

RESOLUTION R-4908

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING RIGHT-OF-WAY ACQUISITION AND RELOCATION POLICIES AND PROCEDURES.

WHEREAS, on March 20, 2001 the City Council passed Resolution No. 4286 which adopted City Right-of-Way Acquisition and Relocation Policies and Procedures; and,

WHEREAS, those policies and procedures need to be updated to accurately reflect and comply with Chapter 8.26 RCW, Chapter 468-100 WAC, and other current applicable regulations; and

WHEREAS, for City projects to be eligible for federal funding on any part of the project, the project's right-of-way must be acquired in accordance with the WSDOT Local Agency Guidelines (M36-6 and the WSDOT Right-of-Way Manual (M26-01); and

WHEREAS, it appears desirable and in the best interest of the City that the new policies and procedures be adopted;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Right-of-Way and Procedures adopted under Resolution 4286 are replaced by new Right-of-Way Policies and Procedures that are hereby adopted by the City of Kirkland as set forth in Exhibit A which by this reference is incorporated herein.

Section 2. The City agrees to conform to the WSDOT Right-of-Way Procedures as required for those projects that contain any portion of federal funding.

Passed by majority vote of the Kirkland City Council in open meeting this 17th day of January, 2012.

Signed in authentication thereof this 17th day of January, 2012.


MAYOR

Attest:


City Clerk

**CITY OF KIRKLAND
RIGHT-OF-WAY ACQUISITION
AND RELOCATION ASSISTANCE PROCEDURES**

I. CERTIFICATION AND SCOPE

The City of Kirkland certifies that it will comply with Chapter 8.26 RCW and WAC 468-100 in connection with the acquisition or real property, and relocation of persons displaced by its program or project.

For a project to be eligible for federal funding on any part of the project, the project's right-of-way must be acquired in accordance with the Washington State Department of Transportation (WSDOT) Local Agency Guidelines (LAG) Manual. For those projects the City of Kirkland will acquire right-of-way in accordance with the policies set forth in the WSDOT Right of Way Manual (M 26-01) and Local Agency Guidelines manual (M 36-6).

II. PERSONNEL

The City of Kirkland Public Works Department is responsible for real property acquisition and relocation activities on Public Works projects administered by the City. The Public Works Director (or designee) shall administer all aspects of right-of-way acquisition and relocation assistance on Public Works projects. This includes administration of appraisals, appraisal review, acquisition, relocation, and administrative settlements.

III. ADMINISTRATIVE SETTLEMENTS

The fair market value of any real property and relocation of persons resulting from right-of-way acquisition shall be determined by the required appraisal and appraisal review process and shall be the basis for the Just Compensation offer made on behalf of the City.

If during acquisition an agreement to purchase cannot be reached based on the original Just Compensation offer, the following parameters will serve as a guideline for an administrative settlement.

- a. The Public Works Director is authorized to offer and approve for each individual parcel an administrative settlement up to \$25,000 in excess of the amount of the Just Compensation offer.
- b. The Public Works Director must submit administrative settlements in excess of the approval authority amount to the City Manager for review and approval.
- c. The Public Works Director may submit proposed administrative settlements to the City Council for concurrence, even if such proposed settlement is within the Public Works Director's approval authority.

If a settlement cannot be reached within these guidelines, alternatives including condemnation will be discussed and considered by the City Council.

IV. APPRAISAL WAIVER PROCESS

In certain cases where the acquisition is uncomplicated the City of Kirkland may desire to take advantage of the \$25,000 appraisal waiver process as outlined in the WSDOT LAG Manual. In such cases the City will comply with the procedures approved by the Federal Highway Administration for Washington State.