

**SOUND TRANSIT**

**RESOLUTION NO. R99-29**

**Acquisition of certain Real Property from the Burlington Northern and Santa Fe Railway Company and payment of eligible relocation and re-establishment benefits to affected parties for Tacoma-to-Seattle Commuter Rail Project**

**BACKGROUND AND COMMENTS**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Executive Committee	7/16/99	Discussion and Recommendation	Larry Ellington	398-5026
Board	8/26/99	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, dispose, or lease certain real property interests from The Burlington Northern and Santa Fe Railway Company (BNSF) 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 King Street, Tukwila, Kent, Auburn, Sumner, and Puyallup Commuter Rail Stations. Funding for acquisition and relocation will come from the overall Sounder Commuter Rail budget.

**BACKGROUND:**

Consistent with the Tacoma to Seattle Commuter Rail Environmental Assessment, and following commuter rail station design development, Sound Transit staff identified certain real property necessary from BNSF for construction and operation of the King Street, Tukwila, Kent, Auburn, Sumner, and Puyallup Commuter Rail Stations. BNSF property is necessary for development of commuter rail passenger platforms, canopies, parking, lighting, access drives, and other ancillary facilities. The requested action would authorize the acquisition of this real property.

The real properties (“Properties”) identified in this requested action are included in the attached Exhibit “A”.

**FUNDING:**

Funding for acquisition and relocation will come from the overall Sounder Commuter Rail budget. Acquisition costs are reflected as an offset to the overall capital improvement plan on the railway corridor in the overall capital and operating agreement with BNSF.

## **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).

## **ALTERNATIVES:**

The Board could direct staff to renegotiate terms of acquisition agreements with BNSF for development of commuter rail station facilities.

## **CONSEQUENCES OF DELAY:**

Delay in authorization of acquisition agreements with BNSF will postpone construction activities on BNSF property necessary for commuter rail stations.

## **LEGAL REVIEW:**

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

## SOUND TRANSIT

### RESOLUTION NO. R99-29

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 from The Burlington Northern and Santa Fe Railway Company (BNSF) 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 King Street, Tukwila, Kent, Auburn, Sumner, and Puyallup Commuter Rail Stations.

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 Tacoma to Seattle Commuter Rail stations, it is necessary for Sound Transit to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF) 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 BNSF 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'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 re-establishment costs, said property to be used for the construction of the Tacoma to Seattle Commuter rail stations in Seattle, Tukwila, Kent, Auburn, Sumner, and Puyallup, Washington. 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.

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 Executive Committee or the Board, per Resolution 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Tacoma to Seattle Commuter Rail Stations to be constructed in Seattle, Tukwila, Kent, Auburn, Sumner, and Puyallup, Washington; 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 the property identified herein as being necessary for the construction, operation and permanent location of the Tacoma to Seattle Commuter Rail Stations. The Board directs that all, 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 Tacoma to Seattle Commuter Rail Stations, 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 permanent location of the Tacoma to Seattle Commuter Rail Stations in Seattle, Tukwila, Kent, Auburn, Sumner, and Puyallup, Washington;

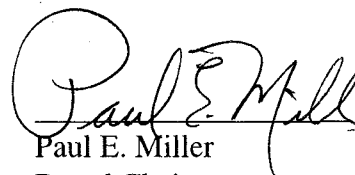
SECTION 5. Sound Transit has complied with the State Environmental Policy Act and the guidelines of WAC Chapter 197-11 with respect to this resolution authorizing condemnation proceedings.

SECTION 6. In addition to the authority granted the Executive Director in Section 1 above, condemnation proceedings are hereby authorized 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 to Seattle Commuter Rail Stations in Seattle, Tukwila, Kent, Auburn, Sumner, and Puyallup, Washington;

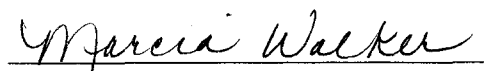
SECTION 7. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

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. R99-29 - EXHIBIT A

Station	Owner	Parcel #	Site Address
Seattle (King Street)	BNSF	524780 1140 04 524780 1160 09 524780 1190 03 766620 4875 00 766620 2635 05 766620 4855 00	

LEGAL DESCRIPTION:

PARCEL:

LOTS 1 THROUGH 8 IN BLOCK 200 OF SEATTLE TIDE LANDS, ACCORDING TO THE MAPS ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON;

TOGETHER WITH THAT PORTION OF THE ADJOINING EAST HALF OF VACATED 3<sup>RD</sup> AVENUE (AS VACATED BY ORDINANCE NO. 10552); AND

TOGETHER WITH THAT PORTION OF THE ADJOINING NORTH HALF OF VACATED AIRPORT WAY (AS VACATED BY ORDINANCE NO. 10548).

PARCEL:

LOTS 1 THROUGH 3 IN BLOCK 284 OF SEATTLE TIDE LANDS, ACCORDING TO THE MAPS ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON;

TOGETHER WITH THAT PORTION OF THE ADJOINING EAST HALF OF VACATED 3<sup>RD</sup> AVENUE (AS VACATED BY ORDINANCE NO. 10552); AND

TOGETHER WITH THAT PORTION OF THE ADJOINING SOUTH HALF OF VACATED AIRPORT WAY (AS VACATED BY ORDINANCE NO. 10548).

PARCEL:

THE NORTH 60 FEET OF THE EAST 112.18 FEET OF LOTS 1 AND 2 (COMBINED) IN BLOCK 285 OF SEATTLE TIDE LANDS, ACCORDING TO THE MAPS ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON;

TOGETHER WITH THAT PORTION OF THE WEST HALF OF VACATED 3<sup>RD</sup> AVENUE SOUTH ADJOINING;

TOGETHER WITH PORTION OF THE VACATED PORTION OF SOUTH KING STREET ON THE NORTH BOUNDED ON THE WEST BY THE NORTH EXTENSION OF THE WEST LINE OF SAID WAST 112.18 FEET, AND BOUNDED ON THE NORTH AND EAST BY THE GOVERNMENT MEANDER LINE;

(CONTINUED)

<b>Station</b>	<b>Owner</b>	<b>Parcel #</b>	<b>Site Address</b>
<b>Tukwila</b>	BNSF	000580 0007 01	7311 16th Ave SW Seattle 98106

LEGAL DESCRIPTION:

ALL THAT PORTION OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY (FORMERLY THE NORTHERN PACIFIC RAILROAD RIGHT OF WAY, SUCCESSOR IN INTEREST TO THE PUGET SOUND SHORE RAILROAD COMPANY) WITHIN THE HENRY MEADER DONATION LAND CLAIM NO. 46 IN SECTIONS 24 AND 25, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY WASHINGTON.



<b>Station</b>	<b>Owner</b>	<b>Parcel #</b>	<b>Site Address</b>
<b>Kent</b>	<b>BNSF</b>	<b>KENT - BNSF OPERATING R/W, 100' wide</b>	
		<b>KENT - OTHER BNSF PROPERTIES</b>	
		184970 0006 02	Railroad Ave Kent 98032
		242204 9002 01	400 1st Ave N Kent 98032
		242204 9003 00	334 1st Ave N Kent 98032
		242204 9147 07	350 1st Ave N Kent 98032
		242204 9167 02	301 Railroad Ave N Kent 98032
		242204 9182 00	Railroad Ave, Kent 98032

Station	Owner	Parcel #	Site Address
Auburn	BNSF	AUBURN - BNSF OPERATING R/W, 100' wide	
		AUBURN - OTHER BNSF PROPERTIES 781570 0205 08	131 2nd St SW Auburn 98001

LEGAL DESCRIPTION:

PARCEL

A portion of BNSF railroad right of way in Section 13, Twp. 21 North, Range 4 East., between Main Street and 3rd Street S.W. in Auburn, Washington.

PARCEL

Station	Owner	Parcel #	Site Address
Sumner	BNSF	SUMNER - BNSF OPERATING R/W, 100' wide	
		SUMNER - OTHER BNSF PROPERTIES 042024 307 7	830 W Main St Sumner

LEGAL DESCRIPTION:

A portion of BNSF railroad right of way in SW/4 Section 24, Twp. 20 North, Range 4 East., between Harrison Street, extended, and Maple Street, in Sumner, Washington.

<b>Station</b>	<b>Owner</b>	<b>Parcel #</b>	<b>Site Address</b>
<b>Puyallup</b>	BNSF	<b>PUYALLUP - BNSF RIGHT OF WAY</b>	2 <sup>nd</sup> Street NW, Puyallup

LEGAL DESCRIPTION:

PARCEL

THAT PORTION OF THE NORTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY AS DESCRIBED IN WARRANTY DEEDS RECORDED IN BOOK 5 OF DEEDS AT PAGE 544 AND BOOK 6 OF DEEDS AT PAGE 98 LYING EAST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF 5<sup>TH</sup> STREET NORTHWEST (BALM ST.) AS DELINEATED ON THE PLAT OF A.J. MILLER'S ADDITION TO PUYALLUP, PIERCE COUNTY, W.T., ACCORDING TO PLAT RECORDED IN VOLUME 1 OF PLATS AT PAGE 130, AND WEST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF MERIDIAN STREET AS DELINEATED ON THE PLAT OF J.P. STEWART'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 1 OF PLATS AT PAGE 39, IN PUYALLUP, PIERCE COUNTY, WASHINGTON.