

RESOLUTION NO. 01-14  
Replacing Resolution 27-11

**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 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

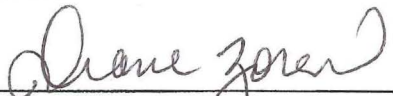
**WHEREAS**, the real property and right of way acquisition procedures found in resolution 27-11 should be replaced.

**NOW, THEREFORE, BE IT RESOLVED** by the Mason County Board of Commissioners that 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

**AND, BE IT FURTHER RESOLVED** that the real property and right of way acquisition procedures found in Mason County Resolution 27-11 are hereby replaced.

DATED this 7<sup>th</sup> day of January, 2013.


ATTEST:

  
\_\_\_\_\_  
Mindi Brock, Clerk of the Board  
*Diane Zoren*

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
\_\_\_\_\_  
Randy Neatherlin, Chair

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy Prosecuting Attorney

  
\_\_\_\_\_  
Tim Sheldon, Commissioner

  
\_\_\_\_\_  
Terri Jeffreys, Commissioner

Exhibit A

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 26-01.12) and *Local Agency Guidelines* manual (M 36-63) ("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

## 2.6. PROPERTY MANAGEMENT

Board appointed Property Manager  
Right of Way Manager  
Right of Way Agent

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 25.5:

The AGENCY, desiring to acquire Real Property according to 49 CFR, Part 24.102(n)(3), 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 is not required for an AOS under \$10,000, and that one will be completed, if requested, when the AOS is between \$10,001 and \$25,000.
- 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.

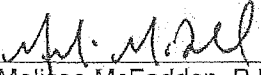
### 4.2. Procedures

- 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. The minimum amount to be paid must be uniform for all offers made for a project and established by memorandum signed by the Deputy Director, Public Works Department/County Engineer and placed in the project file.
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

APPROVED:  
WASHINGTON DEPARTMENT OF  
TRANSPORATION

  
\_\_\_\_\_  
Melissa McFadden, P.E.  
Deputy Director, Public Works Department/  
County Engineer

10.24.2013  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Dianna Nausley  
Local Agency Program Manager

\_\_\_\_\_  
Date

## Mason County

### RESUME OF RIGHT OF WAY QUALIFICATIONS

Catherine Bennett

#### Right of Way Experience

April, 1998 – October, 2001	Survey Technician Grays Harbor Co. Public Works
October, 2001 –November, 2005	Instrument Tech/ Inspector Mason County Public Works
November, 2005 - Current	Right of Way Agent Mason County Public Works
February 2006	Became of member of IRWA
April 2006	Became a Notary Public

#### Right of Way Education

November 2005	Contract Specification Writing
February 2006	Principles of Real Estate Negotiation
March 2006	Principles of Land Acquisition
April 2006	Legal Principles – Land Surveyor's Assn of WA
June 2006	WSDOT Training, Right of Way Acquisition Requirements for FHWA Funded Projects
September 2006	Northwest Regional Conference in Vancouver
September 2007	Principles of Real Estate Law
November 2007	Law of Easements
July 2010	Introduction to Property Asset Management Real Property/Asset Management
August 2010	Basic Relocation Overview (LTAP Training)
February 2011	Principles of Real Estate Engineering
May 2011	Ethics and the Right of Way Professional

April 2013

Joint Right of Way Symposium

**Certification**

August 1, 2011

International Right of Way certificate for  
Associate Right of Way Professional

**General Education**

1972

1 Year Business at South Sound Community College

**Community Leadership**

United Way Member

2008 through 2011, Board Member 2009 through 2011

Toastmaster's

2009 through current, President 2012

**JOHN WILLIAM KEATES, CPRP**  
700 East Road of Tralee  
Shelton, WA 98584  
(360) 427-8384 Home  
(360) 427-9670 Ext. 669 Work  
E-Mail: [keates3@msn.com](mailto:keates3@msn.com)

**POSITION OBJECTIVE:** Director of Mason County Parks, Facilities and Property

**QUALIFICATION SUMMARY:**

Over Twenty-five years of Municipal and County Government work experience; solid leadership skills combined with a strong work ethic, drive, and determination have produced extraordinary results in multiple positions; experience in leading a team in multiple situations; including twenty years as a Department Director.

**MANAGEMENT SKILLS:**

- Excellent organizational skills.
- Very creative and entrepreneurial.
- Management of an annual budgets and capital budgets.
- Successful completion of a variety of special projects, including; special events, park development, community task forces, fund raising campaigns.
- Successful at forging partnerships and cooperative relationships.
- Extensive experience working with elected officials, boards, commissions, citizen volunteer groups, including; City Council, County Commission, Park Board, Human Services Board, Trails Advisory Board, Golf Committee, Aquatics Committee, and the Arts Commission.
- Twenty-five years experience marketing and advertising park and recreation services.
- Extensive fund-raising and grant writing experience.
- Successful completion of numerous park projects that were finished within allocated budget amounts. The projects varied in scope and cost from \$10,000 to \$2,000,000.

**COMMUNICATION SKILLS:**

- Strong interpersonal and team leadership skills.
- Extensive public speaking and presentation experience.
- Ability to work effectively across departmental lines.
- Strong written and oral communication skills.
- Proven ability working with varied and diverse community groups.
- Excellent working relationship with school districts, businesses, and community groups.

**LEADERSHIP SKILLS:**

- Successful completion and adoption of the Enumclaw Parks, Recreation, and Community Services Plan, the Mason County Parks Comprehensive Plan, the Enumclaw Trails Master Plan, the Mason County Regional Trails Plan and numerous park and trail master plans.
- Successful applications to Recreation and Conservation Office (RCO) for various Grants. Over 4 million dollars of grant funds secured since 2006 for Mason County from RCO.
- Completion of numerous park capital projects within budget.
- Ability to lead and motivate staff to achieve departmental goals with minimum resources.
- Winner of WRPA Citation of Merit Professional Award, 2011.
- Established a Parks Foundation in Chelan, Enumclaw, and Mason County.
- Coordinated business planning efforts for City of Chelan Golf Course and RV Park.



### **INDIVIDUAL SKILLS:**

- Visionary. Successfully developed Enumclaw's first Parks and Recreation Department.
- Very dedicated, loyal and a team player, Self-starter, able to work independently.
- Very disciplined, able to stay on task with work and personal tasks.
- Ability to learn quickly and adept to change, Self-starter, and politically savvy.

### **PROFESSIONAL EXPERIENCE:**

**5/06 to present: Parks, Trails, Facilities and Property Director:** Mason County Parks, Trails and Facilities Department, Shelton, WA. Responsibilities include managing the Parks, Trails and Facilities Department. Including twenty-one park sites, approximately 938 acres of park land and open space, and all county facilities, including 17 buildings. Duties include leadership of Park and Trail Planning, Park Maintenance, Administration, Park Development, Park Acquisition, Program Development, Volunteer Program, General Operations and oversight of all County Facilities. Acquired approximately 588 acres of park land and open space from 2006 to present increasing inventory from 350 acres to 938 acres using grants, donations, and gifts.

**4/05 to 4/06: Parks and Recreation Business Manager:** City of Chelan, Chelan, WA. Department head position directing the Parks and Recreation Department, including: Park Maintenance, Recreational Vehicle Park, Recreation, Special Events, Administration, Park Projects, Park Planning, Golf Course, Marina, Beautification Program and contracted operations.

**3/93 - 4/05 Director, Parks, Recreation, and Cultural Services Department:** City of Enumclaw, Enumclaw, WA. Responsibilities include managing the Parks and Cultural Services Department, including: Cemetery, Park Maintenance, Recreation, Special Events, Administration, Arts Commission, Park Projects, Indoor Pool, and Golf Course. .

**3/89 - 3/93: Recreation Manager:** Metropolitan Park District of Tacoma, Tacoma, WA. Responsibilities included managing the largest Youth Athletic Program in Washington and ORV Safety and Education Program.

**10/88 - 3/89: Recreation Programs Supervisor:** City of Centralia, Centralia, WA. Responsibilities included coordinating the Community Recreation Program.

### **EDUCATION:**

Bachelor of Arts, Western Washington University, Recreation and Parks Administration.

### **CERTIFICATIONS / MEMBERSHIPS / COMMUNITY INVOLVEMENT:**

- Certified Park and Recreation Professional (CPRP) by the National Recreation and Park Association.
- Member and Past President of the Washington State Trails Coalition.
- Graduate of National Recreation and Park Association Maintenance Management School
- Member of the Washington Recreation and Park Association (WRPA) and the National Recreation and Park Association (NRPA).
- Past Secretary/Treasurer for Washington Recreation and Park Association.
- Legislative Program Co-Chair for Washington Recreation and Park Association.
- Member of Shelton Rotary Club and former member of the Board of Directors.
- Board member for Shelton Community Center Association (CCA)

### **REFERENCES:**

Available upon request.

**MASON COUNTY**

<b>TO: BOARD OF MASON COUNTY COMMISSIONERS</b>	<b>Reviewed:</b>
<b>FROM: Catherine Bennett, Right of Way Agent</b>	<b>Ext. 618</b>
<b>DEPARTMENT: PUBLIC WORKS</b>	<b>Action Item</b>
<b>DATE: December 31, 2013</b>	<b>No. 8.4</b>

**ITEM:** A resolution adopting real property and right of way acquisition procedures and rescinding those found in Mason County Resolution No. 27-11.

Background: Mason County is required by the Washington State Department of Transportation (WSDOT) to adopt written procedures that pledge the County to acquire real property and rights of way in accordance with the State Uniform Relocation Assistance and Real Property Acquisition Act (RCW 8.26), state regulations (WAC 468-100) and applicable federal regulations. The attached document updates and replaces the current, approved procedures found in Mason County Resolution 27-11. A key, updated provision is the waiver of the appraisal requirement for offers \$10,000 or less. Upon adoption, the new procedures will be submitted to WSDOT for approval.

Recommended Action: Move that the Board of County Commissioners approve the attached resolution adopting the updated procedures and rescind those found in Resolution 27-11.

Attachment: Resolution adopting updated procedures and Exhibit A, Real Property Acquisition Procedures for Public Works Projects