

RESOLUTION NO. R2014-25

To Acquire Real Property Interests Required for the Northgate Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	10/09/14	Recommendation to the Board	Ahmad Fazel, DECM Executive Director Don Davis, Executive Project Director, Northgate Link
Board	10/23/14	Final Action	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 Northgate Link Extension.

KEY FEATURES SUMMARY

- Authorizes the acquisition of utility easements or temporary construction easement rights from three parcels in the Northgate neighborhood in the City of Seattle.
- Two acquisitions are for aerial power line easements that are necessary to relocate utilities that are in conflict with the light rail alignment for the Northgate Link Extension and a third acquisition is for a temporary construction easement to facilitate pedestrian access and to demolish a building located on an adjacent property.
- The real properties identified in this requested action are included in Exhibit A.

BACKGROUND

The Northgate Link Extension project is a 4.3-mile extension of light rail from the UW Station to Northgate in twin-bored tunnels with two cut-and-cover stations serving Seattle's University District, Roosevelt and Northgate neighborhoods, which transitions to an elevated guideway and station near the Northgate Transit Center.

On April 27, 2006, upon consideration of the Final Supplemental Environmental Impact Statement (SEIS), the Sound Transit Board adopted Resolution No. R2006-07, which selected the final route, profile, and station locations for North Link, and authorized the necessary steps to complete final design and implementation of the University Link project. The Northgate Link Extension SEPA Addendum (August 2014) to the North Link Final Supplemental Environmental Impact Statement EIS (2006) was issued to address relocation of the 115 kV transmission line.

Certain property interests have been identified as necessary for construction of the guideway and light rail station in the Northgate neighborhood based upon the current level of design. 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 Northgate Station as identified in the preferred alternative for North Link.

Sound Transit staff has completed a preliminary analysis of the North Link project schedule, property acquisition work and the construction contract packaging plan. Initial property acquisition for North Link station and staging areas was authorized by the Board starting in March, 2010 in order for the project to be completed and operational by 2021.

FISCAL INFORMATION

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.

Northgate Link Extension

	2014 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	149,500	52,035		52,035	97,465
Preliminary Engineering	15,077	15,077		15,077	-
Final Design	118,523	105,937		105,937	12,587
Right of Way	127,300	93,061	-	93,061	34,239
Construction	1,338,050	486,899		486,899	851,151
Construction Services	112,050	85,994		85,994	26,056
Third Party Agreements	11,800	10,389		10,389	1,411
Vehicles	259,100	4,698		4,698	254,402
Total Current Budget	2,131,400	854,089	-	854,089	1,277,311

Phase Detail

Right of Way

Right of Way	127,300	93,061	-	93,061	34,239
Total Phase	127,300	93,061	-	93,061	34,239

Contract Detail

	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract	-	-	-	-
Contingency	-	-	-	-
Total Contract Amount	-	-	-	-
Percent Contingency	0%	0%	0%	0%

Notes:

Amounts are expressed in Year of Expenditure \$000s.

Board Approvals = Committed To-Date + Contingency, and includes pending Board actions.

2014 TIP = Lifetime project budget located on page 33 of the 2014 Transit Improvement Plan (TIP).

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with Board members in executive session.

SMALL BUSINESS/DBE PARTICIPATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Maps of the proposed North Link alignments and construction staging areas were published in the 2003 and 2005 North Link Draft SEIS and the 2006 North Link Final SEIS and made available to the public. A 45-day comment period on the 2005 Draft SEIS began in October 2005 and two public open houses/hearings were held in November 2005.

A public open house took place in June 2010 to inform the public on the start of the North Link project final design phase. An open house was held on May 17, 2011 regarding the Northgate station design progress. Staff also conducted 30% station design open houses on May 23, 2011 for the Roosevelt Station and on June 9, 2011 for the Brooklyn Station. Additional meetings have also been held in the University District and Roosevelt neighborhoods over the past year to discuss project design and construction issues, including property acquisition and other project requirements.

On September 12, 2011, a public open house took place to inform property owners affected by the tunnel easements between Brooklyn and Roosevelt Stations of the proposed property acquisition affecting their properties and to share information on anticipated impacts of the tunnel construction and light rail operation.

On March 5, 2012, a public open house took place to inform property owners affected by the tunnel and guideway easements between Roosevelt and Northgate Stations of the proposed property acquisition affecting their properties and to share information on anticipated impacts of the tunnel construction and light rail operation.

Additional public meetings to present and discuss construction activities in the vicinity of the future light rail stations at Roosevelt and Northgate Stations were held on March 21, March 26 and April 11, 2012. Three community meetings were held on December 11, 2013, March 6, 2014 and June 11, 2014 to provide information on the transmission line project. .

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on October 7, 2014. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on October 10 and 17, 2014.

TIME CONSTRAINTS

Board authorization to acquire these properties is needed in order to allow sufficient time to relocate utilities that are in conflict with the light rail alignment and to demolish a building whose removal is required on an adjacent property. Moving forward with the Board authorization and property acquisition at this time will facilitate relocation of the utilities and demolition of the building and avoid light rail construction delays.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2010-02: 1) Amended the Adopted 2010 Lifetime Capital Budget for the North Link – UW Station to Northgate project from \$107,176,375 to \$345,499,512 to perform final design, third party coordination, property acquisition, and related tasks, and 2) Amended the North Link – UW Station to Northgate 2010 annual budget by decreasing the Right of Way Acquisition and Permits phase by \$9,000,000 and increasing the Final Design phase by \$9,000,000.

Resolution No. R2006-07: (1) selected the final route, profile, and station locations for the North Link Light Rail Project; (2) selected the University Link portion of North Link to be constructed and operated as part of the Central Link Light Rail Project, including authorizing the steps necessary to complete final design and implementation of the University Link Project including securing a federal Full Funding Grant Agreement; (3) increased the University Link lifetime Adopted 2006 Budget and revising the annual Adopted 2006 Budget; and (4) for planning purposes reduced the minimum debt service coverage for the North King County subarea to 1.15x for the University Link Finance Plan.

ENVIRONMENTAL REVIEW

Jl 10/3/2014

LEGAL REVIEW

JB 10/03/2014

RESOLUTION NO. R2014-25

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 for the Northgate 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 National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) was completed with the North Link Final Supplemental Environmental Impact Statement (EIS) issued on April 7, 2006, and the Federal Transit Administration issued a Record of Decision for North Link in June 2006; 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 reimburse eligible relocation and re-establishment expenses incurred by affected parties; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Northgate Link Extension 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 vicinity of the Northgate Station 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 reimburse eligible relocation and re-establishment expenses incurred by 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 reimburse 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 of interests in the real property described in Exhibit A (said property to be used for the Northgate Link Extension Project) and incorporated herein by reference, and for the reimbursement 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 Northgate Link Extension Project 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 Northgate Link

Extension Project 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 Northgate Link Extension Project, 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 Northgate 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 the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Northgate Link Extension Project.

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 Northgate 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 October 23, 2014.



Paul Roberts
Board Vice Chair

ATTEST:



Marcia Walker
Board Administrator

**RESOLUTION 2014-25
NORTHGATE LINK EXTENSION**

EXHIBIT A

R/W No	Tax Parcel No	Owner
NG784	2434900020	Gateway Muirland, Inc.
NG1020	6411600110	Michael Berman
NG1021	6411600116	Daniel Speer

R/W No.	Owner/Contact	Parcel #	Address
NG784	Gateway Muirland, Inc.	2434900020	9725 Third Ave. NE Seattle WA 98115

LOTS 1 AND 2 OF EXECUTIVE PARK, AS PER PLAT RECORDED IN VOLUME 104 OF PLATS, PAGES 85 THROUGH 89, RECORDS OF KING COUNTY; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
NG1020	Michael Berman	6411600110	2354 N. 115th St Seattle WA 98133

LOT 2 OF KING COUNTY SHORT PLAT NO. 9802204, ACCORDING TO SHORT PLAT RECORDED SEPTEMBER 08, 1998 UNDER RECORDING NO. 9809089003, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
NG1021	Daniel Speer	6411600116	2350 N. 115th St Seattle WA 98133

LOT 1, CITY OF SEATTLE, SHORT PLAT NO. 9802204, ACCORDING TO SHORT PLAT RECORDED UNDER RECORDING NO. 9809089003, RECORDS OF KING COUNTY, WASHINGTON.