

SOUND TRANSIT

RESOLUTION NO. R2000-05

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, including temporary construction, sidewalk, and right of way easements, by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Bellevue Transportation Center and Distributed Service Facilities (Bellevue) Regional Express Project.

WHEREAS, a Regional Transit Authority ("RTA"), hereinafter referred to as Sound Transit has been created for the Pierce, King, 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 a series of Regional Express bus routes and transit improvements, and further provided for the expansion of the Bellevue Transportation Center and related distributed service facilities in Bellevue, Washington ("the Project"), which will create an improved focal point for transportation services in east King County and downtown Bellevue and will facilitate movement and improve connections between local and regional transportation services; and

WHEREAS, pursuant to Motion No. M98-18, approved by the Board of the Central Puget Sound Regional Transit Authority on May 14, 1998, Sound Transit entered into a Memorandum of Agreement with the City of Bellevue and King County concerning joint planning and related activities for the Project; and

WHEREAS, in compliance with the State Environmental Policy Act, Chapter 43.21 RCW, and the implementing regulations set forth in WAC 197-11 and Sound Transit Resolution

R7-1, Sound Transit and the City of Bellevue prepared an environmental checklist and issued a Determination of Nonsignificance (DNS) for the Project on November 10, 1999; and

WHEREAS, in compliance with the National Environmental Policy Act, Sound Transit and the City of Bellevue prepared a Documented Categorical Exclusion Worksheet and submitted it to the Federal Transit Administration on December 22, 1999, which submittal was approved by the Federal Transit Administration by letter dated February 1, 2000; and

WHEREAS, as par of the SEPA and NEPA process, Sound Transit identified certain real properties as necessary for the construction, operation, and permanent location of the Project, which properties are reasonably described in Exhibit A attached hereto; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Project, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; 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 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 for the Project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the Executive Director shall obtain approval from the Executive Committee or the Board, per Resolution 78-1, before the acquisition of the property for the Project 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 Executive Committee or the Board, per Resolution 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Project to be constructed in Bellevue, Washington, 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 the property identified herein as being necessary for the construction, operation and permanent location of the 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 permanent location of the 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.

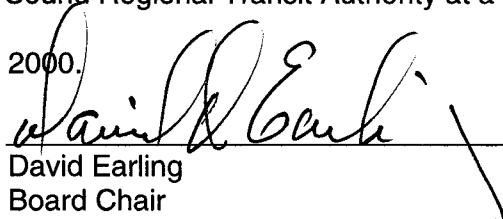
SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience and welfare demand and require that the above-described properties be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Project in Bellevue, Washington.

SECTION 5. In addition to the authority granted the Executive Director 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 the properties described in the attached Exhibit "A" for the purpose of constructing, owning and operating the Project in Bellevue, Washington.


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.

SECTION 7. The Executive Director is authorized to execute all documents necessary to acquire and, if needed, subsequently assign and convey to the City of Bellevue necessary property interests for the construction of the Project.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 27th day of April, 2000.


David Earling
Board Chair

ATTEST:


Marcia Walker
Board Administrator

SOUND TRANSIT

RESOLUTION NO. R2000-05

Acquisition of certain Real Property interests, including temporary construction, sidewalk, and right of way easements, by Purchase or Condemnation, and payment of eligible relocation and re-establishment benefits to affected parties for Bellevue Transportation Center and Distributed Service Facilities (Bellevue) Regional Express Project

BACKGROUND AND COMMENTS

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	4/07/00	Cancelled	Don Vogt Jeri Cranney	689-3396 689-4934
Executive Committee	4/21/00	Discussion/Possible Action to Recommend Board	Real Estate Division	
Board of Directors	4/27/00	ApprovalDiscussion/Possible Action		

ACTION:

The Board of the Central Puget Sound Regional Transit Authority is requested to authorize and to delegate authority to the Executive Director to acquire, dispose, or lease all real property interests by voluntary agreement or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Bellevue Transportation Center and Distributed Service Facilities Regional Express Project ("the Project").

BACKGROUND:

Sound Transit has been working with the City of Bellevue and King County to develop an expansion of the existing Bellevue Transit Center located on 6th Ave. N.E. between 108th St. and 110th St. in downtown Bellevue. This project combines King County's effort to expand the existing Transit Center with the City and Sound Transit's effort to develop an improved focal point for transportation services in east King County and downtown Bellevue. The center will facilitate movement and improve connections between local and regional transportation services.

In order to build and operate a high capacity transit system consisting of commuter rail service, light rail service, and a program of regional bus service, HOV improvements, and park-and-ride facilities throughout the central Puget Sound region, it will be necessary for Sound Transit to acquire real property. Sound Transit's authorizing legislation provides the agency with the power of eminent domain to accomplish such acquisitions. The acquisition of real property may, in some cases, result in the displacement of property owners, tenants and businesses.

To comply with the State Environmental Policy Act (SEPA), an environmental checklist was prepared analyzing and disclosing the potential environmental impacts of the project. Based on the environmental checklist, a SEPA Determination of Non Significance (DNS) was issued by

Sound Transit and the City of Bellevue for the project on November 10, 1999. To comply with the National Environmental Policy Act (NEPA), Sound Transit and the City of Bellevue prepared a Documented Categorical Exclusion Worksheet and submitted it to the Federal Transit Administration on December 22, 1999. The Federal Transit Administration approved the NEPA Documented Categorical Exclusion Worksheet for the project by letter dated February 1, 2000.

The Bellevue Transportation Center and Distributed Services Facilities SEPA Environmental Checklist and NEPA Documented Categorical Exclusion Worksheet identified the real property necessary for construction and operation of the modified Bellevue Transit Center and related required street improvements. The real properties (“Properties”) identified in this request (Exhibit “A”) are consistent with the SEPA Environmental Checklist and the NEPA Documented Categorical Exclusion Worksheet for the Project and with the property needs identified through preliminary design process. In order to extend the existing Transit Center platform to the east, a portion of Lot 3 of City of Bellevue Short Plat No. 85-18 will need to be acquired from EOP—City Center Bellevue, LLC. The widening of the platform will require an additional sidewalk easement area from Hallwood 95, L.P. on the north side of the platform. The distributed service facilities located on 106th Ave. N.E. will require, at a minimum, right of way and sidewalk easements from properties located adjacent to that street between N.E. 6th and N.E. 8th, the Optimer International, Inc. and Sterling Realty Organization Co., properties.

In conjunction with the issuance of the Determination of Non Significance and the approval of the Documented Categorical Exclusion Worksheet, Sound Transit has commissioned appraisals and environmental investigative studies of each of the Properties. In many cases the environmental evaluations have been completed. Fair market value will be established according to the Sound Transit’s Real Property Policy, Procedures and Guidelines (“ Real Estate Policy”) adopted by the Board on April 23, 1998. Discussions with the property owners and business owners to acquire property are underway. These discussions will continue in earnest in an effort to achieve negotiated agreements to purchase the needed interests in the Properties.

Pursuant to applicable state and Federal law, and consistent with Sound Transit’s Real Estate Policy, representatives and staff from Sound Transit will meet individually with each property owner to explain the acquisition process and negotiate agreements. Property owners will be afforded reasonable time to consider Sound Transit’s offer to purchase.

Sound Transit may not always be able to acquire necessary real property by negotiated agreement. In these cases, it will be important that Sound Transit be able to move forward expeditiously to file condemnation actions. Each anticipated condemnation action would be considered on a case-by-case basis. Real estate staff and legal counsel will work closely together and with the property owner and their representatives to assure alternatives for reaching mutual agreement have been considered. Settlements of condemnation litigation and administrative settlements in lieu of litigation would be authorized based on legal counsel recommendation for amounts reasonably approximating fair market value and within authorized budgets.

Consistent with Sound Transit’s Real Estate Policy and applicable state and federal law, Sound Transit will also negotiate with each legal occupant of the Properties to establish eligibility and identify assistance for any required relocation and re-establishment expenses. 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 78-1, if negotiated purchases, relocation agreements, condemnation litigation settlements, or administrative settlements (settlements in lieu of filing condemnation) exceed the authorized budget amounts.

RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:

- Adoption of Sound Move, the Ten-Year Regional Transit System Plan (May 31, 1996).
- Adoption of the Implementation Guide (May 22, 1997).
- Resolution No. 78-1, establishing revised delegated authority and procedures for the procurement of materials, work and services and for the acquisition and use of property and property rights for the Authority and superseding Resolution No. 78.
- Adoption of Real Property Acquisition and Relocation Policies, Procedures and Guidelines on April 23, 1998.
- 2000 Budget, adopted by Resolution No. R99-33, November 18, 1999.
- Adoption of Motion No. M98-39 approving a contract with Entranco for preliminary engineering and environmental review (May 7, 1998).
- Motion No. M98-18 authorizing a Memorandum of Agreement between Sound Transit, the City of Bellevue, and King County concerning the Bellevue Transit Center (May 14, 1998).
- Motion No. M99-87 authorizing the Executive Director to execute a contract amendment with Entranco for final design of the Bellevue Transit Center (December 2, 1999).

FUNDING:

Funding for acquisition and relocation is included in the estimated Right-of-Way acquisition cost for the Bellevue Transportation Center and Distributed Service Facilities project, which is part of the overall Regional Express budget.

EXECUTIVE SUMMARY:

In accordance with Sound Transit's Real Estate Policy, the acquisition price of the Properties will be based upon an appraisal of fair market value, as determined by a formal appraisal process including a review of the appraisal. In some cases, Sound Transit's purchase offer may not be deemed acceptable to the Seller and efforts to acquire the property through negotiation may prove unsuccessful. In order to acquire the Properties and to meet the schedule and budget for the Project, Sound Transit may need to rely upon its power of eminent domain. Condemnation litigation can be a lengthy process and the ability to file the suit in a timely manner is crucial to our overall success.

In accordance with Sound Transit's Real Estate Policy, staff is committed to reaching agreements with all parties through negotiated settlement and avoiding prolonged litigation whenever possible. Negotiations with property owners to purchase property voluntarily would continue up until trial whenever possible.

COST:

The total acquisition price of the Properties will be based upon appraisals of fair market value. Pursuant to Sound Transit's Real Estate Policy cost for reimbursement of eligible relocation and re-establishment expenses will be determined based upon the displaced parties' relocation plan and the actual costs incurred.

Funding for property acquisition and relocation is included in the estimated Right-of-Way acquisition cost for the Bellevue Transportation Center and Distributed Service Facilities Project, as part of the overall Regional Express budget.

BELLEVUE TRANSIT CENTER REGIONAL EXPRESS RIGHT-OF-WAY ACQUISITION AND PERMITS BUDGET		
2000 Approved Budget	Right-of-Way (YOE)	\$4,426,000
2000 Approved Budget	Project Contingency (YOE)	\$1,978,000

LEGAL REVIEW:

MBL 3/28/00

ALTERNATIVES:

- Seek Board or Executive Committee approval for each real property acquisition, relocation agreement, condemnation action and/or settlement of litigation.

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 Bellevue Transportation Center and Distributed Service Facilities Regional Express project. Delay in authorization will result in delay of acquisition and vacation of property, which could negatively affect the construction schedule of the Regional Express project. The construction of the Project needs to be completed by Fall 2001 in order for new services to begin operation to meet customer needs.