

SOUND TRANSIT

RESOLUTION NO. R99-18

Acquisition of certain Real Property, by purchase or condemnation, and payment of eligible relocation and reestablishment benefits to affected parties for Tacoma-to-Seattle Commuter Rail Project

BACKGROUND AND COMMENTS

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	6/18/99	Discussion and Recommend Board Approval	Larry Ellington	398-5026
Board	7/8/99	Discussion/Possible Action	Larry Ellington	398-5026

ACTION:

The Board is requested to authorize and to delegate to the Executive Director the authority to acquire certain real property interests by voluntary agreement or by condemnation and to pay eligible relocation and reestablishment benefits to affected parties as necessary for the construction of the Kent Commuter Rail Station Parking Garage. Funding for acquisition and relocation will come from the estimated Right-of-Way acquisition cost for the Kent Commuter Rail station which is part of the overall Sounder Commuter Rail budget. Sufficient funding for acquisition and relocation is contingent upon Board approval of proposed budget amendment Resolution No. R99-13.

BACKGROUND:

Kent Parking Garage

After completion of the Tacoma-to-Seattle Commuter Rail Environmental Assessment, the Kent City Council expressed a preference for a structured parking facility in lieu of portions of the surface parking at the Kent commuter rail station and authorized contributing up to \$4 million for the Kent Commuter Rail Station Parking Garage. By Motion No. M98-90, adopted December 10, 1998, the Board selected a 2.4-acre site for the Kent Commuter Rail Station Parking Garage. The Sound Transit staff subsequently identified the real property necessary for construction and operation of the parking facility. The requested action would authorize the acquisition of this real property.

The real properties ("Properties") identified in this requested action (see Exhibit A to Resolution No. R99-18) are consistent with the Environmental Assessment for the Tacoma-to-Seattle Commuter Rail Project and the Supplemental Environmental Assessment for the Kent parking garage.

Staff will continue to inform the Executive Director and Board members regularly on the status of any condemnation case(s) prior to filing, completed voluntary acquisitions, and relocation agreements reached. Staff will return to the Executive Committee or the Board, pursuant to Resolution 78-1, if negotiated purchases, relocation agreements, condemnation litigation settlements, or administrative settlements (settlements in lieu of filing condemnation) exceed the authorized amounts.

FUNDING:

Funding for acquisition and relocation will come from the estimated Right-of-Way acquisition cost for the Kent Commuter Rail station which is part of the overall Sounder Commuter Rail budget. Sufficient funding for acquisition and relocation is contingent upon Board approval of a Sounder budget amendment.

The 1999 Commuter Rail budget authorized \$3.62 million for acquisition of Right of Way at the Kent Station. Updated budget estimates, based upon parcel appraisal information and relocation analyses indicate that the Right-of-Way budget should be increased to \$2.9 million. By separate Resolution (R99-13), Sounder concurrently proposes to fund this \$2.9 million increase through a budget amendment. Board authorization to acquire the properties for the Kent Station as identified in Exhibit A attached to Resolution No. R99-18 is contingent upon Board approval of this proposed budget resolution.

RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:

- Adoption of SoundMove (May 31, 1996)
- Resolution 78-1, establishing delegation of authority and procedures for procurement and acquisition of property (April 9, 1998)
- Approval of Real Property Acquisition and Relocation Policies, Procedures and Guidelines (April 23, 1998)
- Resolution No. R98-49, adopting 1999 Budget (November 12, 1998)
- Motion No. M98-43, directing staff 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 (June 11, 1998).
- Motion No. M98-90, selecting a site for the Kent Commuter Rail Station Parking Garage (December 10, 1998)

ALTERNATIVES:

- Seek Board or Executive Committee approval for each real property acquisition, relocation agreement, condemnation action, and/or settlement of litigation.

CONSEQUENCES OF DELAY:

Following Board approval of Motion No. M98-90 in December 1998 selecting a site for the Kent Commuter Rail Station Parking Garage, owners and tenants of property at the site were advised of pending station construction and the need for their property. Appraisals, site assessments, and relocation benefit assessments were completed for each property, and offers to purchase have been submitted to most owners, subject to Board approval. Delay in authorization creates additional uncertainty for displaced owners and tenants and affects their ability to proceed with a timely and orderly relocation to accommodate *Sounder* project construction.

LEGAL REVIEW:

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

SOUND TRANSIT

RESOLUTION NO. R99-18

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation, by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and reestablishment benefits to affected parties as necessary for the construction and operation of the Kent Commuter Rail Station Parking Garage for the Tacoma-to Seattle Commuter Rail Project.

WHEREAS, a Regional Transit Authority (“Sound Transit”) has been created for the Pierce, King, and Snohomish County region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, Central Puget Sound area voters approved local funding for *Sound Move*, the ten-year plan for regional high-capacity transit in the Central Puget Sound Region; and

WHEREAS, *Sound Move* provided for the implementation of high capacity commuter rail service between Tacoma and Seattle, and further provided for the construction, operation and permanent location of nine (9) rail stations in Tacoma, Puyallup, Sumner, Auburn, Kent, Tukwila and Seattle; and

WHEREAS, in compliance with the National Environmental Policy Act (“NEPA”), the Federal Transit Administration (“FTA”) conducted an environmental assessment of the proposed locations for the nine (9) Commuter Rail Stations, and in June 1998 issued a finding of no significant environmental impact. In compliance with the State Environmental Policy Act (“SEPA”), Sound Transit considered and adopted the FTA’s environmental assessment for the Tacoma-Seattle commuter rail project; and

WHEREAS, the Kent City Council adopted a motion stating its preference for a structured parking facility (parking garage) in lieu of portions of the surface parking at the Kent commuter rail station, and authorized contributing up to \$4 million for the Kent Commuter Rail Station Parking Garage; and

WHEREAS, in compliance with NEPA, the FTA conducted a supplemental environmental assessment of a structured parking garage at several sites near the Kent commuter rail station and on December 4, 1998 issued a finding of no significant environmental impact. In compliance with SEPA, Sound Transit considered and adopted the FTA's supplemental environmental assessment for the Kent Commuter Rail Station Parking Garage; and

WHEREAS, by Motion No. M98-90, the Sound Transit Board selected a 2.4 acre site for the Kent Commuter Rail Station Parking Garage, and Sound Transit has identified certain real properties as necessary to the construction and operation of the parking garage which properties are reasonably described in Exhibit A attached hereto; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and permanent location of the Kent Commuter Rail Parking Garage, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property described in Exhibit A for public purposes, and to pay eligible relocation and reestablishment benefits to affected parties; and

WHEREAS, Sound Transit has commissioned 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 pay eligible relocation and reestablishment costs shall be paid from Sound Transit's Sounder Commuter Rail budget.

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

SECTION 1. The Executive Director is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in Exhibit A, and for the payment of eligible relocation and reestablishment costs, said property to be used for the construction of the Kent Commuter Rail Station Parking Garage. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties shall 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 exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency) for the Kent station location, then the Executive Director shall obtain approval from the appropriate committee or the Board, per Resolution 78-1, before the acquisition of the property for that station by purchase or by condemnation and the payment of eligible relocation and reestablishment costs.

SECTION 2 The Executive Director is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the real property interests described in Exhibit A. Such settlements shall be made only upon the recommendation of legal counsel, for amounts deemed to be a reasonable estimation of fair market value, and shall not exceed established budgets. For

all other settlements proposed, the Executive Director shall obtain prior approval of the appropriate committee or the Board, per Resolution 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Kent Commuter Rail Parking Garage to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within the Sound Transit district boundaries to acquire the property identified herein as being necessary for the construction, operation and permanent location of the Kent Commuter Rail Station Parking Garage. The Board directs that all, or any portion thereof, of the property identified herein be immediately acquired by voluntary agreement, or in lieu of agreement, that said properties be condemned, appropriated, taken and damaged for the construction, operation of the Kent Commuter Rail Parking Garage, said properties being described in Exhibit A incorporated herein by reference and that eligible parties be paid relocation and reestablishment costs associated with displacement 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 the above-described properties be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation and permanent location of the Kent Commuter Rail Station Parking Garage.

SECTION 5. Sound Transit has complied with the State Environmental Policy Act, the guidelines of WAC Chapter 197-11, and its SEPA procedures (Resolution R7-1) with respect to this resolution authorizing condemnation proceedings.

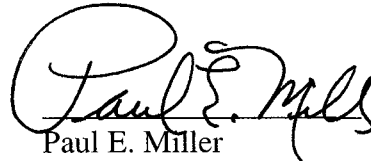
SECTION 6. In addition to the authority granted the Executive Director in Section 1 above, condemnation proceedings are hereby authorized and the authority is hereby delegated to the Executive Director to take action as related to such condemnation proceedings to acquire all, or any portion thereof, of the properties and property rights and/or rights in the properties

described in the attached Exhibit A for the purpose of constructing, owning and operating the Kent Commuter Rail Station Parking Garage.

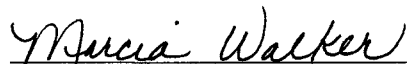
SECTION 7. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit's Sounder Commuter Rail Budget.

ADOPTED by the Board of the Central Puget Sound Regional Transit

Authority at a regular meeting thereof held on the 8th day of July, 1999.


Paul E. Miller
Board Chair

ATTEST:



Marcia Walker
Board Administrator

R99-18 - EXHIBIT A

Station	Owner/Contact	Parcel #	Site Address
Kent	Mr. & Mrs. Leo C. Brutsche	714280 0135 05	223 W Smith St Kent 98032

LEGAL DESCRIPTION:

Lots 1, 2, 3, 4, 5 and 6 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington;
Together with that portion of vacated Second Avenue adjoining, which upon vacation under City of Kent Ordinance No. 2779, recording No. 8807130681, attached to said property by operation of law.

Station	Owner/Contact	Parcel #	Site Address
Kent	JSWJ Partnership	714280 0160 03	301 1st Ave N Kent 98032

LEGAL DESCRIPTION:

Lot 7 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington;
Except that portion conveyed to the City of Kent by recording Nos. 7607010194 and 7607010195 described as follows:
That portion of Lot 7 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington, described as follows:
Beginning at the southeast corner of said Lot; thence north along the east line of said Lot a distance of 10 feet; thence in a southwesterly direction to a point on the south line of said Lot which lies 65 feet west of beginning; thence east to beginning.

Station	Owner/Contact	Parcel #	Site Address
Kent	Laville and Rasmussen	714280 0165 08	311 1st Ave N Kent 98032

LEGAL DESCRIPTION:

Lot 8 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington.

R99-18 - EXHIBIT A - continued

Station	Owner/Contact	Parcel #	Site Address
Kent	Richard Carmack	714280 0170 01	317 1st Ave N Kent 98032
		714280 0171 00	319 1st Ave N Kent 98032

LEGAL DESCRIPTION:

Lots 9 and 10 in block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington.

Station	Owner/Contact	Parcel #	Site Address
Kent	Dan & Lanny Silvestri	714280 0180 09	327 1st Ave N Kent 98032
		714280 0185 04	321 1st Ave N Kent 98032

LEGAL DESCRIPTION:

Parcel A:

Lot 11 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington.

Parcel B:

Lot 12 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington.

R99-18 - EXHIBIT A

Station	Owner/Contact	Parcel #	Site Address
Kent	Mr. & Mrs. Leo C. Brutsche	714280 0135 05	223 W Smith St Kent 98032

LEGAL DESCRIPTION:

Lots 1, 2, 3, 4, 5 and 6 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington;
Together with that portion of vacated Second Avenue adjoining, which upon vacation under City of Kent Ordinance No. 2779, recording No. 8807130681, attached to said property by operation of law.

Station	Owner/Contact	Parcel #	Site Address
Kent	JSWJ Partnership	714280 0160 03	301 1st Ave N Kent 98032

LEGAL DESCRIPTION:

Lot 7 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington;
Except that portion conveyed to the City of Kent by recording Nos. 7607010194 and 7607010195 described as follows:
That portion of Lot 7 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington, described as follows:
Beginning at the southeast corner of said Lot; thence north along the east line of said Lot a distance of 10 feet; thence in a southwesterly direction to a point on the south line of said Lot which lies 65 feet west of beginning; thence east to beginning.

Station	Owner/Contact	Parcel #	Site Address
Kent	Laville and Rasmussen	714280 0165 08	311 1st Ave N Kent 98032

LEGAL DESCRIPTION:

Lot 8 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington.

R99-18 - EXHIBIT A - continued

Station	Owner/Contact	Parcel #	Site Address
Kent	Richard Carmack	714280 0170 01	317 1st Ave N Kent 98032
		714280 0171 00	319 1st Ave N Kent 98032

LEGAL DESCRIPTION:

Lots 9 and 10 in block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington.

Station	Owner/Contact	Parcel #	Site Address
Kent	Dan & Lanny Silvestri	714280 0180 09	327 1st Ave N Kent 98032
		714280 0185 04	321 1st Ave N Kent 98032

LEGAL DESCRIPTION:

Parcel A:

Lot 11 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington.

Parcel B:

Lot 12 in Block 3 of Ramsay's Addition to the town of Kent, according to Plat recorded in Volume 16 of Plats at page(s) 89, in King County, Washington.