



RESOLUTION NO. R2017-16

To Acquire Real Property Interests Required for the Federal Way Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	04/13/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director
Board	04/27/2017	Final Action	Dan Abernathy, Executive Project Director – Federal Way Link Extension Kevin Workman, Director Real Property

PROPOSED ACTION

Authorizes the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension.

KEY FEATURES SUMMARY

- Authorizes the acquisition of all or portions of 63 parcels located in SeaTac, Des Moines, Kent, and Federal Way for the Federal Way Link Extension.
- The properties are needed for construction, maintenance, and operation of the light rail guideway, or related facilities that do not need further engineering to define the acquisition requirements.
- This action will help reduce schedule risks and allow a maximum amount of time for relocation of impacted individuals and businesses.
- The legal descriptions of the real properties identified in this action are included in Exhibit A.

BACKGROUND

The Federal Way Link Extension is a 7.8 mile light rail extension from South 200th Street in the City of SeaTac to the Federal Way Transit Center with service to the cities of SeaTac, Kent, Des Moines, and Federal Way. The extension will follow the south edge of the future SR 509 and continue south along the west side of I-5 and will include three stations at Kent/Des Moines Road, South 272nd Street and Federal Way Transit Center Station. New parking structures will be provided at Kent/Des Moines Station and South 272nd Station and an additional parking structure will be provided at the Federal Way Transit Center Station. Construction of the project is expected to begin in 2019 with stations expected to open in 2024.

Certain property interests have been identified as necessary for construction of the Federal Way Link Extension. The identified parcels provide critical staging and work areas. To allow the maximum amount of time for owners and tenants to relocate to alternate sites, staff is asking to begin the acquisition process now.

Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the Federal Way Link Extension and will reimburse eligible relocation expenses to affected owners and tenants. 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 Federal Way Link Extension Final Environmental Impact Statement was published on November 18, 2016, in compliance with the State Environmental Policy Act and the National

Environmental Policy Act (NEPA). The Sound Transit Board selected the project route, profile, and stations on January 26, 2017. The Federal Transit Administration issued a NEPA Record of Decision for the project on March 6, 2017.

PROJECT STATUS

Project Identification	Alternatives Identification	Conceptual Engineering	Preliminary Engineering	Final Design	Construction
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Projected Completion Date for Preliminary Engineering Phase: 2Q 2018
 Project scope, schedule and budget summary located on 61 of the January 2017 Link Light Rail Progress Report

FISCAL INFORMATION

There is sufficient authorized project allocation to date in the right-of-way phase of the project to fund this action. Consistent with the current estimate at completion for real property acquisition, future acquisitions of remaining certified properties are within the authorized project allocation to date.

The table below does not include the expected cost of this action, however, costs may be discussed with Board members in executive session.

Federal Way Link Extension

(in thousands)

	Authorized Project Allocation to Date (New)	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$14,915	\$6,092	\$	\$6,092	\$8,823
Preliminary Engineering	40,353	40,341		40,341	12
Final Design	2,374			0	2,374
Third Party	18,646	2,632		2,632	16,014
Right of Way	265,141	4,770		4,770	260,371
Construction	25,524				
Construction Services	45,672				45,672
Vehicles				0	0
Total Current Budget	\$412,625	\$53,835	\$	\$53,835	\$333,266

Notes:

Amounts are expressed in Year of Expenditure \$000s.
 Board Approvals = Committed To-Date + Contingency as of February 2017, and includes pending Board actions.
 For detailed project information, see page 17 of the Adopted 2017 Transit Improvement Plan (TIP) plus approved Budget Amendment to 2017 Adopted Budget, Resolution No R2017-07.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Sound Transit has involved stakeholders, the public, and public agencies at the local, regional, state, and federal levels since project development was initiated in 2012. Formal comment periods

were held for environmental scoping and after publication of the Draft EIS. Following identification of the preferred alternative in July 2015 for evaluation in the Final EIS, public outreach included periodic community updates via letters, email, and community briefings; outreach to potentially affected property owners; and continued coordination with agencies and key stakeholders. In addition, the FTA held a Final EIS comment period for 30 days from November 18 to December 19, 2016. Specific public involvement activities included:

- Notification postcards to approximately 30,000 corridor residents.
- Website, newspaper, and Federal Register notices of availability.
- Email notice to approximately 500 interested persons.
- Eighteen community briefings to potentially affected neighborhoods along the corridor.
- Tabling events at fairs and festivals, libraries, and retail stores.
- Monthly interagency working group meetings with representatives of agencies potentially affected by project development.
- Briefings to Sound Transit's Capital Committee, city councils, chambers of commerce, Highline College, and Federal Way Public Schools.
- Seven stakeholder workshops to examine access and TOD opportunities in the station areas.
- Numerous meetings with potentially affected property owners along the corridor.

TIME CONSTRAINTS

A one-month delay would significantly impact the timing of this project.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2017-02: Authorized the selection of the route, profile, and stations for the Federal Way Link Extension.

ENVIRONMENTAL REVIEW

JI 4/5/2017

LEGAL REVIEW

JRV 4/6/2017



RESOLUTION NO. R2017-16

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension.

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, November 4, 2008, and November 8, 2016, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation and maintenance of project improvements required under the voter approved high capacity transportation system plans, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, environmental compliance pursuant to the State Environmental Policy Act (SEPA) for Federal Way Link was completed with the Federal Way Link Extension Final Environmental Impact Statement (EIS) issued on November 18, 2016; the Federal Transit Administration issued a Record of Decision (ROD) for the project on March 6, 2017, completing the National Environmental Policy Act (NEPA) process; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Federal Way Link Extension and such properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation, and permanent location of the Federal Way Link Extension, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will 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 reimburse eligible relocation and reestablishment expenses 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 of interests in the real property described in Exhibit A (said property to be used for Federal Way Link Extension) and incorporated herein by reference, and for the reimbursement of eligible relocation and reestablishment expenses. In accordance with Sound Transit's Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties may 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 reestablishment costs of the properties for the Federal Way Link Extension exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer must obtain approval from the appropriate committee or the Board, per Resolution No. 78-2, before the acquisition of the property for the Federal Way Link Extension by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

SECTION 2. The chief executive officer or his designee is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of interests in the real property 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 may not exceed established project budgets. For all other settlements proposed, the chief executive officer must obtain prior approval of the appropriate committee or the Board, per Resolution No. 78-2.

SECTION 3. The Sound Transit Board of Directors deems the Federal Way Link Extension, 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 interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of Federal Way Link Extension, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses 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 interests in the real property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Federal Way Link Extension.

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 Federal Way Link Extension. 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 27, 2017.



Marilyn Strickland
Board Vice Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2017-16
EXHIBIT A

FEDERAL WAY LINK EXTENSION PROJECT

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
1	FL117	5083000260	KEVIN L. NELSON AND BRIANNE R. JOHNSON	3120 S 211 TH ST SEATAC, WA 98198
2	FL143	5083000105	PASCUAL PERETE	21243 32 ND AVE S SEATAC, WA 98198
3	FL145	0922049235	HIGHLINE WATER DISTRICT	21420 31 ST AVE S SEATAC, WA 98198
4	FL146	0922049340	HIGHLINE WATER DISTRICT	21420 31 ST AVE S SEATAC, WA 98198
5	FL149	2724200525	GREGORY L. AND MICHELLE M. BRANCH	3121 S 216 TH ST DES MOINES, WA 98198
6	FL156	2724200495	JARODE L. DUNCAN	21804 31 ST AVE S DES MOINES, WA 98198
7	FL157	2724200490	MAI K. LY	21810 31 ST AVE S DES MOINES, WA 98198
8	FL159	2724200475	GETNET M. SHIFERAW, ET AL	21820 31 ST AVE S DES MOINES, WA 98198
9	FL160	2724200390	RON CHICK	3118 S 219 TH ST DES MOINES, WA 98198
10	FL161	2724200460	BELLI APARTMENTS, LLC	21824 31 ST AVE S DES MOINES, WA 98198
11	FL162	2724200445	EDWARD R. AND BARBARA S. ESTER	21832 31 ST AVE S DES MOINES, WA 98198
12	FL165	2156400467	INGERSOLL, LLC	3027 S 220 TH ST DES MOINES, WA 98198
13	FL166	2156400461	W. R. JOHNSON	3018 S 221 ST ST DES MOINES, WA 98198
14	FL175	2500600297	VASILINA MARTEMIAK	3059 S 24 TH ST DES MOINES, WA 98198
15	FL176	2500600292	TAMEY GALL	3049 S 224 TH ST DES MOINES, WA 98198
16	FL179	2500600286	HOUSE OF MERCY CHURCH	30 TH AVE S DES MOINES, WA 98198
17	FL181	2500600301	HOUSE OF MERCY CHURCH	22400 30 TH AVE S DES MOINES, WA 98198
18	FL182	2500600304	HOUSE OF MERCY CHURCH	S 225 TH PL DES MOINES, WA 98198
19	FL184	2500600317	TIM S. DOWNS	3057 S 225 TH PL DES MOINES, WA 98198

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
20	FL192	2500600358	SILVIO AND ROSARIA PALERMO	3026 S 231 ST ST DES MOINES, WA 98198
21	FL193	2500600355	SILVIO AND ROSARIA PALERMO	3027 S 231 ST ST DES MOINES, WA 98198
22	FL196	2500600364	DAVID K. BALTZ	3028 S 232 ND PL DES MOINES, WA 98198
23	FL197	2500600367	VIET Q. HUYNH AND DAO B. DUONG	3029 232 ND PL DES MOINES, WA 98198
24	FL198	2500600363	NICK NGUYEN AND DUNG VO	3021 S 232 ND PL DES MOINES, WA 98198
25	FL199	2500600360	MEHARRY HABTE AND BERHE E. DESTA	3020 S 232 ND PL DES MOINES, WA 98198
26	FL209	2500600480	JUAN M. CASTANEDA AND ADRIANA ROJAS	23428 PACIFIC HWY S KENT, WA 98032
27	FL210	2500600481	KATRINA, JENNIFER, AND CHRISTOPHER PUETZ	23427 30 TH AVE S KENT, WA 98032
28	FL211	2500600486	KATRINA, JENNIFER, AND CHRISTOPHER PUETZ	23431 30 TH AVE S KENT, WA 98032
29	FL212	2500600485	KATRINA, JENNIFER, AND CHRISTOPHER PUETZ	23434 30 TH AVE S KENT, WA 98032
30	FL213	2500600490	KATRINA, JENNIFER, AND CHRISTOPHER PUETZ	23434 30 TH AVE S KENT, WA 98032
31	FL214	2500600491	WOODINVILLE REDMOND	23446 PACIFIC HWY S KENT, WA 98032
32	FL215	2500600417	LYLE L. AND JOAN E. BREKKE	23454 30 TH AVE S KENT, WA 98032
33	FL216	2500600415	LLOYD C. AND LORAIN T. SMITH	23454 30 TH AVE S KENT, WA 98032
34	FL217	2500600419	MR. AND MRS. MURRAY	23608 30 TH AVE S KENT, WA 98032
35	FL223	2500600495	CHUN MOO AND JAE NAM SONG	23453 30 TH AVE S KENT, WA 98032
36	FL224	2500600497	WOODINVILLE REDMOND INDUSTRIAL CENTER	23610 PACIFIC HWY S KENT, WA 98032
37	FL225	2500600506	BBV-VEC, LLC	23461 30 TH AVE S KENT, WA 98032
38	FL226	2500600505	LUTHER MCLEAN	23616 PACIFIC HWY S KENT, WA 98032
39	FL229	2500600515	DICK PELASCINI	23634 PACIFIC HWY S KENT, WA 98032
40	FL231	2500600525	C & C ASSOCIATES NW, LLC	23647 30 TH AVE S KENT, WA 98032

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
41	FL232	2500600520	LOUIS A. GADINI	23646 PACIFIC HWY S KENT, WA 98032
42	FL233	2500600531	HAU KIM LIM	23700 PACIFIC HWY S KENT, WA 98032
43	FL234	2500600530	HAU KIM LIM	23800 PACIFIC HWY S KENT, WA 98032
44	FL284	2822049075	PAULYNE MCCALL	VACANT LAND KENT, WA 98032
45	FL285	2822049197	JOHN K. MAESTAS	26810 28 TH AVE S KENT, WA 98032
46	FL286	2822049196	LYLE G. WITTER	26802 28 TH AVE S KENT, WA 98032
47	FL287	2822049198	ROLANDO S. AND MYRNA C. ACQUINO	26818 28 TH AVE S KENT, WA 98032
48	FL288	2822049199	JERRY M. BEATTY JR.	26826 28 TH AVE S KENT, WA 98032
49	FL289	1397800040	JERAFEL AND LLOYD GOODRICH	26904 28 TH AVE S KENT, WA 98032
50	FL304	7204800010	FEDERAL WAY PUBLIC SCHOOLS	2450 S STAR LAKE RD FEDERAL WAY, WA 98003
51	FL305	7204800017	FEDERAL WAY PUBLIC SCHOOLS	NO SITE ADDRESS FEDERAL WAY, WA 98003
52	FL313	3322049102	KING COUNTY - PROPERTY SVCS	VACANT LAND FEDERAL WAY, WA 98003
53	FL314	3322049089	IRMA ROMERO	2726 S STAR LAKE RD FEDERAL WAY, WA 98003
54	FL334	0921049098	AGGIES LIFE, INC	30420 MILITARY RD S FEDERAL WAY, WA 98003
55	FL335	4013200006	VILMA STEWART	30432 MILITARY RD S FEDERAL WAY, WA 98003
56	FL358	2423200050	WINSON AT FEDERAL WAY, LLC	2200 S 320 TH ST FEDERAL WAY, WA 98003
57	FL360	2423200055	THE WENDY'S COMPANY	2216 S 320 TH ST FEDERAL WAY, WA 98003
58	FL361	2423200010	WINSON AT FEDERAL WAY, LLC	2200 S 320 TH ST FEDERAL WAY, WA 98003
59	FL362	2423200020	WASHINGTON FEDERAL S & L ASSN	2206 S 320 TH ST FEDERAL WAY, WA 98003
60	FL363	2423200060	WINSON AT FEDERAL WAY, LLC	2200 S 320 TH ST FEDERAL WAY, WA 98003
61	FL364	2423200070	SOUND CREDIT UNION	31908 21 ST AVE S FEDERAL WAY, WA 98003

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
62	FL365	2423200030	ZION, INC	2202 S 320 TH ST FEDERAL WAY, WA 98003
63	FL366	2423200040	AWASHINGTON, LLC	2200 S 320 TH ST FEDERAL WAY, WA 98003