

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2002-19

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 Direct Access Project

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	11/7/02	Discussion/Possible Action to Recommend Board Approval Action	Joann Francis, Director Administrative Services	(206) 689-4934
Board	11/14/02		Don Vogt, Senior Real Estate Representative	(206) 689-3396

Contract/Agreement Type:		Requested Action:	
Competitive Procurement	3	Execute New Contract/Agreement	3
Sole Source		Amend Existing Contract/Agreement	3
Memorandum of Agreement		Contingency Funds Required	
Purchase/Sale Agreement	3	Budget Amendment Required	

4 Applicable to proposed transaction.

OBJECTIVE OF ACTION

- To acquire needed property rights for the construction and operation of the Lynnwood Direct Access Project.

ACTION

This action consists of a number of elements that include:

- Authorizing the Executive Director to acquire real property interests in one parcel for the Lynnwood Direct Access Project.
- Authorizing the Executive Director to pay relocation and re-establishment expenses.
- Authorizing the Executive Director to initiate condemnation action as needed to acquire parcels not owned by a public entity.
- Authorizing the Executive Director to transfer certain property acquired to the Washington State Department of Transportation for permanent addition to the interstate highway system.

KEY FEATURES

Highlights of Action:

- Authorizes the acquisition of interests in one parcel needed for the Lynnwood Direct Access Project which connects I-5 and the Lynnwood Transit Center.
- The parcel is in private ownership and authority would be granted to initiate condemnation action if necessary.

BUDGET IMPACT SUMMARY

Project Description: Lynnwood Direct Access Project
Current Status: ROW Acquisition
Projected Completion Date: 1Q 2005

Action Outside of Adopted Budget:	Y/N	Y	Requires Comment
This Line of Business	N		
This Project	N		
This Phase	N		
This Task	N		
Budget amendment required	N		
Key Financial Indicators:	Y/N	Y	Requires Comment
Contingency funds required	N		
Subarea impacts	N		
Funding required from other parties other than what is already assumed in financial plan	N		

N = Action is assumed in current Board-adopted budget. Requires no budget action or adjustment to financial plan

BUDGET DISCUSSION

It is anticipated that this action will be achieved within the available Board-adopted ROW budget.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is affordable within Sound Transit’s current long-term financial plan and the subarea financial capacity.

SUMMARY FOR BOARD ACTION

Budget	Column A Total Project Budget	Column B Budget for ROW	Column C Obligated To Date	Column D Total Amount Requested	Column E Budget Remaining
2002 Adopted	\$31,157	\$4,101	\$2,720	N/A	\$1,381

Figures shown are YOE \$s in thousands

The table above shows the available phase budget (2002 adopted) relative to expenditures and commitments for the Lynnwood Direct Access Project (#111). The obligated to date (Column C) includes expenditures and commitments for the ROW phase of the project, through September 30, 2002.

M/W/DBE – SMALL BUSINESS PARTICIPATION

N/A

HISTORY OF PROJECT

There are three associated projects in the Lynnwood area included within Sound Move. The Lynnwood Transit Center, Lynnwood Park and Ride Enhancements, and the Lynnwood Direct Access Projects. The Board previously authorized the acquisition of real estate for these projects and those acquisitions are currently underway.

On October 25, 2001, the Board authorized the acquisition of various property interests needed in connection with the Lynnwood Direct Access Project. This did not include needed limited access rights which WSDOT intended to acquire. Subsequently, WSDOT determined that they were not in a position to complete the acquisition, and recently requested that Sound Transit acquire these rights. Sound Transit is responsible for acquisition costs in either event, so this does not reflect a change in scope. Right of Way purchases are eligible for land bank credit under the July 14, 2000, land bank agreement with WSDOT.

**Prior Board or Committee Actions
and Relevant Board Policies**

Motion or Resolution Number	Summary of Action	Date of Action
Reso No. R2001-13	Acquisition of certain real property interests, by purchase or condemnation, and payment of eligible relocation and re-establishment benefits to affected parties for Regional Express Lynnwood Direct Access Project	10/25/01
Motion No. M2001-67	Authorized agreement with WSDOT for PS&E for Lynnwood Direct Access Project	6/21/01
Reso No. R2000-16	Authorized property acquisition for the adjacent Lynnwood Transit Center	10/26/00
Reso No. R78-1	Resolution authorizing procedures for acquisition of real property	4/2/98

CONSEQUENCES OF DELAY

- Regional Express would like to advertise this project for construction bids this winter. In order to meet that schedule, acquisition needs to commence as soon as possible. Delay in action on the resolution may produce a corresponding delay in the advertising date.

REGIONAL PARTNERSHIP AND COOPERATION

N/A

PUBLIC INVOLVEMENT

N/A

LEGAL REVIEW

BN 10/31/02

SOUND TRANSIT

RESOLUTION NO. R2002-19

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire certain real property interests for the construction and operation of the Regional Express Lynnwood Direct Access 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); and

WHEREAS, 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; and

WHEREAS, a Finding of No Significant Impact (FONSI) was issued by FTA and FHWA on September 26, 2000; and

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

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Lynnwood Direct Access Project in Lynnwood, Washington, one of which properties is 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 or will commission 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 Direct Access 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 Direct Access 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 No. 78-1, before the acquisition of the property for the Lynnwood Direct Access 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 No. 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Lynnwood Direct Access 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 Direct Access 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 those of the properties described in the attached Exhibit A, for the purpose of constructing, owning, and operating a permanent location of the Lynnwood Direct Access 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.

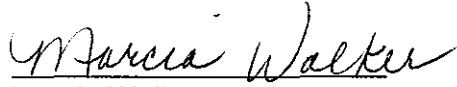
SECTION 7. The Executive Director is authorized to execute all documents necessary to convey to the WSDOT those property interests acquired pursuant to this Resolution that will become permanent additions to the Interstate Highway System as part of the Lynnwood Direct Access Project.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 14, 2002.

A handwritten signature in black ink, appearing to read "Ron Sims", written over a horizontal line.

Ron Sims
Board Chair

ATTEST:

A handwritten signature in black ink, appearing to read "Marcia Walker", written over a horizontal line.

Marcia Walker
Board Administrator

EXHIBIT A

PARCEL A

THAT PORTION OF LOTS 13 AND 14 IN BLOCK 6 OF ALDERWOOD MANOR, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE 71, IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 13;
THENCE SOUTH 87°47'40" EAST ALONG THE SOUTH LINE OF SAID LOT 13, A DISTANCE OF 30.01 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE CONTINUING SOUTH 87°47'40" EAST ALONG THE SOUTH LINE OF SAID LOT 13, A DISTANCE OF 380.00 FEET;
THENCE NORTH 0°30'22" EAST, A DISTANCE OF 118.00 FEET;
THENCE SOUTH 89°29'38" EAST, A DISTANCE OF 172.46 FEET TO AN INTERSECTION WITH THE WESTERLY MARGIN OF PRIMARY STATE HIGHWAY NO. 1-E, AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 1616068 RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
THENCE NORTH 15°41'11" EAST, ALONG SAID WESTERLY MARGIN, A DISTANCE OF 7.31 FEET;
THENCE NORTH 1°41'01" EAST ALONG SAID WESTERLY MARGIN, A DISTANCE OF 207.49 FEET;
THENCE NORTH 0°18'10" EAST, ALONG SAID WESTERLY MARGIN, A DISTANCE OF 2.18 FEET TO AN INTERSECTION WITH THE LINE COMMON TO SAID LOTS 13 AND 14;
THENCE NORTH 87°47'40" WEST ALONG SAID COMMON LINE, A DISTANCE OF 200.11 FEET;
THENCE NORTH 0°18'10" EAST, A DISTANCE OF 23.20 FEET;
THENCE NORTH 89°29'38" WEST, A DISTANCE OF 358.30 FEET TO AN INTERSECTION WITH A LINE DRAWN PARALLEL WITH AND LYING 30.00 FEET EASTERLY OF THE WEST LINE OF SAID LOTS 13 AND 14;
THENCE SOUTH 0°32'22" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 352.56 FEET TO THE TRUE POINT OF BEGINNING.