

RESOLUTION NO. R2013-14
To Acquire Real Property Interests Required for the East Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Capital Committee	06/13/13	Recommendation to the Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	06/27/13	Final Action	Roger Hansen, Real Property Director	206-689-3366

PROPOSED ACTION

Authorizes the chief executive officer to acquire, dispose, or lease certain real property interests including acquisition by condemnation, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the East Link Extension.

KEY FEATURES SUMMARY

- Authorizes the acquisition, disposal or lease from 18 residential parcels in the south downtown Bellevue/Surrey Downs neighborhoods in the City of Bellevue for construction of light rail facilities for the East Link Extension.
- Twelve of the 18 parcels are full acquisitions needed for light rail construction and operation and the remaining full or partial property acquisitions are for landscape buffering and City setback requirements along 112th Avenue Southeast in downtown Bellevue.
- The real properties identified in this requested action are included in Exhibit A.

BACKGROUND

East Link extends light rail to east King County via I-90 from downtown Seattle to downtown Bellevue and the Overlake area of Redmond, with stations serving Rainier Avenue/I-90, Mercer Island, South Bellevue, Downtown Bellevue, Overlake Hospital, the Bel-Red Corridor, Overlake Village, and the Overlake Transit Center. The ST2 plan provides for environmental review for a future expansion between the Overlake Transit Center and downtown Redmond.

Sound Transit initiated East Link environmental and preliminary engineering work in 2006 and completed the work in 2011. The East Link final environmental impact statement was published in July 2011. In compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA). The East Link route, profiles, and station locations were selected by the Sound Transit Board on July 28, 2011. The Federal Transit Administration and Federal Highway Administration issued a NEPA Record of Decision (ROD) for the project on November 16, 2011 and November 17, 2011, respectively. On November 17, 2011, the Sound Transit Board authorized the chief executive officer to advance the East Link Extension into final design. On March 26, 2013 Sound Transit and WSDOT published the East Link Extension 2013 SEPA Addendum evaluating potential project refinements and providing new project related environmental information. The final East Link route, profiles, and station locations, including the tunnel route in downtown Bellevue, were selected by the Sound Transit Board on April 25, 2013. Revenue service between Seattle and the Overlake Transit Center is forecast for 2023.

Certain property interests have been identified as necessary for construction of the East Link Extension. The proposed action would authorize the acquisition from 18 single family residential properties, by condemnation, if necessary, as needed for the construction, operation and maintenance of the East Link Extension and the payment of relocation benefits to eligible affected

owners and tenants. Sound Transit will offer a voluntary purchase in cases where the East Link project requirements and City of Bellevue land use code offer the owner flexibility to sell only a portion of their property. 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 parcels identified in Exhibit A are adjacent to 112th Avenue SE or SE 1st Place, and along the light rail alignment identified in the East Link Extension project.

In response to interest from property owners and the Bellevue City Council in accelerating these acquisitions, the Sound Transit CEO committed to bring a resolution to the Board within 60 days of the Bellevue City Council and Sound Transit approval of the light rail alignment requesting authority for early residential property acquisition. On April 22, 2013 the Bellevue City Council passed Resolution No. 8576 approving the East Link Project and on April 25, 2013 the Sound Transit Board selected the route, profiles, and station locations for the East Link Extension.

FISCAL IMPACT

East Link	2013 TIP	Commitment to Date	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	66,539	16,237	0	16,237	50,302
Preliminary Engineering	61,123	55,195	0	55,195	5,928
Final Design	223,685	144,140	0	144,140	79,545
Right of Way	365,408	15,760	0	15,760	349,648
Construction	0	0	0	0	0
Construction Services	0	0	0	0	0
Third Party Agreements	40,064	4,097	0	4,097	35,967
Vehicles	0	0	0	0	0
Total Current Budget	756,819	235,430	0	235,430	521,389
Phase Detail - Right of Way					
Right of Way Administration	39,690	1,996	0	1,996	37,694
Other Right of Way Phase Activities	325,718	13,765	0	13,765	311,953
Total Phase	365,408	15,760	0	15,760	349,648
Property Acquisition Details					
	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval	
Property Acquisition Contract	0	0	0	0	
Contingency	0	0	0	0	
Total Property Acquisition Contract	0	0	0	0	
Percent Contingency	0%	0%	0%	0%	

Notes:

- Amounts are expressed in Year of Expenditure \$000s.
- Board Approvals to Date includes amounts through March 31st 2013, plus any pending Board Actions.
- Project Budget is located on page 38 of the 2013 Transit Improvement Plan (TIP).
- Board Approvals = Committed to-date + Contingency.

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.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

EQUAL EMPLOYMENT WORKFORCE PROFILE

Not applicable to this action.

PUBLIC INVOLVEMENT

Public outreach on the East Link Extension has taken place for the last six years. Outreach activities have included meeting with communities, property owners, businesses, stakeholders, local jurisdictions, and agencies. Since the project kickoff in 2006, Sound Transit has hosted 35 public meetings, while also holding nearly 300 briefings to property owners and stakeholders.

Sound Transit has utilized an extensive community outreach effort to ensure that potentially affected property owners and community members have had opportunities to be engaged in the decision-making process along 112th Avenue SE, including five public meetings specific to the alignment in this area. In addition to building relationships with individual residents, Sound Transit has held specific meetings with individual property owners to provide an overview of East Link and the acquisition process.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on June 11, 2013. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on June 14 and 21, 2013.

TIME CONSTRAINTS

Board consideration of this resolution fulfills the CEO's commitment to the City of Bellevue to bring this item before the board within 60 days of approval of the alignment. A one month delay would not likely result in an impact to the overall project schedule. However, it would prolong the time period of uncertainty for the subject property owners. Timely approval would also provide for more time to conduct relocation.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2013-11: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests including acquisition by condemnation, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the East Link Extension

Resolution No. R2013-09: Selected the route, profiles, and station locations for the East Link Extension and superseding Resolution No. R2011-10

Motion No: M2012-67: Authorized the chief executive officer to execute an Agreement with the City of Bellevue, HEI Bellevue LLC, and White/Peterman Properties Inc., to support construction, operation, and maintenance of the East Link Extension.

Motion No: M2011-81: Implemented the East Link Light Rail Extension

Resolution No: R2011-10: Selected the route, profiles, and station locations for the East Link Extension

Motion No: M2010-44: Modified the preferred light rail routes and stations previously identified in Motion No. M2009-41 for the East Link Light Rail Project Final Environmental Impact Statement

ENVIRONMENTAL REVIEW

Jl 6/3/2013

LEGAL REVIEW

JW 6/7/2013

RESOLUTION NO. R2013-14

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 and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for East Link Extension.

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 State Environmental Policy Act (SEPA) for East Link was completed with the East Link Project Final Environmental Impact Statement (EIS) issued on July 15, 2011; and the Federal Transit Administration and Federal Highway Administration issued a Record of Decision (ROD) for the project on November 16, 2011 and November 17, 2011, respectively, completing the National Environmental Policy Act (NEPA) process; 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 East Link Project 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 construction, operation and maintenance in downtown Bellevue, 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 East 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 East 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 East 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 East 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 East Link Extension, 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 East 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, for the purpose of constructing, owning, and operating a permanent location of the East Link Extension and light rail 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 June 27, 2013.



Julia Patterson
Board Vice Chair

ATTEST:



Marcia Walker
Board Administrator

**RESOLUTION 2013-14
EAST LINK EXTENSION**

EXHIBIT A

R/W No	Tax Parcel No	Owner
EL 155	3210700080	Sang Do Ahn and Inhee Um
EL 157	3210700070	Kristoffer W Tangen
EL 159	3210700060	Chuan Hai Lin
EL 161	3210700040	Jilla Motaman
EL 162	3210700030	Susan L Huenefeld
EL 163	3210700020	Arjun K Sirohi and Neeraj Sirohi
EL 164	3210700010	Susan Ilvanakis
EL 165	3210600220	Alison Summers and Laura Summers
EL 166	3210600210	F Kent Kuiper and Joyce E Kuiper
EL 167	3210600200	Kelly A Huston
EL 168	3210600190	Ronald A Bennett & Estate of Patricia Rae Bennett
EL 176	8146300275	Aman K Kanna and Vijay L Kanna
EL 178	8146300065	John David Griffin and Eleanor Hung Griffin, Trustees of Griffin Family Trust
EL 197	8146100670	Roy W Poler and Jeanne L Poler
EL 198	8146100665	John Carl Simmonds
EL 200	8146100640	Daniel P Greene
EL 202	8146100635	Robert J Halligan and Sheila B Halligan
EL 205	8146100630	Timothy E Osburn

**RESOLUTION 2013-14
EAST LINK EXTENSION**

EXHIBIT A

R/W No.	Owner/Contact	Parcel #	Site Address
EL155	Sang Do Ahn and Inhee Um	3210700080	1018 111 th PI SE Bellevue, WA 98004

LOT 12, BLOCK 3, HEARTHSTONE ADD. PART NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 65 OF PLATS, PAGE(S) 77 AND 78, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL157	Kristoffer W Tangen	3210700070	1016 111 th PI SE Bellevue, WA 98004

LOT 11, BLOCK 3, HEARTHSTONE ADD PART NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 65 OF PLATS, PAGE(S) 77 AND 78, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL159	Chuan Hai Lin	3210700060	1014 111 th PI SE Bellevue, WA 98004

LOT 10, BLOCK 3, HEARTHSTONE ADD PART NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 65 OF PLATS, PAGE(S) 77 AND 78, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL161	Jilla Motaman	3210700040	1006 111 th PI SE Bellevue, WA 98004

LOT 8, BLOCK 3, HEARTHSTONE ADD. PART NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 65 OF PLATS, PAGE(S) 77 AND 78, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL162	Susan L Huenefeld	32010700030	1002 112 th Ave SE Bellevue, WA 98004

LOT 7, BLOCK 3, HEARTHSTONE ADD. PART NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 65 OF PLATS, PAGE(S) 77 AND 78, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL163	Arjun K Sirohi and Neeraj Sirohi	3210700020	932 111 th PI SE Bellevue, WA 98004

LOT 6, BLOCK 3, HEARTHSTONE ADD. PART NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 65 OF PLATS, PAGE(S) 77 AND 78, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL164	Susan Ilvanakis	3210700010	924 111 th PI SE Bellevue, WA 98004

LOT 5, BLOCK 3, HEARTHSTONE ADD. PART NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 65 OF PLATS, PAGE(S) 77 AND 78, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL165	Alison Summers and Laura Summers	3210600220	918 111 th PI SE Bellevue, WA 98004

LOT 4, BLOCK 3, HEARTHSTONE ADDITION PARK NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 62 OF PLATS, PAGE(S) 29, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL166	F Kent Kuiper and Joyce E Kuiper	3210600210	912 111 th PI SE Bellevue, WA 98004

LOT 3, BLOCK 3, HEARTHSTONE ADDITION PARK NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 62 OF PLATS, PAGE(S) 29, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL167	Kelly A Huston	3210600200	906 111 th PI SE Bellevue, WA 98004

LOT 2, BLOCK 3, HEARTHSTONE ADDITION PARK NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 62 OF PLATS, PAGE(S) 29, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL168	Ronald A Bennett & Estate of Patricia Rae Bennett	3210600190	900 111 th PI SE Bellevue, WA 98004

LOT 1, BLOCK 3, HEARTHSTONE ADDITION PARK NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 62 OF PLATS, PAGE(S) 29, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL176	Aman K Kanna and Vijay L Kanna	8146300275	11131 SE 4 th St Bellevue, WA 98004

LOT 1, BLOCK 12, SURREY DOWNS ADDITION NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 60 OF PLATS, PAGE 10, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL 178	John David Griffin and Eleanor Hung Griffin, Trustees of Griffin Family Trust	8146300065	11122 SE 4 th St Bellevue, WA 98004

LOT 18, BLOCK 8, SURREY DOWNS ADDITION NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 60 OF PLATS, PAGE 10, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL197	Roy W Poler and Jeanne L Poler	8146100670	104 111 th Ave SE Bellevue, WA 98004

LOT 2, BLOCK 8, SURREY DOWNS ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 50 OF PLATS, PAGE(S) 32, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL198	John Carl Simmonds	8146100665	11123 SE 1 st PI Bellevue, WA 98004

LOT 1, BLOCK 8, SURREY DOWNS ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 50 OF PLATS, PAGE(S) 32, IN KING COUNTY, WASHINGTON; SITUATE IN THE CITY OF BELLEVUE, COUNTY OF KING, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL200	Daniel P Greene	8146100640	11126 SE 1 st PI Bellevue, WA 98004

LOT 15, IN BLOCK 7 OF SURREY ROAD DOWNS ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 50 OF PLATS, PAGES 32, 33 AND 34, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL202	Robert J Halligan and Sheila B Halligan	8146100635	11118 SE 1 st PI Bellevue, WA 98004

LOT 14, BLOCK 7, SURREY DOWNS ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 50 OF PLATS, PAGE(S) 32, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
EL205	Timothy E Osburn	8146100630	11110 SE 1 st PI Bellevue, WA 98004

LOT 13, BLOCK 7, SURREY DOWNS ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGE(S) 32, IN KING COUNTY, WASHINGTON.