



RESOLUTION NO. R2018-02

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

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	01/11/2018	Recommend to Board	Ahmad Fazel, DECM Executive Director Dan Abernathy, Executive Project Director
Board	01/25/2018	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 58 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 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. Construction of the project is expected to begin in 2019 with operations expected to open 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 69 of the October 2017 Link Light Rail Program Progress Report.

FISCAL INFORMATION

This action can be completed within the \$265,141,000 of board authorized allocation for right-of-way for the project. As of November 30, 2017, \$6,750,305 of the allocated right of way phase has been committed, leaving \$258,390,695 for the 58 additional parcel acquisitions. Due to uncertainty in right of way price escalation and larger than anticipated size of parcels, the authorized allocation to date may not be sufficient to complete all the required acquisitions for this project. Cost estimates will be finalized prior to project baseline in Q3 2018, at which time a final right-of-way allocation will be requested from the board.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action

PUBLIC INVOLVEMENT

Throughout the development of the Federal Way Link Extension, 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 January 9, 2018. Legal notices of this proposed Board action will be published in the Seattle Times and The News Tribune newspapers on January 12, 2018, and January 19, 2018.

TIME CONSTRAINTS

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

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2017-39: 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. R2017-34: 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. R2017-30: 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 1/4/18

LEGAL REVIEW

JB 1/5/18



RESOLUTION NO. R2018-02

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 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.

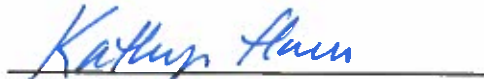
SECTION 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on January 25, 2018.



Dave Somers
Board Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2018-02
EXHIBIT A

FEDERAL WAY LINK EXTENSION PROJECT

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
1	FL116	5083000255	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
2	FL119	5083100015	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
3	FL121	5083100010	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
4	FL122	5083100090	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
5	FL123	5083100085	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
6	FL124	5083100080	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
7	FL125	5083100075	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
8	FL127	5083100070	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
9	FL128	5083000030	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
10	FL128.1	N/A	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
11	FL130	5083000040	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
12	FL133	5083000045	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
13	FL134	5083000050	DEPARTMENT OF NATURAL RESOURCES	VACANT LAND SEATAC WA 98198
14	FL135	5083000085	AMOR M ZARATE RAMIREZ & BERTHA LUCATERO	21215 32ND AVE S SEATAC WA 98198
15	FL136	5083000055	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
16	FL137	5083000090	GIHON FINANCIAL LLC	21223 32ND AVE S SEATAC WA 98198
17	FL138	5083000060	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
18	FL139	5083000095	PATSY L BALJO	21231 32ND AVE S SEATAC WA 98198
19	FL140	5083000065	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
20	FL144	0922049065	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
21	FL147	0922049385	STATE OF WASHINGTON DOT	VACANT LAND SEATAC WA 98198
22	FL149.1	2724200655	HONGS KITCHEN LLC	3111 S 216TH ST DES MOINES WA 98198
23	FL150	2724200545	SHARAM FAMILY TRUST II	21614 31ST AVE S DES MOINES WA 98198
24	FL151	2724200625	SHARAM FAMILY TRUST II	21620 31ST AVE S DES MOINES WA 98198
25	FL152	2724200570	STATE OF WASHINGTON DOT	VACANT LAND DES MOINES WA 98198
26	FL153	2724200615	GENENE DEMAMU	21634 31ST AVE S DES MOINES WA 98198
27	FL154	2724200600	DANIEL & CHERYL WINSTON	21636 31ST AVE S DES MOINES WA 98198
28	FL155	2724200376	STATE OF WASHINGTON DOT	3115 S 218TH ST DES MOINES WA 98198
29	FL158	2724200389	STATE OF WASHINGTON DOT	VACANT LAND DES MOINES WA 98198
30	FL163	2724200225	SMITH COURT LLC	VACANT LAND DES MOINES WA 98198
31	FL164	2156400465	STATE OF WASHINGTON DOT	3030 S 221ST ST DES MOINES WA 98198
32	FL168	2156400420	PUGET SOUND ENERGY/ELEC	3001 S 221ST ST DES MOINES WA 98198
33	FL171	5514600100	PUGET SOUND ENERGY/ELEC	3150 S 224TH ST DES MOINES WA 98198
34	FL178	2500600293	STATE OF WASHINGTON DOT	VACANT LAND DES MOINES WA 98198
35	FL180	2500600300	JAN & ROGER REED	22426 30TH AVE S DES MOINES WA 98198
36	FL183	2500600309	EDNA E FEAGIN	3048 S 225TH PL DES MOINES WA 98198
37	FL183.1	250060TRCT	MULTIPLE OWNERS	*NO SITE ADDRESS* DES MOINES WA 98198
38	FL184.1	2500600316	K&T ENTERPRISES INC	3037 S 225TH PL DES MOINES WA 98198
39	FL185	2500600312	JIN MING LI	22600 30TH AVE S DES MOINES WA 98198
40	FL186	2500600311	PACIFIC RIDGE COURT LLC	22606 30TH AVE S DES MOINES WA 98198

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
41	FL187	2500600314	PACIFIC RIDGE COURT LLC	22400 30TH AVE S DES MOINES WA 98198
42	FL188	2500600323	PACIFIC RIDGE COURT LLC	3030 S 227TH ST DES MOINES WA 98198
43	FL200	2500600366	ROBERT K KWAK	23208 30TH AVE S DES MOINES WA 98198
44	FL247.1	5514000050	GUARDIAN CAPITAL MANAGEMENT	24260 PACIFIC HWY S KENT WA 98032
45	FL262	2122049137	CITY OF SEATTLE SPU-SWU	2926 S 252ND ST KENT WA 98032
46	FL263	1950900125	SHEK KEE CHOW	3025 S 252ND ST KENT WA 98032
47	FL265	1951500015	JOSEPH P FAGAN	3018 S 253RD ST KENT WA 98032
48	FL266	1951500020	ROBERT L RUSSELL	3022 S 253RD ST KENT WA 98032
49	FL282	2936600005	STATE OF WASHINGTON DOT	VACANT LAND KENT WA 98032
50	FL283	2822049016	STATE OF WASHINGTON DOT	VACANT LAND KENT WA 98032
51	FL291	1397800030	STATE OF WASHINGTON DOT	VACANT LAND KENT WA 98032
52	FL293	1397800020	STATE OF WASHINGTON DOT	VACANT LAND KENT WA 98032
53	FL295	1397800010	STATE OF WASHINGTON DOT	VACANT LAND KENT WA 98032
54	FL296	7682800185	KING COUNTY - TRANSIT	2700 S 272ND ST KENT WA 98032
55	FL326	7263200040	FEDERAL WAY CHURCH OF CHRIST	29904 MILITARY RD S FEDERAL WAY WA 98003
56	FL327	7263200025	FEDERAL WAY CHURCH OF CHRIST	VACANT LAND FEDERAL WAY WA 98003
57	FL342.1	N/A	(RCA PARCEL) STATE OF WASHINGTON DOT	VACANT LAND FEDERAL WAY WA 98003
58	FL344.1	N/A	(RCA PARCEL) STATE OF WASHINGTON DOT	VACANT LAND FEDERAL WAY WA 98003