

SOUND TRANSIT

RESOLUTION NO. R99-26
Acquisition of certain Real Property, by purchase or condemnation, and
payment of eligible relocation and re-establishment benefits to
affected parties for Central Link Light Rail

BACKGROUND AND COMMENTS

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	8/20/99	Discussion/Possible Action to Recommend Board Approval	John Goforth	206-689-4935
Board	8/26/99	Action		

ACTION:

The Board is requested to authorize and to delegate to the Executive Director the authority to acquire, dispose, or lease certain real property interests by voluntary agreement, by condemnation, or by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction of the Central Link Light Rail.

BACKGROUND:

By Motion No. M99-14 the Board identified the preferred alternative for alignments and to review additional station options at the S. 200th St. Station. In March, at the request of the City of SeaTac, three additional stations options were identified to be evaluated in the Final Environmental Impact Statement.

Initial contact with the property owners started in mid-1998 with public meetings associated with the Draft Environmental Impact Statement. Sound Transit also met with the property owners on other occasions to discuss station options and the development of a 99-room, four-story hotel and associated surface parking. Sound Transit was subsequently notified by the City of SeaTac that environmental review had been completed and that a building permit would be forthcoming. Upon learning of this proposed development, Sound Transit arranged a meeting with the property owners to review our station options. It was determined from that meeting that four of our five options affected their property.

The property identified in exhibit "A" attached is under threat of imminent development with a use that would preclude Sound Transit's use of the property as a station and associated parking facility. Development of this site would eliminate four of the five station locations under consideration by Sound Transit for the S. 200th Station. Sound Transit requested and received approval to make a protective acquisition of the property from the Federal Transit Administration ("FTA") by letter dated May 20, 1999. This approval allows Sound Transit to proceed with an acquisition of the property even though the federal environmental review process for the Central Link Light Rail has not yet been completed. The acquisition will not limit the Board's final choice of alternatives and therefore is consistent with the State environmental review process.

The real properties (“Properties”) identified in this requested action (see Exhibit “A) are consistent with the FTA protective acquisition approval.

Staff will continue to inform the Executive Director and Board members regularly on the status of any condemnation case(s) prior to filing, completed voluntary acquisitions and relocation agreements reached. Staff would return to the Executive Committee or the Board, according to Resolution 78-1, if negotiated purchases, relocation agreements, condemnation litigation settlements, or administrative settlements (settlements in lieu of filing condemnation) exceed the authorized budget amounts.

FUNDING:

Funding for acquisition and relocation is included in the estimated Right-of-Way acquisition cost for Link Light Rail in the approved 1999 budget.

RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:

- Adoption of *Sound Move*, (May 31, 1996)
- Resolution 78-1, establishing delegated authority and procurement procedures (April 9, 1998)
- Approval of Real Property Acquisition and Relocation Policies, Procedures and Guidelines (April 23, 1998).
- Resolution R98-49, adopting 1999 Budget (November 12, 1998).
- Motion No., M99-14, identifying the locally preferred alternative for alignment and station locations for the Central Link Light Rail.

ALTERNATIVES:

- Do not approve acquisition of the property at this time, which could result in its development with a use that is inconsistent with its future use as a Light Rail Station and associated parking facility.

CONSEQUENCES OF DELAY:

The timely acquisition, by negotiation or condemnation, of real property together with the relocation of businesses, tenants and residents, is necessary for the successful completion of the Central Link Light Rail.

Delay in authorization could result in development of the property with a use that is inconsistent with its future use as a Link Light Rail Station and associated parking facility.

LEGAL REVIEW:

The Legal Department has reviewed and approved the Background and Comments and Resolution.

SOUND TRANSIT

RESOLUTION NO. R99-26

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation, by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for "protective acquisition" during pending environmental review of the Central Link Light Rail.

WHEREAS, a Regional Transit Authority ("Sound Transit") has been created for the King, Pierce, and Snohomish County region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, Central Puget Sound area voters approved local funding for *Sound Move*, the ten-year plan for regional high-capacity transit in the Central Puget Sound Region; and

WHEREAS, *Sound Move* provided for the implementation of 21 mile light rail line between the University District and SeaTac; and

WHEREAS, in compliance with the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA), the Central Puget Sound Regional Transit Authority (Sound Transit) is preparing an Environmental Impact Statement which focuses on elements of the environment that could potentially be significantly affected. A Draft Environmental Impact Statement was issued December 4, 1998 and the Final Environmental Impact Statement is scheduled for completion later this year; and

WHEREAS, although the federal environmental review process has not yet been completed, the Federal Transit Administration has authorized Sound Transit to make an immediate "protective acquisition" of the property because it is under threat of imminent development with a use that is inconsistent with Sound Transit's potential development of a station and associated parking facilities on the property; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of the Central Link Light Rail, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property described in Exhibit "A" for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has determined that the "protective acquisition" will not limit the Board's final choice of alternatives and is therefore consistent with the state environmental review process; and

WHEREAS, Sound Transit has commissioned appraisals to determine the fair market value of the properties and will continue to 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 pay eligible relocation and re-establishment costs shall be paid from Sound Transit revenues and financing resources.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

SECTION 1. The Executive Director is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in Exhibit "A", and for the payment of eligible relocation and re-establishment costs, said property to be used for the construction of the Central Link Light Rail. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties shall 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 re-establishment costs of the

properties exceeds Sound Transit's approved budget for the Central Link Light Rail right-of-way acquisition, then the Executive Director shall obtain approval from the appropriate committee or the Board, per Resolution 78-1, before the acquisition of the property for that station by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The Executive Director is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the real property interests described in Exhibit "A." Such settlements shall be made only upon the recommendation of legal counsel, for amounts deemed to be a reasonable estimation of fair market value, and shall not exceed established budgets. For all other settlements proposed, the Executive Director shall obtain prior approval of the appropriate committee or the Board, per Resolution 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Central Link Light Rail to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within the Sound Transit district boundaries to acquire the property identified herein as being necessary for the construction, operation and maintenance of the Central Link Light Rail. The Board directs that all, or any portion thereof, of the property identified herein be immediately acquired by voluntary agreement, or in lieu of agreement, that said properties be condemned, appropriated, taken and damaged for the construction, operation and maintenance of the Central Link Light Rail, said properties being described in Exhibit "A" incorporated herein by reference and that eligible parties be paid relocation and re-establishment costs associated with displacement from the properties.

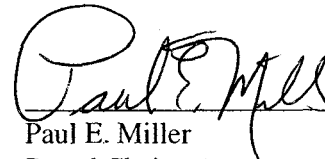
SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience and welfare demand and require that the above-described properties be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation and maintenance of the Central Link Light Rail.

SECTION 5. In addition to the authority granted the Executive Director in Section 1 above, condemnation proceedings are hereby authorized and the authority is hereby delegated to the Executive


Director to take action as related to such condemnation proceedings to acquire all, or any portion thereof, of the properties and property rights and/or rights in the properties described in the attached Exhibit "A" for the purpose of constructing, owning and operating the Central Link Light Rail.

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 revenues and financing resources.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 8th day of August, 1999.


Paul E. Miller
Board Chair

ATTEST:


Marcia Walker
Board Administrator

RESOLUTION NO. R99-26 - EXHIBIT A

Station	Owner/Contact	Parcel #	Site Address
Seatac	JMR Properties, LLC	042204 9148	19863 – 28 th Avenue S, Seatac, WA 98188
Seatac	JMR Properties, LLC	042204 9253	19900 – 27 th Avenue S, Seatac, WA 98188

LEGAL DESCRIPTION:

PARCEL A:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF 28TH AVENUE SOUTH WITH THE NORTHERLY LINE OF SOUTH 200TH STREET, SAID POINT OF INTERSECTION BEING 20 FEET NORTH AND 53.960 FEET WEST OF THE SOUTHEAST CORNER OF SAID SUBDIVISION, THE TRUE POINT OF BEGINNING;
THENCE WEST ALONG SAID NORTHERLY LINE 239.685 FEET;
THENCE NORTH 2°41'5" WEST 85 FEET;
THENCE EAST 239.685 FEET TO THE WESTERLY LINE OF 28TH AVENUE SOUTH;
THENCE SOUTH 2°41'5" EAST ALONG SAID WESTERLY LINE TO THE TRUE POINT OF BEGINNING;
EXCEPT ANY PORTION DEEDED TO KING COUNTY UNDER RECORDING NOS. 4899145 AND 7110190507.

PARCEL B:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF 28TH AVENUE SOUTH WITH THE NORTHERLY LINE OF SOUTH 200TH STREET, SAID POINT OF INTERSECTION BEING 20.00 FEET NORTH AND 53.960 FEET WEST OF THE SOUTHEAST CORNER OF SAID SUBDIVISION;
THENCE NORTH ALONG SAID WESTERLY LINE 85 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH ALONG SAID WESTERLY LINE 270.6 FEET;
THENCE NORTH 89°45'20" WEST 240.05 FEET;
THENCE SOUTH 2°46'30" EAST 271.63 FEET, MORE OR LESS, TO A POINT WEST OF THE TRUE POINT OF BEGINNING;
THENCE EAST 239.44 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING;
EXCEPT THE NORTHERLY 150 FEET IN WIDTH THEREOF.