

RESOLUTION NO. R2015-35

To Acquire Real Property Interests Required for the Operations and Maintenance Satellite Facility

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	12/10/15	Recommend to the Board	Ahmad Fazel, DECM Executive Director Miles Haupt, Project Director - OMSF
Board	12/17/15	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 to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Operations and Maintenance Satellite Facility Project.

KEY FEATURES SUMMARY

- Authorizes property acquisitions of eight properties and one temporary construction easements identified for the Operations and Maintenance Satellite Facility (OMSF).
- The properties are needed for construction of the light rail Operations and Maintenance Satellite Facility.
- The legal descriptions of the real properties identified in this requested action are included in Exhibit A.

BACKGROUND

The ST2 Plan included funding to locate, design, and construct additional operations and maintenance facility capacity to accommodate future Link light rail fleet requirements. The Link Operations & Maintenance Facility-East is needed for the expansion of the region's light rail system. By 2023, the system will grow from 16 to 50 miles and the existing light rail fleet will triple in size from 62 to 180 vehicles. The current operations and maintenance facility in Seattle, which can store and maintain up to 104 light rail vehicles, will reach full capacity by 2020. The new facility will maintain, store and deploy the expanded fleet and support the efficient light rail operations approved and funded by voters in 2008.

Certain property interests have been identified as necessary for construction of the OMSF project. The proposed action would authorize property acquisition for the construction of the OMSF. Sound Transit will acquire the properties, by condemnation if necessary, as needed for the construction, operation and maintenance of the OMSF project 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.

Operations and Maintenance Satellite

Facility	Amended 2015 TIP*	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	3,237	1,152		1,152	2,085
Preliminary Engineering	10,191	9,238		9,238	953
Final Design					
Third Party Agreements	1,650				1,650
Right of Way	117,950	23,182		23,182	94,768
Construction					
Construction Services	600				600
Vehicles					
Total Current Budget	133,628	33,572		33,572	100,056

Phase Detail

Right of Way

Right of Way	117,950	23,182		23,182	94,768
Other Right of Way					
Total Phase	117,950	23,182		23,182	94,768

Contract Detail

	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Agreement Amount	-	-	-	-
Contingency Amount	-	-	-	-
Total Contract	-	-	-	-
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.

* OMSF project Budget Amendment is pending Board Approval.

Project budget page is located on page 9 of 116 of the Proposed 2016 Transit Improvement Plan (TIP).

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

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 no goals were established for Small Business/DBE.

PUBLIC INVOLVEMENT

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.

Sound Transit has actively committed to seeking public feedback at all project stages for the OMSF project. Since 2012, Sound Transit has hosted public meetings, stakeholder briefings, and facility tours. In addition, the agency coordinated with the cities of Lynnwood and Bellevue to provide

project information for distribution through local newsletters and social media outlets, sent emails to related notification subscription lists, and created and mailed a tri-fold project update folio to addresses adjacent to all four sites evaluated in the DEIS. Other activities included:

- Work with social service providers to provide project information to traditionally underrepresented populations in Bellevue and Lynnwood.
- Inclusion of an OMSF resource table and staff at East Link Extension final design public meetings (eight total).

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on December 1, 2015. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on December 4 and December 11, 2015.

TIME CONSTRAINTS

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

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2015-26: Selects the project to be built for the Link Light Rail Operations and Maintenance Satellite Facility.

ENVIRONMENTAL REVIEW

JI 12/04/15

LEGAL REVIEW

JB 12/04/15

RESOLUTION NO. R2015-35

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 to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Operations and Maintenance Satellite Facility Project.

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 properties 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

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction, operation and maintenance, and permanent location of the Operations and Maintenance Satellite Facility (OMSF) and such properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to use the properties determined to be necessary for the construction, operation and maintenance, and permanent location of the OMSF, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes; and

WHEREAS, Sound Transit has commissioned or will commission an appraisal to determine the fair market value of the property, and will negotiate in good faith with the owner of the property 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 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 properties described in Exhibit A (said properties to be used for the OMSF). In accordance with Sound Transit's Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the property may not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition costs of the property for the OMSF Project 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 OMSF Project by purchase or by condemnation to the extent permitted by law.

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 OMSF 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 properties identified in Exhibit A as being necessary for the construction, operation and maintenance, and permanent location of the OMSF Project.

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 properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the OMSF 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 to the extent permitted by law, necessary to construct, operate and maintain the OMSF Project. The chief executive officer is also authorized to make minor amendments to the legal description 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.

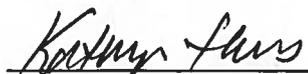
SECTION 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 17, 2015.



Dow Constantine
Board Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2015-35
EXHIBIT A

Operations Maintenance Satellite Facility (OMSF)

ROW ID	TAX PARCEL NO.	OWNER/CONTACT
MB018	1099100002	Auto Company XXI, Inc.
MB024	2825059070	Auto Company XXI, Inc.
MB026	2825059099	W.W. Grainger, Inc.
MB027	2825059156	MD Investments II, LLC
MB028	2825059213	Legacy Kelsey Creek, LLC
MB029	2825059218	PBI Enterprises, LLC
MB034	2825059294	JTN Properties, LLC
MB035	2825059302	W.W. Grainger, Inc.
MB036	2825059307	Bellevue Trade Center

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Operations Maintenance Satellite Facility (OMSF)

R/W No.	Owner/Contact	Parcel #	Address
MB018	AUTO COMPANY XXI, INC.	1099100002	1601 120 TH AVE. NE BELLEVUE, WA 98005

PARCEL 2 AND TRACT "A", CITY OF BELLEVUE SHORT PLAT NUMBER 80-16, RECORDED UNDER RECORDING NUMBER 8101239001, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
MB021	CITY OF BELLEVUE	1099100104	VACANT LAND

LOT 5, CITY OF BELLEVUE SHORT PLAT NUMBER LF-06-135856, RECORDED UNDER RECORDING NUMBER 20070319900012, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
MB024	AUTO COMPANY XXI, INC.	2825059070	VACANT PROPERTY BELLEVUE, WA 98005

THAT PORTION OF PARCEL 3, CITY OF BELLEVUE SHORT PLAT NUMBER 80-16, RECORDED UNDER RECORDING NUMBER 8101239001, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3;
 THENCE NORTH 05°59'16" WEST ALONG THE WEST LINE OF SAID LOT, 963.68 FEET TO A POINT THAT IS 25.0 FEET WESTERLY OF THE CENTERLINE OF A RAILROAD SPUR TRACK AS MEASURED AT RIGHT ANGLES;
 THENCE SOUTH 19°47'18" EAST PARALLEL WITH SAID CENTERLINE 636.84 FEET TO A POINT OF CURVATURE TO THE LEFT;
 THENCE ALONG SAID CURVE REMAINING PARALLEL TO SAID CENTERLINE THROUGH A CENTRAL ANGLE OF 37°40'10" WITH A RADIUS OF 432.19 FEET AND AN ARC LENGTH OF 284.14 FEET;
 THENCE NORTH 39°00'56" EAST 4.14 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL 3;
 THENCE SOUTH 50°59'04" EAST, ALONG SAID EAST LINE 346.01 FEET;
 THENCE SOUTH 43°38'13" EAST, 29.88 FEET TO A POINT ON A CURVE, THE CENTERLINE OF WHICH BEARS SOUTH 46°21'47" WEST;
 THENCE NORTHWESTERLY ALONG SAID CURVE WITH A RADIUS OF 280.00 FEET THROUGH A CENTRAL ANGLE OF 44°42'51" AN ARC LENGTH OF 218.51 FEET;
 THENCE NORTH 88°21'04" WEST 383.54 FEET TO THE POINT OF BEGINNING.

R/W No.	Owner/Contact	Parcel #	Address
MB026	W. W. GRAINGER, INC.	2825059099	2221 120 TH AVE NE BELLEVUE, WA 98005

PARCEL 1 OF CITY OF BELLEVUE SHORT PLAT NO. 78-07, RECORDED UNDER RECORDING NO. 7802140967, IN KING COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN; THENCE SOUTH 88°37'39" EAST 1,274.33 FEET TO THE NORTHERLY PRODUCTION OF THE WESTERLY MARGIN OF 120TH AVENUE NORTHEAST AS RECORDED UNDER KING COUNTY RECORDING NO. 7603150464; THENCE SOUTH 01°12'00" WEST ALONG SAID WESTERLY MARGIN 470.00 FEET; THENCE CONTINUING SOUTH 01°12'00" WEST ALONG SAID WESTERLY MARGIN 40.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 88°37'39" WEST 163.00 FEET TO THE NORTHWEST CORNER OF A PARCEL DESCRIBED AS EXCEPTION UNDER RECORDING NO. 5261871; THENCE SOUTH 01°12'00" WEST 135.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE SOUTH 88°37'39" EAST 163.00 FEET TO SAID WESTERLY MARGIN OF 120TH AVENUE NORTHEAST; THENCE NORTH 01°12'00" EAST ALONG SAID MARGIN 135.00 FEET TO THE TRUE POINT OF BEGINNING.

R/W No.	Owner/Contact	Parcel #	Address
MB027	MD INVESTMENTS II, LLC	2825059156	2035 120 TH AVE NE BELLEVUE, WA 98005

LOT 2 OF CITY OF BELLEVUE SHORT PLAT NO. 84-42, RECORDED UNDER RECORDING NUMBER 8510119003, BEING A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON. EXCEPT THE SOUTH 19 FEET THEREOF; (ALSO KNOWN AS LOT B OF CITY OF BELLEVUE BOUNDARY LINE ADJUSTMENT NO. 92-2626, RECORDED UNDER RECORDING NUMBER 9208209001) TOGETHER WITH EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE NORTH 30 FEET OF LOT 3 OF CITY OF BELLEVUE SHORT PLAT NO. 84-42, RECORDED UNDER RECORDING NUMBER 8510119003.

R/W No.	Owner/Contact	Parcel #	Address
MB028	LEGACY KELSEY CREEK, LLC	2825059213	2019 120 TH AVE NE BELLEVUE, WA 98005

LOT A, CITY OF BELLEVUE BOUNDARY LINE ADJUSTMENT NO. 02-127108 LW, RECORDED UNDER RECORDING NUMBER 20020624900006, IN KING COUNTY, WASHINGTON;

SAID BOUNDARY LINE ADJUSTMENT BEING A PORTION OF LOT 4 OF CITY OF BELLEVUE BOUNDARY LINE ADJUSTMENT NO. 92-2626, RECORDED UNDER RECORDING NUMBER 9208209001, AND LOT 4 OF CITY OF BELLEVUE SHORT PLAT NUMBER 80-16, RECORDED UNDER RECORDING NUMBER 8101239001, ALL IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25, NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
MB029	PBI ENTERPRISES, LLC	2825059218	2045 120 TH AVE NE BELLEVUE, WA 98005

NEW LOT A OF CITY OF BELLEVUE BOUNDARY LINE ADJUSTMENT NO. 92-2626, AS RECORDED UNDER RECORDING NUMBER 9208209001, RECORDS OF KING COUNTY AUDITOR;

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF LOTS 2 AND 3 OF KING COUNTY SHORT PLAT NO. SP-84-42, RECORDED UNDER AUDITOR'S FILE NUMBER 8510119003.

R/W No.	Owner/Contact	Parcel #	Address
MB034	JTN PROPERTIES, LLC	2825059294	1917 120 TH AVE NE BELLEVUE, WA 98005

LOT B, CITY OF BELLEVUE BOUNDARY LINE ADJUSTMENT NO. 02-127108 LW, RECORDED UNDER RECORDING NUMBER 20020624900006, IN KING COUNTY, WASHINGTON;

SAID BOUNDARY LINE ADJUSTMENT BEING A PORTION OF LOT 4 OF CITY OF BELLEVUE BOUNDARY LINE ADJUSTMENT NO. 92-2626, RECORDED UNDER RECORDING NUMBER 9208209001, AND LOT 4 OF CITY OF BELLEVUE SHORT PLAT NUMBER 80-16, RECORDED UNDER RECORDING NUMBER 8101239001, ALL IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25, NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
MB035	W.W. GRAINGER, INC.	2825059302	1821 120 TH AVE. NE BELLEVUE, WA 98005

PARCEL 2, CITY OF BELLEVUE SHORT PLAT NUMBER 78-07, RECORDED UNDER RECORDING NUMBER 7802140967, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
MB036	BELLEVUE TRADE CENTER, LLC	2825059307	2023 120 TH AVE. NE BELLEVUE, WA 98005

PARCEL A

LOT 3 OF SHORT PLAT NO. 84-42, CITY OF BELLEVUE RECORDED UNDER AUDITOR'S FILE NO. 8510119003, BEING A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON

PARCEL B

AN EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER A STRIP OF LAND IN THE CITY OF BELLEVUE, COUNTY OF KING, STATE OF WASHINGTON, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 3 OF THE CITY OF BELLEVUE SHORT PLAT NO. 84-42, RECORDED IN BOOK 46 OF SURVEYS AT PAGE 279, UNDER AUDITOR'S FILE NO. 8510119003, KING COUNTY RECORDS,
 THENCE FROM SAID POINT OF BEGINNING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF 120TH AVENUE N.E. SOUTH 01°12'00" WEST 45.00 FEET;
 THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE NORTH 88°32'06" WEST 52.00 FEET,
 THENCE NORTH 01°27'54" EAST 45.00 FEET TO THE SOUTHERLY LINE OF SAID LOT 3,
 THENCE ALONG SAID SOUTHERLY LINE SOUTH 88°32'06" EAST 51.79 FEET TO THE POINT OF BEGINNING ALL SITUATE IN THE CITY OF BELLEVUE, COUNTY OF KING, STATE OF WASHINGTON