Ordinance No. 141 **-2019**

Authorizing The Mayor, Finance Director And Director Of Public Service To Enter Into An Agreement With West Erie Realty Solutions Ltd, 323 Lafayette St. Toledo, Ohio 43604 To Provide Professional Real Estate Acquisition Services For The LUC-S.R.-2-22.51 Navarre Avenue And Coy Road Safety Improvements, PID 109596 In An Amount Not To Exceed Sixty-Six Thousand Four Hundred Thirty And 00/100 Dollars ($66,430.00); And Declaring An Emergency

Summary And Background

The City of Oregon has received grant funding from the Federal Highway Administration through the Ohio Department of Transportation (ODOT) for implementing various safety as part of the LUC-SR-2-22.51 Navarre Avenue and Coy Road Intersection Improvement Project, PID 109596.

Oregon City Council passed Ordinance No. 41-2019 on April 8, 2019 in order to execute the LPA Federal Project Agreement between the City of Oregon and Ohio Department of Transportation, which allowed the City to serve as the local public agency (LPA) to administer the engineering design, right of way acquisition and construction of the said project, and to secure the federal funding for the project.

The Director of Public Service advertised and requested qualification statements from qualified professional engineers to provide professional engineering services for the detailed design of the safety improvements noted above.

Qualification statements were received from West Erie Realty Solutions Ltd. and DLZ Ohio, Inc.

The consulting firm of West Erie Realty Solutions Ltd is ODOT pre-qualified for right-of-way acquisition services and through their many past experiences with the City of Oregon and ODOT, has been determined to be the most qualified firm to provide the required real estate acquisition services to the City of Oregon for this project;

Funding for the project was included in the 2019 C.I.P. Budget in Fund 359; **Now Therefore,**

Be It Ordained By The Council Of The City Of Oregon, Ohio, That:

Section 1. The Mayor, Finance Director and Director of Public Service are hereby authorized to enter into an agreement with West Erie Realty Solutions Ltd, 323

Lafayette St. Toledo, Ohio 43604 to provide professional real estate acquisition services for the LUC–S.R.-2-22.51 Navarre Avenue and Coy Road Intersection Improvement Project Improvements, PID 109596 in an amount not to exceed Sixty-Six Thousand Four Hundred Thirty and 00/100 Dollars ($66,430.00) in accordance with "Exhibit A", attached hereto and made a part hereof.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio and that the reading and adoption of this Ordinance complies with the provisions of Article III, Section 9 of the city Charter as amended.

Section 3. Oregon City Council hereby appropriates and authorizes the transfer of $80,000.00 from Account 359.7341.57730; and approves the necessary appropriation into Account 359.7339.57710 for the purpose of providing additional funds necessary for the professional real estate acquisition services authorized by Section 1 above.

Section 4. This Ordinance is hereby declared to be an emergency measure and shall take effect upon its passage and signature by the Mayor. The reason for the emergency lies in the fact that this Ordinance is necessary to improve the intersection of Navarre Avenue and Coy Road, as well as to meet funding requirements in a timely manner.

Vote on passage as an emergency: Yeas 7 Nays 0 Abs 0

Passed as an emergency measure on November 25, 2019

President of Council

Attest:

Clerk of Council

Approved:

Mayor

Ordinance No. 141-2019 **Item No.** 141-2019

Exhibit A

CITY OF OREGONLUCAS COUNTY

AGREEMENT NO. 34359

This Agreement No. 34359 entered into this _____ day of _____, 20___, by and between City of Oregon, hereinafter referred to as the City, and West Erie Realty Solutions, LTD, hereinafter referred to as the Consultant, with an office located at 323 Lafayette St., Toledo, OH 43604.

W I T N E S S E T H:

That the City of Oregon and the Consultant, for the mutual considerations herein contained and specified, have agreed and do hereby agree as follows:

CLAUSE I - WORK DESCRIPTION

The Consultant agrees to perform all professional services as may be authorized by the City for Right of Way Acquisition Services for the Safety funded project to install right turn lanes on Coy Road, median islands on Navarre Ave, upgrade signal and replace a bridge on Coy Road in Lucas County, Ohio, identified as LUC-2-22.51, PID 109596.

CLAUSE II - INVOICE & PROJECT SCHEDULE

The City and the Consultant agree to the attached Invoice and Project Schedule including the overall Agreement length, and Scheduled Submittal dates and Review Times set out in the Project Schedule.

The Consultant agrees to submit the completed Invoice & Project Schedule transmittal letter together with the updated Invoice & Project Schedule for all billing purposes for all Parts of this Agreement every thirty (30) days as follows:

(a) Signed original transmittal letter and invoice (IPS) and three (3) copies of same.

(b) Two (2) copies of the updated Project Schedule.

CLAUSE III - PRIME COMPENSATION

The City agrees to compensate the Consultant for the performance of the authorized portions of the Work specified in this Agreement.

Part 1: Right of Way Acquisition Services for Title Researches, Appraisals, and Project Management.

Unit of Work Compensation as established in the table below. The maximum prime compensation shall not exceed Twenty Six Thousand Three Hundred Thirty Dollars ($26,330.00). All work shall be performed on an "if authorized" basis. The fee shall accumulate as authorized (separate cost accounting is not required for each activity).

Item	*Unit*	*Per Each*
Project Management		
Project Management for Title Researches, Appraisals	parcel	$220.00
Pre-Acquisition Surveys	parcel	$0.00
Appraisals		
RE-95 Preparation	parcel	$350.00
Summary RW Appraisal	parcel	$8000.00
Limited Scope Summary Appraisal	parcel	$0.00
Value Finding	parcel	$1300.00
Value Analysis	parcel	$700.00
Project Data Book	parcel	$0.00
Title Researches		
Abbreviated Title	parcel	$0.00
Full Title (42 year)	parcel	$0.00
Title Update	parcel	$165.00

Part 2: Right of Way Acquisition Services for Negotiations, Closings, Relocation Assistance, and Project Management.

Unit of Work Compensation as established in the table below. The maximum prime compensation shall not exceed Forty Thousand One Hundred Dollars ($40,100.00). All work shall be performed on an "if authorized" basis. The fee shall accumulate as authorized (separate cost accounting is not required for each activity).

Item	*Unit*	*Per Each*
Project Management		
Project Management for Negotiations, Closings, Relocation Assistance	parcel	$220.00
Negotiation		
Negotiation (billings, document prep, plan revision coordination, etc.)	parcel	$2200.00
Bill of Sale Negotiation	parcel	$0.00
Closings		
Mail Out	parcel	$0.00
Formal	parcel	$770.00
Title Update for Appropriation	parcel	$0.00
Mortgage Release	Per release	$350.00

Relocation Assistance Services		
Residential Offer made	parcel	$0.00
Residential Final billing	parcel	$0.00
Landlord Offer Made	parcel	$2500.00
Landlord Final Billing	parcel	$2500.00
Commercial offer billing	parcel	$4500.00
Commercial final billing	parcel	$4500.00
Personal Property final billing	parcel	$0.00
Pre-Acquisition Surveys	parcel	$700.00
Project Management for Relocation/Relocation	parcel	$220.00
Asbestos		
Collection & Testing	parcel	$0.00
Testing	parcel	$0.00
Miscellaneous		
Red Books	parcel	$0.00
Meetings and Testimony for Appropriations	hour	$0.00
Property Management	parcel	$220.00
RE-95 Update	parcel	$0.00
Specialty Appraisal Studies (Parking, Rent, Architectural, etc.)	parcel	$0.00
Copies and Recording Fees $0.00 Maximum	N/A	Actual Costs
RW Cost Estimates	project	$0.00

The total maximum prime compensation of all Parts which may be authorized for the subject Agreement is Sixty Six Thousand Four Hundred and Thirty Dollars ($66,430.00).

Prime Compensations, only as agreed and by proper modification of this Agreement and authorized in writing by the City may be added to or subtracted from under the authority of the Department of Transportation's "Specifications for Consulting Services, 2016 Edition"

CLAUSE IV - INCORPORATION BY REFERENCE

The following documents, or specified portions thereof, are hereby incorporated into and made a part of this Agreement as though expressly rewritten herein:

(a) The Department of Transportation's "Specifications for Consulting Services, 2016 Edition".

(b) The most current Scope Definitions for Right of Way Services as published on the ODOT Website (http://www.dot.state.oh.us/Divisions/Engineering/RealEstate/Pages/ConsultantForms.aspx).

(c) The attached Final Scope of Services Minutes dated November 7, 2019.

(d) The Invoice & Project Schedule.

(e) The most current Office of Budget and Management Travel Policy as published on the State of Ohio Website (http://obm.ohio.gov/TravelRule/default.aspx).

CLAUSE V - GENERAL PROVISIONS

Any person executing this Agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

Additionally, it is expressly understood by the parties that none of the rights, duties and obligations described in this Agreement shall be binding on either party until such time as the expenditure of funds is certified by the Director of Budget and Management, pursuant to Section 126.07 of the Ohio Revised Code.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written by affixing the signature of the duly authorized officer of Consultant and the signature of the Mayor.

West Erie Realty Solutions, LTD

_____
Greg Vriezelaar, President

CITY OF OREGON

_____
Mayor Michael J. Seferian

_____
Finance Director, Kathleen Hufford

_____
Director of Public Service, Paul Roman, P. E.

APPROVED AS TO FORM:

By: _____
Law Director, Melissa Purpura
City of Oregon, Ohio

PROPOSAL & AGREEMENT

ROW Acquisition Services / LUC-2-22.51

November 7, 2019 - The following fee proposal is based on information provided to WE by the City of Oregon.

1. Project Management - 6 parcels @ $880.00 per parcel.....$5,280.00
The project management fee is inclusive of meeting attendance with the various project partners, clerical support, the preparation of status reports and travel as may be necessary to assure timely coordination and completion of tasks involved in the acquirement of rights of way. **Note:** All right of way interests will be acquired in conformance to the policy and procedures as promulgated by the Ohio Department of Transportation. The project management fee is collected in 4 stages at 25% increments. The 1 of 4 = 25% fee will be invoiced after the completion of title reports and appraisals for any given parcel. The 2 of 4 = 25% fee will be invoiced after the offer is made. The 3 of 4 = 25% fee will be invoiced after the signed parcel has been billed or submitted for appropriation. The 4 of 4 = 25% fee will be invoiced after the parcel file has been scanned, standardized and submitted to the client for review and archiving.

2. Title Updates – 6 Reports @ $165.00 per parcel..... $990.00
The Title Report fees shown are **exclusive** of those charged for courthouse copies that may need to be purchased in support of individual title reports. These non-salary direct costs will be reimbursed by the (Client) to the consultant West Erie Realty Solutions, Ltd. (WE) at their actual cost as evidenced by receipts from the respective county office.

3. Appraisals – (See Attached Formats & Fees) $22,100.00
(Martin & Wood Appraisal Group, Ltd.) These appraisal fees are based upon the appraiser's best estimate in the type of report required for any one parcel utilizing the plans provided by the client. Please keep in mind that the format of appraisal report for any one parcel is subject to revision based on plan changes that may be made to a parcel. This section includes three (3) sign estimates @ $500 per sign. WE will only invoice sign estimates if they are necessary for the appraisal. It appears that two (2) will be needed but we have assumed for three (3) to be on the safe side.

4. Negotiations - 6 Parcels @ $2,200.00 per parcel $13,200.00
A **"parcel"** is defined as a single ownership assigned to a parent number regardless of the number of takings required from that ownership. For example, parcel 1-WD & T is considered to be a single parcel. The offer packet will include the following items: Notice of Intent to Acquire and Good Faith Offer, Colored Plan Exhibits, Warranty Deed, Easement, Instruments, Legal Description and W9 Form. Parcels added or deleted during the course of this agreement shall be cause for adjustment to this cost proposal for all associated work phases under the responsibility of West Erie Realty Solutions, Ltd.

5. Project Management (Relocation) - 2 parcels @ $220.00 per parcel.....$440.00
The project management fee is inclusive of meeting attendance with the various project partners, clerical support, the preparation of status reports and travel as may be necessary to assure timely coordination and completion of tasks involved in the acquirement of rights of way.

6. Pre-Acquisition Survey – 1 parcel @ $700.00 per..... $700.00
A pre-acquisition survey will be completed to determine the exact number of occupants and displaces.

7. Relocation – 1 Non-Residential Relocation @ $9,000 per parcel $9,000.00
Relocation Assistance is based on the preliminary information provided by the City of Oregon and records pulled from the Lucas County Auditor's office. A pre-acquisition survey will be completed to determine the exact number of occupants and displaces.

8. Relocation – 1 Landlord Relocation @ $5,000 per parcel $5,000.00
Relocation Assistance is based on the preliminary information provided by the City of Oregon and records pulled from the Lucas County Auditor's office. A pre-acquisition survey will be completed to determine the exact number of occupants and displaces.

9. Closings – 6 Formal @ $770.00 per parcel $4,620.00
The total closings phase includes the updating of the title report and recording of the easement(s) or warranty deed(s) on a per parcel basis **exclusive** of the recording fee itself.

10. Recording Fees – 6 @ $150.00 per parcel $900.00
This phase includes the estimated recording fees for each parcel that will be handled as a pass-thru cost reimbursement with attached receipts.

11. Mortage Releases – 6 @ $350.00 per parcel $2,100.00
This phase is a pass-thru expense and will only be invoiced if the actual work is necessary and completed by WE for the project.

PROPOSAL & AGREEMENT

ROW Acquisition Services / LUC-2-22.51

12. RE95 & RE56 – 6 @ $350.00 per parcel $2,100.00
This phase is a pass-thru expense and will only be invoiced if the actual work is necessary and completed by WE for the project.

Total Cost Proposal $66,430.00

Respectfully submitted by:
West Erie Realty Solutions, Ltd.
323 Lafayette Street
Toledo, Ohio 43604

Greg R. Vriezelaar
President

Date: November 7, 2019

Proposal Accepted By:
City of Oregon

Name: Paul Roman
Director of Public Service

Date:

RW ACQUISITION SERVICES COST PROPOSAL

Company Name: West Erie Realty Solutions, Ltd.
District: 2 **Date:** 11/6/19
PID NO.: 109596 **Task No.:** N/A
Project CRS: LUC-2-22.51

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
1. Project Management - line items found in sections below	parcel			
2. Appraisal				
a. RE 95 Preparation	parcel	6	$350.00	$2,100.00
b. R/W Appraisal Report (RE 25-17)	parcel	2	$8,000.00	$16,000.00
c. Limited Scope R/W Appraisal Report (RE 25-17)	parcel			$0.00
d. Value Finding (RE 90)	parcel	3	$1,300.00	$3,900.00
e. Value Analysis	parcel	1	$700.00	$700.00
f. Project Data Book	parcel			$0.00
g. Project Management	parcel	6	$220.00	$1,320.00
SECTION SUBTOTAL				**$24,020.00**
3. Appraisal Review				
a. R/W Appraisal Report(RE 25-16)	parcel			$0.00
b. Limited Scope R/W Appraisal Report (RE 25-16)	parcel			$0.00
c. Value Finding (RE 25-14)	parcel			$0.00
d. Value Analysis (RE 25-13)	parcel			$0.00
e. USPAP Review (RE 25-12)	parcel			$0.00
f. Parcel Impact Note	parcel			$0.00
g. Appraisal Problem Analysis	parcel			$0.00
h. Project Management	parcel			$0.00
SECTION SUBTOTAL				**$0.00**
4. Title Researches				
a. Abbreviated Titles	parcel			$0.00
b. Full Title (42 year)	parcel			$0.00
c. Title Update	parcel	6	$165.00	$990.00
d. Project Management	parcel	6	$220.00	$1,320.00
SECTION SUBTOTAL				**$2,310.00**
SECTION TOTAL				**$26,330.00**

Table split for Federal Authorization for Right of Way Acquisition

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
5. Negotiation				
a. packets, negotiations, billings, document preparation, plan revision coordination, etc.)	parcel	6	$2,200.00	$13,200.00
b. Bill of Sale Negotiation	Per BS Parcel			$0.00
c. Negotiation Trainee	parcel			$0.00
d. Project Management	parcel	6	$220.00	$1,320.00
SECTION SUBTOTAL				**$14,520.00**
6. Closings				
a. Mail Out	parcel			$0.00
b. Formal (includes forms RE 30, 31, 44, 45 & 57 and etc.)	parcel	6	$770.00	$4,620.00
c. Formal - structure parcels	parcel			$0.00
d. Title Update for Appropriation	parcel			$0.00
e. Mortgage Release	per release	6	$350.00	$2,100.00
f. Project Management	per release	6	$220.00	$1,320.00
SECTION SUBTOTAL				**$8,040.00**
7. Relocation Assistance Service				
a. Residential offer made	parcel			$0.00
b. Residential final billing	parcel			$0.00
c. Commercial Offer made	parcel	1	$4,500.00	$4,500.00
d. Commercial final billing	parcel	1	$4,500.00	$4,500.00
e. Landlord Offer Made	parcel	1	$2,500.00	$2,500.00
f. Landlord Final Billing	parcel	1	$2,500.00	$2,500.00
g. Personal Property final billing	parcel			$0.00
h. Pre-Acquisition Survey/Intervi	parcel	1	$700.00	$700.00
i. Pre-Acquisition Report	parcel			$0.00
k. Project Management for Relocation/Relocation	parcel	2	$220.00	$440.00
SECTION SUBTOTAL				**$15,140.00**
8 Relocation Review				
a. Residential Review	parcel			$0.00
b. Commercial Review	parcel			$0.00
c. Personal Property Review	parcel			$0.00
d. Project Management	parcel			$0.00
SECTION SUBTOTAL				**$0.00**

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
9. Asbestos				

a. Collection/Reporting	parcel			$0.00
b. Testing	parcel			$0.00
SECTION SUBTOTAL				**$0.00**
10. Miscellaneous				
a. Red Books	parcel			$0.00
b. Meetings and Testimony for appropriations	parcel			$0.00
c. Property Management	parcel			$0.00
d. Specialty Appraisal Studies (Sign Estimates)	parcel	3	$500.00	$1,500.00
e. Copies and Recording fees (reimbursable based on actual cost for Titles and Closings - receipts necessary)	parcel	6	$150.00	$900.00
f. R/W Cost Estimate (RE-101)	parcel			$0.00
SECTION SUBTOTAL				**$2,400.00**
SECTION TOTAL				**$40,100.00**
GRAND TOTAL				**$66,430.00**