

RESOLUTION NO. R - 2401

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
APPROVING A RIGHT OF WAY PROPERTY ACQUISITION AND RELOCATION
PROCEDURE POLICY

WHEREAS the Constitution and laws of the State of Washington relating to acquisition by the City and other public bodies of property for right-of-way purposes, including relocation benefits where required, must be followed in all instances by the City of Kirkland, and,

WHEREAS, in addition thereto, Federal Rules, Regulations and Statutes relating to right-of-way acquisition also apply to City of Kirkland property acquisitions where they are to be part of a federally aided or funded project, and,

WHEREAS, the City Council finds it appropriate to set forth a single right-of-way property acquisition and relocation procedure policy to be followed by the City of Kirkland.

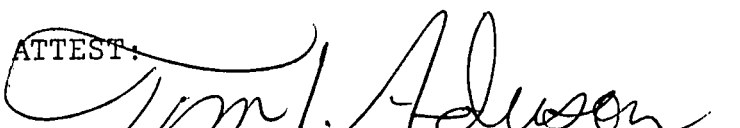
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1: The policy statement and guidelines for the acquisition of right-of-way and provision for relocation benefits attached to the original copy of this Resolution is hereby approved. Said policy and procedures shall be followed by the City of Kirkland whenever so required in the acquisition of rights-of-way.

ADOPTED by a majority vote of the Kirkland City Council in regular meeting, the 1st Day of November, 1976.



Mayor

ATTEST:


Director of Administration and Finance
(ex officio City Clerk)

CITY OF KIRKLAND
RIGHT-OF-WAY PROPERTY ACQUISITION
RELOCATION PROCEDURES

The development permit process required by the City of Kirkland under its normal zoning and subdivision ordinances, regulations and procedures results when appropriate, in the requirement that the permittee donate or dedicate land to be incorporated or reserved for later incorporation into required right-of-way which may become part of a federal aid project.

Where rights-of-way are to be acquired, other than through the development permit process, the following procedures for right-of-way property acquisition and relocation will be followed whether or not the project is federally aided:

Acquisition of right-of-way shall be in accordance with Revised Code of Washington, Chapter 8.26, and when appropriate or required, in accordance with the Uniform Relocation Assistance and Real Property Policies Act of 1970 and Public Law 91-646.

1. Real property must be appraised before initiation of negotiations with the owner.

Procedure: Appraisals are conducted by independent professional land appraiser employed by the City. Appraisal review will be conducted by a separate individual.

2. Owners must be given an opportunity to accompany each appraiser during his inspection of the property.

Policy: Property owners are advised by letter from the appraisal firm of the appraisal date and invited to accompany him during his on-site examination.

3. The acquiring agency must establish just compensation before initiation of negotiation with the owners.

Policy: The City Manager or his delegate will, prior to initiation of negotiation with the owners, establish the amount of just compensation to be offered which in no event shall be less than the agency's approved appraisal of the fair market value of such property.

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4. No increase or decrease in the fair market value due to the project except physical deterioration is to be considered in the valuation of the property.

Policy: This is a routine procedure to be followed during appraisals for right-of-way acquisition by the City.

5. Appraisals are not to give consideration nor include any allowance for relocation assistance benefits.

Policy: If relocation benefits are required on a project, relocation expenses will be considered separately.

6. The owner is not to be left with an uneconomic remnant that the acquiring agency did not offer to acquire.

Policy: If uneconomic property remnants are to remain after acquisition, Washington State Law requires the condemnor to offer to purchase the entire parcel.

7. The owner is to be given a written statement of the amount established as just compensation, a summary of the basis for the amount of just compensation and where appropriate, the just compensation for real property acquired and damages are to be separately stated in written statement.

Policy. The foregoing shall be routinely included in and as a part of the original offer to the property owner.

8. No owner shall be required to surrender possession before the agreed purchase price has been paid or the approved amount of compensation has been paid into the Court.

Policy: We understand the approved amount of compensation to mean an amount which in no event shall be less than the agency's approved appraisal of the fair market value of such property.

9. All displaced persons (not applicable to vacant property) must be given a 90-day notice in advance of the date they are required to move.

Policy: If displacement of people should occur in the course of a right-of-way acquisition, they shall be given a 90 days' notice.

10. The rental amount charged to owners and/or tenants permitted to occupy the property subsequent to acquisition must not exceed the fair rental value to a short term occupier.

Policy: Whenever this condition shall occur, the City shall conform to this requirement.

11. No action must be taken to advance condemnation, defer negotiations or condemnation, or take any other action coercive in nature in order to compel an agreement on the price to be paid for the property.

Policy: The City shall offer the full amount of the agency approved appraisal in its original offer to purchase. If this offer is refused, the City shall proceed with petition to the Superior Court for condemnation and submit the question of just compensation to the Court.

12. The acquiring agency must acquire an equal interest in all buildings, etc., located upon the real property acquired.

Policy: The City shall fully comply with this requirement.

13. The acquiring agency must pay recording fees, transfer taxes, etc., penalty costs for the prepayment of a pre-existing mortgage and prorata share of real property taxes paid subsequent to vesting title in the acquiring agency.

Policy: The City shall comply with this requirement to the extent that it does not conflict with State law regarding the payment of real property taxes and local improvement district assessments.

14. The approved relocation program must be implemented.

Policy: An approved relocation program will be implemented to those instances of right-of-way acquisition where such a program is required either under State law or where federal monies of any sort are involved in the right-of-way acquisition project.

15. No property owner can voluntarily donate his property prior to being informed of his right to receive just compensation.

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Policy: The City Manager or his delegate with the assistance of the attorney for the City shall advise land owners of this right in the initial contact to purchase the needed property.

16. Provisions have been made for rodent control should it be necessary.

Policy: The City accepts this responsibility should the need arise.

17. No owner was initially required to institute legal proceedings to prove the fact of the taking of his real property.

Policy: All properties affected by right-of-way acquisition will be appraised and notified of proposed City action. All affected properties will be included in the same suit to determine just compensation.