



TO: Elizabeth A. Pauli, City Manager
FROM: Ronda Cornforth, Senior Real Estate Specialist, Facilities Management Division
Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer *KDK*
COPY: City Council and City Clerk
SUBJECT: Resolution – Acquisition of Right-of-Way on Puyallup Indian Tribe Trust Property for Taylor Way Rehabilitation Project – April 9, 2019
DATE: March 22, 2019

SUMMARY:

A resolution authorizing the acquisition of a right-of-way easement, from the Puyallup Tribe of Indians (Tribe), located at 3640 Taylor Way, for the amount of \$201,200, and the execution of related documents with the Tribe and the Bureau of Indian Affairs (BIA), to use the property as right-of-way for the Taylor Way Rehabilitation Project.

STRATEGIC POLICY PRIORITY:

- Strengthen and support a safe city with healthy residents.

This project will construct a 10-foot sidewalk for a shared used path, which will provide enhanced pedestrian and cyclist safety along a busy freight corridor. This shared used path envisions future connections to planned SR 509 improvements, and meet our goals of the City’s Transportation Master Plan as a designated bicycle route.

BACKGROUND:

This project requires that the City acquire a right-of-way on Tribal Trust Tract No. 115-T-1070/Pierce County Parcel No. 500035-011-0 (Property), located at 3640 Taylor Way. The area required is approximately 11,420 square feet. Compensation for the right-of-way was based on an appraisal establishing the value of the right-of-way and related damages in the amount of \$201,200. The Tribe has agreed to the payment of said compensation as follows: 1) cash payment in the amount of \$76,600; and 2) construction of in-kind utility installations to the property valued at approximately \$124,600. This acquisition will allow for the construction of a 10-foot-wide sidewalk and a planter strip along the Tribal Trust parcel frontage, consistent with the proposed design of the Taylor Way Rehabilitation Project (Project).

ISSUE:

The Project is utilizing federal monies and the acquisition of the right-of-way at issue is on Tribal Trust land under the jurisdiction of the Tribe and BIA, a federal agency. Compensation for acquisition of right-of-way on Tribal Trust land must be no less than fair market value as determined by appraisal unless waived by the Tribe. Pursuant to the BIA, the initial term of the easement shall be for a period of 99 years, with automatic renewals until such time as it is not being used for right-of-way purposes, without any further action or compensation.

The Tribe has requested that the City prepare a Puyallup Tribe of Indians Government Contract/Intergovernmental Agreement to memorialize the right-of-way transaction. In addition, the City will be required to complete, submit, and sign federal agency applications and documentation pertaining to acquisition of right-of-way on Tribal Trust land including, but not limited to, a BIA Application for Right-of-Way.



ALTERNATIVES:

If the City Council decides not to approve this request, the Project would be re-designed to exclude the right-of-way on Tribal Trust land, reducing the sidewalk width in this area to approximately five feet, which will differ from the 10-foot width along the rest of the corridor between SR 509 and Lincoln Avenue. This change would make the Project less desirable from a non-motorized perspective including any future connections to trails along SR 509.

RECOMMENDATION:

The Public Works Department recommends City Council approve the negotiated acquisition of right-of-way easement, from the Puyallup Tribe of Indians, located at 3640 Taylor Way, for the amount of \$201,200, and the execution of related documents with the Tribe and the Bureau of Indian Affairs, to use the property as right-of-way for the Taylor Way Rehabilitation Project.

FISCAL IMPACT:

EXPENDITURES:

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
1060-CAPTL PW Street Capital Projects	PWK-G0021-03-03	5611000	\$201,200
TOTAL			\$201,200

REVENUES:

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Streets Initiative Revenues	PWK-G0021-FS-02	6311108	\$201,200
TOTAL			\$201,200

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$201,200

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes.

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED. N/A