

CITY COUNCIL REGULAR SESSION

Resolution authorizing execution of a Professional Services Agreement with Madrona Law Group, PLLC, outside counsel for the City related to property acquisition, including through condemnation, for the 130th Avenue NE – Bel Red Road to NE 20th Street Project (PW-R-170), in an amount not to exceed \$250,000, exclusive of any applicable taxes.

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City Attorney's Office

EXECUTIVE SUMMARY

This Resolution is necessary to fund legal representation of the City in property acquisition, including through condemnation, for the 130th Avenue NE – Bel Red Road to NE 20th Street Project.

RECOMMENDATION

Move to adopt Resolution No. 9949

BACKGROUND/ANALYSIS

The 2021-2027 CIP includes PW-R-170, 130th Avenue NE – Bel-Red Road to NE 20th Street Project. The 130th Avenue NE Project is one of the projects in the City's Transportation Infrastructure Finance and Innovation Act (TIFIA) loan package, as it was identified as a part of the broad Bel-Red Plan and transportation vision of supporting planned growth and economic vitality, improving access and circulation, and capturing synergistic opportunities with Sound Transit's East Link Project.

The project provides multi-modal improvements along 130th Avenue NE between Bel-Red Road and NE 20th Street. The improvements include curb, gutter, sidewalk, landscaping, illumination, drainage, water quality treatment, bicycle facilities on both sides of the street, on-street parking at select locations, mid-block crossing, intersection improvements including turn lanes at NE Spring Boulevard (formerly NE 16th Street), and traffic signal and intersection modification at NE 20th Street and at Bel-Red Road.

In order to complete the project, the acquisition of property rights from 23 parcels are required. These property rights will be used for constructing curbs, sidewalks, and on-street parking improvements on 130th Avenue NE between Bel-Red Road and NE 20th Street and are limited to what is reasonably necessary for project construction.

On September 8, 2020, Council adopted Ordinance No. 6526, authorizing the acquisition of property rights necessary for the 130th Avenue NE Project through the City's exercise of eminent domain. While the Ordinance provided condemnation authority, staff have continued to negotiate with the affected property owners with the aim of arriving at mutually agreeable purchases for all needed property rights. The City has completed acquisition of the necessary rights from three of the 23 parcels.

On February 11, 2021, the City issued a request for proposal (RFP) seeking proposals from qualified firms to provide legal services in the area of property acquisition, including condemnation, to obtain the

necessary property rights for the 130th Avenue NE Project. The City received two proposals from qualified firms. Madrona Law Group was selected following review of proposals by a selection committee in the City Attorney's Office. Madrona was selected because they demonstrated extensive experience in the fields of property acquisition and eminent domain actions.

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 enter into a Professional Services Agreement for legal services provided by Madrona Law Group, PLLC up to \$250,000. Sufficient funding exists in the 2021-2027 CIP Plan to fully fund this contract through PW-R-170.

OPTIONS

1. Adopt the Resolution authorizing execution of a Professional Services Agreement with Madrona Law Group, PLLC, outside counsel for the City related to property acquisition, including through condemnation, for the 130th Avenue NE – Bel Red Road to NE 20th Street Project (PW-R-170), in an amount not to exceed \$250,000, exclusive of any applicable taxes.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

Proposed Resolution No. 9949

AVAILABLE IN COUNCIL LIBRARY

Professional Services Agreement