


Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Philip Morley, County Administrator

From: Frank Gifford, Public Works Director 

Agenda Date: February 27, 2011

Subject: Concurrence and Authorization to proceed with the real property negotiation and acquisition regarding the Rick Tollefson Memorial Trail -County Project No. 18018150, STPR-2016(018)

Statement of Issue:

Request for approval of Concurrence and Authorization for payment of Just Compensation as indicated on the attached Review Appraiser Certificate in conjunction with Rick Tollefson Memorial Trail County Project No. 18018150, Port Townsend, Washington;

Analysis/Strategic Goals/Pro's & Con's:

This request is in keeping with established Jefferson County RIGHT OF WAY acquisition procedures, Resolution 05-11, established to comply with State and Federal rules and regulations. This authorization establishes a just compensation, directs the Department of Public Works to enter into formal negotiations with the subject property owners to acquire necessary property rights and grants the authority to execute the documentation to close said transactions and further coordinate with the grant funding sources to pay for acquisition expenses.

Fiscal Impact/Cost Benefit Analysis:

This project is on the 2012 6 Year Transportation Improvement Plan (TIP) and included in the 2012 Annual Construction Budget. Project funding is primarily provided by the Federal Highway Administration and the State Pedestrian Bicycle Safety Program; however this easement acquisition is with local Road funds.

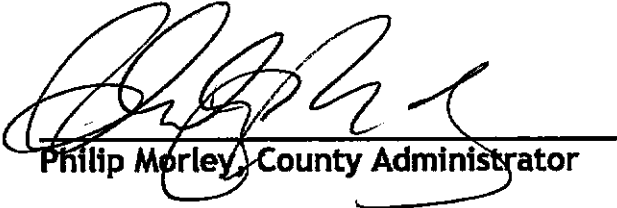
Recommendation:

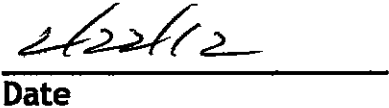
The Department of Public Works recommends approval, concurrence and authorization.

Please sign the enclosed "Authorization To Proceed With Right Of Way Acquisition" document (2 originals) where indicated, acknowledging the concurrence and authorization to proceed with the negotiation and acquisition for the designated properties. Return one signed original to Department of Public Works. Please keep one signed original for the Commissioners records.

Department Contact: Will Butterfield, 385-9350.

Reviewed By:


Philip Morley, County Administrator


Date

AUTHORIZATION TO PROCEED WITH REAL PROPERTY ACQUISITION

Rick Tollefson Memorial Trail County Project No. 18018150

Based on the attached Review Appraiser Certificates dated December 5 and 6, 2011 and the authority granted below, we hereby establish just compensation and authorize the first offers on the following parcels:

Parcel Number	Land Area Acres	Just Compensation (Offer)
901113002	0.18	\$ 4,500.00

Recommendation and Approval:

Approved by:



Frank Gifford
Public Works Director

2/21/12
Date

Concurrence and Authorization:

The Board of County Commissioners of Jefferson County does hereby establish just compensation as stated above. The Board indicates its concurrence and gives authorization for the Department of Public Works to proceed with the offer, negotiation and acquisition of the above designated properties in accordance with Right of Way Acquisition Procedures Resolution 05-11, approved February 7, 2011. This authorization further directs the Department to execute the documentation to close said transactions and coordinate with the approved funding sources to pay for acquisition expenses.

Approved By:

JEFFERSON COUNTY BOARD OF COMMISSIONERS

Date _____

John Austin, Chair

Phil Johnson, Member

David W. Sullivan, Member

Review Appraiser's Certificate No. 1**Parcels: Tax #s 901113002,6 in
Jefferson County, WA)****CR #: CR1815****Owner: Douglas Lee Joyce****Federal Aid #: HLP-STPR-2016(018)****Project: Rick Tollefson Memorial Trail, Ph 1****From: Joseph H. Granger, Review Appraiser****Map Sheet: 1 of 1 Sheets****To: Jefferson County Public Works****Map Approved: 11-16-2011****Last Map Revision: none***The following appraisals have been made on this larger parcel and are the subject of this Review Certificate #1:*

<u>APPRAISER</u> <u>NAME</u>	<u>VALUE</u> <u>DATE</u>	<u>BEFORE</u> <u>VALUE</u>	<u>AFTER</u> <u>VALUE</u>	<u>VALUE</u> <u>DIFFERENCE</u>	<u>ALLOCATION</u> <u>Taking</u> <u>Damages</u>	
I. G. Waldner	11-18-2011	\$177,100	\$175,390	\$1,710	none	\$1,710

The following prior Review Certificates have been made on this larger parcel and are the subject of this Review Certificate #1:

<u>REVIEWER</u> <u>NAME</u>	<u>REVIEW</u> <u>DATE</u>	<u>BEFORE</u> <u>VALUE</u>	<u>AFTER</u> <u>VALUE</u>	<u>VALUE</u> <u>DIFFERENCE</u>	<u>ALLOCATION</u> <u>Taking</u> <u>Damages</u>	
1. none						

Appraisal Review Comments and Conclusions:

Appraisal #1 was received for review on or about 12-1-2011; it is referred to as "the appraisal" herein.

The appraisal correctly identifies the subject larger parcel as a 17.71 acre interior tract comprised of Jefferson County tax parcels 901113002 and 901113006 due to their unity of title and use, and their contiguity. Its highest and best use as vacant is residential/agricultural per zoning, demand, physical features, and trends. It is currently mostly vacant land occupied by a mobile home (personalty) and some outbuildings. All of the current realty site improvements appear to fully contribute value to the land.

The appraisal problem is a partial taking: 0.18 acre in a permanent trail easement in a fairly uniform strip 30' wide across its northwesterly corner. Located within this compensable taking are wild brush and trees, none of which appear merchantable; there are no improvements within the proposed take. The permanent trail easement will be fenced by the project.

The purpose of the takings is to construct a trail project for the general public to use. Thus, there are no special benefits caused by the project. There do appear to be severance damages caused by the taking/project: the project trail will sever about 0.29 acre of the subject remainder (remainder west) and effectively prevent its reasonable use in conjunction with the larger parcel's remainder east due the trail fence. This results in a loss of most of the contribution value of said remainder west, severely damaging it.

Appraisal #1 is a complete appraisal assignment in a limited report, following the WSDOT Short Form

appraisal format and the Before and After appraisal procedure; these are minimally adequate in scope to solve the appraisal problem.

To value the subject larger parcel's vacant land as unencumbered in the Before and After Situations, the appraisal presents/compares 6 residential/agricultural land sales in the vicinity in a Sales Comparison Approach; no other approach is applicable. The data adequately reflect the range of value for the subject's type of land. The appraisal's comparisons of the market data to the subject are reasonable and fairly consistent, and its conclusions of the subject larger parcel's unencumbered vacant fee land value Before and After at \$10,000 per acre by direct comparison are reasonable and supported, but probably at the upper limits of probable value for today's slow market.

The appraisal then argues that the proposed trail easement removes about 95% of the underlying fee land's utility, resulting in damages at said rate. This rate of fee land utility loss is reasonable and is typical for this type of easement, but is a take, not a damage.

The appraisal does not address the severed remnant remainder west's lack of utility by the remainder right in the After, even though it will be fenced-out from the subject's remainder right. The reviewer contacted the appraiser and the appraiser concurred that said remainder west should be damaged for this affectation (copy attached).

Therefore, the damages to the remainder west are calculated in review at the same rate as the easement take for consistency: $0.29 \text{ acre} @ \$10,000 \text{ per acre} @ 95\% = \$2,800 \text{ (R)}$ severance damages to remainder west.

There are several minor typographical errors in the appraisal; however, correction of these would not alter its value conclusions. The reviewer changes the status of the easement take from a damage to a take, adds damages for the severed remainder west, and rounds calculations upward per the prudent market.

There are no personalty (chattel) items or tenant-owned realty items taken/affected.

NOTE: the remainder west of approximately 0.29 acre size is an Uneconomic Remnant because it is of little or no utility or value to the owner. Its value is calculated in review as: $0.29 \text{ acre} @ \$10,000 \text{ per acre} @ 5\% = \150 (R) .

The appraisal and this review use the correct methods and techniques. The market data in the appraisal are adequate and appropriate to solve the appraisal problem. The conclusions of value reached in the appraisal and in this review are reasonable and fit the market evidence.

REVIEWER'S DETERMINATION OF VALUE #1:

VALUE BEFORE ACQUISITION: \$ 177,100
VALUE AFTER ACQUISITION: \$ 172,600
VALUE DIFFERENCE: \$ 4,500
ESTIMATED JUST COMPENSATION IS \$ 4,500 AS OF 12-5-2011

Reviewer's Allocation of Just Compensation:

Acquisition:

Land Taken in Fee: none = \$ 0
Permanent Trail Esmt Take: 0.18 acre @ \$10,000 per acre @ 95% = \$ 1,700 (R)
Damages: loss of contribution value (utility) by severed remnant west (see above) = \$ 2,800 (R)
Special Benefits: none = (\$ 0)
Total Just Compensation this larger parcel = \$ 4,500.

APPRAISAL REVIEW SALIENT INFORMATION

Property Rights Appraised

Unless specified otherwise in this review, the property rights appraised constitute the fee simple interest.

Date of Value

The effective date of the value opinion for the property in this review is specified on page 1 herein.

Competency of Reviewer

The reviewer has both the knowledge and experience required to competently perform this review; a detailed resume is available upon written request. The reviewer is approved by the Federal Highway Administration (FHWA), the Washington State Transportation Department (WSDOT), and the Washington Interagency Committee for Outdoor Recreation (IAC, now called the RCO) to perform fee appraisal reviews for all public agencies in Washington State. The reviewer is a state certified appraiser with the General classification, #1100549, whose license expires 1-13-2012.

Purpose of this Review

Overall, the purpose is to estimate the total Just Compensation due the owner for the taking of privately owned real property for the public project identified.

For a partial taking, this is done by estimating the Fair Market Value of the subject Larger Parcel in the Before Situation (as it now exists), estimating the Fair Market Value of the subject Larger Parcel in the After Situation (after the taking and the construction of the planned project), then subtracting the latter from the former.

Use of this Review

This review estimates Just Compensation due the owner and will be used to establish the first offer amount to be made to the owner by Jefferson County Public Works/its agents (client).

Scope of this Review

Those commonly recognized valuation methods and techniques most appropriate for valuing the subject Larger Parcel were done in this review. This review involved a reasonably detailed inspection of the subject property, the subject neighborhood, and surrounding/competing neighborhoods. Sales and listings of competing properties were investigated before any conclusions of value were made.

Unless otherwise stated above, the Income and Cost Approaches to value were not employed in this review because the Sales Comparison Approach is sufficient to solve the subject appraisal problem.

Definition of the Larger Parcel

The "Larger Parcel" is the parent parcel; it is the real property that is the subject of this review. It is that real property that has Unity of Use, Unity of Ownership, and Contiguity.

Definition of Fair Market Value

"Fair Market Value" is the amount in cash which a well-informed buyer, willing but not obliged to buy the property, would pay, and which a well-informed seller, willing but not obliged to sell it would accept, taking into consideration all uses to which the property is adapted and might in reason be applied. (Washington Pattern Instruction 150.08).

Definition of Cash Equivalent

A price expressed in terms of cash (money) as distinguished from a price which is expressed all or partly in terms of the face amount of notes or other securities which cannot be sold at their face amount.

Market data in this review are compared to the subject on an all cash basis to satisfy the definition of Fair Market Value.

APPRAISAL REVIEW ASSUMPTIONS and LIMITING CONDITIONS

1. The property description supplied to the reviewer is assumed to be correct;
2. No surveys of the properties have been made by the reviewer and no responsibility is assumed in connection with such matters;
3. No responsibility is assumed for matters of a legal nature affecting title to the properties, nor is any opinion of title rendered. Property titles are assumed to be good and merchantable.
4. Information furnished by others is assumed to be true, correct, and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the reviewer;
5. All mortgages, liens, encumbrances, leases, and servitudes have been disregarded unless so specified in review. The property is assumed to be under responsible ownership and competent management;
6. It is assumed that there are no hidden or unapparent conditions of the property, its subsoil, or its structures which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering or testing which may be required to discover them;
7. Unless otherwise stated, the existence of hazardous material, which may or may not be present in or on the property, was not observed by the reviewer. The reviewer has no knowledge of the existence of such materials on or in the property. The reviewer, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous/toxic materials may affect the value of the property. The value estimate in this review is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for the expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field if desired;
8. Unless otherwise stated, no environmental impact studies were either requested or made in conjunction with this review, and the reviewer hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research, or investigation;
9. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is specified, defined, and considered in this review;
10. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been specified, defined, and considered in this review;
11. It is assumed that all required licenses, consents, or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this review are based;
12. The reviewer will not be required to give testimony or appear in court because of having made this review unless arrangements have been previously made therefor;
13. Possession of this review or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the client without the written consent of the reviewer and in any event, only with properly written qualification and only in its entirety;
14. Neither all nor any part of the contents of this review, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and approval of the reviewer. Nor shall the reviewer, client, firm, or professional organization of which the reviewer is a member be identified without the written consent of the reviewer;
15. The liability of the reviewer, employees, and subcontractors is limited to the client only. There is no accountability, obligation, or liability to any other party. If this review is placed in the hands of anyone other than the client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The reviewer is in no way responsible for any costs incurred to discover or correct any deficiencies in the properties;
16. It is assumed that the public project which is the object of this review will be constructed in the manner proposed and in the reasonably foreseeable future;
17. Acceptance and/or use of this review constitutes acceptance of the foregoing assumptions and limiting conditions.

CERTIFICATE OF REVIEW APPRAISER

I, the review appraiser, certify to the best of my knowledge and belief:

1. The facts and data reported by the review appraiser and used in the review process are true and correct.
2. The analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report, and are my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved in this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this review report.
7. Appraisal #1 and my analyses, opinions, and conclusions were developed and this review report was prepared in conformity with the *Uniform Standards of Professional Appraisal Practice* and with the *Uniform Appraisal Standards for Federal Land Acquisitions*.
8. I personally inspected the subject property of the appraisal under review on December 4, 2011.

No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certificate.

I further certify that if this review is to be used in conjunction with a Federal Aid Highway Project or other federally funded project, none of the approved just compensation herein is ineligible for Federal reimbursement.

Signature: _____ Date Signed: December 5, 2011


Joseph H. Granger, Review Appraiser,
Washington State Certified Real Estate Appraiser: **General, #1100549**

CONCURRENCE and AUTHORIZATION for PAYMENT of JUST COMPENSATION

Jefferson County Public Works does hereby indicate concurrence with the above certification and with the classification of the severed remainder west as an Uneconomic Remnant, and does authorize further action by staff/its agents to proceed according to established procedures with the acquisition of the property.

1. I have no present or prospective personal interest in the property that is the subject of this report.
2. I have no personal interest or bias with respect to the parties involved.
3. My compensation is not contingent on an action or event resulting from this report.

~~_____
Date~~

~~_____
Date~~

~~_____
Date~~

SECTION NO.	DATE	BY	REVISIONS
1			

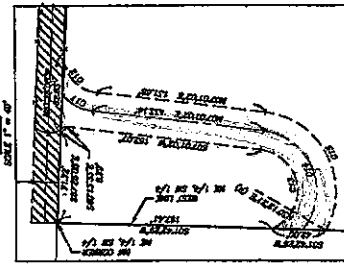
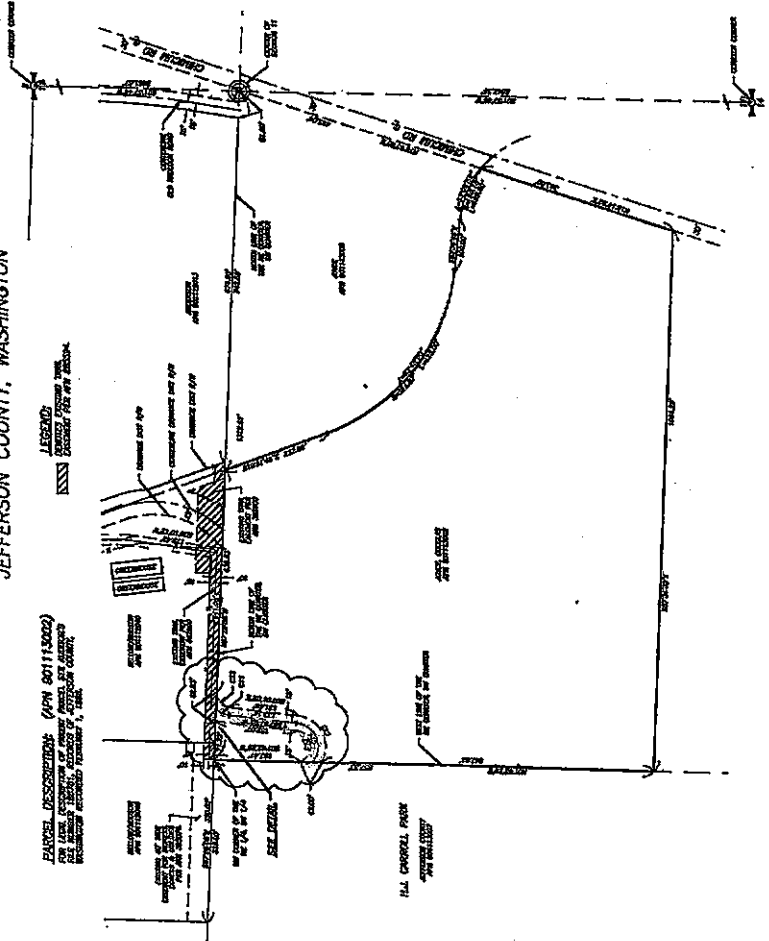
RICK TOLLEFSON MEMORIAL TRAIL PROJECT

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 1 WEST, W.M. JEFFERSON COUNTY, WASHINGTON



PARCEL DESCRIPTION (OPN 801115002)
 ON THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 1 WEST, W.M., JEFFERSON COUNTY, WASHINGTON, AS SHOWN ON THE PLAT OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 1 WEST, W.M., JEFFERSON COUNTY, WASHINGTON, DATED 11/15/2011.

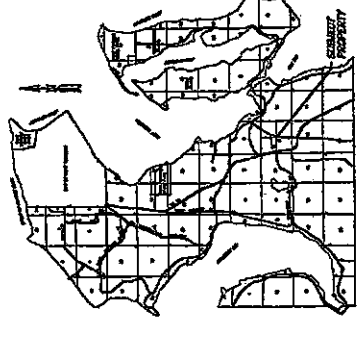
LEGEND:
 --- PROPERTY LINE
 --- EASEMENT
 --- RIGHT-OF-WAY



LINE	BEARING	DISTANCE	AREA
1	N 0° 00' 00" W	100.00	0.00
2	S 89° 59' 59" W	100.00	0.00
3	S 0° 00' 00" E	100.00	0.00
4	N 89° 59' 59" E	100.00	0.00
5	N 0° 00' 00" W	100.00	0.00
TOTAL			

NOTES:
 1. THE TRAIL WAS DESIGNED BY RICK TOLLEFSON, LANDSCAPE ARCHITECT, AND IS LOCATED ON THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 1 WEST, W.M., JEFFERSON COUNTY, WASHINGTON.
 2. THE TRAIL IS 10 FEET WIDE AND IS TO BE CONSTRUCTED AS A GRAVEL SURFACE WITH A 2% CROSS SLOPE FOR DRAINAGE.
 3. THE TRAIL IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE WASHINGTON STATE TRAIL ACT (RCW 89.08) AND THE WASHINGTON STATE TRAIL REGULATIONS (WAC 89-08-010).
 4. THE TRAIL IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE WASHINGTON STATE TRAIL ACT (RCW 89.08) AND THE WASHINGTON STATE TRAIL REGULATIONS (WAC 89-08-010).
 5. THE TRAIL IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE WASHINGTON STATE TRAIL ACT (RCW 89.08) AND THE WASHINGTON STATE TRAIL REGULATIONS (WAC 89-08-010).

LEGAL DESCRIPTIONS:
 THE TRAIL IS LOCATED ON THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 1 WEST, W.M., JEFFERSON COUNTY, WASHINGTON, AS SHOWN ON THE PLAT OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 29 NORTH, RANGE 1 WEST, W.M., JEFFERSON COUNTY, WASHINGTON, DATED 11/15/2011.
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CLARKE ENGINEERING & SURVEYING, INC.
 1000 1ST AVENUE, SUITE 100
 SEASIDE, WASHINGTON 98138
 PHONE: (206) 465-1111
 FAX: (206) 465-1112
 WWW.CLARKEENGINEERING.COM

APPROVED:
 [Signature]
 COUNTY ENGINEER
 JEFFERSON COUNTY, WASHINGTON

RICK TOLLEFSON MEMORIAL TRAIL PROJECT
 PHASE 1
 C81818 - ASSESSMENT NO. 1408012
 JEFFERSON COUNTY, WASHINGTON
 RICK TOLLEFSON
 LANDSCAPE ARCHITECT
 1000 1ST AVENUE, SUITE 100
 SEASIDE, WASHINGTON 98138

AREA CALCULATIONS ARE BASED UPON BEST-AVAIL OF RECORD DATA. (NOT FIELD MEASUREMENTS)

SECTION	ACRES	FEET	FEET	FEET	TOTAL
SECTION 11	160.00	1000	1000	1000	1600000
SECTION 12	160.00	1000	1000	1000	1600000
SECTION 13	160.00	1000	1000	1000	1600000
SECTION 14	160.00	1000	1000	1000	1600000
SECTION 15	160.00	1000	1000	1000	1600000
SECTION 16	160.00	1000	1000	1000	1600000
SECTION 17	160.00	1000	1000	1000	1600000
SECTION 18	160.00	1000	1000	1000	1600000
SECTION 19	160.00	1000	1000	1000	1600000
SECTION 20	160.00	1000	1000	1000	1600000
TOTAL	1600.00	10000	10000	10000	16000000



NO. 1408012
 RICK TOLLEFSON
 LICENSED PROFESSIONAL ENGINEER
 STATE OF WASHINGTON