



**Washington State
Department 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

June 13, 2016

Mr. Lance Newkirk
Public Works Director
City of Pacific
100 3rd Avenue SE
Pacific, Washington 98047

RECEIVED
CITY OF PACIFIC
JUN 17 2016
COMMUNITY DEVELOPMENT
PUBLIC WORKS DEPARTMENT

**City of Pacific
Updated Right of Way Procedures**

Dear Mr. Newkirk:

On June 13, 2016, the Local Programs Right of Way Section received the City's updated Right of Way (ROW) Procedures. These updated ROW procedures are approved, and supersede and replace the previous procedures subject to the following requirements:

1. James Morgan, P.E, City Engineer is approved to perform the Program Administration function, which includes oversight of hired ROW consultants, review and approval of recommended actions and payments, review and preliminary approval of administrative settlements, and authorization of just compensation including approval of Administrative Offer Summaries (AOS).
2. Appraisals and appraisal reviews must be contracted for with the Washington State Department of Transportation (WSDOT) or consultant on WSDOT's approved qualified appraiser/reviewer list.
3. All acquisition work must be contracted for with qualified consultants, other agencies with qualified staff or WSDOT. Since the City has no experienced staff to oversee the acquisition process, the City must have direct supervision from the LAC. At a minimum, the LAC must be provided the opportunity to review all parcel files prior to first offers being made to the property owners. To avoid a conflict of interest, acquisition agents are only approved to acquire property valued at \$10,000 or less if they also prepare the Administrative Offer Summary (AOS).
4. All relocations must be contracted for with qualified consultants, other agencies with qualified staff or WSDOT. Any relocation consultant must be monitored by the LAC. For any projects involving relocation, the City must provide confirmation they have an approved relocation appeal procedure in place prior to starting relocation activities. LAC must be provided with the opportunity to review notices and entitlement letters prior to being provided to the displaced person(s).

Mr. Lance Newkirk
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5. The City is approved to use the Federal Highway Administration approved waiver process of \$25,000 or less, including cost to cure items in which you are not required to offer appraisals for values at \$10,000 or less.
6. James Morgan, P.E., City Engineer is approved to perform Property Management functions.
7. It is requested that the City work closely with the region LAC early and throughout the right of way process to ensure that all necessary procedures are followed on any federal-aid projects. In particular, the City must notify the Region LAC prior to contracting with consultants to initiate the process.

When staffing changes occur, an updated list must be submitted for approval prior to commencement of any right of way work.

If you have any questions regarding the requirements, please contact Dawn Fletcher, Olympic Region LAC at (360) 705-7325, or Neal Campbell, Olympic Region Local Programs Engineer at (360) 357-2666.

Sincerely,



Dianna Nausley
Right of Way Manager
Local Programs

DN:ac

Enclosures

cc: Dawn Fletcher, Olympic Region Local Agency Coordinator
Neal Campbell, Olympic Region Local Programs Engineer, MS 47440

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2016-319

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON,
ADOPTING RIGHT OF WAY ACQUISITION POLICIES FOR CERTAIN
TRANSPORTATION PROJECTS, AS REQUIRED BY 49 CFR PART 24
AND CHAPTER 8.26 RCW.**

WHEREAS the City of Pacific is responsible for the development and preservation of the transportation network within the corporate limits of the City; and

WHEREAS the City of Pacific periodically receives federal monies for use in design, right-of-way acquisition, and/or construction of various transportation projects; and;

WHEREAS The City of Pacific is required by the Washington State Department of Transportation (WSDOT) to adopt written procedures that pledge the City to acquire real property and rights of way in accordance with the State Uniform Relocation Assistance and Real Property Acquisition Act (RCW 8.26), state regulations (WAC 468-100) and applicable federal regulations (49 CFR Part 24); and

WHEREAS some properties to be acquired are less than \$25,000 in value, and therefore may not require an appraisal of the property and so will qualify for a waiver of appraisal procedures; Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES
RESOLVE AS FOLLOWS:**

- Section 1. The City of Pacific hereby adopts the Right of Way Procedures as attached hereto as Exhibit A.
- Section 2. The City of Pacific hereby adopts the Waiver of Appraisal Procedures as attached hereto as Exhibit B.
- Section 3. The City of Pacific hereby adopts the Administrative Settlement Procedures as attached hereto as Exhibit C.
- Section 4. This Resolution shall take effect and be in full force upon passage and signatures hereon.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON
THE 22ND DAY OF FEBRUARY 2016.**

CITY OF PACIFIC

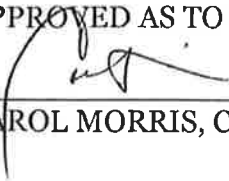

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:


AMY STEVENSON-NESS, CITY CLERK

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

APPROVED AS TO FORM:



CAROL MORRIS, CITY ATTORNEY

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



CITY OF PACIFIC

100 3RD AVENUE SOUTHEAST
PACIFIC, WASHINGTON 98047
CITY HALL (253) 929-1100
FAX (253) 939-6026

February 22, 2016

Washington State Department of Transportation
Local Programs
P.O. Box 47390
Olympia, WA 98504-7390

Re: City of Pacific – Right of Way Procedures

The City of Pacific, hereinafter referred to as “AGENCY”, desiring to acquire Real Property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and applicable federal regulations (49 CFR Part 24) and state law (Ch. 8.26 RCW), and state regulations (Ch. 468-100 WAC) hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements the AGENCY will acquire right-of-way in accordance with the policies set forth in the Right of Way Manual M 26-01 and Local Agency Guidelines. The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

1) The following relate to the AGENCY’s request.

a) Below is a list of responsible AGENCY positions, for which the AGENCY has qualified staff to perform the specific right-of-way function(s). Attached is a listing of each individual on the AGENCY staff who currently fill those positions below, and a brief summary of their qualifications pertaining to the specific right-of-way function(s) for which they are listed. This list shall be updated whenever staffing changes occur. The AGENCY will be approved to acquire based upon staff qualifications.

i) PROGRAM ADMINISTRATION :

Oversee delivery of the R/W Program on federal aid projects for the agency. Ensures R/W functions are carried out in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Ensures agency’s approved R/W Procedures are current, including staff qualifications, and provides copies to consultants and agency staff;
- Oversight of R/W consultants;
 - (i) use of consultant contract approved by WSDOT (under construction)
 - (ii) management of ROW contracts
 - (iii) management of R/W files
 - (iv) reviews and approves actions and decisions recommended by consultants

- Sets Just Compensation prior to offers being made;
- Approves administrative offer summaries per policy;
- Ensure agency has a relocation appeal process in place prior to starting relocation activities;
- Oversight of Administrative Settlements;
- Obligation authority for their agency;
- Obtain permits (Non-Uniform Relocation Act (URA));
- Ensures there is a separation of functions to avoid conflicts of interest.

City Engineer: James J Morgan

Title of AGENCY Position (employee name & qualifications attached)

ii) APPRAISAL

Prepare and deliver appraisals on federal aid projects for the agency. Ensures that appraisals are consistent and in compliance with state and federal laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal work;
- Use appraiser from WSDOT's Approved Appraiser List if agency does not have qualified staff;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Obtain specialist reports;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Consultant: The City will retain the services of a consultant from the list of WSDOT approved appraisers.

Title of AGENCY Position (employee name & qualifications attached)

iii) APPRAISAL REVIEW:

Review appraisals on federal aid projects for the agency to make sure they are adequate, reliable, and have reasonable supporting data, and approve appraisal reports. Ensures appraisals are adequately supported and represent fair market value and applicable costs to cure and are completed in compliance with state and federal laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal review work;
- Use review appraiser from WSDOT's Approved Appraiser List if agency does not have qualified staff;
- Ensures project wide consistency in approaches to value, use of market data and costs to cure;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Consultant: The City will retain the services of a consultant from the list of WSDOT approved appraisers to perform appraisal reviews.

Title of AGENCY Position (employee name & qualifications attached)

iv) ACQUISITION:

Acquire, through negotiation with property owners, real property or real property interests (rights) on federal aid projects for the agency. Ensures acquisitions are completed in compliance with federal and state laws, regulations, and policies and procedures.

Responsibilities/Expectations:

- Use only qualified staff to perform acquisition activities for real property or real property interests, including donations;
- To avoid a conflict of interest, when the acquisition function prepares an AOS, only acquires property valued at \$10,000 or less;
- Provide and maintain a comprehensive written account of acquisition activities for each parcel;
- Prepare administrative settlement justification and obtain approval;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Review title, and recommend and obtain approval for acceptance of encumbrances;
- Ensure acquisition documents are consistent with R/W plans, valuation, and title reports;
- Provide a negotiator disclaimer;
- Coordinate with engineering, program administration, appraisal, relocation, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each acquisition.

Consultant: The City will retain the services of a consultant from the list of WSDOT approved property acquisition consultants.

Title of AGENCY Position (employee name & qualifications attached)

v) RELOCATION:

Provide relocation assistance to occupants of property considered displaced by a federally funded projects for the agency. Ensures relocations are completed in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Prepare and obtain approval of relocation plan prior to starting relocation activities;
- Confirm relocation appeal procedure is in place;
- Provide required notices and advisory services;
- Make calculations and provide recommendations for agency approving authority prior to making payment;
- Provide and maintain a comprehensive written account of relocation activities for each parcel;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;

- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW.

Consultant: The City will retain the services of a consultant from the list of WSDOT approved property acquisition consultants.

Title of AGENCY Position (employee name & qualifications attached)

vi) **PROPERTY MANAGEMENT:**

Establish property management policies and procedures that will assure control and administration of ROW, excess lands, and improvements acquired on federal aid projects for the agency. Ensures property management activities are completed in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Account for use of proceeds from the sale/lease of property acquired with federal funds on other title 23 eligible activities;
- Keep R/W free of encroachments;
- Obtain WSDOT/FHWA approval for change in access control along interstate;
- Maintain property records;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the R/W.

City Engineer: James J Morgan

Title of AGENCY Position (employee name & qualifications attached)

- b) Any functions for which the AGENCY does not have qualified staff, the Agency will contract with another local agency with approved procedures, an outside contractor, or the Washington State Department of Transportation (WSDOT). 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 (LAC) and Local Programs to ensure all requirements are met. When the AGENCY proposes to have a staff person approved to negotiate who is not experienced in negotiation for FHWA funded projects, the LAC 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 (aka Administrative Offer Summary or AOS) procedure on properties valued up to \$25,000 or less should make their proposed waiver procedure a part of these procedures. The procedure outlined in LAG manual has already been approved using form LPA-003. The AGENCY may submit a procedure different than that shown and it will be reviewed and approved if it provides sufficient information to determine value. *(See Attachment A)*
- d) Attached is a copy of the AGENCY's administrative settlement procedure showing the approving authority(s) and the procedure involved in making administrative settlements. *(See Attachment B)*
- 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.



Mayor




Date

Washington State Department of Transportation

Approved By:



Local Programs Right of Way Manager



Date