



Legislation Details (With Text)

File #: 2017-0279 **Version:** 3

Type: Ordinance **Status:** Passed

File created: 8/14/2017 **In control:** Budget and Fiscal Management Committee

On agenda: 9/25/2017 **Final action:** 9/25/2017

Enactment date: 9/29/2017 **Enactment #:** 18574

Title: AN ORDINANCE approving and adopting a proposed settlement agreement negotiated between King County and Sound Transit in that certain eminent domain proceeding captioned as central Puget Sound regional transit authority, a regional transit authority, dba Sound Transit V. King County, a Washington municipal corporation, successor in interest to the municipality of metropolitan Seattle; et al., King County superior court cause no. 15-2-22767-0 SEA, authorizing the executive to implement the terms of the settlement agreement upon entry of the agreed stipulated judgment and decree of appropriation by the superior court and to take other appropriate measures.

Sponsors: Dave Upthegrove, Rod Dembowski

Indexes: Agreement, Sound Transit

Code sections:

Attachments: 1. Ordinance 18574.pdf, 2. A. Settlement Agreement, Dated September 25, 2017, 3. 2017-0279 amendment 1.pdf, 4. A. Settlement Agreement, Dated September 13, 2017, 5. A. Settlement Agreement, 6. 2017-0279 legislative review form.pdf, 7. 2a. Property Summary - Northgate Transit Center.docx, 8. 2b. Hearing Notice - Northgate Transit Center.docx, 9. 3. Fiscal Note - Northgate Transit Center.xlsx, 10. 2017-0279 transmittal letter.doc, 11. 2017-0279_SR_Northgate Settlement Agreement.docx, 12. 2017-0279_ATT5_Color Map.pdf, 13. 2017-0279 hearing notice - publish: 9-6 SeattleTimes.doc, 14. 2017-0279_SR_Dated_09132017_Northgate Settlement Agreement_9-13.docx, 15. 2017-0279_ATT1_AMD1_8-18-17 Ritzen edits 08-20-17.docx, 16. 2017-0279_ATT1A_AMD1-Settlement Agreement_REVISED 8-25-17.docx, 17. 2017-0279_ATT1B_AMD1-Exhibit B-REVISED 8-25-17.docx, 18. 2017-0279_ATT1C_AMD1-Development Agreement-REVISED 8-25-17 sd ms.docx, 19. 2017-0279 presss release.pdf, 20. 2017-0279 affidavit of pub -Seattle Times 9-6-17.pdf, 21. 2017-0279_SR_Northgate Settlement Agreement_9-13.docx, 22. ATT5_Color Map.pdf, 23. 2017-0279 AMDT_ThorntonCreek.docx, 24. A. Settlement Agreement, Dated September 25, 2017

Date	Ver.	Action By	Action	Result
9/25/2017	2	Metropolitan King County Council	Hearing Held	
9/25/2017	2	Metropolitan King County Council	Passed as Amended	Pass
9/19/2017	2	Transportation, Economy, and Environment Committee	Deferred	
9/13/2017	1	Budget and Fiscal Management Committee	Passed Out of Committee Without a Recommendation	Pass
8/23/2017	1	Budget and Fiscal Management Committee	Deferred	
8/14/2017	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE approving and adopting a proposed settlement agreement negotiated between King County and Sound Transit in that certain eminent

domain proceeding captioned as central Puget Sound regional transit authority, a regional transit authority, dba Sound Transit V. King County, a Washington municipal corporation, successor in interest to the municipality of metropolitan Seattle; et al., King County superior court cause no. 15-2-22767-0 SEA, authorizing the executive to implement the terms of the settlement agreement upon entry of the agreed stipulated judgment and decree of appropriation by the superior court and to take other appropriate measures.

STATEMENT OF FACTS:

1. King County is the vested fee owner of the real property identified as King County tax parcel nos. 322604-9424 and 322604-9002 (collectively, "the parcels"), which are used by King County metro transit for commuter parking and related purposes serving the Northgate Park and Ride and Transit Center.
2. Sound Transit has filed a petition that seeks to condemn fee title to a portion of the parcels, as legally described and depicted in, and in the form of Exhibits A to Attachment A to this ordinance. Additionally, Sound Transit seeks to appropriate a temporary taking of additional portions of the parcels for a temporary construction easement ("TCE"), as depicted and described in, and in the form of Exhibit B to Attachment A to this ordinance. Together the fee-take portions and the TCE portions are referred to in this ordinance as "the condemned property."
3. After negotiations between King County and Sound Transit, a proposed settlement agreement and a proposed stipulated judgment and decree of appropriation have been agreed to and are attached as Attachment A to this ordinance and Exhibit E to Attachment A to this ordinance, respectively.
4. Sound Transit and King County have agreed that the total just compensation to be paid for

Sound Transit's taking of the condemned property is ten million one hundred twenty thousand dollars of which Sound Transit will pay to King County in cash six million three hundred eighty thousand dollars and other consideration in the form of offsetting improvements to be constructed by Sound Transit and valued at three million seven hundred forty thousand dollars, all as set forth in greater detail in the settlement agreement attached as Attachment A to this ordinance ("the settlement agreement"). These amounts include all compensation owed by Sound Transit for its taking of the condemned property, including any claims for prejudgment interest, damages to the remainder, cost-to-cure, and of attorney and expert fees and costs.

5. Upon entry of the stipulated judgment and decree of appropriation, the settlement agreement will be executed and implemented, and the condemned property will be conveyed and granted to Sound Transit through documents to be recorded substantially in the form of Exhibits B and P-1 to Attachment A to this ordinance.

6. RCW 81.112.080 authorizes regional transit authorities such as Sound Transit to exercise the right of eminent domain in the same manner and by the same procedures as provided by law for cities of the first class, and specifies that public transportation facilities and properties owned by any county or metropolitan municipal corporation may be acquired or used by a regional transit authority only with the consent of the agency owning such facilities.

7. The condemned property is within the Thornton Creek watershed, an 11.6-square-mile watershed in Seattle and Shoreline, which watershed has been affected by development of and stormwater runoff from many industrial, commercial, residential, governmental, and transportation activities within the watershed. Community-inspired efforts to restore Thornton creek have succeeded in creating the Thornton Creek water quality channel to provide treatment of stormwater runoff from six hundred eighty acres of the watershed including the area affected by the settlement agreement.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings: The sale of the property is authorized under RCW 81.112.080, which authorizes certain public agencies, including counties and metropolitan municipal corporations, to convey or lease public transportation facilities and properties to a regional transit authority such as Sound Transit or to contract for their joint use on such terms as may be fixed by agreement between the agency and the authority.

SECTION 2. The settlement agreement negotiated between King County and Sound Transit in superior court cause no. 12-2-17740-6 SEA, which agreement is Attachment A to this ordinance and by this reference made a part of this ordinance, is hereby approved and adopted.

SECTION 3. The executive is authorized to instruct the prosecuting attorney to execute the stipulated judgment and decree of appropriation substantially in the form of Exhibit E to Attachment A to this ordinance and to file the executed judgment and decree with the superior court.

SECTION 4. Upon final approval of the stipulated judgment and decree of appropriation by the superior court in and for King County, Washington, the executive is authorized to implement the terms of the agreed judgment and decree through execution of the settlement agreement and to convey and grant to Sound Transit fee title to and temporary construction easement rights in the condemned property by easement and deed substantially in the form of Exhibits B and P-1 attached to Attachment A and to execute all other documents and take such other measures as may be necessary to implement the terms of the settlement agreement and the stipulated judgment and decree of appropriation.

SECTION 5. It is the intent of King County to continue these community-inspired efforts and therefore to direct that a portion of the proceeds from this settlement, be used to locally address a potential range of historical impacts from vehicles or facilities in the Northgate area by using green stormwater technology, such as filtration, bioswales or other methods, to achieve additional ecological benefits at the Washington state Department of Transportation layover site, and also through accommodation for electric buses to further avoid, minimize or mitigate potential future environmental impacts to the Thornton

Creek watershed.