

## Resolution No. R2019-12

### To Acquire Real Property Interests Required for the East Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	4/19/2019 4/25/2019	Recommend to Board Final action	Ron Lewis, DECM Executive Director Jemae Hoffman, Light Rail Development Manager– East Link <b>James Chung, Real Property Agent</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 East Link Extension.

### Key features summary

- Authorizes the acquisition of two parcels consisting of full or partial acquisitions, temporary construction easements, and/or permanent easements. These parcels are located in the City of Mercer Island.
- The properties have been identified as necessary for the construction of a roundabout for a Bus/Rail Interchange as referenced in the settlement agreement between the City of Mercer Island and Sound Transit for the East Link Extension.
- The real properties identified in this action are included in Exhibit A.

### Background

The East Link Extension extends light rail 14 miles from downtown Seattle to downtown Bellevue and the Overlake area of Redmond via I-90, with stations serving Judkins Park/I-90, Mercer Island, South Bellevue, Downtown Bellevue, Overlake Hospital, the Bel-Red Corridor, Overlake Village, and the Overlake Transit Center. The start of revenue service between Seattle and the Overlake Transit Center is forecast to begin in 2023.

Segments of East Link will be constructed and operated within the City of Mercer Island with associated impacts and benefits for residents, businesses, and visitors to the city.

In July 2011, Sound Transit, the Washington State Department of Transportation, and the Federal Transit Administration issued the East Link Project Final Environmental Impact Statement and Sound Transit and the Washington State Department of Transportation issued Addenda to the 2011 FEIS under the State Environmental Policy Act (SEPA) in December 2016 and April 2017, which included detailed analysis of potential environmental impacts and identified potential mitigation measures.

Sound Transit will acquire the property through negotiation and/or by condemnation for the construction, operation, and maintenance of the East Link Extension including the Bus/Rail Integration and will reimburse relocation expenses to eligible affected owners and tenants. Sound Transit's authorizing

legislation grants the Agency the right to acquire by negotiation or through the exercise of its power of eminent domain.

The Bus/Rail Integration Final Design Contract RFQ is scheduled for the 2<sup>nd</sup> Quarter of 2019.

### Project Status – East Link

○					
<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>

The Bus/Rail Integration is scheduled for completion of construction in 2022 in order to allow for East Link Extension revenue service start in 2023.

East Link Extension project scope, schedule and budget summary are located on page 45 of the February 2019 Link Light Rail Program Progress Report.

### Fiscal information

The authorized project allocation to date for the East Link Extension is \$3,677,150,000. Within that amount, \$298,150,000 has been allocated to the right-of-way phase, of which \$261,539,043 has been previously committed. There is \$36,610,957 of uncommitted funds remaining in the right-of-way phase.

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with the Board in executive session. Consistent with the current estimate at completion for real property acquisition, this action and acquisitions of remaining certified properties are affordable within the adopted project budget.

### Small business participation and apprenticeship utilization

Not applicable to this action.

### Public involvement

Sound Transit staff has worked closely with property owners and representatives from the City of Mercer Island throughout the environmental, preliminary engineering, and design phases of the Bus/Rail Integration. In March 2019, Sound Transit met with the property owners to describe the acquisition process and provided the Mercer Island City Council updates on the implementation of the Bus/Rail Integration.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on or before April 9, 2019. Legal notices of this proposed Board action will be published in the Seattle Times April 12, 2019, and April 19, 2019.

### Time constraints

A one-month delay may affect the timing for acquisition of the real properties identified in this action but not the completion of construction of the East Link Extension before the start of revenue service in 2023.

### Prior Board/Committee actions

Motion No. M2017-96: Authorized the chief executive officer to negotiate and execute a settlement agreement with Mercer Island to settle pending litigation through payment of certain reimbursable expenses not to exceed \$10,050,000, all as provided in this motion.

Resolution Nos. R2013-11; R2013-14; R2013-16; R2013-21; R2013-22; R2014-01; R2014-08; R2014-12; R2014-17; R2014-23; R2014-26; R2015-10; R2015-21: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent permitted by law, and reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the East Link Extension.

Resolution No. R2013-27: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests in the Overlake Village/Overlake Transit Center neighborhood of Redmond, including acquisition by condemnation and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the East Link Extension.

Resolution No. R2013-28: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests in the South Bellevue/Downtown neighborhood of Bellevue, including acquisition by condemnation, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the East Link Extension.

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**Environmental review – KH 3/27/19**

**Legal review – [MV 4/11/19]**





## Resolution No. R2019-12

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, and pay eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for East 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, in July 2011;, Sound Transit, the Washington State Department of Transportation, and the Federal Transit Administration issued the East Link Project Final Environmental Impact Statement and Sound Transit and the Washington State Department of Transportation issued Addenda to the 2011 FEIS under the State Environmental Policy Act (SEPA) in December 2016 and April 2017, which included detailed analysis of potential environmental impacts and identified potential mitigation measures; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and maintenance of the project improvements required under the voter-approved plans Sound Move and ST2, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction, permanent location and maintenance of the East Link Extension Project, which are reasonably described in Exhibit A to this resolution; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will continue to 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 the East 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 East Link Extension exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer shall obtain approval from the appropriate committee or the Board, per Resolution No. R2018-40, before the acquisition of the properties for the East 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. R2018-40.

SECTION 3. The Sound Transit Board deems the East 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 the East Link Extension and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

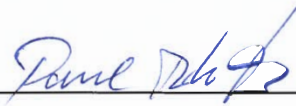
SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that interests in the real property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the East 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 East 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 April 25, 2019.



Paul Roberts  
Board Vice Chair

**Attest:**



Kathryn Flores  
Board Administrator







**Resolution No. R2019-12**  
**Exhibit A**

**East Link Extension**

<b>Item:</b>	<b>Row #:</b>	<b>Tax Parcel #:</b>	<b>Tax Payer(s):</b>	<b>Property Address:</b>
1	EL074	531510-1837	Peter C. and Ana C. Woo	2297 78th Ave. SE Mercer Island, WA 98040
2	EL074.1	531510-1838	Andrew Snethen & Carol Hancock	7714 N. Mercer Way Mercer Island, WA 98040