

October 5, 2015

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution No. 8978 authorizing execution of an amendment to the Agreement for Professional Services with Pacifica Law Group LLP, outside counsel for the City in the lawsuit of *City of Bellevue v. Pine Forest Properties, Inc., et al.*, KCSC No. 13-2-36105-1 SEA, in an amount not to exceed \$415,000.

FISCAL IMPACT

This action obligates the City to increase the total contract amount for legal services provided by Pacifica Law Group LLP by \$115,000.

Original Contract	\$49,000
Amendment #1	\$251,000
Amendment #2	\$115,000
New Contract Total Amount	\$415,000

Sufficient funds exist within the 2015-2021 Capital Investment Program (CIP Plan No. PW-R-181, Eastlink MOU Commitments) to fully fund this contract.

STAFF CONTACT

Lori Riordan, City Attorney, 452-7220
Cheryl Zakrzewski, Assistant City Attorney, 452-4081
City Attorney's Office

POLICY CONSIDERATION

Should the City continue to retain outside counsel to provide legal services for the City in this lawsuit?

BACKGROUND

The City filed a petition for eminent domain to obtain the property located at 1445 120th Avenue NE which is owned by Pine Forest Properties. The City is committed to obtaining this property for use by Sound Transit related to the East Link Project. Additionally, portions of this property will be used for other City purposes. The City retained the Pacifica Law Group to prosecute the condemnation of this property on the City's behalf. All challenges to the superior court's finding of public use and necessity have now been exhausted, and the City has possession and use of the property. An amendment to the Professional Services Agreement is necessary to provide sufficient funding for the City to engage in negotiations as to the total amount of just compensation, to provide consultation on relocation issues, and to undertake additional discovery and prepare for and attend trial, if necessary.

EFFECTIVE DATE

If adopted, this Resolution will be effective immediately.

OPTIONS

1. Adopt the Resolution authorizing execution of the amendment to the Agreement with Pacifica Law Group LLP, increasing the total amount to an amount not to exceed \$415,000.
2. Do not adopt the 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. 8978 authorizing execution of an Amendment to the Agreement with Pacifica Law Group LLP increasing the total contract amount to a total not to exceed \$415,000 to provide legal services for the City in the lawsuit of *City of Bellevue v. Pine Forest Properties, Inc., et al.*, KCSC No. 13-2-36105-1 SEA.

ATTACHMENTS

Proposed Resolution No. 8978

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

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