

**SOUND TRANSIT**

**RESOLUTION NO. R99-8**

**Insert correct legal descriptions for certain Real Properties which the Executive Director was authorized to acquire, dispose, or lease by negotiated purchase or by condemnation by Resolution 98-50.**

**BACKGROUND AND COMMENTS**

| <b>Meeting:</b> | <b>Date:</b> | <b>Type of Action:</b>     | <b>Staff Contact:</b> | <b>Phone:</b> |
|-----------------|--------------|----------------------------|-----------------------|---------------|
| Board           | 2/11/99      | Discussion/Possible Action | Larry Ellington       | 689-7442      |

**ACTION:**

Resolution 98-50, adopted November 12, 1998 by the Board of the Central Puget Sound Regional Transit Authority, authorized and delegated authority to the Executive Director to acquire, dispose, or lease all real property interests by voluntary agreement or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for commuter rail stations in Puyallup, Sumner, Auburn and Kent, Washington, as necessary for the construction and operation of the Tacoma to Seattle Commuter Rail Project ("the Project"). The descriptions of certain real properties identified in Exhibit "A" to Resolution 98-50 were incorrectly stated and must be revised to properly reflect the legal descriptions.

**BACKGROUND:**

Resolution 98-50 authorized the Executive Director to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests by voluntary agreement, or in lieu of agreement, to acquire all, any portion thereof, of the property identified in Exhibit "A" to Resolution 98-50 by condemnation for the construction and operation of the Tacoma to Seattle Commuter Rail Stations in Puyallup, Sumner, Auburn and Kent, Washington, and that eligible parties be paid relocation and re-establishment costs associated with displacement from the properties. In subsequent information received from the title company, staff noted several discrepancies in the legal descriptions of certain real property identified as "Signal Electric/Burdic Feed, Inc.; BNSF/Burdic Feed, Inc.," and "Washington Cold Storage, Inc." in Exhibit "A". This resolution is necessary to provide the corrected legal descriptions for the record. The revised legal descriptions are consistent with the property boundaries under negotiations with property owners and tenants.

## **RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:**

- Sound Move
- Resolution 78-1
- Approved Real Property Acquisition and Relocation Policies, Procedures and Guidelines on April 23, 1998.
- 1998 Budget, adopted by Resolution 101, December 11, 1997
- Adoption of Motion 98-43 wherein staff was directed to begin the property acquisition process and station design process for the Tacoma-to-Seattle Commuter Rail Project upon receipt of a Finding of No Significant Impact (FONSI) from the Federal Transit Administration (FTA) in June 1998.
- Resolution 98-50 adopted November 12, 1998.

## **COST:**

There are no costs associated with this corrective action.

## **LEGAL REVIEW:**

The Background and Comments and Resolution have been reviewed and approved by the Legal Department.

## **ALTERNATIVES:**

- No alternatives have been identified.

## **CONSEQUENCES OF DELAY:**

Delay in authorization will result in delay of acquisition and vacation of property, which could negatively affect the construction schedule of the Sounder project.

## **SOUND TRANSIT**

### **RESOLUTION NO. R99-8**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority amending Resolution 98-50, adopted November 12, 1998, to insert the correct legal descriptions for certain real properties which the Executive Director was authorized to acquire, dispose, or lease by negotiated purchase or by condemnation by Resolution 98-50.

WHEREAS, Resolution 98-50, adopted November 12, 1998 by the Board of the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, authorized the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Tacoma to Seattle Commuter rail stations in Puyallup, Sumner, Auburn and Kent, Washington; and

WHEREAS, the legal descriptions of certain real property for the commuter rail station in Kent identified as "Signal Electric, Inc./Burdic Feed, Inc.; BNSF/Burdic Feed Inc", and "Washington Cold Storage, Inc." in Exhibit "A" to Resolution 98-50 were incorrectly stated and

WHEREAS, additional information having now been received and verified, it is necessary to revise the legal descriptions;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

SECTION 1. Exhibit A of Resolution 98-50 is hereby amended as follows:

A. Page 2: Delete entire map of Kent Station. The map hereby deleted by this Amendment is attached hereto as Exhibit A.

Replace the deleted page 2 with the map in Exhibit A-1 attached hereto, said Exhibit A-1 being hereby incorporated into and becoming part of Exhibit A to Resolution 98-50.

B. Page 3: Delete the entire text of page 3 (containing the legal descriptions of Signal Electric, Inc/Burdic Feed, Inc, Parcel No. A 917960 1585 04, 203 E. Smith St. Kent; and BNSF/Burdic Feed Inc., Parcel No. B 242204 9167 02, 310 Railroad Ave, N. Kent). The page hereby deleted by this amendment is attached hereto as Exhibit B.

Replace the deleted page 3 with the language contained in Exhibit B-1 attached hereto, said Exhibit B-1 being hereby incorporated into and becoming part of Exhibit A to Resolution 98-50.

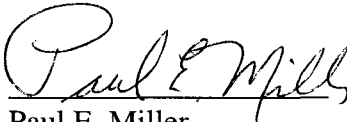
C. Page 4: Delete the entire text of page 4 (containing the legal descriptions of Washington Cold Storage, Inc./ Richard W. Fischer President, Fischer Properties, Parcel No. 184970 0005 03, 621 Railroad Ave. N. Kent; and Washington Cold Storage, Inc., Parcel No. 242204 9168 01, N. Railroad Pioneer, Kent). The page hereby deleted by this amendment is attached hereto as Exhibit C.

Replace the deleted page 4 with the language contained in Exhibit C-1 attached hereto, said Exhibit C-1 being hereby incorporated into and becoming part of Exhibit A to Resolution 98-50.

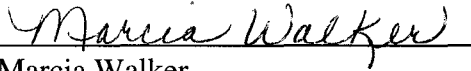
SECTION 2. Except as explicitly amended herein, all provisions and sections of Resolution 98-50 shall remain in full force and effect, and all provisions and sections of Resolution 98-50 authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and

operation of the Tacoma to Seattle Commuter rail stations in Puyallup, Sumner, Auburn and Kent, Washington apply to the amended legal descriptions adopted herein.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 11<sup>th</sup> day of February, 1999.

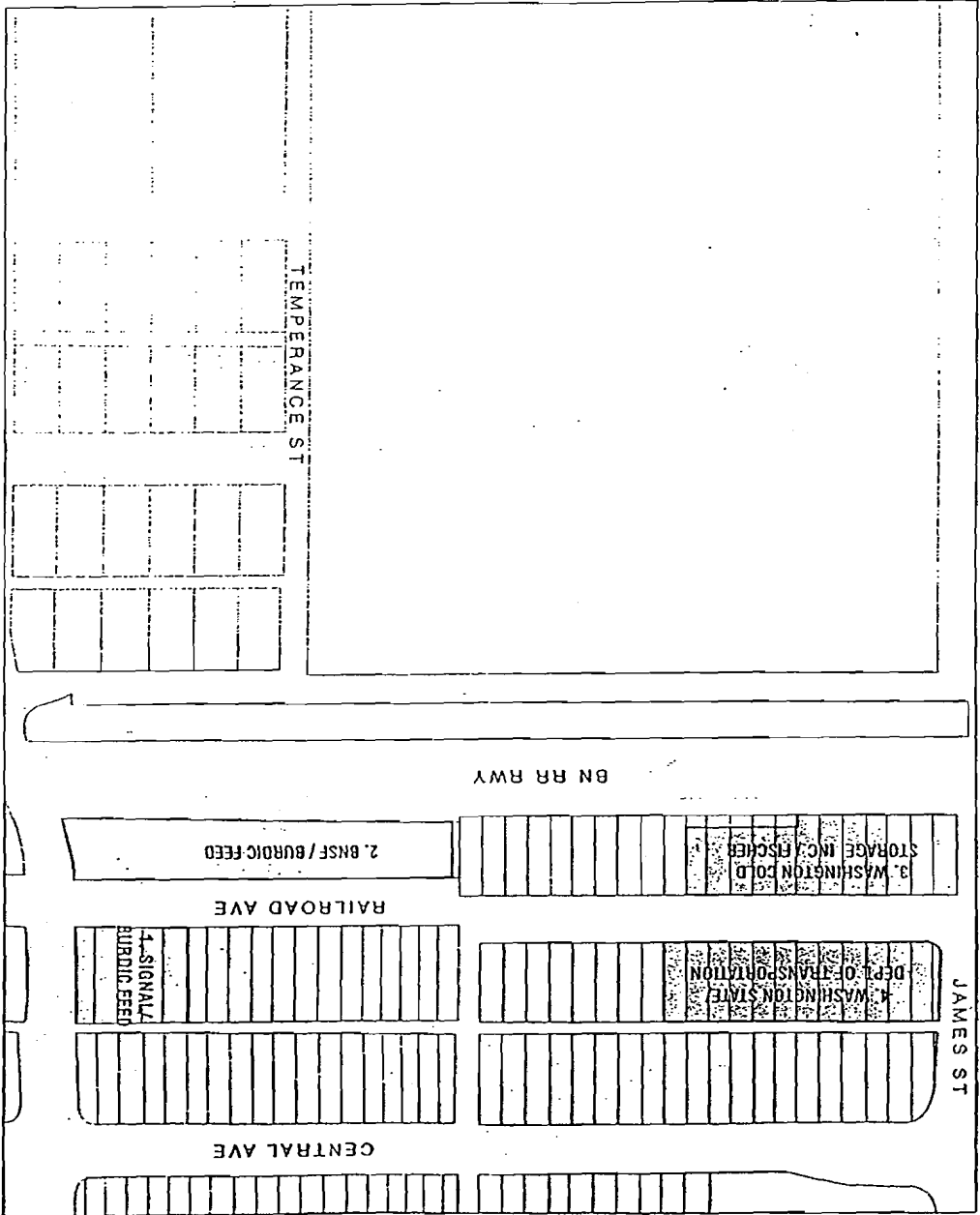
  
Paul E. Miller  
Board Chair

ATTEST:

  
Marcia Walker  
Board Administrator

Kent Station

EXHIBIT A

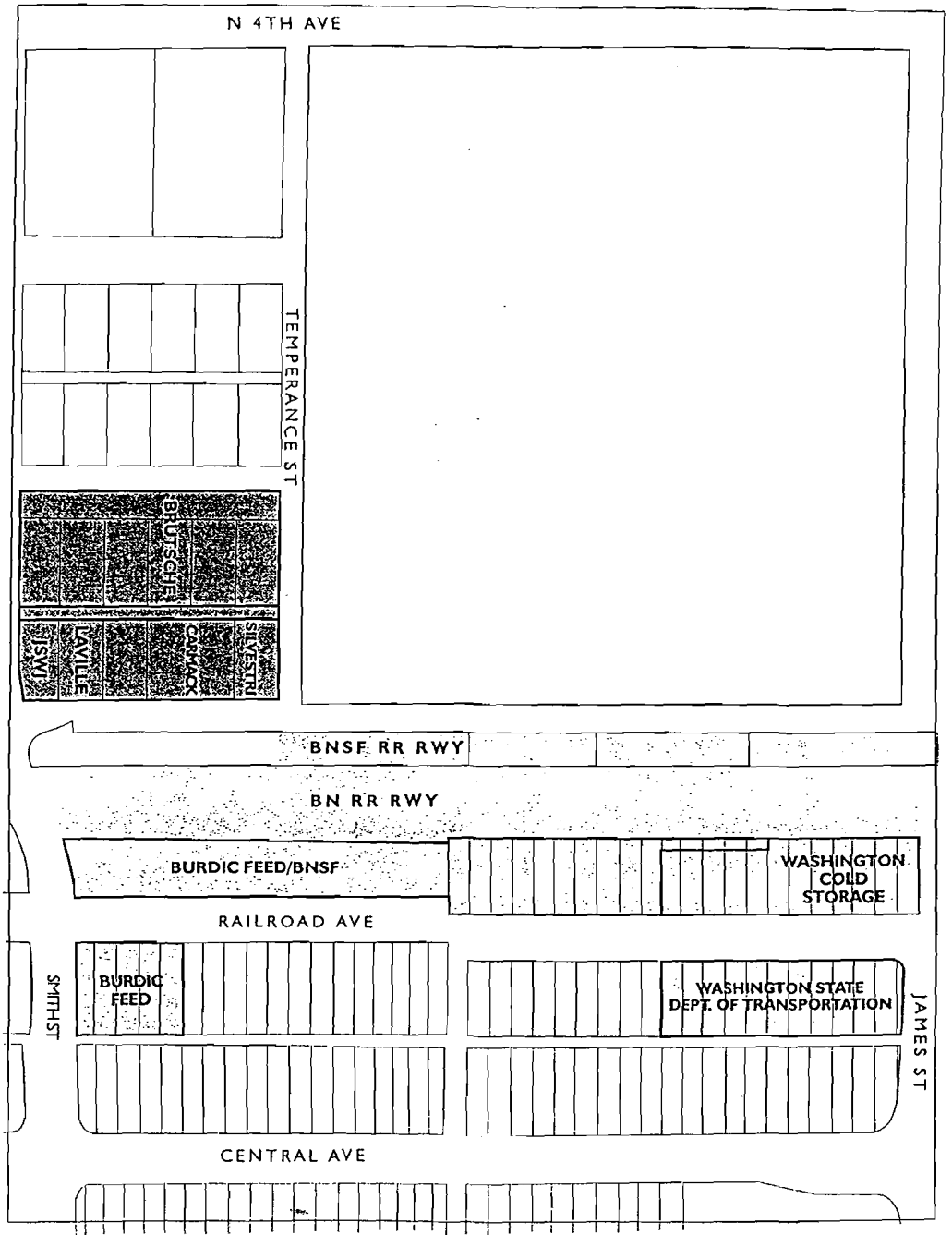


200-1-198





February 8, 1999



# EXHIBIT B

| Station | Owner/Contact  | Parcel: #                              | Site Address                                     |
|---------|--|--|--|
| Kent    | 1. Signal Electric, Inc./Burdic Feed, Inc.<br>BNSF/Burdic Feed, Inc. | A: 917960 1585 04<br>B: 242204 9167 02 | 203 E Smith St, Kent<br>301 Railroad Ave N, Kent |

## DESCRIPTION:

### PARCEL A:

LOTS 1, 2, 3, 4 END 5, BLOCK 17, WASHINGTON CENTRAL IMPROVEMENTS COMPANY'S FIRST ADDITION TO THE TOWN OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 97, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF LOT 1 IN BLOCK 17 OF WASHINGTON CENTRAL IMPROVEMENT CO.'S FIRST ADDITION TO THE TOWN OF KENT, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 97, RECORDS OF KING COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 1.95 FEET; THENCE SOUTH  $87^{\circ}40'01''$  WEST, A DISTANCE OF 29.85 FEET, THENCE SOUTH  $85^{\circ}45'28''$  WEST, A DISTANCE OF 11.95 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, AS CONVEYED TO THE CITY OF KENT BY QUIT CLAIM DEED RECORDED UNDER RECORDING NO. 8604170192.

### PARCEL B:

THAT PORTION OF THE BURLINGTON NORTHERN RAILROAD COMPANY SEATTLE LINE BRANCH IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 17, WASHINGTON CENTRAL IMPROVEMENT COMPANY'S FIRST ADDITION, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 97, RECORDS OF KING COUNTY;

THENCE SOUTH  $89^{\circ}01'22''$  WEST 68.09 FEET, MORE OR LESS TO THE WEST LINE OF RAILROAD AVENUE AND THE TRUE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE WESTERLY BOUNDARY OF RAILROAD AVENUE 492.00 FEET TO THE NORTH LINE OF EAST SMITH STREET; THENCE SOUTH  $89^{\circ}01'22''$  WEST 74.87 FEET, MORE OR LESS, TO A POINT IN A LINE 8.5 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MOST EASTERLY TRACK OF SAID BURLINGTON NORTHERN RAILROAD COMPANY, THENCE NORTHERLY PARALLEL WITH AND DISTANT 8.5 FEET EASTERLY OF SAID TRACK CENTERLINE 515 FEET; THENCE NORTH  $89^{\circ}01'22''$  EAST 73.68 FEET, MORE OR LESS, TO THE WESTERLY BOUNDARY LINE OF SAID RAILROAD AVENUE; THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY LINE 23 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPT ANY PORTION THEREOF LYING WITHIN VACATED PIONEER STREET;

AND EXCEPT THE NORTH 10 FEET OF THE REMAINDER LYING SOUTH OF VACATED PIONEER STREET.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.



EXHIBIT B-1

| Station | Owner/Contact          | Parcel #       | Site Address             |
|---------|------------------------|----------------|--------------------------|
| Kent    | Burdic Feed, Inc.      | 917960 1585 04 | 203 E Smith St, Kent     |
|         | Burdic Feed, Inc.      | 242204 9167 02 | 301 Railroad Ave N, Kent |
|         | BNSF/Burdic Feed, Inc. | 184970 0006 02 | No Site Address          |

DESCRIPTION:

PARCEL A:

LOTS 1, 2, 3, 4 AND 5, BLOCK 17, WASHINGTON CENTRAL IMPROVEMENTS COMPANY'S FIRST ADDITION TO THE TOWN OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 97, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF LOT 1 IN BLOCK 17 OF WASHINGTON CENTRAL IMPROVEMENT CO.'S FIRST ADDITION TO THE TOWN OF KENT, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 97, RECORDS OF KING COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 1.95 FEET; THENCE SOUTH 87°40'01" WEST, A DISTANCE OF 29.85 FEET, THENCE SOUTH 85°45'28" WEST, A DISTANCE OF 11.95 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, AS CONVEYED TO THE CITY OF KENT BY QUIT CLAIM DEED RECORDED UNDER RECORDING NO. 8604170192.

PARCEL B:

THAT PORTION OF THE BURLINGTON NORTHERN RAILROAD COMPANY SEATTLE LINE BRANCH IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 17, WASHINGTON CENTRAL IMPROVEMENT COMPANY'S FIRST ADDITION, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 97, RECORDS OF KING COUNTY;

THENCE SOUTH 89°01'22" WEST 68.09 FEET, MORE OR LESS, TO THE WEST LINE OF RAILROAD AVENUE AND THE TRUE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE WESTERLY BOUNDARY OF RAILROAD AVENUE 492.00 FEET TO THE NORTH LINE OF EAST SMITH STREET; THENCE SOUTH 89°01'22" WEST 74.87 FEET, MORE OR LESS, TO A POINT IN A LINE 8.5 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MOST EASTERLY TRACK OF SAID BURLINGTON NORTHERN RAILROAD COMPANY, THENCE NORTHERLY PARALLEL WITH AND DISTANT 8.5 FEET EASTERLY OF SAID TRACK CENTERLINE 515 FEET; THENCE NORTH 89°01'22" EAST 73.68 FEET, MORE OR LESS, TO THE WESTERLY BOUNDARY LINE OF SAID RAILROAD AVENUE; THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY LINE 23 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPT ANY PORTION THEREOF LYING WITHIN VACATED PIONEER STREET;

AND EXCEPT THE NORTH 10 FEET OF THE REMAINDER LYING SOUTH OF VACATED PIONEER STREET.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

PARCEL C:

LOTS 8 THROUGH 13 INCLUSIVE, EXCEPT THE EAST 90 FEET THEREOF, AND ALL OF LOTS 14 THROUGH 21, ALL IN BLOCK 1, CROSS' ADDITION TO THE CITY OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 9, RECORDS OF KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED PIONEER STREET LYING BETWEEN THE EAST AND WEST LINES OF LOT 21 EXTENDED SOUTH, VACATED JULY 18, 1946 BY CITY OF KENT ORDINANCE NO. 767, AS ATTACHED TO SAID PREMISES BY OPERATION OF LAW;

AND TOGETHER WITH THE NORTH 10 FEET OF THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M. IN KING COUNTY, WASHINGTON, LYING SOUTH OF THE SOUTH MARGIN OF VACATED PIONEER STREET, EAST OF THE 100 FOOT RAILROAD RIGHT OF WAY, AND WEST OF THE WEST MARGIN OF RAILROAD AVENUE.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

# EXHIBIT C

| Station | Owner/Contact  | Parcel #       | Site Address             |
|---------|--|----------------|--------------------------|
| Kent    | Washington Cold Storage, Inc./<br>Richard W. Fischer<br>President, Fischer Properties<br>Washington Cold Storage, Inc. | 184970 0005 03 | 621 Railroad Ave N, Kent |
|         |  | 242204 9168 01 | N Railroad Pioneer, Kent |

**DESCRIPTION:**

LOTS 1 THROUGH 7, INCLUSIVE, AND THE EAST 90 FEET OF THE NORTH 26 FEET OF LOT 8, BLOCK 1, CROSS' ADDITION TO THE CITY OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 9, RECORDS OF KING COUNTY, WASHINGTON;

SITUATE IN THE COUNTY OF KING STATE OF WASHINGTON.

**DESCRIPTION:**

THE EAST 90 FEET OF LOTS 9, 10, 11 AND 12, BLOCK 1, CROSS' ADDITION TO THE CITY OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 9, RECORDS OF KING COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

| Station | Owner/Contact  | Parcel #       | Site Address               |
|---------|--|----------------|----------------------------|
| Kent    | Washington State/Dept. of<br>Transportation<br>Francis Cal<br>Manager, Property Management | 184970 0050 07 | 200 E. James St., Kent     |
|         |  | 184970 0070 03 | 600 Railroad Ave. N., Kent |
|         |  | 184970 0080 01 | Railroad Ave N., Kent      |
|         |  | 184970 0105 02 | Railroad Ave N., Kent      |
|         |  | 184970 0110 05 | Railroad Ave N., Kent      |

**DESCRIPTION:**

LOTS 1 THROUGH 13, BLOCK 2, CROSS' ADDITION TO THE CITY OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 9, RECORDS OF KING COUNTY, WASHINGTON; EXCEPT THOSE PORTIONS OF LOTS 1 AND 2 LYING NORTHWESTERLY AND NORTHERLY OF THE FOLLOWING DESCRIBE LINE:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID LOT 2 A DISTANCE OF 21.67 FEET NORTHERLY FROM THE SOUTHWEST CORNER THEREOF: THENCE NORTHERLY, NORTHEASTERLY AND EASTERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.0 FEET AND A CENTRAL ANGLE OF 96°01'46" AN ARC DISTANCE OF 33.52 FEET; THENCE TANGENT TO SAID CURVE SOUTH 83°46'38" EAST 80.25 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 1 THAT IS 5.05 FEET NORTHERLY FROM THE SOUTHEAST CORNER THEREOF AND THE END OF THIS LINE DESCRIPTION.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

EXHIBIT C-1

| Station | Owner/Contact   | Parcel #       | Site Address             |
|---------|---|----------------|--------------------------|
| Kent    | Washington Cold Storage, Inc.                           | 184970 0005 03 | 621 Railroad Ave N, Kent |
|         | Mr. Richard W. Fischer<br>President, Fischer Properties | 242204 9168 01 | N Railroad/Pioneer, Kent |

DESCRIPTION:

PARCEL A:

THE EAST 90 FEET OF SOUTH 4.0 FEET OF LOT 8 AND THE EAST 90 FEET OF LOTS 9, 10, 11, 12, AND 13, BLOCK 1, CROSS ADDITION TO THE CITY OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 9, RECORDS OF KING COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

PARCEL B:

LOTS 1 THROUGH 7, INCLUSIVE, AND THE EAST 90 FEET OF THE NORTH 26 FEET OF LOT 8, BLOCK 1, CROSS ADDITION TO THE CITY OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 9, RECORDS OF KING COUNTY, WASHINGTON;

SITUATE IN THE COUNTY OF KING STATE OF WASHINGTON.

| Station | Owner/Contact                                   | Parcel #       | Site Address               |
|---------|---|----------------|----------------------------|
| Kent    | Washington State Dept. of<br>Transportation     | 184970 0050 07 | 200 E. James St., Kent     |
|         | Ms. Francis Cal<br>Manager, Property Management | 184970 0070 03 | 600 Railroad Ave. N., Kent |
|         |   | 184970 0080 01 | Railroad Ave N., Kent      |
|         |   | 184970 0105 02 | Railroad Ave N., Kent      |
|         |   | 184970 0110 05 | Railroad Ave N., Kent      |

DESCRIPTION:

LOTS 1 THROUGH 13, BLOCK 2, CROSS' ADDITION TO THE CITY OF KENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 9, RECORDS OF KING COUNTY, WASHINGTON; EXCEPT THOSE PORTIONS OF LOTS 1 AND 2 LYING NORTHWESTERLY AND NORTHERLY OF THE FOLLOWING DESCRIBE LINE:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID LOT 2 A DISTANCE OF 21.67 FEET NORTHERLY FROM THE SOUTHWEST CORNER THEREOF: THENCE NORTHERLY, NORTHEASTERLY AND EASTERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.0 FEET AND A CENTRAL ANGLE OF 96°01'46" AN ARC DISTANCE OF 33.52 FEET; THENCE TANGENT TO SAID CURVE SOUTH 83°46'38" EAST 80.25 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 1 THAT IS 5.05 FEET NORTHERLY FROM THE SOUTHEAST CORNER THEREOF AND THE END OF THIS LINE DESCRIPTION.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.