

**RESOLUTION NO. R2018-13**
**To Acquire Real Property Interests Required for the Federal Way Link Extension**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	05/10/2018	Cancelled	Ahmad Fazel, DECM Executive Director Dan Abernathy, Executive Project Director
Board	05/24/2018	Final Action	– Federal Way Link Extension <b>Kevin Workman, Director Real Property</b>

**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 ten parcels; the parcels include four full acquisitions and six partial acquisitions. The partial acquisitions consist of partial fee acquisitions, temporary construction easements, and/or permanent easements. These parcels are located in the cities of Des Moines, Kent, and Federal Way for the Federal Way Link Extension.
- As work develops, parcels currently anticipated to be partial acquisitions or temporary easements may need to be acquired in full and/or permanently.
- Relocations activities are expected for eight residential tenants on one multi-family parcel and one anticipated business relocation with this action.
- 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 revenue service expected for 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 July 10, 2015 and the Federal Highway Administration issued a NEPA Record of Decision on March 6, 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**

<b>Project Identification</b>	<b>Alternatives Identification</b>	<b>Conceptual Engineering/ Draft EIS</b>	<b>Preliminary Engineering/ Final EIS</b>	<b>Final Design</b>	<b>Construction</b>
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Projected Completion Date for Preliminary Engineering: Q3 2018  
 Project scope, schedule, and budget summary located on pages 71 of the February 2018 Agency Progress Report.

**FISCAL INFORMATION**

The current authorized project allocation to date for the right of way phase of the Federal Way Link Extension project is \$274,085,000, of which \$30,002,808 has been committed, with \$244,082,192 of uncommitted funds in the phase. There is a risk that the total cost of right of way acquisitions will exceed the phase allocation. As the property acquisition process proceeds and is evaluated, any changes to the current right of way allocation will be reflected in the baseline budget request anticipated in Q3 2018.

**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 May 8, 2018. Legal notices of this proposed Board action will be published in the Seattle Times and The News Tribune newspapers on May 11, 2018, and May 18, 2018.

**TIME CONSTRAINTS**

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

## PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2018-02: 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. R2017-39: 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 5/2/2018

## LEGAL REVIEW

JH 05/04/2018





RESOLUTION NO. R2018-13

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, 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 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 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 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 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 May 24, 2018.



Ron Lucas  
Board Vice Chair

ATTEST:



Kathryn Flores  
Board Administrator





RESOLUTION NO. R2018-13  
 EXHIBIT A

FEDERAL WAY LINK EXTENSION PROJECT

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
1	FL167	2156400340	BRIGHT HOPE PROPERTIES LLC	22020 28TH AVE S DES MOINES WA 98198
2	FL194	2500600354	QED DEVELOPMENT LLC	23030 30TH AVE S DES MOINES WA 98198
3	FL195.1	2500600361	ROBERT A POND	23116 30TH AVE S DES MOINES WA 98198
4	FL195.2	2500600362	ROBERT A POND	23124 30TH AVE S DES MOINES WA 98198
5	FL309.2	N/A	STATE OF WASHINGTON DOT (RCA)	NO SITE ADDRESS FEDERAL WAY WA 98003
6	FL309.3	N/A	STATE OF WASHINGTON DOT (RCA)	NO SITE ADDRESS FEDERAL WAY WA 98003
7	FL309.4	N/A	STATE OF WASHINGTON DOT (RCA)	NO SITE ADDRESS FEDERAL WAY WA 98003
8	FL322	0421049155	CAMELOT SQUARE INC	3001 S 288TH ST FEDERAL WAY WA 98003
9	FL410	3322049156	ERNEST ANG	NO SITE ADDRESS KING COUNTY WA 98001
10	FL411	3322049205	WL & PONGSRI WELLS	NO SITE ADDRESS KING COUNTY WA 98001