

**RESOLUTION NO. R2012-09**
**To Acquire Real Property Interests Required for the North Link – University of Washington Station to Northgate Project**

<b>MEETING:</b>	<b>DATE:</b>	<b>TYPE OF ACTION:</b>	<b>STAFF CONTACT:</b>	<b>PHONE:</b>
Capital Committee	04/12/12	Recommendation to Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	04/26/12	Final Action	<b>Roger Hansen, Real Property Director</b>	206-689-3366

**PROPOSED ACTION**

Authorizes the chief executive officer to acquire, dispose, or lease certain real property interests, pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary including acquisition by condemnation for the North Link – University of Washington Station to Northgate project between the Roosevelt and Northgate Stations.

**KEY FEATURES**

- Authorizes the acquisition of one tunnel easement from a property located between Roosevelt Station and the tunnel portal for the North Link – University of Washington (UW) Station to Northgate project.
- Authorization for additional acquisitions will be sought from the Board as the precise alignment is determined by further engineering and design.
- The real property identified in this requested action is included in Exhibit A.

**PROJECT DESCRIPTION**

The North Link – UW Station to Northgate project is a 4.3-mile extension of light rail from the UW station north under the campus via twin-bored tunnels to an underground Brooklyn Station in the University District, an underground Roosevelt Station along 12<sup>th</sup> Avenue NE between NE 65<sup>th</sup> Street and NE 67<sup>th</sup> Street, and continuing to an elevated station in Northgate. Final design was initiated in late 2010; final design will continue through 2013 with early construction work (demolition and hazardous materials abatement) at underground station locations being initiated in 2012.

**FISCAL INFORMATION**

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with the Board in executive session. Consistent with the current estimate at completion for real property acquisition, this action and acquisitions of remaining certified properties are affordable within the adopted project budget.

## Project Budget

North Link - UW Station to Northgate	2012 TIP	Board		Board	Uncommitted /
		Approvals	This Action	Approved Plus Action	(Shortfall)
Agency Administration	49,461	7,660		7,660	41,800
Preliminary Engineering	15,251	15,329		15,329	(78)
Final Design	106,127	75,342		75,342	30,785
Right of Way	164,820	58,183	-	58,183	106,637
Construction	19,596	8,167		8,167	11,429
Construction Services	89,250	-		-	89,250
Third Party Agreements	20,994	1,769		1,769	19,225
Vehicles	-	-		-	-
<b>Total Current Budget</b>	<b>465,500</b>	<b>166,451</b>	<b>-</b>	<b>166,451</b>	<b>299,049</b>

### Phase Detail

#### Construction

Right of Way	164,820	58,183	-	58,183	106,637
<b>Total Phase</b>	<b>164,820</b>	<b>58,183</b>	<b>-</b>	<b>58,183</b>	<b>106,637</b>

### Contract Detail

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

#### Notes:

Amounts are expressed in Year of Expenditure \$000s.

Board Approvals = Committed To-Date + Contingency, and includes pending Board actions.

Project Budget is located on page 33 of the Proposed 2012 Transit Improvement Plan (TIP) as adopted by resolution of the

ST Board in December 2011 (Resolution R2011-18, approved 12/15/11).

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.

## BACKGROUND

On April 27, 2006, upon consideration of the Final Supplemental Environmental Impact Statement (FSEIS), the Sound Transit Board adopted Resolution No. R2006-07, which, among other things, selected the final route, profile, and station locations for North Link; and (2) authorized the necessary steps to complete final design and implementation of the University Link project.

Sound Transit conducted a limited amount of advanced preliminary engineering 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 property interests have been identified as necessary for construction of the light rail stations in the University District (on Brooklyn Avenue NE between NE 45th and NE 43rd Streets and Roosevelt (along 12th Ave NE between NE 65th and NE 67th Streets ) and the North Link tunnels 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. The proposed action would authorize the acquisition of 1 tunnel easement by condemnation if necessary, as needed for the construction, operation and maintenance of the North Link light rail tunnel and stations between UW Station and Northgate and the payment of relocation benefits to eligible affected owners and tenants.

Authorization for additional acquisitions consisting mainly of easements for the elevated guideway from the north portal to Northgate Station and property interests needed for construction of Northgate Station will be sought from the Board as the final alignment is determined by further engineering and design.

The parcel identified in Exhibit A is along the tunnel alignment identified in the preferred alternative for North Link.

Sound Transit staff has completed a preliminary analysis of the North Link project schedule, property acquisition work and the construction contract packaging plan. Initial property acquisition for North Link station and staging areas was authorized by the Board starting in March, 2010 in order for the project to be completed and operational by 2021.

## **ENVIRONMENTAL COMPLIANCE**

Acquisition of the tunnel easement is consistent with the impacts and alternatives evaluated in the North Link Final Supplemental Environmental Impact Statement (EIS) issued on April 7, 2006 pursuant to the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA).

SSK 4-6-12

## **PRIOR BOARD/COMMITTEE ACTIONS**

Resolution No. R2012-08: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary, and acquire and dispose of property interests owned by public entities including acquisition by condemnation for the North Link – University of Washington Station to Northgate Project between Roosevelt Station and Northgate Station.

Resolution No. R2011-13: Authorized the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation to the extent permitted by law (including settlement of condemnation litigation), or by entering into administrative settlements, and (2) to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction, operation and maintenance of the light rail tunnels and stations between University of Washington and Roosevelt stations within the North Link – University of Washington station to Northgate Project, all in the City of Seattle.

Resolution No. R2011-04: Authorized the chief executive officer to (1) 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 property interests needed for construction of the Brooklyn and Roosevelt Stations and certain tunnel alignment within the North Link Project – UW Station to Northgate project and (2) acquire and dispose of property interests owned by public entities, including acquisition by condemnation to the extent permitted by law, between the University of Washington Station and Northgate in the City of Seattle which are needed for construction, maintenance and operation of the light rail tunnel and stations.

Resolution No. R2010-17: Authorized 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 reestablishment benefits to affected parties as necessary for construction, maintenance and operation of a light rail tunnel and stations between the University of Washington Station and the Pine Street Stub Tunnel and between the University of Washington Station and Northgate.

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) authorized the necessary steps to complete final design and implementation of the University Link Project.

## **TIME CONSTRAINTS**

A short delay will not impact planned property acquisition work for the North Link – UW Station to Northgate project for the tunnel easement. A significant delay could impact the acquisition schedule and could ultimately affect the construction schedule for the project.

## **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 (SEIS) and the 2006 North Link FSEIS 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.

A public open house took place in June 2010 to inform the public on the start of the North Link project final design phase. An open house was held on May 17, 2011 regarding the Northgate station design progress. Staff also conducted 30% station design open houses on May 23, 2011 for the Roosevelt Station and on June 9, 2011 for the Brooklyn Station. Additional meetings have also been held in the University District and Roosevelt neighborhood over the last year to discuss project design and construction issues, including property acquisition and other project requirements.

On September 12, 2011, a public open house took place to inform property owners affected by the tunnel easements between Brooklyn and Roosevelt Stations of the proposed property acquisition affecting their properties and to share information on anticipated impacts of the tunnel construction and light rail operation.

On March 5, 2012, a public open house took place to inform property owners affected by the tunnel and guideway easements between Roosevelt and Northgate Stations of the proposed property acquisition affecting their properties and to share information on anticipated impacts of the tunnel construction and light rail operation.

Additional public meetings to present and discuss construction activities in the vicinity of the future light rail stations at Roosevelt and Northgate Stations were held on March 21, March 26 and April 11, 2012.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on April 9, 2012. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on April 11 and 18, 2012.

## **LEGAL REVIEW**

JB 4/6/12

**RESOLUTION NO. R2012-09**

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, pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary including acquisition by condemnation for the North Link – University of Washington Station to Northgate project between the Roosevelt and Northgate Stations.

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, Environmental compliance pursuant to the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) was completed with the North Link Final Supplemental Environmental Impact Statement (EIS) issued on April 7, 2006, and the Federal Transit Administration issued a Record of Decision for North Link in June 2006; 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, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the North Link - University of Washington (UW) Station to Northgate project are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for the light rail tunnel construction, operation and maintenance from the Roosevelt Station to the Northgate Station 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 for the North Link - UW Station to Northgate project) 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 North Link - UW station to Northgate 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 No. 78-2, before the acquisition of the property

for the North Link - UW station to Northgate 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 No. 78-2.

SECTION 3. The Sound Transit Board deems the North Link – UW 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 identified in Exhibit A as being necessary for the construction, operation, and permanent location of the Roosevelt to Northgate Stations light rail tunnels, 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 North Link – UW Station to Northgate project.

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 the properties and property rights and/or rights in those of the properties described in Exhibit A, to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the University of Washington to Northgate stations light rail tunnel. 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.

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

  
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Julia Patterson  
Board Vice Chair

ATTEST:

  
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Marcia Walker  
Board Administrator



**RESOLUTION NO. R2012-09  
EXHIBIT A**

**NORTH LINK AMENDMENT 8**

<b>R/W No.</b>	<b>TAX PARCEL No.</b>	<b>OWNER / CONTACT</b>
NG900	3658700260	Paulina Tsui, Wu Chieh Chang Kung, and Kuo-Han Chan

**RESOLUTION NO. R2012-09  
EXHIBIT A**

**NORTH LINK AMENDMENT 8**

<b>R/W No.</b>	<b>Owner/Contact</b>	<b>Parcel #</b>	<b>Site Address</b>
NG900	Paulina Tsui, Wu Chieh Chang Kung, and Kuo-Han Chan	3658700260	1021 NE 68 <sup>th</sup> Street Seattle, WA 98115

LOT 4 AND THE EAST HALF OF LOT 5, BLOCK 3, JAMES' DIVISION OF GREEN LAKE ADDITION TO SEATTLE, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE(S) 41, IN KING COUNTY, WASHINGTON.