

RESOLUTION NO. R2010-13
Acquire Real Property Interests Required for the North Link Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Capital Committee	07/15/10	Recommendation to Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	07/22/10	Final Action	Roger Hansen, Real Property Director	206-689-3366

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 construction staging and station facilities for the Brooklyn Station and for tunnel easements within the North Link – University of Washington Station to Northgate project.

KEY FEATURES

- The proposed action would authorize the acquisition of three partial property acquisitions and easements for the Brooklyn Station and tunnel alignment and the payment of relocation benefits to eligible affected owners and tenants.
- The real properties identified in this requested action are owned by the University of Washington (UW) and described in Exhibit A.
- Authorization for additional acquisitions consisting mainly of tunnel easements will be sought from the Board as the final tunnel alignment is determined by further engineering and design.

PROJECT DESCRIPTION

The 4.3-mile North Link Project is an extension of light rail from the UW Station to Northgate. The project includes twin bored tunnels from the underground UW Station north to an underground station near Brooklyn Avenue NE and NE 45th Street in the University District. From the Brooklyn Station, the twin bored tunnels continue north to the underground Roosevelt Station near NE 65th Street and 12th Avenue NE to the tunnel portal north of the Lake City Way ramps in the I-5 right-of-way. The extension then transitions to an aerial guideway north of NE 92nd Street and continues north where it terminates at an elevated station at Northgate.

BACKGROUND

The North Link Final Supplemental Environmental Impact Statement (FSEIS) was published on April 7, 2006. The FSEIS provided the Board with information including route, station locations, project phasing and financing. On April 27, 2006, upon consideration of the FSEIS, the Sound Transit Board adopted Resolution No. R2006-07, which selected the final route, profile, and station locations for North Link; and authorized the necessary steps to complete final design and implementation of the University Link Project (U-Link).

The U-Link portion of the North Link Project is a 3.15-mile extension of the Initial Segment of light rail connecting downtown Seattle with Capitol Hill and the UW campus. U-Link is currently under construction. The balance of the North Link Project is a 4.3-mile extension of light rail from the UW Station to Northgate in twin-bored tunnels with two cut-and-cover stations serving the University District (at Brooklyn Station) and Roosevelt neighborhoods, which transitions to an elevated guideway and station near the Northgate Transit Center.

Preliminary engineering (PE) and the FSEIS for North Link was completed in spring 2006. The Record of Decision for North Link was issued by the FTA in June 2006.

Sound Transit conducted a limited amount of advanced PE work for North Link in 2009. This work focused on refining the bored tunnel alignment and profiles, examining Brooklyn Station design and constructability issues to refine construction staging property requirements, and examining alternative tunnel portal locations and construction staging options.

Certain properties have been identified as necessary for the Brooklyn Station construction and construction staging and tunnel alignment based upon the current level of design. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions when efforts to reach agreement with property owners are unsuccessful. Authorization for additional acquisitions, consisting mainly of tunnel easements, will be sought from the Board as the final tunnel alignment is determined by further engineering and design.

The parcels identified in Exhibit A are at the Brooklyn Station and tunnel alignment sites were addressed in the 2006 Final SEIS, which acknowledged that in addition to the potential property acquisitions, the project would also require subterranean and temporary construction easements. The parcels are all owned by the UW. This action is recommended now to allow sufficient time for staff to complete property acquisition agreement negotiations with the University.

FISCAL INFORMATION

Budget Table

(Year of Expenditure \$000)

North Link - UW Station to Northgate	Adopted 2010 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	49,461	2,474		2,474	46,986
Preliminary Engineering	18,818	15,982		15,982	2,836
Final Design	82,374	6,384		6,384	75,990
Right of Way	164,820	37,241	-	37,241	127,579
Construction	8,733	8,052		8,052	681
Construction Services	300	-		-	300
Third Party Agreements	20,994	1,194		1,194	19,801
Vehicles	-	-		-	-
Total Current Budget	345,500	71,326	-	71,326	274,173

Right of Way Phase Budget Detail

Right of Way	164,820	37,241	-	37,241	127,579
Total Phase	164,820	37,241	-	37,241	127,579

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	-	-	-	-	-
Contingency	-	-	-	-	-
Total	-	-	-	-	-
Percent Contingency	0%	0%	0%	0%	0%

(A) ADOPTED 2010 BUDGET amounts reflect Adopted 2010 Budget as amended by resolution of the Sound Transit Board in February 2010 to add final design and property acquisition (R2010-02, adopted 2/25/10).

(B) COMMITTED TO DATE amounts are from Agency WBS Report as of May 2010 + approved and pending board actions not recorded as of 5/31/10, 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.

ENVIRONMENTAL COMPLIANCE

JI 6/1/10

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2010-04 – Authorized 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 staging and station areas for the Brooklyn and Roosevelt Stations within the North Link – UW Station to Northgate project.

Resolution No. R2010-02 – (1) Amended the Adopted 2010 Lifetime Capital Budget for the North Link – UW Station to Northgate project from \$107,176,375 to \$345,499,512 to perform final design, third party coordination, property acquisition, and related tasks, and (2) Amended the North Link – UW Station to Northgate 2010 annual budget by decreasing the Right of Way Acquisition and Permits phase by \$9,000,000 and increasing the Final Design phase by \$9,000,000.

Resolution No. R2006-07 – (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.

TIME CONSTRAINTS

A one month delay would not create a significant impact to the project schedule.

PUBLIC INVOLVEMENT

Sound Transit staff conducted an active public outreach program during the earlier North Link planning, environmental review and PE phases of the project which concluded in 2006 when the Board selected the final North Link route and stations and authorized the budget to complete U-Link. Since that time, limited public outreach has occurred along the North Link route because additional design work was not advanced pending further project funding.

Staff is beginning an active public involvement program to start the North Link final design and property acquisition work. A kick-off public meeting was held on June 16, 2010 to launch the outreach effort. The presentation included an overview of the project, a review of the prior route and station design work and potential refinement ideas, and discussion of the final design and property acquisition schedule. Sound Transit will continue to seek public input on design ideas, construction concerns and other community and stakeholder issues.

Once the civil engineering and architectural final design consultant team is under contract, additional station design open houses and other meetings will be scheduled starting in fall 2010 involving property owners, neighborhood and business groups, and other interested parties along the North Link route. The final design team will be providing resources to assist Sound Transit in future outreach activities.

In compliance with state legislation regarding public notification, Sound Transit mailed certified letters to the property owner affected by this action on July 6, 2010. Legal notices of this proposed Board action were advertised in the Seattle Times and the Puget Sound Business Journal on July 9 and 16, 2010.

Sound Transit will continue an active community outreach program throughout the North Link final design and property acquisition work effort.

LEGAL REVIEW

JB 7/8/10

RESOLUTION NO. R2010-13

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 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 construction staging and station facilities for the Brooklyn Station and for tunnel easements within the North Link – University of Washington Station to Northgate project.

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 and again on November 4, 2008, at general elections 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 project improvements required for North Link – University of Washington Station to Northgate, 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, 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 certain properties have been identified as necessary for the North Link – University of Washington Station to Northgate construction and for construction staging based upon the current level of design; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Brooklyn Station and for tunnel easements within the North Link - University of Washington Station to Northgate 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 of Washington Station to Northgate, was completed with the North Link Final Supplemental Environmental Impact Statement (FSEIS); 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 project area; and

WHEREAS, on July 6, 2010 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 North 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 system between the University of Washington Station and Northgate) 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 University of Washington 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 North Link – University of Washington Station to Northgate 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 system between the University of Washington Station and Northgate, and that eligible parties be paid relocation and re-establishment costs associated with displacement from the properties.

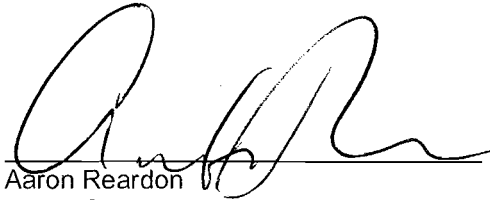
SECTION 5. The Board finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Project.

SECTION 6. In addition to the authority granted the chief executive officer in Section 1 above, to the extent permitted by law, 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 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.

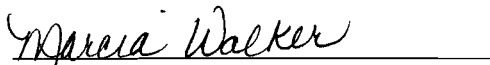
SECTION 7. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from the North Link project budget.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 22, 2010.



Aaron Reardon
Board Chair

ATTEST:



Marcia Walker
Board Administrator

**RESOLUTION NO. R2010-13
EXHIBIT A**

ACQUISITIONS BROOKLYN STATION

R/W No.	Tax Parcel No.	Owner / Contact
NL-409	114200-1260-00	The Board of Regents of the University of Washington
NL-432	114200-0290-06	The Board of Regents of the University of Washington
NL-433	114200-0280-08	The Board of Regents of the University of Washington

Brooklyn Station

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
1121543	NL409	The Board of Regents of the University of Washington, an agency of the State Of Washington	114200 1260	1417 NE 42 nd Street Seattle WA 98105

ALL OF LOTS 1 THROUGH 12, INCLUSIVE , BLOCK 13 OF BROOKLYN ADDITION TO SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 7 OF PLATS, AT PAGE(S) 32, IN KING COUNTY, WASHINGTON.

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
1105606	NL432	The Board of Regents of the University of Washington, an agency of the State Of Washington	114200 0290	4310 12 th Avenue NE Seattle WA 98105

LOTS 1, 2 AND 3, AND LOTS 7, 8, 9 AND 10, AND LOTS 13 THROUGH 24, INCLUSIVE, ALL IN BLOCK 3, BROOKLYN ADDITION TO SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE 32, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED ALLEY THEREOF VACATED BY CITY OF SEATTLE ORDINANCE NUMBER 98024 AND RECORDED UNDER RECORDING NUMBER 6551901, AS WOULD ATTACH BY OPERATION OF LAW;

EXCEPT THAT PORTION WITHIN THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF LOT 3, ALL OF LOTS 4, 5 AND 6, AND A PORTION OF LOT 7, ALL IN BLOCK 3, BROOKLYN ADDITION TO SEATTLE, ACCORDING TO THE PLAT THERE OF RECORDED IN VOLUME 7 OF PLATS, PAGE 32, IN KING COUNTY, WASHINGTON, AND THE VACATED ALLEY ADJOINING THEREON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 12, BLOCK 3, OF SAID BROOKLYN ADDITION; THENCE NORTH 02°07'06" EAST ALONG THE EAST LINE OF SAID BLOCK 219.64 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE CONTINUING NORTH 02°07'06" EAST ALONG SAID LINE 169.19 FEET;
 THENCE NORTH 87°48'34" WEST 116.05 FEET;
 THENCE SOUTH 02°06'48" WEST 169.33 FEET;
 THENCE SOUTH 87°53'49" EAST 116.03 FEET TO THE TRUE POINT OF BEGINNING;

AND ALSO EXCEPT THAT PORTION CONDEMNED FOR NORTHEAST 45TH STREET BY KING COUNTY CAUSE NUMBER 42256 AS PROVIDED FOR BY CITY OF SEATTLE ORDINANCE NO. 10566

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
1122087	NL433	The Board of Regents of the University of Washington, an agency of the State Of Washington	114200 0280	4333 Brooklyn Ave NE Seattle WA 98105

A PORTION OF LOT 3, ALL OF LOTS 4, 5, AND 6, AND A PORTION OF LOT 7, ALL IN BLOCK 3, BROOKLYN ADDITION TO SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE 32, IN KING COUNTY, WASHINGTON, AND THE VACATED ALLEY ADJOINING THEREON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT12, BLOCK 3 OF SAID SUBDIVISION;
 THENCE NORTH 02°07'06" EAST ALONG THE EAST LINE OF SAID BLOCK 219.64 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE CONTINUING NORTH 02°07'06" EAST ALONG SAID LINE 169.16 FEET;
 THENCE NORTH 87°48'34" WEST 116.05 FEET;
 THENCE SOUTH 02°06'48" WEST 169.33 FEET;
 THENCE SOUTH 87°53'49"EAST 116.03 FEET TO THE TRUE POINT OF BEGINNING.