

RESOLUTION NO. R2017-40

To Acquire Real Property Interests Required for the Lynnwood Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	11/09/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director Rod Kempkes, Executive Project Director
Board	11/16/2017	Final Action	– Lynnwood Link Extension Kevin Workman, Director Real Property

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 acquisition of all or portions of 10 parcels consisting of full and partial acquisitions, temporary construction easements, and/or permanent easements for the Lynnwood Link Extension. These parcels are located in the cities of Seattle, Shoreline, Mountlake Terrace and Lynnwood.
- The properties are needed for construction, maintenance, and operation of the light rail guideway, or related facilities.
- The real properties 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.

The Lynnwood Link Extension Final Environmental Impact Statement was issued April 1 and April 3, 2015, pursuant to the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), respectively. The Sound Transit Board selected the project route, profile, and stations on April 23, 2015. The Federal Transit Administration (FTA) issued a Record of Decision on July 10, 2015, and the Federal Highway Administration issued a Record of Decision on August 31, 2015.

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.

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 29 of the August 2017 Link Light Rail Program Progress Report.

FISCAL INFORMATION

At the August 24, 2017, Board meeting, the project team identified a \$517 million variance between the ST2 estimate (including vehicles and share of OMFE) and the trending estimate for the project reflecting the most current design estimates. As outlined with the Board, staff is engaged in value engineering efforts to reduce this trending estimate. When the value engineering efforts are complete and design estimates finalized, staff will provide financial and affordability impacts to the Board prior to their adoption of the baseline budget for the project.

The current authorized project allocation to date for the right-of-way phase of the project is \$123,778,500 of which \$60,825,400 has already been committed. There is \$62,953,100 of uncommitted funds in the right of way phase, which is sufficient to complete the proposed action. Total right-of-way costs are expected to exceed the current \$123.8 million of allocated phase budget due to higher than anticipated costs of real estate and a larger number of right-of-way acquisitions than earlier estimated. This is being addressed as an increase to the right of way phase budget in the Proposed 2018 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 property owners throughout the environmental, preliminary engineering, and final design phases. Sound Transit staff has met regularly with owners about the Lynnwood Link Extension in relation to the properties along the corridor. 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 1, 2017. Legal notices of this proposed Board action will be published in the Seattle Times and The Herald of Everett newspapers on November 3, 2017, and November 10, 2017.

TIME CONSTRAINTS

A one-month delay would significantly impact the timing of this project.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2017-36: 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. R2017-33: 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. R2017-27: 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. R2017-21: 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. R2017-19: 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. R2017-10: 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. R2017-04: Authorized 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 Lynnwood Extension.

Resolution No. R2016-27: 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. R2016-24: 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. R2015-31: 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. R2015-05: 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.

ENVIRONMENTAL REVIEW

KH 10/31/17

LEGAL REVIEW

JB 11/3/17

RESOLUTION NO. R2017-40

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 his 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.

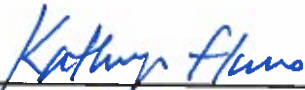
SECTION 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 16, 2017.



Dave Somers
Board Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2017-40
EXHIBIT A

LYNNWOOD LINK EXTENSION PROJECT

ITEM	ROW #	TAX PARCEL NUMBER	TAX PAYER(S)	PROPERTY ADDRESS
1	LL100.2	2926049530	Julie Huang and Shirley Kuo	139 NE 115TH ST Seattle, WA 98125
2	LL100.3	2926049531	Christopher Kuo and Shirley Kuo	145 NE 115TH ST Seattle, WA 98125
3	LL117	6412100080	Marc S Gibian and Linda I Baughman	12035 5TH AVE NE Seattle, WA 98125
4	LL118	6412100082	Wyvonne D Ray	12045 5TH AVE NE Seattle, WA 98125
5	LL119	6412100081	Jagdishwar Chand, Pushpa Wati and Madhu Chand	12049 5TH AVE NE Seattle, WA 98125
6	LL182	7301400120	Jude Seneviratne and Maria Seneviratne	121 NE 163RD ST Shoreline, WA 98155
7	LL225	6084100105	Steven Chung and Mabel Chung	18023 5TH AVE NE Shoreline, WA 98155
8	LL265	3971702295	Alemeseged G Gebereslassie	718 NE 189th ST Shoreline, WA 98155
9	LL274.8	00524000000600	Jeffrey A Layne	6103 227TH ST SW Mountlake Terrace, WA 98043
10	LL294	00462601300800	James Poua & Kimmerly Poua	20924 52ND AVE W Lynnwood, WA 98036