

RESOLUTION NO. R2011-11
To Acquire Real Property Interests Required for the South Link Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	08-11-2011	Recommendation to Board	Ahmad Fazel, DECM Executive Director
Board	08-25-2011	Final Action	Ron Lewis, Interim Project Director Roger Hansen, Real Property Director

PROPOSED ACTION

Authorizes the chief executive officer 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 the South Link – Airport to South 200th Street Project.

KEY FEATURES

- The proposed action authorizes Sound Transit to acquire, dispose of, or lease one partial property for the South Link – Airport to South 200th Street Project, and pay eligible relocation benefits to the owner.
- The property identified in this action is included in Exhibit A.

PROJECT DESCRIPTION

The South Link Project, incorporating the design refinements identified in the updated NEPA/SEPA environmental documents would extend light rail approximately 1.6 miles beyond the existing interim southern terminus at the SeaTac/Airport Station. The design features an elevated light rail guideway and station, a park-and-ride facility with a long term capacity of approximately 700 stalls and an interim capacity of up to 1100 stalls while a South 200th station is a temporary terminus of the Link system, on-street bus pullouts at the station, an off-street kiss and ride drop-off area, secured bicycle parking, and improved pedestrian and bicycle connections in the station vicinity.

FISCAL INFORMATION

In accordance with Sound Transit policy, budgets proposed in this action for specific parcels will be discussed with the Board in executive session.

BUDGET TABLE

South Link - Airport to South 200th St	Amended 2011 TIP	Committed to Date (including Authorized Contingency)	This Action	Committed & Action	Uncommitted/ (Shortfall)
Agency Administration	16,064	1,178		1,178	14,886
Preliminary Engineering	5,878	5,749		5,749	129
Final Design	20,005	373		373	19,632
Right of Way	43,549	12,522	-	12,522	31,027
Construction	275,725	-		-	275,725
Construction Services	15,135	-		-	15,135
Third Party Agreements	6,885	878		878	6,007
Vehicles	-	-		-	-
Total Current Budget	383,241	20,699	-	20,699	362,542

Phase Detail					
Right of Way	43,549	12,522	-	12,522	31,027
Total Phase	43,549	12,522	-	12,522	31,027

Contract	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract	-	-	-	-
Contingency	-	-	-	-
Total Contract Amount	-	-	-	-
Percent Contingency	0%	0%	0%	0%

Notes:

Amounts are expressed in Year of Expenditure \$000.

Committed to Date includes amounts through May 31, 2011.

The South Link - Airport to 200th St project budget is located on page 53 of the 2011 Transit Improvement Plan (TIP) as amended by Board Resolution R2011-05.

SMALL BUSINESS PARTICIPATION

Not applicable for this action.

EQUAL EMPLOYMENT WORKFORCE PROFILE

Not applicable for this action.

BACKGROUND

On July 28, 2011 the Sound Transit Board approved two resolutions for the South Link Project. Resolution No. R2011-05 accelerates the Project and establishes a completion schedule milestone of September 2016. Resolution No. R2011-06 authorizes the property acquisitions, with the exception of one partial property. The proposed action authorizes acquisition of that parcel, which will be used for a temporary construction easement and an aerial guideway easement.

Real estate acquisition for the entire South Link Project will consist of approximately 16 full and partial acquisition parcels and about 36 aerial easements. Also, several partial acquisitions at various locations along the alignment will be needed for emergency access platforms.

In compliance with state law, Sound Transit mailed a certified letter to the affected property owner on July 29, 2011. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on August 12 and 19, 2011.

ENVIRONMENTAL COMPLIANCE

Environmental compliance pursuant to the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) for Airport Link was completed with the Central Link Final Environmental Impact Statement (EIS) issued in November 1999 and Airport Link Environmental Assessment/SEPA Addendum (EA) on May 26, 2005. The Federal Transit Administration issued a Record of Decision for Airport Link on September 13, 2005. A NEPA re-evaluation of the changes proposed from the design refinement work was issued on June 24, 2011. A SEPA addendum was issued on July 5, 2011.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2011-06- Authorizes the chief executive officer 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 the South Link – Airport to South 200th Street Project.

Resolution No. R2011-05 – (1) Accelerates the South Link – Airport to South 200th Street Project and establishes a project completion schedule milestone of September 2016; (2) approves Gates 4 and 5 within Sound Transit's Phase Gate system; (3) amends the Project Lifetime Budget to increase it by \$341,849,600, from \$41,391,400 to \$383,241,000; and (4) amends the Adopted 2011 Annual Project Budget to increase it by \$500,829, from \$11,338,347 to \$11,839,175.

TIME CONSTRAINTS

A one month delay would not affect project schedules but would require additional notification to the property owner.

PUBLIC INVOLVEMENT

Not applicable to this action.

LEGAL REVIEW

LA 08-05-11

RESOLUTION NO. R2011-11

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 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 the South Link – Airport to South 200th Street Project.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region, which includes extension of Link light rail to South 200th Street; 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 and ST2, 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, Sound Transit has identified one partial property as necessary for the construction and permanent location of the South Link – Airport to South 200th Street project described in Exhibit A of this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent locations of the South Link – Airport to South 200th Street,

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 Board of the Central Puget Sound Regional Transit Authority as follows:

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, and for the payment of eligible relocation and re-establishment costs.

SECTION 2. The chief executive officer or her designee 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, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board deems the South Link – Airport to South 200th Street 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 to acquire the property identified in Exhibit A as being necessary for the construction, operation, and permanent location of the South 200th Street station and adjacent guideway, parties be paid relocation and re-establishment costs associated with displacements 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 property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the South Link – Airport to South 200th Street Project.

SECTION 5. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion of the property and/or property rights of the property described in Exhibit A, to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the South Link – Airport to South 200th Street Project. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the property 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 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 August 25, 2011.



Claudia Thomas
Board Vice Chair

ATTEST:



Marcia Walker
Board Administrator

RESOLUTION NO. R2011-11
EXHIBIT A

To Acquire Real Property Interests Required for the South Link Project

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
1303953	SL112	MP 28 Llc, a Washington Limited Liability Company	332304-9139-05	19030 28 th Avenue South SeaTac WA 98188

PARCEL A:

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

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF SAID SUBDIVISION WITH THE WESTERLY LINE OF STATE ROAD NO. 1;
 THENCE NORTH 89°16'00" WEST ALONG SAID SOUTHERLY LINE 365.50 FEET;
 THENCE NORTH 02°06'00" EAST 313.60 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE NORTH 89°21'00" WEST TO THE EASTERLY LINE OF THE WESTERLY 20 FEET OF SAID SUBDIVISION;
 THENCE NORTHERLY ALONG SAID EASTERLY LINE TO A POINT 846.88 FEET SOUTHERLY OF THE NORTHERLY LINE OF SAID SUBDIVISION AS MEASURED PARALLEL WITH THE WESTERLY LINE THEREOF;
 THENCE EAST TO THE WEST LINE OF A TRACT OF LAND DEEDED TO JOHN HAHN AND GRACE HAHN BY DEED RECORDED UNDER RECORDING NUMBER 3739879;
 THENCE SOUTH ALONG SAID WESTERLY LINE, AND ALONG THE WESTERLY LINE OF A TRACT OF LAND DEEDED TO HAROLD F. NORRIS AND ELSIE NORRIS BY DEED RECORDED UNDER RECORDING NUMBER 4901961, TO THE POINT OF BEGINNING.

PARCEL B:

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

BEGINNING AT A POINT ON THE EAST MARGIN OF 28TH AVENUE SOUTH 768.52 FEET SOUTH AND 20 FEET EAST OF THE NORTHWEST CORNER OF SAID SUBDIVISION;
 THENCE EAST 256 FEET TO THE WEST LINE OF A TRACT OF LAND DEED TO JOHN HAHN AND GRACE HAHN BY DEED RECORDED UNDER RECORDING NUMBER 3739879;
 THENCE SOUTH ALONG SAID WEST LINE 78.36 FEET;
 THENCE WEST 256 TO EAST MARGIN OF 28TH AVENUE SOUTH;
 THENCE NORTH 78.36 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION OF SAID PARCELS A AND B CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 8906200864.