

**RESOLUTION NO. R2016-27**
**To Acquire Real Property Interests Required for the Lynnwood Link Extension**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	11/10/2016	Recommend to Board	Ahmad Fazel, DECM Executive Director Rod Kempkes, Executive Project Director – Lynnwood Link Extension
Board	11/29/2016	Final Action	<b>Kevin Workman, Director Real Property</b>

**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 nine parcels primarily along the I-5 corridor for the Lynnwood Link Extension.
- The properties are needed for construction, maintenance, and operation of the light rail guideway, or related facilities that do not need further engineering to define the acquisition requirements.
- This action will help to reduce schedule risks and allow a maximum amount of time for relocation of impacted individuals and businesses.
- The legal descriptions of the real property identified in this requested action are included in Exhibit A.

**BACKGROUND**

The Lynnwood Link Extension is an 8.5 mile light rail extension from Northgate to Lynnwood with service to the cities of Shoreline, Mountlake Terrace, and Lynnwood. The extension will travel primarily along I-5 and include four stations at NE 145th Street, NE 185th Street, Mountlake Terrace Transit Center, and Lynnwood Transit Center. New parking structures will be provided at NE 145th Street, NE 185th Street, and Lynnwood Transit Center. The project began Final Design in 2016 and is scheduled to open for service in 2023.

Certain property interests have been identified as necessary for construction of the Lynnwood Link Extension. The identified parcels provide critical staging and work areas and to allow the maximum amount of time for owners and tenants to relocate to alternate sites, staff is asking to begin the acquisition process now.

Sound Transit will acquire the property, by condemnation if necessary, 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.

The Lynnwood Link Extension Final Environmental Impact Statement was issued in April 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 and the Federal Highway Administration issued a ROD on August 31, 2015.

## PROJECT STATUS

Project Identification	Alternatives Identification	Conceptual Engineering	Preliminary Engineering	Final Design	Construction
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Projected Completion Date for Final Design Phase: Q1 2018

Project scope, schedule, and budget summary located on page 35-39 of the June 2016, Agency Progress Report.

## FISCAL INFORMATION

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.

Lynnwood Link Extension	2016 TIP	Board Approvals	This Action	Board	Uncommitted / (Shortfall)
				Approved Plus Action	
Agency Administration	88,305	10,762		10,762	77,543
Preliminary Engineering	42,000	41,244		41,244	756
Final Design	111,453	84,025		84,025	27,427
Right of Way	123,779	10,243		10,243	113,536
Construction	-	-		-	-
Construction Services	104,925	19,835		19,835	85,090
Third Party Agreements	17,400	5,999		5,999	11,401
Vehicles	-	-		-	-
Contingency	-	-		-	-
<b>Total Current Budget</b>	<b>487,861</b>	<b>172,108</b>	-	<b>172,108</b>	<b>315,753</b>

### Notes:

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

Board Approvals = Committed To-Date + Contingency, and includes pending Board actions.

2016 TIP = Lynnwood Link Extension project budget located on page 17 of the Adopted 2016 Transit Improvement Plan (TIP).

## SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action.

## PUBLIC INVOLVEMENT

Sound Transit staff has worked closely with the property owners throughout the environmental and preliminary engineering phases. Sound Transit staff has met regularly with the owners about the Lynnwood Link Extension in relation to their properties along the corridor and specifically the properties 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 November 4, 2016. Legal notices of this proposed Board

action will be published in the Seattle Times and The Herald of Everett newspapers on November 4 and 11, 2016.

#### TIME CONSTRAINTS

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

#### PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2016-24 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

Resolution No. R2015-31: Authorized 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.

Resolution No. R2015-30: Amended the 2015 Adopted Budget by (1) increasing the lifetime capital budget for the Lynnwood Link Extension project by \$423,742,313 from \$64,118,687 to \$487,861,000, (2) increased the 2015 Annual Budget by \$2,329,890 from \$16,324,776 to \$18,654,671, and (3) authorized the project to advance through Gate 4 within Sound Transit's Phase Gate Process.

Resolution No. R2015-18: Authorized 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.

Resolution No. R2015-5: Selected the route, profile, and stations for the Lynnwood Link Extension.

Resolution No. R2014-35: Amended Resolution 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.

Motion No. M2013-96: Identified the preferred light rail routes and station locations for the Lynnwood Link Extension Final Environmental Impact Statement.

#### ENVIRONMENTAL REVIEW

JI 11/3/2016

#### LEGAL REVIEW

JB 11/4/2016

**RESOLUTION NO. R2016-27**

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, 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, 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, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Lynnwood 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 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 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 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 interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of 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 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 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 Lynnwood 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 November 29, 2016.

  
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Paul Roberts  
Board Vice Chair

ATTEST:

  
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Kathryn Flores  
Board Administrator



RESOLUTION NO. R2016-27  
EXHIBIT A

LYNNWOOD LINK EXTENSION PROJECT

<b>ROW ID</b>	<b>TAX PARCEL NO.</b>	<b>OWNERS</b>
LL152	2881700400	THE HEIRS AND DEVISEES OF DONALD C. MAXWELL AND LYN DIAN MAXWELL
LL153	2881700402	THE HEIRS AND DEVISEES OF DONALD C. MAXWELL AND LYN DIAN MAXWELL
LL154	8680300060	GILBERT K. CUPAT AND JEFFREY A. DUJARDIN
LL155	8680300055	RUSSELL JACK THOMAS AND PATRICIA ANN THOMAS
LL157.9	8680300010	TIANSHAN ZHANG AND LI MA
LL158	8680300030	JERRY L. RICE AND CAROL L. RICE
LL158.1	8680300025	PAMELA M. ROZUM AND RICHARD A. ROZUM
LL158.2	8680300020	SAYED EL ANANY AND SALWA M. IBRAHIM
LL158.3	8680300015	SAIBA DOSSA LALJI

RESOLUTION NO. R2016-27

EXHIBIT A

LYNNWOOD LINK EXTENSION PROJECT

R/W No.	Owner/Contact	Parcel #	Address
LL152	THE HEIRS AND DEVISEES OF DONALD C. MAXWELL AND LYN DIAN MAXWELL	2881700400	VACANT LOT SHORELINE, WA 98155

THE SOUTH 60 FEET OF THE EAST 145 FEET OF TRACT 11, BLOCK 3, GREEN LAKE FIVE ACRE TRACTS TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 72, IN KING COUNTY, WASHINGTON;  
EXCEPT THE EAST 10 FEET THEREOF CONVEYED TO KING COUNTY FOR 5TH AVENUE NORTHEAST UNDER RECORDING NO. 2662785, RECORDS OF KING COUNTY, WASHINGTON.  
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
LL153	THE HEIRS AND DEVISEES OF DONALD C. MAXWELL AND LYN DIAN MAXWELL	2881700402	14727 5 <sup>TH</sup> AVE NE SHORELINE, WA 98155

THE NORTH 77.18 FEET OF THE SOUTH 137.18 FEET OF THE EAST 145 FEET OF TRACT 11, BLOCK 3, GREEN LAKE FIVE ACRE TRACTS TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 72, IN KING COUNTY, WASHINGTON;  
EXCEPT THE EAST 10 FEET THEREOF CONVEYED TO KING COUNTY FOR 5TH AVENUE NORTHEAST UNDER RECORDING NO. 2662785, RECORDS OF KING COUNTY, WASHINGTON.  
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
LL154	GILBERT K. CUPAT AND JEFFREY A. DUJARDIN	8680300060	345 NE 148 <sup>TH</sup> ST SHORELINE, WA 98155

LOT 12, TREN'S ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 49 OF PLATS, PAGE 92, IN KING COUNTY, WASHINGTON.  
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.



R/W No.	Owner/Contact	Parcel #	Address
LL155	RUSSELL JACK THOMAS AND PATRICIA ANN THOMAS	8680300055	339 NE 148 <sup>TH</sup> ST SHORELINE, WA 98155

LOT 11, TREN'S ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 49 OF PLATS, PAGE 92, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
LL157.9	TIANSHAN ZHANG AND LI MA	8680300010	358 NE 148 <sup>TH</sup> ST SHORELINE, WA 98155

LOT 2, TREN'S ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 49 OF PLATS, PAGE(S) 92, IN KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
LL158	JERRY L. RICE AND CAROL L. RICE	8680300030	330 NE 148 <sup>TH</sup> ST SHORELINE, WA 98155

LOT 6, TREN'S ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 49 OF PLATS, PAGE 92, IN KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
LL158.1	PAMELA M. ROZUM AND RICHARD A. ROZUM	8680300025	336 NE 148 <sup>TH</sup> ST SHORELINE, WA 98155

LOT 5, TREN'S ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 49 OF PLATS, PAGE 92, IN KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
LL158.2	SAYED EL ANANY AND SALWA M. IBRAHIM	8680300020	342 NE 148 <sup>TH</sup> ST SHORELINE, WA 98155

LOT 4, TREN'S ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 49 OF PLATS, PAGE 92, IN KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
LL158.3	SAIBA DOSSA LALJI	8680300015	348 NE 148 <sup>TH</sup> AVE SHORELINE, WA 98155

LOT 3, TREN'S ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 49 OF PLATS, PAGE(S) 92, RECORDS OF KING COUNTY, WASHINGTON.  
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.