

**SOUND TRANSIT
RESOLUTION NO. R2001-13**

A RESOLUTION of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Regional Express Lynnwood Direct Access Project.

WHEREAS, a Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, 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 a series of Regional Express bus routes and transit improvements, and further provided for the construction, operation and permanent location of the Lynnwood Transit Center and Park-and-Ride Enhancements Project; and

WHEREAS, an Environmental Assessment (EA) was prepared by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) in coordination with Sound Transit and The Washington State Department of Transportation (WSDOT) in compliance with the National Environmental Policy Act (NEPA). FTA and FHWA were the co-lead federal agencies. The EA was issued on June 7, 2000 and made available to the public, agencies, jurisdictions, and affected Tribes. A public hearing for the Environmental Assessment was held on June 27, 2000. Comments were received on the EA through July 12, 2000. After carefully considering the EA, its supporting documents, and the public comments and responses, FTA and FHWA found under the Code of Federal Regulations (23 CFR 771.121) that the proposed Lynnwood project would have no significant adverse impacts on the

environment. A Finding of No Significant Impact (FONSI) was issued by FTA and FHWA on September 26, 2000. The EA was adopted by Sound Transit and a Determination of Non-Significance (DNS) pursuant to the Washington State Environmental Policy Act (SEPA) of Washington Administrative Code (WAC 197-11-610 & 630) made on October 2, 2000; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Lynnwood Direct Access Project in Lynnwood, Washington, which properties are reasonably described in Exhibit A attached hereto; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Lynnwood Transit Center and Park-and-Ride Enhancements 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 to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has commissioned or will commission 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 of the Central Puget Sound Regional Transit Authority that:

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 Lynnwood Direct Access Project in

Lynnwood, Washington. 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 for the Lynnwood Direct Access Project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the Executive Director shall obtain approval from the Executive Committee or the Board, per Resolution 78-1, before the acquisition of the property for the Lynnwood Direct Access Project 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 Executive Committee or the Board, per Resolution 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Lynnwood Direct Access Project to be constructed in Lynnwood, Washington, 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 the property identified herein as being necessary for the construction, operation, and permanent location of the Lynnwood Transit Center and Park-and-Ride Enhancements Project, said properties being described in Exhibit A incorporated herein by reference and that eligible parties to be paid relocation and re-establishment costs associated with displacements 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 permanent location of the Lynnwood Direct Access Project in Lynnwood, Washington.

SECTION 5. In addition to the authority granted the Executive Director 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 the attached Exhibit A, not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the Lynnwood Direct Access Project in Lynnwood, Washington.

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.

SECTION 7. The Executive Director is authorized to execute all documents necessary to convey to the Washington State Department of Transportation those property interests acquired pursuant to this Resolution that will become permanent additions to the Interstate Highway System as part of the Lynnwood Direct Access Project.

ADOPTED by the of Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 25th day of October, 2001.


David Earling
Board Chair

ATTEST:

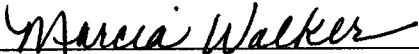

Marcia Walker
Board Administrator

Exhibit A

Legal Descriptions Lynnwood Direct Access Project

Order No.	Owner/Contact	Parcel #	Site Address
503128	The City of Lynnwood	00372600601101 & North Half of Ward St.	Vacant Land

LEGAL DESCRIPTION:

PARCEL B:

THE SOUTH 80.00 FEET OF THE WEST 60.00 FEET OF LOT 11 IN BLOCK 6 OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 71, IN SNOHOMISH COUNTY, WASHINGTON.

PARCEL C:

THAT PORTION OF WARD STREET AS CONTAINED ON THE PLAT OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 71, IN SNOHOMISH COUNTY, WASHINGTON, LYING NORTHWESTERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF SR5, EAST 200TH STREET TO SWAMP CREEK AND LYING EASTERLY OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 11 IN BLOCK 6 OF SAID PLAT OF ALDERWOOD MANOR.

Order No.	Owner/Contact	Parcel #	Site Address
503612	Investment Resources Partners LLC	00372600801500	Vacant Land

LEGAL DESCRIPTION:

LOT 15 IN BLOCK 8 OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 71, IN SNOHOMISH COUNTY, WASHINGTON;
EXCEPT THAT PORTION CONDEMNED BY THE STATE OF WASHINGTON IN SNOHOMISH COUNTY SUPERIOR COURT CAUSE NO. 72523 FOR PSH NO. 1 (SR 5);
AND ALSO EXCEPT THE SOUTH 5 FEET THEREOF CONVEYED TO SNOHOMISH COUNTY BY DEED RECORDED UNDER RECORDING NO. 2096225;
AND ALSO EXCEPT COUNTY ROAD.

Order No.	Owner / Contact	Parcel No.	Site Address
515674	LLC ASSOCIATES	27042100400800	Vacant Land

LEGAL DESCRIPTION:

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, LYING NORTH OF THE NORTHERLY BORDER OF THE PACIFIC NORTHWEST TRACTION COMPANY RIGHT OF WAY.

Order No.	Owner/Contact	Parcel #	Site Address
503127	Public Utility District No. 1 of Snohomish County	27042100403700 (Portion)	Vacant Land

LEGAL DESCRIPTION:

PARCEL B-2:

A STRIP OF LAND 100 FEET WIDE, LYING 50 FEET ON EACH SIDE OF THE CENTER LINE OF PROPOSED INTERURBAN RAILWAY BETWEEN SEATTLE AND EVERETT, IN THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, SAID CENTER LINE DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 521.6 FEET WEST FROM THE QUARTER SECTION CORNER ON THE EAST SIDE OF SAID SECTION 21, SAID POINT BEING THE TRUE POINT OF BEGINNING OF SAID LINE;

THENCE SOUTH 62° 43' WEST 910 FEET MORE OR LESS, TO AN INTERSECTION WITH THE WEST LINE OF SAID NORTH HALF, AND THE TERMINUS OF SAID LINE;

EXCEPT THEREFROM THOSE PORTIONS THEREOF CONVEYED BY THE PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY TO PUGET SOUND POWER AND LIGHT COMPANY BY DEED RECORDED UNDER RECORDING NO. 1680303.

Order No.	Owner/Contact	Parcel #	Site Address
515673	The City of Lynnwood	00372600600901	Vacant Land

LEGAL DESCRIPTION:

THAT PORTION OF LOTS 9, 10 AND 11 IN BLOCK 6 OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 71, IN SNOHOMISH COUNTY, WASHINGTON, LYING NORTHWESTERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF SR 5, EAST 200TH STREET TO SWAMP CREEK, AND SOUTHWESTERLY AND SOUTHERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF THE SAID LOT 9 FROM WHICH POINT THE SOUTHWEST CORNER OF THE SAID LOT 10 BEARS SOUTH 00°30'22" WEST 586.12 FEET;

THENCE SOUTH 43°42'55" EAST 526.72 FEET TO A POINT;

THENCE SOUTH 60°06'38" EAST 291.86 FEET TO A POINT;

THENCE SOUTH 88°25'33" EAST 80 FEET TO A POINT;

THENCE SOUTH 88°09'11" EAST 134.82 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID SR 5 RIGHT OF WAY AND THE END OF THIS LINE DESCRIPTION;

EXCEPT ANY PORTION DEEDED TO THE CITY OF LYNNWOOD LYING WITHIN THE SOUTHERLY 80 FEET OF THE WESTERLY 60 FEET OF SAID LOT 11.

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2001-13

**Acquisition of Certain Real Property Interests, by Purchase or Condemnation, and
Payment of Eligible Relocation and Re-establishment Benefits to Affected Parties for
Regional Express Lynnwood Direct Access Project**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	10/5/01	Deferred	Don Vogt, Senior Real Estate Representative	(206) 689-3396
Board	10/11/01	Deferred		
Executive Committee	10/19/01	Discussion/Possible Action to Recommend Board Approval		
Board	10/25/01	Action		

OBJECTIVE OF ACTION

To obtain authorization from the Board to acquire property needed for the Lynnwood Direct Access Project as part of the Lynnwood Transit Center project.

ACTION

This action consists of a number of elements that include:

- Authorizing the Executive Director to acquire real property interests needed in specified parcels for the construction of the Lynnwood Direct Access project.
- Authorizing the Executive Director to pay relocation and re-establishment expenses.
- Authorizing the Executive Director to initiate condemnation action as needed to acquire parcels not owned by a public entity.
- Authorizing the Executive Director to transfer certain property acquired to the Washington State Department of Transportation for permanent addition to the interstate highway system.

KEY FEATURES

Highlights of Action:

- Authorizes the acquisition of six parcels needed for the Lynnwood Direct Access project to connect I-5 and the Lynnwood Transit Center.
- Two parcels are in private ownership and authority would be granted to initiate condemnation action if necessary.
- Four parcels are in public ownership (three owned by the City of Lynnwood, and one by Snohomish County Public Utilities District). No condemnation authority is sought for these parcels. Sound Transit will work cooperatively with these two public agencies to establish the required level of compensation for the real property interests required.
- The principal property rights required on five of the properties are air rights, which will be needed to locate the aerial structure to be built between I-5 and the Lynnwood Park and Ride. Plans call for the purchase of the entire Investment Resources Partners LLC property for use as a storm water detention facility.

Budget

Column A	Column B	Column C	Column D	Column E
Total Project Budget	Budget for ROW	Obligated to Date	Total Amount Requested	Budget Remaining
\$30,509,000	\$2,756,000	\$0	N/A	\$2,756,000

Amounts shown are year of expenditure (YOES\$).

1. Acquisitions are expected to be completed by second quarter 2002.
2. Budget figures are based on Sound Transit's 2001 Adopted Budget, which was approved by the Board on 12/14/00 through Resolution R2000-17.
3. Expenditures and commitments are zero as of August 31, 2001.

FINANCIAL IMPACTS

Impact on Current Year Budget: N/A

Impact on Sound Move Budget: N/A

Impact on Cost-to-Complete: N/A

Impact on Subarea(s) Budget(s): N/A

HISTORY OF PROJECT

There are three associated projects in the Lynnwood area included within Sound Move. The Lynnwood Transit Center, Lynnwood Park and Ride Enhancements, and the Lynnwood Direct Access Projects. The Board previously authorized the acquisition of real estate for the Lynnwood Transit Center project and those acquisitions are currently underway.

It was earlier anticipated that these acquisitions would be conducted by the Washington State Department of Transportation, but they recently requested that Sound Transit carry out this acquisition. Sound Transit is responsible for acquisition costs in either event, so this does not reflect a budgetary change. Right of Way purchases are eligible for land bank credit under the July 14, 2000 land bank agreement with WSDOT.

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
Motion No. M2001-67	Authorized agreement with WSDOT for PS&E for Lynnwood Direct Access Project	6/21/01
Resolution No. R2000-16	Authorized property acquisition for the adjacent Lynnwood Transit Center	10/26/00
Resolution No. R78-1	Resolution authorizing procedures for acquisition of real property	4/2/98

CONSEQUENCES OF DELAY

- The current schedule for this project anticipates that needed rights will be acquired by the second quarter of 2002, with construction bidding currently scheduled for May 2002. This commits Sound Transit to an aggressive acquisition schedule. If board authorization is delayed, it will affect the timing of right of way acquisition, which will in turn cause a delay in the start of construction.

REGIONAL PARTNERSHIP AND COOPERATION

N/A

PUBLIC INVOLVEMENT

N/A

LEGAL REVIEW

MBL 9/21/01