


Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Philip Morley, County Administrator

From: Monte Reinders, P.E., County Engineer/Public Works Director 

Agenda Date: February 18, 2014

Subject: Updated right of way acquisition procedures regarding the Appraisal Waiver process.

Statement of Issue: In keeping with the County right of way acquisition procedures established through Resolution 05-11, (copy attached) the Washington State Dept. of Transportation (WSDOT) has requested Jefferson County Department of Public Works to updated and submit its Waiver of Appraisal process in order to come into compliance with the 'new' provisions regarding when a property owner needs to be informed of their right to have an appraisal.

Analysis/Strategic Goals/Pro's & Con's: Attached is the updated Waiver of Appraisal form for signature acknowledging the recent changes to 23 CFR, Part 635, subpart C and State directives whereby the County can take advantage of the \$25,000.00 appraisal waiver process approved by the Federal Highway Administration for Washington State and local public agencies.

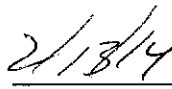
Fiscal Impact/Cost Benefit Analysis: The Department will be able to utilize state and federal funding for land and right of way acquisition and utilize the appraisal waiver process when appropriate.

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

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

Reviewed By:


Philip Morley, County Administrator


Date

WAIVER OF APPRAISAL

The JEFFERSON COUNTY Department of Public Works 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 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 \$25,000.00 or less including cost-to cure items.
- B. The Jefferson County Department of Public Works must make the property owner(s) aware that an appraisal has not been completed on the property for offers \$10,000 or less.
- C. The Jefferson County Department of Public Works must make the property owner(s) aware that an appraisal has not been completed on the property for offers \$10,001 or greater and up to \$25,000. An appraisal will be prepared if requested by the property owner(s).
- D. 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 County Engineer/Public Works Director for approval.
- C. The County Engineer/Public Works Director signs the AOS authorizing a first offer to the property owner(s).

The Jefferson County

APPROVED:

By: _____
John Austin, Chair
Board of County Commissioners

Real Estate Services
Washington State Department
of Transportation

STATE OF WASHINGTON
COUNTY OF JEFFERSON

In the Matter of:

X

Resolution No. 05-11

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.

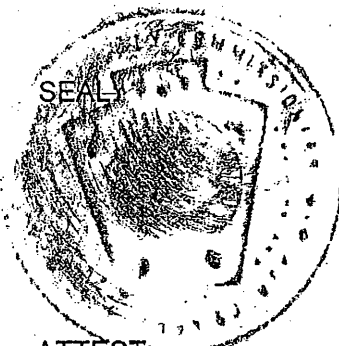
D. Jefferson County Board of County Commissioners

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 7th day of February, 2011.



ATTEST:

Lorna L. Delaney

Lorna Delaney
Clerk of the Board

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

David W. Sullivan
David W. Sullivan

Phil Johnson
Phil Johnson

John Austin
John Austin

JEFFERSON COUNTY
DEPARTMENT OF PUBLIC WORKS

Frank Gifford
Frank Gifford
Public Works Director

1/28/11
Date

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

Daryl Ahrens

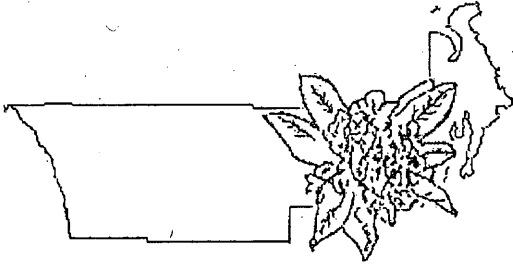
1-18-2011
Date

Acknowledged by:

Galen Wright

Washington State Department of
Transportation Representative

3/23/2011
Date



Jefferson County Department of Public Works

623 Sheridan St.
Port Townsend, WA 98368
(360) 385-9160

*Frank Gifford, Public Works Director
Monte Reinders, P.E., County Engineer*

February 8, 2011

WSDOT-Olympic Region
ATTN: Paul Lovegren, Olympic Region Local Coordinator
P.O. Box 47440
Olympia, WA. 98504-7440

**Re: Updated Jefferson County
Right of Way Acquisition Procedures, February 8, 2011.**

Mr. Lovegren:

Jefferson County Department of Public Works submits the following updated RIGHT OF WAY Acquisition Procedures to replace the 2003 updated procedures currently on file with Washington State Department of Transportation.

Department personnel currently on file with Washington State Department of Transportation available for land acquisition are as follows:

| | |
|--------------------------|---|
| Mark Thurston, P.E., | Project Manager |
| John Wayand | Project Manager |
| Monte Reinders, P.E., | County Engineer |
| Will Butterfield, SR/WA, | Right of Way Representative & Project Manager |

Please call with any questions or suggestions. Thanks, once again, for all your support and assistance.

Sincerely,

Will Butterfield
Right of Way Representative
Voice (360) 385-9350 Fax (360) 385-9172
e-mail wbutterfield@co.jefferson.wa.us