

## **SOUND TRANSIT**

### **RESOLUTION NO. R2000-14**

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 the Central Link Light Rail project (Design-Build Contract Segment, from NE 45<sup>th</sup> St. to Convention Place Station).

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, the following documents have been published and approved, as required by the Federal Transit Administration: Final Environmental Impact Statement (FEIS) in November, 1999; Record of Decision (ROD) on January 5, 2000; and Letter of No Prejudice (LONP) on February, 24, 2000; and

WHEREAS, by Resolution No. R99-34 the Sound Transit Board of Directors approved the locally preferred alternative (LPA) for Link Light Rail on November 18, 1999; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of the Central Link Light Rail Project, 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 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 general funds.

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 Project. 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 Project 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 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 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 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 Project. The Board directs that all, any portion thereof, of the property identified herein be immediately acquired by voluntary agreement, or in lieu of agreement, that said property be condemned, appropriated, taken and damaged for the construction, operation and maintenance of the Central Link Light Rail Project, said property 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 property.

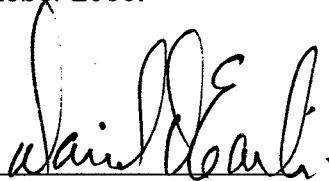
SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience and welfare demand and require that the above-described property be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation and maintenance of the Central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


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 property and property rights and/or rights in the property described in the attached Exhibit "A" for the purpose of constructing, owning and operating the Central Link Light Rail. The Executive Director is also authorized to make minor amendments to the legal description of property described in the attached 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 the 12<sup>th</sup> day of October 2000.

ATTEST:

  
David Earling  
Board Chair

  
Marcia Walker  
Board Administrator

**EXHIBIT "A"**

Segment	Owner/Contact	Parcel#	Site Address
LB 235-Tunnel	Roger M. Scott	773360-0155-09	1000 NE 45 <sup>th</sup> , Seattle

LEGAL DESCRIPTION:

That portion of the Southeast Quarter in Section 8, Township 25 North, Range 4 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at the intersection of the North line of Northeast 45<sup>th</sup> Street as shown on Shelton's Addition to the City of Seattle, according to the Plat thereof recorded in Volume 12 of Plats, Page(s) 2, in King County, Washington, with the East Line of Roosevelt Way Northeast, formerly 10<sup>th</sup> Avenue Northeast as conveyed to the City of Seattle by deed recorded under Auditor's File Number 684632; thence Northerly along said East line 128 feet; thence Easterly parallel withy said North line 92 feet to the West line of the alley conveyed by said deed; thence Southerly along said West line 128 feet to the North line of said northeast 45<sup>th</sup> Street; thence Westerly along said North line 92 feet to the Point of Beginning; and

Lot 1 and the south 50 feet of Lot 2, Block 3, Shelton's Addition to the City of Seattle, according to the Plat thereof recorded in Volume 12 of Plats, Page(s) 2, in King County, Washington.

**STAFF REPORT**

**SOUND TRANSIT  
RESOLUTION NO. R2000-14**

**Property Acquisition and Payment of Eligible Relocation Benefits  
for an Affected Property  
Link Light Rail Design-Build Contract  
NE 45<sup>th</sup> St. to Convention Place Station**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Executive Committee	9/15/00	Discussion/Action to recommend Board	Larry Ellington, Sr. Real Estate Representative	(206)398-5026
Board of Directors	9/28/00	Approval		
Board of Directors	10/12/00	Deferred Action		

**PROPOSED ACTION**

Resolution No. R2000-14 would authorize 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 private parties as necessary for a portion of the Central Link Light Rail Project (design-build contract segment). The real property identified in this requested action is described in Exhibit "A" attached.

**KEY FEATURES**

**Highlights of Proposed Action:**

- ◆ Authorizes Sound Transit's Executive Director to acquire certain property interests for the design-build contract segment from NE 45<sup>th</sup> Street to Convention Place Station.
- ◆ Authorizes Sound Transit's Executive Director to pay relocation and re-establishment benefits to eligible property owners and/or tenants.

**Discussion of Proposed Action:**

In order to build and operate a high capacity transit system consisting of commuter rail service, light rail service, regional bus service, HOV improvements, and park-and-ride facilities throughout the central Puget Sound region, it will be necessary for Sound Transit to acquire real property. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions.

Contractor parking and transportation to the various construction staging areas in the Design-Build Contract Segment is a significant issue. If parking can be leased or purchased in the close proximity to a staging area, the cost to transport construction workers can be reduced or eliminated. The property identified in this proposed action is four blocks from the tunnel staging area at 45<sup>th</sup> Street and 15<sup>th</sup> Avenue. The lot currently has 47 spaces, but the demolition of the old drive-up bank building could add 13 more spaces for a total of 60.

If not used for contractor parking, the lot could be used to provide replacement parking for the University of Washington (UW) campus, that Sound Transit is obligated to provide.

## **BUDGET**

Funding for this proposed action is included in the Sound Move Plan, in the Fiscal Year 2000 Capital Budget, and is identified in Sound Transit's 2000 Budget under Right of Way Acquisition and Permits. This action does not commit any funds other than what have already been authorized.

## **ALTERNATIVES**

The proposed action reflects the Locally Preferred Alternative (LPA) decision approved by the Board on November 18, 1999. Property acquisition in this segment is required in order to implement light rail service. An alternative to providing contractor parking close to the staging areas is to lease parking outside the area and provide shuttle service to the site. The labor costs, assuming time and half pay for the workers, coupled with the parking lease costs and shuttle costs makes this option significantly more expensive than purchasing or leasing close-in construction parking. The leasing of off-site parking and shuttles for replacement parking is not a viable option.

## **CONSEQUENCES OF DELAY**

Delaying Board action could result in a delay in the schedule. This would, in turn, delay the design-build construction schedule for the entire segment (NE 45<sup>th</sup> Street to Convention Place Station).

The design-build procurement process and bid preparation are based on a schedule that states the dates on which the specific properties needed for construction and construction staging will be made available to the contractor. The date University District properties are needed is January 2001. If this date is not met, Sound Transit will be subject to a delay claim by the design-build contractor. Such a claim will most likely result in both a schedule slip and an increase in construction costs to Sound Transit.

## **REGIONAL PARTNERSHIP AND COOPERATION**

There are no regional partnering activities that would be associated with the actual acquisition and relocation of property associated with this segment.

## **PUBLIC INVOLVEMENT**

The public has had numerous opportunities to attend meetings related to the following topics: station design, noise abatement, environmental impact statement, public comments on route decisions/LPA, and station area planning (in coordination with the City of Seattle). These meetings took place in the University District, Capitol Hill, and First Hill neighborhoods. The need to provide replacement parking for the UW as well as parking for the contractor were discussed as part of this public outreach effort.

## **LEGAL REVIEW**

Approved as to form: MBL