



## Resolution No. R2019-25

### Property Acquisition for Federal Way Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	10/10/2019 10/24/2019	Recommend to Board Final action	Ron Lewis, DECM Executive Director Dan Abernathy, Executive Project Director – Federal Way Link Extension <b>Mike Bulzomi, Deputy Director Real Property</b>

### Proposed Action

Authorizes the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension.

### Key features summary

- Authorizes the acquisition of all or a portion of one parcel. This parcel is located in the City of Federal Way and is needed for the Federal Way Link Extension.
- The property is needed for construction, maintenance, and operation of the light rail guideway or related facilities.
- The real property identified in this requested action is included in Exhibit A.

### Background

The Federal Way Link Extension adds approximately 7.8 miles of light rail from the Angle Lake light rail station at South 200<sup>th</sup> Street in the City of SeaTac to the City Center area in Federal Way. The extension generally parallels State Route 99 and Interstate 5, with stations in Kent/Des Moines, South 272<sup>nd</sup>/Star Lake Park-and-Ride, and the Federal Way Transit Center. New parking structures will be constructed at each of the three stations.

The Federal Way Link Final Environmental Impact Statement was issued on November 18, 2016 pursuant to the State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA) and completing the SEPA process. On January 26, 2017, the Sound Transit Board defined and selected the Federal Way Link Extension alignment, profile, stations, and associated infrastructure to be built between Angle Lake Station at S. 200th Street and the Federal Way Transit Center in Resolution No. R2017-02. The Federal Transit Administration issued a Record of Decision on March 6, 2017 and the Federal Highway Administration issued a Record of Decision on March 9, 2017, completing the NEPA process.

Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the Federal Way Link Extension and will reimburse relocation expenses to eligible affected owners and tenants. 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.

## Project status

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<b>Project Identification</b>	<b>Project Refinements</b>	<b>Conceptual Engineering/ Environmental Review</b>	<b>Preliminary Engineering</b>	<b>Final Design &amp; Construction</b>

Project scope, schedule, and budget summary located on page 81 of the July 2019 Link Light Rail Program Progress Report.

## Fiscal information

The baseline budget for the Federal Way Link Extension project is \$2,451,535,000. Within that amount, \$338,783,000 has been allocated to the right of way phase, of which \$79,010,202 has been previously committed. There is \$259,772,798 of uncommitted funds in the right of way phase, which is sufficient to complete the proposed action.

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with the Board in executive session. Consistent with the current estimate at completion for real property acquisition, this action and acquisitions of remaining certified properties are affordable within the adopted project budget.

## Disadvantaged and small business participation

Participation by small businesses and disadvantaged business enterprises (DBEs) is not applicable to this action.

## Public involvement

Throughout the development of the Federal Way Link Extension, Sound Transit has conducted extensive public involvement including mailings, community open houses, presentations and meetings with individual and neighborhood groups.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on October 8, 2019. Legal notices of this proposed Board action will be published in the Seattle Times and The News Tribune newspapers on October 11, 2019, and October 18, 2019.

## Time constraints

A one-month delay would not significantly impact the timing of this project.

## Prior Board/Committee actions

Resolution Nos. R2018-13, R2018-02, R2017-39, R2017-34, R2017-30, and R2017-16: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension.

Resolution No. R2017-02: Authorized the selection of the route, profile, and stations for the Federal Way Link Extension.

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**Environmental review – LS 10/1/2019**

**Legal review – PWM 10/4/2019**



## Resolution No. R2019-25

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) 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 permanently 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 Sound Transit district on November 5, 1996, November 4, 2008, and November 8, 2016, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation and maintenance of project improvements required under the voter approved high capacity transportation system plans, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, environmental compliance pursuant to the State Environmental Policy Act (SEPA) for Federal Way Link was completed with the Federal Way Link Project Final Environmental Impact Statement (EIS) issued on November 18, 2016; the Federal Transit Administration issued a Record of Decision (ROD) for the project on March 6, 2017, completing the National Environmental Policy Act (NEPA) process; and

WHEREAS, Sound Transit has identified certain real property as necessary for the construction and permanent location of the Federal Way Link Extension and such property is reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation, and permanent location of the Federal Way Link Extension, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will 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 reimburse eligible relocation and reestablishment expenses shall be paid from Sound Transit general funds.

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 of interests in the real property described in Exhibit A (said property to be used for Federal Way Link Extension) and incorporated herein by reference, and for the reimbursement of eligible relocation and reestablishment expenses. In accordance with Sound Transit's Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties may not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition, relocation, and reestablishment costs of the properties for the Federal Way Link Extension exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer must obtain approval from the appropriate committee or the Board, per Resolution No. R2018-40, before the acquisition of the property for the Federal Way Link Extension by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

SECTION 2. The chief executive officer or his designee is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of interests in the real property 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 may not exceed established project budgets. For all other settlements proposed, the chief executive officer must obtain prior approval of the appropriate committee or the Board, per Resolution No. R2018-40.

SECTION 3. The Sound Transit Board deems the Federal Way Link Extension, 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 interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of Federal Way Link Extension, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

SECTION 4. The Sound Transit Board finds that the public health, safety, necessity, convenience, and welfare demand and require that interests in the real property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Federal Way Link Extension.

SECTION 5. 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 property and property rights and/or rights in the property described in Exhibit A to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the Federal Way Link Extension. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the property 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 6.** The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on October 24, 2019.



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John Marchione  
Board Chair

**Attest:**



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Kathryn Flores  
Board Administrator



**Resolution No. R2019-25**  
**Exhibit A**

**Federal Way Link Extension**

<b>Item:</b>	<b>Row #:</b>	<b>Tax Parcel #:</b>	<b>Tax Payer(s):</b>	<b>Property Address:</b>
1	FL303	7204800068	KAMLESHWAR & LALITA SINGH	2411 S 272ND ST FEDERAL WAY WA 98032