

**SOUND TRANSIT  
STAFF REPORT**

**RESOLUTION NO. R2008-05**

**To Acquire Real Property Interests Required for the University Link Segment**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	2/21/08	Discussion/Possible Action to Recommend Board Approval Action	Ahmad Fazel, Link Executive Director	(206) 398-5389
Board	2/28/08		<b>Roger Hansen, Real Property Manager, Link Light Rail</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**

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

**PROPOSED ACTION**

Authorizes 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 construction, maintenance and operation of a light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel.

**KEY FEATURES of PROPOSED ACTION**

- Authorizes Sound Transit’s chief executive officer to acquire and dispose of property interests between the University of Washington Station and the Pine Street Stub Tunnel in the City of Seattle which are needed for construction, maintenance and operation of the light rail tunnel.
- 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.

**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 Adopted 2008 Budget for University Link is \$1.614 billion. Within that amount the budget for the right of way phase is \$157.3 million, and \$81.4 million is currently committed. The proposed action would authorize property acquisition and relocation required for construction, maintenance and operation of the light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel.

Acquisition and relocation costs for specific parcels are appropriate for discussion with Board members in executive session.

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

## **BUDGET TABLE**

**Action Item:** Property acquisition and relocation for construction, maintenance and operation of the light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel (University Link)

**(Year of Expenditure \$000)**

<b>University Link</b>	Adopted 2008 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	115,229	8,814		8,814	106,415
2 Preliminary Engineering	24,388	24,405		24,405	(17)
3 Final Design	77,944	57,746		57,746	20,198
4 Right of Way	157,332	81,418	-	81,418	75,914
5 Construction	1,046,946	9,630		9,630	1,037,316
6 Construction Services	68,526	-		-	68,526
7 Third Party Agreements	19,733	9,291		9,291	10,442
8 Vehicles	103,909	-		-	103,909
9 <b>Total Current Budget</b>	<b>1,614,007</b>	<b>191,304</b>	-	<b>191,304</b>	<b>1,422,703</b>
<b>ROW Phase Budget Detail</b>					
10 Right of Way	157,332	81,418	-	81,418	75,914
11 <b>Total Phase</b>	<b>157,332</b>	<b>81,418</b>	-	<b>81,418</b>	<b>75,914</b>
<b>Contract Amount</b>					
	Board Approvals to Date (F)	Current Approved Contract Value (G)	Proposed Action (H)	Proposed Total for Board Approval (I)	Proposed Contract Value (J)
12 Contract Amount	80,661	80,661		80,661	80,661
13 Contingency	757	757	-	757	757
14 <b>Total</b>	<b>81,418</b>	<b>81,418</b>	-	<b>81,418</b>	<b>81,418</b>
15 Percent Contingency	1%	1%	0%	1%	1%

(B) COMMITTED TO DATE amounts are from Agency WBS Report as of December 2007 + approved and pending board actions not recorded as of 12/31/07, or submitted after that date.

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

## **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 property interests have been identified as necessary for the construction, maintenance and operation of the University Link light rail project based upon the current level of design. Authorization for five additional acquisitions consisting of various easements is being sought from the Board through this action.

Acquisition of 19 properties at the Capitol Hill Station and construction staging area is already proceeding, based on previous Board authorization of Resolution Nos. R2006-08, R2006-04, and R2005-24. By Resolution No. R2007-19, the Board authorized the acquisition of 236 tunnel easements and other property interests as needed for the construction, operation and maintenance of the light rail tunnel between University of Washington Station and the Pine Street Stub Tunnel and the payment of relocation benefits to eligible affected owners and tenants.

As part of this action, Sound Transit would authorize the acquisition of property from the City of Seattle and the Washington State Department of Transportation. Except as noted below, this action would approve, if required, payment for relocation assistance to public agencies that own or occupy these properties in the same manner in which private individuals receive payment under Sound Transit's adopted policies and procedures. Property transactions with the City of Seattle will be handled by negotiated agreements between the City of Seattle and Sound Transit. Transactions involving the Washington State Department of Transportation would be addressed under the procedure prescribed in the Land Bank Credit agreement between Washington State Department of Transportation and Sound Transit.

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 was issued by a Record of Decision for North Link on June 7, 2006. The parcels identified in Exhibit A are at the location of the light rail tunnel identified in the preferred alternative.

## Prior Board/Committee Actions

Motion/Resolution Number and Date	Summary of Action
R2007-19 9/13/07	Board authorizes the acquisition of property interests and relocation of affected parties required for construction, maintenance and operation of a light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel.
R2006-08 5/11/06	Board authorizes the acquisition and relocation of affected property required in connection for staging and station area for the Capitol Hill Station within the University Link segment of Central Link
R2006-07 4/27/06	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
R2006-04 2/9/06	Board authorizes 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.
R2005-24 10/27/05	Board authorizes 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.
R2005-20 7/28/05	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.

## CONSEQUENCES of DELAY

Design and construction schedules for University Link assume the availability of the specific properties when needed for construction. Delay in Board approval could affect the timely acquisition of the property and the relocation of affected businesses and residential displacees.

## PUBLIC INVOLVEMENT

Maps of the proposed North Link alignments and construction staging areas were published in the 2003 and 2005 North Link Draft Supplemental Environmental Impact Statements (EIS) and the 2006 North Link Final Supplemental Environmental Impact Statement and made available to the public. A 45+ day comment period on the 2005 Draft SEIS began in October 2005 and two public open houses/hearings were held in November 2005.

Sound Transit staff has held a number of station design workshops, project open houses, and other meetings involving property owners, neighborhood and business groups, and other interested parties throughout the North Link and University Link project area as part of the environmental, preliminary engineering, and final design work completed to date.

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. A public open house meeting took place in June 2007 to inform the public on the status of the Capitol Hill Station. In addition, 30% station design open houses are scheduled for September 26, 2007 for the Capitol Hill Station and Winter 2007 for the University of Washington Station. Public meetings were held September 6, 2007 and January 9, 2008 to

provide information and answer questions for affected property owners along the University Link alignment.

In compliance with recent state legislation regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on February 11, 2008. Legal notices of this proposed Board action were advertised in the Seattle Times/Post-Intelligencer on February 14 and 21, 2008.

Sound Transit will continue an active community outreach program as part of University Link final design, property acquisition, and construction efforts.

### **ENVIRONMENTAL COMPLIANCE**

JI 2/14/08

### **LEGAL REVIEW**

JW 2/11/08

## **SOUND TRANSIT**

### **RESOLUTION NO. R2008-05**

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 construction, maintenance and operation of a light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel.

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, 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, 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, in order to acquire the properties determined to be necessary for the construction, operation, and maintenance of University Link – University of Washington Station to Pine Street Stub Tunnel, 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, on July 28, 2005, by Resolution No. R2005-20, the Sound Transit Board identified University Link - Downtown Seattle Transit Tunnel to University of Washington Station 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 (FTA); and

WHEREAS, on October 27, 2005, through Resolution No. R2005-24, the Board authorized the protective acquisition and relocation of affected property required in connection with the Capitol Hill light rail station alternative; and

WHEREAS, on February 9, 2006, through Resolution No. R2006-04, the Sound Transit Board authorized the protective acquisition and relocation of affected property required in connection with Capitol Hill light rail station; and

WHEREAS on April 27, 2006, through Resolution No. R2006-07, the Sound Transit Board selected the final route, profile and station locations for the North Link light rail project; and

WHEREAS on May 11, 2006, through Resolution No. R2006-08, the Sound Transit Board authorized the acquisition and relocation of affected property required in connection for staging and station area for the Capitol Hill light rail station within University Link; and

WHEREAS on September 13, 2007, through Resolution No. R2007-19, the Sound Transit Board authorized the acquisition and relocation of affected property required in connection with construction, maintenance and operation for the light rail tunnel for University Link; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the University Link – University of Washington Station to Pine Street Stub Tunnel and are reasonably described in Exhibit A of this resolution; and

WHEREAS, on April 7, 2006, 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); and

WHEREAS, on June 7, 2006, Environmental compliance pursuant to the National Environmental Policy Act (NEPA) by the Federal Transit Administration was issued by a Record of Decision for North Link; and

WHEREAS, Sound Transit has conducted public outreach including, but not limited to station design workshops, project open houses, and other meetings involving property owners, neighborhood and business groups and other interested parties throughout the North Link and University Link project area; and

WHEREAS, on February 8, 2008 Sound Transit mailed certified letters to property owners affected by this action in compliance with state law regarding public notification.

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 the University Link project budget.

NOW THEREFORE BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

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 (said property to be used for construction, maintenance and operation of a light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel) and for the payment of eligible relocation and re-establishment costs. 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 for the project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer shall obtain approval from the appropriate committee or the Board, per Resolution 78-1, before the acquisition of the property for the project by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The chief executive officer or her designee 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, per Resolution 78-1.

SECTION 3. 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 Seattle and Washington State Department of Transportation in the same manner that private individuals receive payment under Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines.

SECTION 4. The Board deems the University Link – University of Washington Station to Pine Street Stub Tunnel 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 Sound Transit's boundaries to acquire the property described in Exhibit A as being necessary for the construction, maintenance and operation of a light rail tunnel between the University of Washington Station

and the Pine Street Stub Tunnel, and that eligible parties be paid relocation and re-establishment costs associated with displacement from the properties.

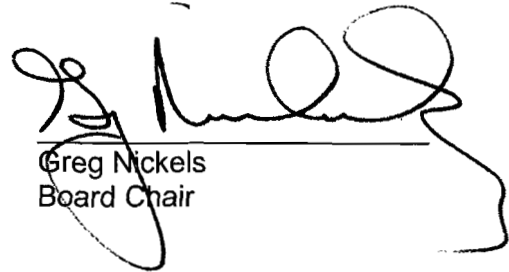
SECTION 5. The Board finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Project.

SECTION 6. 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, not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the project. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the properties 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 7. The Adopted 2008 Budget for University Link is \$1.614 billion. Within that amount the budget for the right of way phase is \$157.3 million and \$81.4 million is currently committed. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from the University Link project budget.

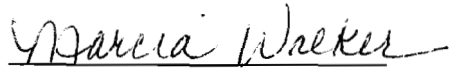
SECTION 8. The chief executive officer is hereby directed to return to the Board to ratify the updated University Link project budget for the total expenditure for actions taken pursuant to this resolution within sixty (60) days of confirmation of the Full Funding Grant Agreement (FFGA).

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on February 28, 2008.



Greg Nickels  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator

**EXHIBIT A**

**C220-230**

**University Link Tunnel Easements**

**Downtown Seattle Transit Tunnel To the University of Washington Station**

**Public Ownership:**

R/W No.	Owner/Contact	Parcel No.	Site Location
NL-99.1	Washington State Department of Transportation	Street Right-of-Way	Portion of SR- 5, right-of-way in NW ¼ of Section 32, Township 25 North, Range 4 East

R/W No.	Owner/Contact	Parcel No.	Site Location
NL-305	City of Seattle, a municipal corporation	212504-9019-02	Portion of Interlaken Park

THAT CERTAIN TRACT OF LAND KNOWN AS INTERLAKEN PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SOUTHEAST ¼ OF THE SOUTHWEST ¼ LYING SOUTHWESTERLY OF BOYER AVENUE EAST, LESS INTERLAKEN ADDITION AND LESS STREETS; TOGETHER WITH THAT PORTION OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ PER SURVEY RECORDING NUMBER 9903089002 TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ PER SURVEYS RECORDING NUMBERS 19990630900001 AND 19990630900002 TOGETHER WITH A PORTION OF THE WEST HALF OF THE SOUTHWEST ¼ PER SURVEYS RECORDED 9901079004 AND 9901079005 TOGETHER WITH NORTHWEST ¼ OF SAID NORTHWEST ¼ - LESS PORTION IN CAPE HORN AND LESS PORTION IN MONTLAKE ESTATES AND LESS PORTION LYING NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOTS 3 AND 9 BOYER AVENUE 2<sup>nd</sup> ADDITION AND LESS PORTION IN SEATTLE SHORT PLAT NUMBER 2105812, RECORDING 20020808900003 AND LESS PORTION IN SEATTLE SHORT PLAT 8606882 RECORDING 9101290183- TOGETHER WITH PORTION OF SOUTHEAST ¼ PER SURVEY RECORDING NUMBER 9903089005, TOGETHER WITH PORTION OF NORTHEAST ¼ OF SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 25 NORTH, RANGE 4 EAST, PER SURVEYS RECORDINGS NUMBERS 9810299017 LESS PORTION OF SAID SURVEY PER SEATTLE ORDINANCE NUMBERS 79711 AND 80809 TOGETHER WITH PORTION OF SOUTHEAST ¼ OF THE NORTH EAST ¼ OF SECTION 20, TOWNSHIP 25 NORTH, RANGE 4 EAST, PER SURVEYS RECORDINGS NUMBER 9901079006 AND 9903089004, LESS STREET

R/W No.	Owner/Contact	Parcel No.	Site Location
NL-385	Washington State Department of Transportation	Street Right-of-Way	Portion of SR- 520, right-of-way in NW ¼ of Section 21, Township 25 North, Range 4 East

THAT PORTION OF THE NE ¼ OF THE NW ¼ OF SECTION 21, TOWNSHIP 25 NORTH, RANGE 4 EAST, LYING BETWEEN STATIONS 140+ 00.00 OF THE MAIN STATIONING LINE AND EXTENDING TO THE NORTHERLY AND SOUTHERLY BOUNDARIES OF SR-520 RIGHT-OF-WAY

R/W No.	Owner/Contact	Parcel No.	Site Location
NL-408	Washington State Department of Transportation	Street Right-of-Way	Portion of SR-513, right-of-way in SW ¼ of Section 16, Township 25 North, Range 4 East

**Private Ownership:**

R/W No.	Owner/Contact	Parcel No.	Site Address
NL-397	Ben J. Magnano and Bracha Ephrat Toshav	560500-0475-04	2117 East Shelby Street Seattle Washington 98112

LOT 3, BLOCK 5, MONTLAKE PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 20, IN KING COUNTY, WASHINGTON.