

RESOLUTION NO. 4286

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

WHEREAS, on August 20, 1991 the City Council passed Resolution No. 3693, 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. Resolution 3693 is rescinded and superceded by new Right-of-Way Policies and Procedures that are hereby adopted by the City of Kirkland as set forth in Exhibit A which by this reference is incorporated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 regular, open meeting this 20th day of March, 2001.

SIGNED IN AUTHENTICATION thereof this 20th day of March, 2001.

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 \$20,000 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 \$10,000.00 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.

## ***Right-of-Way Procedures***

### AGENCY : CITY OF KIRKLAND

The City of Kirkland ("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 W AC) and applicable federal regulations hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The Public Works Department ("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:

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 upon staff qualifications.

#### (1) PROGRAM ADMINISTRATION

Public Works Director with support from Project Engineer(s)  
Agency Position

#### (2) APPRAISAL

WSDOT R/W Office or Approved Consultant  
Agency Position

#### (3) APPRAISAL REVIEW

WSDOT R/W Office or Approved Consultant  
Agency Position

#### (4) ACQUISITION

WSDOT R/W Office or Approved Consultant  
Agency Position

#### (5) RELOCATION

WSDOT R/W Office or Approved Consultant  
Agency Position

#### (6) PROPERTY MANAGEMENT

Public Works Director with support from Project Engineer(s)  
Agency Position

## ***Right-of-Way Procedures***

b. Any functions for which the Agency does not have staff will be contracted for with WSDOT, another local agency with approved procedures or an 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 FIIWA 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 at \$10,000 or less should 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.

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 the state 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

### WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

Approved By: \_\_\_\_\_  
Real Estate Services

\_\_\_\_\_  
Date

## ***Right-of-Way Procedures***

### **AGENCY : CITY OF KIRKLAND**

The following personnel are qualified for the AGENCY'S Right-of-Way Program Administration and Property Management in accordance with their identified job title responsibilities and as required by the WSDOT LAG manual.

Title	Personnel	Qualifications
PUBLIC WORKS DIRECTOR	Jim A. Arndt, P.E.	29 years experience that includes directing all aspects of Public Works capital improvements construction and administration.
CAPITAL PROJECTS MANAGER	Ray T. Steiger, P.E.	15 years experience in administration and management of municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
PROJECT ENGINEER(S)	Steve Gibbs, P.E.	12 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
	Neil Jensen, P.E.	13 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
	Michael Magee, P.E.	10 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
	Dave Snider, P.E.	17 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.
	Daren Grilley, E.I.T.	8 years experience in managing municipal construction and other capital improvement projects from the conceptual planning phase to contract closeout.