

Jefferson County  
Board of Commissioners  
Agenda Request

**To:** Board of Commissioners  
Philip Morley, County Administrator

**From:** Frank Gifford, Public Works Director *FG*

**Agenda Date:** February 7, 2011

**Subject:** Updated right of way acquisition procedures

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**Statement of Issue:** To formally update and establish the County right of way acquisition procedures. Once adopted locally, and approved by Washington State Dept. of Transportation (WSDOT), Jefferson County Department of Public Works will have the updated procedures necessary to acquire right of way and other real property.

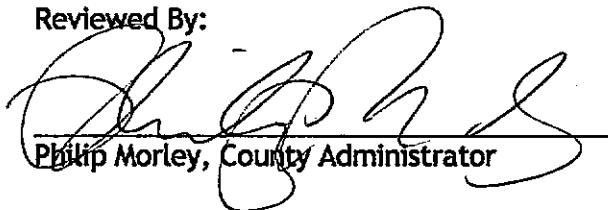
**Analysis/Strategic Goals/Pro's & Con's:** The Department of Public Works acquires Real Property in accordance with the state Uniform Relocation Assistance and Real Property Acquisition Act (Ch. 8.26 RCW) and state regulations (Ch. 468-100 WAC) and applicable federal regulations. To fulfill the above requirements, the Department of Public Works will acquire right of way in accordance with the policies set forth in the current WSDOT Right of Way Manual and Local Agency Guidelines Manual and in concurrence with procedures established herein. These updated acquisition procedures will replace previous Jefferson County Procedures for right of way acquisition established in 1979 (Res.27-79) & 1999 (Res. 84-99). WSDOT has given preliminary approval for the enclosed Procedures Resolution.

**Fiscal Impact/Cost Benefit Analysis:** The Department will be able to utilize state and federal funding for land and right of way acquisition.

**Department Contact:** Monte Reinders P.E., County Engineer, 385-9242

**Recommendation:** The Department of Public Works recommends that the Board authorize the Resolution and return 3 originals to the Department of Public Works for further processing. A fully executed original resolution will be provided to the Board once approval process is complete.

Reviewed By:

  
Philip Morley, County Administrator

  
Date

STATE OF WASHINGTON  
COUNTY OF JEFFERSON

In the Matter of: x  
Resolution No. \_\_\_\_\_  
Updating Right-of-Way Acquisition Procedures x  
and appointing staff responsible for x  
the various elements of the right-of-way x  
acquisition process, replacing x  
Jefferson County Resolution No. 84-99. x

WHEREAS, Jefferson County, desires 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, and

WHEREAS, the Jefferson County Department of Public Works is responsible for the real property acquisition and relocation activities on projects involving County Road rights-of-way and other County projects, administered by Jefferson County, and

WHEREAS, to fulfill the above requirements, the Jefferson County Department of Public Works will acquire rights-of-way and real property in accordance with the policies set forth in the Washington State Department of Transportation (WSDOT) *Right of Way Manual* (M26-01) and *Local Agency Guidelines Manual* (M 36-63.08), and

WHEREAS, the following Right-of-Way Acquisition Procedures and the appointment of personnel responsible for the various elements of the right of way acquisition process replaces Jefferson County Resolution No.27-79 & No.84-99,

NOW, THEREFORE BE IT RESOLVED by the Board of Jefferson County Commissioners that the County adopt the following Right-of-Way Acquisition Procedures, for the acquisition of real property:

1. Jefferson County has the following expertise and personnel capable to accomplish these functions:

- A. Program Administration -  
Public Works Director/County Engineer  
Project Managers
- B. Appraisal -  
Contract Fee Appraiser or qualified agency selected in consultation with, and approved by WSDOT
- C. Appraisal Review -  
Contract Fee Appraiser or qualified agency selected in consultation with, and approved by WSDOT
- D. Acquisition Negotiator -  
Project Managers  
Right of Way Representative

E. Relocation -

Contract with WSDOT or other qualified Consultant selected in consultation with and approved by WSDOT

F. Property Management -

Public Works Director/County Engineer  
Project Managers  
Right of Way Representative

2. Jefferson County 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 Jefferson County Department of Public Works (Agency) may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the Project Funding Estimate (PFE) 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 done on the property and that one will be completed if they desire.
- C. 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 Director of Public Works or their designated representative for approval.
  - C. The Director signs the AOS authorizing a first offer to the property owner(s).
3. Just Compensation includes amounts for the value of the lands and improvements acquired for the project, uneconomic remnants, damages, and deductions for special benefits as established through the Authorization and Concurrence by the Board of County Commissioners.
4. Administrative Settlements may be required, in addition to Just Compensation in order to acquire needed rights-of-way. Administrative Settlements can help mitigate or eliminate costly condemnation litigation and project construction schedule delays. The Project Parcel Negotiation Diary shall contain rationale, justification and/or documentation for the Settlement Offer. The authority granted to County officials to provide Administrative Settlement Offers is as follows:

A. Acquisition Negotiator

A counter-offer of Just Compensation plus an Administrative Settlement not to exceed 20% of the Just Compensation value.

B. Project Manager

A counter-offer of Just Compensation plus an Administrative Settlement not to exceed 30% of the Just Compensation value.

C. Public Works Director/County Engineer

A counter-offer of Just Compensation plus an Administrative Settlement not to exceed 50% of the Just Compensation value.

D. Jefferson County Board of County Commissioners

A counter-offer of Just Compensation plus an Administrative Settlement exceeding 50% of the Just Compensation value.

5. All projects shall be available for review by the Federal Highway Administration and the State of Washington at any time. All project documents shall be retained and available for inspection during the plan development, right of way acquisition and construction stages and for a three (3) year period following acceptance of the projects by WSDOT.

6. WSDOT approval of Jefferson County's procedures, contained herein, may be rescinded at any time should Jefferson County be found to no longer have qualified staff or is found to be in non-compliance with applicable Washington State Department of Transportation regulations. The rescission may be applied to all or part of the functions approved.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

SEAL:

\_\_\_\_\_  
David W. Sullivan

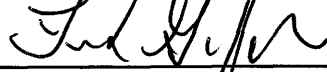
\_\_\_\_\_  
Phil Johnson

ATTEST:

\_\_\_\_\_  
John Austin

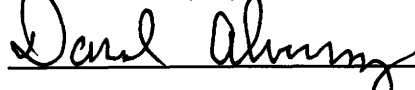
\_\_\_\_\_  
Lorna Delaney  
Clerk of the Board

JEFFERSON COUNTY  
DEPARTMENT OF PUBLIC WORKS

  
\_\_\_\_\_  
Frank Gifford  
Public Works Director

1/28/11  
\_\_\_\_\_  
Date

APPROVED AS TO FORM:  
Jefferson County  
Chief Civil Deputy Prosecuting Attorney

  
\_\_\_\_\_

1-18-2011  
\_\_\_\_\_  
Date

Acknowledged by:

\_\_\_\_\_  
Washington State Department of  
Transportation Representative

\_\_\_\_\_  
Date

EXISTING

STATE OF WASHINGTON  
COUNTY OF JEFFERSON

In the Matter of:	x	Resolution No. 54-99
Revising Right-of-Way Acquisition Procedures	x	
And appointing staff personal responsible for	x	
the various elements of the right-of-way	x	
acquisition process, supplementing	x	
Jefferson County Resolution No. 27-79	x	

WHEREAS, Jefferson County, 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. 460-100 WAC) and applicable Federal Regulations hereby adopts the following procedures to implement the above statutes and Washington Administrative Code, and

WHEREAS, the Jefferson County Department of Public Works is responsible for the real property acquisition and relocation activities on projects involving County Road rights-of-way, administered by Jefferson County, and

WHEREAS, to fulfill the above requirements, the Jefferson County Department of Public Works will acquire rights-of-way in accordance with the policies set forth in the Washington State Department of Transportation (WSDOT) *Right of Way Manual* (M26-01) and *Local Agency Guidelines Manual* (M 36-6), and

WHEREAS, the following revised Right-of-Way Acquisition Procedures and the appointment of staff personal responsible for the various elements of the right of way acquisition process, supplements Jefferson County Resolution No 27-79, and

NOW, THEREFORE BE IT RESOLVED by the Board of Jefferson County Commissioners that the County adopt the following Right-of-Way Acquisition Procedures, for the acquisition of real property.

1. Jefferson County has the following expertise and personnel capabilities to accomplish these functions:

- A. Program Administration  
Public Works Director/County Engineer  
Project Managers
- B. Appraisal -  
Contract Fee Appraiser selected in consultation with, and approved by WSDOT
- C. Appraisal Review -  
Contract Fee Appraiser selected in consultation with, and approved by WSDOT
- D. Acquisition Negotiator -  
Project Managers  
Right of way Representative  
Parks and Trail Representative
- E. Relocation -  
Contract with WSDOT
- F. Property Management -  
Public Works Director/County Engineer  
Project Managers

2. Jefferson County Appraisal Waiver process on properties valued at \$10,000 or less is as follows:

Jefferson County wishes to take advantage of an Appraisal Waiver process on properties valued at \$ 10,000.00 or less. The process followed will be as outlined as in the LAG Manual Appendix 25.146 and is hereby incorporated as part of these procedures

Ball ←

3. Just Compensation includes amounts for the value of the lands and improvements acquired for the project, uneconomic remnants, damages, and deductions for special benefits

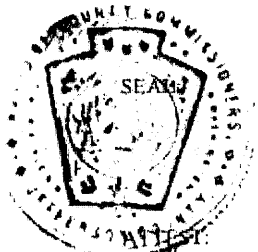
4. Administrative Settlements may be required, in addition to Just Compensation in order to acquire needed Right-of-Way. Administrative Settlements can help mitigate or eliminate costly condemnation litigation and project construction schedule delays. The Project Parcel Negotiation Diary shall contain rationale, justification and/or documentation for the Settlement Offer. The authority granted to County officials to provide Administrative Settlement Offers is as follows provided that prior to the offer of any administrative settlement, settlement strategy including the negotiation amounts to be offered will be reviewed and approved by the Board of County Commissioners.

- A. Acquisition Negotiator  
A counter-offer of Just Compensation plus an Administrative Settlement up to 20% of the Just Compensation, or \$5,000.00, whichever is less.
- B. Project Manager  
A counter-offer of Just Compensation plus an Administrative Settlement up to 30% of the Just Compensation, or \$10,000.00, whichever is less.
- C. Public Works Director/County Engineer  
A counter-offer of Just Compensation plus an Administrative Settlement up to 50% of the Just Compensation, or \$15,000.00, whichever is less.
- D. Jefferson County Board of County Commissioners  
A counter-offer of Just Compensation plus an Administrative Settlement exceeding 50% of the Just Compensation, or a counter offer of Just Compensation plus an Administrative Settlement of \$15,000.00, or greater.

5. All projects shall be available for review by the Federal Highway Administration and the State of Washington at any time. All project documents shall be retained and available for inspection during the plan development, right of way and construction stages and for a three (3) year period following acceptance of the projects by WSDOT.

6. WSDOT approval of Jefferson County's procedures, contained herein, may be rescinded at any time should Jefferson County be found to no longer have qualified staff or is found to be in non-compliance with applicable WSDOT the regulations. The rescission may be applied to all or part of the functions approved.

APPROVED this 11<sup>th</sup> day of October, 1999



Lorna Delaney  
Lorna Delaney  
Clerk of the Board

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

Dan Harpole  
Dan Harpole, Chairman

Glen Huntingford  
Glen Huntingford, Member

(Excused Absence)

Richard Wejt, Member

JEFFERSON COUNTY  
DEPARTMENT OF PUBLIC WORKS

Frank Gifford  
Frank Gifford  
Public Works Director/County  
Engineer, Interim

10/6/99  
Date

APPROVED AS TO FORM:

~~Justin Datzak~~ DAVID ALVAREZ  
DEPUTY PROSECUTING ATTORNEY

David Alvarez  
10/5/99  
Date

Acknowledged by:

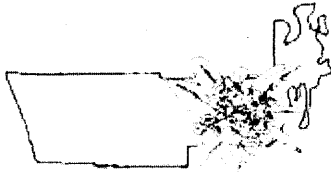
Galen Wright  
Washington State Department of  
Department of Transportation Representative

10/19/99  
Date

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

RWprocedRES1.6-10/99

# JEFFERSON COUNTY DEPARTMENT OF PUBLIC WORKS



P.O. Box 2070  
1322 Washington St.  
Port Townsend, WA 98368  
(360) 385-9160

*Frank Gifford, Public Works Director County Engineer*

LOCAL AGENCY GUIDELINES  
JULY 1999  
Appendix 25.146

JEFFERSON COUNTY  
APPRAISAL WAIVER PROCEDURE

## WAIVER OF APPRAISAL

Jefferson County desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives and desiring to take advantage of the \$10,000.00 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 Jefferson County Department of Public Works (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 \$10,000.00 or less including cost-to-cure items.
- B. The Agency must make the property owner(s) aware that an appraisal has not been done on the property and that one will be completed if they desire.
- C. 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 Director of Public Works or their designated representative for approval.
- C. The Director signs the AOS authorizing a first offer to the property owner(s).

Date Oct 10 1999

JEFFERSON COUNTY  
Department of Public Works

  
\_\_\_\_\_  
Frank Gifford,  
Public Works Director County Engineer, Interim

APPROVED

  
\_\_\_\_\_  
Glen Wright  
Real Estate Services  
Washington State Department  
Of Transportation

Appraisal Waiver procedures 10/1999

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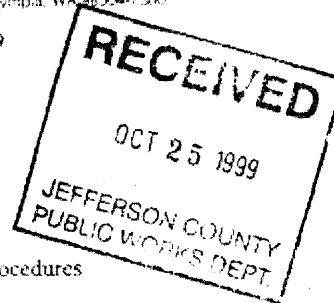


**Washington State  
Department of Transportation**

**Sid Morrison**  
Secretary of Transportation

Transportation Building  
P.O. Box 47300  
Olympia, WA 98512-7300

October 22, 1999



Mr. Frank Gifford  
Public Works Director  
Jefferson County  
P. O. Box 2070  
Port Townsend, WA 98368-0249

Right of Way Procedures

Dear Mr. Gifford:

Recently the WSDOT's Olympia Service Center, Real Estate Services Division, reviewed your agency's submittal of right of way procedures. Upon their review, Jefferson County's right of way procedures are approved with the following requirements:

1. Since the county has limited right of way staff, they are approved to acquire only with direct supervision from the Region Local Agency (LA) Coordinator. At a minimum the LA Coordinator must review all parcel files prior to first offers being made to the property owner.
2. All appraisals, appraisal reviews and any relocation work must be contracted with qualified agencies or consultants. Any relocation consultant must be approved and monitored by the LA Coordinator.

In addition, the county is approved to use the appraisal waiver process on federal aid projects. If you have any questions regarding the provisions, please contact Hal Wolfe, Olympic Region LA Coordinator, at (360) 357-2693, or Galen Wright, Real Estate Services Olympia, at (360) 705-7308.

Sincerely,

STEPHANIE TAX  
Program Analyst  
Highways & Local Programs Service Center

ST:ds  
rwjeffer  
Enclosure

cc: Galen Wright, 7338  
Hal Wolfe, Olympic Region, w/enclosure  
Mike Horton, Olympic Region, w/enclosure

VOL 25-000556

4-523. Just Compensation includes amounts for the value of the lands and improvements acquired

## RESOLUTION REVIEW FORM

RIGHT OF WAY Procedures Resolution

SUPPLEMENT TO right of way Procedures      TERM: \_\_\_\_\_

<b>COUNTY DEPARTMENT:</b>	<b>PUBLIC WORKS</b>
<b>For More Information Contact:</b>	<b>Will Butterfield</b>
Contact Phone #:	<b>350</b>
<b>RETURN TO:</b> <b>Chavonne</b>	<b>RETURN BY:</b> <b>Oct. 12, 1999</b>
<small>(Person in Department)</small>	<small>(Date)</small>

**AMOUNT:** \_\_\_\_\_

Revenue: \_\_\_\_\_

Expenditure: \_\_\_\_\_

Matching Funds Required: \_\_\_\_\_

Sources(s) of Matching Funds: \_\_\_\_\_

- PROCESS:**
- Exempt from Bid Process
  - Consultant Selection Process
  - Cooperative Purchase
  - Competitive Sealed Bid
  - Small Works Roster
  - Vendor List Bid
  - RFP or RFQ
  - Other

<input checked="" type="checkbox"/>	<b>Step 1:</b>	<b>REVIEW BY RISK MANAGEMENT</b>
	Review by:	<i>[Signature]</i>
	Date Reviewed:	<i>10/6/99</i>
	<b>APPROVED FORM</b>	<input type="checkbox"/> Returned for revision (See Comments)
Comments _____		

<input checked="" type="checkbox"/>	<b>Step 2:</b>	<b>REVIEW BY PROSECUTING ATTORNEY</b>
	Review by:	<i>DAVID ALVAREZ, DEPUTY P.A.</i>
	Date Reviewed:	<i>10/5/99</i>
	<b>APPROVED AS TO FORM</b>	<input type="checkbox"/> Returned for revision (See Comments)
Comments _____		

- Step 3: DEPARTMENT MAKES REVISIONS**  
Have contractor sign appropriate number of originals.
- Step 4: SUBMIT TO PROSECUTING ATTORNEY FOR FINAL SIGN OFF**
- Step 5: SUBMIT TO BOCC FOR APPROVAL**  
Submit originals and 7 copies of Contract, Review Form, and Agenda Bill to BOCC Office.  
Place "Sign Here" markers on all places the BOCC needs to sign.  
MUST be in BOCC Office by 5 p.m. WEDNESDAY for the following Monday's agenda.

(This form to stay with contract throughout the contract review process.)

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