

SOUND TRANSIT

RESOLUTION NO. R99-24

**Acquisition of 99-year Lease and Development Agreement, with Option to Purchase, from City of Sumner for Tacoma-to-Seattle Commuter Rail Project
BACKGROUND AND COMMENTS**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	7/16/99	Discussion/Possible Action to Recommend Board Approval	Larry Ellington	398-5026
Board	7/22/99	Discussion/Possible Action	Larry Ellington	398-5026

ACTION:

Approval of Resolution No. R99-24 would authorize the Executive Director to execute a 99-year lease and development agreement with the City of Sumner for lease and development of the Sumner Commuter Rail Station. Funding for acquisition will come from the estimated Right-of-Way acquisition costs for the Sumner Commuter Rail station, which is part of the overall Sounder Commuter Rail budget.

BACKGROUND:

Sumner Station

Consistent with the Tacoma to Seattle Commuter Rail Environmental Assessment, Sound Transit staff identified certain real property necessary for construction and operation of the Sumner Commuter Rail Station in cooperation with the City of Sumner. By Motion No. M98-50, the Board authorized acquisition of the majority of the real property to be leased from the City. The requested action would authorize the lease of additional street rights-of-way and fund related off-site improvements benefiting the station.

Property for the station is vacant with the exception of the City of Sumner's public works facility (approximately 1/2 acre). The City has secured a replacement site, but will not be able to vacate its existing facility until the replacement public works facility is constructed. The City considers funding from this agreement instrumental in constructing its replacement facility. Station construction would proceed on the vacant portion of the site, and development of station parking on the public works facility site would be deferred until after the City moves the facility (projected to be early 2000).

Sound Transit has negotiated a 99-lease and development agreement, including an option to purchase, with the City of Sumner for certain real property and street rights of way. Contamination was found on portions of the site and the lease will allow Sound Transit to minimize potential liabilities and remediation costs associated with the contamination since under the lease the City will assume responsibility for clean up as required by the State Model Toxics Control Act. Furthermore,

this lease agreement will allow Sound Transit to develop certain street rights of way as part of the station without the necessity of street vacations, and will provide partial funding to the City of Sumner for development of adjacent street improvements benefiting both the City and Sound Transit. Sound Transit's contribution to street improvements is intended, to the extent possible, to fulfill all development permit mitigation conditions imposed by the City.

FUNDING:

Funding for acquisition will come from the estimated Right-of-Way acquisition cost for the Sumner Commuter Rail station which is part of the overall Sounder Commuter Rail budget.

Cost Breakdown

99-year Lease Cost: \$882,000 (lump sum)
\$714,000 initial payment, and additional \$168,000 upon vacation of public works facility

Option to purchase 2.71 acres of fee property, if exercised: \$68,000

ST contribution to improvements for Traffic Avenue to be completed by City of Sumner: \$150,000

ST contribution to connecting roadway to be completed by City of Sumner: \$300,000

Contribution by City of Sumner for station restroom: \$50,000
City will share maintenance costs as defined in subsequent agreement with Pierce Transit and Sound Transit.
City will assist with station and restroom security.

RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:

- ◆ Adoption of Sound Move, (May 31, 1996)
- ◆ Resolution No. 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 (FTA), (June 11, 1998).
- ◆ Resolution No. R98-50, authorizing staff 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 for the Tacoma to Seattle Commuter Rail Project (November 12, 1998).

ALTERNATIVES:

The Board could choose to renegotiate terms of proposed lease and development agreement or purchase property from City of Sumner.

CONSEQUENCES OF DELAY:

Delay in authorization will postpone station construction until the property can be made available. In addition, delay could affect the City's schedule for relocating its public works facility to accommodate *Souder* project construction.

LEGAL REVIEW:

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

SOUND TRANSIT

RESOLUTION NO. R99-24

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to enter into a 99-year lease and development agreement with the City of Sumner as necessary for the construction and operation of the Sumner Commuter Rail Station 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, in order to acquire the properties determined to be necessary for the construction, operation and permanent location of the Sumner Commuter Rail Station, it is necessary for Sound Transit to acquire by negotiated purchase certain lands and rights in property described in Exhibit "A" for public purposes; and

WHEREAS, Sound Transit has commissioned appraisals to determine the fair market value of the properties and has negotiated in good faith with the City of Sumner with the intent of reaching an agreement for acquisition of the property for fair market value; and

WHEREAS, the funds necessary to acquire the property by voluntary purchase and to pay for certain off-site street improvements 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", said property to be used for the construction of the Tacoma to Seattle Commuter Rail Station in the City of Sumner. 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 re-establishment costs of the properties exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency) for the Sumner station location, then the Executive Director shall obtain

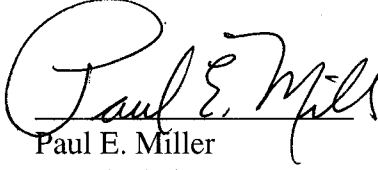
approval from the appropriate committee or the Board, per Resolution 78-1, before the acquisition of the property for that station by purchase.

SECTION 2. The Sound Transit Board of Directors deems the Sumner Commuter Rail Station 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 Sumner Commuter Rail Station. The Board directs that all, or any portion thereof, of the property identified herein be immediately acquired by voluntary agreement for the construction, operation of the Sumner Commuter Rail Station, said properties being described in Exhibit "A" incorporated herein by reference.

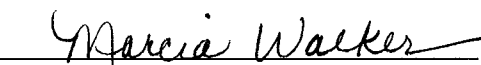
SECTION 3. The funds necessary to acquire the property by purchase and to pay for certain off-site street improvements shall be paid from Sound Transit's Sounder Commuter Rail Budget.

ADOPTED by the Board of the Central Puget Sound Regional Transit

Authority at a regular meeting thereof held on the 22nd day of July, 1999.


Paul E. Miller
Board Chair

ATTEST:


Marcia Walker
Board Administrator

Resolution No. R99-24 - EXHIBIT A

Station	Owner/Contact	Parcel #	Site Address
Sumner	City of Sumner	042024 309 2	711 Narrow St., Sumner
		568000 001 0	Academy & Narrow, Sumner
		568000 002 0	Harrison & BNSF R/W, Sumner
		798510 008 0	Narrow St., Sumner
		Street R/W	Pts. Narrow St, Academy Ave, Harrison St, alleys

LEGAL DESCRIPTION:

Sumner Commuter Rail Station

A parcel of land located within the William M. Kincaid Donation Claim No. 48 within the Southwest quarter of Section 24, Township 20 North, Range 4 East of the Willamette Meridian in the City of Sumner in Pierce County, Washington and within the Plat of McKinnon's Addition to Sumner Wn. as recorded in Volume 11 of Plats on Page 1 and within the Plat of Supplementary Map of the Town of Sumner as recorded in Volume 1 of Plats on Page 101, all of which is more particularly described as follows:

Commencing at the intersection of the south margin of Harrison Street and the easterly line of the Northern Pacific Railway; thence northeasterly along said easterly line to the south margin of Maple Street; thence east along said south margin to the intersection with the north extension of the east line of Block 6 of said Plat of Supplementary Map of the Town of Sumner; thence south along said north extension to the north line of said Block 6; thence west along said north line to the southeasterly margin of Narrow Street; thence southwesterly along said southeasterly margin to the north corner of that certain parcel of land deeded to the City of Sumner by Quit Claim Deed filed under Pierce County Auditor's No. 9207070116; thence south along the east line of said parcel and its extension to the south margin of Academy Street; thence west along said south margin to an intersection with the extension of the northwesterly line of a parcel of land deeded to the City of Sumner by Warranty Deed filed under Pierce County Auditor's No. 1543776; thence southwesterly along said extension to the north corner of said parcel; thence south along the east line of said parcel to the north line of that certain parcel of land deeded to the City of Sumner by deed recorded under Pierce County's Auditor No. 1508338; thence east along said north line to the west line of Block 10 of said Plat of Supplemental Map of the Town of Sumner; thence south along said west line and its extension to the northwest corner of Block 11 of said Plat; thence west to the northeast corner of Block 3 of said Plat of McKinnon's Addition; thence west along said south margin of Harrison Street to the point of beginning.