



## COUNCIL REPORT

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| <b>DATE:</b>     | May 10, 2022   |
| <b>CATEGORY:</b> | Consent  |
| <b>DEPT.:</b>    | Public Works and<br>City Attorney's Office   |
| <b>TITLE:</b>    | <b>Legal Services Agreement with Burke,<br/>Williams &amp; Sorensen for Eminent Domain<br/>Proceedings</b> |

### **RECOMMENDATION**

Authorize the City Manager or designee to expend an amount not to exceed \$400,000 on the 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 four of the five property owners.

The case related to Au Energy for a portion of 807 North Shoreline Boulevard is 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. The original contract amount was \$95,000. On October 13, 2020, the City Council approved increasing the compensation by \$205,000 for a total of \$300,000. 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 \$300,000 is nearly expended, and additional legal services are required to complete the acquisition process for the remaining property. 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 \$100,000 for Burke, Williams & Sorensen legal services, for a total not to exceed \$400,000.

**FISCAL IMPACT**

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

**ALTERNATIVES**

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

**PUBLIC NOTICING**—Agenda posting.

Prepared by:

Angela LaMonica  
Real Property Program Administrator

Reviewed by:

Damian Skinner  
Assistant Public Works Director

Approved by:

Dawn S. Cameron  
Public Works Director

Audrey Seymour Ramberg  
Assistant City Manager/  
Chief Operating Officer

Jennifer Logue  
City Attorney

AL/TS/4/CAM  
943-05-10-22CR  
201956

cc: RPPA, APWD—Skinner