



COUNCIL REPORT

DATE: May 10, 2022

CATEGORY: Consent

DEPT.: Public Works and
City Attorney's Office

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

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.

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943-05-10-22CR
201956

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