

Scope of Work
George Hopper / I-5 Interchange Project
Right of Way Acquisition Services

Federal funds are participating in the Right of Way Phase for this project, therefore Universal Field Services, Inc. (UFS) will complete all Right of Way Acquisition services in compliance with the City of Burlington's (CITY) WSDOT approved Right of Way Acquisition procedures, WSDOT's Local Agency Guidelines - Section 25 (Right of Way Procedures) and the Federal Uniform Act. UFS will further complete all Right of Way services in accordance with the Washington Administrative Code (WAC 468-100) state Uniform Relocation Assistance and Real Property Acquisition administrative guidelines and as may be directed by the City.

Based on the current information available, this project requires the acquisition of real property rights from four (4) separate tax parcel which according to Skagit County online records are commonly owned by one property owner, see Table A below. Additional parcels or real property rights other than those shown in Table A will require an amendment to this scope of work and related fee estimate. It is assumed there are no persons or personal property displaced by this project, therefore Relocation Assistance services is not required.

This scope of work is based on the following:

- 1) Federal Funds are participating in the Right of Way Phase.
- 2) Review of Skagit County's limited public on-line mapping and ownership information.
- 3) Review of the CITY's Right of Way Acquisition Exhibit dated 7-10-18, stamped by John R. Tuttle.
- 4) CITY previously completed NEPA process with a Documented Categorical Exclusion (DCE).
- 5) CITY previously completed a Project Funding Estimate in September 2017.
- 6) CITY previously completed Appraisal and Appraisal Review reports in October / November 2017 with all four (4) parcels determined as the Large Parcel.
- 7) There are no occupants or personal property displaced by the project.
- 8) CITY obtained Federal Funds Authorization letter from WSDOT, dated January 31, 2018, to commence Right of Way Acquisitions under the Early Acquisition process.
- 9) Meeting held with UFS, City and WSDOT staff on May 7, 2018 to discuss Limited Access Rights. WSDOT staff to acquire Limited Access Rights at a later date.

Assumptions

- 1) Update of the previously completed Project Funding Estimate is not required since the City has secured NEPA clearance; Funds Authorization from WSDOT for early Acquisition and has determined use of Appraisal(s) for all parcels impacted. This assumption is subject to WSDOT's requirement to update its Early Acquisition - Funds Authorization as NEPA clearance has since been obtained.
- 2) CITY's Appraiser accurately determined each of the four (4) commonly owned tax parcels as the Larger Parcel.
- 3) UFS to provide new Appraisal and Appraisal Review report(s) due to elapsed time.
- 4) CITY to provide approved Right of Way Plan / Acquisition Exhibit prior to commencing this scope of work.
- 5) CITY will provide title reports of all impacted properties.
- 6) Acquisition of Limited Access Rights are excluded from this Scope of Work.

A. Preparation and Administration - Discuss, strategize and plan overall process with CITY. Attend project kickoff meeting with CITY and up to four (4) progress meetings – (2 City office & 2 Conference Call). Progress meetings can be facilitated by conference calling if preferred. Provide up to six (6) monthly progress reports indicating the work completed for the invoiced month. UFS will provide sample acquisition documents for the CITY's review and approval for use. The CITY's pre-approved forms will be used when provided. When appropriate, prepare parcel files to include fair offer letters, recording and ancillary documents, a standard diary form indicating all contacts with owner(s), and other items necessary for negotiations.

Deliverables:

- Attend Project Kickoff Meeting – CITY office
- Attend four (4) Progress Meetings – CITY office
- Provide six (6) Monthly Progress Reports
- Coordinate CITY approval of Acquisition forms for project use
- Prepare parcel acquisition file(s) for negotiations

- B. Title - Ownership Review** – The CITY will provide title reports of all impacted properties to be used for design base mapping purposes and for subsequent acquisition purposes. If requested, UFS will order title reports and or any updates and title supplements with the title company billing the CITY directly. Upon receipt of title reports, UFS staff will conduct initial reviews of each report to assess future complications at closing and potential conflicts from utility encumbrances, etc., that may pose obstacles or delays to the acquisition closing process. A Parcel Title Summary Memo for each parcel will be developed listing encumbrances and exceptions with recommendations to the CITY on how to resolve each.

Deliverable:

- Prepare up to Four (4) Parcel Title Summary Memo's

- C. Public Outreach** –We recommend preparation and delivery of an “Introduction / Informational” letter to the affected property owner(s) to briefly describe the purpose of the project, project schedule, and as an introduction of the CITY’s Design and ROW consultant team.

Deliverable:

- Sample “Introduction / Informational” letter for delivery by CITY via regular U.S. Mail

- D. Project Funding Estimate (PFE)** – It is understood the CITY previously completed a Project Funding Estimate in March 2017 through a separate Right of Way Consultant which was submitted to and reviewed by WSDOT. Subject to WSDOT current requirements, it is assumed an update of the previously completed Project Funding Estimate is not required since the City has secured and confirmed the following:

- NEPA clearance obtained with a Documented Categorical Exclusion
- PFE was reviewed and accepted by WSDOT
- Funds Obligation from WSDOT for early Acquisition, letter dated January 31, 2018
- There have been no design revisions affecting right of way requirements since completion of the PFE in March 2017.

If required by WSDOT, an updated PFE or completion of a qualifying True Cost Estimate (TCE) will be completed as an amendment to this Scope of Work and related Fee Estimate.

Generally, both the TCE and PFE are tools for confirming estimated Right of Way costs. Use of the PFE allows the CITY to utilize the Appraisal Waiver process when the estimated amount of just compensation to property owners is at or below the CITY’s approved Appraisal Waiver limit and when the acquisition is uncomplicated.

Deliverable:

- None - Subject to WSDOT’s requirement to update the CITY’s previously completed PFE.

- E. FHWA Funds Authorization for ROW** –A funds authorization letter, dated January 31, 2018 for Right of Way (Early Acquisition) had been received by the CITY from WSDOT to receive federal funding participation and reimbursement for costs incurred with subsequent Appraisal, Appraisal Review and Acquisition Negotiations. Said letter is conditioned that eminent domain is not allowed and that the property rights acquired may not be developed until a specific City public transportation project has been processed through NEPA and federal funding is authorized for such project.

Deliverable: N/A – For informational purposes only.

- F. Appraisal / Appraisal Review** – The CITY previously completed Appraisal and Appraisal Review reports dated September 25, 2017 and November 11, 2017 respectively. Both reports have determined the four (4) parcels shown in Table A to be one (1) Larger Parcel.

Due to elapsed time, this scope of work will provide a new Appraisal and Appraisal Review. UFS will subcontract with the same Appraiser used by the CITY. However, UFS will subcontract with a different Review Appraiser than previously used by the CITY. Appraisal and Appraisal Review reports will be completed in accordance with the Uniform Standards of Professional Appraisal Practices (USPAP); WSDOT Local Agency Guidelines – Section 25; WSDOT’s Right of Way Manual, in particular Chapters 4 and 5; and the Federal Uniform Act.

Appraisers used by UFS are licensed by the State of Washington Department of Licensing and are approved by WSDOT to complete the Appraisal services described in this scope of work.

Deliverables:

- Appraisal – one (1) each
- Appraisal Review – one (1) each

- G. Present Offers / Negotiations** – Typically, completed Appraisal and Appraisal Review reports are submitted to the CITY for review and written approval authorizing the amount of Just Compensation offered to the property owner. Upon approval from the CITY, UFS staff will prepare the offer package and promptly present the offer to purchase all the required real property interests and negotiate in good faith to reach a settlement.

Negotiations will be conducted in accordance with statutory and regulatory requirements to include: Presentation of offers in person (out-of-area owners are contacted by telephone and by certified mail); Coordination of administrative settlement approvals with the CITY; Negotiate as necessary with lien holders assisting escrow in the closing process; Prepare and maintain parcel files to include fair offer letters, acquisition documents, a standard diary form indicating all contacts with owner(s), and other items necessary for negotiations.

Negotiations shall not be deemed to have failed until at least three significant meaningful contacts have been made and documented with the property owner and/or their representative through direct personal contacts. If negotiations reach an impasse, UFS shall provide the CITY with written notification. Since eminent domain cannot be used, UFS will upon prior approval by the CITY attempt to secure an Administrative Settlement, coordinate possible design changes or recommend other options such as mediation excluding eminent domain requirements..

Deliverable:

- Completed Acquisition Negotiation file with the owner of one (1) Larger Parcel consisting of four (4) separate tax parcels

- H. Parcel Closing** - Prior to sending a settled acquisition package to the CITY for payment and closing, Universal will request an update on each title report from the designated Title Company to ensure ownership has not changed and new encumbrances or exceptions have not been recorded. Upon review of updated title information and previously completed Parcel Title Summary Memo, Universal will provide advisory assistance to the CITY in determining the most appropriate method of closing each transaction.

Subject to the CITY’s Title Clearing policies, the method of closing may be completed in-house or through a reputable escrow firm. Typically, the title company will provide escrow services.

In-House Closing – Generally for low risk and uncomplicated title clearing, this method is subject to the CITY’s title clearing policies and amount of acceptable risk. The signed conveyance documents and payment vouchers will be transmitted to the CITY for approval and processing. Simultaneously, Universal will coordinate with recommendations to the CITY for taking title to certain exceptions and encumbrances.

Escrow Closing – Generally for higher risk and complicated title clearing, this method will also consider the CITY’s title clearing policies. The signed conveyance documents together with escrow instructions will be transmitted to the CITY for approval and signature. Once CITY approval is received, the transaction package will be delivered to the designated escrow company for closing and recording. Albeit the escrow firm’s responsibility, Universal will work with the Escrow and Title Company in their effort to remove unacceptable exceptions and to obtain title insurance policies for the CITY.

According to the CITY’s funds authorization letter Right of Way (Early Acquisition), the CITY’s acquisition cannot be under the threat of eminent domain. Therefore, real estate excise tax will be payable by the seller. The CITY as buyer can pay the excise tax amount on behalf of the seller (owner).

Deliverable:

- Completed parcel file(s) and records of all Right of Way Acquisition services.

- I. **Right of Way Certification** – Since federal funds are participating in the project, Right of Way Certification through WSDOT Real Estate Services and Local Programs is required. Right of Way acquisition file(s) will be prepared and completed to the satisfaction of a WSDOT Right of Way review to support federal aid participation. UFS will further coordinate right of way activities with WSDOT’s Northwest Region Local Agency Coordinator, as needed throughout the project.

Deliverable:

- Right of Way Certification form for WSDOT review and approval.

CITY will provide the following:

1. Preliminary Commitments (Title Reports) for all parcels shown in Table A below. If requested, UFS will order title reports or any updates. The title company will bill the CITY directly.
2. Approve designation of the escrow company used for this project. The escrow company will bill the CITY directly for all escrow services, if any.
3. Right of Way Plans, Maps, Exhibits, Right of Way Staking, etc., as necessary.
4. Legal descriptions in electronic format for all real property rights to be acquired.
5. Form approval, in electronic format, of all legal conveyance documents and forms prior to use (i.e. offer letters, deeds, easements, etc.).
6. Review and approval of all determinations of value, established by the project appraisers, and provide written authorization prior to offers being made to property owners.
7. Payment of all compensation payments to property owners, escrow fees, recording fees, legal services and any incidental costs which may arise necessary to complete each transaction.
8. Send “Introduction Letters” to property owner(s) as necessary.

Additional Work - If other tasks are required to be performed or there are changes in pertinent information or if negotiations exceed the industry standard for a good faith effort to negotiate (three "in-person" landowner contacts), UFS reserves the right to request additional compensation as an equitable adjustment. UFS shall not be responsible for delays caused beyond its control.

TABLE A					
Parcel Data				Real Property Rights to Acquire	
No.	Larger Parcel	Parcel Number	Owner	Fee Simple	Temp Const Easement
1	1	P24067	Sweeney, James M.	X	X
2		P23997	Sweeney, James M.	X	X
3		P24009	Sweeney, James M.	X	X
4		P24073	Sweeney, James M.	X	X

**City of Burlington
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Fee Estimate

DIRECT SALARY COSTS (DSC)

<u>Personnel</u>	<u>Hours</u>		<u>Rate</u>		<u>Cost</u>
1 ROW Oversight	9.00	X	\$58.17	\$	524
2 Project Manager	33.00	X	\$50.00	= \$	1,650
3 Senior Acquisition Specialist	110.00	X	\$42.00	= \$	4,620
4 Title / Escrow Specialist	33.00	X	\$32.00	= \$	1,056
5 Sr Administrative Specialist	28.00	X	\$28.00	= \$	784
	Total Hours	213.0	Subtotal Direct Salary Costs (DSC) = \$		8,634
	Overhead (OH)	58.48%			\$ 5,049
	Fixed Fee (FF)	28%			\$ 2,417
TOTAL DSC = \$					16,100

DIRECT NONSALARY COSTS (DNSC)

Mileage	1080	miles @ \$ 0.545	\$	589
Miscellaneous Expenses (see note 4 below)			\$	400
TOTAL (DNSC) = \$				989

SUBCONSULTANTS

Appraisal (1 each)	Valbridge Property Advisors	\$	4,500
Appraisal Review (1 each)	Appraisal Group of the Northwest	\$	1,300
2% Admin (B&O Taxes, etc.)		\$	116
TOTAL SUBCONSULTANT FEES = \$			5,916

TOTAL ESTIMATE AMOUNT = \$ 23,004

Notes:

- 1.) Universal reserves the right to re-negotiate estimate total if Notice to Proceed not provided within 180 days from the date of this estimate.
- 2.) Mileage to be billed at \$0.545/mile or the approved IRS rate at the time mileage is incurred.
- 3.) See Table A in the Scope of Work for list of parcels impacted.
- 4.) Reimbursable miscellaneous expenses including but not limited to, mapping, photos, postage, parking, printing, long distance telephone, ferry fees, etc., at cost - no markup.
- 5.) This fee estimate is based on the Scope of Work prepared by UFS dated August 20, 2018.
- 6.) Federal funds are participating in the ROW Phase.

August 20, 2018

Universal Field Services, Inc.

**City of Burlington
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Fee Estimate

No.	Larger Parcel	Parcel Information		Property Rights to be Acquired		Acquisition					
		Tax Pcl No.	Owner	Fee Sample	Temporary Construction Easement	ROW Oversight	PM	Acq	Title Escrow	Admin	Mileage
1	1	P24067	Sweeney, James M.	X	X	0.5	2.5	22	4.5	4	120
2		P23997	Sweeney, James M.	X	X	0.5	2.5	22	4.5	4	120
3		P24009	Sweeney, James M.	X	X	0.5	2.5	22	4.5	4	120
4		P24073	Sweeney, James M.	X	X	0.5	2.5	22	4.5	4	120
Attend kick off meeting (3 UFS Staff) - City Office						4	4	4	0	0	120
Attend four (4) progress meetings (2 UFS Staff) - 2 City Office / 2 Conference Call						0	9	9	0	0	240
Provide six (6) monthly progress reports when invoicing						0	3	3	3	3	0
Coordinate City approval of Acquisitions forms and documents for project use						0	2	0	2	2	0
Prepare four (4) Parcel Title Summary Memo's						0	0	0	8	0	0
Assist City in development of "Introduction / Informational" sample letters						1	1	0	0	1	0
Subcontract with and manage Appraisal and Appraisal Review sub-consultants						2	2	0	0	2	0
Attend one (1) Appraisal inspection						0	0	4	0	0	120
Assist City with ROW Certification through WSDOT						0	2	2	2	4	120
TOTAL						9	33	110	33	28	1080