

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2006-08

Acquisition of Real Property Interests Required for the University Link Project

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	5/4/06	Discussion/Possible Action To Recommend Board Approval	Phil O'Dell, Director, Project Delivery Support Services	(206) 398-5013
Board	5/11/06	Discussion/Possible Action	Roger Hansen, Link Sr. Real Estate Representative	(206) 689-3366

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate	✓	Property Acquisition	✓

PROJECT NAME

University Link – Pine Street Stub Tunnel to University of Washington Station

PROPOSED ACTION

Authorizes the Chief Executive Officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for station and construction staging areas for the University Link Capitol Hill Station upon issuance of a Record of Decision by the Federal Transit Administration.

KEY FEATURES of PROPOSED ACTION

- Authorizes Sound Transit's Chief Executive Officer to acquire and dispose of property interests in the Capitol Hill neighborhood in the City of Seattle which are needed for station and construction staging areas for the Capitol Hill Light Rail Station.
- Authorizes Sound Transit's Chief Executive Officer to pay relocation and re-establishment benefits to eligible property owners and tenants.
- The real properties identified in this requested action are included in Exhibit A.
- Negotiations for the purchase of the property will not be initiated until issuance of a Record of Decision by Federal Transit Administration (FTA).

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 and FINANCIAL PLAN DISCUSSION

The proposed action would authorize acquisition of real property interests needed for the station and construction staging areas for the University Link Capitol Hill Station upon issuance of a Record of Decision by FTA.

The total amended 2006 budget for University Link is \$1.514 billion. Within that budget, line item budgets have been identified for the acquisition of property for the station and construction staging areas of the Capitol Hill Station.

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

The proposed action is consistent with the Adopted 2006 Budget as amended by Resolution No. R2006-07 adopted by the Sound Transit Board on April 27, 2005. The action is affordable within the agency's current long-term financial plan and subarea capacity, and is subject to receipt of a Record of Decision from the FTA.

BUDGET TABLE

Action Item: Upon issuance of Record of Decision by FTA, acquire property interests needed for construction staging and station area for the Capitol Hill Station within the University Link project of North Link)

(Year of Expenditure \$000)

University Link	Amended 2006 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	87,532	3,354		3,354	84,178
2 Preliminary Engineering	23,776	23,776		23,776	-
3 Final Design	74,635	4,446		4,446	70,189
4 Right of Way	135,261	31,989		31,989	103,272
5 Construction	972,140	-	-	-	972,140
6 Construction Services	57,911	-	-	-	57,911
7 Third Party Agreements	20,433	443		443	19,990
8 Vehicles	142,320	-		-	142,320
9 Contingency	-	-		-	-
10 Total Current Budget	1,514,008	64,008	-	64,008	1,450,000

ROW Phase Budget Detail

11 Right of Way	111,244	31,989	-	31,989	79,255
12 ROW Unallocated contingency	24,017	-		-	24,017
13 Total Phase	135,261	31,989	-	31,989	103,272

Contract Amount	Board Approvals to Date (F)	Current Approved Contract Value (G)	Proposed Action (H)	Proposed Total for Board Approval (I)	Proposed Contract Value (J)
14 Contract Amount	31,989	31,989		31,989	31,989
15 Contingency	-	-	-	-	-
16 Total	31,989	31,989	-	31,989	31,989
17 Percent Contingency	0%	0%	0%	0%	0%

(C) and (H) In accordance with Sound Transit policy, budgets for specific parcels will be discussed with Board members in executive session.

14(G) CURRENT APPROVED CONTRACT VALUE reflects total ROW phase commitments for acquisition, relocation and right of way administration for University Link project work.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable for this action.

PROJECT DESCRIPTION and BACKGROUND for 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 bus service, HOV improvements, and park-and-ride lot facilities throughout the Central Puget Sound region, it will be 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 properties have been identified as necessary for the Capitol Hill Station and construction staging areas based upon the current level of design. The proposed action would authorize the acquisition of sixteen (16) full property acquisitions for the Capitol Hill Station and the payment of relocation benefits to eligible affected owners and tenants. Protective acquisition of three additional properties for the Capitol Hill Station and staging area was previously authorized by the Board by Resolution No. R2006-04.

Environmental compliance pursuant to the State Environmental Policy Act (SEPA) for North Link, which includes University Link, was completed with the North Link Final Supplemental

Environmental Impact Statement (EIS) issued on April 7, 2006. Environmental compliance pursuant to the National Environmental Policy Act (NEPA) by the Federal Transit Administration is expected with issuance of a Record of Decision for North Link in late May or early June 2006.

Prior Board/Committee Actions on this Project and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
R2006-07	Selected the final route, profile, and station locations for the North Link Light Rail Project; selected the University Link portion of North Link to be constructed and operated as part of the Central Link Light Rail project	4/27/06
R2006-04	Authorized the Chief Executive Officer, subject to the grant of a Federal Transit Administration protective acquisition waiver, 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 in order to secure property required in connection with construction staging area for the Capitol Hill Station within the University Link segment of the preferred alternative identified by the Sound Transit Board within the North Link project of Central Link.	2/9/06
R2005-24	Authorized the protective acquisition and relocation of affected property required in connection with Capitol Hill Light Rail Station Alternative located within the University Link (North Link) project of Central Link	10/27/05
R2005-20	Modified the preferred route, profiles, and station locations for the North Link Light Rail Project; and identified "University Link" as the preferred segment of North Link for purposes of the final SEIS and for obtaining a New Starts rating from the Federal Transit Administration participation.	7/28/05

CONSEQUENCES of DELAY

Design and construction schedules for University Link assume the availability of the specific properties when needed for construction. Board authorization will allow acquisition and relocation activities to commence immediately upon Record of Decision approval. A delay in Board authorization could affect the timely acquisition of the property and the relocation of affected businesses and residential displacees.

PUBLIC INVOLVEMENT

Maps of the proposed construction staging areas in the north corridor were published in the Central Link Final Environmental Impact Statement (EIS) and made available to the public in November 1999, and again in the North Link Draft Supplemental EIS in November 2003 and North Link 2005 Draft SEIS, October 2005. Additionally, the public has had numerous opportunities to attend meetings related to the following topics: station design, noise, EIS, public comments on preferred route choices, and station area planning (in coordination with the City of Seattle). These meetings took place in the University District, Capitol Hill, and First Hill neighborhoods.

Opportunity for public comment was also given at Board meetings in September 2001, February 2002, May 2002, March 2003 and May 2004 as the Board was briefed on alternatives and options leading up to the identification of a preferred alternative.

Sound Transit project development and real estate staff continue to meet with property owners, business owners, and tenants adjacent to the route and stations in Capitol Hill, the University District, Roosevelt, and Northgate to discuss light rail project progress and design, real estate acquisition and relocation processes and listen to individual and neighborhood concerns about the project. Several public open houses were held in October 2004 and January 2005 in the University District, Northgate, Montlake, First Hill, and Capitol Hill neighborhoods to seek input on station design and other issues. Sound Transit published the 2005 North Link Draft SEIS in October 2005 to identify project changes since the 2003 Draft SEIS. Two public open houses/hearings were held during the 45+day comment period and approximately 80 letters and oral comments were received. The North Link Final SEIS was published on April 7, 2006.

ENVIRONMENTAL COMPLIANCE

JI 4/12/06

LEGAL REVIEW

JW 4/26/06

SOUND TRANSIT

RESOLUTION NO. R2006-08

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 by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for station and construction staging areas for the University Link Capitol Hill Station upon issuance of a Record of Decision by the Federal Transit Administration.

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, Sound Transit is authorized to acquire and dispose of property for the construction of high capacity transportation facilities under RCW 81.112.080; and

WHEREAS, on November 5, 1996, at a general election held within the Central Puget Sound Regional Transit Authority district, the voters approved local funding for high capacity transit in the Central Puget Sound Region; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of project improvements required under Sound Move, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, by Resolution R2006-07 adopted on April 27, 2006, the Sound Transit Board of Directors selected the alignment and station locations for North Link as an extension of the Central Link Light Rail project and University Link and certain properties have been identified as necessary for the University Link Capitol Hill Station and construction staging areas based upon the current level of design; and

WHEREAS, environmental compliance pursuant to the State Environmental Policy Act (SEPA) for North Link, which includes University Link, was completed with the North Link Final Supplemental Environmental Impact Statement (EIS) issued on April 7, 2006, and environmental compliance pursuant to the National Environmental Policy Act (NEPA) by the Federal Transit Administration is expected with issuance of a Record of Decision for North Link in late May or early June 2006; and

WHEREAS, the parcels identified in Exhibit A are at the location of the Capitol Hill Station, as identified in Board adopted Resolution No. R2006-07. Since the Record of Decision has not yet been issued by the Federal Transit Administration, negotiations to purchase properties and relocate affected owners and tenants will not begin until after issuance of the Record of Decision.

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, subject to issuance of the Record of Decision by the Federal Transit Administration, to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests identified in Exhibit A, and for the payment of eligible relocation and re-establishment costs of said property that has been identified as necessary to construct the University Link Capitol Hill Station. 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.

SECTION 2. The Chief Executive Officer 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 identified in Exhibit A. Such settlements shall be made only upon the 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 appropriate committee or the Board of Directors, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board deems the North Link Project, including the University Link Capitol Hill Station, 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 properties identified in Exhibit A as being necessary for the purpose of construction, operation, and permanent location of the Capitol Hill Station.

SECTION 4. The Sound Transit Board finds that the public health, safety, necessity, convenience, and welfare demand and require that the property identified in Exhibit A be acquired, condemned, appropriated, taken, and damaged for the purpose of construction, operation, and permanent location of the Capitol Hill Station.

SECTION 5. In addition to the authority granted the Chief Executive Officer 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 identified in Exhibit A for the purpose of constructing, owning, and operating a permanent location of the Capitol Hill Station. The Chief Executive Officer is also authorized to make minor amendments to the legal descriptions of the properties identified in Exhibit A, as may be necessary to correct scrivener's errors and/or to confirm the legal description to the precise boundaries of the property required for the project.

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.

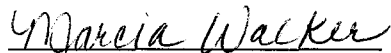
SECTION 7. Exhibit A is attached to this resolution.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 11, 2006.



Mark Olson
Board Vice Chair

ATTEST:



Marcia Walker
Board Administrator

Exhibit “ A”

ACQUISITIONS

Contract Segment

C-235 Capitol Hill Station and Staging Area.....Page 1

R/W #	Tax Parcel #	Owner/Contact
NL-166	6003001370	Thomas A. Meier
NL-167	6003001375	Baldwin Sea, LLC
NL-168	6003001380	Rainier Mercantile Company
NL-170	6003001385	1830 Broadway Associates
NL-171	6003501135	Robert L. Foley & Janet L. Foley
NL-172	6003002015	Brian C. Malk & Barbara Joan Malk
NL-173	6003501134	Katherine Rood
NL-174	6003501130	Jan H. Kiaer & Alita L. Kiaer
NL-176	6003002020	Barbara J. Malk, Trustee
NL-177	6003501099	NBL II, LLC
NL-178	6003002030	Leroy Yearout, Trustee
NL-179	6003501115	Broadway John Partnership
NL-180	6003002035	Broadway John Partnership
NL-181	6003501105	Broadway John Partnership
NL-182	6003002040	George Kahin & Orlo K. Hinman
NL-183	6003501098	Broadway John Partnership

C235 Capitol Hill Station and Staging Area

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
619500	NL-166	Thomas A. Meier	600300-1370-04	1822 Broadway Seattle WA 98122

PARCEL B, KING COUNTY SHORT PLAT NO. 166, RECORDED UNDER RECORDING NUMBER 7510240657, BEING A PORTION OF:

LOT 4, BLOCK 35, ADDITION TO THE CITY OF SEATTLE AS LAID OFF BY D.T. DENNY, GUARDIAN OF THE ESTATE OF J.H. NAGLE, (COMMONLY KNOWN AS NAGLE'S ADDITION TO THE CITY OF SEATTLE) ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE 153, IN KING COUNTY, WASHINGTON;

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE WEST 63 FEET OF SAID LOT 4; EXCEPT THE NORTH 50 FEET THEREOF AND OVER AND ACROSS THE EAST 5 FEET OF THE WEST 68 FEET OF SAID LOT 4.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
619501	NL-167	Baldwin Sea, LLC, a Washington limited liability company	600300-1375-09	1823 Nagle Place Seattle WA 98122

LOT A, KING COUNTY SHORT PLAT NO. 166, RECORDED UNDER RECORDING NUMBER 7510240657, BEING A PORTION OF :

LOT 4, BLOCK 35, ADDITION TO SEATTLE, AS LAID OFF BY D.T. DENNY, GUARDIAN OF THE ESTATE OF J.H. NAGLE (COMMONLY KNOWN AS NAGLE'S ADDITION TO THE CITY OF SEATTLE), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 153, IN KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
619502	NL-168	Rainier Mercantile Company	600300-1380-02	1825 Nagle Place Seattle WA 98122

LOT 5, BLOCK 35, J.H. NAGLE'S ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY D.T. DENNY, GUARDIAN OF THE ESTATE OF J.H. NAGLE, (COMMONLY KNOWN AS NAGLE'S ADDITION TO THE CITY OF SEATTLE), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 153, IN KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
619503	NL-170	1830 Broadway Associates, a Joint Venture	600300-1385-07	1830 Broadway Seattle WA 98122

LOT 6, BLOCK 35 ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY D.T. DENNY, GUARDIAN OF THE ESTATE OF J.H. NAGLE (COMMONLY KNOWN AS NAGLE'S ADDITION TO THE CITY OF SEATTLE) ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 153, IN KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
108017	NL-171	Robert L. Foley and Janet L. Foley, husband and wife	600350-1135-09	918 East Denny Way Seattle WA 98122

THE WEST 48 FEET OF THE EAST 96 FEET OF THE SOUTH 26 FEET OF LOT(S) 11 AND THE WEST 48 FEET OF THE EAST 96 FEET OF LOT(S) 12, ALL IN BLOCK 46, JOHN H. NAGLE'S SECOND ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE (S) 67, RECORDS OF KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
107895	NL-172	Brian C. Malk and Barbara Joan Malk, husband and wife	600300-2015-03	100 Broadway Seattle WA 98122

LOT 1, BLOCK 46, ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY D.T. DENNY, GUARDIAN OF THE ESTATE OF J.H. NAGLE, COMMONLY KNOWN AS THE J.H. NAGLE'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 153, IN KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
108019	NL-173	Katherine Rood, separate estate	600350-1134-00	922 East Denny Way Seattle WA 98122

THE SOUTH 26 FEET OF THE EAST 48 FEET OF LOT 11, AND THE EAST 48 FEET OF LOT 12, BLOCK 46, JOHN H. NAGLE'S SECOND ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 67, RECORDS OF KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
108016	NL-174	Jan H. Kiaer and Alita L. Kiaer, husband and wife	600350-1130-04	914 East Denny Way Seattle WA 98122

THE SOUTH 26 FEET OF THE WEST 32 FEET OF LOT 11, AND THE WEST 32 FEET OF LOT 12, BLOCK 46, JOHN H. NAGLE'S 2nd ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 67, RECORDS OF KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
107896	NL-176	Barbara J. Malk, Trustee	600300-2020-06	108 Broadway East Seattle WA 98102

LOT 2, BLOCK 46, OF ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY D.T. DENNY, GUARDIAN OF THE ESTATE OF J.H. NAGLE, COMMONLY KNOWN AS J.H. NAGLE'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 153, RECORDS OF KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
619508	NL-177	NBL II, LLC	600350-1099-03	923 East John Street Seattle WA 98102

LOT 7, BLOCK 46, NAGLE'S SECOND ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 67, IN KING COUNTY, WASHINGTON, EXCEPT THE WEST 30 FEET THEREOF.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
107897	NL-178	Leroy Yearout, Trustee	600300-2030-04	118 Broadway Seattle WA 98122

LOT 4, BLOCK 46, ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY D.T. DENNY GUARDIAN OF THE ESTATE OF J.H. NAGLE, "COMMONLY KNOWN AS NAGLE'S ADDITION TO THE CITY OF SEATTLE", ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 153, IN KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
619510	NL-179 NL-181 NL-183	Broadway John Partnership, a Washington General Partnership	600350-1115-03 600350-1105-05 600350-1098-04	123 10 th Avenue East Seattle WA 98102

LOT 8, THE NORTH 30 FEET OF LOT 9 AND THE WEST 30 FEET OF LOT 7, BLOCK 46, JOHN H. NAGLE'S SECOND ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 67, IN KING COUNTY, WASHINGTON

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
619511	NL-180	Broadway John Partnership, a Washington General Partnership	600300-2035-09	126 Broadway Seattle WA 98102

LOT 5, BLOCK 46, JOHN H. NAGLE'S SECOND ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 67, IN KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
108010	NL-182	George Kahin and Orlo K. Hinman, each separate estate	600300-2040-02	903 East John Street Seattle WA 98102

LOT 6, BLOCK 46, OF NAGLE'S ADDITION TO THE CITY OF SEATTLE (AS LAID OFF BY D.T. DENNY, GUARDIAN OF J.H. NAGLE), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 153, RECORDS OF KING COUNTY, WASHINGTON.