

Resolution No. R2022-18

To Acquire Real Property Interests Required for the NE 130th Street Infill Station Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	06/09/2022	Recommend to Board	Ron Lewis, DECM Executive Director
Board	06/23/2022	Final action	Faith Roland, Director, Real Property Alison Cook, Real Property Project Manager Randy Harlow, Executive Project Director – Lynnwood Link Extension

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 NE 130th Street Infill Station project located in Seattle, WA.

Key features summary

- Authorizes the acquisition of all or part of two parcels located in the city of Seattle. Acquisitions consist of temporary construction easements and a permanent utility easement for the NE 130th Street Infill Station project.
- The properties have been identified as necessary for the construction of the NE 130th Street Infill Station project and relate to required roadway improvements to 5th Avenue NE adjacent to the NE 130th Street Infill Station.
- There are no relocations necessary for these real property acquisitions.
- This action also authorizes the future disposition of any real property interests authorized in this action 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.
- The real properties identified in this requested action are included in Exhibit A.

Background

The NE 130th Street Infill Station is located along the Lynnwood Link Extension (LLE) alignment, in the City of Seattle north of the Northgate Station and south of the Shoreline South/148th Station in Shoreline. The infill station is an ST3 project with an originally scheduled start date of 2024 and a planned opening of 2031. On August 5, 2021, as part of the Board's actions with realignment, the opening date of this station was advanced.

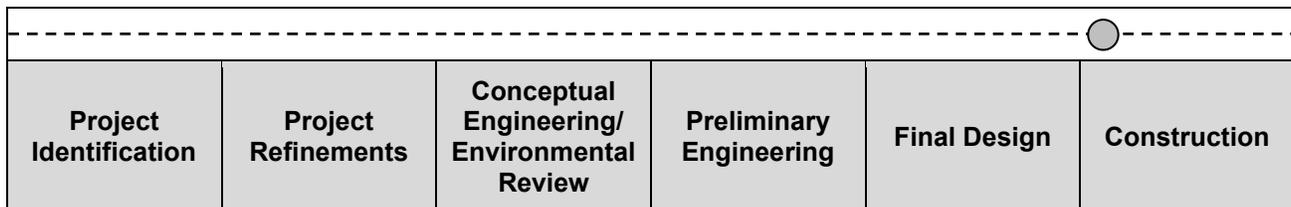
A station at NE 130th Street was evaluated in the 2015 LLE Final Environmental Impact Statement (EIS) and mitigation commitments for the station are documented in the Federal Transit Administration’s Record of Decision (ROD).

In September 2018, the Sound Transit Board authorized advancing Preliminary Engineering for the project to determine if all or part of the station could be constructed earlier than planned under ST3, concurrently with LLE. The purpose was to explore opportunities to avoid or minimize future service impacts to LLE, scheduled to open for revenue service in 2024. New information from the 2019 NE 130th Station Conceptual Design Report was included in the Lynnwood Link Extension Additional Project Refinements / NEPA Re-evaluation approved by FTA in January 2020.

In February 2020, the Board authorized advancing Final Design along with construction of the station foundations and in August 2021, the Board authorized a project delivery date of 2025. Staff have completed Preliminary Engineering and Final Design, and initial construction of structural elements has commenced as part of the Lynnwood Link Extension.

Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the NE 130th Street Infill Station project 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



Projected completion date: 2Q 2026

Project scope, schedule and budget summary are located on page 101 of the March 2022 Agency Progress Report.

Fiscal information

Upon Board approval of the budget amendment through Resolution No. R2022-17, the baseline budget for the NE 130th Street Infill Station project is \$240,155,000.

The baseline budget for NE 130th Street Infill Station project is \$240,155,000. Within that amount, \$96,000 has been allocated to the right of way phase, of which \$0 has been previously committed. The \$96,000 of uncommitted funds are 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.

This action is within the project’s baseline budget and does not have an impact on the affordability of the Agency’s Finance Plan and or any other system expansion project.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on or before June 6, 2022. Legal notices of this proposed Board action will be published in the Seattle Times and Everett Herald on June 10 and 17, 2022.

Time constraints

A one-month delay will not have a major impact on the project schedule, although timely approval of this action is necessary to support a 2026 schedule for delivery of the project.

Prior Board/Committee actions

Resolution R2021-17: Amended the adopted budget for the NE 130th Street Infill Station by increasing the project allocation by \$7,513,000 from \$28,904,000 to \$36,417,000 to provide funding for Motion No. M2021-63 to support schedule-critical activities enabling the full build option for the NE 130th Street Infill Station.

Motion No. M2021-63: Authorized the chief executive officer to increase specific contracts and agreements as necessary to support schedule-critical activities enabling the full build option for the NE 130th Street Infill Station, increasing authorization within the construction phase by \$7,513,000 for a total limited funding authorization amount not to exceed \$27,513,000 contingent upon Board approval of Resolution No. R2021-17.

Resolution No. R2021-05: Established a flexible and accountable framework to implement ST2 and ST3 projects not yet in construction as close as possible to the dates promised to the voters that (1) allows project work to proceed right away within the confines of an affordable financial plan; (2) prioritizes maintaining project schedules through an accountable and transparent process to update the agency's revenue assumptions and financing approach and address cost increases at the project and program level; and (3) positions the agency to react quickly as new information becomes available, particularly on the revenue side, and provides greater oversight for the Board and transparency to the public through oversight mechanisms, including an annual Board program review of updated revenue and cost projections to allow the Board to revisit the realigned capital plan assumptions based on shifts in projected financial capacity and opportunities to expedite projects.

Resolution No. R2020-01: Amended the adopted budget for the NE 130th Street Infill Station to allow the project final design phase to begin in 2020. This action supports the Advance Incrementally or Advance Fully options for the NE 130th Street Infill Station by (a) increasing the authorized project allocation from \$6,769,000 to \$28,904,000, and (b) increasing the adopted 2020 annual project allocation from \$2,297,648 to \$17,038,167. This action was contingent upon the Board's decision in Motion No. M2020-13.

Resolution No. R2018-34: (1) Amended the adopted 2018 annual budget to create the NE 130th Street Infill Station project by (a) establishing the authorized project allocation to date in the amount of \$6,769,000 and (b) establishing the 2018 Annual Budget in the amount of \$315,000, and (2) authorized acceleration of the preliminary engineering phase to begin in 2018.

Environmental review – KH 5/27/22

Legal review – MV 6/6/2022



Resolution No. R2022-18

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 NE 130th Street Infill Station project located in Seattle, WA.

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, NE 130th Street Infill Station Project is a component of Sound Transit's 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 NE 130th Street Infill Station Project 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 NE 130th Street Infill Station Project, 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:

- 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 NE 130th Street Infill Station Project) 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 NE 130th Street Infill Station Project 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 NE 130th Street Infill Station Project 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 projects; (2) the satisfaction of permit conditions or mitigation requirements; (3) the curing of damages to real property identified in Exhibit A and caused by the implementation of the projects; 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 NE 130th Street Infill Station 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 interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of NE 130th Street Infill Station Project, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

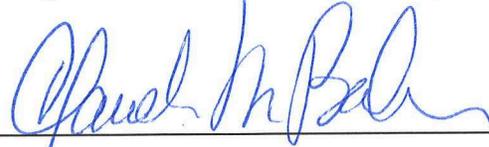
SECTION 3. The Sound Transit Board finds that the public health, safety, necessity, convenience, and welfare demand and require that interests in the real property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the NE 130th Street Infill Station Project.

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, operating, and maintaining a permanent location of the NE 130th Street Infill Station Project.

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 June 23, 2022.



Claudia Balducci
Board Chair pro tem

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2022-18

Exhibit A

NE 130th Street Infill Station Project

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	LL144	1854700005	Jason Solema	502 NE 130 th St., Seattle, WA 98125
2	LL145	1787600098	Yevgeniy Balashov and Ludmila Hanley	505 NE 131 st Pl., Seattle, WA 98125