

February 21, 2017

## CITY COUNCIL AGENDA MEMORANDUM

### **SUBJECT**

Resolution authorizing execution of an amendment to the Agreement for Professional Services with Kenyon Disend, PLLC to increase the total contract amount from \$200,000 to \$275,000 for legal services and representation in property acquisitions and/or eminent domain proceedings for multiple parcels located at 120th Avenue NE.

### **FISCAL IMPACT**

This action obligates the City to increase the contract total for outside legal services provided by Kenyon Disend, PLLC by \$75,000. This amount is included in the budget for Stage 2 of the 120<sup>th</sup> Avenue NE Extension Project, CIP Plan No. PW-R-164.

|                                  |                  |
|----------------------------------|------------------|
| Original Contract                | \$ 49,000        |
| Amendment #1                     | \$151,000        |
| Amendment #2                     | <u>\$ 75,000</u> |
| <b>New Contract Total Amount</b> | <b>\$275,000</b> |

### **STAFF CONTACT**

Monica A. Buck, Assistant City Attorney, 452-4082  
*City Attorney's Office*

### **POLICY CONSIDERATION**

Should the City continue to retain outside counsel for legal services and representation in property acquisitions and/or eminent domain proceedings?

### **BACKGROUND**

The Council previously adopted a condemnation ordinance for Stage 2 of the 120<sup>th</sup> Avenue NE widening project. Kenyon Disend, PLLC was retained to assist in the acquisition of property necessary to construct the project, including the filing of condemnation petitions on behalf of the City.

This project involves acquiring property rights from multiple property owners along 120<sup>th</sup> Avenue NE. The City has obtained possession and use or ownership rights from all property owners, and has been successful in negotiating or litigating just compensation with all but two property owners. The City will attempt to resolve just compensation outside of litigation with the remaining property owners.

### **EFFECTIVE DATE**

If approved, this Resolution becomes effective immediately upon Council adoption.

### **OPTIONS**

1. Adopt Resolution authorizing execution of an amendment to the Agreement for Professional Services with Kenyon Disend, PLLC to increase the total contract amount from \$200,000 to \$275,000

for legal services and representation in property acquisitions and/or eminent domain proceedings for multiple parcels located at 120th Avenue NE.

2. Do not adopt Resolution, do not authorize the payment for these additional legal services and provide alternative direction to staff.

**RECOMMENDATION**

Option 1

**MOTION**

Move to adopt Resolution No. 9228, authorizing execution of an amendment to the Agreement for Professional Services with Kenyon Disend, PLLC to increase the total contract amount from \$200,000 to \$275,000 for legal services and representation in property acquisitions and/or eminent domain proceedings for multiple parcels located at 120th Avenue NE.

**ATTACHMENTS**

Proposed Resolution No. 9228

**AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

Amendment #2 to the Agreement for Services (Professional Services Contract)