

RESOLUTION NO. 27-11
Replacing Resolution 146A-02 and Deleting Mason County Code Chapter 13.12

Real Property Acquisition Procedures for Public Works Projects

WHEREAS, The Mason County Department of Public Works engages in projects designed to improve the County's transportation infrastructure; and

WHEREAS, said projects frequently require the acquisition of additional right of way from abutting property owners; and

WHEREAS, certain federal and state laws and regulations set forth procedures for the acquisition of real property, including rights of way; and

WHEREAS, the Mason County Board of County Commissioners finds that adherence to said laws and regulations in all real property and right of way acquisition activities of County staff is appropriate and required; and

WHEREAS, the real property and right of way acquisition procedures found in resolution 146A-02 and Mason County Code Chapter 13.12 should be replaced.

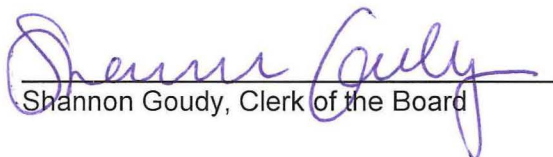
NOW, THEREFORE, BE IT RESOLVED by the Mason County Board of Commissioners that the Real Property Acquisition Procedures for Public Works Projects found in Exhibit A, attached hereto, are hereby adopted and mandated for use by Public Works staff in connection with all transportation improvement projects and other activities in pursuit of the Public Works mission; and

BE IT FURTHER RESOLVED that the real property and right of way acquisition procedures found in Mason County Resolution 146A-02 are hereby replaced and those found in Mason County Code Chapter 13.12 are deleted.

DATED this 12th day of APRIL, 2011.

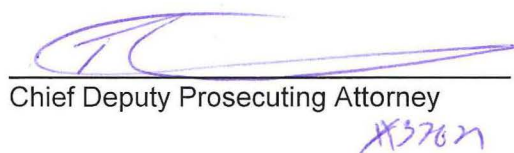
ATTEST:

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Shannon Goudy, Clerk of the Board


Lynda Ring Erickson, Chair

APPROVED AS TO FORM:


Chief Deputy Prosecuting Attorney
#37821


Tim Sheldon, Commissioner

Jerry Lingle, Commissioner

Mason County, Washington

REAL PROPERTY ACQUISITION PROCEDURES
FOR PUBLIC WORKS PROJECTS

1. Mason County ("AGENCY"), 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. 468-100 WAC) and applicable federal regulations, hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The Public Works Department ("Department") of the AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements, the Department will acquire right of way in accordance with the policies set forth in the Washington State Department of Transportation *Right of Way Manual* (M 26-01) and *Local Agency Guidelines* manual (M 36-6) ("LAG Manual"). The AGENCY has the following expertise and personnel capabilities to accomplish these functions (see the attached staff Resumes of Right of Way Qualifications):
2. Personnel and Capabilities
 - 2.1. PROGRAM ADMINISTRATION.

Deputy Director, Public Works Department/County Engineer
 - 2.2. APPRAISAL.

Qualified contractors or WSDOT personnel
 - 2.3. APPRAISAL REVIEW

Qualified contractors or WSDOT personnel
 - 2.4. ACQUISITION

Right of Way Manager
Right of Way Agent
Right of Way Technician
Qualified contractors or WSDOT personnel
 - 2.5. RELOCATION

Right of Way Manager with direct supervision of WSDOT personnel
Right of Way Agent with direct supervision of WSDOT personnel
Qualified contractors or WSDOT personnel

**SUBJECT TO REQUIREMENTS LISTED IN
RIGHT OF WAY PROCEDURES APPROVAL LETTER** (Attachment A)

2.6. PROPERTY MANAGEMENT

Right of Way Manager
Board appointed Property Manager

3. Any functions for which the AGENCY does not have staff will be contracted for with the Washington Department of Transportation (WSDOT), another local agency with approved procedures or an outside contractor. If the AGENCY proposes to use outside contractors for any of the above functions, it will work closely with the WSDOT Local Agency Coordinator and Highway and Local Programs to ensure all requirements are met. When the AGENCY proposes to have a staff person negotiate who is not experienced in negotiation for FHWA-funded projects, the Coordinator must be given a reasonable opportunity to review all offers and supporting data before they are presented to property owners.
4. The AGENCY wishes to take advantage of the appraisal waiver process for properties valued at \$25,000 or less and will use the following process, which is the process outlined in LAG Manual Appendix 25.146:

The AGENCY, 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, will follow the procedure approved for the Washington State Department of Transportation as follows:

4.1. Rules

- 4.1.1. The 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 \$25,000.00 or less, including cost-to-cure items.
- 4.1.2. The AGENCY must make the property owner(s) aware in the offer letter that an appraisal has not been done on the property and that one will be completed if they desire.
- 4.1.3. 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.

4.2. Procedures


- 4.2.1. An Administrative Offer Summary (AOS) is prepared using data from the PFE.
- 4.2.2. The AOS is submitted to the Assistant Public Works Director/County Engineer for approval.
- 4.2.3. The Assistant Public Works Director/County Engineer signs the AOS authorizing a first offer to the property owner(s).

5. The following is the AGENCY'S administrative settlement policy specifying the approving authorities for making administrative settlements.

Administrative settlements are occasionally required in addition to just compensation in order to acquire needed right of way through negotiation. These administrative settlements can help eliminate costly condemnation litigation and project construction schedule delays. The Project Parcel Negotiation Diary shall contain the background leading to the need for an administrative settlement and a memo to the file shall be prepared detailing the rationale and justification. The level of authority to offer administrative settlements is as follows:

- 5.1. Acquisition Negotiator - Just compensation plus up to an additional \$5000.00.
- 5.2. Construction and Engineering Manager - Just compensation plus up to an additional \$10,000.00.
- 5.3. Director, Public Works or Deputy Director Public Works /County Engineer - Just Compensation plus up to an additional \$25,000.00.
- 5.4. Mason County Board of County Commissioners, Chairperson - Just Compensation plus any administrative settlement offer in excess of \$25,000.00.
6. Public Works may establish policy that provides for minimum payments for right of way and temporary construction easements ranging from \$250.00 to \$1000.00 per tax parcel to acquire.
7. All projects shall be available for review by the Federal Highway Administration (FHWA) and WSDOT at any time and 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-year period following acceptance of the projects by WSDOT.
8. 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.

APPROVED:
MASON COUNTY



Brian K. Matthews, P.E. 5/3/11
Deputy Director, Public Works Department/
County Engineer

APPROVED:
WASHINGTON DEPARTMENT OF
TRANSPORTATION



Galen Wright
Real Estate Services

RECEIVED

JUN 06 2011



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

MASON COUNTY PUBLIC WORKS

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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 2, 2011

Mr. Brian Matthews, PE
County Engineer
Mason County
100 W. Public Works Drive
Shelton, Washington 98584-9714

**Mason County
Right of Way Procedures**

Dear Mr. Matthews:

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

1. At a minimum, the coordinator will work closely with agency staff, including meeting with staff both prior to the agency initiating the valuation process and prior to the agency presenting first offers.
2. All appraisals, appraisal reviews and any relocation must be contracted for with a qualified agency or consultant and any relocation consultant must be approved and monitored by the coordinator or a WSDOT relocation specialist.

In addition the County is approved to use the FHWA approved waiver process of \$25,000.00 or less, including cost to cure items. If you have any questions regarding the provisions, please contact Paul Lovgren, Olympic Region LA Coordinator, at (360) 357-2723, or Galen Wright, Real Estate Services, Olympia, at (360)705-7308.

Sincerely,

Stacie Kelsey

Stacie Kelsey
Standards and Procedures Engineer
Highways & Local Programs Division

SLK:gw:ac

Enclosure

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

Attachment A