

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2007-116**

**Agreement to Forebear Construction**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Board	11/8/07	Discussion/Possible Action	Ahmad Fazel, Director Link Light Rail <b>Roger Hansen, Real Property Manager</b>	(206)-398-5389  (206)-689-3366

<b>Contract/Agreement Type:</b>	<b>✓</b>	<b>Requested Action:</b>	<b>✓</b>
Competitive Procurement		Execute New Contract/Agreement	✓
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate	✓	Property Acquisition	

**PROJECT NAME**

North Link Segment of Central Link Light Rail

**PROPOSED ACTION**

Authorizes the chief executive officer to enter into an agreement to forbear construction with Pryde Johnson Roosevelt, LLC

**KEY FEATURES of PROPOSED ACTION**

- Pryde Johnson Roosevelt, LLC ("Pryde Johnson") has obtained a Master Use Permit for the subject property, located at 6600 Roosevelt Way N.E. in the City of Seattle, which would allow it to significantly improve and develop the Property by demolishing the current improvements and constructing mixed use residential and commercial buildings on the site.
- The Pryde Johnson site has been identified as a construction staging and station site for the extension of light rail to Northgate.
- Through Resolution No. R2006-14, the Sound Transit Board authorized the chief executive officer, or her designee to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation) or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for a construction staging and/or station area for the 12<sup>th</sup> Avenue Alternative for the Roosevelt Station within the North Link project of Central Link.
- In anticipation of voter approval of the Sound Transit 2 Plan ("the Plan") adopted by the Board on May 24, 2007, Sound Transit has contacted Pryde Johnson to begin negotiations concerning Sound Transit's potential acquisition of the Property. In order to avoid waste and unnecessary expenditure of resources, Sound Transit proposes to enter into an agreement with Pryde Johnson to forbear construction of its project on the Property while

negotiations concerning Sound Transit's acquisition of the Property are ongoing. In exchange, Sound Transit has agreed to compensate Pryde Johnson for a portion of its cost to hold the Property pending further negotiations and/or voter approval of the Plan, as set forth in the proposed Agreement. Pryde Johnson is unwilling to sell voluntarily.

### **BUDGET IMPACT SUMMARY**

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

Current Project Phase:

Projected Completion Date:

<b>Action Outside of Adopted Budget:</b>	<b>✓</b>	<b>Comments on Checked Items</b>
This Project		
This Phase		
This Task		
Budget Amendment Required		

<b>Key Financial Indicators:</b>	<b>✓</b>	<b>Comments on Checked Items</b>
Contingency Funds Required	✓	As approved by Resolution R2006-14
Funding required from other parties (other than what is in financial plan)		

Not checked = action is assumed in current Board-adopted budget. No budget action or adjustment to financial plan required.

### **SMALL BUSINESS PARTICIPATION**

Not applicable to this action.

### **PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION**

In order to build and operate a high capacity transit system consisting of commuter rail service, light rail service and a program of regional bus service, HOV improvements, and park-and-ride lot 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.

Certain property has been identified as necessary for the Roosevelt Light Rail Station, 12<sup>th</sup> Avenue Alternative construction and for construction staging based upon the current level of design. The proposed action would authorize the chief executive officer to enter into an Agreement to Forbear Construction with the owner to prevent the construction of improvements that may need to be acquired at substantial additional expense at a later date.

Environmental compliance pursuant to the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) for North Link was completed with the North Link Final Supplemental Environmental Impact Statement (EIS) issued on April 7, 2006. The Federal Transit Administration issued a Record of Decision for North Link in June 2006.

## Prior Board/Committee Actions

Motion/Resolution Number and Date	Summary of Action
R2006-14 6/22/06	Authorizes Sound Transit's Chief Executive Officer to acquire, lease and/or dispose of the Pryde Johnson Roosevelt LLC (Pryde Johnson) property located at 6600 Roosevelt Way N.E. in the City of Seattle which is needed for the Roosevelt Light Rail Station, 12 <sup>th</sup> Avenue Alternative and construction staging area.  Amends the 2006 Adopted Budget to include acquisition of properties described in Exhibit A as an authorized use of the Regional Contingency Fund.
R2006-07 4/27/06	(1) Selecting the final route, profile, and station locations for the North Link Light Rail Project; (2) selecting the University Link portion of North Link to be constructed and operated as part of the Central Link Light Rail Project, including authorizing the steps necessary to complete final design and implementation of the University Link Project including securing a federal Full Funding Grant Agreement; (3) increasing the University Link lifetime Adopted 2006 Budget and revising the annual Adopted 2006 Budget; and (4) for planning purposes reducing the minimum debt service coverage for the North King County subarea to 1.15x for the University Link Finance Plan.

## **CONSEQUENCES of DELAY**

Delay in approving this action could result in the property owner proceeding to construction which would add substantial additional expense to the acquisition cost.

## **PUBLIC INVOLVEMENT**

Not applicable to this action.

## **ENVIRONMENTAL COMPLIANCE**

JI 11/1/07

## **LEGAL REVIEW**

## SOUND TRANSIT

### MOTION NO. M2007-116

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to enter into an agreement to forbear construction with Pryde Johnson Roosevelt, LLC

#### Background:

In order to build and operate a high capacity transit system consisting of commuter rail service, light rail service and a program of regional bus service, HOV improvements, and park-and-ride lot 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.

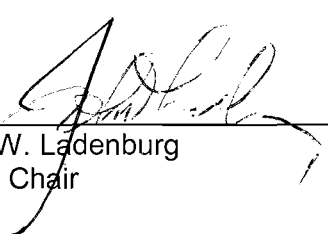
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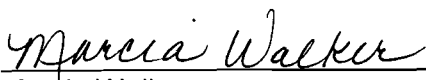
#### Motion:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to enter into an agreement to forbear construction with Pryde Johnson Roosevelt, LLC

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 8, 2007.

  
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John W. Ladenburg  
Board Chair

ATTEST:

  
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Marcia Walker  
Board Administrator