



## Motion No. M2020-77

### Right-of-Way Vacation Agreement with the City of Shoreline for the Lynnwood Link Extension Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	12/10/2020 12/17/2020	Recommend to Board Final action	Ron Lewis, DECM Executive Director Randy Harlow, Executive Project Director - Lynnwood Link Extension <b>Mary Nicholl, Senior Land Use Permitting Administrator</b>

### Proposed action

Authorizes the chief executive officer to execute a Right-of-Way Vacation Agreement with the City of Shoreline to convey Sound Transit owned property to the City in exchange for the vacation of City rights-of-way that are needed for the Lynnwood Link Extension.

### Key features summary

- This action would authorize the execution of an agreement with the City of Shoreline to establish a process for conveyance of interests in future excess Sound Transit owned property that has been acquired by the Lynnwood Link Extension project in exchange for City rights-of-way that the City will vacate.
- In accordance with the System Expansion Implementation Plan (SEIP) identifying new methods of working with project partners, stakeholders, and local jurisdictions, this agreement represents a creative and collaborative approach to assist the City of Shoreline with its development of a multi-use trail along the Lynnwood Link alignment by utilizing future excess property that is not expected to be needed by Sound Transit following completion of the project.
- On March 2, 2020, the Shoreline City Council approved a street vacation petition for City owned rights-of-way needed by Sound Transit for the Lynnwood Link Extension, including the proposed property exchange approach that would be covered under this agreement.
- The City acknowledges the conveyance of the property is contingent on internal and FTA approvals. As part of this action, an escrow account will be created and funded to compensate the City for this right-of-way if Sound Transit is unable to convey these parcels to the City.
- The Shoreline City Council is scheduled to consider this agreement on December 14, 2020.

### 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 will include four stations: Shoreline South/NE 148th Street, Shoreline North/NE 185th Street, Mountlake Terrace Transit Center, and Lynnwood City Center. Revenue service is anticipated to begin in 2024.

The Lynnwood Link Extension (LLE) project impacts several City-owned rights-of-way (ROW) which require vacation approval by the City of Shoreline with compensation. The conditions of the Special Use Permit (SUP) require Sound Transit to submit petitions to vacate several streets in accordance with Shoreline Municipal Code (SMC) 12.17 and Revised Code of Washington (RCW) 35.79. The street vacation petitions that are directly associated with this agreement are for the Shoreline North/ 185<sup>th</sup> Station and consists of a partial vacation of NE 185<sup>th</sup> Street and 7<sup>th</sup> Avenue NE to accommodate the station and adjacent Shoreline North/ 185<sup>th</sup> parking garage. The remainder of the station is being built on private property, purchased by Sound Transit for the purpose of constructing the project. The remaining street vacation petitions will be submitted at a later date in a phased approach and will be included in an amendment to this agreement or as a separate agreement, as appropriate.

The petitions for street vacation were submitted, met SMC 12.17.050 requirements, and were recommended for approval by the City's Hearing Examiner on October 23, 2019. The Shoreline City Council, pursuant to RCW 39.33.020, held a public hearing on March 2, 2020 and also considered the Hearing Examiner's recommendation. Ordinance No. 875 and Resolution No. 453 authorized the conveyance of the City ROW to Sound Transit. A condition was placed on the building permit requiring Sound Transit and the City to execute an agreement for compensation for the street vacation by the end of 2020. This agreement would satisfy this permit condition, and the Shoreline City Council is scheduled to confirm this agreement on December 14, 2020.

This action seeks authorization for either monetary or land compensation to the City because the land is not currently available to be conveyed to the City, as Sound Transit is still using the land for constructing the LLE project. In the agreement, both parties will agree to the due diligence needed to achieve approvals, consistent with all applicable regulations, to convey the property interests to the City. However, if this process ultimately does not result in approval by the City or by Sound Transit, Sound Transit will compensate the City through an escrow account that is being established and funded for that purpose.

The Agreement follows SEIP guidance and establishes a common understanding of the Sound Transit and Federal Transit Authority processes related to the surplus of property after the LLE project has been constructed, including commitment to:

- Conveyance of City and Sound Transit ROW:
  - A ledger will be established in order to track any and all exchanges of value pertaining to the property transactions in lieu of receiving a monetary payment.
- Valuation of Property
  - Sound Transit and the City of Shoreline will utilize appraisal reports for the fair market value of each subject property. Appraisal of the property interests to be conveyed to the City will be performed after any easements or encumbrances have been recorded on the parcels.
- Sound Transit Approvals
  - Sound Transit will adhere to its Real Property Excess, Surplus, and Disposition Policy as set forth in Sound Transit Resolution No. R2013-30. To the extent Sound Transit declares any portion of the Sound Transit property to be surplus pursuant to that policy, Sound Transit shall seek instructions from the Federal Transit Authority (FTA) for the disposition of such portion of Sound Transit property.
  - The City of Shoreline shall assume responsibility for maintenance and security of its multi-use trail along the light rail alignment including graffiti removal, landscaping, and security enforcement.

- City of Shoreline Approvals
  - The City understands and acknowledges the conveyance of the property is contingent on internal and FTA approvals.
  - The Shoreline City Council is scheduled to approve this agreement on December 14, 2020.
- Escrow Account
  - An escrow account will be created and funded in the current appraised amount of the City right-of-way. In the event Sound Transit is unable to convey the property interests to the City, payment will be made from the escrow account to compensate the City for this ROW.

**Project status**

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<b>Project Identification</b>	<b>Project Refinements</b>	<b>Conceptual Engineering/ Environmental Review</b>	<b>Preliminary Engineering</b>	<b>Final Design</b>	<b>Construction</b>

Projected completion date for revenue service: 3Q 2024

Project scope, schedule and budget summary are located on page 31 of the September 2020 Agency Progress Report.

**Fiscal information**

There is no fiscal action associated with this proposed action.

**Disadvantaged and small business participation**

Not applicable to this action.

**Public involvement**

Sound Transit has engaged the public and stakeholder to reach early and durable agreement on the LLE project definition, including station locations, access and other project components. The City of Shoreline has been collaborating with Sound Transit through the Land Use Permitting approval process to ensure Sound Transit facilities are compatible with their community vision.

**Time constraints**

The approval of the agreement is needed by both parties prior to December 31, 2020 to comply with conditions established in the Shoreline North / 185<sup>th</sup> Station building permit as issued by the City of Shoreline without further action by City council.

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**Environmental review** – KH 12/2/2020

**Legal review** – PWM – 12/7/2020



## Motion No. M2020-77

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a Right-of-Way Vacation Agreement with the City of Shoreline to convey Sound Transit owned property to the City in exchange for the vacation of City rights-of-way that are needed for the Lynnwood Link Extension.

### Background

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**Motion**

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a Right-of-Way Vacation Agreement with the City of Shoreline to convey Sound Transit owned property to the City in exchange for the vacation of City rights-of-way that are needed for the Lynnwood Link Extension.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 17, 2020..

  
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 Kent Keel  
 Board Chair

**Attest:**

  
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 Kathryn Flores  
 Board Administrator