



RESOLUTION NO. R2013-16

To Acquire Real Property Interests Required for the East Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Board	08/22/13	Final Action	Ahmad Fazel, DECM Executive Director Roger Hansen, Real Property Director	206-398-5389 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 of five parcels in the Bel-Red neighborhood in the City of Bellevue for construction, maintenance and operation of the light rail guideway for the East Link Extension.
- Acquisitions involve the purchase of partial acquisitions from five parcels along NE 15th Place near the intersection with 130th Ave NE in Bellevue identified for construction of the East Link Extension.
- 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. 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 the East Link Extension 2013 SEPA Addendum was issued. On April 22, 2013 the Bellevue City Council passed Resolution No. 8576 approving the East Link Project. The Sound Transit Board amended the East Link route, profiles, and station locations April 25, 2013. Revenue service between Seattle and the Overlake Transit Center is forecasted for 2023.

Certain property interests have been identified as necessary for construction of the East Link Extension. The proposed action would authorize the acquisition of five commercial 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'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 in the vicinity of 130th Ave NE and NE 15th Place, and along the light rail alignment identified in the East Link Extension.

FISCAL IMPACT

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.

East Link	2013 TIP	Commitment to Date	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	66,539	17,493	0	17,493	49,046
Preliminary Engineering	61,123	55,195	0	55,195	5,928
Final Design	223,685	147,216	0	147,216	76,469
Right of Way	365,408	17,406	0	17,406	348,002
Construction	0	0	0	0	0
Construction Services	0	0	0	0	0
Third Party Agreements	40,064	5,105	0	5,105	34,959
Vehicles	0	0	0	0	0
Total Current Budget	756,819	242,416	0	242,416	514,403

Phase Detail - Right of Way

Right of Way Administration	39,690	3,641	0	3,641	36,049
Other Right of Way Phase Activities	325,718	13,765	0	13,765	311,953
Total Phase	365,408	17,406	0	17,406	348,002

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 May 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.

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 over 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.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on August 6, 2013. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on August 9 and 16, 2013.

TIME CONSTRAINTS

A short delay would not impact project schedules. However, access to this property is needed for geological and other investigation. Moving forward with the property acquisition at this time will facilitate gaining access to the property for this investigatory work in a timely manner.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2013-14: 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. R2013-11: 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

JI 7/30/2013

LEGAL REVIEW

JV 8/2/2013

RESOLUTION NO. R2013-16

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 East Link Extension 2013 SEPA Addendum issued March 26, 2013; 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 Bel-Red Corridor of 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 August 22, 2013.



Pat McCarthy
Board Chair

ATTEST:



Marcia Walker
Board Administrator

**RESOLUTION 2013-16
EAST LINK EXTENSION**

EXHIBIT A

R/W No	Tax Parcel No	Owner
EL 289	2825059193	Evans Company
EL 291	2825059178	Evans Company
EL 291.1	2825059165	Evans Company
EL 292	2825059054	Evans Company
EL 293	2825059195	Evans Company

**RESOLUTION 2013-16
EAST LINK EXTENSION**

EXHIBIT A

R/W No.	Owner/Contact	Parcel #	Address
EL289 EL291 EL293	Evans Company	2825059193 2825059178 2825059195	12720 NE 15 th PI 12898 NE 15 th PI 1501 130 th Ave. N.E. Bellevue, WA 98005

PARCEL A:
THE EAST 300 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

PARCEL B:
THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON; EXCEPT THE SOUTH 164.54 FEET THEREOF; AND EXCEPT THAT PORTION THEREOF LYING WITHIN THE RIGHT OF WAY FOR 130TH AVENUE NORTHEAST.

R/W No.	Owner/Contact	Parcel #	Address
EL291.1 EL292	Evans Company	2825059165 2825059054	1503 130 th Ave. N.E 12885 NE 15 th PI Bellevue, WA 98005

THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST; AND THE WEST 165 FEET OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH RANGE 5 EAST.