

RESOLUTION NO. R2014-12

To Acquire Real Property Interests Required for the East Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	07/10/14	Recommendation to Board	Ahmad Fazel, DECM Executive Director
Board	07/24/14	Final Action	Ron Lewis, Executive Project Director, East Link Roger Hansen, Real Property Director

PROPOSED ACTION

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

KEY FEATURES SUMMARY

- Authorizes the partial acquisition or lease of four commercial and residential parcels in the vicinity of the cities of Seattle, Bellevue, and Redmond for construction of light rail facilities for the East Link Extension. The properties are needed for construction, maintenance, and operation of the light rail guideway and station.
- 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 also provides for environmental review for possible 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 the 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 East Link, and on April 25, 2013 by Resolution No. R2013-09 the Sound Transit Board amended the route, profiles, and station locations for the East Link Extension. Revenue service between Seattle and the Overlake Transit Center is forecasted to begin in 2023.

Certain property interests have been identified as necessary for construction of the East Link Extension. The proposed action would authorize the acquisition of four property interests from commercial and 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'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 extend from the International District Station to Redmond along the East Link light rail alignment.

FISCAL INFORMATION

This action is within the Adopted Budget and sufficient funds remain after approval of this action to fund the remaining work in the Right of Way Phase as contained in the current cost estimates.

East Link Extension	2014 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	68,119	25,431	0	25,431	42,688
Preliminary Engineering	56,594	55,123	0	55,123	1,471
Final Design	232,621	157,037	0	157,037	75,584
Third Party Agreements	40,605	5,431	0	5,431	35,174
Right of Way	365,408	34,543	0	34,543	330,865
Construction	24,000	0	0	0	24,000
Construction Services	11,000	3,790	0	3,790	7,210
Vehicles	0	0	0	0	0
Total Current Budget	798,347	281,355	0	281,355	516,991

Phase Detail - Right of Way

ROW Phase	365,408	34,543	0	34,543	330,865
Total Phase	365,408	34,543	0	34,543	330,865

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 Contract Amount	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, 2014 plus any pending Board Actions.
 Project Budget is located on page 31 of the 2014 Transit Improvement Plan (TIP) plus any pending Board Action.
 Board Approvals = Committed to-date + Contingency.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

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 community members, property owners, businesses, stakeholders, local jurisdictions, and agencies. Since the project kickoff in 2006, Sound Transit has hosted 35 public meetings, and has also held 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 July 8, 2014. Legal notices of this proposed Board action was published in the Seattle Times newspaper on July 4, 2014 and will be published in the Seattle Times on July 18, 2014.

TIME CONSTRAINTS

Board authorization to acquire these properties is needed in order to be able to apply for permits from the City of Bellevue and to advance the permitting process with the City of Redmond and initiate the property acquisition process with property owners in a timely manner. Moving forward with the Board authorization and property acquisition at this time will facilitate securing construction permits and proceeding with property acquisition in a timely manner.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2013-09: A resolution of the Board of the Central Puget Sound Regional Transit Authority selecting the route, profiles, and station locations for the East Link Light Rail Project, and superseding Resolution No. R2011-10.

Resolution No. R2011-10: A resolution of the Board of the Central Puget Sound Regional Transit Authority selecting the route, profiles, and station locations for the East Link Light Rail Project.

ENVIRONMENTAL REVIEW

Jl 6/27/2014

LEGAL REVIEW

JB 7/3/2104



RESOLUTION NO. R2014-12

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire or lease certain real property interests, including acquisition by condemnation and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the 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, in order to use the property determined to be necessary for the construction, operation and maintenance of project improvements required under the voter approved high capacity transportation system plans, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, the identified property are necessary for the Link Light Rail, East Link Extension Project; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the East Link Extension and such properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation, and permanent location of the East Link Extension, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will 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 reimburse eligible relocation and reestablishment expenses 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 or lease of interests in the real property described in Exhibit A (said property to be used for East Link Extension) and incorporated herein by reference, and for the reimbursement of eligible relocation and reestablishment expenses. In accordance with Sound Transit's Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties may 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 must 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 reimbursement of eligible relocation and reestablishment expenses.

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 interests in the real property 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 may not exceed established project budgets. For all other settlements proposed, the chief executive officer must 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 interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of the East Link Extension, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses 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 interests in the real property 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 to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the East Link Extension. 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 24, 2014.


Dow Constantine
Board Chair

ATTEST:


Marcia Walker
Board Administrator

RESOLUTION NO. R2014-12
EAST LINK EXTENSION
E110, E320, E340, E360 SEGMENTS

EXHIBIT A

R/W No	Tax Parcel No	Owner
EL075	8809700000	Union Station Associates, LLC
EL160	3210700050	1012 Properties, LLC
EL302.1	2725059113	Morris Gorelic, et al; and Max Dunavant, et al
EL345	0673100010	Microsoft Corporation

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EAST LINK EXTENSION
E110, E320, E340, E360 SEGMENTS

W No.	Owner/Contact	Parcel #	Address
EL075	UNION STATION ASSOCIATES, LLC	8809700000	401 S. JACKSON ST, 505, 605, 625, 705 UNION STATION SEATTLE, WA 98104

UNITS 1, 2, 3, 4, 5 AND 6 AND THE BASE UNIT (ALL UNITS) OF UNION STATION, A CONDOMINIUM, ACCORDING TO DECLARATION THEREOF RECORDED UNDER KING COUNTY RECORDING NO. 9807280839, AND ANY AMENDMENT(S) THERETO; SAID UNITS ARE LOCATED ON SURVEY MAP AND PLANS FILED IN VOLUME 150 OF CONDOMINUMS , AT PAGES 37 THROUGH 45, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
EL160	1012 PROPERTIES, LLC	3210700050	1012 111 th PL SE BELLEVUE, WA 98004

LOT 9, BLOCK 3, HEARTHSTONE ADDITION PART NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 65 OF PLATS, PAGES 77 AND 78, INCLUSIVE, RECORDS OF KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
EL302.1	MORRIS GORELICK, AS HIS SEPARATE ESTATE; HAROLD H. GORLICK AND DIANE GORELICK, HUSBAND AND WIFE; AND MAX DUNAVANT, DONALD DUNAVANT, ALSO APPEARING AS DONALD R. DUNAVANT, CHRIS DUNAVANT, DAN DUNAVANT, TERRY DUNAVANT AND BRENDA DUNAVANT VOLLMER, BEING THE HEIRS AND DEVISEES OF LEE R. DUNAVANT AND DORIS I. DUNAVANT, BOTH DECEASED, ALL AS THEIR INTERESTS MAY APPEAR OF RECORD	2725059113	13234 NE 16 TH ST BELLEVUE, WA 98005

PARCEL A:
THE WEST 180 FEET OF THE NORTH 270 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON; EXCEPT THE NORTH 20 FEET THEREOF.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER THE EAST 30 FEET OF THE WEST 180 FEET OF SAID SUBDIVISION; EXCEPT THE NORTH 20 FEET THEREOF AND EXCEPT THE SOUTH 30 FEET THEREOF.

R/W No.	Owner/Contact	Parcel #	Address
EL345	MICROSOFT CORPORATION	0673100010	3050 152 ND AVE NE REDMOND, WA 98052

LOT 1, OF CITY OF REDMOND SHORT PLAT NO. SS-82-2R AS RECORDED NOVEMBER 3, 1988 UNDER KING COUNTY RECORDING NO. 8811030192, BEING A REVISION OF KING COUNTY SHORT PLAT NO. SS-82-2 AS RECORDED FEBRUARY 19, 1982 UNDER KING COUNTY RECORDING NO. 8202190622, IN KING COUNTY, WASHINGTON;

EXCEPTING THEREFROM THAT PORTION OF LOT 1 CONVEYED TO THE CITY OF REDMOND BY INSTRUMENT RECORDED FEBRUARY 24, 1983 UNDER RECORDING NO. 8302240792;
ALSO EXCEPTING THEREFROM THAT PORTION OF LOT 1 THEREOF CONVEYED TO THE CITY OF REDMOND, A WASHINGTON MUNICIPAL CORPORATION, ITS SUCCESSORS AND ASSIGNS FOR 152ND AVENUE N.E. BY DEED RECORDED JULY 31, 2008 UNDER RECORDING NO. 20080731001810.