



Resolution No. R2019-09

To Acquire Real Property Interests Required for the Lynnwood Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	03/14/2019 03/28/2019	Recommend to Board Final action	Ron Lewis, DECM Executive Director Rod Kempkes, Executive Project Director – Lynnwood Link Extension Janni Baugh, Real Property Project Manager - Lynnwood Link Extension

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 11 parcels consisting of full and partial acquisitions, temporary construction easements, and/or permanent easements. These parcels are located in the City of Lynnwood.
- The properties have been identified as necessary for the construction of the Lynnwood Link Extension and relate to roadway improvements within the vicinity of the Lynnwood Transit Center as required by the City of Lynnwood.
- The real properties identified in this action are included in Exhibit A.

Background

The Lynnwood Link Extension is an 8.5 mile light rail extension from Northgate Station 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: two in the City of Shoreline at NE 145th Street and NE 185th Street, one at the Mountlake Terrace Transit Center, and one at the Lynnwood Transit Center. The project began final design in 2016 and construction in early 2019. Revenue service is forecasted to start in mid-2024.

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 issued a SEPA Addendum on May 3, 2018, which includes additional environmental information related to project refinements proposed since the Final EIS was issued.

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/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction

Projected completion date for Construction Phase: 3Q 2024

Project scope, schedule and budget summary are located on page 35 of the December 2018 Link Light Rail Progress Report.

Fiscal information

The authorized project allocation to date for the Lynnwood Link Extension project is \$2,771,622,000. Within that amount, \$235,660,000 has been allocated to the right of way phase, of which \$123,508,158 has been previously committed. There is \$112,151,842 of uncommitted funds in the right of way phase, which is sufficient to complete the proposed action.

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 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 sent letters to potentially impacted property owners as part of the 2018 SEPA Addendum.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on or before March 12, 2019 . Legal notices of this proposed Board action will be published in the Seattle Times and Everett Herald on March 15 and 22, 2019.

Time constraints

A one-month delay will affect the project’s ability to secure land use entitlements from the City of Lynnwood which are required for construction permitting.

Prior Board/Committee actions

Resolution Nos. R2018-39, R2018-26, R2018-15, R2018-09, R2018-08, R2018-03, R2017-43, R2017-40, R2017-36, R2017-33, R2017-27, R2017-21, R2017-19, R2017-10, R2017-04, R2016-27, R2016-24, R2015-31, and 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. R2015-30: 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. R2015-05: 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 3/7/19

Legal review – MV 3/8/2019



Resolution No. R2019-09

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, 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 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; Sound Transit issued a SEPA Addendum on May 3, 2018, which includes 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 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. 2018-40, 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.2018-40.

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 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 March 28, 2019.



John Marchione
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2019-09 Exhibit A

Lynnwood Link Extension Project

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	LL300.1	00462600400100	John S. Jones Jr. & Crystal A. Jones	20406 52 nd Ave. W Lynnwood, WA 98036
2	LL300.2	00401200000400	Eric Brian Caldwell & Ann Briana Weinstein Jacobson	5207 204 th St. Sw Lynnwood, WA 98036
3	LL300.3	00608400300402	-Mr. Creekside LLC and RFH Lynnwood LLC	20311 52 nd Ave W. Lynwood, WA 98036
4	LL312	Multiple, see attached *	Cedar Creek Condominium	4920 200 th St. SW Lynnwood, WA 98036
5	LL313	Multiple, see attached*	Park 5 Apartments	20104 48 th Ave. W. Lynnwood, WA 98036
6	LL314.1	00608400200401	Hearthstone Housing Foundation	4807 200 th St. Sw Lynwood, WA 98036
7	LL315.1	00372600600600	CEP III Collins 18 LLC	4727 200 th St. Sw Lynwood, WA 98036
8	LL316.1	00372600601405	MGP XI Lynwood LLC	4601 200 th St. Sw Lynwood, WA 98036
9	LL317	00372600601404	Emanuel V. LLC	199304 th Ave. W Lynwood, WA 98036
10	LL318	00372600601403	State Dept. of Transportaion	Unknown
11	LL319	00372600702001	Valerie Fvette	19929 44 th Ave. W Lynwood, WA 98036

LL312 - Cedar Creek Condominium

Tax Parcel Number	Tax Payer(s)	Property Address
00 6825 001 001 00	Michael & Susy Kobal	4920 200th St SW #A101
00 6825 001 002 00	Sandra Satomi Nishimi	4920 200th St SW #A102
00 6825 001 003 00	Renee Gilbert	4920 200th St SW #A103
00 6825 001 004 00	Alicia L Matthews	4920 200th St SW #A104
00 6825 001 005 00	Sharon D Shope	4920 200th St SW #A105
00 6825 001 006 00	Dawn P Misawic	4920 200th St SW #A106
00 6825 001 007 00	Dorene M Slater	4920 200th St SW #A201
00 6825 001 008 00	Claudia D Gallagher	4920 200th St SW #A202
00 6825 001 009 00	Ellen F Spear	4920 200th St SW #A203
00 6825 001 010 00	Kyrylo Koval	4920 200th St SW #A204
00 6825 001 011 00	Brigitte Beilner	4920 200th St SW #A205
00 6825 001 012 00	Teresa E Delavallade	4920 200th St SW #A206
00 6825 001 013 00	Michael P Jandl	4920 200th St SW #A301
00 6825 001 014 00	Elizabeth A Kiplinger	4920 200th St SW #A302
00 6825 001 015 00	Willie C Fan	4920 200th St SW #A303
00 6825 001 016 00	Beteha Tassew	4920 200th St SW #A304
00 6825 001 017 00	Monica Blomgren	4920 200th St SW #A305
00 6825 001 018 00	Sharissa Wenshan Tjok	4920 200 th St SW #A306
00 6825 002 001 00	Mary Anne Malmfeldt	4820 200th St SW #B101
00 6825 002 002 00	Bradley Dornbos	4820 200th St SW #B102
00 6825 002 003 00	Mary Hymers	4820 200th St SW #B103
00 6825 002 004 00	Brian K & Yoshie Hendrickson	4820 200th St SW #B104
00 6825 002 005 00	Gleb Shein & Elena Anosinskaya	4820 200th St SW #B201
00 6825 002 006 00	Equity Trust Company	4820 200th St SW #B202
00 6825 002 007 00	Leonardo Sutanto	4820 200th St SW #B203
00 6825 002 008 00	Janet V Meadows	4820 200th St SW #B204
00 6825 002 009 00	Robert B Wedemeyer & Craig A Ledbetter	4820 200th St SW #B303
00 6825 002 010 00	Lee Byrd & Flavia Olivares Mecici	4820 200th St SW #B304
00 6825 003 001 00	Tonbo Real Estate LLC	4900 200th St SW #C101
00 6825 003 002 00	Heather L Campbell	4900 200th St SW #C102
00 6825 003 003 00	Harley Finneseth	4900 200th St SW #C103
00 6825 003 004 00	Robert & Donnetta Pettersen	4900 200th St SW #C104
00 6825 003 005 00	Rato S & Ruth B Chea	4900 200th St SW #C105
00 6825 003 006 00	Daniel J Marshall	4900 200th St SW #C106
00 6825 003 007 00	Manish Methai & Long D Ha	4900 200th St SW #C201
00 6825 003 008 00	Verna D Stone	4900 200th St SW #C202
00 6825 003 009 00	Kerry K Kakigi	4900 200th St SW #C203
00 6825 003 010 00	Maryellen Walsh	4900 200th St SW #C204
00 6825 003 011 00	Karen Coney	4900 200th St SW #C205

00 6825 003 012 00	Maria A Maganinho	4900 200th St SW #C206
00 6825 003 013 00	Donald J Bodmer Jr.	4900 200th St SW #C301
00 6825 003 014 00	Dukyong & Cynthia S Park	4900 200th St SW #C302
00 6825 003 015 00	Vonsun A & David S-Choi	4900 200th St SW #C303
00 6825 003 016 00	Dennis & Sara Oconnor	4900 200th St SW #C304
00 6825 003 017 00	Linda Willemarck	4900 200th St SW #C305
00 6825 003 018 00	Tyler L Laws & Jessica S Griffin	4900 200th St SW #C306
00 6825 004 001 00	Sashidhar Anchuri & Swapna Cirupati	4810 200th St SW #D101
00 6825 004 002 00	Jonathan Fuller	4810 200th St SW #D102
00 6825 004 003 00	Kelly M Dunlap	4810 200th St SW #D103
00 6825 004 004 00	Mark E & Robb A Dibble	4810 200th St SW #D104
00 6825 004 005 00	Kenneth & Maureen Batali	4810 200th St SW #D201
00 6825 004 006 00	Jill Russell	4810 200th St SW #D202
00 6825 004 007 00	David Charles Kennedy	4810 200th St SW #D203
00 6825 004 008 00	Mark K Liming	4810 200th St SW #D204
00 6825 004 009 00	Sashidhar Anchuri & Swapna Cirupati	4810 200th St SW #D301
00 6825 004 010 00	Stuart W Michelson	4810 200th St SW #D302
00 6825 004 011 00	A Peterson	4810 200th St SW #D303
00 6825 004 012 00	Cedar Creek D304 LLC	4810 200th St SW #D304
00 6825 005 001 00	Barbara Lynn Larose	4800 200th St SW #E101
00 6825 005 002 00	Lewis G Simpkins	4800 200th St SW #E102
00 6825 005 003 00	Stephanie Kang	4800 200th St SW #E103
00 6825 005 004 00	Vesselin Dimitrov	4800 200th St SW #E104
00 6825 005 005 00	Sue Jamerson	4800 200th St SW #E105
00 6825 005 006 00	Jean Schumacher	4800 200th St SW #E106
00 6825 005 007 00	Liam Mooney	4800 200th St SW #E201
00 6825 005 008 00	Benjamin A Kaestner	4800 200th St SW #E202
00 6825 005 009 00	Douglas Gilbert	4800 200th St SW #E203
00 6825 005 010 00	Ardyth G Savage	4800 200th St SW #E204
00 6825 005 011 00	David C Williamson	4800 200th St SW #E205
00 6825 005 012 00	Carl V Oakley	4800 200th St SW #E206
00 6825 005 013 00	Cross & Anchor LLC	4800 200th St SW #E301
00 6825 005 014 00	Edward & Kathy M Natoli	4800 200th St SW #E302
00 6825 005 015 00	Vanessa Elan	4800 200th St SW #E303
00 6825 005 016 00	John M & Shelby E Gagnon	4800 200th St SW #E304
00 6825 005 017 00	Christine D Kelly	4800 200th St SW #E305
00 6825 005 018 00	Ellen Leonard	4800 200th St SW #E306

LL313 Park 5 Apt.

Tax Parcel Number	Tax Payer(s)	Property Address
00 7858 001 001 00	Park 5 Apt	20104 48th Ave W #A1

00 7858 001 002 00	Park 5 Apt	20104 48th Ave W #A2
00 7858 001 003 00	Park 5 Apt	20104 48th Ave W #A3
00 7858 001 004 00	Park 5 Apt	20104 48th Ave W #A4
00 7858 001 005 00	Park 5 Apt	20104 48th Ave W #A5
00 7858 001 006 00	Park 5 Apt	20104 48th Ave W #A6
00 7858 001 007 00	Park 5 Apt	20104 48th Ave W #A7
00 7858 001 008 00	Park 5 Apt	20104 48th Ave W #A8
00 7858 001 009 00	Park 5 Apt	20104 48th Ave W #A9
00 7858 001 010 00	Park 5 Apt	20104 48th Ave W #A10
00 7858 001 011 00	Park 5 Apt	20104 48th Ave W #A11
00 7858 001 012 00	Park 5 Apt	20104 48th Ave W #A12
00 7858 001 013 00	Park 5 Apt	20104 48th Ave W #A13
00 7858 001 014 00	Park 5 Apt	20104 48th Ave W #A14
00 7858 001 015 00	Park 5 Apt	20104 48th Ave W #A15
00 7858 001 016 00	Park 5 Apt	20104 48th Ave W #A16
00 7858 002 017 00	Park 5 Apt	20116 48th Ave W #B17
00 7858 002 018 00	Park 5 Apt	20116 48th Ave W #B18
00 7858 002 019 00	Park 5 Apt	20116 48th Ave W #B19
00 7858 002 020 00	Park 5 Apt	20116 48th Ave W #B20
00 7858 002 021 00	Park 5 Apt	20116 48th Ave W #B21
00 7858 002 022 00	Park 5 Apt	20116 48th Ave W #B22
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00 7858 003 030 00	Park 5 Apt	20128 48th Ave W #C30
00 7858 003 031 00	Park 5 Apt	20128 48th Ave W #C31
00 7858 003 032 00	Park 5 Apt	20128 48th Ave W #C32
00 7858 003 033 00	Park 5 Apt	20128 48th Ave W #C33
00 7858 003 034 00	Park 5 Apt	20128 48th Ave W #C34
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00 7858 003 038 00	Park 5 Apt	20128 48th Ave W #C38
00 7858 003 039 00	Park 5 Apt	20128 48th Ave W #C39
00 7858 003 040 00	Park 5 Apt	20128 48th Ave W #C40