

SOUND TRANSIT

RESOLUTION NO. R2009-13

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for construction, maintenance and operation of a light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, Sound Transit is authorized to acquire and dispose of property for the construction of high capacity transportation facilities under RCW 81.112.080; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and maintenance of University Link – University of Washington Station to Pine Street Stub Tunnel, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, on July 28, 2005, by Resolution No. R2005-20, the Sound Transit Board identified University Link - Downtown Seattle Transit Tunnel to University of Washington Station as the preferred segment of North Link for purposes of the Final Supplemental Environmental Impact Statement (SEIS) and for obtaining a New Starts rating from the Federal Transit Administration (FTA); and

WHEREAS, on April 27, 2006, through Resolution No. R2006-07, the Sound Transit Board selected the final route, profile and station locations for the North Link light rail project; and

WHEREAS, the Sound Transit Board previously authorized the acquisition and relocation of affected property required in connection with construction, maintenance and operation for the light rail tunnel for University Link; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the University Link – University of Washington Station to Pine Street Stub Tunnel and are reasonably described in Exhibit A of this resolution; and

WHEREAS, on April 7, 2006, environmental compliance pursuant to the State environmental Policy Act (SEPA) for North Link, which includes University Link, was completed with the North Link Final SEIS; and

WHEREAS, on June 7, 2006, Environmental compliance pursuant to the National Environmental Policy Act (NEPA) was completed with issuance of a Record of Decision for North Link by the Federal Transit Administration; and

WHEREAS, Sound Transit has conducted public outreach including, but not limited to station design workshops, project open houses, and other meetings involving property owners, neighborhood and business groups and other interested parties throughout the North Link and University Link project area; and

WHEREAS, on June 8, 2009 Sound Transit mailed certified letters to property owners affected by this action in compliance with state law regarding public notification; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will continue to negotiate in good faith with the owners of the properties authorized to be acquired by negotiated purchase or condemned, with the intent of reaching agreements for the voluntary acquisition of the property for fair market value; and

WHEREAS, the funds necessary to acquire the property by voluntary purchase or to pay just compensation adjudged due after condemnation and the funds necessary to pay eligible relocation and re-establishment costs shall be paid from the University Link project budget.

NOW THEREFORE BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

SECTION 1. The chief executive officer is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in Exhibit A (said property to be used for construction, maintenance and operation of a light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel) and for the payment of eligible relocation and re-establishment costs. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties shall not exceed the fair market value to be determined through the appraisal process or as provided in Section 2 herein; provided that in the event the total of the acquisition, relocation, and re-establishment costs of the properties for the project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer shall obtain approval from the appropriate committee or the Board, per Resolution 78-1, before the acquisition of the property for the project by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The chief executive officer or her designee is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the real property interests described in Exhibit A. Such settlements shall be made only upon the finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlements shall not exceed established project budgets. For all other settlements proposed, the chief executive officer shall obtain prior approval of the appropriate committee or the Board, per Resolution 78-1.

SECTION 3. The chief executive officer is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in the attached Exhibit A that are owned by public agencies, which include the City of Seattle in the same manner that private individuals receive payment under Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines.

SECTION 4. The Board deems the University Link – University of Washington Station to Pine Street Stub Tunnel project to be a public use for a public purpose. The Board deems it necessary and in

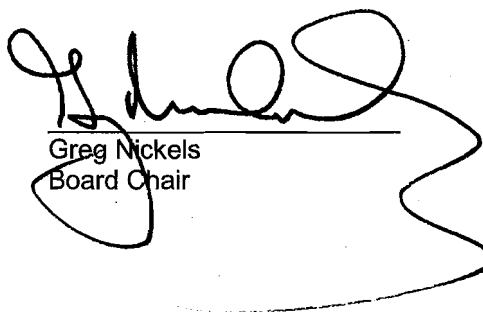
the best interests of the citizens residing within Sound Transit's boundaries to acquire the property described in Exhibit A as being necessary for the construction, maintenance and operation of a light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel, and that eligible parties be paid relocation and re-establishment costs associated with displacement from the properties.

SECTION 5. The Board finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Project.

SECTION 6. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the properties and property rights and/or rights in those of the properties described in Exhibit A, not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the project. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the properties described in Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the project.

SECTION 7. The Adopted 2009 Budget for University Link is \$1.756 billion. Within that amount the budget for the right of way phase is \$167.3 million and \$124.5 million is currently committed. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from the University Link project budget.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 25, 2009.



Greg Nickels
Board Chair

ATTEST:

Marcia Walker
Marcia Walker
Board Administrator