

**SOUND TRANSIT**

**RESOLUTION NO. R99-32**

**Acquisition of certain Real Property, by purchase or condemnation, and payment of eligible relocation and re-establishment benefits to affected parties for the Central Link Light Rail Project**

**BACKGROUND AND COMMENTS**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Board of Directors	10/14/99	Discussion/Possible Action	John Goforth	206-689-4935

**ACTION:**

Resolution No. R99-32 would authorize purchase of a portion of the former Rainier Brewery Site. The Board is requested to authorize and to delegate to the Executive Director the authority to acquire, dispose, or lease certain real property interests by voluntary agreement, by condemnation, or by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction of the Central Link Light Rail.

Normally, the Executive Committee would be requested to recommend Board approval of this action; however, because of the timing of the October meeting schedule, the Board is requested to take action on this item directly.

**BACKGROUND:**

By Motion No. M99-14 the Board identified the preferred alternative for alignment and station location for the Central Link Light Rail, excluding a maintenance base site. On August 6, 1999, Sound Transit issued an environmental assessment to evaluate an additional four sites in the North Duwamish Industrial Area to locate the Link Light Rail Maintenance Base.

The property identified in exhibit "A" attached is included in two of the alternative maintenance base sites.

*The property is under threat of imminent development with a use that would preclude Sound Transit's use of the property as a maintenance base. Development of this site would eliminate two of the seven maintenance base locations under consideration by Sound Transit. Sound Transit requested and received approval to make a protective acquisition of the property from the Federal Transit Administration ("FTA") by letter dated September 24, 1999. This approval allows Sound Transit to proceed with an acquisition of the property even though the federal environmental review process for the Central Link Light Rail has not yet been completed. The acquisition will not limit the Board's final choice of alternatives and therefore is consistent with*

*the State environmental review process.* The real property (“Property”) identified in this requested action (see Exhibit “A) is consistent with the FTA protective acquisition approval.

Staff will continue to inform the Executive Director and Board members regularly on the status of any condemnation case(s) prior to filing, completed voluntary acquisitions and relocation agreements reached. Staff would return to the Executive Committee or the Board, according to Resolution No. 78-1, if negotiated purchases, relocation agreements, condemnation litigation settlements, or administrative settlements (settlements in lieu of filing condemnation) exceed the authorized budget amounts.

#### **FUNDING:**

Funding for acquisition and relocation is included in the estimated Right-of-Way acquisition cost for Link Light Rail in the approved 1999 budget.

#### **RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:**

- Adoption of Sound Move, ( May 31, 1996)
- Resolution No. 78-1, establishing delegated authority and procurement procedures (April 9, 1998)
- Approval of Real Property Acquisition and Relocation Policies, Procedures and Guidelines (April 23, 1998).
- Resolution No. R98-49, adopting 1999 Budget (November 12, 1998).
- Motion No. M99-14, identifying the locally preferred alternative for alignment and station locations for the Central Link Light Rail.

#### **ALTERNATIVES:**

- Do not approve acquisition of the property at this time, which could result in its development with a use that is inconsistent with its future use as a Light Rail Station and associated parking facility.

#### **CONSEQUENCES OF DELAY:**

The timely acquisition, by negotiation or condemnation, of real property together with the relocation of businesses, tenants and residents, is necessary for the successful completion of the Central Link Light Rail.

Delay in authorization could result in development of the property with a use that is inconsistent with its future use as a Link Light Rail Station and associated parking facility.

#### **LEGAL REVIEW:**

The Legal Department has reviewed and approved the Background and Comments and Resolution.

## **SOUND TRANSIT**

### **RESOLUTION NO. R99-32**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation, by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for “protective acquisition” during pending environmental review of the Central Link Light Rail Project.

WHEREAS, a regional transit authority (“Sound Transit”) has been created for the King Pierce, and Snohomish County region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, Central Puget Sound area voters approved local funding for Sound Move, the ten-year plan for regional high-capacity transit in the Central Puget Sound Region; and

WHEREAS, Sound Move provided for the implementation of 21-mile light rail line between the University District and SeaTac; and

WHEREAS, in compliance with the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA), the Central Puget Sound Regional Transit Authority (Sound Transit) is preparing an Environmental Impact Statement which focused on elements of the environment that could potentially be significantly affected. A Draft Environmental Impact Statement was issued December 4, 1998 and the Final Environmental Impact Statement is scheduled for completion later this year; and

WHEREAS, although the federal environmental review process has not yet been completed, the Federal Transit Administration has authorized Sound Transit to make an immediate “protective acquisition” of the property because it is under threat of imminent

development with a use that is inconsistent with Sound Transit's potential development of a maintenance base on the property; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of the Central Link Light Rail Project, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain and rights in the property described in Exhibit "A" for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has determined that the "protective acquisition" will not limit the Board's final choice of alternatives and is therefore consistent with the state environmental review process; and

WHEREAS, Sound Transit has commissioned appraisals to determine the fair market value of the properties and will continue to 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 pay eligible relocation and re-establishment costs 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 Executive Director is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests

described in Exhibit “A”, and for the payment of eligible relocation and re-establishment costs, said property to be used for the construction of the Central Link Light Rail Project. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties shall 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 re-establishment costs of the properties exceeds Sound Transit’s approved budget for the Central Link Light Rail Project right-of-way acquisition, then the Executive Director shall obtain approval from the appropriate committee or the Board, per Resolution 78-1, before the acquisition of the property by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The Executive Director is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the real property interests described in Exhibit “A”. Such settlements shall be made only upon the recommendation of legal counsel, for amounts deemed to be a reasonable estimation of fair market value, and shall not exceed established budgets. For all other settlements proposed, the Executive Director shall obtain prior approval of the appropriate committee or the Board, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Central Link Light Rail 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 the Sound Transit district boundaries to acquire the property identified herein as being necessary for the construction, operation and maintenance of the Central Link Light Rail Project. The Board directs that all, any portion thereof, of the property identified herein be immediately acquired by voluntary agreement, or in lieu of

agreement, that said properties be condemned, appropriated, taken and damaged for the construction, operation and maintenance of the Central Link Light Rail Project, said properties being described in Exhibit "A" incorporated herein by reference and that eligible parties be paid relocation and re-establishment costs associated with displacement 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 the above-described properties be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation and maintenance of the Central Link Light Rail Project.

SECTION 5. In addition to the authority granted the Executive Director in Section 1 above, condemnation proceedings are hereby authorized and the authority is hereby delegated to the Executive Director to take action as related to such condemnation proceedings to acquire all, or any portion thereof, of the properties and property rights and/or rights in the properties described in the attached Exhibit "A" for the purpose of constructing, owning and operating the Central Link Light Rail.

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.

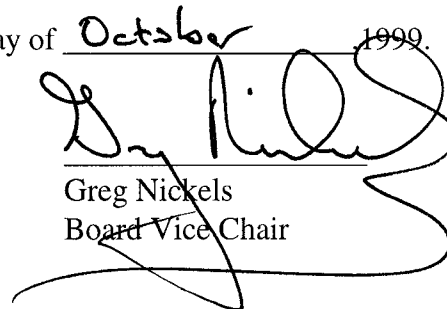
ADOPTED by the Board of the Central Puget Sound Regional Transit

Authority at a regular meeting thereof held on the 14 day of October 1999.

ATTEST:



Marcia Walker  
Board Administrator

  
Greg Nickels  
Board Vice Chair

R 99-32 - EXHIBIT A

Owner/Contact	Parcel #	Site Address
The Stroh Brewery Company	766620 3110 07	2901 Airport Way S Seattle, WA 98134

LEGAL DESCRIPTION:

ORDER NO. 502797-5K

PARCEL 4:

LOTS 1 THROUGH 22 IN BLOCK 239 OF SEATTLE TIDELANDS, IN KING COUNTY, WASHINGTON, ACCORDING TO THE MAPS ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON.

PARCEL 5:

ALL OF LOTS 12 THROUGH 19, INCLUSIVE, AND PORTIONS OF LOTS 20, 21 AND 22 ALL IN BLOCK 254 OF SEATTLE TIDELANDS, IN KING COUNTY, WASHINGTON, AS SHOWN ON THE OFFICIAL MAPS ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS AT OLYMPIA, WASHINGTON, BOUNDED BY THE FOLLOWING DESCRIBED TRAVERSE:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 254, WHICH IS ALSO THE POINT OF INTERSECTION OF THE NORTH LINE OF SOUTH HANFORD STREET AND THE WEST LINE OF EIGHTH AVENUE SOUTH; THENCE WEST ALONG THE SOUTH BOUNDARY OF LOT 12 A DISTANCE OF 330.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12;

THENCE NORTHERLY ALONG THE WEST BOUNDARY LINES OF LOTS 12 THROUGH 20, INCLUSIVE, A DISTANCE OF 530.27 FEET, MORE OR LESS, TO THE BEGINNING OF A 10° CIRCULAR CURVE HAVING A RADIUS OF 593.69 FEET AND A CENTRAL ANGLE OF 12°42'04", MORE OR LESS; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT AN ARC DISTANCE OF 131.61 FEET, MORE OR LESS, TO A POINT ON THE NORTH BOUNDARY LINE OF LOT 22, WHICH IS ALSO THE SOUTH LINE OF FOREST STREET;

THENCE EASTERLY ALONG THE NORTH BOUNDARY OF SAID LOT 22, A DISTANCE OF 310.29 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT 22, WHICH IS ALSO THE POINT OF INTERSECTION OF THE SOUTH LINE OF FOREST STREET, AND THE WEST LINE OF EIGHT AVENUE SOUTH;

THENCE SOUTHERLY ALONG THE EAST BOUNDARY OF BLOCK 254, A DISTANCE OF 660.40 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

THAT PORTION OF EIGHT AVENUE SOUTH LYING BETWEEN THE NORTH LINE OF SOUTH HANFORD STREET AND THE SOUTH LINE OF SOUTH FOREST STREET VACATED BY THE CITY OF SEATTLE, BY ORDINANCE NO. 99464, WHICH UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW.