



Resolution No. R2021-11

Real Property Acquisition for the Federal Way Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	09/09/2021	Recommend to Board	Ron Lewis, DECM Executive Director
Board	09/23/2021	Final action	Linneth Riley-Hall, Executive Project Director – Federal Way Link Extension Mike Bulzomi, Deputy Director Real Property

Proposed action

Authorizes the chief executive officer to acquire or lease 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 a temporary construction easement over a portion of the property for the Federal Way Link Extension. The single parcel is located in the City of Federal Way and owned by the City of Federal Way.
- The property is needed to mitigate project impacts to Bingaman Creek buffer areas. The mitigation will consist of removing invasive species, plantings, habitat feature installation, and plant establishment, thereby enhancing the existing wetlands.
- The real property identified in this requested action is included in Exhibit A.

Background

The Federal Way Link Extension is a 7.8 mile light rail extension from South 200th Street in the City of SeaTac to the Federal Way Transit Center with service to the cities of SeaTac, Kent, Des Moines, and Federal Way. The extension will follow the south edge of the future SR 509 and continue south along the west side of I-5 and will include three stations at Kent/Des Moines Road, South 272nd Street and Federal Way Transit Center Station. New parking structures will be provided at Kent/Des Moines Station and South 272nd Station and an additional parking structure will be provided at the Federal Way Transit Center. Revenue service is planned for 2024.

The Federal Way Link Extension Final Environmental Impact Statement was published on November 18, 2016, pursuant to the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), respectively. The Sound Transit Board selected the project route, profile and stations on January 26, 2017. The Federal Transit Administration (FTA) issued a Record of Decision on July 10, 2015 and the Federal Highway Administration issued a NEPA Record of Decision on March 6, 2017. In September 2020 the FTA reviewed additional environmental information related to project refinements and mitigation areas identified since the Final EIS was published, including mitigation areas requiring

property rights. The FTA determined no additional environmental review is required on November 24, 2020.

Sound Transit will acquire the property rights needed to mitigate project impacts to Bingaman Creek buffer areas as needed for the Federal Way Link Extension. 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

○					
Project Identification	Alternatives Identification	Conceptual Engineering/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction

Projected completion date for Construction Phase: 4Q 2024

Project scope, schedule and budget summary are located on page 47 of the July 2021 Agency Progress Report.

Fiscal Information

The baseline budget for 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 \$206,484,390 has been previously committed. There is \$132,298,610 of uncommitted funds in the right of way phase, which is sufficient to complete the 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

Not applicable to this action.

Public involvement

Sound Transit has involved stakeholders, the public, and public agencies at the local, regional, state, and federal levels since project development was initiated on the Federal Way Link Extension in 2012. Formal comment periods were held for environmental scoping and after publication of the Draft EIS. Following identification of the preferred alternative in July 2015 for evaluation in the Final EIS, public outreach included periodic community updates via letters, email, and community briefings; outreach to potentially affected property owners; and continued coordination with agencies and key stakeholders. In addition, the FTA held a Final EIS comment period for 30 days from November 18 to December 19, 2016.

Time constraints

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

Prior Board/Committee actions

Resolution No. R2020-13, R2018-13, R2018-02, R2017-39, R2017-34, R2017-30, 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.

Environmental review – KH 8/31/21

Legal review – MV 9/2/21



Resolution No. R2021-11

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, the Federal Way Link Extension is a component of the Link Light Rail high capacity transit system; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Federal Way Link Extension and such properties are 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 the chief executive's 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.

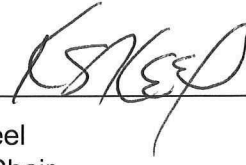
SECTION 3. The Sound Transit Board deems the Federal Way Link Extension, to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within Sound Transit's boundaries to acquire interests in the real property identified in Exhibit A as being 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 properties and property rights and/or rights in those of the properties 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 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 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 September 23, 2021.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator