



RESOLUTION NO. R2017-30

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

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	08/10/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director Dan Abernathy, Executive Project Director
Board	08/24/2017	Final Action	– 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 49 parcels consisting of full and partial acquisitions, temporary construction easements, and/or permanent easements. These parcels are located in the cities of 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.
- The real properties identified in this requested action are included in Exhibit A.

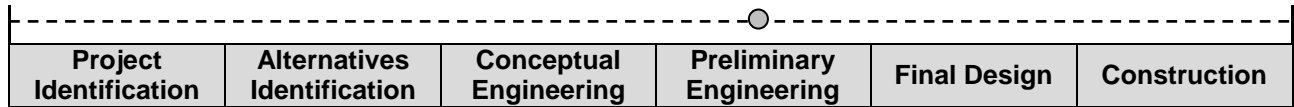
BACKGROUND

The Federal Way Link Extension adds 7.8 miles of light rail from the Angle Lake Station to the Federal Way Transit Center with service to the cities of SeaTac, Des Moines, Kent, and Federal Way. The extension will travel along the south edge of the future SR 509 alignment and the west side of I-5 and include stations at Kent/Des Moines Road, S. 272nd Street, and Federal Way Transit Center Station. New parking structures will be provided at Kent/Des Moines Station and South 272nd Station as well as an additional parking structure at the Federal Way Transit Center. The project is currently authorized for Final Design and anticipates revenue service to begin in 2024.

The Federal Way Link Extension Final Environmental Impact Statement (EIS) was published on November 18, 2016, pursuant to the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), respectively. The Sound Transit Board selected the project route, profile and stations on January 26, 2017. The Federal Transit Administration (FTA) issued a Record of Decision on March 6, 2017 and the Federal Highway Administration issued a NEPA Record of Decision on March 9, 2017.

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 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
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Projected Completion Date for Preliminary Engineering Phase: Q2 2018

Project scope, schedule, and budget summary located on page 59 of the May 2017 Link Light Rail Program Progress Report.

FISCAL INFORMATION

There is \$259,644,656 of uncommitted funds in the right of way phase which is sufficient to complete this proposed action. Project baseline costs are expected to be established in mid-2018, and if necessary the authorized project allocation for the right-of-way phase can be increased.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action

PUBLIC INVOLVEMENT

Throughout the development of the Federal Way Link Expansion, Sound Transit has conducted an extensive public involvement program including mailings, community open houses, and presentations and meetings with individuals and neighborhood groups.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on August 8, 2017. Legal notices of this proposed Board action will be published in the Seattle Times and The News Tribune newspapers on August 11, 2017, and August 18, 2017.

TIME CONSTRAINTS

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

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2017-16: 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 Federal Way Link Extension.

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

ENVIRONMENTAL REVIEW

KH 6/28/17

LEGAL REVIEW

JB 8/3/17

RESOLUTION NO. R2017-30

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 Project 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 or lease 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 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 August 24, 2017.



Dave Somers
Board Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2017-30
EXHIBIT A

FEDERAL WAY LINK EXTENSION PROJECT

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
1	FL208	2500600396	GREENWOOD NORTH /KENT LLC	23418 30 TH AVE S KENT, WA 98032
2	FL208.1	2500600400	GURPREET MAROK	30 TH AVE S KENT, WA 98032
3	FL208.2	2500600411	RATELCO PROPERTIES	23444 30 TH AVE S KENT, WA 98032
4	FL218	2500600420	ETHEL M DUFF	23458 30 TH Ave S KENT, WA 98032
5	FL219	2500600418	ETHEL M DUFF	23529 32 ND AVE S KENT, WA 98032
6	FL219.1	2500600410	GENERAL TRANSMISSION	23448 30 TH AVE S KENT, WA 98032
7	FL219.2	7260200010	ETHEL M DUFF	32 ND AVE S KENT, WA 98032
8	FL219.3	7260200005	WORLDS GREATEST BOOK BROADCASTERS	32 ND AVE S KENT, WA 98032
9	FL220	2500600416	WORLDS GREATEST BOOK BROADCASTERS	30 TH AVE S KENT, WA 98032
10	FL221	2500600425	WORLDS GREATEST BOOK BROADCASTERS	23634 30 TH AVE S KENT, WA 98032
11	FL222	1522049018	WORLDS GREATEST BOOK BROADCASTERS	23458 32 ND AVE S KENT, WA 98032
12	FL228	2500600660	JOONG KU AND SO YOUNG LEE	23627 PACIFIC HWY S DES MOINES, WA 98198
13	FL228.1	2500600665	BRADFORD A EWING	23639 PACIFIC HWY S DES MOINES, WA 98198
14	FL235	2500600436	ROBERT L YATES	23810 30 TH AVE S KENT, WA 98032
15	FL236	2500600535	VICTORIA M BONNEVILLE	23810 PACIFIC HWY S KENT, WA 98032
16	FL237	2500600540	VICTORIA M BONNEVILLE	23820 PACIFIC HWY S KENT, WA 98032
17	FL238	2500600435	HIGHLINE COURT APARTMENTS LLC	23820 30 TH AVE S KENT, WA 98032
18	FL240	2500600440	HIGHLINE WATER DISTRICT	23828 30 TH AVE S KENT, WA 98032
19	FL241	2500600441	HIGHLINE WATER DISTRICT	23850 30 TH AVE S KENT, WA 98032

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
20	FL243	2500600446	C & A HUA LP	3012 S 240 TH ST KENT, WA 98032
21	FL244	2500600447	RAJWINDER THIND	23854 30 TH AVE S KENT, WA 98032
22	FL245	2500600555	1999 TUFORTY LP	2912 S 240 TH ST KENT, WA 98032
23	FL247	5514000010	GUARDIAN CAPITAL MANAGEMENT	24050 PACIFIC HWY S KENT, WA 98032
24	FL255	2222049168	CITY OF SEATTLE SPU-SWU	S 240 TH ST KENT, WA 98032
25	FL277	2822049082	NIEL AND SHERI L NIELSEN	3019 S 256 TH ST KENT, WA 98032
26	FL278	2822049230	NIEL AND SHERI L NIELSEN	*NO SITE ADDRESS* KENT, WA 98032
27	FL279	2822049207	TIM AND TERESA STILL	*NO SITE ADDRESS* KENT, WA 98032
28	FL280	2822049175	TIM AND TERESA STILL	3014 S 259 TH CT KENT, WA 98032
29	FL281	2822049066	PEMBROOKE-240 LLC	25907 27 TH PL S KENT, WA 98032
30	FL309	796820TRCT	MULTIPLE OWNERS	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
31	FL314.1	5160000040	SHERRILL HART	27634 27 TH AVE S FEDERAL WAY 98003
32	FL314.2	5160000030	WILLIAM MARTIN AND S ANKENBAUER	27640 27 TH AVE S FEDERAL WAY, WA 98003
33	FL314.3	5160000010	PHILIP N LAUSIER	2718 S STAR LAKE RD FEDERAL WAY, WA 98003
34	FL318	7303200490	JOHN K FUNG CHEN PEN	3007 S 284 TH ST FEDERAL WAY, WA 98003
35	FL325	0421049099	LAKEHAVEN UTILITY DISTRICT	3017 S 298 TH ST FEDERAL WAY, WA 98003
36	FL335.1	0921049096	ALLAN WOIDA	30614 28 TH AVE S FEDERAL WAY, WA 98003
37	FL335.2	0921049182	VERLIN J AND LINDA J ELDER	30642 28 TH AVE S FEDERAL WAY, WA 98003
38	FL335.3	0921049183	MICHAEL M TRINIDAD	30646 28 TH AVE S FEDERAL WAY, WA 98003
39	FL335.4	0921049251	JI YOUNG KIM	30802 28 TH AVE S FEDERAL WAY, WA 98003
40	FL335.5	0921049311	NGAN TRAN AND LIENG K THI	2834 S 308 TH LN FEDERAL WAY, WA 98003

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
41	FL335.6	0921049312	2030 RENTALS LLC	2840 S 308 TH LN FEDERAL WAY, WA 98003
42	FL335.7	0921049315	STEPHANIE MANZO	2839 S 308 TH LN FEDERAL WAY, WA 98003
43	FL335.8	092104TRCT	MULTIPLE OWNERS	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
44	FL335.9	092104TRCT	SARAH & STEVEN JACOBS	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
45	FL335.10	0921049329	SARAH & STEVEN JACOBS	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
46	FL336	0921049095	RANDY R AND ROBIN G PARRIS	30930 28 TH AVE S FEDERAL WAY, WA 98003
47	FL337	0921049115	ROSELLA PARRIS FAMILY TRUST	31000 28 TH AVE S FEDERAL WAY, WA 98003
48	FL338	0921049085	RANDALL S WOOLEY	31004 28 TH AVE S FEDERAL WAY, WA 98003
49	FL339	0921049009	STEVEN JACOBS	31016 28 TH AVE S FEDERAL WAY, WA 98003