



RESOLUTION NO. R2017-19

To Acquire Real Property Interests Required for the Lynnwood Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	05/11/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director Rod Kempkes, Executive Project Director – Lynnwood Link Extension
Board	05/25/2017	Final Action	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 Lynnwood Link Extension.

KEY FEATURES SUMMARY

- Authorizes the acquisition of all or portions of 46 parcels consisting of full and partial acquisitions, temporary construction easements, and/or permanent easements. These parcels are located in the cities of Seattle and Shoreline for the Lynnwood Link Extension.
- The properties are needed for construction, maintenance, and operation of the light rail guideway, or related facilities.
- The real properties identified in this requested action are included in Exhibit A.

BACKGROUND

The Lynnwood Link Extension is an 8.5 mile light rail extension from Northgate to Lynnwood with service to the cities of Shoreline, Mountlake Terrace, and Lynnwood. The extension will travel primarily along I-5 and include four stations at NE 145th Street, NE 185th Street, Mountlake Terrace Transit Center, and Lynnwood Transit Center. New parking structures will be provided at NE 145th Street, NE 185th Street, and Lynnwood Transit Center. The project began Final Design in 2016 and is scheduled to open for service in 2023.

The Lynnwood Link Extension Final Environmental Impact Statement was issued in April 2015, in compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA). The Sound Transit Board selected the project route, profile, and stations on April 23, 2015. The Federal Transit Administration issued a NEPA Record of Decision (ROD) for the project on July 10, 2015 and the Federal Highway Administration issued a ROD on August 31, 2015.

Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the Lynnwood Link Extension and will reimburse relocation expenses to eligible 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.

PROJECT STATUS

Project Identification	Alternatives Identification	Conceptual Engineering	Preliminary Engineering	Final Design	Construction
------------------------	-----------------------------	------------------------	-------------------------	--------------	--------------

Projected Completion Date for Final Design Phase: Q1 2018

Project scope, schedule, and budget summary located on page 29 of the February 2017 Agency Progress Report.

FISCAL INFORMATION

There is risk that the authorized project allocation to date in the right-of-way phase is insufficient to complete all property acquisitions needed for the project. In mid-2017, project baseline costs are expected to be established and it is likely that the authorized project allocation for the right-of-way phase will need to be increased.

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

Lynnwood Link Extension

(in thousands)

	Authorized Project Allocation to Date	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$88,305	\$14,350	\$	\$14,350	\$73,955
Preliminary Engineering	42,000	41,258		41,258	742
Final Design	111,453	84,369		84,369	27,084
Right of Way	123,779	39,536		39,536	84,243
Construction	500	100		100	400
Construction Services	104,925	21,512		21,512	83,413
Third Party Agreements	17,400	7,682		7,682	9,718
Vehicles					
Contingency					
Total Current Budget	\$488,361	\$208,807	\$	\$208,807	\$279,554

Notes:

Amounts are expressed in Year of Expenditure

Board Approvals = Committed To-Date + Contingency as of March 2017, and includes pending Board actions.

For detailed project information, see page 20 in the Adopted 2017 Transit Improvement Plan (TIP).

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action

PUBLIC INVOLVEMENT

Sound Transit staff has worked closely with property owners throughout the environmental, preliminary engineering, and final design phases. Sound Transit staff has met regularly with owners about the Lynnwood Link Extension in relation to the properties along the corridor. Sound Transit also sent letters to potentially impacted property owners prior to the publication of the Draft and Final Environmental Impact Statements.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on May 2, 2017. Legal notices of this proposed Board

action will be published in the Seattle Times and The Herald of Everett newspapers on May 12, 2017 and May 20, 2017.

TIME CONSTRAINTS

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

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2017-10: Authorized 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 Lynnwood Link Extension.

Resolution No. R2017-04: Authorized the chief executive officer to acquire or lease certain real property interests, including acquisition by condemnation and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Extension.

Resolution No. R2016-27: Authorized 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 Lynnwood Link Extension.

Resolution No. R2016-24: Authorized 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 Lynnwood Link Extension.

Resolution No. R2015-31: Authorized 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 Lynnwood Link Extension.

Resolution No. R2015-30: Amended the 2015 Adopted Budget by (1) increasing the lifetime capital budget for the Lynnwood Link Extension project by \$423,742,313 from \$64,118,687 to \$487,861,000, (2) increased the 2015 Annual Budget by \$2,329,890 from \$16,324,776 to \$18,654,671, and (3) authorized the project to advance through Gate 4 within Sound Transit's Phase Gate Process.

Resolution No. R2015-18: Authorized 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 Lynnwood Link Extension.

Resolution No. R2015-05: Selected the route, profile, and stations for the Lynnwood Link Extension.

Resolution No. R2014-35: Amended Resolution R2012-18 to also authorize the chief executive officer to acquire certain real property interests as necessary for the Lynnwood Link Extension project, in addition to the previously authorized Northgate Link Extension.

Motion No. M2013-96: Identified the preferred light rail routes and station locations for the Lynnwood Link Extension Final Environmental Impact Statement.

ENVIRONMENTAL REVIEW

JI 5/2/2017

LEGAL REVIEW

JRV 5/5/2017



RESOLUTION NO. R2017-19

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 Lynnwood 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 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 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 Lynnwood Link was completed with the Lynnwood Link Project Final Environmental Impact Statement (EIS) issued on April 1, 2015; the Federal Transit Administration issued a Record of Decision (ROD) for the project on July 10, 2015, 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 deems the Lynnwood 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 May 25, 2017.



Dave Somers
Board Chair

ATTEST:



Kathryn Flores
Board Administrator

RESOLUTION NO. R2017-19
EXHIBIT A



LYNNWOOD LINK EXTENSION PROJECT

ITEM	ROW #	TAX PARCEL NUMBER	TAX PAYER(S)	PROPERTY ADDRESS	TYPE
1	LL100	6174800000	Northgate West Condominium	11300 1st Ave NE Seattle, WA 98125	Partial
2	LL100.1	2926049529	Deo Raj and Prakash Wati Raj	133 NE 115th St Seattle, WA 98125	Partial
3	LL102.3	6411600172	Matthew and Lavorgna K Robinson	11526 3rd Ave NE Seattle, WA 98125	Partial
4	LL102.4	6411600188	Curtis D and Joan N Wilmoth	11600 3rd Ave NE Seattle, WA 98125	Partial
5	LL106	6411600414	Kimberley O'Brien	308 NE 117th St Seattle, WA 98125	Partial
6	LL107	6411600413	Stephen E and Loretta Thompson	11708 3rd Ave NE Seattle, WA 98125	Full
7	LL108	6411600420	Latvian Evangelical Lutheran Church	11710 3rd Ave NE Seattle, WA 98125	Partial
8	LL112	2238000050	Janine Trokey Gerk	331 NE 120th St Seattle, WA 98125	Full
9	LL112.1	2238000045	Sharlane Chase and, David K High	337 NE 120th St Seattle, WA 98125	Partial
10	LL112.2	2238000040	Jaimi E Bergh	343 NE 120th St Seattle, WA 98125	Partial
11	LL112.3	2238000035	Benjamin A Manio, Jr.	349 NE 120th St Seattle, WA 98125	Partial
12	LL116	6412100085	Christopher John Cole	12027 5th Ave NE Seattle, WA 98125	Partial
13	LL168	2881700310	True Jesus Church In Seattle	225 NE 152nd St Shoreline, WA 98155	Partial
14	LL169	2881700301	Pineda Emiliano	Vacant Lot near 3 rd Ave NE Shoreline, WA 98155	Full
15	LL170	0411100055	Shoreline Fire Department	145 NE 155th St Shoreline, WA 98155	Partial
16	LL170.6	0411100050	James Basonia	165 NE 155th St Shoreline, WA 98155	Partial
17	LL171	2241700045	Thien Khuu and Lan Tu Tran	110 NE 155th St Shoreline, WA 98155	Partial

18	LL172	2881700240	Plinio L and Emelita V Sanchez	106 NE 155th St Shoreline, WA 98155	Full
19	LL173	2241700040	Victoria S Almazan and Jose L Violante-Marin	104 NE 156th St Shoreline, WA 98155	Partial
20	LL174	2241700035	David H and Kathleen A Shomaker	108 NE 156th St Shoreline, WA 98155	Partial
21	LL180	2111600046	City of Shoreline	Lot adjacent NE 161 st St Shoreline, WA 98155	Partial
22	LL181	2881700193	City of Shoreline	Ridgecrest Park Shoreline, WA 98155	Partial
23	LL186.3	5727500390	King County-Transit	Lot near N 165 th St Shoreline, WA 98133	Partial
24	LL186.4	5727500410	King County-Solid Waste	Lot near N 165 th St Shoreline, WA 98133	Partial
25	LL186.9	2881700160	King County-Transit	2141 N 163rd St Shoreline, WA 98133	Partial
26	LL189	5727500086	William Bradford Stone	114 NE 167th St Shoreline, WA 98155	Partial
27	LL189.1	5727500066	City of Shoreline	100 N 167th St Shoreline, WA 98133	Partial
28	LL196.2	7830000110	John C Vollbrecht and Mary K Carrow	16758 Corliss Ave N Shoreline, WA 98133	Partial
29	LL200	7305300245	Michael A Elmore	17052 1st Ave NE Shoreline, WA 98155	Full
30	LL207.1	0826049048	City of Shoreline	Ronald Bog Shoreline, WA 98133	Partial
31	LL229	0927100076	Ralph Willits	18032 5th Ave NE Shoreline, WA 98155	Partial
32	LL244.6	5662100085	Thomas R Furney	18317 8th Ave NE Shoreline, WA 98155	Partial
33	LL244.8	6163900092	Christine M. Boyle and Suzen S. Searle	18342 8th Ave NE Shoreline, WA 98155	Partial
34	LL247.2	0526049039	City of Seattle - SCL	804 185th St Shoreline, WA 98155	Partial
35	LL264.1	3971702316	Angela E Sherrell	719 NE 189th St Shoreline, WA 98155	Partial
36	LL264.6	3971702351	Lydia and Juan Gomez	511 NE 189th St Shoreline, WA 98155	Partial
37	LL264.7	3971702355	Tom G Svenkerud	18820 5th Ave NE Shoreline, WA 98155	Partial
38	LL264.8	3971702353	Humberto and Adelina Vicencio	18814 5th Ave NE Shoreline, WA 98155	Partial

39	LL265.2	2225300360	Shoreline School District 412	18560 1st Ave NE Shoreline, WA 98155	Partial
40	LL265.4	3971702350	Victor J Scarpelli	Vacant Lot 5th Ave NE Shoreline, WA 98155	Partial
41	LL265.5	3971702354	Christopher P Ode and Sarah E Sanders-Ode	18808 5th Ave NE Shoreline, WA 98155	Partial
42	LL265.6	2225300441	Peter M and Florence V Loewen	320 NE 185th St Shoreline, WA 98155	Partial
43	LL265.7	2225300440	JS Properties	328 NE 185th St Shoreline, WA 98155	Partial
44	LL265.8	2225300445	Murad M and Nasreen Yousuf	330 NE 185th St Shoreline, WA 98155	Partial
45	LL267.7	5490700015	Philip Manfred Pepple and Naomi P Pepple	821 NE 195th St Shoreline, WA 98155	Partial
46	LL267.8	5490700020	Randy S and Linda K Globstad	827 NE 195th St Shoreline, WA 98155	Partial