

RESOLUTION NO. R2014-17
To Acquire Real Property Interests Required for the East Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	08/14/14	Recommendation to the Board	Ahmad Fazel, DECM Executive Director
Board	08/28/14	Final Action	Don Billen, East Link Deputy Project Director 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 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 or lease of three parcels in the Overlake Village neighborhood in the City of Redmond for construction of light rail facilities for the East Link Extension.
- The properties are needed for construction, maintenance and operation of a light rail pedestrian bridge in the Overlake Village neighborhood of Redmond.
- 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.

Certain property interests have been identified as necessary for construction of the East Link Extension. The proposed action would authorize the acquisition of three property interests from 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 Overlake Village easterly of 148th Ave NE along the light rail alignment identified in the East Link Extension.

FISCAL IMPACT

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	26,206	0	26,206	41,913
Preliminary Engineering	56,594	55,123	0	55,123	1,471
Final Design	232,621	157,130	0	157,130	75,491
Third Party Agreements	40,605	5,431	0	5,431	35,174
Right of Way	365,408	39,584	0	39,584	325,824
Construction	24,000	13,832	0	13,832	10,168
Construction Services	11,000	3,790	0	3,790	7,210
Vehicles	0	0	0	0	0
Total Current Budget	798,347	301,096	0	301,096	497,251

Phase Detail - Right of Way

ROW Phase	365,408	39,584	0	39,584	325,824
Total Phase	365,408	39,584	0	39,584	325,824

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 June 30th, 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.

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 /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 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 12, 2014. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on August 15 and 22, 2014.

TIME CONSTRAINTS

Board authorization to acquire these properties is needed in order to be able to apply for permits 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: Selected the route, profiles, and station locations for the East Link Extension and superseding Resolution No. R2011-10.

ENVIRONMENTAL REVIEW

Jl 8/7/2014

LEGAL REVIEW

JW 8/8/2014

RESOLUTION NO. R2014-17

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 August 28, 2014.



Dow Constantine
Board Chair

ATTEST:



Marcia Walker
Board Administrator

**RESOLUTION NO. R2014-17
EAST LINK EXTENSION
E360 SEGMENT**

EXHIBIT A

R/W No	Tax Parcel No	Owner
EL344.2	6448200010	Hines REIT Daytona Campus, LLC
EL345.2	6448200030	Honeywell International Inc. and Hines REIT Laguna Campus, LLC
EL345.3	2499900030	Hines REIT Laguna Campus, LLC

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EAST LINK EXTENSION
E360 SEGMENT**

EXHIBIT A

R/W No.	Owner/Contact	Parcel #	Address
EL344.2	Hines REIT Daytona Campus, LLC	6448200010	14999 NE 31st Way Redmond, WA 98052

LOT S OF CITY OF REDMOND LOT LINE REVISION NO. LLR 00-001, RECORDED UNDER RECORDING NO. 20001219900009, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
EL345.2	Honeywell International Inc. and Hines REIT Laguna Campus, LLC	6448200030	15002 NE 31st Way Redmond, WA 98052

PARCEL A:

LOT T OF CITY OF REDMOND LOT LINE REVISION NO. 00-001, RECORDED UNDER RECORDING NUMBER 20001219900009, BEING A PORTION OF LOT B OF CITY OF REDMOND LOT LINE REVISION NO. LLR 97-004, RECORDED UNDER RECORDING NUMBER 9709309011, IN LOT 3 OF OVERLAKE INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 64 OF PLATS, PAGES 79 THROUGH 82, INCLUSIVE, IN KING COUNTY, WASHINGTON; EXCEPT PORTION CONVEYED TO THE CITY OF REDMOND BY DEED RECORDED UNDER RECORDING NO. 20091230000918.

PARCEL B:

AN EASEMENT FOR PARKING RECORDED UNDER RECORDING NUMBER 20060929001163.

R/W No.	Owner/Contact	Parcel #	Address
EL345.3	Hines REIT Laguna Campus, LLC	2499900030	14980 NE 31st Way Redmond, WA 98052

LOT 3 OF FC10.5 HART LLC A BINDING SITE PLAN, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 185 OF PLATS, PAGES 54 THROUGH 57, INCLUSIVE, RECORDS OF KING COUNTY, WASHINGTON.