

RESOLUTION NO. R2018-38

To Acquire Real Property Interests Required for the Downtown Redmond Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	10/11/2018	Recommend to Board	Don Billen, PEPD Executive Director Leonard McGhee, PEPD Development Manager
Board	10/25/2018	Final Action	Tony Raben, Project Director – Downtown Redmond Link Extension Joseph Gray, Acting Director Real Property Rhonda Thomsen, Real Property Agent

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 Downtown Redmond Link Extension.

KEY FEATURES SUMMARY

- Authorizes the acquisition of all or part of 23 parcels (one full acquisition, 22 partial acquisitions). Acquisitions consist of fee, temporary easements, and/or permanent easements for the Downtown Redmond Link Extension. And additionally authorizes the clearing of title to portions of the corridor commonly known as the Redmond Central Connector (RCC) (identified as tax parcel numbers 1225059052 and 1225059266) through condemnation or other legal action as needed based on any claims of adverse possession or other possessory interests by adjacent property owner. These parcels are located in the City of Redmond.
- As work develops, parcels currently anticipated to be partial acquisitions or temporary easements may need to be acquired in full and/or permanently.
- There is one business relocation anticipated at this time on one parcel.
- 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 Downtown Redmond Link Extension is a 3.4 mile light rail extension from the Redmond Technology Center Station to the east corridor terminus station at Leary Way in Downtown Redmond. The project includes two stations and 1,400 new park and ride spaces. Funding for final design and construction was approved with the passage of ST3 in November 2016. Service to Downtown Redmond is planned to begin in 2024.

Environmental compliance pursuant to the State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA) for East Link, including the Downtown Redmond Extension, was completed with the East Link Project Final Environmental Impact Statement (EIS) issued in July 2011. The Board selected the route, profiles, and station locations for the East Link Light Rail Project in July 2011. The Federal Transit Administration and Federal Highway Administration issued Record of Decisions for the project in November 2011. Additional information about the

Downtown Redmond extension was included in the East Link Extension 2013 SEPA Addendum issued in March 2013. a Proposed refinements identified in 2017 were included in the 2018 Downtown Redmond Link Extension SEPA Addendum issued on August 31, 2018. On September 27, 2018, the Sound Transit Board approved Resolution No. 2018-32, refining the route, profile and stations for the Downtown Redmond Link Extension.

Final design and construction of this project will use the design/build alternative project delivery method. As such, preliminary engineering will be completed through the development of bridging documents and project requirements for the subsequent design/build solicitation later in 2018.

Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the Downtown Redmond 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 Preliminary Engineering Phase: Q2 2018
 Project scope, schedule, and budget summary located on page 71 of the July 2018 Link Light Rail Program Progress Report.

FISCAL INFORMATION

The current authorized project allocation to date for the right of way phase of the Downtown Redmond Link Extension is \$147,070,000, of which \$7,568,201 has been previously committed. There is \$139,501,799 of uncommitted funds in the right of way phase, which is sufficient to complete the proposed action.

The authorized project allocation to date for the right-of-way phase is equal to the full amount recorded in the agency’s Financial Plan. Due to uncertainty in right of way price escalation, the allocation to this phase may not be sufficient to complete all the required acquisitions for this project. The project has taken into account these factors and they are reflected in the project baseline budget presented to the capital committee and full board this month.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Sound Transit is committed to hearing from the public about the Downtown Redmond Link Extension project. For more than ten years, communities, businesses, stakeholders and agencies have helped shape the project by asking questions, talking with project staff, and providing ideas and comments. Additional outreach during the project refinement phase has included participation in the City of Redmond Transit Integration (TRAIN) Study Open House, Sound Transit open houses on the proposed project refinements on May 17 and November 16, 2017, briefing of One

Redmond, Redmond City Council briefings, newsletters and fact sheets, on-line surveys, and the Sound Transit website.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on October 9, 2018. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on October 12, 2018, and October 19, 2018.

TIME CONSTRAINTS

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

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. 201-32: Refined the route, profile and stations for the Downtown Redmond Link Extension superseding a portion of the project selected under Resolution No. R2013-09 for the East Link Project.

Resolution No. R2018-20: 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 Downtown Redmond Link Extension.

Resolution No. R2018-14: 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 Downtown Redmond Link Extension.

Resolution No. R2018-07: 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 Downtown Redmond Link Extension.

Resolution No. R2018-04: 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 Downtown Redmond Link Extension.

Resolution No. R2018-01: 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 Downtown Redmond Link Extension.

Motion No. M2017-92: Identified proposed refinements to the Downtown Redmond Link Extension project for further study.

Resolution No. R2016-05: (1) Restored funding for the preliminary engineering on light rail from Overlake to Redmond in the Sound Transit 2 Finance Plan, (2) amended the Adopted 2016 Budget to create the Downtown Redmond Link Extension Project by (a) establishing the Project Lifetime Budget through the completion of the Preliminary Engineering Phase in the amount of \$28,617,000 and (b) establishing the 2016 Annual Budget as \$4,120,000, and (3) approved Gates 1-3 within Sound Transit's Phase Gate Process.

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

Motion No. M2011-81: Implemented the East Link Light Rail Project.

Resolution No. R2011-10: Selected the route, profiles, and station locations for the East Link Light Rail Project.

ENVIRONMENTAL REVIEW

KH 10/3/18

LEGAL REVIEW

MV 10/8/2018

RESOLUTION NO. R2018-38

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 Downtown Redmond Link Extension.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) 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 Sound Transit district on November 5, 1996, November 4, 2008, and November 8, 2016, 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 Downtown Redmond Link was completed with the East Link Project Final Environmental Impact Statement (EIS) issued in July, 2011; the Federal Transit Administration issued a Record of Decision (ROD) for the project in November, 2011; and Sound Transit issued a SEPA Addendum in August 2018 which included additional environmental information related to project refinements proposed since the Final EIS was issued; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Downtown Redmond 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 Downtown Redmond 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 Downtown Redmond 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 Downtown Redmond 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 Downtown Redmond 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.

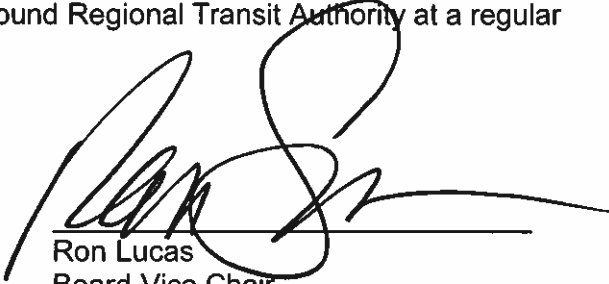
SECTION 3. The Sound Transit Board deems the Downtown Redmond Link Extension, to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within Sound Transit's boundaries to acquire interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of Downtown Redmond 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 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 Downtown Redmond 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 Downtown 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 October 25, 2018.



Ron Lucas
Board Vice Chair

ATTEST:



Kathryn Flores
Board Administrator

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EXHIBIT A

DOWNTOWN REDMOND LINK EXTENSION PROJECT

ITEM	ROW #	TAX PARCEL #	TAX PAYER(S)	PROPERTY ADDRESS
1	RL148	5422560640	Terrence L. Stevens and Susan G. Stevens	15828 NE 67th Pl Redmond, WA 98052
2	RL150	5422560620	Bruce F. Robertson	15840 NE 67th Pl Redmond, WA 98052
3	RL155	5195500170	WA: Redmond DC (Tax Payer) Rolling Frito-Lay Sales, LP (Vesting Owner)	17520 NE 67th Ct Redmond, WA 98052
4	RL157	5195500140	Evangelical Chinese Church	17360 NE 67th Ct Redmond, WA 98052
5	RL166	1225059102	L & M, LLC	6855 176th Ave NE Redmond, WA 98052
6	RL169	1225059194	Perpetual Technologies, LLC	17595 NE 70th St Redmond, WA 98052
7	RL170	1225059229	Brian W. Carlson, Janice Lyn Lacher, Tamera Wilen Properties LLC, Michael N. Carlson	17609 NE 70th ST Redmond, WA 98052
8	RL172	3066100020	Redmond Inn INC	17601 NE Redmond Way Redmond, WA 98052
9	RL173	3066100043	Car Wash Enterprises Inc	17657 Redmond Way Redmond, WA 98052
10	RL174	3066100041	Car Wash Enterprises Inc	17809 Redmond Way Redmond, WA 98052
11	RL175	1225059041	WF Redmond, LLC	17991 NE Redmond Way Redmond, WA 98052
12	RL176	1225059253	Redmond Town Center (Tax Payer) Walls, Butler, Madden & Teel, LP (Vesting Owner)	Open Space Surrounding 17181 NE Redmond Way Redmond, WA 98052
13	RL176.1	7202410180	Redmond Town Center (Tax Payer) Walls, Butler, Madden & Teel, LP (Vesting Owner)	17181 NE Redmond Way Redmond, WA 98052
14	RL177	1225059266	City of Redmond	RCC @ 170th Ave NE Redmond, WA 98052
15	RL178.1	1225059231	Development SVCS of America	7370 170th Ave NE Redmond, WA 98052
16	RL180	1225059206	McDonald's Corp	16975 Redmond Way Redmond, WA 98052
17	RL181	1225059201	J G Redmond II, LLC	16851 NE Redmond Way Redmond, WA 98052
18	RL183	1225059052	City of Redmond	RCC-164th Ave NE to 170th Ave NE Redmond, WA 98052
19	RL184.1	7202410132	RTC 74th St Property LLC	7405 168th Ave NE Redmond, WA 98052

20	RL186	1225059082	Fairway Property Management LLC	16701 Cleveland St Redmond, WA 98052
21	RL187.1	7202410010	Redmond Town Center (Tax Payer) G&I VII Redmond Retails LLC (Vesting Owner)	7530 164th Ave NE Redmond, WA 98052
22	RL197.1	7202410060	Bre Newton Hotels Property	7575 164th Ave NE Redmond, WA 98052
23	RL230	3066100040	Redmond Family Pancake House	17621 NE Redmond Way Redmond, WA 98052