

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2009-13

To Acquire Real Property Interests Required for the University Link Project

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	6/18/09	Discussion/Possible Action to Recommend Board Approval	Ahmad Fazel, Link Executive Director	(206) 398-5389
Board	6/25/09	Action	Roger Hansen, Real Property Manager, Link Light Rail	(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 – 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 the University Link light rail project between the University of Washington Station and the Pine Street Stub Tunnel.

KEY FEATURES of PROPOSED ACTION

- Authorizes the acquisition of one additional temporary construction easement from Cal Anderson Park owned by the City of Seattle. This request is consistent with previous authorizations by the Board for 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.
- The real property identified in this requested action is 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 2009 Lifetime Capital Budget for University Link is \$1.756 billion. Within that amount the budget for the right of way phase is \$167.3 million, and \$124.5 million is currently committed. The proposed action would authorize property acquisition and relocation required for construction, maintenance and operation of the University Link Project between the University of Washington Station and the Pine Street Stub Tunnel.

Acquisition costs for specific easements are appropriate for discussion with Board members in executive session.

The proposed action is consistent with 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 a light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel (University Link)

(Year of Expenditure \$000)

University Link	Adopted 2009 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	115,229	36,873		36,873	78,356
Preliminary Engineering	24,388	24,329		24,329	59
Final Design	77,944	69,718		69,718	8,226
Right of Way	167,332	124,497	-	124,497	42,835
Construction	1,180,033	377,107		377,107	802,926
Construction Services	68,526	64,704		64,704	3,822
Third Party Agreements	18,646	9,101		9,101	9,545
Vehicles	103,909	99,185		99,185	4,724
Total Current Budget	1,756,007	805,513	-	805,513	950,494

Right of Way Phase Budget Detail

Right of Way	167,332	124,497	-	124,497	42,835
Total Phase	167,332	124,497	-	124,497	42,835

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)
Contract Amount	123,744	123,744	-	123,744	123,744
Contingency	753	753	-	753	753
Total	124,497	124,497	-	124,497	124,497
Percent Contingency	1%	1%	0%	1%	1%

(A) ADOPTED 2009 BUDGET amounts as adopted by resolution of the Sound Transit Board (R2008-14, approved 12/11/08).

(B) COMMITTED TO DATE amounts are from Agency WBS Report as of April 2009 + approved and pending board actions not recorded as of 4/30/09, 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, 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 interests have been identified as necessary for the construction, maintenance and operation of the University Link Project based upon the current level of design. Authorization for one additional acquisition consisting of a temporary construction easement is being sought from the Board through this action.

Through this action, Sound Transit would authorize the acquisition of one additional temporary construction property easement from the City of Seattle (Cal Anderson Park). Except as noted below, this action would approve, if required, payment for relocation assistance to the public agency that owns or occupies this property in the same manner in which private individuals receive payment under Sound Transit's adopted policies and procedures. This property transaction with the City of Seattle will be handled by negotiated agreement between the City of Seattle 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) was completed with issuance of a Record of Decision for North Link by the Federal Transit Administration on June 7, 2006.

The parcel identified in Exhibit A is adjacent to the University Link Capitol Hill Station; a temporary easement is needed to accommodate construction of the station.

Prior Board/Committee Actions on this Project

Motion/Resolution Number and Date	Summary of Action
R2008-05 2/28/08	Board authorizes the acquisition of property interests and relocation of affected parties required for construction, maintenance and operation of the University Link light rail tunnels between the University of Washington Station and the Pine Street Stub Tunnel.
R2007-19 9/13/07	Board authorizes the acquisition of property interests and relocation of affected parties required for construction, maintenance and operation of the University Link light rail tunnels 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

The construction schedule for the University Link Project assumes the availability of specific property easements when needed for construction. A significant delay in Board approval could affect the timely acquisition of the temporary property easement needed for Capitol Hill Station construction.

PUBLIC INVOLVEMENT

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

Sound Transit staff continues to meet with residents, property owners, business owners, tenants and other affected stakeholders adjacent to the University Link route and stations to discuss project construction progress and listen to individual and neighborhood concerns about the project. A Capitol Hill Station construction open house meeting was held on June 17, 2009 to discuss construction noise, truck haul route and other issues. A community forum to discuss Capitol Hill Station transit-oriented development (TOD) plans is scheduled for June 24, 2009 to seek further public input on TOD housing and retail issues.

In compliance with state legislation regarding public notification, Sound Transit mailed a certified letter to the property owner (City of Seattle) affected by this action on June 8, 2009. Legal notices of this proposed Board action were also advertised in the Seattle Times and the Puget Sound Business Journal on June 12 and 19, 2009.

Sound Transit will continue an active community outreach program as part of University Link construction efforts.

ENVIRONMENTAL COMPLIANCE

JI 6-9-2009

LEGAL REVIEW

LA 6/11/09

SOUND TRANSIT

RESOLUTION NO. R2009-13

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, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for 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 Supplemental Environmental Impact Statement (SEIS) and for obtaining a New Starts rating from the Federal Transit Administration (FTA); 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, the Sound Transit Board previously 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 SEIS; and

WHEREAS, on June 7, 2006, Environmental compliance pursuant to the National Environmental Policy Act (NEPA) was completed with issuance of a Record of Decision for North Link by the Federal Transit Administration; 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 June 8, 2009 Sound Transit mailed certified letters to property owners affected by this action in compliance with state law regarding public notification; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will continue to negotiate in good faith with the owners of the properties authorized to be acquired by negotiated purchase or condemned, with the intent of reaching agreements for the voluntary acquisition of the property for fair market value; and

WHEREAS, the funds necessary to acquire the property by voluntary purchase or to pay just compensation adjudged due after condemnation and the funds necessary to pay eligible relocation and re-establishment costs shall be paid from 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 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

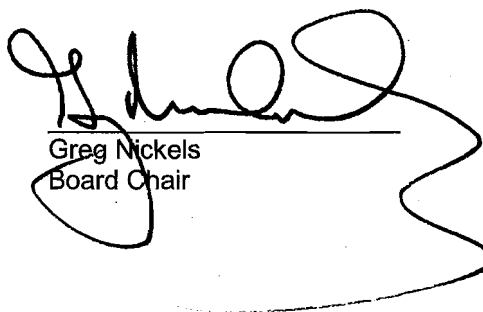
the best interests of the citizens residing within Sound Transit's boundaries to acquire the property described in Exhibit A as being necessary for the construction, maintenance and operation of a light rail tunnel between the University of Washington Station and the Pine Street Stub Tunnel, and that 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 2009 Budget for University Link is \$1.756 billion. Within that amount the budget for the right of way phase is \$167.3 million and \$124.5 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.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 25, 2009.



Greg Nickels
Board Chair

ATTEST:

Marcia Walker
Marcia Walker
Board Administrator

SOUND TRANSIT

**RESOLUTION NO. R2009-13
EXHIBIT A**

University Link Tunnel Easements

R/W No.	Tax Parcel No.	Owner / Contact
NL-157	6003500490	City of Seattle

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
698454	NL157	City of Seattle	600350-490-00	1000 East Pine Street Seattle WA 98122

ALL OF BLOCKS 20, 29 AND 36, AND THE EAST HALF OF BLOCKS 19, 30 AND 35, JOHN H. NAGLE'S SECOND ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5, PAGE 67, IN KING COUNTY, WASHINGTON; TOGETHER WITH THOSE PORTIONS OF EAST HOWELL STREET AND EAST OLIVE STREET LYING BETWEEN THE EAST LINE OF NAGLE PLACE AND THE WEST LINE OF 11TH AVENUE, VACATED BY CITY OF SEATTLE ORDINANCE NUMBER 5631 AND ATTACHED TO SAID PREMISES BY OPERATION OF LAW;
AND TOGETHER WITH THAT PORTION OF 10TH AVENUE LYING BETWEEN THE SOUTH LINE OF DENNY WAY AND THE NORTH LINE OF EAST PINE STREET, VACATED BY CITY OF SEATTLE ORDINANCE 5631 AND ATTACHED TO SAID PREMISES BY OPERATION OF LAW;
EXCEPT THAT PORTION OF THE EAST HALF OF BLOCKS 19, 30 AND 35 LYING WITHIN NAGLE PLACE, AS DEDICATED PURSUANT TO CITY OF SEATTLE ORDINANCE NUMBER 5630;
AND EXCEPT THAT PORTION OF BLOCKS 19 AND 20, CONDEMNED FOR EAST PINE STREET PURSUANT TO CITY OF SEATTLE ORDINANCE NUMBER 14500.