

RESOLUTION NO. R2018-04

To Acquire Real Property Interests Required for the Downtown Redmond Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	02/08/2018	Recommend to Board	Don Billen, PEPD Acting Executive Director
Board	02/22/2018	Final Action	Tony Raben, DECM Project Director – Downtown Redmond 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 Downtown Redmond Link Extension.

KEY FEATURES SUMMARY

- Authorizes the acquisition of all or portions of four parcels consisting of full and partial acquisitions, temporary construction easements, and/or permanent easements for the Downtown Redmond Link Extension. These parcels are located in the City of Redmond.
- 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 Downtown Redmond Link Extension is a 3.4 mile light rail extension from the Redmond Technology Center Station to the east corridor terminus station at Leary Way in Downtown Redmond. The project includes two stations and 1,400 new park and ride spaces. Funding for final design and construction was approved with the passage of ST3 in November 2016. Service to Downtown Redmond is planned to begin in 2024.

Environmental compliance pursuant to the State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA) for East Link, including the Downtown Redmond Extension, was completed with the East Link Project Final Environmental Impact Statement (EIS) issued in July 2011. The Board selected the route, profiles, and station locations for the East Link Light Rail Project in July 2011. The Federal Transit Administration and Federal Highway Administration issued Record of Decisions for the project in November 2011. Additional information about the Downtown Redmond extension was included in the East Link Extension 2013 SEPA Addendum issued in March 2013. This action authorizes acquisition of properties evaluated in the existing environmental documents.

In June 2017, the Sound Transit Board of Directors identified refinements to the selected project, for further environmental review. The refinements, primarily in the downtown Redmond area, include an elevated guideway west of SR 520/Bear Creek, an elevated terminal station in the vicinity of 166th Avenue Northeast, and tail tracks past the terminal station. The environmental review is being updated as appropriate in coordination with the Federal Transit Administration and is expected to be complete in Fall 2018.

Final design and construction of this project will use the design/build alternative project delivery method. As such, preliminary engineering will be completed through the development of bridging documents and project requirements for the subsequent design/build solicitation later in 2018.

Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the Downtown Redmond 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: Q4 2018
 Project scope, schedule, and budget summary located on page 61 of the November 2017 Link Light Rail Program Progress Report.

FISCAL INFORMATION

The current authorized project allocation to date for the right of way phase of the Downtown Redmond Link Extension is \$147,041,000, of which \$492,350 has been previously committed. There is \$146,548,650 of uncommitted funds in the right of way phase, which is sufficient to complete the proposed action.

The authorized project allocation to date for the right of way phase is equal to the full amount recorded in the agency’s Financial Plan. Due to uncertainty in right of way price escalation, the allocation to this phase may not be sufficient to complete all the required acquisitions for this project. Project baseline costs are scheduled to be established in 2018.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action

PUBLIC INVOLVEMENT

Sound Transit is committed to hearing from the public about the Downtown Redmond Link Extension project. For more than ten years, communities, businesses, stakeholders and agencies have helped shape the project by asking questions, talking with project staff, and providing ideas and comments. Additional outreach during the project refinement phase has included participation in the City of Redmond Transit Integration (TRAIN) Study Open House, Sound Transit open houses on the proposed project refinements on May 17 and November 16, 2017, briefing of One Redmond, Redmond City Council briefings, newsletters and fact sheets, on-line surveys, and the Sound Transit website.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on February 6, 2018. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on February 9, 2018, and February 16, 2018.

TIME CONSTRAINTS

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

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2018-01: 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 Downtown Redmond Link Extension.

Motion No. M2017-92: Identified proposed refinements to the Downtown Redmond Link Extension project for further study.

Resolution No. R2016-05: (1) Restored funding for the preliminary engineering on light rail from Overlake to Redmond in the Sound Transit 2 Finance Plan, (2) amended the Adopted 2016 Budget to create the Downtown Redmond Link Extension Project by (a) establishing the Project Lifetime Budget through the completion of the Preliminary Engineering Phase in the amount of \$28,617,000 and (b) establishing the 2016 Annual Budget as \$4,120,000, and (3) approved Gates 1-3 within Sound Transit's Phase Gate Process.

Resolution No. R2013-09: Selected the route, profiles, and station locations for the East Link Light Rail Project, and superseding Resolution No. R2011-10.

Motion No. M2011-81: Implemented the East Link Light Rail Project.

Resolution No. R2011-10: Selected the route, profiles, and station locations for the East Link Light Rail Project.

ENVIRONMENTAL REVIEW

KH 1/2/18

LEGAL REVIEW

JB 1/2/18

RESOLUTION NO. R2018-04

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 Downtown Redmond Link Extension.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) 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 Sound Transit 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 Downtown Redmond Link was completed with the East Link Project Final Environmental Impact Statement (EIS) issued in July, 2011; the Federal Transit Administration issued a Record of Decision (ROD) for the project in November, 2011, 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 Downtown Redmond 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 Downtown Redmond 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 Downtown Redmond 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 Downtown Redmond 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 Downtown Redmond Link Extension by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

SECTION 2. The chief executive officer or her 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 Downtown Redmond 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 Downtown Redmond 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 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 Downtown Redmond 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 Downtown 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 February 22, 2018.



Dave Somers
Board Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2018-04
EXHIBIT A

DOWNTOWN REDMOND LINK EXTENSION PROJECT

ITEM	ROW #	TAX PARCEL NUMBER	TAX PAYER(S)	PROPERTY ADDRESS
1	RL161	1225059183	SLF Properties LLC	17351 NE 70th St., Redmond, WA 98052
2	RL162	122505TRCT	Lutheran Community Services NW 48% Foltz Properties LLC 52%	No Site Address; Tract A Redmond Short Plat SS-87-16, King County Recording No. 8806131202; Redmond, WA 98052
3	RL163	1225059260	Lutheran Community Services NW	17445 NE 70th St., Redmond, WA 98052
4	RL164	1225059101	Foltz Properties LLC	17443 NE 70th St., Redmond, WA 98052