

SOUND TRANSIT

RESOLUTION NO. R2001-14

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, to pay eligible relocation and re-establishment benefits to affected parties on Smith Street between Railroad Avenue North and Fourth Avenue North and Pioneer Street between Railroad Avenue North and Central Avenue North as necessary for the Kent Commuter Rail Station, and to reimburse the City of Kent for any expenses incurred in assisting Sound Transit with the acquisitions.

WHEREAS, a regional transit authority (Sound Transit) has been created for the King, Pierce, 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 seven (7) 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 seven (7) 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 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, the Board's action in this Resolution is consistent with SEPA requirements. Additional environmental documentation is being prepared for FTA and will be completed prior to actual property acquisition;

WHEREAS, by Motion No. M98-90, the Sound Transit Board selected a 2.4 acre site for the Kent Commuter Rail Station Parking Garage;

WHEREAS, by Resolution No. R99-34 the Sound Transit Board of Directors approved the construction of a parking garage in Kent to provide parking for the Kent Commuter Rail Station;

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and maintenance of street and traffic signal improvements to provide access to the Kent Commuter Rail Parking Garage, as well as improve access to the Kent Commuter Rail Station, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property described in Exhibit A for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, the properties have been or will be appraised to determine the fair market value of the properties and Sound Transit will 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 street and traffic signal improvements to provide access to the Kent Commuter Rail Parking Garage and the Kent Commuter Rail Station, including reimbursement to the City of Kent for expenses incurred to assist Sound Transit in acquiring the properties. 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 Kent Commuter Rail Parking Garage and Kent Commuter Rail Station right-of-way acquisitions, then the Executive Director shall obtain approval from the appropriate committee or the Board, per Resolution No. 78-1, before the acquisition of the property 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 No. 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Kent Commuter Rail Parking Garage, the Kent Commuter Rail Station, and associated street and signal improvements 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 above described street and signal improvements. The Board directs that all, or any portion or interest 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 street and signal improvements, 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 street and signal improvements necessary to provide access to the Kent Commuter Rail Parking Garage and the Kent Commuter Rail Station.

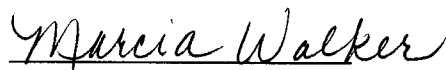
SECTION 5. In addition to the authority granted the Executive Director in Section 1 above, condemnation proceedings are hereby authorized and the authority is hereby delegated to the Executive Director to take action as related to such condemnation proceedings to acquire all, or any portion thereof, of the properties and property rights and/or rights in the properties described in the attached Exhibit A for the purpose of providing access to the Kent Commuter Rail Parking Garage and the Kent Commuter Rail Station. The notices given to property owners/tenants/occupants by the City of Kent prior to the date of this Resolution, regarding the

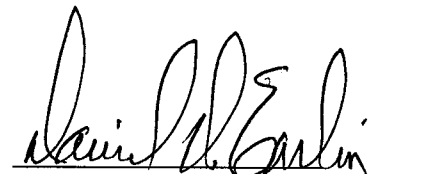
intent to acquire their properties, shall be deemed to have been given by Sound Transit for purposes of compliance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, and no new notices shall be required. The Executive Director is also authorized to make minor amendments to the legal descriptions of properties described in the attached Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the project.

SECTION 6. 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 8th day of November, 2001.

ATTEST:


Marcia Walker
Board Administrator


David Earling
Board Chair

SOUND TRANSIT

RESOLUTION NO. R2001-14

EXHIBIT A

Station	Owner/Contact	Parcel#	Site Address
Kent	Frederick R. Reiman, <u>et al.</u>	714280-0025-08	321 Smith St., Kent, WA

DESCRIPTION:

Order No. 371938

Lots 5 and 6 and that portion of Lots 4, 7 and 8, all in Block 2, lying south and west of the spur track of the Chicago, Milwaukee, St. Paul and Pacific Railway Ramsay's Addition to the Town of Kent, according to the plat thereof recorded in Volume 16 of Plats, page 89, in King County, Washington; EXCEPT the west 60.34 feet of Lots 4, 5 and 6;

TOGETHER WITH all vacated alleys, as vacated by Ordinance No. 1265 of the city of Kent, lying southerly of said spur tracks.

Station	Owner/Contact	Parcel#	Site Address
Kent	Bank of America Kim Tobiason	714280-0021-02	311 N. 4th Ave.

DESCRIPTION:

Order No. 422272

Lots 3 through 10, inclusive, Block 1, Ramsay's Addition to the Town of Kent, according to the plat thereof recorded in Volume 16 of Plats, page 89, in King County, Washington; EXCEPT that portion conveyed to the City of Kent by deeds recorded under Recording Numbers 6535413 and 6535415, and King County Superior Court Cause Number 708685;

TOGETHER WITH that portion of alley vacated under City of Kent Ordinance No. 1265 and recorded under Recording Number 6624677, which attaches by operation of law;

TOGETHER WITH that portion of 3rd Avenue North vacated under City of Kent Ordinance No. 1265 which attaches by operation of law;

AND

The west 60.34 feet of Lots 4, 5 and 6, Block 2, Ramsay's Addition to the Town of Kent, according to the plat thereof recorded in Volume 16 of Plats, page 89, in King County, Washington, lying southerly of the south margin of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company Railway Spur Tract;

TOGETHER WITH that portion of 3rd Avenue North vacated under City of Kent Ordinance No. 1265, which attaches by operation of law.

Station	Owner/Contact	Parcel#	Site Address
Kent	BNSF - Smith Street Rebecca Schwann	242204-9182-03 242204-9011-00	Smith St. near the intersection of S. Railroad Ave.

DESCRIPTION:

Order No. 422271

That portion of the Burlington Northern Railroad Company Railroad Right-of-Way of variable width, lying within the northeast quarter of Section 24, Township 22 North, Range 4 East, W.M., in King County, Washington, lying southerly of the south margin of Smith Street and northerly of the north margin of Meeker Street.

Station	Owner/Contact	Parcel#	Site Address
Kent	Henam Yoon/ Heyoung Chung	184970-0155-01	501 Central Ave. N.

DESCRIPTION:

Order No. 424175

Lot 22, and the south 24 feet of Lot 23, Block 2, Cross Addition to the City of Kent, according to the plat thereof recorded in Volume 18 of Plats, page 9, in King County, Washington

Station	Owner/Contact	Parcel#	Site Address
Kent	James L. and Suzanne Bloomstine	917960-1655-09	204 Pioneer St., Kent, WA

DESCRIPTION:

Order No. 424174

The west half of all of the following described property:

The north 10 feet of Lot 15, and all of Lots 16 and 17, All in Block 17, Washington Central Improvement Company's First Addition to Kent, according to the plat thereof recorded in Volume 3 of Plats, page 97, in King County, Washington;

ALSO the following described tract adjoining the said Lot 17 on the north, described as follows:

A strip of land lying north of Lot 17, said Block 17, which strip extends north to the south line of Pioneer Street and east and west from Railroad Avenue North, to the ally in said Block.

Station	Owner/Contact	Parcel#	Site Address
Kent	Audrey L. Raiso	917960-1656-08	210 Pioneer St., Kent, WA

DESCRIPTION:

Order No. 424173

The east half of the following described property:

The north 10 feet of Lot 15 and all of Lots 16 and 17, Block 17, Washington Central Improvement Co.'s First Addition to Kent, according to the plat thereof recorded in Volume 3 of Plats, page 97, in King County, Washington;

ALSO the following described tract adjoining the said Lot 17 on the north, to-wit:

A strip of land lying north of Lot 17, and Block 17, which strip extends north to the south line of Pioneer Street and east and west from Railroad Avenue North, to the alley in said Block 17.

Station	Owner/Contact	Parcel#	Site Address
Kent	Garner Trust- KFC	917960-1670-00	415 Central Ave. N., Kent, WA

DESCRIPTION:

Order No. 424172

Lots 18, 19, 20 and 21, Block 17, Washington Central Improvement Co.'s First Addition to Kent, according to the plat thereof recorded in Volume 3 of Plats, page 97, in King County, Washington, and beginning at a point 23 feet north of the northeast corner of Lot 18, said Block 17;
 Thence south 23 feet;
 Thence west along the north line of said Block 17, a distance of 120 feet to the northwest corner of Lot 18, said Block 17;
 Thence north 26 feet;
 Thence east in a straight line to the point of beginning.

Station	Owner/Contact	Parcel#	Site Address
Kent	Allan J. and Carla J. Merrill	184970-0145-04	502 Railroad Ave. N., Kent, WA

DESCRIPTION:

Order No. 424171

Lots 20 and 21, Block 2, Cross' Addition to the City of Kent, according to the plat thereof recorded in Volume 18 of Plats, page 9, in King County, Washington.

**STAFF REPORT
SOUND TRANSIT**

RESOLUTION NO. R2001-14

Acquisition of certain Real Property, by purchase or condemnation, and payment of eligible relocation and re-establishment benefits to affected parties for Phase 2 street and signal improvements to provide access to the Kent Commuter Rail Station and Parking Garage

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	11/2/01	Discussion/Possible Action to Recommend	John T. McLean, Sr. Real Estate Representative	(206) 689-4916
Board of Directors	11/8/01	Board Approval Action		

OBJECTIVE OF ACTION

- Complete required street improvements required by the City of Kent for access to Kent Commuter Rail Station and Parking Garage.

ACTION

- Authorizes the Executive Director to acquire the real property interests needed to construct the street widening and signal improvements associated with the Kent Commuter Rail Station;
- Authorizes the Executive Director to pay relocation and reestablishment expenses;
- Authorizes the Executive Director to initiate eminent domain proceedings, if necessary to acquire the required real property; and
- Authorizes Sound Transit to reimburse the City of Kent for any expenses incurred in assisting Sound Transit in acquiring the properties (e.g., obtaining surveys, appraisals, environmental reviews, etc.).

KEY FEATURES

- Authorizes the partial or full acquisition, if necessary, of real property interests in eight (8) parcels to be used for street widenings required by the City of Kent as part of Phase 2 construction to provide access to the Kent Commuter Rail Station and Parking Garage.
- The property to be taken typically includes a narrow strip of land abutting the street to be improved.

BUDGET

The majority of the funding for this action is already included in the Right-of-Way phase budget of the Kent Commuter Rail station found on page 96 of the Adopted 2001 Budget document, and supplemented by Resolution R2001-10, the Sounder Cost-to-Complete Budget Amendment. The remainder will be drawn from the station's contingency fund. Committing these funds does not endanger any other project elements that are to be funded out of the Kent

Station project. Table 1 below displays the associated budget, obligations and the corresponding impact of this action to those figures. The pending Proposed 2002 Budget document also has budget figures of \$34,398,000, \$7,840,000, and \$810,715 for the Total Project, ROW, and Contingency phases respectively.

Table 1 – Kent Station ROW Budget, Obligations and Impact of Action

Project Name/No.	Total Project Budget ¹	Current Budget for ROW Phase ¹ (A)	Expenditures to Date ² (B)	Commitments ² (C)	Funds Required For This Action (D)	Shortfall* or Surplus (E) = (A-B-C-D)
Kent Station #237	\$34,398,000	\$7,840,000	\$7,353,709	\$93,548	\$1,000,000	-\$607,257
*Amount of Shortfall	Potential Revenues					
\$607,257	Draw down from station's \$810,715 contingency fund.					

¹ Figures are for ROW and are the sum of 1) Adopted 2001 Budget (Resolution R2000-14 of 12/17/00, page 97) project total of \$26,881,000, and ROW phase of \$7,524,000, and 2) Cost-to-Complete Budget Amendment for the Seattle-to-Tacoma Stations (Resolution R2001-10 of 8/9/01) project total of \$7,517,000 and \$316,000 for the ROW phase.

² Expenditures and commitments are through 9/30/01.

FINANCIAL IMPACTS

Impact on Current Year Budget: N/A

Impact on Sound Move Budget: N/A

Impact on Cost-to-Complete: N/A

Impact on Subarea(s) Budget(s): N/A

HISTORY OF PROJECT

By prior resolutions, the Sound Transit Board has authorized the acquisition of property needed for the construction of the Kent Commuter Rail Station and the parking garage.

Preferring a structured parking facility (in lieu of portions of the surface parking at the Kent Commuter Rail Station), the City of Kent entered into a Memorandum of Agreement with Sound Transit, in which the City agreed to contribute \$4,000,000 toward the construction of the preferred facility. The Sound Transit Board selected a 2.4-acre site for the Kent Commuter Rail Station Parking Garage and subsequently approved its construction.

The property acquisitions at issue here are needed to meet conditions required under Conditional Use Permits issued for the parking garage and the station. Sound Transit is completing a reevaluation of the proposed street improvements to supplement the original Environmental Assessment and the supplemental Environmental Assessment. The Board's authorization here is contingent on receipt of final FTA approval of the environmental reevaluation. The property to be acquired will be transferred to the City when Sound Transit has constructed the improvements.

The City of Kent and Sound Transit have been working together to determine how best to acquire the properties needed for the street and signal improvements. The staff for both entities has determined that Sound Transit should assume the lead in acquiring the property to

complete the environmental work and to implement Sound Transit's acquisition and relocation assistance policies. Until the required street improvements have been completed and the Final Certificate of Occupancy is issued, Sound Transit will not receive its final \$2,000,000 payment, owed pursuant to the Memorandum of Agreement with the City of Kent.

**Prior Board or Committee Actions
And Relevant Board Policies**

Motion or Resolution Number	Summary of Action	Date of Action
Resolution No. R99-20	Authorized the Executive Director to execute an agreement with the City of Kent for development of a parking garage for the Kent Commuter Rail Station.	8/26/99
Resolution No. R99-18	Authorized additional property acquisitions for the Commuter Rail stations on the Tacoma-to-Seattle segment, including Kent Station and the Kent Garage	7/8/99
Resolution No. R99-13	Authorized a budget amendment increasing Kent Station's budget by \$2.9m to allow the acquisition of the property for the Kent Garage	7/8/99

CONSEQUENCES OF DELAY OR DENIAL

- Would delay or prevent completion of permanent new roads necessary to open the newly constructed Kent Commuter Rail Station Parking Garage.
- Would delay or prevent improvements to Pioneer Street that would delay or prevent improved bus access to the station.
- Would delay or prevent general improvements to other streets (1st Avenue, Railroad Avenue), required under the Conditional Use Permit issued by the City of Kent.
- Would delay or prevent receipt of two million dollars (\$2,000,000) owed Sound Transit pursuant to Memorandum of Agreement with the City of Kent.

REGIONAL PARTNERSHIP AND COOPERATION

The City of Kent has provided substantial assistance in identifying the properties needed for the project and in performing the initial work needed to acquire the properties. Both Sound Transit and the City of Kent have devoted considerable staff time and communication to develop this project.

PUBLIC INVOLVEMENT

N/A

LEGAL REVIEW

JB 10-23-01

SOUND TRANSIT
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Station	Owner/Contact	Parcel#	Site Address
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Order No. 422271

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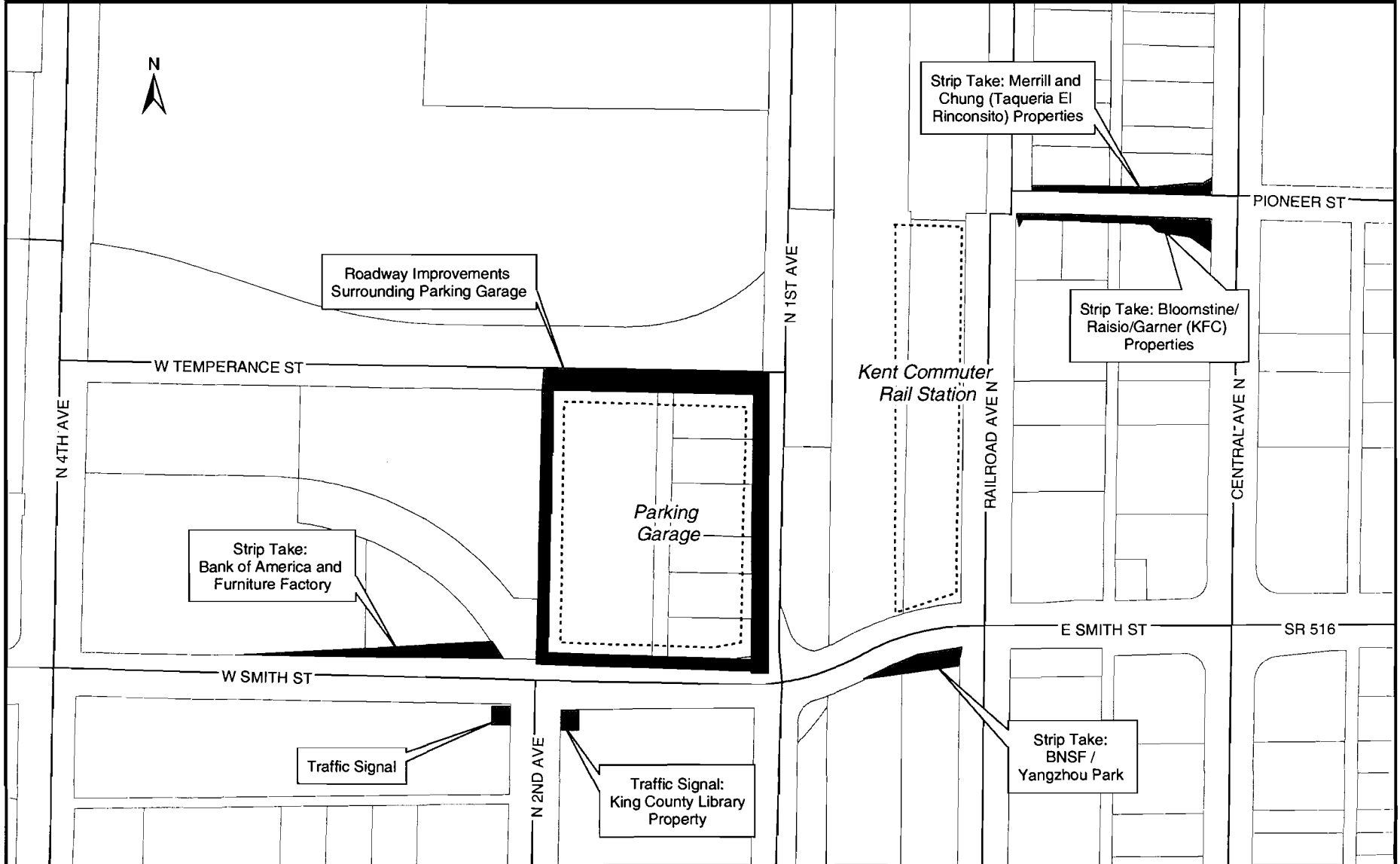
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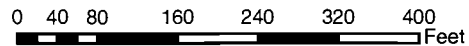
Roadway Improvements: Sound Transit Kent Commuter Rail Station



Map data shown here are the property of the sources listed below. Inaccuracies may exist, and Adolphson Associates, Inc. implies no warranties or guarantees regarding any aspect of data depiction.

Source: King County GIS

* Roadway Improvements are shown to approximate scale only



- Street Centerline
- Parcel Boundaries

FIGURE 1
OFF-SITE ROADWAY IMPROVEMENTS
SOUND TRANSIT KENT COMMUTER RAIL STATION
KENT, WA

