

**RESOLUTION NO. R2011-13**
**To Acquire Real Property Interests Required for the North Link – University of Washington Station to Northgate Project**

<b>MEETING:</b>	<b>DATE:</b>	<b>TYPE OF ACTION:</b>	<b>STAFF CONTACT:</b>
Capital Committee	9/8/11	Recommendation to Board	Ahmad Fazel, DECM Executive Director
Board	9/22/11	Final Action	<b>Roger Hansen, Real Property Director</b>

**PROPOSED ACTION**

Authorizes the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation to the extent permitted by law (including settlement of condemnation litigation), or by entering into administrative settlements, and (2) to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction, operation and maintenance of the light rail tunnels and stations between University of Washington and Roosevelt stations within the North Link – University of Washington station to Northgate Project, all in the City of Seattle.

**KEY FEATURES**

- Authorizes acquisition and disposal of 116 partial property interests in the University District and Roosevelt neighborhood of the City of Seattle for construction of tunnels for the North Link – University of Washington station to Northgate Project.
- The real properties identified in this requested action are included in Exhibit A.

**PROJECT DESCRIPTION**

The North Link – University of Washington (UW) station to Northgate Project is 4.3 miles in length and will extend light rail from the UW station via twin-bored tunnels to an underground Brooklyn station in the University District, an underground Roosevelt station, and to an elevated Northgate station via retained cut/fill and elevated sections.

# FISCAL INFORMATION

## Project Budget

North Link - UW Station to Northgate	2011 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted/ (Shortfall)
Agency Administration	49,461	5,024		5,024	44,437
Preliminary Engineering	15,251	15,329		15,329	(78)
Final Design	85,941	74,790		74,790	11,151
Third Party Agreements	20,994	2,292	-	2,292	18,702
Right of Way	164,820	42,006		42,006	122,814
Construction	8,733	8,154		8,154	579
Construction Services	300	-		-	300
Vehicles	-	-		-	-
Systems Testing & Startup	-	-		-	-
<b>Total Project Budget</b>	<b>345,500</b>	<b>147,594</b>	<b>-</b>	<b>147,594</b>	<b>197,906</b>

### Phase Detail

#### Right of Way

Right of Way	164,820	42,006	-	42,006	122,814
<b>Total Phase</b>	<b>164,820</b>	<b>42,006</b>	<b>-</b>	<b>42,006</b>	<b>122,814</b>

### Contract Detail

	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract	-	-		-
Contingency	-	-		-
<b>Total Contract Amount</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Percent Contingency	0%	0%	0%	0%

#### Notes:

Amounts are expressed in Year of Expenditure \$000s.

Committed includes pending Board Actions.

Board Approvals = Committed To-Date + Contingency.

Project Budget is located on page 45 of the 2011 Transit Improvement Plan (TIP).

<b>Budget Shortfall</b>	-
	-
<b>Total Funding</b>	-

## SMALL BUSINESS PARTICIPATION

Not applicable to this action.

## BACKGROUND

Certain property interests have been identified as necessary for construction of the Link tunnels from the University of Washington station to the Roosevelt station based upon the current level of design. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions when efforts to reach agreement with property owners are unsuccessful. The proposed action would authorize the acquisition of 116 partial property acquisitions (tunnel easements) for the tunnels between the University of Washington and Roosevelt stations by condemnation to the extent permitted by law if necessary, as needed for the construction, operation and maintenance of the North Link tunnels and stations between University

of Washington station and Northgate, and the payment of relocation benefits to eligible affected owners and tenants.

The parcels identified in Exhibit A are in the vicinity of the tunnel alignment between the University of Washington and Roosevelt stations as identified in the preferred alternative for North Link.

## **ENVIRONMENTAL COMPLIANCE**

Environmental compliance pursuant to the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) was completed with the North Link Final Supplemental Environmental Impact Statement (EIS) issued on April 7, 2006. The Federal Transit Administration issued a Record of Decision for North Link in June 2006.

JI 8/25/2011

## **PRIOR BOARD/COMMITTEE ACTIONS**

Resolution No. 2011-04: Authorized the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for construction for the Brooklyn and Roosevelt stations within the North Link – UW station to Northgate project.

Resolution No. R2010-17: Authorized 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 and stations between the University of Washington station and the Pine Street Stub Tunnel and between the University of Washington station and Northgate.

Resolution No. R2010-04 – Authorized the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for staging and station areas for the Brooklyn and Roosevelt Stations within the North Link – UW Station to Northgate project.

Resolution No. R2010-02 – 1) Amended the Adopted 2010 Lifetime Capital Budget for the North Link – UW Station to Northgate project from \$107,176,375 to \$345,499,512 to perform final design, third party coordination, property acquisition, and related tasks, and 2) Amended the North Link – UW Station to Northgate 2010 annual budget by decreasing the Right of Way Acquisition and Permits phase by \$9,000,000 and increasing the Final Design phase by \$9,000,000.

Resolution No. R2006-07 – (1) Selected the final route, profile, and station locations for the North Link Light Rail Project; (2) authorized the necessary steps to complete final design and implementation of the University Link Project.

## **TIME CONSTRAINTS**

A short delay will not impact property acquisition work. A significant delay could impact the acquisition schedule and could ultimately affect the construction schedule for the project.

## **PUBLIC INVOLVEMENT**

Maps of the proposed North Link alignments and construction staging areas were published in the 2003 and 2005 North Link draft Supplemental Environmental Impact Statements (SEIS) and the

2006 North Link Final Supplemental Environmental Impact Statement and made available to the public. A 45+ day comment period on the 2005 draft SEIS began in October 2005 and two public open houses/hearings were held in November 2005.

A public open house took place in June 2010 to inform the public on the start of the North Link project final design phase. An open house was held on May 17, 2011, regarding the Northgate station design progress. Staff also conducted 30% station design open houses on May 23, 2011 for the Roosevelt station and on June 9, 2011 for the Brooklyn station. Additional meetings have also been held in the University District and Roosevelt neighborhood over the last year to discuss project design and construction issues, including property acquisition and other project requirements.

On September 12, 2011, a property owner informational meeting will take place to inform property owners affected by the tunnel easements of the proposed acquisition from their properties and to share information on anticipated impacts of the tunnel construction and light rail operation.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on August 26, 2011 which included an invitation to the September 12, 2011 property owner informational meeting. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on September 9 and 16, 2011.

## **LEGAL REVIEW**

JB 9/2/11