

RESOLUTION NO. R2014-23
To Acquire Real Property Interests Required for the East Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	09/11/14	Recommendation to the Board	Ahmad Fazel, DECM Executive Director
Board	09/25/14	Final Action	Don Billen, East Link Deputy Director Roger Hansen, Real Property Director

PROPOSED ACTION

Authorizes the chief executive officer to acquire 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.

KEY FEATURES SUMMARY

- Authorizes the acquisition of pipeline easement rights from two parcels in the Bel-Red neighborhood in the City of Bellevue for construction of light rail facilities for the East Link Extension.
- The property is needed for construction, maintenance and operation of the light rail guideway in the Bel-Red corridor.
- 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 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 Board has previously authorized acquisition of the parcel where the easement is located through Resolution No. R2013-21. In the usual course, the easement would be obtained at

the same time as the remainder of the property interests and pursuant to the earlier authorization, but in this instance, schedule needs dictate that it significantly precede the remainder of the acquisition. Accordingly, this separate specific authorization to acquire and possibly condemn the pipeline easement interests is needed.

The proposed action would authorize the acquisition of one property interest from commercial properties, by condemnation if necessary, as needed for the construction, operation and maintenance of the East Link Extension and the reimbursement of eligible relocation and reestablishment expenses incurred by 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 the Bel-Red neighborhood, near NE 16th Street and 136th Avenue 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	26,943	0	26,943	41,176
Preliminary Engineering	56,594	55,123	0	55,123	1,471
Final Design	232,621	157,165	0	157,165	75,456
Third Party Agreements	40,605	6,434	0	6,434	34,171
Right of Way	365,408	44,103	0	44,103	321,305
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	307,389	0	307,389	490,958

Phase Detail - Right of Way					
ROW Phase	365,408	44,103	0	44,103	321,305
Total Phase	365,408	44,103	0	44,103	321,305

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 July 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.

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 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 September 9, 2014. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on September 12 and 19, 2014.

TIME CONSTRAINTS

Board authorization to acquire these properties is needed in order to allow sufficient time to relocate a gas pipeline that is in conflict with the light rail alignment. Moving forward with the Board Authorization and property acquisition at this time will facilitate relocation of the gas pipeline and avoid light rail construction delays.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2014-12: Authorized 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.

Resolution No. R2014-08: Authorized 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.

Resolution No. R2014-01: Authorized 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.

Resolution No. R2013-28: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests in the South Bellevue/Downtown neighborhood of Bellevue, 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. R2013-27: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests in the Overlake Village/Overlake Transit Center neighborhood of Redmond, 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. R2013-22: 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 East Link Extension.

Resolution No. R2013-21: 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 East Link Extension.

Resolution No. R2013-16: 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. R2013-14: 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 9/3/2014

LEGAL REVIEW

JB 9/5/2014

RESOLUTION NO. R2014-23

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire 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, 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 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, 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 acquire the properties determined to be necessary for the light rail construction, operation and maintenance in the Bel-Red Corridor of Bellevue between 120th Ave NE and 148th Ave NE, 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 the East Link Extension) and incorporated herein by reference, and for 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 reestablishment 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, 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 September 25, 2014.



Dow Constantine
Board Chair

ATTEST:



Marcia Walker
Board Administrator

RESOLUTION NO. R2014-23
 EAST LINK EXTENSION
 OLYMPIC PIPELINE EASEMENT RELOCATION

EXHIBIT A

R/W No	Tax Parcel No	Owner
EL310	2725059009	Mayers MGI Building Holding, LLC
EL311	0672100176	T. Wade Gaughran and Lisa R. Gaughran

R/W No.	Owner/Contact	Parcel #	Address
EL310	Mayers MGI Building Holding, Inc.	2725059009	13434 N.E. 16 th St. Bellevue, WA 98005

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R/W No.	Owner/Contact	Parcel #	Address
EL311	T. Wade Gaughran and Lisa R. Gaughran	0672100176	13570 N.E. Bellevue-Redmond Road, Bellevue, WA 98005

LOT A, CITY OF BELLEVUE BOUNDARY LINE ADJUSTMENT NUMBER 11-104732LW, RECORDED UNDER RECORDING NUMBER 20110525900002, IN KING COUNTY, WASHINGTON.