

SOUND TRANSIT

RESOLUTION NO. R2000-16

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 or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Regional Express Lynnwood Transit Center and Park-and-Ride Enhancements Project.

WHEREAS, a Regional Transit Authority, 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 construction, operation and permanent location of the Lynnwood Transit Center and Park-and-Ride Enhancements Project; and

WHEREAS, an Environmental Assessment (EA) was prepared by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) in coordination with Sound Transit and The Washington State Department of Transportation (WSDOT) in compliance with the National Environmental Policy Act (NEPA). FTA and FHWA were the co-lead federal agencies. The EA was issued on June 7, 2000 and made available to the public, agencies, jurisdictions, and affected Tribes. A public hearing for the Environmental Assessment was held on June 27, 2000. Comments were received on the EA through July 12, 2000. After carefully considering the EA, its supporting documents, and the public comments and responses, FTA and FHWA found under the Code of Federal Regulations (23 CFR 771.121) that the proposed Lynnwood project would have no significant adverse impacts on the environment. A Finding of No Significant Impact (FONSI) was issued by FTA and FHWA on

September 26, 2000. The EA was adopted by Sound Transit and a Determination of Non-Significance (DNS) pursuant to the Washington State Environmental Protection Act (SEPA) of Washington Administrative Code (WAC 197-11-610 & 630) made on October 2, 2000; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Lynnwood Transit Center and Park-and-Ride Enhancements Project in Lynnwood, Washington, 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 Lynnwood Transit Center and Park-and-Ride Enhancements 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 that:

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 Lynnwood Transit Center and Park-and-Ride Enhancements Project in Lynnwood, Washington. 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 Lynnwood Transit Center and Park-and-Ride Enhancements 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 Lynnwood Transit Center and Park-and-Ride Enhancements 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 Lynnwood Transit Center and Park-and-Ride Enhancements Project to be constructed in Lynnwood, 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 Lynnwood Transit Center and Park-and-Ride Enhancements Project, said properties being described in Exhibit "A" incorporated herein by reference and that eligible parties to be paid relocation and re-establishment costs 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 the above-described properties be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Lynnwood Transit Center and Park-and-Ride Enhancements Project in Lynnwood, 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 a permanent location of the Lynnwood Transit Center and Park-and-Ride Enhancements Project in Lynnwood, 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 convey to the City of Lynnwood necessary property interests required by the City in conjunction with the development of the Lynnwood Transit Center and Park-and-Ride Enhancements Project.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 26th day of October 2000.


David Earling
Board Chair

ATTEST:

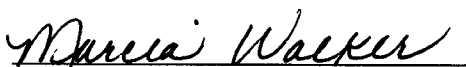

Marcia Walker
Board Administrator

EXHIBIT "A"
Electronic Legal Descriptions
Lynnwood Transit Center and Park-and-Ride Enhancements

Order No.	Owner/Contact	Parcel #	Site Address
510057	Allen Faulkner @ Cedar Creek Owners' Association a residential condominium 12715 Bellevue Redmond Rd #200 Bellevue, WA 98005	See Below *	4800 200 th Street SW Lynnwood, WA 98036

* 00682500100100, 00682500100200, 00682500100300, 00682500100400, 00682500100500, 00682500100600, 00682500100700, 00682500100800, 00682500100900, 00682500101000, 00682500101100, 00682500101200, 00682500101300, 00682500101400, 00682500101500, 00682500101600, 00682500101700, 00682500101800, 00682500200100, 00682500200200, 00682500200300, 00682500200400, 00682500200500, 00682500200600, 00682500200700, 00682500200800, 00682500200900, 00682500201000, 00682500300100, 00682500300200, 00682500300300, 00682500300400, 00682500300500, 00682500300600, 00682500300700, 00682500300800, 00682500300900, 00682500301000, 00682500301100, 00682500301200, 00682500301300, 00682500301400, 00682500301500, 00682500301600, 00682500301700, 00682500301800, 00682500400100, 00682500400200, 00682500400300, 00682500400400, 00682500400500, 00682500400600, 00682500400700, 00682500400800, 00682500400900, 00682500401000, 00682500401100, 00682500401200, 00682500500100, 00682500500200, 00682500500300, 00682500500400, 00682500500500, 00682500500600, 00682500500700, 00682500500800, 00682500500900, 00682500501000, 00682500501100, 00682500501200, 00682500501300, 00682500501400, 00682500501500, 00682500501600, 00682500501700, and 00682500501800.

LEGAL DESCRIPTION:

ALL UNITS, OF **CEDAR CREEK**, A CONDOMINIUM, ACCORDING TO DECLARATION THEREOF RECORDED UNDER SNOHOMISH COUNTY RECORDING NO. **7902200307**, AND ANY AMENDMENT(S) THERETO; SAID UNIT IS LOCATED ON SURVEY MAP AND PLANS FILED IN VOLUME **39** OF CONDOMINIUMS, AT PAGES **131** THROUGH **134**, INCLUSIVE, IN SNOHOMISH COUNTY, WASHINGTON.

Order No.	Owner/Contact	Parcel #	Site Address
510054	Chevron U.S.A. Inc.	00372600601401	2000 44 th Avenue West Lynnwood, WA 98036

LEGAL DESCRIPTION:

THAT PORTION OF LOT 14 IN BLOCK 6 OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 71, IN SNOHOMISH COUNTY, WASHINGTON, LYING SOUTH OF 200TH STREET SOUTHWEST, AS CONVEYED TO SNOHOMISH COUNTY BY DEED RECORDED UNDER RECORDING NO(S). 1831291, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 200TH STREET SOUTHWEST WITH THE WEST RIGHT OF WAY LINE OF PRIMARY STATE HIGHWAY NO. 1;
 THENCE WEST ALONG SAID SOUTH LINE 200 FEET;
 THENCE SOUTH PARALLEL TO SAID WEST LINE 205 FEET;
 THENCE EAST PARALLEL TO SAID SOUTH LINE 200 FEET;
 THENCE NORTH ALONG SAID WEST LINE 205 FEET TO THE TRUE POINT OF BEGINNING;
 EXCEPT THE NORTH 2 FEET THEREOF ACQUIRED BY THE CITY OF LYNNWOOD IN SNOHOMISH COUNTY SUPERIOR COURT CAUSE NO. 80-2-01472-1;
 ALSO EXCEPT THAT PORTION CONVEYED TO THE CITY OF LYNNWOOD FOR ADDITIONAL RIGHT OF WAY FOR 200TH STREET SOUTHWEST UNDER RECORDING NO. 9003200610.

Order No.	Owner/Contact	Parcel #	Site Address
510048	Patrick Echelbarger, et al	3726-006-014-06	4520 200 th Street Lynnwood, WA 98290

VESTING:

PATRICK ECHELBARGER AND MARILYN ECHELBARGER, HUSBAND AND WIFE, DEAN ECHELBARGER AND GLADYS ECHELBARGER, HUSBAND AND WIFE, FRANK KEELER AND SHIRLEY KEELER, HUSBAND AND WIFE, NEWMAN CONKLIN AND GENEVIEVE CONKLIN, HUSBAND AND WIFE, SCOTT SWOBODA, AS HIS SEPARATE ESTATE, STUART W. MICHELSON, AS HIS SEPARATE ESTATE, AND WELLS FARGO BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST TO OLYMPIC BANK, AS TRUSTEE OF THE HERMAN MICHELSON TESTAMENTARY TRUST

LEGAL DESCRIPTION:

THAT PORTION OF LOT 14 LYING SOUTH OF 200TH STREET SOUTHWEST, AS CONVEYED TO SNOHOMISH COUNTY BY DEED RECORDED UNDER RECORDING NO. 1831291, IN BLOCK 6 OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 71, IN SNOHOMISH COUNTY, WASHINGTON;
EXCEPT PORTION THEREOF CONVEYED TO THE CITY OF LYNNWOOD UNDER RECORDING NO. 2246136;
AND EXCEPT THAT PORTION OF SAID LOT 14 DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 200TH STREET SOUTHWEST WITH THE WEST RIGHT OF WAY LINE OF PRIMARY STATE HIGHWAY NO. 1;
THENCE WEST ALONG SAID SOUTH LINE 200 FEET;
THENCE SOUTH PARALLEL TO SAID WEST LINE 205 FEET;
THENCE EAST PARALLEL TO SAID SOUTH LINE 200 FEET;
THENCE NORTH ALONG SAID WEST LINE 205 FEET TO THE TRUE POINT OF BEGINNING.

Order No.	Owner/Contact	Parcel #	Site Address
510049	Inter Co-op U.S.A. No. 4 Associates	00372600600600	4727 200 th Street Southwest Lynnwood, WA 98036

LEGAL DESCRIPTION:

LOT 6 AND THE NORTH 100 FEET OF LOT 7 IN BLOCK 6 OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 71, IN SNOHOMISH COUNTY, WASHINGTON;
EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING ON THE WEST LINE OF SAID LOT 7 AT A POINT 100 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT;
THENCE EAST PARALLEL WITH AND 100 FEET SOUTH OF THE NORTH LINE OF SAID LOT 7 TO THE EAST LINE OF SAID LOT;
THENCE NORTH ON SAID EAST LINE 21.00 FEET;
THENCE WESTERLY TO INTERSECT THE WEST LINE OF SAID LOT AT A POINT 17.47 FEET NORTH OF THE POINT OF BEGINNING;
THENCE SOUTH ON SAID WEST LINE 17.47 FEET TO THE POINT OF BEGINNING.

Order No.	Owner/Contact	Parcel #	Site Address
510050	Patrick J. J. Kelly	00372600600702	4630 200 th Street Southwest Lynnwood, WA 98036

LEGAL DESCRIPTION:

PARCEL A:

PARCEL B OF SNOHOMISH COUNTY SHORT PLAT NO. 79-S-2, ACCORDING TO SHORT PLAT RECORDED FEBRUARY 26, 1979 UNDER RECORDING NO. 7902260302, IN SNOHOMISH COUNTY, WASHINGTON; EXCEPT THAT PORTION DEEDED TO THE CITY OF LYNNWOOD UNDER RECORDING NO. 8007250095.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS CREATED BY INSTRUMENT RECORDED UNDER RECORDING NOS. 7903060076 AND 7911290097, IN SNOHOMISH COUNTY, WASHINGTON.

Order No.	Owner/Contact	Parcel #	Site Address
510055	Burkheimer Family Limited Liability Company & Robert C. Samuel, As His Separate Estate	00372600601405	4419 200 th Street Southwest Lynnwood, WA 98036

LEGAL DESCRIPTION:

THAT PORTION OF LOTS 14 AND 15 IN BLOCK 6 OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 71, IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 15;
 THENCE SOUTH 87°47'40" EAST ALONG THE NORTH LINE OF SAID LOT 15 A DISTANCE OF 385.28 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 6, SAID PLAT OF ALDERWOOD MANOR;
 THENCE SOUTH 0°18'10" WEST A DISTANCE OF 43.00 FEET;
 THENCE SOUTH 87°47'40" EAST A DISTANCE OF 225.98 FEET TO A POINT 50.00 FEET WESTERLY OF THE CENTERLINE OF 44TH AVENUE WEST;
 THENCE SOUTH 0°18'10" WEST PARALLEL WITH THE CENTERLINE OF 44TH AVENUE WEST A DISTANCE OF 221.10 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH 75.91 FEET OF SAID LOT 15;
 THENCE NORTH 87°47'40" WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 15 A DISTANCE OF 175.10 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST 205.00 FEET OF SAID LOT 15;
 THENCE SOUTH 0°18'10" WEST PARALLEL WITH THE EAST LINE OF SAID LOTS 14 AND 15 A DISTANCE OF 150.86 FEET TO AN INTERSECTION WITH THE NORTH MARGIN OF 200TH STREET SOUTHWEST;
 THENCE NORTH 88°06'36" WEST ALONG THE NORTH MARGIN A DISTANCE OF 437.54 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID LOT 14;
 THENCE NORTH 0°30'22" EAST ALONG THE WEST LINE OF SAID LOTS 14 AND 15 A DISTANCE OF 417.23 FEET TO THE POINT OF BEGINNING;

LESS THE SOUTH 6 FEET THEREOF TO THE CITY OF LYNNWOOD FOR ADDITIONAL RIGHT OF WAY PER SNOHOMISH COUNTY SUPERIOR COURT NO. 80-2-01472-1.

Order No.	Owner/Contact	Parcel #	Site Address
510056	Oxford Housing Limited Partnership	00608400200401	4807 200 th Street Southwest Lynnwood, WA 98036

LEGAL DESCRIPTION:

TRACT 4 IN BLOCK 2 OF WALLENE INTERURBAN TRACTS, ACCORDING TO PLAT RECORDED IN VOLUME 8 OF PLATS AT PAGE(S) 16, IN SNOHOMISH COUNTY, WASHINGTON;
EXCEPT THE WEST 10 FEET THEREOF;
AND ALSO EXCEPT THE SOUTH 10 FEET THEREOF AS DEEDED TO THE CITY OF LYNNWOOD BY DEEDS RECORDED UNDER SNOHOMISH COUNTY RECORDING NO(S). 1890164, 1890165 AND 1789417.

Order No.	Owner/Contact	Parcel #	Site Address
404722	Northwest Real Estate-Carver, LLC	00372600600802 & 00372600600806	20121 48 th Avenue West Lynnwood, WA 98036

LEGAL DESCRIPTION:

LOT 8 IN BLOCK 6 OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 71, IN SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THE EAST 30 FEET THEREOF CONVEYED FOR ROAD BY DEED RECORDED UNDER RECORDING NO. 2308132.

Order No.	Owner/Contact	Parcel #	Site Address
510051	Darryl G. Torgerson and Sarah F. Torgerson, Husband and Wife	00372600600703	4720 200 th Street Southwest Lynnwood, WA 98036

LEGAL DESCRIPTION:

LOT A OF CITY OF LYNNWOOD SHORT PLAT NO. 79-S-2, ACCORDING TO SHORT PLAT RECORDED FEBRUARY 26, 1979 UNDER RECORDING NO. 7902260302, IN SNOHOMISH COUNTY, WASHINGTON;
EXCEPT THAT PORTION CONVEYED TO THE CITY OF LYNNWOOD UNDER RECORDING NO. 7912190201.

STAFF REPORT

SOUND TRANSIT RESOLUTION NO. R2000-16

Acquisition of Certain Real Property Interests, Including Temporary Construction Easements, by Purchase or Condemnation, and Payment of Eligible Relocation and Re-Establishment Benefits to Affected Parties for Lynnwood Transit Center and Lynnwood Park-And-Ride Enhancements Regional Express Project

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	10/20/00	Discussion/Action to recommend Board Approval Action	Don Vogt, Senior Real Estate Representative	(206) 689-3396
Board	10/26/00		Jeri Cranney, Real Estate Manager	(206) 689-4934

PROPOSED ACTION

Authorizes and delegates authority to the Executive Director to acquire, dispose, or lease certain real property interests 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 Regional Express Lynnwood Transit Center and Park-and-Ride Enhancements Project (the Project.)

KEY FEATURES

Highlights of Proposed Action:

- ◆ Authorizes Sound Transit's Executive Director to acquire certain property interests for the Lynnwood Transit Center and Park-and-Ride Enhancements Project located near I-5 and 44th Avenue W in Lynnwood.
- ◆ Authorizes the Executive Director to pay relocation and re-establishment benefits to eligible property owners and/or tenants.

Discussion of Proposed Action:

In order to build and operate a high capacity transit system consisting of Commuter Rail service, Light Rail service, and a program of Regional Express 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 will, in some cases, result in the temporary displacement of property owners, tenants, or businesses.

The Lynnwood Transit Center and Park-and-Ride Project would replace and expand the existing transit center at the Lynnwood Park-and-Ride near 44th Avenue W and I-5. This project would provide a vital interface between local collector and express bus service and is necessary to enhance overall transit system operation, efficiency, and performance. The proposed facility is located on the current site of the Lynnwood Technical Center. It would expand the number of available bus bays from 17 to 20, and expand parking from the 960 existing stalls to approximately 1210-1250 stalls. Currently, the Lynnwood Park-and-Ride serves as Community Transit's service hub and is utilized by 19 Community Transit routes as well as three Sound Transit routes and one King County Metro route.

An Environmental Assessment for the proposed Lynnwood Project was prepared by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) in coordination with Sound Transit and the Washington State Department of Transportation (WSDOT) in compliance with the National Environmental Policy Act. FTA and FHWA were the co-lead federal agencies. The Environmental Assessment was issued on June 7, 2000, and made available to the public, agencies, jurisdictions, and affected Tribes, and a public hearing was held on June 27, 2000. Comments were received on the Environmental Assessment through July 12, 2000. After carefully considering the Environmental Assessment, its supporting documents, and the public comments and responses, FTA and FHWA, acting under the Code of Federal Regulations (23 CFR 771.121), issued a Finding of No Significant Impact on September 26, 2000, indicating that the Lynnwood Project would have no significant adverse impacts on the environment. The Environmental Assessment was adopted by Sound Transit and a Determination of Non-Significance pursuant to State Environmental Protection Act (Washington Administrative Code 197-11-610 & 630) made on October 2, 2000.

The Environmental Assessment that was prepared for the Lynnwood Transit Center and Park-and-Ride Enhancements Project identified the real property necessary for the construction and operation of the project. The properties (Properties) identified in this request (Exhibit "A") are consistent with the Environmental Assessment for the Project and with the property needs identified through the design process.

The project also will include vehicle access improvements on 200th Street SW at 46th Avenue W and 48th Avenue W, along with pedestrian access improvements at 44th Avenue W, and modifications of parking areas to integrate lot operations with HOV access improvements. Temporary construction easements will be needed for the following purposes:

- ◆ for the proposed transit center, it will be necessary to acquire the full fee interest in the parcel owned by Northwest Real Estate-Carver, LLC, and construction easements from the adjoining properties on the north; the Darryl and Sarah Torgerson property and the Patrick J.J. Kelly property;
- ◆ for vehicle access improvements requiring street, sidewalk, and utility modifications at the intersection of 48th Avenue W and 200th Street SW, minor acquisitions/easements including construction easements from the Cedar Creek Owners' Association (a condominium), Oxford Housing Limited Partnership, Inter Co-Op U.S.A. No. 4 Associates, and Darryl and Sarah Torgerson;
- ◆ for similar vehicle access improvements at the intersection of 46th Avenue W and 200th Street SW which will require minor acquisition/easements, including construction easements from Patrick J.J. Kelly, Patrick Echelbarger et al, Inter Co-Op U.S.A. No. 4 Associates, Burkheimer Family LLC, and Robert C. Samuel;

- ◆ For signal improvements along the south side of 200th Street SW from 48th Avenue W to 44th Avenue W which will require easements from Darryl and Sarah Torgerson, Patrick J.J. Kelly, Echelbarger et al, and Chevron U.S.A., Inc.

Since FTA and FHWA issued the Finding of No Significant Impact on September 26, 2000, Sound Transit has commissioned appraisals and environmental investigative studies of each of the Properties. 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, business owners, and tenants to acquire property and accomplish any required relocation are underway. These discussions will continue in earnest in an effort to achieve negotiated agreements to purchase the Properties and carry out any required relocations.

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 property owners 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.

BUDGET

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 and construction budget line items for Project (#311) as part of the overall Regional Express Budget. The specific budget amounts available for this action are shown in the table

below. Two budget amounts are shown for comparison, the 2000 adopted budget and the 2001 proposed budget, which is currently under review.

Funding for Right of Way Acquisition and Construction
(All figures shown are in YOES\$)

	<u>Project Budget for ROW and Construction for 2000 and 2001⁽¹⁾</u> (A)	<u>Life-to-Date Expenditures and Outstanding Commitments⁽⁴⁾</u> (B)	<u>Total Amount Requested</u> (C)	<u>Remaining Budget</u> (A-[B+C])
2000 Adopted Budget ⁽²⁾	\$8,697,000	\$12,000	N/A	\$8,685,000
2001 Proposed Budget ⁽³⁾	\$9,876,000	\$12,000	N/A	\$9,864,000

(1) Acquisitions are expected to be completed in 2001.

(2) Sound Transit Adopted 2000 Budget was approved by the Board on 11/18/99 with Resolution R99-33.

(3) Sound Transit Proposed 2001 Budget is currently under review.

(4) Expenditures and Commitments are as of August 31, 2000.

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 Lynnwood Transit Center and Park-and-Ride Enhancements Project. Any delay in this process will result in an overall delay in the project schedule.

REGIONAL PARTNERSHIP AND COOPERATION

A Project Management Team and an Executive Advisory Committee have been established for the Lynnwood Project to assist staff in making project decisions. The Project Management Team is comprised of technical staff from Sound Transit, WSDOT, the City of Lynnwood, and Community Transit. The Executive Advisory Committee is comprised of elected officials, key agency management staff, and city businesses and community leaders, whose responsibility is to advise Sound Transit on project matters. Both of these committees will continue to meet through the Final Design phase. Additionally, Sound Transit has an agreement with WSDOT to manage the HOV direct access ramps project and to reimburse them for their effort.

PUBLIC INVOLVEMENT

Sound Transit has an extensive public outreach program that is designed to solicit feedback at different stages of the project. So far Sound Transit has conducted two open houses, published three newsletters, held an environmental hearing on the project, as well as established a project web site. In addition, the project team has met on different occasions with the Lynnwood City Council, the Lynnwood Planning Commission, and the Lynnwood Arts Commission, as well as attended community and special interest group meetings. Public comments were solicited as

part of the Environmental Assessment of the project as well. Public outreach and involvement efforts will continue throughout the project.

LEGAL REVIEW

MLB 10/6/00