

RESOLUTION NO. R2015-18

To Acquire Real Property Interests Required for the Lynnwood Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	08/13/15	Recommendation to the Board	Ahmad Fazel, DECM Executive Director Kevin Workman, Director of Real Property
Board	08/27/15	Final Action	

PROPOSED ACTION

Authorizes the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Link Extension.

KEY FEATURES SUMMARY

- Authorizes the full acquisition of one property identified for Lynnwood Link Extension which is owned by the Edmonds School District.
- This property is needed for construction, maintenance and operation of the light rail guideway south of 220th Street SW in the City of Mountlake Terrace.
- The legal description of the real property identified in this action is included in Exhibit A.

BACKGROUND

The Lynnwood Link Extension will extend light rail from Northgate in the City of Seattle to Lynnwood in Snohomish County, primarily along I-5, with stations at NE 145th Street and NE 185th Street in Shoreline, the Mountlake Terrace Transit Center, and Lynnwood Transit Center.

Certain property interests have been identified as necessary for construction of the Lynnwood Link Extension. The final route, profile, and stations selected by the Sound Transit Board in April 2015 include a property owned by the Edmonds School District. The school district has been in negotiations with a developer to develop multi-family housing on this property. In order to avoid paying additional unnecessary costs, Sound Transit is recommending early acquisition of the property as it is a critical part of the Lynnwood Link Extension as a staging area during construction as well as a potential future station.

Sound Transit will acquire the property, by condemnation if necessary and to the extent permitted by law, as needed for the construction, operation and maintenance of the Lynnwood 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.

Sound Transit initiated Lynnwood Link Extension environmental and preliminary engineering work in 2010. The Lynnwood Link Extension Final Environmental Impact Statement was published on April 1, 2015, in compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA). The Sound Transit Board selected the project route, profile, and stations on April 23, 2015. The Federal Transit Administration issued a NEPA Record of Decision (ROD) for the project on July 10, 2015.

FISCAL INFORMATION

This action is within the current adopted project budget. Budget to fund the remaining work in the Right-of-Way Phase as contained in the current cost estimates will be authorized at Phase Gate 4.

Lynnwood Link Extension Project	2015 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	11,738	6,053	0	6,053	5,685
Preliminary Engineering	44,334	41,599	0	41,599	2,735
Final Design	0	0	0	0	0
Third Party Agreements	996	726	0	726	270
Right of Way	7,050	4,791	0	4,791	2,259
Construction	0	0	0	0	0
Construction Services	0	0	0	0	0
Vehicles	0	0	0	0	0
Total Current Budget	64,119	53,169	0	53,169	10,950

Phase Detail - Right of Way

ROW Phase	7,050	4,791	0	4,791	2,259
Total Phase	7,050	4,791	0	4,791	2,259

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 30, 2015 plus any pending Board Actions.

Project Budget is located on page 33 of the 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.

SMALL BUSINESS/DBE PARTICIPATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Sound Transit staff has worked closely with the Edmonds School District throughout the environmental and preliminary engineering phases. Sound Transit staff has met regularly with Edmonds School District staff about the Lynnwood Link project in relation to school district properties along the corridor and specifically the property under consideration. Sound Transit also sent letters to potentially impacted property owners prior to the publication of the Draft and Final Environmental Impact Statements.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on August 11, 2015. Legal notices of this proposed Board action will be published in the Seattle Times and The Herald of Everett newspapers on August 14 and 21, 2015.

TIME CONSTRAINTS

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

PRIOR BOARD/COMMITTEE ACTIONS

Not applicable to this action.

ENVIRONMENTAL REVIEW

JI 7/31/2015

LEGAL REVIEW

RESOLUTION NO. R2015-18

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 to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood 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 Lynnwood Link was completed with the Lynnwood Link Project Final Environmental Impact Statement (EIS) issued on April 1, 2015; the Federal Transit Administration issued a Record of Decision (ROD) for the project on July 10, 2015, completing the National Environmental Policy Act (NEPA) process; 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 to affected parties; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Lynnwood 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 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 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 the real property interests described in Exhibit A (said property to be used for the Lynnwood Link Extension) 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 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 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 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 Lynnwood 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 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, for

the purpose of constructing, owning, and operating a permanent location of the Lynnwood 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 August 27, 2015.



Dow Constantine
Board Chair

ATTEST:



Kathryn Flores
Board Administrator

RESOLUTION NO. R2015-18
LYNNWOOD LINK EXTENSION
EXHIBIT A

R/W No	Tax Parcel No	Owner
LL274.6	00378200300600	Edmonds School District Number 15

R/W No.	Owner/Contact	Parcel #	Address
LL274.6	EDMONDS SCHOOL DISTRICT NUMBER 15	00378200300600	6205 222 nd St. SW Mountlake Terrace, WA 98043

LOTS 6, 7, 8, 9 AND 10 OF BLOCK 3 AND LOTS 1, 2, 3, 4, & 5 OF BLOCK 4, APPLETON ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 27, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
EXCEPT STATE HIGHWAY 1 AND EXCEPT ADDITIONAL STATE HIGHWAY PER WARRANTY DEED RECORDED UNDER RECORDING NUMBER 8406280002, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.