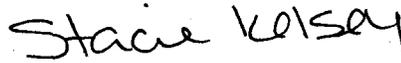
Mr. Tom Hansen, PW Dir.
City of Woodinville
February 6, 2014
Page 2

It is requested that the city contact the LAC prior to contracting with a consultant or another approved agency.

The city is approved to use the FHWA approved waiver process of \$25,000.00 or less, including cost to cure items, in which you are not required to offer appraisals for values less than \$10,000.

If you have any questions regarding the provisions, please contact Tom Boyd, Northwest Region LA Coordinator, at (206) 440-4205, or Dawn Fletcher, Real Estate Services, Olympia, at (360) 705-7325.

Sincerely,



Stacie Kelsey
Standards and Procedures Engineer
Highways & Local Programs

SLK:ac
Enclosure

cc: Dawn Fletcher, Real Estate Services, MS 47338
Ed Conyers, Northwest Region Local Programs, MS NB82-121 w/enclosure
Tom Boyd, Northwest Region, MS NB82-118 w/enclosure