

SOUND TRANSIT

RESOLUTION NO. R2007-13

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the Airport Link segment of the Central Link light rail project between Sea-Tac International Airport and South 200th Street, correcting a legal description contained in Resolution No. R2006-01 Exhibit A, and ratifying the actions of the chief executive officer taken consistent with the corrected legal description as of the effective date of Resolution No. R2006-01.

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, at a general election held within the Central Puget Sound Regional Transit Authority district, the voters approved local funding for high capacity transit in the Central Puget Sound Region; and

WHEREAS, Sound Transit is authorized to acquire and dispose of property for the construction of high capacity transportation facilities under RCW 81.112.080; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of project improvements required under Sound Move, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, by Resolution No. R2005-16, adopted on July 14, 2005, the Sound Transit Board of Directors selected the alignment and station location of Airport Link as an extension of the Central Link light rail from the Tukwila International Boulevard Station to Sea-Tac International Airport and to South 200th Street in SeaTac; and

WHEREAS, Sound Transit has identified the L&R Investment Company and SeaTac Airport Parking, LLC (L&R Investment Company, collectively) properties located at 18601 International Boulevard, 2806 South 188th Street and 18445 Pacific Highway South in the City of SeaTac as necessary for the construction and permanent location of the Central Link Light Rail Project from Sea-Tac International Airport to South 200th Street; and

WHEREAS, Sound Transit staff have confirmed that development is imminent on this property and such development would effectively preclude the potential transit use of the property; and

WHEREAS, the acquisition of the property is necessary in order to preserve the alternatives identified in Sound Transit's environmental process for consideration; and

WHEREAS, pursuant to the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA), Sound Transit, the Port of Seattle and the Federal Transit Administration issued the Airport Link Environmental Assessment/SEPA Addendum (EA) on May 26, 2005; and

WHEREAS, the EA is an update to the Central Link Final Environmental Impact Statement (EIS) issued in November 1999 and the Tukwila Freeway Route Supplemental EIS issued in November 2001 and discusses the environmental effects of extending light rail from the Tukwila International Boulevard Station in Tukwila to Sea-Tac Airport and to South 200th Street in SeaTac; and

WHEREAS, the Federal Transit Administration issued a Record of Decision on the Airport Link project in September 2005 and right-of-way acquisition is authorized to commence after publication of the Record of Decision; and

WHEREAS, the Sound Transit Board has amended the financial policies to include a Strategic Property Acquisition Program to acquire properties for projects that are not budgeted, utilizing Regional Fund resources on an interim basis; and

WHEREAS, Sound Transit staff have ascertained that the L&R Investment Company properties meets the criterion of the Strategic Property Acquisition Program policy; and

WHEREAS, the Sound Transit Board approved Resolution No. R2006-01 on April 13, 2006. That resolution authorized the acquisition of certain real property at 18601 International Boulevard in the City of SeaTac, which was legally described on Exhibit A to that resolution. Subsequent research indicated that there were omissions in the legal description contained in Exhibit A to that resolution [18445 International Boulevard and 2806 South 188th Street in the City of SeaTac], and this resolution corrects those omissions to include the properties that are a part of the imminent development in the project area.

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

SECTION 1. The chief executive officer 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 (said property to be used for Airport Link, an extension of the Central Link light rail project), and for the payment of eligible relocation and re-establishment costs. 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 or as provided in Section 2 herein; 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 (plus contingency), then the chief executive officer 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 chief executive officer 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 finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlements shall not exceed established project budgets. For all other settlements proposed, the chief executive officer shall obtain prior approval of the appropriate committee or the Board of Directors, per Resolution 78-1.

SECTION 3. The Sound Transit Board deems the extension of light rail from Sea-Tac International Airport toward South 200th Street, 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 in Exhibit A as being necessary for preserving the alternative identified in the environmental process, and for the purpose of construction, operation, and maintenance of Airport Link, an extension of the Central Link light rail project.

SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the purpose of construction, operation, and maintenance of Airport Link, an extension of the Central Link light rail project.

SECTION 5. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized and the authority is hereby delegated to the chief executive officer 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 those of the properties described in Exhibit A. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the properties described in Exhibit A, as may be

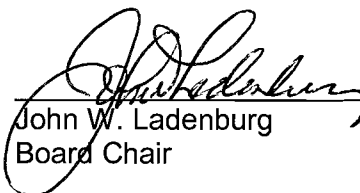
necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the project.

SECTION 6. The Adopted 2006 Budget was amended to include the strategic acquisition of the properties described in Exhibit A as an authorized use of the Regional Fund Contingency.


SECTION 7. The chief executive officer is hereby directed to return to the Board to ratify the budget in the amount of the total expenditure for actions taken pursuant to this resolution within sixty (60) days of the completion of said action.

SECTION 8. The corrected legal description of the property as reflected in Exhibit A, attached hereto and incorporated herein by reference, is adopted, and the actions of the chief executive officer taken consistent with this corrected legal description are hereby ratified and confirmed as of the effective date of Resolution No. R2006-01.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 28, 2007.


John W. Ladenburg
Board Chair

ATTEST:


Marcia Walker
Board Administrator

C 770 SeaTac International Airport to South 200th Street

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
607745	AL-112	L & R Investment Company, a California general partnership	332304-9071-054	18601 International Blvd SeaTac WA 98188

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE NORTH 560 FEET OF THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33;

THENCE NORTH 01°42' 50" EAST, ALONG THE WEST LINE THEREOF, 925 FEET;

THENCE SOUTH 89°39' 32" EAST, PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 350.74 FEET TO A POINT DISTANT NORTH 89° 39' 32" WEST 100 FEET FROM THE WESTERLY MARGIN OF PACIFIC HIGHWAY SOUTH (STATE ROAD NO. 1), AS CONDEMNED ON APRIL 6, 1925 UNDER KING COUNTY SUPERIOR COURT CAUSE NUMBER 181371;

THENCE SOUTH 03°12' 32" EAST PARALLEL WITH SAID WESTERLY MARGIN, 250 FEET;

THENCE SOUTH 89°39' 32" EAST 100 FEET TO SAID WESTERLY MARGIN OF SAID PACIFIC HIGHWAY SOUTH (STATE ROAD NO. 1);

THENCE SOUTH 03°12' 32" EAST ALONG SAID WESTERLY MARGIN, AND ITS EXTENSION SOUTHERLY, TO THE SOUTH LINE OF SAID SUBDIVISION;

THENCE NORTH 89°39' 32" WEST ALONG SAID SOUTH LINE, TO THE POINT OF BEGINNING;

EXCEPT THE WEST 20 FEET THEREOF CONVEYED TO KING COUNTY FOR ROAD ON MARCH 27, 1894 UNDER RECORDING NUMBER 126437; AND EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR PACIFIC HIGHWAY SOUTH (STATE ROAD NO. 1) BY DEED RECORDED ON JUNE 13, 1947 UNDER RECORDING NUMBER 3695692;

AND EXCEPTING FROM THE ABOVE PARCEL THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;

THENCE NORTH 01°42' 50" EAST, ALONG THE WEST LINE THEREOF, 364.84 FEET;

THENCE SOUTH 89°39' 32" EAST ON A LINE PARALLEL TO THE SOUTH LINE OF SAID SUBDIVISION 244.64 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE NORTH 01°42' 50" EAST, 213 FEET;

THENCE NORTH 46°42' 50" EAST 28 FEET;

THENCE SOUTH 89°39' 32" EAST 116.35 FEET TO A POINT DESIGNATED AS POINT "A"

THENCE NORTH 03°12' 32" WEST 78.36 FEET;

THENCE SOUTH 89°39' 32" EAST, 97 FEET TO THE WESTERLY MARGIN OF PACIFIC HIGHWAY SOUTH (STATE ROAD NO. 1), AS CONDEMNED BY THE STATE OF WASHINGTON ON APRIL 6, 1925 UNDER KING COUNTY SUPERIOR COURT CAUSE NUMBER 181371;

THENCE SOUTH 03°12' 32" EAST ALONG SAID WESTERLY MARGIN 71.46 FEET;

THENCE CONTINUING ALONG SAID MARGIN SOUTH 86°47' 28" WEST, 15 FEET TO THE WESTERLY MARGIN OF SAID HIGHWAY AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED JUNE 13, 1947 UNDER RECORDING NUMBER 3695692;

THENCE SOUTH 03°12' 32" EAST, ALONG SAID WESTERLY MARGIN, 238.69 FEET;

THENCE NORTH 89°39' 32" WEST 238 FEET TO THE TRUE POINT OF BEGINNING;

AND FURTHER EXCEPTING FROM SAID NORTH 560 FOOT PARCEL THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE NORTH 01° 42' 50" EAST, ALONG THE WEST LINE THEREOF, 925 FEET;
THENCE SOUTH 89°39' 32" EAST 20 FEET TO THE EAST MARGIN OF 28th AVENUE SOUTH, AS CONVEYED TO KING COUNTY BY DEED RECORDED ON MARCH 27, 1894
UNDER RECORDING NUMBER 126437 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE CONTINUING SOUTH 89°39' 32" EAST 329.76 FEET TO A POINT DISTANCE NORTH 89°39' 29" WEST 100 FEET FROM THE WESTERLY MARGIN OF PACIFIC HIGHWAY SOUTH (STATE ROAD NO. 1), AS CONDEMNED BY THE STATE OF WASHINGTON ON APRIL 6, 1925 UNDER KING COUNTY SUPERIOR COURT CAUSE NO. 181371;
THENCE SOUTH 03°12' 32" EAST, ON A LINE PARALLEL WITH SAID WESTERLY MARGIN, 100.19 FEET;
THENCE NORTH 89°39' 32" WEST, 338.31 FEET TO THE SAID EAST MARGIN OF 28th AVENUE SOUTH;
THENCE NORTH 01°42' 50" EAST, ALONG SAID EAST MARGIN, 100.03 FEET TO THE TRUE POINT OF BEGINNING.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
625074	AL-112.1	SeaTac Airport Parking, LLC a Washington limited liability company	100200- 0150-04	2806 S. 188 th Street SeaTac WA 98188

LOT 1 OF KING COUNTY SHORT PLAT NUMBER 777035, ACCORDING TO THE SHORT PLAT RECORDED UNDER RECORDING NUMBER 7807270794, SAID SHORT PLAT BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1;
THENCE NORTH 03°11'24" EAST ALONG THE EASTERLY MARGIN OF 28TH AVENUE SOUTH, 260.82 FEET;
THENCE NORTH 88°10'06" EAST ALONG THE NORTH LINE OF SAID LOT 1, 152.54 FEET;
THENCE SOUTH 01°36'35" EAST ALONG THE EAST LINE OF SAID LOT 1, 109.80 FEET;
THENCE SOUTH 41°29'37" WEST, 196.34 FEET TO THE SOUTH LINE OF LOT 1;
THENCE NORTH 88°10'06" WEST ALONG SAID SOUTH LINE 40 FEET TO THE POINT OF BEGINNING, AS CONDEMNED IN FAVOR OF THE PORT OF SEATTLE IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 85-2-00054-4.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
625074	Al-112.2	SeaTac Airport Parking, LLC a Washington limited liability company	332304-9204-05	18445 Pacific Highway South SeaTac WA 98188

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 23 NORTH, RANGE 4 EAST, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE NORTH 01°42'50" EAST ALONG THE WEST LINE THEREOF, 925 FEET;
THENCE SOUTH 89°39'32" EAST, 20 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 89°39'32" EAST, 329.76 FEET TO A POINT DISTANCE NORTH 89°39'32" WEST, 100 FEET FROM THE WESTERLY MARGIN OF PACIFIC HIGHWAY SOUTH;
THENCE SOUTH 03°12'32" EAST ON A LINE PARALLEL WITH SAID WESTERLY MARGIN, 100.19 FEET;
THENCE NORTH 89°39'32" WEST 338.31 FEET TO THE EAST MARGIN OF 28TH AVENUE SOUTH;
THENCE NORTH 01°42'50" EAST ALONG SAID EAST MARGIN, 100.03 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WESTERLY OF A LINE BEGINNING AT A POINT ON THE NORTH LINE OF SAID PARCEL, 40 FEET EAST OF THE NORTHWEST CORNER THEREOF;
THENCE SOUTHWESTERLY IN A STRAIGHT LINE TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND THE TERMINUS OF SAID LINE, AS CONDEMNED IN FAVOR OF THE PORT OF SEATTLE IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 85-2-00054-4,

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL;
THENCE SOUTH 89°39'32" EAST ALONG THE SOUTH LINE THEREOF, 68 FEET;
THENCE IN A SOUTHWESTERLY DIRECTION TO A POINT ON THE EAST MARGIN OF 28TH AVENUE SOUTHWEST WHICH LIES SOUTH 01°42'50" WEST, 70 FEET FROM THE POINT OF BEGINNING;

THENCE NORTH 01°42'50" EAST, 70 FEET TO THE POINT OF BEGINNING.

EXHIBIT A
ACQUISITIONS

Contract Segment

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R/W #	Tax Parcel #	Owner/Contact
AL-112	3323049071	L & R Investment Company
AL-112.1	1002000150	SeaTac Airport Parking, LLC
AL-112.2	3323049204	SeaTac Airport Parking, LLC