



RESOLUTION NO. R2018-15

To Acquire Real Property Interests Required for the Lynnwood Link Extension

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	05/10/2018	Cancelled	Ahmad Fazel, DECM Executive Director Rod Kempkes, Executive Project Director
Board	05/24/2018	Final Action	– Lynnwood 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 Lynnwood Link Extension.

KEY FEATURES SUMMARY

- Authorizes the acquisition of all or portions of 33 parcels; the parcels include 18 full acquisitions and 15 partial acquisitions. The partial acquisitions consist of partial fee acquisitions, permanent easements, and temporary easements for the Lynnwood Link Extension. These parcels are located in the cities of Seattle, Shoreline, Mountlake Terrace, and Lynnwood.
- As work develops, parcels currently anticipated to be partial acquisitions or temporary easements may need to be acquired in full and/or permanently.
- Residential relocations activities are anticipated on 14 parcels; business relocations are not anticipated 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 Lynnwood Link Extension is an 8.5 mile light rail extension from Northgate to Lynnwood with service to the cities of Shoreline, Mountlake Terrace, and Lynnwood. The extension will travel primarily along I-5 and include four stations at NE 145th Street, NE 185th Street, Mountlake Terrace Transit Center, and Lynnwood Transit Center. New parking structures will be provided at NE 145th Street, NE 185th Street, and Lynnwood Transit Center. The project began Final Design in 2016 and is scheduled to open for service in 2023.

The Lynnwood Link Extension Final Environmental Impact Statement was issued April 1 and April 3, 2015, 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 April 23, 2015. The Federal Transit Administration (FTA) issued a Record of Decision on July 10, 2015, and the Federal Highway Administration issued a Record of Decision on August 31, 2015.

Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the Lynnwood 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 Final Design Phase: Q3 2019

Project scope, schedule, and budget summary located on page 27 of the February 2018 Link Light Rail Program Progress Report.

FISCAL INFORMATION

The current authorized project allocation to date for the right-of-way phase of the Lynnwood Link Extension is \$235,660,000, of which \$87,822,722 has already been committed. There is \$147,837,278 of uncommitted funds in the phase, which is sufficient to complete the proposed action.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action

PUBLIC INVOLVEMENT

Sound Transit staff has worked closely with property owners throughout the environmental, preliminary engineering, and final design phases. Sound Transit staff has met regularly with owners about the Lynnwood Link Extension in relation to the properties along the corridor. Sound Transit also sent letters to potentially impacted property owners prior to the publication of the Draft and Final Environmental Impact Statements.

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 Herald of Everett newspapers on May 11, 2018, and May 18, 2018.

TIME CONSTRAINTS

A one-month delay would significantly impact start of construction.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2018-09: 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 Lynnwood Link Extension.

Resolution No. R2018-08: 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 Lynnwood Link Extension.

Resolution No. R2018-03: 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 Lynnwood Link Extension.

Resolution No. R2017-43: 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 Lynnwood Link Extension.

Resolution No. R2017-40: 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 Lynnwood Link Extension.

Resolution No. R2017-36: 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 Lynnwood Link Extension.

Resolution No. R2017-33: 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 Lynnwood Link Extension.

Resolution No. R2017-27: 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 Lynnwood Link Extension.

Resolution No. R2017-21: 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 Lynnwood Link Extension.

Resolution No. R2017-19: 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 Lynnwood Link Extension.

Resolution No. R2017-10: 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 Lynnwood Link Extension.

Resolution No. R2017-04: Authorized the chief executive officer to acquire or lease certain real property interests, including acquisition by condemnation and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Lynnwood Extension.

Resolution No. R2016-27: 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 Lynnwood Link Extension.

Resolution No. R2016-24: 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 Lynnwood Link Extension.

Resolution No. R2015-31: 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 Lynnwood Link Extension.

Resolution No. R2015-30: Amended the 2015 Adopted Budget by (1) increasing the lifetime capital budget for the Lynnwood Link Extension project by \$423,742,313 from \$64,118,687 to \$487,861,000, (2) increased the 2015 Annual Budget by \$2,329,890 from \$16,324,776 to \$18,654,671, and (3) authorized the project to advance through Gate 4 within Sound Transit's Phase Gate Process.

Resolution No. R2015-18: 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 Lynnwood Link Extension.

Resolution No. R2015-05: Selected the route, profile, and stations for the Lynnwood Link Extension.

Resolution No. R2014-35: Amended Resolution R2012-18 to also authorize the chief executive officer to acquire certain real property interests as necessary for the Lynnwood Link Extension project, in addition to the previously authorized Northgate Link Extension.

ENVIRONMENTAL REVIEW

KH 5/2/2018

LEGAL REVIEW

JB 05/04/2018



RESOLUTION NO. R2018-15

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 Lynnwood 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 Lynnwood Link was completed with the Lynnwood Link Project Final Environmental Impact Statement (EIS) issued on April 1, 2015; the Federal Transit Administration issued a Record of Decision (ROD) for the project on July 10, 2015, 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 Lynnwood 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 Lynnwood 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. R2018-15
EXHIBIT A

LYNNWOOD LINK EXTENSION PROJECT

ITEM	ROW #	TAX PARCEL NUMBER	TAX PAYER(S)	PROPERTY ADDRESS
1	LL102	7810300035	Darcy M Niedermeyer	147 NE 116th Street Seattle, WA 98125
2	LL146	1787600090	North Seattle Church ff Nazarene	13126 5th Ave NE Seattle, WA, 98125
3	LL168.1	2881700590	City of Shoreline	15401 1ST AVE NE Shoreline, WA 98155
4	LL180.1	2111600040	J Bruce Pyper and Teresa K Pyper	114 NE 161ST Street Shoreline, WA 98155
5	LL180.2	2111600035	DAVID A Pew and KAITLYN A Pew	122 NE 161ST Street Shoreline, WA 98155
6	LL221.4	1115100112	Douglas F Colello	333 NE 180TH Street, Shoreline, WA 98155
7	LL232	0927100083	Rosario Bernaldez	504 NE 182ND CT Shoreline, WA 98155
8	LL233	0927100085	William Joseph Abdella and Mollie Lou Abdella	18210 5TH AVE NE Shoreline, WA 98155
9	LL237	0927100093	Jay J Hahn	514 NE 183RD CT Shoreline, WA 98155
10	LL244	5662100075	Keneth R Ralston and Christine Ralston	18313 7th AVE NE Shoreline, WA 98155
11	LL244.2	0927100016	Mike G Sanchez	18323 8TH AVE NE Shoreline, WA 98155
12	LL244.3	0927100015	Baltazar-Luna, Arcadio & Eugenio	18329 8TH AVE NE Shoreline, WA 98155
13	LL244.4	0927100008	Joan Marie Peterson Robert Peterson Eric Peterson	731 NE 185TH Street Shoreline, WA 98155
14	LL245.1	6084100040	North City Water Distict	NE 185th St Shoreline, WA 98155
15	LL245.2	6084100035	Todd Stewart and Brandi Israel	351 NE 185TH Street Shoreline, WA 98155
16	LL259.1	0526049025	Stephen W Pranger and Catherine E. Pranger	18547 8th Ave NE, Shoreline, WA 98155
17	LL266	3985300330	Brandon Badura ET AL	Vacant Lot Shoreline, WA 98155
18	LL268.4	3971700551	King County	Vacant Lot Shoreline, WA 98155
19	LL268.7	3971700540	Leslie K Lynch	Vacant Lot Shoreline, WA 98155

20	LL269.15	3971700430	Tawat Siwadune	842 NE 200th St Shoreline, WA 98155
21	LL269.16	3985300269	David R. Anderson	1108 NE 200th St Shoreline, WA 98155
22	LL269.17	3985300265	Denise Maerie Sisko and James R. Sisko	1110 NE 200th St Shoreline, WA 98155
23	LL269.18	3985300267	Varendra Dhingra	1112 NE 200th St Shoreline, WA 98155
24	LL272	00524100001500	Fleming Family Loving Trust	23506 59TH PL W, Mountlake Terrace, WA 98043
25	LL272.1	00524100001400	Ronald Belair and Shannon Belair	23502 59TH PL W, Mountlake Terrace, WA 98043
26	LL272.2	00524100001300	James Taylor	23504 59TH PL W, Mountlake Terrace, WA 98043
27	LL272.4	00524100001200	Kanoe C Vierra	23501 59TH PL W Mountlake Terrace, WA 98043
28	LL272.5	00524100001100	David Turner	23503 59TH PL W Mountlake Terrace, WA 98043
29	LL272.6	00524100001000	Karl Koch and Symon Jessie	23505 59TH PL W Mountlake Terrace, WA 98043
30	LL272.7	00524100000900	Louanne C Grand	23507 59TH PL W Mountlake Terrace, WA 98043
31	LL272.8	00524100000800	Soledad Mercado and Francisco Mercado	23509 59TH PL W Mountlake Terrace, WA 98043
32	LL275.1	00524000004900	John Mackay	22305 62ND AVE W, Mountlake Terrace, WA 98043
33	LL275.2	00524000005000	Anelia A Mackay and John C Mackay	Vacant lot near 62 nd Ave W Mountlake Terrace, WA 98043