



## Resolution No. R2024-19

### To Acquire Real Property Interests Required for the Operations and Maintenance Facility South (OMFS) Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	09/12/2024	Recommend to Board	Terri Mestas, Deputy CEO, Capital Delivery
Board	09/26/2024	Final action	Tim Muller, Executive Project Director <b>Curvie Hawkins, Project Director-HCT Development</b> <b>Clint Dameron, Acting 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 construction, operation, and maintenance of the Operations and Maintenance Facility South project.

### Key features summary

- Authorizes the acquisition of all or part of 23 parcels located in Federal Way. Acquisitions consist of 19 full fee takes and 4 temporary easements for the Operations and Maintenance Facility South (OMF South) project.
- The properties are needed for the construction, operation, and maintenance of the OMF South project. The project will meet Sound Transit’s need to receive, test, commission, store, maintain, and operate an expanded fleet of light rail vehicles (LRVs) to support the expansion of the Link light rail system as part of Sound Transit 3. The Project will also help implement the Puget Sound Regional Council VISION 2050 and the Sound Transit Regional Transit Long Range Plan.
- Sound Transit will work with those impacted to assure they have access to relocation advisory services and other eligible relocation benefits as outlined in the Uniform Act.
- The real properties identified in this requested action are included in Exhibit A.

### Background

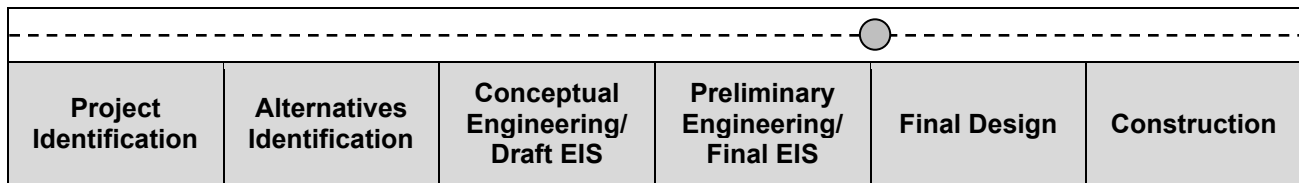
A new OMF is needed in the South corridor to receive, store and service a larger light rail vehicle fleet to support future Link light rail extensions to Tacoma, West Seattle and throughout the region. An operations and maintenance facility is where light rail trains go 24 hours a day, 365 days a year for cleaning and care. To build this new facility, Sound Transit needs approximately 60-70 acres near an operating light rail line. As part of system expansion plans, Sound Transit plans to construct a total of four OMFs across the region. In addition to this future facility in South King County (OMF South), Sound Transit currently services the existing light rail vehicle fleet at a central facility on South Forest Street in

Seattle, and at a second facility in Bellevue (OMF East). Sound Transit will also construct another OMF along the Everett Link Extension (OMF North).

Sound Transit published a Draft Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA) in 2021 that studied three alternatives: Midway Landfill, South 336th Street, and South 344th Street. After considering the Draft EIS analysis and comments received, the Sound Transit Board identified the South 336th Street alternative as the Preferred Alternative. FTA and Sound Transit published a National Environmental Policy Act (NEPA) Draft EIS / SEPA Supplemental Draft EIS in September 2023. FTA and Sound Transit published a Final EIS on June 7, 2024. On June 27<sup>th</sup>, 2024, the Sound Transit Board selected the South 336th Street Preferred Alternative as the project to be built. FTA issued its Record of Decision on August 7, 2024.

Sound Transit will acquire the property, by condemnation, if necessary, as needed for the construction, operation, and maintenance of the OMF South. 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 reach an impasse.

### Project status



OMF South Target completion: Q4 2029

Project scope, schedule and budget summary are located on page 88 of the June 2024 Agency Progress Report.

### Fiscal information

The authorized project allocation for the OMF South project is \$394,359,979. Within the \$226,959,301 right of way phase, \$74,955,019 has been previously committed. There is \$152,004,282 of uncommitted funds in the right of way phase, which is sufficient to complete the action. 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.

The current cost estimate for the OMF South project is \$1.9 billion in 2024\$ and is affordable within the Agency's Finance Plan by 2029.

As this project is pre-baselined, both the authorized project allocation for project development work and a forecasted cost estimate for the remaining project delivery and construction work are reasonably assumed in the existing Long Range Financial Plan forecast.

### Disadvantaged and small business participation

Not applicable to this action.

### Public involvement

The OMF South project sent notification letters to potentially affected properties before and after the NEPA Draft EIS to notify properties of their inclusion in the document and whether they were potentially affected by the Board-identified preferred site alternative at S. 336th Street respectively. These letters

also invited property owners to meet with the OMF South project team to get their questions regarding environmental review and property acquisition/relocation answered. In addition, the engagement team notified residents, businesses, and properties on the publication of the project's NEPA Draft/SEPA Supplemental Draft EIS in September 2023 and the Final EIS in May 2024. Notification methods included a mass mailer, social media posts, GovDelivery email updates, newspaper advertisements, and press releases.

Throughout the most recent project phase, the engagement team continued to answer property owner questions regarding project impacts and the environmental process through briefings, phone calls, and field visits. Most notably, briefings were scheduled with properties potentially impacted by future construction, where we received feedback on the evolving design of OMF South and answered questions.

## **Time constraints**

The Board has identified a target in-service date of 2029. The OMF South must be operational to receive its first LRV deliveries by 2030. The project team updated the Board on the project schedule and presented schedule recovery opportunities to meet the target in-service date for the Preferred Alternative. Property acquisition is on the critical path to meeting this target. A month delay will have a corresponding effect on meeting this schedule.

## **Prior Board/Committee actions**

Resolution No. R2024-16: Selecting the Project to be Built for the Operations & Maintenance Facility South project and amending Motion No. M2022-21.

Resolution No. R2023-26: Authorizes the chief executive officer to acquire certain real property interests, contingent on receipt of any necessary federal approvals, 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 in order to secure properties for construction, operation, and maintenance of the Tacoma Dome Link Extension and the Operations and Maintenance Facility South project.

Motion No. M2021-81: Identified the preferred alternative for the Link Operations and Maintenance Facility South Final Environmental Impact Statement.

Motion No. M2019-50: Identified Link Operations and Maintenance Facility South site alternatives for study in the Draft Environmental Impact Statement.

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**Environmental review** – EG 8/27/24

**Legal review** – PM 9/5/24



## Resolution No. R2024-19

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 Operations and Maintenance Facility South project.

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, the Operations and Maintenance Facility South project is a component of Sound Transit's high capacity system; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Operations and Maintenance Facility South project 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 Operations and Maintenance Facility South project, 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:

- A. 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 Operations and Maintenance Facility South project) 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 Operations and Maintenance Facility South project 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. R2023-30, before the acquisition of the property for the Operations and Maintenance Facility South project by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.
- B. 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. R2023-30.
- C. 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.
- D. Execute agreements for the disposition of interests in the real property identified in Exhibit A for: (1) the relocation of utilities as necessary or desirable for the Operations and Maintenance Facility South project; (2) the satisfaction of permit conditions or mitigation requirements; (3) the curing of damages to real property acquired pursuant to Exhibit A and caused by the implementation of the Operations and Maintenance Facility South project; or (4) returning real property identified in Exhibit A to previous owners for the purpose of minimizing Sound Transit's costs of operations and maintenance; provided that the foregoing dispositions of real property must be compatible with and must not interfere with regional transit system uses and must avoid the creation of unbuildable, residual parcels whenever possible.

SECTION 2. The Sound Transit Board deems the Operations and Maintenance Facility South project, 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 Operations and Maintenance Facility South project, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

SECTION 3. 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 Operations and Maintenance Facility South project.

SECTION 4. 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 Operations and Maintenance Facility South project.

SECTION 5. 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 \_\_\_\_\_.

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Dow Constantine  
Board Chair

**Attest:**

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Kathryn Flores  
Board Administrator



# Resolution No. R2024-19

## Exhibit A

### Operations and Maintenance Facility South Project

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	OMF112	7978200260	NANCY BROWN	33201 24TH AVE S FEDERAL WAY WA 98003
2	OMF125	7978200186	JOSEPHINE WIGGINTON	2253 S 333RD ST FEDERAL WAY WA 98003
3	OMF126	7978200210	ANDREW PHILLIP WEYRICK	2230 S 336TH ST FEDERAL WAY WA 98003
4	OMF127	7978200215	MARGARITA M SUAREZ	2234 S 336TH ST FEDERAL WAY WA 98003
5	OMF128	7978200220	KAMLESHWAR AND LALITA SINGH	2246 S 336TH ST FEDERAL WAY WA 98003
6	OMF129	7978200225	MARIA GARCIA	2250 S 336TH ST FEDERAL WAY WA 98003
7	OMF157	2121049068	KOREAN-AMERICAN CALVARY BAPTIST CHURCH	33838 PACIFIC HWY S FEDERAL WAY WA 98003
8	OMF163	2121049050	THORNTON F MCELROY	34020 PACIFIC HWY S FEDERAL WAY WA 98003
9	OMF164	2121049024	THORNTON F MCELROY	1700 S 340TH ST FEDERAL WAY WA 98003
10	OMF165	2121049041	DEANNA DEE HOBSON AND TERRANCE POWE	1724 S 340TH ST FEDERAL WAY WA 98003
11	OMF166	2121049042	DEANNA DEE HOBSON AND TERRANCE POWE	1800 S 340TH ST FEDERAL WAY WA 98003
12	OMF167	2121049040	KEVIN HYPPA	1816 S 340TH ST FEDERAL WAY WA 98003
13	OMF168	2121049039	ROBERT R LLOYD	1828 S 340TH ST FEDERAL WAY WA 98003
14	OMF169	2121049047	RUDY AND SHERI L VALIANI	1920 S 340TH ST FEDERAL WAY WA 98003
15	OMF170	3903800160	INSTITUTE FOR FAMILY DEVELOPMENT	34004 16TH AVE S FEDERAL WAY WA 98003
16	OMF175	3903800100	KUBAY INVESTMENT LLC	34008 18TH PL S FEDERAL WAY WA 98003

17	OMF176	3903800090	MARK ALAN HENTGES	1800 S 341ST PL FEDERAL WAY WA 98003
18	OMF177	3903800080	TRISON ENTERPRISES INC	1820 S 341ST PL FEDERAL WAY WA 98003
19	OMF178	3903800070	FEDERAL WAY LLC	1908 S 341ST PL FEDERAL WAY WA 98003
20	OMF179	3903800060	QUANG HUYNH	1916 S 341ST PL FEDERAL WAY WA 98003
21	OMF180	2121049082	NFS TOWING LLC	1924 S 341ST PL FEDERAL WAY WA 98003
22	OMF181	2121049061	R & K PROPERTIES LLC	2102 S 341ST PL FEDERAL WAY WA 98003
23	OMF182	2121049085	R & K PROPERTIES LLC	2110 S 341ST PL FEDERAL WAY WA 98003