

**RESOLUTION NO. R2012-01**
**Protective Acquisition of a Potential Site for the Link Operations and Maintenance Satellite Facility**

<b>MEETING:</b>	<b>DATE:</b>	<b>TYPE OF ACTION:</b>	<b>STAFF CONTACT:</b>	<b>PHONE:</b>
Board	1/26/12	Final Action	Ahmad Fazel, DECM Executive Director <b>Roger Hansen, DECM</b> <b>Real Property Director</b>	206-398-5389  206-689-3366

**PROPOSED ACTION**

(1) Authorizes the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or by entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary in order to secure property required for construction, operation, and maintenance of a potential site for the Link Light Rail Maintenance and Storage Project, and (2) requires staff to prepare an amendment to the Adopted 2012 Budget for Board consideration within 60 days of completion of the acquisition.

**KEY FEATURES**

- Authorizes the protective acquisition of one property in the Bel-Red neighborhood in the City of Bellevue for potential construction of the Link Operations and Maintenance (O&M) Satellite Facility. This project is listed as the Link Light Rail Maintenance and Storage Project in the Adopted 2012 Budget.
- This protective acquisition will be a full acquisition of a 10.5 acre site and warehouse buildings formerly used by International Paper as a distribution warehouse. The real properties identified in this requested action are included in Exhibit A.
- Directs staff to submit an amendment to the Adopted 2012 Budget in the amount of the total expenditures related to this action within 60 days of completion of the acquisition for Board consideration.
- On December 28, 2011, Sound Transit received Federal Transit Administration (FTA) approval of the protective acquisition (under 23 CFR 771.117 (d)(12)). FTA concurrence is required in order to maintain possible future federal participation in the acquisition costs should this site be selected as the preferred alternative.

**PROJECT DESCRIPTION**

The ST2 Plan adopted by the voters in 2008 included a project to locate, design and construct a second Link light rail operations and maintenance facility to accommodate the future fleet requirements related to the expanded light rail system.

## FISCAL INFORMATION

### Budget Table

(Year of Expenditure \$000)

#### Link Light Rail Maintenance and Storage Project

	2012 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted/ (Shortfall)
Agency Administration	3,237	80		80	3,156
Preliminary Engineering	5,710	161		161	5,549
Final Design	0	0		0	0
Third party	385	0		0	385
Right of Way	100	15		15	85
Construction	0	0		0	0
Vehicles	0	0		0	0
<b>Total Current Budget</b>	<b>9,432</b>	<b>256</b>	<b>0</b>	<b>256</b>	<b>9,175</b>

#### Right of Way Phase Detail

Right of Way Administration	100	15		15	85
Other Right of Way Phase activities	0	0	0	0	0
Contingency		0	0	0	0
<b>Total Phase</b>	<b>100</b>	<b>15</b>	<b>0</b>	<b>15</b>	<b>85</b>

#### Property acquisition Detail

	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Property Acquisition Contract	0	0	0	0
Contingency	0	0	0	0
<b>Total Property Acquisition Contract Amount</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Percent Contingency	0%	0%	0	0%

#### Notes:

Amounts are expressed in Year of Expenditure \$000.

Board Approvals to Date includes amounts through November 30, 2011, plus any pending Board Actions.

Project budget is located on page 32 of the 2012 Transit Improvement Plan.

Board has approved the Capital Amendment to 2012 Proposed Budget on December 1st, 2011.

Board Approvals = Committed to-date + Contingency

In accordance with Sound Transit Policy, budgets for specific parcels will be discussed with Board members in executive session.

## SMALL BUSINESS PARTICIPATION

Not applicable to this action.

## EQUAL EMPLOYMENT WORKFORCE PROFILE

Not applicable to this action.

## BACKGROUND

The Adopted 2012 Budget includes the Link Light Rail Maintenance and Storage Project which calls for the review and evaluation of future light rail storage and maintenance requirements to support the development, design, and construction of a future Link O&M Satellite Facility for the ST2 light rail system expansion.

A consultant team was retained in 2011 to conduct a system wide operations analysis that included the preparation of a rail fleet management plan, an operations plan and an initial evaluation of site options for the Link O&M Satellite Facility. The existing Operations and Maintenance Facility on South Forest Street in Seattle has a storage capacity of 104 vehicles. A second facility is required to accommodate the total 180 light rail vehicles (LRVs) needed for existing system operations and

the ST2 system expansion. Sound Transit currently has a fleet of 62 LRVs. One of the sites identified in the system wide operations analysis was in the Bel-Red neighborhood in the City of Bellevue.

The Bel-Red neighborhood site was one of the sites considered in the East Link Project Final Environmental Impact Statement (EIS) issued on July 15, 2011. A Record of Decision (ROD) on the Final EIS was issued by the FTA in November 2011, but the ROD did not identify a preferred Link storage facility site.

In early 2012, consultant work will take place to plan and develop the Link O&M Satellite Facility, including technical analyses, site analysis, engineering studies, interagency coordination, public involvement and preparation of a detailed cost estimate. Environmental review, as appropriate, will also be conducted under NEPA and SEPA. Based on this work, the Board will select the location for the Link O&M Satellite Facility. This property acquisition will not limit or bias the evaluation of alternatives for the location of the Link O&M Satellite Facility.

The site selection process for the Link O&M Satellite Facility will not be completed until late 2012 or early 2013. Authorizing a protective acquisition would protect one of the potential sites that the Sound Transit Board could select for the facility. In the event that this site is not selected, it is anticipated that Sound Transit would be able to sell the property and recover the cost of the protective purchase.

Sound Transit received FTA approval for the protective acquisition on December 28, 2011 because the property is for sale and at risk of being developed in a manner inconsistent with Sound Transit's potential use of the property. Following Board approval of the protective acquisition, staff will initiate negotiations with the property owner.

## **ENVIRONMENTAL COMPLIANCE**

A Documented Categorical Exclusion (DCE) was approved by FTA in support of the protective acquisition. The acquisition is exempt under SEPA.

JI 1/3/2012

## **PRIOR BOARD/COMMITTEE ACTIONS**

None.

## **TIME CONSTRAINTS**

The property owner is currently soliciting offers to purchase and a significant delay could result in the property being sold to another party which could eliminate it as an alternative for the location of the Link O&M Satellite Facility.

## **PUBLIC INVOLVEMENT**

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on January 10, 2012. Legal notices of this proposed Board action were published in the Seattle Times newspaper on January 13 and 20, 2012.

## **LEGAL REVIEW**

JB 1/5/12

**RESOLUTION NO. R2012-01**

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 by negotiated purchase, by condemnation (including settlement of condemnation litigation), or by entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary in order to secure property required for construction, operation, and maintenance of a potential site for the Link Light Rail Maintenance and Storage Project, and (2) requiring staff to prepare an amendment to the Adopted 2012 Budget for Board consideration within 60 days of completion of the acquisition.

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 permanently 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, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of project improvements required under Sound Move and ST2, 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, the ST2 Plan adopted by the voters in 2008 included a project to locate, design and construct a second Link light rail operations and maintenance facility to accommodate the future fleet requirements related to the expanded light rail system; and

WHEREAS, Sound Transit has identified certain real properties t) as necessary for the potential construction and permanent location of the Link Operations and Maintenance (O&M) Satellite Facility (known in the Adopted 2012 Budget as the Link Light Rail Maintenance and Storage Project, which real properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for the potential construction, operation, and permanent location of the Link O&M Satellite Facility, 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, 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 Sound Transit general funds.

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 as a potential location for Link O&M Satellite Facility) and incorporated herein by reference, 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; provided that in the

event the total of the acquisition, relocation, and re-establishment costs of the properties for the Link O&M Satellite Facility 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 No. 78-2, before the acquisition of the property for the Link O&M Satellite Facility 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 No. 78-2.

SECTION 3. The Sound Transit Board deems the Link Light Rail Maintenance and Storage 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 identified in Exhibit A as being necessary as a potential site for the construction, operation, and permanent location of Link Operations and Maintenance (O&M) Satellite Facility, parties be paid relocation and re-establishment costs associated with displacements from the properties.

SECTION 4. The Sound Transit Board of Directors 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 Link O&M Satellite Facility .

SECTION 5. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of

**RESOLUTION NO. R2012-01  
EXHIBIT A**

Light Rail Maintenance and Storage Project

R/W No.	Owner/Contact	Parcel #	Site Address
TBD	JP EAT ONE LLC	2825059182-05	1899 120TH AVENUE NORTHEAST BELLEVUE, WA 98005

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 28, WHICH IS NORTH 0°42'15" EAST, 761.50 FEET FROM THE SOUTHEAST CORNER THEREOF;

THENCE NORTH 88°20'55" WEST, 1346.50 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 1°09'43" EAST, 285.25 FEET;

THENCE NORTH 88°50'17" WEST, 605.86 FEET;

THENCE SOUTH 20°09'51" EAST, 667.65 FEET TO A POINT OF CURVE;

THENCE SOUTHERLY, ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 409.30 FEET, A DISTANCE OF 241.00 FEET;

THENCE SOUTH 36°05'58" WEST, ALONG A RADIAL LINE, 16.70 FEET;

THENCE SOUTH 56°17'20" EAST, 258.34 FEET;

THENCE SOUTH 61°30'50" EAST, 60.00 FEET;

THENCE SOUTH 74°09'20" EAST, 56.40 FEET;

THENCE SOUTH 84°48'50" EAST, 23.91 FEET;

THENCE SOUTH 85°57'45" EAST, 51.63 FEET;

THENCE NORTH 4°02'15" EAST, 210.00 FEET;

THENCE NORTH 23°06'50" WEST, 452.03 FEET;

THENCE NORTH 1°09'43" EAST, 100.35 FEET TO THE TRUE POINT OF BEGINNING;

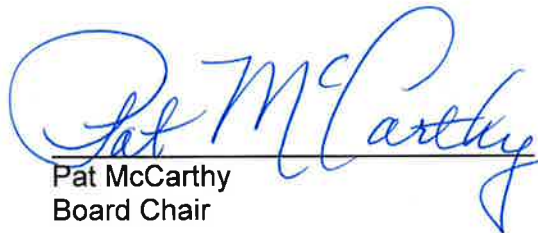
EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY FOR 120TH AVENUE NORTHEAST.

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 Link O&M Satellite Facility. 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 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

SECTION 7. The chief executive officer is hereby directed to prepare an amendment to the Adopted 2012 Budget for the Link Light Rail Maintenance and Storage Project budget for the total expenditure for actions taken pursuant to this resolution within sixty days of acquisition of the property identified in Exhibit A.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on January 26, 2012.

  
Pat McCarthy  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator



**RESOLUTION NO. R2012-01  
EXHIBIT A**

Light Rail Maintenance and Storage Project

R/W No.	Owner/Contact	Parcel #	Site Address
TBD	IP EAT ONE LLC	2825059182-05	1899 120TH AVENUE NORTHEAST BELLEVUE, WA 98005

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 28, WHICH IS NORTH 0°42'15" EAST, 761.50 FEET FROM THE SOUTHEAST CORNER THEREOF;  
THENCE NORTH 88°20'55" WEST, 1346.50 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 1°09'43" EAST, 285.25 FEET;  
THENCE NORTH 88°50'17" WEST, 605.86 FEET;  
THENCE SOUTH 20°09'51" EAST, 667.65 FEET TO A POINT OF CURVE;  
THENCE SOUTHERLY, ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 409.30 FEET, A DISTANCE OF 241.00 FEET;  
THENCE SOUTH 36°05'58" WEST, ALONG A RADIAL LINE, 16.70 FEET;  
THENCE SOUTH 56°17'20" EAST, 258.34 FEET;  
THENCE SOUTH 61°30'50" EAST, 60.00 FEET;  
THENCE SOUTH 74°09'20" EAST, 56.40 FEET;  
THENCE SOUTH 84°48'50" EAST, 23.91 FEET;  
THENCE SOUTH 85°57'45" EAST, 51.63 FEET;  
THENCE NORTH 4°02'15" EAST, 210.00 FEET;  
THENCE NORTH 23°06'50" WEST, 452.03 FEET;  
THENCE NORTH 1°09'43" EAST, 100.35 FEET TO THE TRUE POINT OF BEGINNING;  
EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY FOR 120TH AVENUE NORTHEAST.