

CITY COUNCIL REGULAR SESSION

Resolution authorizing execution of a new Professional Services Agreement with Pacifica Law Group LLP, outside counsel for the City, in the amount of \$230,000, plus all applicable taxes, for legal services related to the acquisition of the property rights needed for the Transportation Capital Investment Program (CIP) projects involving the widening of 124th Avenue NE from NE 12th Street to Northup Way (CIP Plan Nos. PW-R-166, PW-R-169, PW-R-191).

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City Attorney's Office

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EXECUTIVE SUMMARY

This agreement is necessary for the City to continue its efforts to obtain the property rights for the three construction projects related to the widening of the 124th Avenue NE, including the rights related to Seattle City Light's transmission line easements along 124th Avenue NE.

RECOMMENDATION

Move to adopt Resolution No. 9555.

If approved, effective date: 02/19/2019

BACKGROUND/ANALYSIS

As part of the City's long-range CIP Transportation plan, the City will be widening and reprofiling 124th Avenue NE in three construction phases, each of which is a separate CIP project. The first phase of the expansion (NE Spring Boulevard to Ichigo Way, PW-R-166) is being constructed in conjunction with Sound Transit's East Link Project. Sound Transit filed petitions for eminent domain to obtain the property rights necessary for both Sound Transit's East Link transitway and the first construction phase of the 124th Avenue NE widening. Although all of the necessary property rights, including those from Seattle City Light, have now been obtained for the first construction phase of the City's widening of 124th Avenue NE, the City needs the assistance of Pacifica Law Group to address remaining issues such as utility relocations.

With respect to the future two construction phases of the 124th Avenue NE road widening project (PW-R-169 and PW-R-191), the City needs Pacifica Law Group's assistance to negotiate with property owners and/or initiate condemnation proceedings to obtain the necessary property rights, including additional rights from Seattle City Light.

A Professional Services Agreement (PO #1450027) was originally executed with Pacifica Law Group LLP in January 27, 2014 for \$49,000 to work on the first construction phase of the 124th Avenue NE road widening project. The agreement was amended twice to a total amount of \$240,000. The five-year

maximum period of performance ended January 2019, and the contract cannot be amended or renewed. A new Professional Services Agreement in the amount of \$230,000, plus applicable sales tax, is required to continue the legal services necessary for the first construction phase of the 124th Avenue NE road widening project and to assist in the acquisitions necessary for the remaining two construction phases.

POLICY & FISCAL IMPACTS

Policy Impact

City policy provides that professional services contracts in excess of \$90,000 require Council approval.

Fiscal Impact

This action obligates the City to \$230,000, plus all applicable taxes, for legal services to be provided by Pacifica Law Group LLP for the acquisition of the property rights needed for the Transportation CIP projects widening 124th Avenue NE from NE 12th Street to Northup Way.

Sufficient funding exists in the 2019-2025 Capital Investment Program (CIP Plan Nos. PW-R-166, PW-R-169, PW-R-191) to fully fund this contract as follows:

CIP Plan No.	Description	Amount
PW-R-166	124th Avenue NE, NE Spring Boulevard to Ichigo Way	\$50,000
PW-R-169	124th Avenue NE, NE 12th Street to NE Spring Boulevard	90,000
PW-R-191	124th Avenue NE, Ichigo Way to Northup Way	90,000
Total Funding		<u>\$230,000</u>

OPTIONS

1. Adopt the Resolution authorizing execution of a new Professional Services Agreement with Pacifica Law Group LLP, outside counsel for the City, in the amount of \$230,000, plus all applicable taxes, for legal services related to the acquisition of the property rights needed for the Transportation Capital Investment Program (CIP) projects involving the widening of 124th Avenue NE from NE 12th Street to Northup Way (CIP Plan Nos. PW-R-166, PW-R-169, PW-R-191).
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

Proposed Resolution No. 9555

AVAILABLE IN COUNCIL LIBRARY

Professional Services Agreement