


Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Philip Morley, County Administrator

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

Agenda Date: April 7, 2014

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

Statement of Issue:

Request for the Board's authorization allowing the Department of Public Works to proceed with an administrative settlement necessary to acquire the riparian & wetland mitigation easement as required in conjunction with the construction of the Rick Tollefson Memorial Trail, County Project No. 18018150.

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

This request is in response to the landowner's counter offer of \$1.00 per square foot for the loss of useable area due to the specific siting of the wetland & riparian features contiguous with the trail construction area. The County's original offer was \$.23 per foot based on the unit value of \$10,000.00 per acre. This exceeds the Department's administrative settlement authority per established acquisition procedures. Therefore, the Department of Public Works seeks authorization from the Board to proceed with an administrative settlement not to exceed \$1.00 per square foot, resulting in total compensation of \$18,731.00. The Department of Public Works supports this value given the following:

- Alternative locations for this specific mitigation requirement are limited and may include multiple ownerships that present additional land acquisition challenges given the voluntary nature of the acquisitions.
- The benefit of the subject mitigation area outweighs the additional land cost proposed by the landowner. The construction cost and post-construction savings for the preferred site will far exceed the additional land cost given the close proximity to the trail. The additional land acquisition costs have been

anticipated within the project budget. The overall land cost for the project is less than 5% of the projected project budget.

- The land acquisition is based on voluntary support and the land owner has submitted a final counter offer.
- The administrative offer summary and subsequent administrative settlement process is in keeping with established right of way acquisition procedures approved by the Board and the Washington State Department of Transportation, Resolution 05-11, given that the transaction is less than \$25,000.00 and uncomplicated.

Fiscal Impact/Cost Benefit Analysis:

This project is on the 2014 6-Year Transportation Improvement Plan (TIP) and included in the 2015 Annual Construction Budget. Acquisition funding is provided by the County Road Fund. Estimated cost is approximately \$18,731.00, which will provide for approximately 18,731 square feet of wetland & riparian mitigation area.

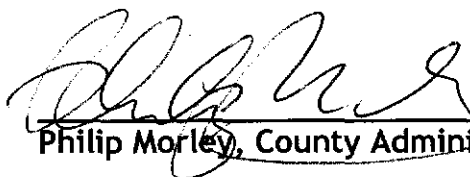
Recommendation:

The Department of Public Works recommends approval and authorization.

Please sign the enclosed "Authorization To Proceed With Right Of Way Acquisition" document (2 originals) where indicated, acknowledging the authorization to proceed with the administrative settlement 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

4/12/14
Date

**AUTHORIZATION AND CONCURRENCE TO PROCEED WITH REAL PROPERTY
ACQUISITION**

Rick Tollefson Memorial Trail County Project No. 18018150

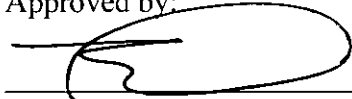
Based on the authorized acquisition procedures and the authority granted below, we hereby authorize an Administrative Settlement not to exceed the following:

Parcel Number	Land Area Acres	Administrative Offer Summary	Administrative Settlement Authority
901112013	0.43 (est) (18,731 Sq. ft.)	\$.23 per square foot	\$ 1.00 per square foot

Total mitigation easement compensation not to exceed \$ 18,731.00.

Recommendation and Approval:

Approved by:



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

3.21.14
Date

Concurrence and Authorization:

The Board of County Commissioners of Jefferson County does hereby concur and authorize the Department of Public Works to make the offer based on the Administrative Offer Summary and proceed with an administrative settlement as necessary, not to exceed the above referenced amount, to acquire the above referenced property for the Rick Tollefson Memorial Trail. The Board indicates its concurrence and gives authorization to the Department of Public Works in accordance with Right of Way Acquisition Procedures Resolution 05-11, approved February 7, 2011.

Approved By:

JEFFERSON COUNTY BOARD OF COMMISSIONERS

Date _____

John Austin, Chair

Phil Johnson, Member

David W. Sullivan, Member



Jefferson County Department of Public Works

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

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

March 13, 2014

Mike Anderson
270 W. Maude St.
Port Hadlock, WA 98339

Re: Rick Tollefson Memorial Trail Easement
County Project No. 18018150

Counter Offer Clarification

Dear Mr. Anderson:

Thanks for meeting with me on March 12, 2014 regarding the County's initial offer to purchase a mitigation easement across portions of your property described as Assessor Parcel No. (APN) 901112013. It is my understanding based on our discussion that you will consider granting the mitigation easement, as defined on the current right of way plan, under the following terms and conditions:

- The County is to pay \$1.00 per square foot for approximately 0.43 acres or approximately 18,731 square feet to be used for wetland & riparian mitigation easement purposes. Total easement purchase price of \$18,731.00
- The County agrees to build and maintain a fence and planting area, with said fence being a 'no climb' style with planting strip located between the fence and trail area.
- County to pay all closing cost together with any fees necessary to clear title.
- Property owner will clear all personal property from within the subject area prior to closing.

If these conditions meet with your approval please sign the letter below and return it to us in the envelope provided and the Department will then seek authorization from the Board of County Commissioners to proceed with the acquisition. There is no guarantee that the approval will be granted, but if the approval is granted, we will provide you with a written purchase and sale agreement to keep the acquisition process moving forward. Please contact me if you have any questions. Thanks again for your consideration.

Sincerely,

Will Butterfield

Will Butterfield
Right of Way Representative: Phone 360-385-9350

ADMINISTRATIVE OFFER SUMMARY
Jefferson County-Voluntary Acquisition

PROJECT: Rick Tollefson Memorial Trail, Co. Project No. 18018150
Federal Aid No. STPR-2016 (018)
Parcel Ownership Michael Anderson;
Legal Description: A portion of the NW1/4, Section 11, T29N, R1W, W.M.,
Jefferson County, WA. APN 901112013
PROPERTY LOCATION: 890 Old Hadlock Road, Port Hadlock, WA 98339.
BEFORE AREA: 5.25 Acres per Assessor's information
Easement Area 0.43 Acres
CURRENT USE: Residential

HIGHEST & BEST USE: The parcel is zoned as Rural Residential 1:20.

EFFECTS OF ACQUISITION:

Minimal if any, the transaction is uncomplicated. The owners use will be restricted upon 0.43 acres for wetland/riparian mitigation use in the after condition. This is a rectangular shaped sloping site with limited access and no utilities located nearby.

SALES RELIED ON:

Value based on Market Appraisal of adjoining Joyce property, APN 901113002 dated Nov. 18, 2011 with appraisal review dated December 5, 2011 indicating a value of \$10,000.00 per acre. Subsequent land sales (2012-2013) indicate a range of value from 7,086.00 to 10,230.00 per acre for similar land parcels (AFN 577281, 574155, 568025). Said appraisal/ appraisal review with subsequent sale information are considered as the data package.

Subject sold within the last 5 years? No.

ACQUISITION COMPENSATION:

Unit value based on sales per the data package indicates an acreage rate of \$10,000.00/acre fee simple. Given the total surface use required in the mitigation easement of the acquisition the value is adjusted to 100% of fee land value.

LAND: Mitigation Easement 0.43 acres @ \$10,000.00 per acre = \$ 4,300.00 (r)

IMPROVEMENTS: None

DAMAGES: \$0

TOTAL Just Compensation \$ 4,300.00

Sheet 1 of 1 Sheets Assessor Parcel No. 901112013

RIGHT OF WAY Plan Draft Date _____ Revision Date _____ Final Date March 3, 2014

Plan Prepared by Scott Clark, PLS, Clark Land Office; Date March 3, 2014

AOS Prepared by Will Butterfield, SR/WA Date February 14, 2014

I concur in the value estimate herein and authorize an Administrative Offer be made in said amount.



Monte Reinders, P.E., County Engineer

3.4.14

Date

This form is prepared in conformance with WSDOT policy and procedures. It does not constitute an appraisal as defined by the USPAP.

Federal Aid # STPR-2016(018)

Parcel # 901112013



**Washington State
Department of Transportation**
Paula J. Hammond, P.E.
Secretary 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

March 29, 2011

Mr. Frank Gifford
Public Works Director
Jefferson County
623 Sheridan Street
Port Townsend, Washington 98368-2439

**Jefferson County
Updated Right of Way Procedures**

Dear Mr. Gifford:

Recently, the Washington State Department of Transportation, Real Estate Services Division, reviewed your agency's submittal of updated right of way procedures. Upon their review, Jefferson County's right of way procedures are approved with the following requirements:

1. The County is approved to acquire only with direct supervision from the Region Local Agency Coordinator. At a minimum the coordinator must review all parcel files prior to first offers being made to the property owners.
2. All appraisals, acquisitions, appraisal reviews and any relocation must be contracted for with a qualified agency or consultant and any Relocation Consultant must be monitored by the coordinator.

In addition we are approving the County's use of the FHWA approved waiver process of \$25,000.00 or less, including cost to cure items. If you have any questions you may contact Paul Lovgren, Olympic Region LA Coordinator, at (360) 357-3259, or Galen Wright, Real Estate Services, Olympia, at (360) 705-7308.

Sincerely,

Ruth McIntyre
Standards and Procedures Engineer
Highways & Local Programs Division

RWM:ac
Enclosure

cc: Galen Wright, Real Estate Services, MS 47338
Neal Campbell, Olympic Region Local Programs, w/enclosure, MS 47440
Paul Lovgren, Olympic Region, w/enclosure, MS 47440

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.

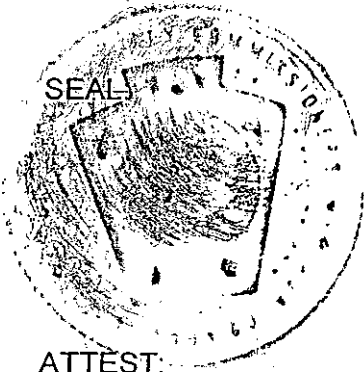
D. Jefferson County Board of County Commissioners

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 27th 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

David Alving

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](mailto:wbutterfield@co.jefferson.wa.us)