



DATE: October 13, 2020

CATEGORY: Consent

DEPT.: Public Works and
City Attorney's Office

TITLE: **Legal Services Agreement with
Burke, Williams & Sorensen for
Eminent Domain Proceedings**

RECOMMENDATION

Authorize an amount not to exceed \$300,000 in relation to the legal services agreement with Burke, Williams & Sorensen for outside legal services associated with eminent domain proceedings for the Shoreline Boulevard Reversible Transit Lane Project.

BACKGROUND

In public hearings held on [May 23, 2019](#) and [July 23, 2019](#), the City Council adopted resolutions authorizing the City Attorney to initiate legal proceedings to acquire property interests by eminent domain in five properties for the Shoreline Boulevard Reversible Transit Lane Project. The City has reached amicable settlements with three of the five property owners.

The cases against Chevron U.S.A. for a portion of 808 North Shoreline Boulevard and AU Energy for a portion of 807 North Shoreline Boulevard are proceeding. The City currently has an agreement with Burke, Williams & Sorensen for legal services associated with acquiring the property interests necessary for the Shoreline Boulevard Reversible Transit Lane Project. A total of \$95,000 in compensation was approved by the City Manager for these services. Funding for this agreement is from the Capital Improvement Program (CIP), Shoreline Bus Lane Property Acquisition, Project 18-47.

ANALYSIS

The existing approved compensation amount of \$95,000 is nearly expended, and additional legal services are required to complete the acquisition process for both of the remaining properties. City Council Policy A-10 requires City Council authorization for compensation in excess of \$100,000. To complete the eminent domain proceedings, it is

necessary to increase the authorized compensation by \$205,000 for Burke, Williams & Sorensen legal services, for a total not to exceed \$300,000.

FISCAL IMPACT

There is sufficient funding in the Shoreline Bus Lane Property Acquisition, Project 18-47, for the increase in compensation.

ALTERNATIVES

1. Do not authorize the expenditures requested.
2. Provide other direction to staff.

PUBLIC NOTICING – Agenda posting.

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cc: RPPA, APWD – Skinner