



RESOLUTION NO. R2015-21

**To Acquire Real Property Interests Required for the East Link Extension**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	09/10/15	Recommendation to the Board	Ahmad Fazel, DECM Executive Director
Board	09/24/15	Final Action	Ron Lewis, Executive Project Director - East Link Extension <b>Kevin Workman, Real Property Director</b>

PROPOSED ACTION

Authorizes the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent permitted by law, and 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 five parcels in the Wilburton Station neighborhood in the City of Bellevue for construction of light rail facilities for the East Link Extension.
- The properties are needed for construction, maintenance, and operation of a light rail in the Wilburton Station neighborhood of Bellevue.
- The legal descriptions of the real properties identified in this requested action are included in Exhibit A.

BACKGROUND

East Link extends light rail 14 miles from downtown Seattle to downtown Bellevue and the Overlake area of Redmond via I-90, with stations serving Judkins Park/I-90, Mercer Island, South Bellevue, Downtown Bellevue, Overlake Hospital, the Bel-Red Corridor, Overlake Village and the Overlake Transit Center. The East Link project route, profiles, and station locations were selected by the Sound Transit Board on July 28, 2011, and amended on April 25, 2013. Light rail 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 proposed action would authorize the acquisition of three property interests from commercial 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.

The parcels identified in Exhibit A are in the vicinity Wilburton Station easterly of Interstate 405 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.

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.

East Link Extension	2015 TIP*	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	186,200	36,798	0	36,798	149,402
Preliminary Engineering	55,900	57,553	0	57,553	(1,653)
Final Design	283,000	183,167	0	183,167	99,833
Third Parties	52,150	10,639	0	10,639	41,511
Right of Way	298,150	105,862	0	105,862	192,288
Construction	2,544,300	24,765	0	24,765	2,519,535
Construction Services	257,450	12,546	0	12,546	244,904
Vehicles	0	0	0	0	0
<b>Total Current Budget</b>	<b>3,677,150</b>	<b>431,331</b>	<b>0</b>	<b>431,331</b>	<b>3,245,819</b>

### Phase Detail - Right of Way

ROW Phase	298,150	105,862	0	105,862	192,288
<b>Total Phase</b>	<b>298,150</b>	<b>105,862</b>	<b>0</b>	<b>105,862</b>	<b>192,288</b>

### 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
<b>Total Contract Amount</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Percent Contingency	0%	0%	0%	0%

#### Notes:

\* East Link Extension baseline project budget was approved by Board on April 23, 2015, Resolution R2015-04.

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

Board Approvals to Date includes amounts through July 31, 2015 plus any pending Board Actions.

Board Approvals = Committed to-date + Contingency.

## SMALL BUSINESS /DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Sound Transit promotes and encourages small business participation, which also includes Disadvantaged Business Enterprises (DBEs). Small Business and DBE goals are based upon an examination of subcontracting opportunities contained in the work of this contract and the number of Small Businesses/DBEs available to perform such subcontracting work.

Sound Transit determined that Small Business and DBE subcontracting opportunities are infeasible or improbable based upon the work described in this contract, so Small Business/DBE goals were not established or required.

## 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, 2015. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on September 11 and 18, 2015.

## TIME CONSTRAINTS

Board authorization to acquire these properties is needed in order to be able to apply for permits and to advance the permitting process with the City of Bellevue and initiate the property acquisition process with property owners in a timely manner. Moving forward with the Board authorization and property acquisition at this time will facilitate securing construction permits and proceeding with property acquisition in a timely manner.

## PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2013-09: Selected the route, profiles, and station locations for the East Link Extension and superseding Resolution No. R2011-10.

## ENVIRONMENTAL REVIEW

JI 9/2/2015

## LEGAL REVIEW

JB 9/03/2015

**RESOLUTION NO. R2015-21**

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, 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, the identified properties are necessary for the East Link Extension Project; 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 use the property determined to be necessary for the construction, operation, 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 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 re-establishment 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 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 September 24, 2015.

  
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Dow Constantine  
Board Chair

ATTEST:

  
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Kathryn Flores  
Board Administrator

**RESOLUTION NO. R2015-21**

**EAST LINK EXTENSION**

**EXHIBIT A**

<b>R/W No</b>	<b>Tax Parcel No</b>	<b>Owner</b>
EL256.3	9999999137	Midlakes, LLC
EL261	3986900000	Lake Bellevue Village Condominium
EL266.1	3986500010	Mody's LLC
EL266.2	1099100529	2 Lake Bellevue, LLC
EL275	6389980000	One Lake Bellevue Condominiums



R/W No.	Owner/Contact	Parcel #	Address
EL256.3	MIDLAKES, LLC	9999999137	501 120 <sup>th</sup> Avenue NE Bellevue, WA 98005

THE WESTERLY 31.0 FEET OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMERLY NORTHERN PACIFIC RAILWAY COMPANY) 100.0 FOOT WIDE SEATTLE BELT LINE BRANCH LINE RIGHT OF WAY, BEING 50.0 FEET WIDE ON EACH SIDE OF SAID RAILWAY COMPANY'S MAIN TRACK CENTERLINE, AS NOW LOCATED AND CONSTRUCTED UPON, OVER AND ACROSS THE NW ¼ NW ¼ NW ¼ OF SECTION 33, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, KING COUNTY, WASHINGTON, LYING BETWEEN TWO LINES DRAWN CONCENTRIC WITH AND DISTANCE, RESPECTIVELY, 19.0 FEET AND 50.0 FEET WESTERLY, AS MEASURED RADially FROM THE MAIN TRACK CENTERLINE BOUNDED ON THE NORTH BY THE SOUTH LINE OF NORTHEAST 8TH STREET IN BELLEVUE, WASHINGTON, AND BOUNDED ON THE SOUTH BY A LINE DRAWN RADICALLY TO SAID MAIN TRACK CENTERLINE AT A POINT DISTANT 210.0 FEET SOUTHERLY OF THE NORTH LINE OF SAID SECTION 33, AS MEASURED ALONG SAID MAIN TRACK CENTERLINE.

R/W No.	Owner/Contact	Parcel #	Address
EL261	LAKE BELLEVUE VILLAGE CONDOMINIUM	3986900000	4 Lake Bellevue Drive Bellevue, WA 98005

COMMON AREAS OF LAKE BELLEVUE VILLAGE, A CONDOMINIUM, ACCORDING TO THE CONDOMINIUM DECLARATION RECORDED UNDER RECORDING NUMBER 7906180641, AND AMENDMENTS THERETO, IF ANY, AND IN VOLUME 32 OF CONDOMINIUMS, PAGE(S) 90 THROUGH 97, INCLUSIVE, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
EL266.1	MODY'S LLC	3986500010	3 Lake Bellevue Drive Bellevue, WA 98005

LOT 1, LAKE BELLEVUE, DIV. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 109 OF PLATS, PAGE(S) 18 AND 19, IN KING COUNTY, WASHINGTON.

<b>R/W No.</b>	<b>Owner/Contact</b>	<b>Parcel #</b>	<b>Address</b>
EL266.2	2 LAKE BELLEVUE, LLC	1099100529	2 Lake Bellevue Drive, Bellevue, WA 98005

LOT 1 OF CITY OF BELLEVUE SECOND REVISED SHORT PLAT NO. 77-29 RECORDED UNDER RECORDING NUMBER 7801250886, IN KING COUNTY, WASHINGTON; AND TRACT A, LAKE BELLEVUE, DIV. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 109 OF PLATS, PAGE 18 AND 19, IN KING COUNTY, WASHINGTON.

<b>R/W No.</b>	<b>Owner/Contact</b>	<b>Parcel #</b>	<b>Address</b>
EL275	ONE LAKE BELLEVUE CONDOMINIUMS	6389980000	1 Lake Bellevue Drive, Bellevue, WA 98005

COMMON AREAS OF ONE LAKE BELLEVUE CONDOMINIUM, A CONDOMINIUM, ACCORDING TO THE CONDOMINIUM DECLARATION RECORDED UNDER RECORDING NO. 20060503000659, AND AMENDMENTS THERETO, IF ANY, AND IN VOLUME 216 OF CONDOMINIUMS, PAGE(S) 47 THROUGH 50, INCLUSIVE, IN KING COUNTY, WASHINGTON.