

**SOUND TRANSIT  
STAFF REPORT**

**RESOLUTION NO. R2006-20**

**Acquisition of Real Property Interests Required for the  
North Link - Roosevelt Station**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	10/5/06	Discussion/Possible Action To Recommend Board Approval	Ahmad Fazel, Link Director	(206) 398-5389
Board	10/26/06	Action	<b>Roger Hansen, Real Estate Division Manager</b>	(206) 689-3366

<b>Contract/Agreement Type:</b>	✓	<b>Requested Action:</b>	✓
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**

North Link – Roosevelt Station

**PROPOSED ACTION**

1. Authorizes the Chief Executive Officer to acquire, dispose, or lease certain real property 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 station construction and staging for the North Link - Roosevelt Station.
2. Amends the Adopted 2006 Budget to include acquisition of properties described in Exhibit A as an authorized use of the Regional Fund Contingency.

**KEY FEATURES of PROPOSED ACTION**

- Authorizes the Chief Executive Officer to acquire, lease, and/or dispose of the property located at 1034 NE 67<sup>th</sup> Street and 6709 12<sup>th</sup> Avenue NE in the City of Seattle (the “1034 NE 67<sup>th</sup> Street, LLC (Refino Homes) Property”), which is needed for the Roosevelt Station and construction staging area.
- Authorizes the Chief Executive Officer to pay relocation and re-establishment benefits to eligible property owners and tenants affected by Roosevelt Station construction.
- Amends the Adopted 2006 Budget to include acquisition of properties described in Exhibit A as an authorized use of the Regional Fund Contingency.

- Directs staff to return to the Board to ratify the budget in the amount of the total expenditure for actions taken pursuant to this resolution within sixty (60) days of the completion of said action.

**BUDGET IMPACT SUMMARY**

Project Name: North Link  
 Current Project Phase: Preliminary Engineering complete  
 Projected Completion Date: TBD

<b>Action Outside of Adopted Budget:</b>	<b>✓</b>	<b>Comments on Checked Items</b>
This Project		
This Phase		
This Task		
Budget Amendment Required	✓	A budget amendment is required to fund this acquisition through the Regional Fund Contingency.

<b>Key Financial Indicators:</b>	<b>✓</b>	<b>Comments on Checked Items</b>
Contingency Funds Required		
Funding required from other parties (other than what is in financial plan)		

Not checked = action is assumed in current Board-adopted budget. No budget action or adjustment to financial plan required.

**BUDGET and FINANCIAL PLAN DISCUSSION**

The proposed action would authorize acquisition of real property as needed for the Roosevelt Station and construction staging area.

This action authorizes the use of the Regional Fund Contingency for the acquisition of the subject property. The Regional Fund Contingency (see page 236 of the Adopted 2006 Budget) includes \$19.9 million. To date, two property acquisition actions have been authorized using the Regional Fund Strategic Property Acquisition Program. Based on current forecasts, there are sufficient remaining uncommitted funds in the Regional Fund Contingency to complete this action. However, use of funds for this acquisition will limit the agency’s future ability to acquire other properties within the Board-approved budget.

When the purchase price and related relocation and re-establishment costs are known, the adopted budget will be amended by transferring budget from the Regional Fund Contingency to the Regional Fund Strategic Property Acquisition Program at the time this action is ratified by the Board as directed under this action.

The proposed action is affordable within the agency’s long-term financial plan and subarea financial capacity, and will have no new revenue impact on Sound Transit.

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

**BUDGET TABLE**

Not applicable to this action.

## **M/W/DBE – SMALL BUSINESS PARTICIPATION**

Not applicable to 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 property has been identified as necessary for the Roosevelt Station construction and for construction staging based upon the current level of design. The proposed action would authorize the protective acquisition of two (2) full property parcels and the payment of relocation benefits to eligible affected owners and tenants.

The North Link Final Supplemental Environmental Impact Statement (SEIS) was issued on April 7, 2006. On April 27, 2006 the Board selected the final North Link route and station locations, including the 12th Avenue alignment and Roosevelt Station. The Federal Transit Administration (FTA) issued a Record of Decision for North Link on June 7, 2006, completing compliance with the National Environmental Policy Act (NEPA). Sound Transit can now initiate negotiations with the property owner following the issuance of a Record of Decision by the FTA.

Certain property is being developed for residential townhouse use on two parcels at 1034 NE 67th Street and 6709 12th Avenue NE (the 1034 NE 67<sup>th</sup> Street, LLC (Refino Homes Property)). These parcels are at the location of the Roosevelt Station. The real property identified in this requested action is attached as Exhibit A.

Sound Transit's Strategic Property Acquisition Program enables the agency to acquire properties utilizing Regional Fund resources on an interim basis to preserve right-of-way necessary for Sound Transit projects that are not budgeted. To be eligible for the program, the following criteria must be met and an analysis must be provided for the Board to use to determine whether the acquisition should proceed using Regional Fund resources.

### **Criteria**

#### **Property is Necessary to Implement a Sound Transit Project**

The property is needed for station construction and staging area for the Roosevelt Station for the future extension of North Link from the University of Washington Station to Northgate. These parcels are critical for the construction of this cut-and-cover station and construction staging uses. Part of the permanent below ground station structure would be located on the southern portion of this property, once built.

#### **Environmental Process Completed**

The North Link Final SEIS was issued on April 7, 2006. A Record of Decision was issued by the FTA on June 7, 2006.

## FTA Approval, if Applicable

Sound Transit staff can now proceed with acquisition following the issuance of the Record of Decision by the FTA.

## **Analysis**

### Rationale for early property acquisition

The owner/developer of the 1034 NE 67<sup>th</sup> Street, LLC (Refino Homes) Property has taken substantial steps to develop townhouses at 1034 NE 67th Street and 6709 12th Avenue NE in Seattle. These steps include obtaining permits for demolition of existing improvements and construction of six (6) townhouse units. Two single-family houses on these parcels were demolished in early September 2006 and site excavation work is now underway.

As discussed above, the entire property is needed for the construction and construction staging area for the North Link - Roosevelt Station Project. The proposed townhouse development would substantially increase the cost or preclude this transit use of the property. Sound Transit's advance acquisition of the properties will prevent the imminent development of the parcels needed for a proposed transportation site.

### Projected costs and extent to which costs may be recovered if property is not used and is sold

The acquisition costs of specific parcels are appropriate for discussion with Board members in executive session. If the property is not used for a Sound Transit project, all or a substantial portion of the acquisition of the property would be expected to be recouped through the sale of the property.

### Information learned from due diligence (e.g., appraisal, environmental assessment)

Sound Transit has not conducted any environmental due diligence (testing for and estimating clean up costs for hazardous materials on site) or an appraisal of the property at this time. Sound Transit will conduct Phase I and if warranted, Phase II environmental assessments of the property to be acquired and will adjust the fair market value of the property accordingly to reflect the presence of and remediation costs associated with hazardous materials or contamination on the property to be acquired.

## Prior Board/Committee Actions on this Project

Motion/Resolution Number and Date	Summary of Action
R2006-07 4/27/06	(1) Selected the final route, profile, and station locations for the North Link Light Rail Project; (2) selected the University Link portion of North Link to be constructed and operated as part of the Central Link Light Rail Project, including authorizing the steps necessary to complete final design and implementation of the University Link Project including securing a federal Full Funding Grant Agreement; (3) increased the University Link lifetime Adopted 2006 Budget and revising the annual Adopted 2006 Budget; and (4) for planning purposes reduced the minimum debt service coverage for the North King County subarea to 1.15x for the University Link Finance Plan.
R2005-06 1/27/05	Identified the 12th Avenue alternative as the preferred Roosevelt route and station location for the North Link Light Rail Project.
M2003-33 3/13/03	Directed staff to complete additional work on North Link route alternatives in order to provide the Board with more comprehensive information for its North Link route decision-making process.
M2002-69 5/23/02	Authorized staff to modify the set of route alternatives in the North Link Draft Supplemental Environmental Impact Statement
M2002-13 2/24/02	Selected route alternatives for inclusion and study in the North Link Draft Supplemental Environmental Impact Statement excluding less promising route alternatives for further study
M2001-104 9/27/01	Directed staff to reevaluate route alternatives from Convention Place Station to Northgate and approved the North Link work program and budget needed to complete this effort.

### **CONSEQUENCES of DELAY**

If acquisition of the property is delayed, imminent private development will substantially increase the cost of property acquisition and could preclude transit use of the property.

### **PUBLIC INVOLVEMENT**

Maps of the proposed construction staging areas for North Link were made available to the public in the North Link Draft Supplemental EIS in November 2003, the North Link 2005 Draft SEIS in October 2005, and the Final SEIS in April 2006. Additionally, the public has had numerous opportunities to attend meetings over the past several years related to the following topics: station design, noise, SEIS, public comments on preferred route choices, and station area planning (in coordination with the City of Seattle).

Over the years, the Roosevelt community has strongly supported the 12th Avenue alternative as the preferred Roosevelt route and station location for the North Link Light Rail Project. In January 2005, the Sound Transit Board identified the 12th Avenue alternative as the preferred Roosevelt route and station location for the North Link Light Rail Project. This station location was confirmed in the Board's final route selection in April 2006.

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 Roosevelt, University District, Northgate, Montlake, First Hill, and Capitol Hill neighborhoods to seek input on station design and other issues. Public hearings on the North Link 2005 Draft Supplemental EIS took place November 9 and 10, 2005.

### **ENVIRONMENTAL COMPLIANCE**

JI 9/15/06

### **LEGAL REVIEW**

JDW 9/29/06

## **SOUND TRANSIT**

### **RESOLUTION NO. R2006-20**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority (1) 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 the North Link - Roosevelt Station.

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 No. 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 certain properties have been identified as necessary for the North Link Roosevelt Station construction and for construction staging based upon the current level of design; and

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

Impact Statement (SEIS) issued on April 7, 2006, and environmental compliance pursuant to the National Environmental Policy Act (NEPA) by the Federal Transit Administration (FTA) has been completed with the issuance of a Record of Decision for North Link on June 7, 2006; and

WHEREAS, the parcel identified in Exhibit A is at the location of the Roosevelt Station identified in the adopted project. Negotiations to purchase properties and relocate affected owners and tenants can now begin following the issuance of the Record of Decision by the FTA; and

WHEREAS, the Sound Transit Board has amended the financial policies to include a Strategic Property Acquisition Program to acquire properties for projects that are not budgeted, utilizing Regional Fund resources on an interim basis; and

WHEREAS, Sound Transit staff have ascertained that the 1034 NE 67<sup>th</sup>, LLC (Refino Homes) property meets the criteria of the Strategic Property Acquisition Program policy.

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 of said property that has been identified as necessary to construct the Roosevelt Station within the North Link project of Central Link Light Rail. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures, and Guidelines, the acquisition price of the property shall not exceed the fair market value to be determined through the appraisal process.

Section 2. 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 described in Exhibit A for the purpose of constructing, owning, and operating a permanent location of the Roosevelt Station. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the property described in 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 3. 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 described 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 4. The Sound Transit Board deems the North Link Project, including the Roosevelt 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 property identified in Exhibit A as being necessary for the purpose of construction, operation, and permanent location of the Roosevelt Station as selected by the Board following completion of the North Link Final Supplemental Environmental Impact Statement (SEIS). Said property being described in Exhibit A incorporated herein by reference and that eligible parties be paid relocation and re-establishment costs associated with displacements from the properties.

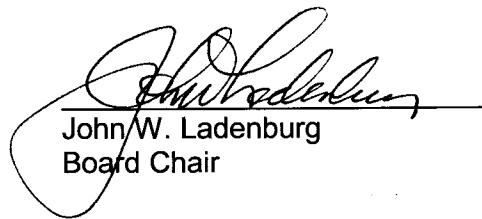
Section 5. The Sound Transit Board finds that the public health, safety, necessity, convenience, and welfare demand and require that the property described in Exhibit A be immediately acquired, condemned, appropriated, taken, and damaged for the purpose of

construction, operation, and permanent location of the Roosevelt Station as selected by the Board following completion of the North Link Final SEIS.

Section 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from the Sound Transit Regional Fund Contingency.

Section 7. The chief executive officer is hereby directed to return to the Board to ratify the budget in the amount of the total expenditure for actions taken pursuant to this resolution within sixty (60) days of the completion of said action.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on October 26, 2006.



John W. Ladenburg  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator

**RESOLUTION NO. R2006-20  
EXHIBIT "A"**

**North Link**

<b>Order No.</b>	<b>R/W No.</b>	<b>Owner/Contact</b>	<b>Parcel #</b>	<b>Site Address</b>
634500	NL-853 NL-852	1034 NE 67th LLC, a Washington Limited Liability Company	365870-0355-05 365870-0360-08	1034 NE 67 <sup>th</sup> Street 6709 12 <sup>th</sup> Ave NE Seattle WA 98115

LOTS 23 AND 24, BLOCK 3, JAMES' DIVISION OF GREEN LAKE ADDITION TO SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 41, IN KING COUNTY, WASHINGTON.

**RESOLUTION NO. R2006-20  
EXHIBIT "A"**

**ACQUISITIONS**

**North Link**

<b>R/W #</b>	<b>Tax Parcel #</b>	<b>Owner/Contact</b>
NL-852	3658700360	1034 NE 67 <sup>th</sup> LLC
NL-853	3658700355	1034 NE 67 <sup>th</sup> LLC

AFTER RECORDING MAIL TO:  
Mr. Daniel Duffus, Manager  
2030 Dexter Avenue North, C-280  
Seattle, WA 98109



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PAGE#01 OF 002  
01/25/2006 14:38  
KING COUNTY, WA

Filed for Record at Request of  
Golf Escrow Corporation/Northgate  
Escrow Number: 05-6044-PSM

**Statutory Warranty Deed**

Grantor(s): Linda Jean Dishman and Barbara Ann Kalvig

Grantee(s): Soleil, LLC

Abbreviated Legal:

LTS 23-24, BLK 3, JAMES' DIVISION OF GREENLAKE ADDN.

Assessor's Tax Parcel Number(s): 365870-0355-05, 365870-0360-08

INSURED BY

FIDELITY NATIONAL TITLE

204573 2/37

THE GRANTOR Linda J. Dishman, an undivided one-half interest, and Barbara Ann Kalvig, an undivided one-half interest for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Soleil, LLC, a Washington Limited Liability Company and Nominee the following described real estate, situated in the County of King, State of Washington.

Lots 23 and 24, Block 3, JAMES' DIVISION OF GREENLAKE ADDITION TO SEATTLE, according to the plat thereof recorded in Volume 4 of Plats, Page 41, records of King County, Washington.

Situate in the County of King, State of Washington.

Subject to easements, restrictions, reservations, covenants and conditions of record.

Dated January 25, 2006

Linda J. Dishman  
Linda J. Dishman

Barbara Ann Kalvig  
Barbara Ann Kalvig

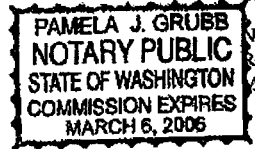
STATE OF King  
COUNTY OF King ) SS:

I certify that I know or have satisfactory evidence ~~Barbara Ann Kalvig~~ Linda J. Dishman

is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledge it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 1-27-06

Pamela J. Grubb



Notary Public in and for the State of Wa  
Residing at Lynnwood  
My appointment expires: 3-6-06

E2183984

01/25/2006 14:38  
KING COUNTY, WA  
TRX \$12,988.00  
SALE \$726,088.00

AFTER RECORDING MAIL TO:  
Mr. Daniel Duffus, Manager  
2030 Dexter Avenue North, C-280  
Seattle, WA 98109

Filed for Record at Request of  
Golf Escrow Corporation/Northgate  
Escrow Number: 05-6044-PSM

**Statutory Warranty Deed**

Grantor(s): Linda Jean Dishman and Barbara Ann Kalvig  
Grantee(s): Solell, LLC  
Abbreviated Legal:  
LTS 23-24, BLK 3, JAMES' DIVISION OF GREENLAKE ADDN.  
Assessor's Tax Parcel Number(s): 365870-0355-05, 365870-0360-08

THE GRANTOR Linda J. Dishman, an undivided one-half interest, and Barbara Ann Kalvig, an undivided one-half interest for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Solell, LLC, a Washington Limited Liability Company and Nominee the following described real estate, situated in the County of King, State of Washington.

Lots 23 and 24, Block 3, JAMES' DIVISION OF GREENLAKE ADDITION TO SEATTLE, according to the plat thereof recorded in Volume 4 of Plats, Page 41, records of King County, Washington.

Situate in the County of King, State of Washington.

Subject to easements, restrictions, reservations, covenants and conditions of record.

Dated January 25, 2006

Linda J. Dishman

Barbara Ann Kalvig

*Barbara Ann Kalvig*

STATE OF New York  
COUNTY OF New York } SS:

I certify that I know or have satisfactory evidence Barbara Ann Kalvig

is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledge it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 27th January 2006

Gail P. Elliott

Notary Public in and for the State of New York  
Residing at 90 Eastbank T.H.E. Road St. Raymond  
My appointment expires: 2/5/06

GAIL P. ELLIOTT  
Notary Public, State of New York  
No. 00-16897  
Qualified by State Court  
Commission Expires: 2/5/06

NL 852; NL 853

AFTER RECORDING MAIL TO:  
1034 NE 67th LLC  
500 Elliott West, Suite A  
Seattle, WA 98119



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PAGE 001 OF 001  
01/30/2006 14:36  
KING COUNTY, WA

Filed for Record at Request of  
Golf Escrow Corporation/Northgate  
Escrow Number: 05-6149-PSM

**Statutory Warranty Deed**

Grantor(s): Soleil, LLC  
Grantee(s): 1034 NE 67th LLC  
Abbreviated Legal  
Lots 23-24, Blk 3, James Division of Greenlake Addn  
Assessor's Tax Parcel Number(s): 365870-0355-05, 365870-0360-08

THE GRANTOR Soleil, LLC, a Washington Limited Liability Company for and in consideration of NOMINEE TO PRINCIPAL in hand paid, conveys and warrants to 1034 NE 67th LLC, a Washington Limited Liability Company the following described real estate, situated in the County of King, State of Washington.

Lots 23 and 24, Block 3, James' Division of Greenlake Addition to Seattle, according to the plat thereof recorded in Volume 4 of Plats, page 41, records of King County, Washington.  
Subject to easements, restrictions, reservations, covenants and conditions of record.

Dated January 25, 2006

INSURED BY  
FIDELITY NATIONAL TITLE

Soleil, LLC

*[Signature]*  
By: Daniel Duffus, Manager

204873 1/2

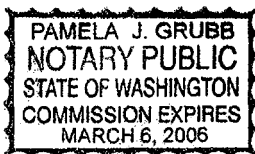
STATE OF Washington  
County of King ) SS:

I certify that I know or have satisfactory evidence that Daniel Duffus is/are the person(s) who appeared before me, and said person(s) acknowledged that he signed this instrument, on oath stated his is/are authorized to execute the instrument and acknowledge it as the Manager of Soleil, LLC

to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: 1-27-06

*[Signature]*



Notary Public in and for the State of Washington  
Residing at Lymanwood  
My appointment expires: 3-6-06

E2183988  
01/30/2006 14:34  
KING COUNTY, WA  
TAX \$10.00  
SALE \$0.00