



**Washington State
Department of Transportation**

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April 19, 2018

Mr. Kelly Rasmussen
Public Works Superintendent
City of Kalama
PO Box 1007
Kalama, Washington 98625

**City of Kalama
Right of Way Procedures**

Dear Mr. Rasmussen:

On April 16, 2018, the Local Programs Right of Way Section received the City's Right of Way (ROW) Procedures. These ROW procedures are approved subject to the following requirements:

1. Kelly Rasmussen, Public Works Director is approved to perform the Program Administration function. This includes oversight of hired ROW consultants, review and approval of recommended actions and payments, review and preliminary approval of administrative settlements, and authorization of just compensation including approval of Administrative Offer Summaries (AOS).
2. Appraisals and appraisal reviews must be contracted for with the Washington State Department of Transportation (WSDOT) or consultant on WSDOT's approved qualified appraiser/reviewer list. The City must work closely with the Region Local Agency Coordinator (LAC) prior to initiating the valuation process, and the valuation process must be reviewed prior to offer letters being written.
3. All acquisition work must be contracted for with qualified consultants, other agencies with qualified staff or WSDOT. Since the City has no experienced staff to oversee the acquisition process, the City must have direct supervision from the LAC. At a minimum, the LAC must be provided the opportunity to review all parcel files prior to first offers being made to the property owners. To avoid a conflict of interest, acquisition agents are only approved to acquire property valued at \$10,000 or less if they also prepare the Administrative Offer Summary (AOS).

4. All relocations must be contracted for with qualified consultants, other agencies with qualified staff or WSDOT. Any relocation consultant must be monitored by the LAC, who should be provided the opportunity to review notices/calculations prior to be given to the displacee. For any projects involving relocation, the City must provide confirmation they have an approved relocation appeal procedure in place prior to starting relocation activities.
5. Kelly Rasumssen, Public Works Director are approved to perform Property Management functions.

The City is approved to use the Federal Highway Administration approved waiver process of \$25,000 or less, including cost to cure items in which you are not required to offer appraisals for values at \$10,000 or less.

It is requested that the City work closely with the region LAC early and throughout the right of way process to ensure that all necessary procedures are followed on any federal-aid projects. In particular, the City must notify the Region LAC prior to contracting with consultants to initiate the process.

When staffing changes occur, an updated list must be submitted for approval prior to commencement of any right of way work.

If you have any questions regarding the requirements, please contact Dawn Fletcher, Southwest Region LAC at (360) 705-7325, or Rick Keniston, Southwest Region Local Programs Engineer at (360) 905-2215.

Sincerely,



Dianna Nausley
Right of Way Manager
Local Programs

DN:ac

Enclosures

cc: Rick Keniston, Southwest Region Local Programs Engineer
Dawn Fletcher, Southwest Region Local Agency Coordinator

City of Kalama Right-of-Way Procedures

The City of Kalama, hereinafter referred to as "AGENCY," desiring to acquire Real Property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and applicable federal regulations (49 CFR Part 24) and state law (Ch. 8.26 RCW) and state regulations (Ch. 468-100 WAC), hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements, the AGENCY will acquire right-of-way in accordance with the policies set forth in the Right-of-Way Manual M 26-01 and Local Agency Guidelines (LAG). The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

1. The following relate to the AGENCY's request.
 - a. Below is a list of responsible AGENCY positions, for which the AGENCY has qualified staff to perform the specific right-of-way function(s). Attached is a listing of each individual on the AGENCY staff who currently fill those positions below, and a brief summary of their qualifications pertaining to the specific right-of-way function(s) for which they are listed. This list shall be updated whenever staffing changes occur. The AGENCY will be approved to acquire based upon staff qualifications.

- i. **PROGRAM ADMINISTRATION:**

Oversee delivery of the Right-of-Way Program on federal aid projects for the agency. Ensures right-of-way functions are carried out in compliance with federal and state laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Ensures AGENCY's approved Right-of-Way Procedures are current, including staff qualifications, and provides copies to consultants and AGENCY staff;
- Oversees right-of-way consultants:
 - Uses consultant contract approved by the Washington State Department of Transportation (WSDOT) (under construction),
 - Manages right-of-way contracts,
 - Manages right-of-way files,
 - Reviews and approves actions and decisions recommended by consultants,
 - Overall responsibility for decisions that are outside the purview of consultant functions;

- Sets Just Compensation prior to offers being made;
- Approves administrative offer summaries per policy;
- Ensures AGENCY has a relocation appeal process in place prior to starting relocation activities;
- Oversees Administrative Settlements;
- Obligation authority for their AGENCY;
- Obtains permits (Non-Uniform Relocation Act (URA));
- Ensures there is a separation of functions to avoid conflicts of interest.

Public Works Director, Kelly Rasmussen

Title of AGENCY Position (employee name & qualifications attached)

ii. APPRAISAL

Prepares and delivers appraisals on federal aid projects for the AGENCY. Ensures that appraisals are consistent and in compliance with state and federal laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Uses only qualified AGENCY staff approved by WSDOT to perform appraisal work;
- Uses appraiser from WSDOT's Approved Appraiser List if AGENCY does not have qualified staff;
- Prepares Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepares Administrative Offer Summaries (AOS or Appraisal Waiver);
- Obtains specialist reports;
- Coordinates with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Not Applicable, Consultant

Title of AGENCY Position (employee name & qualifications attached)

iii. APPRAISAL REVIEW:

Reviews appraisals on federal aid projects for the agency to make sure they are adequate, reliable, and have reasonable supporting data, and approves appraisal reports. Ensures appraisals are adequately supported and represent fair market value and applicable costs to cure and are completed in compliance with state and federal laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Uses only qualified AGENCY staff approved by WSDOT to perform appraisal review work;
- Uses review appraiser from WSDOT's Approved Appraiser List if AGENCY does not have qualified staff;
- Ensures project-wide consistency in approaches to value, use of market data, and costs to cure;
- Coordinates with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Not Applicable, Consultant

Title of AGENCY Position (employee name & qualifications attached)

iv. ACQUISITION:

Acquires, through negotiation with property owners, real property or real property interests (rights) on federal aid projects for the AGENCY. Ensures acquisitions are completed in compliance with federal and state laws, regulations, and policies and procedures.

Responsibilities/Expectations:

- Uses only qualified staff to perform acquisition activities for real property or real property interests, including donations;
- To avoid a conflict of interest, when the acquisition function prepares an AOS, only acquires property valued at \$10,000 or less;
- Provides and maintains a comprehensive written account of acquisition activities for each parcel;
- Prepares administrative settlement justification and obtains approval;
- Prepares Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepares Administrative Offer Summaries (AOS or Appraisal Waiver);
- Reviews title, and recommends and obtains approval for acceptance of encumbrances;
- Ensures acquisition documents are consistent with right-of-way plans, valuation, and title reports;
- Provides a negotiator disclaimer;

- Coordinates with engineering, program administration, appraisal, relocation, and/or property management as necessary;
- Maintains a complete, well-organized parcel file for each acquisition.

Not Applicable, Consultant

Title of AGENCY Position (employee name & qualifications attached)

v. RELOCATION:

Provides relocation assistance to occupants of property considered displaced by federally funded projects for the AGENCY. Ensures relocations are completed in compliance with federal and state laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Prepares and obtains approval of relocation plan prior to starting relocation activities;
- Confirms relocation appeal procedure is in place;
- Provides required notices and advisory services;
- Makes calculations and provides recommendations for AGENCY approving authority prior to making payment;
- Provides and maintains a comprehensive written account of relocation activities for each parcel;
- Coordinates with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintains a complete, well-organized parcel file for each displacement;
- Ensures occupants and personal property are removed from the right-of-way.

Not Applicable, Consultant

Title of AGENCY Position (employee name & qualifications attached)

vi. PROPERTY MANAGEMENT:

Establishes property management policies and procedures that will assure control and administration of right-of-way, excess lands, and improvements acquired on federal aid projects for the AGENCY. Ensures property management activities are completed in compliance with federal and state laws, regulations, policies, and procedures.

Responsibilities/Expectations:

- Accounts for use of proceeds from the sale/lease of property acquired with federal funds on other Title 23 eligible activities;
- Keeps right-of-way free of encroachments;
- Obtains WSDOT/Federal Highway Administration (FHWA) approval for change in access control along interstate;
- Maintains property records;
- Coordinates with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintains a complete, well-organized parcel file for each displacement;
- Ensures occupants and personal property are removed from the right-of-way.


Public Works Director, Kelly Rasmussen

Title of AGENCY Position (employee name & qualifications attached)

- b. Any functions for which the AGENCY does not have qualified staff, the AGENCY will contract with another local agency with approved procedures, an outside contractor, or WSDOT. An AGENCY that proposes to use outside contractors for any of the above functions will need to work closely with the WSDOT Local Agency Coordinator (LAC) and Local Programs to ensure all requirements are met. When the AGENCY proposes to have a staff person approved to negotiate who is not experienced in negotiation for FHWA-funded projects, the LAC must be given a reasonable opportunity to review all offers and supporting data before they are presented to the property owners.
 - c. An AGENCY wishing to take advantage of an Appraisal Waiver (a.k.a. Administrative Offer Summary or AOS) procedure on properties valued up to \$25,000 or less should make their proposed waiver procedure a part of these procedures. The procedure outlined in the LAG Manual has already been approved using Form LPA-003. The AGENCY may submit a procedure different than that shown and it will be reviewed and approved if it provides sufficient information to determine value.
 - d. Attached is a copy of the AGENCY's administrative settlement procedure showing the approving authority(s) and the procedure involved in making administrative settlements.
2. All projects shall be available for review by the FHWA and WSDOT at any time and all project documents shall be retained and available for inspection during the plan

development, right-of-way and construction stages, and for a 3-year period following acceptance of the projects by WSDOT.

3. 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.



Mike Reuter, Mayor, City of Kalama

4-16-18

Date

Washington State Department of Transportation

Approved By:



Local Programs Right-of-Way Manager

4-19-18

Date

City of Kalama Waiver of Appraisal Procedure


The City of Kalama, hereinafter referred to as "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 appraisal waiver process approved by the Federal Highway Administration (FHWA) for Washington State, hereby agrees to follow the procedure approved for the Washington State Department of Transportation (WSDOT) as follows:

Rules

1. The 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 or less including cost-to cure items. A True Cost Estimate shall not be used with this procedure.
2. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers of \$10,000 or less.
3. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers over \$10,000 and up to \$25,000, and that an appraisal will be prepared if requested by the property owner(s).
4. 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

1. An Administrative Offer Summary (AOS) is prepared using data from the PFE.
2. The AOS is submitted to the Public Works Director for approval.
3. The Public Works Director signs the AOS authorizing a first offer to the property owner(s).



Mike Reuter, Mayor, City of Kalama

4-11-18

Date

Approved By: **Washington State Department of Transportation**


Local Programs Right-of-Way Manager

4/19/18

Date

City of Kalama Administrative Settlement Policy

Any administrative settlement over just compensation not to exceed \$5,000 shall be approved by the Public Works Director. Any purchase or settlement amount in excess of \$5,000 over just compensation shall be approved by the Kalama City Council.

Kelly Rasmussen

Director of Public Works

6315 Old Pacific Hwy So.

PO Box 1007

Kalama, WA, 98632

360-673-3707

krasmussen@kalama.com

Professional Summary

I am responsible for administering local right-of-way procedures for the City to include program administration and property management. I will be involved in reviewing consultants appraisals, appraisal reviews, acquisitions and relocations.

Experience

- Worked with consulting engineers on the City Wide Pavement Preservation Project
- Currently working on the Meeker Drive Slide Stabilization/Reconstruction Project

Training

- NHI Course No. FHWA-NHI-141045
- WSDOT Administrative Settlement Course
- ROW: Local Agency ROW Meeting
- WSDOT "No right of way verification" Webinar

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