

SOUND TRANSIT

RESOLUTION NO. R99-25

Acquisition of certain Real Property, by purchase or condemnation, and payment of eligible relocation and re-establishment benefits to affected parties for Tacoma Link Light Rail.

BACKGROUND AND COMMENTS

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	8/20/99	Discussion/Possible Action to Recommend Board Approval	John Goforth	206-689-4935
Board	8/26/99	Action	John Goforth	206-689-4935

ACTION:

The Board is requested to authorize and to delegate to the Executive Director the authority to acquire, dispose, or lease certain real property interests by voluntary agreement, by condemnation, or by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction of the Tacoma Link Light Rail.

BACKGROUND:

By Motions Nos. M99-5 and M99-28, the Board selected the route, station locations and operations and maintenance for the Tacoma Link Light Rail.

The real properties ("Properties") identified in this requested action (see Exhibit "A") are consistent with the Final Environmental Impact Statement for the Tacoma Link Light Rail.

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 would return to the Executive Committee or the Board, according to Resolution 78-1, if negotiated purchases, relocation agreements, condemnation litigation settlements, or administrative settlements (settlements in lieu of filing condemnation) exceed the authorized budget amounts.

FUNDING:

Funding for acquisition and relocation is included in the estimated Right-of-Way acquisition cost for Link Light Rail in the approved 1999 budget.

RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:

- Adoption of *Sound Move*, (May 31, 1996)
- Resolution 78-1, establishing delegation of authority and procurement procedures (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. M99-5, identifying the route, station locations and the operations and maintenance facility site for the Tacoma Link Light Rail.
- Motion No. M99-28, identifying the route and station locations of the Northern portion of the Tacoma Link Light Rail.

ALTERNATIVES:

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

CONSEQUENCES OF DELAY:

The timely acquisition, by negotiation or condemnation, of real property together with the relocation of businesses, tenants and residents, is necessary for the successful completion of the Tacoma Link Light Rail.

Delay in authorization will result in delay of acquisition and vacation of property, which could negatively affect the construction schedule of the Tacoma Link Light Rail.

LEGAL REVIEW:

The Legal Department has reviewed and approved the Background and Comments and Resolution.

SOUND TRANSIT

RESOLUTION NO. R99-25

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 re-establishment benefits to affected parties as necessary for the construction and operation of the Tacoma Link Light Rail.

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 1.6 mile light rail line between downtown Tacoma and the Tacoma Dome Regional Transportation Terminal; and

WHEREAS, in compliance with the State Environmental Policy Act (SEPA), the Central Puget Sound Regional Transit Authority (Sound Transit) prepared an Environmental Impact Statement which focused on elements of the environment that could potentially be significantly affected (Final Environmental Impact Statement issued January 21, 1999); and,

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of the Tacoma Link Light Rail, 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 re-establishment 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 re-establishment costs 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 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 re-establishment costs, said property to be used for the construction of the Tacoma Link Light Rail. 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 the Tacoma Link Light Rail right-of-way acquisition, 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 re-establishment 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 Tacoma Link Light Rail 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 maintenance of the Tacoma Link Light Rail. 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 and maintenance of the Tacoma Link Light Rail, said properties being described in Exhibit "A" incorporated herein by reference and that eligible parties be paid relocation and re-establishment 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 maintenance of the Tacoma Link Light Rail.

SECTION 5. Sound Transit has complied with the State Environmental Policy Act, the guidelines of WAC Chapter 197-11, and Resolution 7-1 with respect to this resolution authorizing condemnation proceedings.

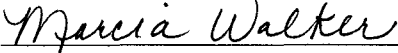
SECTION 6. In addition to the authority granted the Executive Director in Section 1 above, condemnation proceedings are hereby authorized and the authority is hereby delegated to the Executive Director to take action as related to such condemnation proceedings to acquire all, or any portion thereof, 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 Tacoma Link Light Rail.

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 revenues and financing resources.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 26th day of August, 1999.


Paul E. Miller
Board Chair

ATTEST:



Marcia Walker
Board Administrator

RESOLUTION NO. R99-25 - EXHIBIT A

Station	Owner/Contact	Parcel #	Site Address
Tacoma	Hart, William S. Sr. & Barbara	207530 0014	802 E 25 th Street, Tacoma, WA 98421
Tacoma	Washington State Department of Transportation	No parcel number, State property	E 25 th Street, Tacoma, WA
Tacoma	Depot Partnership, a Washington General Partnership	201604 0010	1548 Pacific Avenue, Tacoma, WA 98402

LEGAL DESCRIPTION (HART):

THE NORTHERLY 77 FEET OF LOTS 9 THROUGH 12 IN BLOCK 7528 AND THE NORTHERLY 77 FEET OF BLOCK 7530 OF THE TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., ACCORDING TO PLAT FILED FOR RECORD JULY 7, 1884 IN THE OFFICE OF THE COUNTY AUDITOR, IN PIERCE COUNTY, WASHINGTON;

TOGETHER WITH THE NORTHERLY 77 FEET OF VACATED MCKINLEY AVENUE ADJOINING, WHICH UPON VACATION BY ORDINANCE NO. 3152 ON OCTOBER 30, 1907, ATTACHED TO SAID PREMISES BY OPERATION OF LAW;
EXCEPT THE EASTERLY 75 FEET THEREOF.

LEGAL DESCRIPTION (WSDOT):

LOTS 5 THROUGH 7 IN BLOCK 7515 OF THE TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., ACCORDING TO PLAT FILED FOR RECORD JULY 7, 1884 IN THE OFFICE OF THE COUNTY AUDITOR, IN PIERCE COUNTY, WASHINGTON.

LEGAL DESCRIPTION (DEPOT PARTNERSHIP):

LOTS 1 THROUGH 6 IN BLOCK 1604 OF MAP OF NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO PLAT FILED FOR RECORD FEBRUARY 3, 1875 IN THE OFFICE OF THE COUNTY AUDITOR, IN PIERCE COUNTY, WASHINGTON.