

RESOLUTION NO. R2015-10
To Acquire Real Property Interests Required for the East Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	05/14/15	Recommendation to the Board	Ahmad Fazel, DECM Executive Director Ron Lewis, Executive Project Director – East Link
Board	05/28/15	Final Action	Kevin Workman, Director of Real Property

PROPOSED ACTION

Authorizes 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.

KEY FEATURES SUMMARY

- Authorizes the partial property acquisition of eight properties; six for temporary construction easement rights on private properties, and two properties for temporary wetland mitigation on properties owned by the City of Bellevue.
- Board authorization to acquire these partial property interests is needed in order to construct the East Link Extension and meet environmental obligations.
- The real property identified in this action is included in Exhibit A.

BACKGROUND

The East Link Extension would extend light rail to East King County via I-90 from Downtown Seattle to Mercer Island, Bellevue, and the Overlake area of Redmond, with stations serving Rainier Avenue/I-90, Mercer Island, South Bellevue, E. Main, Downtown Bellevue, Hospital, the Bel-Red Corridor at 120th and 130th, Overlake Village, and the Overlake Transit Center. The project route, profiles, and station locations, including the tunnel route in downtown Bellevue, were selected by the Sound Transit Board on July 28, 2011 and amended on April 25, 2013 by Resolution R2013-09. Revenue service between Seattle and the Overlake Transit Center is forecast for June, 2023.

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 25, 2013, the Sound Transit Board selected the final East Link route, profiles, and station locations.

Certain property interests have been identified as necessary for construction of the East Link Extension. The proposed action would authorize partial property acquisition for temporary construction easement rights and temporary wetland mitigation on eight properties; six are private properties and two properties are owned by the City of Bellevue. Sound Transit will acquire the

properties, by condemnation if necessary and to the extent permitted by law, as needed for the construction, operation and maintenance of the East Link Extension and will reimburse relocation expenses 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.

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	2015 TIP*	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	186,200	33,358	0	33,358	152,842
Preliminary Engineering	55,900	55,113	0	55,113	787
Final Design	283,000	165,575	0	165,575	117,425
Third Parties	52,150	9,510	0	9,510	42,640
Right of Way	298,150	77,872	0	77,872	220,278
Construction	2,544,300	7,588	0	7,588	2,536,712
Construction Services	257,450	14,153	0	14,153	243,297
Vehicles	0	0	0	0	0
Total Current Budget	3,677,150	363,170	0	363,170	3,313,980

Phase Detail - Right of Way

ROW Phase	298,150	77,872	0	77,872	220,278
Total Phase	298,150	77,872	0	77,872	220,278

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:

* East Link Extension baseline project budget is approved by Board on April 23rd, 2014, Resolution R2015-04. Amounts are expressed in Year of Expenditure \$000s.
 Board Approvals to Date includes amounts through March 31st, 2015 plus any pending Board Actions.
 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

Not applicable to this action.

PUBLIC INVOLVEMENT

Public outreach on the East Link Extension has taken place over the last nine years. Outreach activities have included meetings with communities, property owners, businesses, stakeholders, local jurisdictions, and agencies. Since the project kickoff in 2006, Sound Transit has hosted numerous 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 opportunities to engage 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 May 11, 2015. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on May 15 and 22, 2015.

TIME CONSTRAINTS

A one-month delay would not significantly impact the timing of this project.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2013-09: Selected the route, profiles, and station locations for the East Link Extension and superseded 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 5/7/2015

LEGAL REVIEW

JB 5/8/2015

RESOLUTION NO. R2015-10

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, 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 Project 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 maintenance, 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 the 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 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 to the extent permitted by law 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 maintenance, 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 May 28, 2015.



Paul Roberts
Board Vice Chair

ATTEST:



Kathryn Flores
Board Administrator

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EAST LINK EXTENSION

EXHIBIT A

R/W No	Tax Parcel No	Owner
EL103.1	1624059152	City of Bellevue
EL103.2	1624059212	City of Bellevue
EL122	0644210020	Augustinus Sutandi and Nina Ariani
EL130	6664000100	Robert A. Rosell and Patricia M. Rosell
EL134	6664000140	Hok Chung Douglas Tsang and Lui Lam Lorine Tsang
EL143	7324900085	Vladimir Kouznetsov and Margarita Kouznetsov
EL350	2182500120	Microsoft Corporation
EL351	7933300000	SP Spring LLC and WR-SRI 120 th North LLC

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EAST LINK EXTENSION

R/W No.	Owner/Contact	Parcel #	Address
EL103.1	CITY OF BELLEVUE	1624059152	BELLEVUE, WA 98009

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER LYING SOUTHERLY OF THE NEWPORT-ISSAQUAH COUNTY ROAD (NEWPORT WAY) IN SECTION 16, TOWNSHIP 24 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT ANY PORTIONS THEREOF CONDEMNED BY THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES IN KING COUNTY SUPERIOR COURT CAUSE NOS. 330632, AND 556108; AND EXCEPT ANY PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NO.4525661; AND

EXCEPT THAT PORTION THEREOF CONVEYED TO THE MUNICIPALITY OF METROPOLITAN SEATTLE BY DEED RECORDED UNDER AUDITOR'S FILE NO. 5542681; AND

EXCEPT THAT PORTION THEREOF CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NO. 5554784; AND

EXCEPT ANY PORTION THEREOF CONDEMNED BY KING COUNTY FOR ROAD PURPOSES IN KING COUNTY SUPERIOR COURT CAUSE NO. 614516.

R/W No.	Owner/Contact	Parcel #	Address
EL103.2	CITY OF BELLEVUE	1624059212	BELLEVUE, WA 98009

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 24 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING SOUTHERLY OF NEWPORT-ISSAQUAH ROAD (NEWPORT WAY) AND NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 1, LAKE HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 46 OF PLATS, PAGE14, IN KING COUNTY, WASHINGTON;

THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 27.627 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 66°23'48.5" EAST A DISTANCE OF 321.39 FEET;

THENCE NORTH 06°26'56" EAST A DISTANCE OF 44 FEET, MORE OR LESS, TO TERMINUS OF SAID LINE ON THE SOUTHERLY MARGIN OF PRIMARY STATE HIGHWAY NO. 1, NEWPORT INTERCHANGE RIGHT OF WAY;

EXCEPT PORTION LYING WITHIN SECONDARY STATE HIGHWAY NO. 2-A; AND

EXCEPT ANY PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES.

R/W No.	Owner/Contact	Parcel #	Address
EL122	AUGUSTINUS SUTANDI AND NINA ARIANI	0644210020	11024 SE 25 th St. Bellevue, WA 98004

LOT 2, BEL-FOREST NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 98 OF PLATS, PAGE(S) 5, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
EL130	ROBERT A. ROSELL AND PATRICIA M. ROSELL	6664000100	10929 SE 23 RD St. Bellevue, WA 98004

LOT 10, PARKLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 98 OF PLATS, PAGES 33 AND 34, IN KING COUNTY, WASHINGTON;
EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF BELLEVUE BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 8502050224.

R/W No.	Owner/Contact	Parcel #	Address
EL134	HOK CHUNG DOUGLAS TSANG AND LUI LAM LORINE TSANG	6664000140	2222 109 th Avenue SE Bellevue, WA 98004

LOT 14, PARKLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 98 OF PLATS, PAGES 33 AND 34, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
EL143	VLADIMIR KOUZNETSOV AND MARGARITA KOUZNETSOV	7324900085	1922 109 th Avenue SE Bellevue, WA 98004

LOT 17, RINGLAKE ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 42 OF PLATS, PAGE 2, IN KING COUNTY, WASHINGTON;
EXCEPT THE SOUTH 40 FEET OF THE WEST 130 FEET THEREOF.

R/W No.	Owner/Contact	Parcel #	Address
EL350	MICROSOFT CORPORATION	2182500120	14848 NE 51st Street Redmond, WA 98052

LOTS 10, 11 AND 12 OF EAST SIDE GARDENS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 68, IN KING COUNTY, WASHINGTON, THE NORTH LINE OF WHICH, BY AGREEMENT, BEING COINCIDENT WITH THE SOUTH LINE OF LOT 3 OF SAID PLAT AS PER AFFIDAVIT OF CORRECTION RECORDED ON APRIL 12, 1915 UNDER KING COUNTY RECORDING NO. 991453 AND AS SHOWN ON RECORD OF SURVEY RECORDED IN VOLUME 49 OF SURVEYS, PAGE 81, RECORDING NO. 8604109004, RECORDED APRIL 10, 1986; EXCEPT THAT PORTION THEREOF CONVEYED TO KING COUNTY FOR NORTHEAST 51ST STREET (FORMERLY KNOWN AS TOSH ROAD) BY DEED RECORDED UNDER RECORDING NO. 2690085; AND EXCEPT THAT PORTION THEREOF LYING EASTERLY AND SOUTHERLY OF THE WESTERLY AND NORTHERLY MARGIN OF SR 520 AS ESTABLISHED BY JUDGMENT AND DECREE OF APPROPRIATION ENTERED ON DECEMBER 3, 1975 IN KING COUNTY SUPERIOR COURT CAUSE NOS. 750409 & 750450; AND EXCEPT THAT PORTION LYING NORTH OF THE COMMON BOUNDARY LINE AS DESCRIBED IN BOUNDARY LINE AGREEMENT RECORDED UNDER RECORDING NO. 9401281657.

R/W No.	Owner/Contact	Parcel #	Address
EL351	SP SPRING LLC AND WR-SRI 120 TH NORTH LLC	7933300000	1121 124 th Avenue NE Bellevue, WA 98052

UNITS 8, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23 AND 24 OF "SPRING DISTRICT MASTER CONDOMINIUM", ACCORDING TO THE DECLARATION THEREOF RECORDED UNDER RECORDING NO. 20131025000704 AND SURVEY MAP AND PLANS RECORDED IN VOLUME 278 OF CONDOMINIUMS, ON PAGES 94 AND 95, RECORDS OF KING COUNTY, WASHINGTON, AND ANY AMENDMENTS THERETO.