

**RESOLUTION NO. R2014-35**
**Amends Resolution R2012-18 To Acquire Real Property Interests Required for the Lynnwood Link Extension**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	12/11/14	Recommendation to the Board	Ahmad Fazel, DECM Executive Director <b>Roger Hansen, Real Property Director</b>
Board	12/18/14	Final Action	

**PROPOSED ACTION**

Amends Resolution No. R2012-18 to also authorize the chief executive officer to acquire certain real property interests as necessary for the Lynnwood Link Extension project, in addition to the previously authorized Northgate Link Extension.

**KEY FEATURES SUMMARY**

- By Resolution No. R2012-18, the Board authorized the acquisition of property interests in five parcels in the Northgate neighborhood in the City of Seattle for construction of a light rail guideway for the Northgate Link Extension. Two of the parcels subject to the resolution are owned by the Northgate Mall Partnership.
- Sound Transit has been negotiating to purchase real property rights needed from the Northgate Mall Partnership for purposes of the Northgate Link Extension since February, 2013. In the course of those negotiations, the Northgate Mall Partnership asked Sound Transit to acquire the property rights Sound Transit needs for the Lynnwood Link Extension at the same time it acquires the property needed for the Northgate Link Extension. This would minimize the impact of multiple acquisitions on the Northgate Mall.
- The property rights needed for the Lynnwood Link Extension are located on the same parcels already authorized for acquisition for the Northgate Link Extension through Resolution No. R2012-18, so the proposed action is designed simply to expand the purposes for which Sound Transit can acquire interests.
- This action would amend Resolution No. R2012-18 to include the acquisition of property rights for the purpose of the Lynnwood Link Extension in addition to the acquisition of rights needed for Northgate Link Extension, which is currently in progress. This will avoid multiple acquisitions from the Northgate Mall Partnership.

**BACKGROUND**

The Lynnwood Link Extension begins at the northerly end of the Northgate Link Extension in the Northgate Mall parking lot and extends north to the Lynnwood Transit Center. The property owned by Northgate Mall Partnership that is the subject of this action is located immediately north of the Northgate Link Extension terminus. Lynnwood Link Extension property acquisitions are not yet scheduled. By acquiring this additional property from the Northgate Mall Partnership at this time, Sound Transit will lessen the impact of multiple acquisitions on the Northgate Mall.

To accommodate Northgate Mall Partnership's request for early acquisition, Sound Transit identified certain property interests as necessary for construction of the guideway and light rail station in the Northgate neighborhood for the Lynnwood Link Extension 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 proposed action would authorize the acquisition of property by condemnation if necessary, as needed for the construction, operation and maintenance of the Lynnwood Link light rail guideway and station in the Northgate neighborhood and the payment of relocation benefits to eligible affected owners and tenants. The Federal Transit Administration approved a Documented Categorical Exclusion (DCE) on May 9, 2014, completing National Environmental Policy Act (NEPA) compliance for this early partial acquisition of property rights for Lynnwood Link based on the terms and conditions stated in the DCE.

Additional property acquisitions needed for Lynnwood Link will not take place until completion of environmental documentation and issuance of a Record of Decision by FTA and authorization by the Board.

## FISCAL IMPACT

The table below represents the Proposed 2015 TIP, before the Board for adoption on December 18, 2014.

This action is within the proposed 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.

Lynnwood Link Extension Project	2015 Proposed TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	11,735	4,497	0	4,497	7,238
Preliminary Engineering	44,334	41,618	0	41,618	2,717
Final Design	0	0	0	0	0
Third Party Agreements	996	867	0	867	130
Right of Way	7,050	429	0	429	6,621
Construction	0	0	0	0	0
Construction Services	0	0	0	0	0
Vehicles	0	0	0	0	0
<b>Total Current Budget</b>	<b>64,116</b>	<b>47,410</b>	<b>0</b>	<b>47,410</b>	<b>16,705</b>
<b>Phase Detail - Right of Way</b>					
ROW Phase	7,050	429	0	429	6,621
<b>Total Phase</b>	<b>7,050</b>	<b>429</b>	<b>0</b>	<b>429</b>	<b>6,621</b>
<b>Property Acquisition Details</b>					
	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	
<b>Total Contract Amount</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Percent Contingency	0%	0%	0%	0%	

### Notes:

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

Board Approvals to Date includes amounts through October 31st, 2014 plus any pending Board Actions.

Project Budget is located on page 33 of 176 the Proposed 2015 Transit Improvement Plan (TIP).

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

Informational meetings were held throughout the summer of 2014 at various events, soliciting input and providing the public with information regarding the project and advancing the EIS process. Sound Transit staff has continued to maintain contact with representative of the Northgate Mall to discuss and coordinate the acquisition of property needed from the Mall property for the construction and operation of the Northgate Light Rail station and guideway as well as the Lynnwood Link Extension.

Mall representatives requested that the acquisitions for Northgate and Lynnwood Link Extensions be combined into one acquisition to help minimize the impacts of the acquisition and construction on the mall property and tenants.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on December 2, 2014. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on December 5 and 12, 2014.

## TIME CONSTRAINTS

Board authorization to acquire these properties is needed in order to include the acquisition of property rights for the Lynnwood Link Extension from the mall in addition to those previously authorized and currently in progress for the Northgate Link Extension. This will avoid multiple acquisitions from the same property owners .

## PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2013-05: 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 Northgate Link Extension.

Resolution No. R2012-18: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, including acquisition by condemnation to the extent permitted by law, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the Northgate Link Extension located along Interstate 5 near NE 94th Street and Northgate in the City of Seattle.

Resolution No. R2012-09: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary including acquisition by condemnation for the North Link – University of Washington Station to Northgate project between the Roosevelt and Northgate Stations.

Resolution No. R2012-08: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary, and acquire and dispose of property interests owned by public entities including acquisition by condemnation for the North Link – University of Washington Station to Northgate Project between Roosevelt Station and Northgate Station.

Resolution No. R2011-13: Authorized the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation to the extent permitted by law (including settlement of condemnation litigation), or by entering into administrative settlements, and (2) to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction, operation and maintenance of the light rail tunnels and stations between University of Washington and Roosevelt stations within the North Link – University of Washington station to Northgate Project, all in the City of Seattle.

Resolution No. R2011-04: Authorized the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction of the Brooklyn and Roosevelt Stations and certain tunnel alignment within the North Link Project – UW Station to Northgate project and (2) acquire and dispose of property interests owned by public entities, including acquisition by condemnation to the extent permitted by law, between the University of Washington Station and Northgate in the City of Seattle which are needed for construction, maintenance and operation of the light rail tunnel and stations.

Resolution No. R2010-17: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and reestablishment benefits to affected parties as necessary for construction, maintenance and operation of a light rail tunnel and stations between the University of Washington Station and the Pine Street Stub Tunnel and between the University of Washington Station and Northgate.

Resolution No. R2010-04: Authorized the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for staging and station areas for the Brooklyn and Roosevelt Stations within the North Link – UW Station to Northgate project.

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) authorized the necessary steps to complete final design and implementation of the University Link Project.

## ENVIRONMENTAL REVIEW

JI 12/5/2014

## LEGAL REVIEW

JB 12/05/14

## **RESOLUTION NO. R2012-18 (AMENDED)**

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 to the extent permitted by law, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the Northgate Link Extension and the Lynnwood Link Extension located along Interstate 5 near NE 94<sup>th</sup> Street and Northgate in the City of Seattle.

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 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 Northgate Link Extension and the Lynnwood Link Extension that 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 tunnel construction, operation and maintenance for the Northgate Link Extension and the Lynnwood 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 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 Federal Transit Administration approved a Documented Categorical Exclusion (DCE) on May 9, 2014, completing National Environmental Policy Act (NEPA) compliance for this early partial acquisition of property rights for Lynnwood Link based on the terms and conditions stated in the DCE; 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 Northgate Link Extension and Lynnwood 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 Northgate Link Extension or the Lynnwood 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 Northgate Link Extension or Lynnwood 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 Northgate Link Extension and the Lynnwood 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 light rail tunnel, guideway and Northgate Station and Lynnwood 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 Northgate Link Extension and Lynnwood 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 Northgate Link Extension and Lynnwood Link Extension stations and light rail tunnel and 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.

SECTION 7. Prior Resolution Superseded and actions ratified. Resolution No. R2012-18, adopted July 26, 2012 is hereby superseded by this resolution and all actions previously taken pursuant to Resolution No. R2012-18 and this amended Resolution No. R2012-18 are hereby ratified and approved.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 18, 2014.

  
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Paul Roberts  
Board Vice Chair

ATTEST:

  
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Marcia Walker  
Board Administrator



**RESOLUTION NO. R2012-18 (AMENDED)**

**EXHIBIT A**

**NORTHGATE LINK EXTENSION PROJECT**

<b>ROW ID</b>	<b>TAX PARCEL NO.</b>	<b>OWNER/CONTACT</b>
NG781	3226049424-07	King County
NG783	3226049002-07	King County
NG785 NG786	2926049025-05 3226049567-04	Northgate Mall Partnership
NG779	3226049524-06	Northgate Station, A California Limited Partnership

**RESOLUTION NO. R2012-18 (AMENDED)**

**EXHIBIT A**

**NORTHGATE LINK EXTENSION PROJECT**

<b>R/W NO.</b>	<b>OWNER/CONTACT</b>	<b>PARCEL #</b>	<b>SITE ADDRESS</b>
NG781	King County Department of Transportation	3226049424-07	10200 1st Avenue NE Seattle, WA 98125

THE WEST 195 FEET OF THE NORTH 560 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;  
EXCEPT THE WEST 30 FEET THEREOF;  
EXCEPT THE NORTH 30 FEET THEREOF; AND  
EXCEPT THE WEST 16 FEET OF THE EAST 19 FEET OF THE NORTH 3 FEET OF THE REMAINDER THEREOF AS CONVEYED TO THE CITY OF SEATTLE FOR STREET PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 8212100698.

<b>R/W NO.</b>	<b>OWNER/CONTACT</b>	<b>PARCEL #</b>	<b>SITE ADDRESS</b>
NG783	King County	3226049002-07	10200 1st Avenue NE Seattle, WA 98125

PARCEL A:  
THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SUBDIVISION AND THE NORTH MARGIN OF NORTHEAST 100TH STREET;  
THENCE NORTH 88°16'50" WEST ALONG SAID MARGIN 119.23 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 88°16'50" WEST 52.93 FEET ALONG SAID NORTH MARGIN TO THE POINT OF CURVATURE OF A TANGENT 267.00 FOOT RADIUS CURVE TO THE RIGHT;  
THENCE WESTERLY ALONG SAID CURVE AND MARGIN 109.77 FEET TO A POINT OF REVERSE CURVATURE WITH A TANGENT 333.00 FOOT RADIUS CURVE TO THE LEFT;  
THENCE WESTERLY ALONG SAID CURVE AND MARGIN 136.91 FEET TO A POINT OF TANGENCY;  
THENCE NORTH 88°16'50" WEST ALONG SAID MARGIN 55.29 FEET TO THE EAST MARGIN OF NORTHEAST 1ST AVENUE;  
THENCE NORTH 0°36'30" EAST ALONG SAID EAST MARGIN 19.41 FEET TO THE SOUTH LINE OF THE NORTH 560 FEET OF SAID SUBDIVISION;  
THENCE SOUTH 88°16'18" EAST ALONG SAID SOUTH LINE 165.03 FEET TO THE EAST LINE OF THE WEST 195.00 FEET OF SAID SUBDIVISION;  
THENCE NORTH 0°36'30" EAST ALONG SAID EAST LINE 530.10 FEET TO THE SOUTH MARGIN OF NORTHEAST 103RD STREET;

THENCE SOUTH 88°16'18" EAST ALONG SAID MARGIN 301.41 FEET TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SUBDIVISION;  
 THENCE SOUTH 0°37'27" WEST ALONG SAID EAST LINE 10.00;  
 THENCE NORTH 88°16'18" WEST 119.39 FEET;  
 THENCE SOUTH 0°36'30" WEST ON A LINE PARALLEL TO THE WEST LINE OF SAID SUBDIVISION 589.42 FEET TO THE TRUE POINT OF BEGINNING;  
 (ALSO KNOWN AS LOT A, CITY OF SEATTLE BOUNDARY LINE ADJUSTMENT NUMBER 8801045, RECORDED UNDER RECORDING NUMBER 8908150721, IN KING COUNTY, WASHINGTON.)

TOGETHER WITH PORTION OF VACATED NORTHEAST 100TH STREET ADJOINING AS VACATED UNDER CITY OF SEATTLE ORDINANCE NUMBER 114943.

PARCEL B:  
 THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST MARGIN OF 1ST AVENUE NORTHEAST AND THE NORTH MARGIN OF NORTHEAST 103RD STREET;  
 THENCE NORTH 00°36'30" EAST ALONG SAID EAST MARGIN 20.00 FEET;  
 THENCE SOUTH 54°55'41" EAST 18.19 FEET;  
 THENCE SOUTH 88°16'18" EAST PARALLEL WITH SAID NORTH MARGIN 20.00 FEET;  
 THENCE SOUTH 00°36'30" WEST PARALLEL WITH SAID EAST MARGIN 10.00 FEET TO SAID NORTH MARGIN;  
 THENCE NORTH 88°16'18" WEST ALONG SAID NORTH MARGIN 35.00 FEET TO THE POINT OF BEGINNING.

R/W NO.	OWNER/CONTACT	PARCEL #	SITE ADDRESS
NG785	Northgate Mall Partnership	2926049025-05	301 NE Northgate Way
NG786	A Delaware General Partnership	3226049567-04	Seattle, WA 98125

PARCELS B AND C, CITY OF SEATTLE LOT BOUNDARY ADJUSTMENT NUMBER 3003593, RECORDED UNDER RECORDING NUMBER 20060203900004, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF SAID PARCEL C LYING WITHIN THAT CERTAIN TRACT OF LAND CONVEYED TO THE NATIONAL BANK OF COMMERCE OF SEATTLE, A NATIONAL BANKING ASSOCIATION, BY DEED RECORDED UNDER RECORDING NUMBER 3988352.

R/W NO.	OWNER/CONTACT	PARCEL #	SITE ADDRESS
NG779	Northgate Station, A California Limited Partnership	3226049524-06	9580 1st Avenue NE Seattle, WA 98115

PARCELS A OF CITY OF SEATTLE SHORT PLAT NO. 8708046 RECORDED UNDER RECORDING NUMBER 8804210831 IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF PARCEL A CONVEYED TO THE MUNICIPALITY OF METROPOLITAN SEATTLE BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 8812210869.