



RESOLUTION NO. R2017-34

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

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	09/14/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director Dan Abernathy, Executive Project Director
Board	09/28/2017	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.
- 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 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 65 of the June 2017 Link Light Rail Program Progress Report.

FISCAL INFORMATION

There is \$260,062,590 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 2018.

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 September 12, 2017. Legal notices of this proposed Board action will be published in the Seattle Times and The News Tribune newspapers on September 15, 2017, and September 22, 2017.

TIME CONSTRAINTS

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

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2017-30: 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. R2017-16: 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 9/1/2017

LEGAL REVIEW

JB 9/8/2017

RESOLUTION NO. R2017-34

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire or lease 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 September 28, 2017.



Dave Somers
Board Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2017-34
EXHIBIT A

FEDERAL WAY LINK EXTENSION PROJECT

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
1	FL108	3445000215	PAS, LLC	20636 INTERNATIONAL BLVD SEATAC, WA 98198
2	FL108.1	3445000210	PAS, LLC	*NO SITE ADDRESS* SEATAC, WA 98198
3	FL142	5083000070	CITY OF SEATAC	21203 30 TH AVE S SEATAC, WA 98198
4	FL148	0922049384	TIBURON SOUTH, LLC	3118 S 216 TH ST SEATAC, WA 98198
5	FL148.1	0922049379	TIBURON SOUTH, LLC	3114 S 216 TH ST SEATAC, WA 98198
6	FL201	2500600365	GURPREET SINGH	23214 30 TH AVE S DES MOINES, WA 98198
7	FL202	2500600370	NIJER HOLDINGS, LLC	23226 30 TH AVE S DES MOINES, WA 98198
8	FL203	2500600395	GOLDEN TEMPLE CORP	23408 30 TH AVE S KENT, WA 98032
9	FL204	2500600460	KI W. NOH	23250 PACIFIC HWY S KENT, WA 98032
10	FL205	2500600455	KI W. NOH	23250 PACIFIC HWY S KENT, WA 98032
11	FL206	2500600450	KI W. NOH	23250 PACIFIC HWY S KENT, WA 98032
12	FL207	2500600465	JOHN MUSCATEL	23418 PACIFIC HWY S KENT, WA 98032
13	FL227	2500600655	HIGHLINE PLACE, LLC	23625 PACIFIC HWY S DES MOINES, WA 98198
14	FL227.1	1622049016	HIGHLINE COMMUNITY COLLEGE	*NO SITE ADDRESS* DES MOINES, WA 98198
15	FL230	2500600430	KEN DAVID YANG	*NO SITE ADDRESS* KENT, WA 98032
16	FL239	2500600543	GARETH H. AND PAMELA J. HEMMINGER	23829 30 TH AVE S KENT, WA 98032
17	FL242	9443000000	MULVANEY GROUP, LLC	23830 PACIFIC HWY S KENT, WA 98032
18	FL246	7790000005	ARGUS	3101 S 240 TH ST KENT, WA 98032

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
19	FL248	5514000020	PACIFIC SERVICE CO INC	*NO SITE ADDRESS* KENT, WA 98032
20	FL248.1	5514000040	PACIFIC SERVICE CO INC	*NO SITE ADDRESS* KENT, WA 98032
21	FL249	5514000060	PACIFIC SERVICE CO INC	*NO SITE ADDRESS* KENT, WA 98032
22	FL250	5514000030	PACIFIC SERVICE CO INC	*NO SITE ADDRESS* KENT, WA 98032
23	FL251	2222049113	ARGUS	S 240 TH ST KENT, WA 98032
24	FL252	2122049046	CITY PACIFIC LAND CO, LLC	24300 PACIFIC HWY S KENT, WA 98032
25	FL253	2122049068	ARGUS	24481 32 ND AVE S KENT, WA 98032
26	FL292	2908900230	CHARLA JAY RISPOLI	26834 27 TH PL S KENT, WA 98032
27	FL294	290890TRCT	GREENFIELD PARK HOMEOWNERS' ASSOCIATION	*NO SITE ADDRESS* KENT, WA 98032
28	FL296.1	7682800156	AHMAD ASILI	*NO SITE ADDRESS* KENT, WA 98032
29	FL297	7574800000	SAYBROOK CONDOMINIUM ASSOCIATION	2621 S 272 ND ST FEDERAL WAY, WA 98003
30	FL298	7682800195	272ND ST I-5, LLC	2526 S 272 ND ST KENT, WA 98032
31	FL299	7682800200	ALLIED GROUP INC	2500 S 272 ND ST KENT, WA 98032
32	FL300	7204800004	FSC RIVERSTONE ASSOCIATES LLC	27314 24 TH AVE S FEDERAL WAY, WA 98003
33	FL301	2822049017	CITY OF KENT	*NO SITE ADDRESS* KENT, WA 98032
34	FL302	7682800207	PMB INVESTMENTS, LLC	2408 S 272 ND ST KENT, WA 98032
35	FL302.1	7682800206	PATRICK STERLING KOENIG	2406 S 272 ND ST KENT, WA 98032
36	FL303	7204800068	KAMLESHWAR AND LALITA SINGH	2411 S 272 ND ST KENT, WA 98032
37	FL319	7303200500	KING COUNTY - PROPERTY SVCS	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
38	FL320	3322049069	KING CO FIRE DIST #39	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
39	FL324	0421049077	STEEL LAKE GRANGE 805	2902 S 298 TH ST FEDERAL WAY, WA 98003

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
40	FL331	0421049095	ALFREDO K AND LUCIA ZAMO CAMPOS	30028 MILITARY RD S FEDERAL WAY, WA 98003
41	FL332	0421049147	HUN C DANG	30040 MILITARY RD FEDERAL WAY, WA 98003
42	FL340	0921049250	CITY OF FEDERAL WAY	31104 28 TH AVE S FEDERAL WAY, WA 98003
43	FL341	0921049198	CITY OF FEDERAL WAY	*NO SITE ADDRESS* FEDERAL WAY, WA 98003
44	FL350	0921049245	BILL VERN AND SUSAN EILEEN CHAPMAN	31612 28 TH AVE S FEDERAL WAY, WA 98003
45	FL351	0921049185	MRS. CHO	31720 GATEWAY BLVD FEDERAL WAY, WA 98003
46	FL355	1541800000	CHELSEA COURT CONDOMINIUM ASSOCIATION	2503 S 317 TH ST FEDERAL WAY, WA 98003
47	FL357	0921049051	BALLI ROAD, LLC	31620 23 RD AVE S FEDERAL WAY, WA 98003
48	FL367	7622400018	MGP XI COMMONS FW, LLC	2233 S 320 TH ST FEDERAL WAY, WA 98003
49	FL368	7622400019	MGP XI COMMONS FW, LLC	2201 S COMMONS FEDERAL WAY, WA 98003