

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2004-04

**Additional Property Acquisition and/or Relocation of Affected Properties
for Link Light Rail Tukwila Segments**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	4/1/04	Discussion/Possible Action to Recommend Board Approval	Agnes Govern, Interim Chief Administrative Officer	(206) 689-4934
Board	4/8/04	Action	Scott Kirkpatrick, Real Estate Program Manager	(206) 398-5264

OBJECTIVE OF ACTION

To acquire additional property interests as identified in Exhibit A required for Link Light Rail Contract Segments C755 Tukwila (C750 and C760).

ACTION

Authorize the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for additional property interests as identified in Exhibit A required for Link Light Rail Tukwila Contract Segments.

KEY FEATURES

- By Resolution Nos. R2001-16, R2003-04, R2003-12, R2003-16, R2003-71, and R2004-01 property acquisition was previously authorized for Link Light Rail Segments D700, D710, D720, D730, D740, MB810 and properties in Segments C750 and C760. This resolution authorizes the acquisition of additional property interests needed for the Tukwila Segment (C755) of the Central Link Light Rail Project.
- This action authorizes the Chief Executive Officer to transfer property rights acquired to the City of Seattle, King County, or the Washington State Department of Transportation as necessary for street or highway rights of way.
- The real properties identified in this requested action are included in Exhibit A.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET DISCUSSION

The Adopted 2004 Budget for the Central Link Light Rail Project Initial Segment is \$2.07 billion. Within that budget, line item budgets have been identified for Contract Segments C755 within the right-of-way phase. This resolution will authorize the expenditure of funds necessary for the acquisition of additional properties within the right-of-way budget for these segments. Expenditures to date for property acquisition are within the adopted budget.

The acquisition costs of specific parcels are appropriate for discussion with Board members in executive session.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is consistent with the current Board-adopted budget and is affordable within the agency's current long-term financial plan and subarea financial capacity. The action will have no new revenue impacts on Sound Transit.

BUDGET TABLE

Action Item: Acquire real property interest required for Link Light Rail Contract Segments C750 and C760 for the Tukwila Segment in the Initial Segment.

(Year of Expenditure \$000)

Initial Segment	Adopted FY2004 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	226,780	108,949		108,949	117,831
2 Preliminary Engineering	35,000	33,290		33,290	1,710
3 Final Design	123,523	114,930		114,930	8,593
4 Right of Way	233,016	134,376		134,376	98,640
5 Construction	1,171,837	264,682		264,682	907,154
6 Construction Services	82,737	56,648		56,648	26,089
7 Third Party Agreements	58,800	40,619		40,619	18,181
8 Vehicles	138,307	131,799		131,799	6,508
9 Contingency				-	-
10 Total Current Budget	2,070,000	885,293	-	885,293	1,184,707
Phase Budget Detail					
11 Segments C750, C760	40,436	4,731		4,731	35,706
12 Other Segments	192,580	129,645		129,645	62,935
13 Total Phase	233,016	134,376	-	134,376	98,640

(B) Committed to Date amounts are from the Link Program Cost Summary Report (HQ Reports) for February 2004 + board motions not yet included in report as follows:

	Final Design	Construction	Construct Svcs	Third Parties	Vehicles
Commitments through February 2004	114,390	133,076	11,151	40,619	-
Other board motions	540	131,606	45,497	-	131,799
Total phase commitments	114,930	264,682	56,648	40,619	131,799

11 In accordance with Sound Transit policy, budgets for specific parcels will be discussed with Board members in executive session.

Contract Budget	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
14 Contract Amount	40,436	1,830		40,436
15 Contingency	-	-		-
16 Total	40,436	1,830	-	40,436
17 Percent Contingency	0%	0%	0%	0%

M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable to this action.

HISTORY OF PROJECT

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 lot facilities throughout the Central Puget Sound region, it is necessary for Sound Transit to acquire real property. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions.

Certain property has been identified as necessary for the Central Link Light Rail alignment segments based upon the current level of design. The proposed action would authorize the additional acquisition of interests in a total of five parcels and the payment of relocation benefits to eligible affected owners and tenants. Properties will be acquired and relocation assistance provided to affected owners and tenants in the order needed to meet the Central Link construction schedule.

As part of this action, Sound Transit would authorize the acquisition of property from the City of Tukwila.

In addition, this action would authorize the disposition of property to the City of Tukwila for street or highway rights of way purposes as necessary.

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
R2004-01	Authorized acquiring, disposing, or leasing certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for a portion of the Central Link Light Rail Project in the vicinity of Convention Place Station and the Downtown Seattle Transit Tunnel.	3/11/04
R2003-16	Approval to acquire real property interests required for Link Light Rail Contract Segments D720, D730, D740, D750, and D760.	9/11/03
M2003-71	Approval to execute contract with LaBonde Land, Inc. to procure real estate acquisition, relocation and project management services for Contract Segments D750/760 (Tukwila Freeway Route).	7/3/03
R2003-12	Approval to settle condemnation litigation or enter into administrative settlements for the acquisition of real property interests in Contract Segments D720, D730, D740, D750, D760	6/12/03
R2003-04	Approval of acquisition and relocation of additional properties along segments D730, D740, 750 and 760.	4/24/03
R2001-16	Board adopted initial segment for Central Link project	4/23/98

CONSEQUENCES OF DELAY

Design and construction schedules for Central Link assume the availability of the specific properties when needed for construction. Significant delay in Board approval could affect the timely acquisition of the property and the relocation of affected businesses.

REGIONAL PARTNERSHIP AND COOPERATION

Discussions with the City of Tukwila, the City of Seattle, King County, and the Washington State Department of Transportation will continue as to their respective property interests to be acquired.

PUBLIC INVOLVEMENT

From 1998 through 2003, Sound Transit staff attended Southeast Seattle and Tukwila community group meetings, met individually with property owners and tenants upon request; walked door-to-door along the corridor to explain route alternatives to residents and business owners; and held workshops, open houses, and walking tours to discuss the various alternatives in Rainier Valley, Beacon Hill, and Tukwila.

Materials about the light rail project were translated into ten different languages, as well as prepared in Braille and other accessible formats. Non-English hotlines were established to inform special populations and to promote communication.

From 1999 through 2003, Sound Transit staff attended community meetings and organized public work sessions and open house opportunities in Southeast Seattle neighborhoods and Tukwila to discuss route impacts, property acquisition and relocation, station design, street design, safety, traffic circulation, and station area planning (in coordination with the Cities of Seattle and Tukwila) among many other topics.

Sound Transit project development, community outreach, and real estate staff continue to meet with property owners, business owners, and tenants adjacent to the route and stations in Beacon Hill, the Rainier Valley, and Tukwila to discuss light rail project progress and design, real estate acquisition and relocation processes, and to listen to individual and neighborhood concerns about the project.

LEGAL REVIEW

DB 3/19/04

SOUND TRANSIT

RESOLUTION NO. R2004-04

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for additional property interests as identified in Exhibit A required for Link Light Rail Tukwila Contract Segments.

WHEREAS, a Regional Transit Authority (Sound Transit) was 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 regional high-capacity transit in the Central Puget Sound Region; and

WHEREAS, implementing the light rail element of Sound Move is intended to expand transit capacity within the region's most dense and congested corridor, provide a practical alternative to driving a car on increasingly congested roadways, support comprehensive land use and transportation planning, provide environmental benefits, and improve mobility for travel-disadvantaged residents in the corridor; and

WHEREAS, the following documents have been published and approved, as required by the Federal Transit Administration: Final Environmental Impact Statement (FEIS) in November, 1999; Tukwila Freeway Route Final Supplemental EIS in November 2001; Initial Segment SEPA Addendum in November 2001; Initial Segment Environmental Assessment in February 2002; Amended Record of Decision (ROD) on May 8, 2002; and Letters of No Prejudice (LONP) on February, 25, 2000, and July 21, 2000, authorizing acquisition of property for Design Contract Segment D700/D710/D720/D730/D740/ D750/760/MB810; and

WHEREAS, the environmental documents described above met the project requirements to comply with the Washington State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA), and

WHEREAS, by Resolution No. R2001-16 the Sound Transit Board of Directors selected the initial 14-mile light rail segment of the Central Link Light Rail Project (Initial Segment) to be constructed and operated by 2009. The alignment, station locations, and maintenance base site for the Initial Segment are set forth in this resolution; 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 rights in the property described in Exhibit A (copy of Exhibit A is on file with the Board Administrator and is available upon request) for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit 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 Chief Executive Officer 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 or as provided in Section 2 herein; 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 Chief Executive Officer shall obtain approval from the Board, per Resolution No. 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 Chief Executive Officer is authorized by Resolution No. R2003-12 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 a finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlements shall not exceed established project budgets. For all other settlements proposed, the Chief Executive Officer shall obtain prior approval of 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.

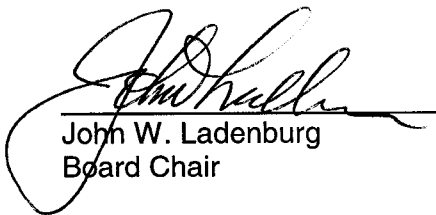
SECTION 5. In addition to the authority granted the Chief Executive Officer in Section 1 above, condemnation proceedings are hereby authorized and the authority is hereby delegated to the Chief Executive Officer to take action as related to such condemnation proceedings to acquire all, or any portion 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. The Chief Executive Officer is also authorized to make minor amendments to the legal descriptions of properties described in the attached 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 Chief Executive Officer 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 the attached Exhibit A, that are owned by public agencies, which include the City of Tukwila, in the same manner that private individuals receive payment under Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures, and Guidelines.

SECTION 7. The Chief Executive Officer is further authorized to execute such agreements as are necessary to convey to the City of Tukwila for street or highway rights of way purposes in conjunction with the development of the Central Link Light Rail Project.

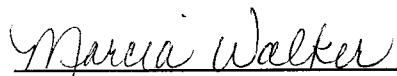
SECTION 8. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 8, 2004.



John W. Ladenburg
Board Chair

ATTEST:



Marcia Walker
Board Administrator

**SOUND TRANSIT
RESOLUTION NO. R2004-04**

EXHIBIT A

ACQUISITIONS

Contract Segment

C750- Boeing Access Road to South 126th Street.....1

R/W #	Tax Parcel #	Owner/Contact
TUK-25.3	1023049012	A.M.C. Family LLC

C760- South 126th Street to South 154th Street.....2

R/W #	Tax Parcel #	Owner/Contact
TUK-68.1	Street right-of-way	City of Tukwila
TUK-91.2	1276300025	City of Tukwila
TUK-91.5	7661600241	City of Tukwila
TUK-103	7661600031	Richard Harrison Botham and Virginia Jo Botham

C750-Boeing Access Road to South 126th Street

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
76457	TUK-25.3	A.M.C. Family LLC a Oregon Limited Liability Company	102304-9012-04	3414 South 116th Street Tukwila WA 98168

PARCEL A:

LOT 2A OF CITY OF TUKWILA SHORT PLAT NO. L94-0020, AS RECORDED UNDER RECORDING NO. 9406031799, RECORDS OF KING COUNTY, WASHINGTON.

PARCEL B:

AN EASMENT FOR INGRESS AND EGRESS, OVER, UNDER AND ACROSS A STRIP OF LAND 50 FEET IN WIDTH BEING IN THE NORTHEAST QUARTER OF SECTION 9, AND THE NORTHWEST QUARTER OF SECTION 10, ALL IN TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A POINT OF 70 FEET RIGHT OF ENGINEER'S STATION "H" 556 + 57.3, BEING A POINT ON THE NORTHEASTERLY MARGIN AS SHOWN ON SHEET 1 OF 7 FOR RIGHT-OF-WAY, SR-99, SOUTH 118th STREET JUNCTION S.S.H. NO. 1-K AS APPROVED JULY 23, 1957, SAID POINT BEING A POINT OF TANGENCY OF A CURVE WHOSE RADIUS POINT BEARS NORTH 42°02'03" EAST AND IS 748.51 FEET DISTANT;
 THENCE SOUTHEASTERLY ALONG SAID MARGIN AN SAID CURVE THROUGH A CENTRAL ANGLE OF 04°26'56", AN ARC DISTANCE OF 58.12;
 THENCE NORTH 41°57'30" EAST, 499.81 FEET;
 THENCE NORTH 15°27'21" EAST, 75.56 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED LINE;
 THENCE SOUTH 74°32'39" EAST, 212.89 FEET;
 THENCE SOUTH 78°39'54"EAST, 128.28 FEET;
 THENCE SOUTH 81°20'44" EAST, 447.24 FEET TO A POINT OF CURVATURE CONCAVE TO THE NORTH;
 THENCE EASTERLY ALONG SAID CURVE HAVING A RADIUS OF 170.00 FEET THROUGH A CENTRAL ANGLE OF 15°51'28", AN ARC DISTANCE OF 47.05 FEET;
 THENCE NORTH 82°47'48" EAST, 101.03 FEET TO THE WESTERLY MARGIN OF THAT PORTION OF SAID SECTION 10 CONDEMNED IN SUPERIOR COURT CAUSE NO. 646697 AND THE TERMINUS OF THIS DESCRIBED LINE;

TOGETHER WITH THAT PORTION OF SAID NORTHEAST QUARTER OF SECTION 9, DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT OF BEGINNING;
THENCE NORTH 15°27'21" EAST, 25.00 FEET;
THENCE NORTH 74°32'39" WEST, 62.74 FEET;
THENCE SOUTH 48°02'30" EAST, 56.02 FEET;
THENCE SOUTH 74°32'39" EAST, 12.60 FEET TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION THEREOF LYING WITHIN PARCEL A.

PARCEL C:

AN EASEMENT FOR INGRESS AND EGRESS 15 FEET IN WIDTH, LYING ADJACENT TO
AND PARALLEL WITH THE WESTERLY AND EASTERLY BOUNDARY LINES OF THE
ABOVE DESCRIBED PARCEL A.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

C760 South 126th Street to South 154th Street

R/W No.	Owner/Contact	Street/Location
TUK-68.1	City of Tukwila - Public Works Department	Portion of 49th Avenue South (formally 2nd Avenue), as dedicated in Mortimer Plat Vol.14 pg. 92

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
51475	TUK-91.2	City of Tukwila, a municipal corporation	127630-0025-00	Vacant Residential No site address

TRACT 4, EXCEPT THE NORTH 14 FEET THEREOF, AND ALL TRACTS 5 THROUGH 8, W. P. BUSH ONE QUARTER ACRE TRACTS ADDITION TO TUKWILA, ACCORDING TO THE PLAT RECORDED IN VOLUME 17 OF PLATS, PAGE 26, IN KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
51480	TUK-91.5	City of Tukwila, a municipal corporation	766160-0270-05	14688 53rd Avenue South Tukwila WA 98188

TRACT 14 OF SEATTLE LAND COMPANY'S 5 ACRE TRACTS, ACCORDING TO PLAT RECORDED IN VOLUME 6 OF PLATS AT PAGE 90, IN KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
863599	TUK-103	Richard Harrison Botham and Virginia Jo Botham, h/w	766160-0031-05	Vacant Commercial No site address

PARCEL B:

COMMENCING AT THE NORTHWEST CORNER OF TRACT 4 OF SEATTLE LAND COMPANY'S 5 ACRE TRACTS, ACCORDING TO PLAT RECORDED IN VOLUME 6 OF PLATS AT PAGE(S) 90, IN KING COUNTY, WASHINGTON;
 THENCE EASTERLY ALONG THE NORTH LINE OF SAID TRACT 4, A DISTANCE OF 280 FEET, MORE OR LESS TO THE WESTERLY LINE OF PRIMARY STATE HIGHWAY NO.1 AND THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;
 THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID PRIMARY STATE HIGHWAY NO. 1 TO THE SOUTHERLY LINE OF SAID TRACT 4;
 THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID TRACT 4, A DISTANCE OF 150 FEET;

THENCE NORTHERLY ALONG A LINE PARALLEL TO THE WESTERLY LINE OF SAID TRACT 4, A DISTANCE OF 219.25 FEET;
THENCE WESTERLY PARALLEL TO THE SOUTHERLY LINE OF SAID TRACT 4, A DISTANCE OF 40 FEET;
THENCE NORTHERLY PARALLEL TO THE WESTERLY LINE OF SAID TRACT 4, TO THE NORTHERLY LINE THEREOF;
THENCE EASTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

PARCEL C:

AN EASEMENT FOR ROADWAY AND UTILITY PURPOSES OVER, ACROSS AND UPON THE SOUTHERLY 25 FEET OF THE WESTERLY 160 FEET OF TRACT 4, SEATTLE LAND COMPANY'S 5 ACRE TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 90, RECORDS OF KING COUNTY, WASHINGTON.