

**RESOLUTION NO. R2012-18**
**To Acquire Real Property Interests Required for the Northgate Link Extension**

<b>MEETING:</b>	<b>DATE:</b>	<b>TYPE OF ACTION:</b>	<b>STAFF CONTACT:</b>	<b>PHONE:</b>
Capital Committee	07/12/12	Recommendation to Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	07/26/12	Final Action	<b>Roger Hansen, Real Property Director</b>	206-689-3366

**PROPOSED ACTION**

Authorizes the chief executive officer to acquire, dispose, or lease certain real property interests, including acquisition by condemnation to the extent permitted by law, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the Northgate Link Extension located along Interstate 5 near NE 94<sup>th</sup> Street and Northgate in the City of Seattle.

**KEY FEATURES**

- Authorizes the acquisition, disposal or lease of five property interests in the Northgate neighborhood in the City of Seattle for construction of a light rail guideway for the Northgate Link Extension.
- Authorizes the acquisition of the remaining property interests located along the Northgate Link Extension rail alignment between the tunnel portal near 94<sup>th</sup> Street and Northgate.
- The real properties included in this requested action are in Exhibit A.

**PROJECT DESCRIPTION**

The Northgate Link Extension (formerly known as the North Link – University of Washington Station to Northgate Project) is a 4.3-mile extension of light rail from the University of Washington Station north under the campus via twin-bored tunnels to the underground U District Station along Brooklyn Avenue NE between NE 43<sup>rd</sup> and NE 45<sup>th</sup> Streets, an underground Roosevelt Station along 12<sup>th</sup> Avenue NE between NE 65<sup>th</sup> Street and NE 67<sup>th</sup> Street, and continuing to an elevated station in Northgate along 1<sup>st</sup> Avenue NE spanning NE 103<sup>rd</sup> Street. The Northgate Link Extension is scheduled to be completed in September 2021 and will provide an interim terminus for Link at Northgate until the Lynnwood Link Extension is in service, currently anticipated in 2023.

**FISCAL INFORMATION**

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with the Board in executive session. Consistent with the current estimate at completion for real property acquisition, this action and acquisitions of remaining certified properties are affordable within the adopted project budget.

## PROJECT TABLE

Northgate Link Extension	Amended 2012 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	149,500	8,988		8,988	140,512
Preliminary Engineering	15,077	15,329		15,329	(252)
Final Design	113,123	99,383		99,383	13,740
Right of Way	148,050	60,150	-	60,150	87,900
Construction	1,323,500	12,607		12,607	1,310,893
Construction Services	112,050	83,030		83,030	29,020
Third Party Agreements	11,000	2,646		2,646	8,354
Vehicles	259,100	-		-	259,100
<b>Total Current Budget</b>	<b>2,131,400</b>	<b>282,134</b>	-	<b>282,134</b>	<b>1,849,266</b>

### Phase Detail

#### Right of Way

Right of Way	148,050	60,150	-	60,150	87,900
<b>Total Phase</b>	<b>148,050</b>	<b>60,150</b>	-	<b>60,150</b>	<b>87,900</b>

### Contract Detail

Contract Detail	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract	-	61,532		-
Contingency	-	-	-	-
<b>Total Contract Amount</b>	-	<b>61,532</b>	-	-
Percent Contingency	0.0%	0.0%	0.0%	0.0%

#### Notes:

Amounts are expressed in Year of Expenditure \$000s.

Board Approvals = Committed To-Date + Contingency, and includes pending Board actions.

Project Budget is located on page 34 of the 2012 Transit Improvement Plan (TIP).

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with Board members in executive session.

## SMALL BUSINESS PARTICIPATION

Not applicable to this action.

## BACKGROUND

On April 27, 2006, upon consideration of the Final Supplemental Environmental Impact Statement (FSEIS), the Sound Transit Board adopted Resolution No. R2006-07, which selected the final route, profile, and station locations for the Northgate Link Extension; and authorized the necessary steps to complete final design and implementation of the University Link Project. Final design began in October 2010. On June 28, 2012, the Sound Transit Board baselined the Northgate Link Extension's schedule and budget.

Certain property interests have been identified as necessary for construction of the light rail tunnel portal, guideway structures, and station in the Northgate area. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions when efforts to reach agreement with property owners are unsuccessful. The proposed action would authorize the acquisition of five property interests by condemnation if necessary, for the construction, operation and maintenance of the Northgate Link Extension tunnel, guideway and stations between the University of Washington Station and Northgate and the payment of relocation benefits to eligible affected owners and tenants.

The parcels identified in Exhibit A are along the light rail alignment identified in the preferred alternative for Northgate Link Extension.

Sound Transit staff has completed an analysis of the Northgate Link Extension schedule, property acquisition work and the construction contract packaging plan. Initial property acquisition for Northgate Link Extension station and staging areas was authorized by the Board starting in March, 2010 in order for the project to be completed and operational by 2021.

## **ENVIRONMENTAL COMPLIANCE**

Environmental compliance pursuant to the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) 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. A SEPA Addendum and NEPA Re-evaluation to the Final Supplemental EIS were completed in March 2012.

JI 7/2/2012

## **PRIOR BOARD/COMMITTEE ACTIONS**

Resolution No. R2012-13: (1) Revised the alignment that was selected by the Board in 2006 for the North Link – UW Station to Northgate Project (currently known as the Northgate Link Extension); (2) adopted the Northgate Link Extension baseline schedule and budget, which constitutes Board approval of Gate 5 within Sound Transit's Phase Gate System by (a) amending the project Lifetime Budget from \$465,500,000 to \$2,131,400,000 and (b) amending the project 2012 Annual Budget from \$76,248,584 to \$47,247,600; (3) established a Northgate Link Extension Project Reserve with a Lifetime Budget of \$50,000,000 and an Annual Budget of \$0; and (4) amended the Initial Segment Project Reserve by reducing the Lifetime Budget from \$58,495,000 to \$8,495,000.

Resolution No. R2012-09: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary including acquisition by condemnation for the North Link – University of Washington Station to Northgate project between the Roosevelt and Northgate Stations.

Resolution No. R2012-08: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary, and acquire and dispose of property interests owned by public entities including acquisition by condemnation for the North Link – University of Washington Station to Northgate Project between Roosevelt Station and Northgate Station.

Resolution No. R2011-13: Authorized the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation to the extent permitted by law (including settlement of condemnation litigation), or by entering into administrative settlements, and (2) to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction, operation and maintenance of the light rail tunnels and stations between University of Washington and Roosevelt stations within the North Link – University of Washington station to Northgate Project, all in the City of Seattle.

Resolution No. R2011-04: Authorized the chief executive officer to (1) 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 property interests needed for construction of the Brooklyn and Roosevelt Stations and certain tunnel alignment within the North Link Project – UW Station to Northgate project and (2) acquire and dispose of property interests owned by public entities, including acquisition by condemnation to the extent permitted by

law, between the University of Washington Station and Northgate in the City of Seattle which are needed for construction, maintenance and operation of the light rail tunnel and stations.

Resolution No. R2010-17: Authorized 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 reestablishment benefits to affected parties as necessary for construction, maintenance and operation of a light rail tunnel and stations between the University of Washington Station and the Pine Street Stub Tunnel and between the University of Washington Station and Northgate.

Resolution No. R2010-04: Authorized 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 staging and station areas for the Brooklyn and Roosevelt Stations within the North Link – UW Station to Northgate project.

Resolution No. R2010-02: 1) Amended the Adopted 2010 Lifetime Capital Budget for the North Link – UW Station to Northgate project from \$107,176,375 to \$345,499,512 to perform final design, third party coordination, property acquisition, and related tasks, and 2) Amended the North Link – UW Station to Northgate 2010 annual budget by decreasing the Right of Way Acquisition and Permits phase by \$9,000,000 and increasing the Final Design phase by \$9,000,000.

Resolution No. R2006-07: (1) Selected the final route, profile, and station locations for the North Link Light Rail Project; (2) authorized the necessary steps to complete final design and implementation of the University Link Project.

## **TIME CONSTRAINTS**

A short delay will not impact planned property acquisition work for the Northgate Link Extension required property interests. A significant delay could impact the acquisition schedule and could ultimately affect the construction schedule for the project.

## **PUBLIC INVOLVEMENT**

Maps of the proposed Northgate Link Extension alignments and construction staging areas were published in the 2003 and 2005 North Link Draft Supplemental Environmental Impact Statements (SEIS) and the 2006 North Link Final Supplemental Environmental Impact Statement and made available to the public. A 45-day comment period on the 2005 draft SEIS began in October 2005 and two public open houses/hearings were held in November 2005.

A public open house took place in June 2010 to inform the public on the start of the Northgate Link Extension final design phase. An open house was held on May 17, 2011 regarding the Northgate Station 15% design progress. Staff also conducted a Northgate Station 30% station design open houses on May 23, 2011.

Additional public meetings to present and discuss construction activities in the vicinity of the future tunnel portal and light rail station at Northgate were held on March 26 and June 4, 2012.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on July 10, 2012. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on July 11 and 18, 2012.

## **LEGAL REVIEW**

JB 7/3/12

**RESOLUTION NO. R2012-18**

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, including acquisition by condemnation to the extent permitted by law, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the Northgate Link Extension located along Interstate 5 near NE 94<sup>th</sup> Street and Northgate in the City of Seattle.

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; and

WHEREAS, Environmental compliance pursuant to the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) was completed with the North Link Final Supplemental Environmental Impact Statement (EIS) issued on April 7, 2006, and the Federal Transit Administration issued a Record of Decision for North Link in June 2006; 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 certain real properties as necessary for the construction and permanent location of the Northgate Link Extension that are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for the light rail tunnel construction, operation and maintenance from the tunnel portal to the Northgate Station 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 described in Exhibit A (said property to be used for the Northgate Link Extension) and incorporated herein by reference, 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; provided that in the event the total of the acquisition, relocation, and re-establishment costs of the properties for the Northgate Link Extension exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer shall obtain approval from the appropriate committee or the Board, per Resolution No. 78-2, before the acquisition of the property for the Northgate Link

Extension by purchase or by condemnation and 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. 78-2.

SECTION 3. The Sound Transit Board deems the Northgate Link Extension, 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 the construction, operation, and permanent location of the light rail tunnel, guideway and Northgate Station, parties 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 properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Northgate Link Extension.

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 thereof, of the properties and property rights and/or rights in those of the properties described in Exhibit A, to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the Northgate Link Extension stations and light rail tunnel and guideway. 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 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 July 26, 2012.



Pat McCarthy  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator



**RESOLUTION NO. R2012-18**

**EXHIBIT A**

**NORTHGATE LINK EXTENSION PROJECT**

<b>ROW ID</b>	<b>TAX PARCEL NO.</b>	<b>OWNER/CONTACT</b>
NG781	3226049424-07	King County
NG783	3226049002-07	King County
NG785 NG786	2926049025-05 3226049567-04	Northgate Mall Partnership
NG779	3226049524-06	Northgate Station, A California Limited Partnership

**RESOLUTION NO. R2012-18**

**EXHIBIT A**

**NORTHGATE LINK EXTENSION PROJECT**

<b>R/W NO.</b>	<b>OWNER/CONTACT</b>	<b>PARCEL #</b>	<b>SITE ADDRESS</b>
NG781	King County Department of Transportation	3226049424-07	10200 1st Avenue NE Seattle, WA 98125

THE WEST 195 FEET OF THE NORTH 560 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;  
EXCEPT THE WEST 30 FEET THEREOF;  
EXCEPT THE NORTH 30 FEET THEREOF; AND  
EXCEPT THE WEST 16 FEET OF THE EAST 19 FEET OF THE NORTH 3 FEET OF THE REMAINDER THEREOF AS CONVEYED TO THE CITY OF SEATTLE FOR STREET PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 8212100698.

<b>R/W NO.</b>	<b>OWNER/CONTACT</b>	<b>PARCEL #</b>	<b>SITE ADDRESS</b>
NG783	King County	3226049002-07	10200 1st Avenue NE Seattle, WA 98125

PARCEL A:  
THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SUBDIVISION AND THE NORTH MARGIN OF NORTHEAST 100TH STREET;  
THENCE NORTH 88°16'50" WEST ALONG SAID MARGIN 119.23 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 88°16'50" WEST 52.93 FEET ALONG SAID NORTH MARGIN TO THE POINT OF CURVATURE OF A TANGENT 267.00 FOOT RADIUS CURVE TO THE RIGHT;  
THENCE WESTERLY ALONG SAID CURVE AND MARGIN 109.77 FEET TO A POINT OF REVERSE CURVATURE WITH A TANGENT 333.00 FOOT RADIUS CURVE TO THE LEFT;  
THENCE WESTERLY ALONG SAID CURVE AND MARGIN 136.91 FEET TO A POINT OF TANGENCY;  
THENCE NORTH 88°16'50" WEST ALONG SAID MARGIN 55.29 FEET TO THE EAST MARGIN OF NORTHEAST 1ST AVENUE;  
THENCE NORTH 0°36'30" EAST ALONG SAID EAST MARGIN 19.41 FEET TO THE SOUTH LINE OF THE NORTH 560 FEET OF SAID SUBDIVISION;  
THENCE SOUTH 88°16'18" EAST ALONG SAID SOUTH LINE 165.03 FEET TO THE EAST LINE OF THE WEST 195.00 FEET OF SAID SUBDIVISION;  
THENCE NORTH 0°36'30" EAST ALONG SAID EAST LINE 530.10 FEET TO THE SOUTH MARGIN OF NORTHEAST 103RD STREET;

THENCE SOUTH 88°16'18" EAST ALONG SAID MARGIN 301.41 FEET TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SUBDIVISION;  
 THENCE SOUTH 0°37'27" WEST ALONG SAID EAST LINE 10.00;  
 THENCE NORTH 88°16'18" WEST 119.39 FEET;  
 THENCE SOUTH 0°36'30" WEST ON A LINE PARALLEL TO THE WEST LINE OF SAID SUBDIVISION 589.42 FEET TO THE TRUE POINT OF BEGINNING;  
 (ALSO KNOWN AS LOT A, CITY OF SEATTLE BOUNDARY LINE ADJUSTMENT NUMBER 8801045, RECORDED UNDER RECORDING NUMBER 8908150721, IN KING COUNTY, WASHINGTON.)

TOGETHER WITH PORTION OF VACATED NORTHEAST 100TH STREET ADJOINING AS VACATED UNDER CITY OF SEATTLE ORDINANCE NUMBER 114943.

PARCEL B:  
 THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST MARGIN OF 1ST AVENUE NORTHEAST AND THE NORTH MARGIN OF NORTHEAST 103RD STREET;  
 THENCE NORTH 00°36'30" EAST ALONG SAID EAST MARGIN 20.00 FEET;  
 THENCE SOUTH 54°55'41" EAST 18.19 FEET;  
 THENCE SOUTH 88°16'18" EAST PARALLEL WITH SAID NORTH MARGIN 20.00 FEET;  
 THENCE SOUTH 00°36'30" WEST PARALLEL WITH SAID EAST MARGIN 10.00 FEET TO SAID NORTH MARGIN;  
 THENCE NORTH 88°16'18" WEST ALONG SAID NORTH MARGIN 35.00 FEET TO THE POINT OF BEGINNING.

R/W NO.	OWNER/CONTACT	PARCEL #	SITE ADDRESS
NG785	Northgate Mall Partnership	2926049025-05	301 NE Northgate Way
NG786	A Delaware General Partnership	3226049567-04	Seattle, WA 98125

PARCELS B AND C, CITY OF SEATTLE LOT BOUNDARY ADJUSTMENT NUMBER 3003593, RECORDED UNDER RECORDING NUMBER 20060203900004, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF SAID PARCEL C LYING WITHIN THAT CERTAIN TRACT OF LAND CONVEYED TO THE NATIONAL BANK OF COMMERCE OF SEATTLE, A NATIONAL BANKING ASSOCIATION, BY DEED RECORDED UNDER RECORDING NUMBER 3988352.

R/W NO.	OWNER/CONTACT	PARCEL #	SITE ADDRESS
NG779	Northgate Station, A California Limited Partnership	3226049524-06	9580 1st Avenue NE Seattle, WA 98115

PARCELS A OF CITY OF SEATTLE SHORT PLAT NO. 8708046 RECORDED UNDER RECORDING NUMBER 8804210831 IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF PARCEL A CONVEYED TO THE MUNICIPALITY OF METROPOLITAN SEATTLE BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 8812210869.