



Resolution No. R2022-15

To Acquire Real Property Interests Required for the Federal Way Link Extension Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	05/12/2022	Recommend to Board	Ron Lewis, Executive Director, DECM
Board	05/26/2022	Final action	Linneth Riley-Hall, Executive Project Director Faith Roland, 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 re-establishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension project.

Key features summary

- Authorizes the acquisition of all or a portion of 13 parcels. These parcels are located in the cities of Kent and Federal Way. The properties will be used to complete traffic mitigation improvements required for the Federal Way Link Extension.
- The traffic mitigation improvements are required from the record of decision under the FWLE project to mitigate increased traffic anticipated in the vicinities of new Sound Transit station facilities.
- This action also authorizes the future disposition of any real property interests included in this action that are needed for relocating utilities as necessary or desirable for the projects, satisfying permit conditions or mitigation requirements, curing damages to real property caused by the project, or disposing of real property for the purpose of minimizing Sound Transit's costs of operations and maintenance.
- The properties identified in this requested action are included in Exhibit A.
- These improvements include right turn pockets, left turn lanes, channelization, and signal improvements.

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. New parking structures will be provided at this transit station and South 272nd station and an expansion to the existing parking structure will be provided at the Federal Way Transit Center. Construction of the project is in progress.

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 station locations 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. Revised traffic mitigation measures were evaluated in April 2020 and the FTA determined additional environmental review was not required.

Sound Transit will acquire various property rights needed to construct the required traffic mitigation improvements for the Federal Way Link Extension. The traffic mitigation project is an environmental requirement to lessen traffic impacts related to the operation of Federal Way Link Extension and includes 10 separate sites for improvements to intersections. The improvements are expected to be completed prior to the opening of the Federal Way Link Extension. The project will need to acquire property rights to widen roads, relocate utilities and alleviate any additional environmental impacts. 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.

Dispositions of real property interests may occur to the extent required for relocating utilities as necessary or desirable for the projects, satisfying permit conditions or mitigation requirements, curing damages to real property caused by the project, or disposing of real property for the purpose of minimizing Sound Transit’s costs of operations and maintenance.

Project status

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

Projected completion date for Final Design/Construction: 3Q 2024

Project scope, schedule and budget summary are located on page 52 of the March 2022 Agency 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 \$210,242,735 has been previously committed. There is \$173,540,265 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.

The project authorized allocation for the Federal Way Link Extension project is \$2,293 million in YOE and is affordable within the Agency’s Finance Plan. The baseline completion revenue date is 2024, however the schedule is currently being reassessed. This action is consistent with the schedule and financial plan adopted by the Board in Resolution No. R2021-05 and does not impact the affordability of any other system expansion project.

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 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. Specific public involvement activities included:

- Notification postcards to approximately 30,000 corridor residents.
- Website, newspaper, and Federal Register notices of availability.
- Email notice to approximately 500 interested persons.
- Numerous community briefings to potentially affected neighborhoods along the corridor.
- Tabling events at fairs and festivals, libraries, and retail stores.
- Monthly interagency working group meetings with representatives of agencies potentially affected by project development.
- Briefings to Sound Transit's Board, city councils, chambers of commerce, Highline College, and Federal Way Public Schools.
- Seven stakeholder workshops to examine access and TOD opportunities in the station areas.
- Numerous meetings with potentially affected property owners along the corridor. ST Real Property has discussed and obtained Right of Entry for geotech on affected parcels. Property owners are notified of the potential impacts and the Sound Transit process.

Time constraints

A one-month delay would impact the timing of this project. This is a FWLE ROD commitment. In order to complete necessary property acquisition in time for construction of the traffic mitigation project, this action is on a critical path for FWLE completion.

Prior Board/Committee actions

Resolution Nos. R2022-01, R2021-11, R2020-13, 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.

Environmental review – KH 4/29/22

Legal review – PM 5/9/22



Resolution No. R2022-15

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, 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 traffic mitigation improvements for 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 traffic mitigation improvements 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 or their designee is hereby authorized to:

- A. 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.

- B. 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.
- C. 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.
- D. Execute agreements for the disposition of interests in the real property identified in Exhibit A for: (1) the relocation of utilities as necessary or desirable for the implementation of Federal Way Link Extension; (2) the satisfaction of permit conditions or mitigation requirements; (3) the curing of damages to real property acquired pursuant to Exhibit A and caused by the implementation of Federal Way Link Extension; or (4) returning real property identified in Exhibit A to previous owners for the purpose of minimizing Sound Transit's costs of operations and maintenance; provided that the foregoing dispositions of real property must be compatible with and must not interfere with regional transit system uses and must avoid the creation of unbuildable, residual parcels whenever possible.

SECTION 2. 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 for the construction, operation, and permanent location of Federal Way Link Extension, and that affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

SECTION 3. 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 4. 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.

SECTION 5. 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 May 26, 2022.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2022-15 Exhibit A

Federal Way Link Extension - F210 Traffic Mitigation

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	FL902	6669010240	Chaise and Emily DeVries	25725 36th Pl. S. Kent, WA 98032
2	FL903	6669010250	Robert and Rebecca Montgomery	25729 36th Pl. S. Kent, WA 98032
3	FL910	3322049076	Bapla-Sangha Corporation	27202 Pacific Hwy. S. Federal Way, WA 98003
4	FL920	7204800069	Agatha M. Emanuel	2201 S. 272nd St. Federal Way, WA 98032
5	FL921	7204800066	Agatha M. Emanuel	2257 S. 272nd St. Federal Way, WA 98032
6	FL922	7204800095	GEP X Star Lake, LLC	2211 S. Star Lake Road Federal Way, WA 98003
7	FL923	7682800230	Bellwether the Blvd. LLC	2136 S. 272nd St. Kent, WA 98032
8	FL924	7682800110	Great Market LLC	S. 272 nd St. Between 26 th Ave South and SR99 (vacant land, no site address) Kent, WA 98032
9	FL925	7682800220	City of Kent	S. 272 nd St. Between 26 th Ave South and SR99 (vacant land, no site address) Kent, WA 98032
10	FL930	2822049174	Vahora LLC	27121 Military Rd. S. Kent, WA 98032
11	FL931	2722049015	Star Lake Improvement Club	3212 S. 272nd St. Kent, WA 98032
12	FL940	7622400015	Merlone Geier Partners	1701 S. 320th St. Federal Way, WA 98003

13	FL941	1621049041	JP Morgan Chase Bank NA	32000 Pacific Hwy. S. Federal Way, WA 98003
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