

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2003-01

Property Acquisition for the Federal Way Transit Center Project

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	2/6/03	Discussion/Possible Action To Recommend Board Approval Action	Joann H. Francis, Chief Administrative Officer Don Vogt, Sr. Real Estate Representative	(206) 689-4934
Board	2/13/03			(206) 689-3396

Contract/Agreement Type:	3	Requested Action:	3
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Memorandum of Agreement		Contingency Funds Required	
Purchase/Sale Agreement		Budget Amendment Required	

4 Applicable to proposed transaction.

OBJECTIVE OF ACTION

- To acquire needed property rights for the construction and operation of the Federal Way Transit Center Project.

ACTION

- Authorize the Executive Director to acquire, dispose, or lease certain real property rights for the Federal Way Transit Center Project by negotiated purchase or condemnation, and to pay relocation and re-establishment benefits to eligible owners and tenants.

KEY FEATURES

- Authorizes the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Regional Express Federal Way Transit Center Project.
- Authorizes the acquisition of interests in 2 parcels for the Federal Way Transit Center Project.

BUDGET IMPACT SUMMARY

Project Description: Federal Way Transit Center

Current Status: Final Design and Right of Way Acquisition

Projected Completion Date: 4th Quarter 2005

Action Outside of Adopted Budget:	Y/N	Y	Requires Comment
This Line of Business	N		
This Project	N		
This Phase	N		
This Task	N		
Budget amendment required	N		
Key Financial Indicators:	Y/N	Y	Requires Comment
Contingency funds required	N		
Subarea impacts	N		
Funding required from other parties other than what is already assumed in financial plan	N		

N = Action is assumed in current Board-adopted budget. Requires no budget action or adjustment to financial plan

BUDGET DISCUSSION

The project budget is shown in the table below, under Summary for Board Action. Note that the budget amount shown for construction and right of way (ROW) acquisition has been combined to show as one line item. The combined budget amount for both phases is \$32,700,000 of which, \$3,411,000 has been spent and/or obligated so far. The remaining budget amount available for construction and ROW acquisition is \$29,288,000. It is anticipated that this action will be achieved within the appraised values and within the available Board-adopted ROW budget.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is affordable within Sound Transit's current long-term financial plan and the subarea financial capacity.

SUMMARY FOR BOARD ACTION

Action Item: Right of Way Acquisition/Relocation for Federal Way Transit Center Project (no. 321)

	Current Board Adopted Budget (A)	Paid to Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
(1) Project Budget					
Agency Administration	2,164	365	-	365	1,799
Preliminary Engineering / Environmental Doc	1,520	1,463		1,463	58
Final Design	1,815	1,626		1,626	189
(2) ROW Acquisition/Permits and Construction	32,700	3,411	*	3,411	29,288
Contingency	-	-	-	-	-
Total Project Budget	38,199	6,865	-	6,865	31,333
Phase Budget Detail					
ROW Acquisition/Permits and Construction	32,700	3,411	*	3,411	29,288
	-	-	-	-	-
Total Phase	32,700	3,411	-	3,411	29,288
Contract Budget					
	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract (I)	
Acquisition	N/A	N/A	*	N/A	
Contingency	N/A	N/A	N/A	N/A	
Total	N/A	N/A	N/A	N/A	
Percent Contingency	N/A	N/A	N/A	N/A	
Budget Shortfall					
	\$ (J)	Potential Revenues (K)	Funding Source (L)		
N/A	N/A	N/A	N/A		

Notes:

(1) Budget amounts shown are based on the 2003 Adopted budget, dollars are \$000 YOY.

(2) Dollar amount for this action is to be determined (TBD). Phase budget amount shown reflects ROW Acquisition and Construction combined.

*Cost information on the proposed acquisitions is appropriate for Executive Session.

M/W/DBE – SMALL BUSINESS PARTICIPATION

This is not a contract action.

HISTORY OF PROJECT

In order to build and operate a high capacity transit system consisting of Sounder Commuter Rail, Link Light Rail, and Regional Express bus service, it will be necessary for Sound Transit to acquire real property. Sound Transit's authorizing legislation provides the agency with the power of eminent domain to accomplish such acquisitions. The acquisition of real property will, in some cases, result in the temporary displacement of property owners, tenants, or businesses. The Federal Way Transit Center consists of the construction of a multi-level parking structure with up to 1200 stalls, six bus bays, two bus layover area, and a transit only roadway through the bus boarding area. The project is located at the northeast area of the downtown Federal Way commercial district at the Southwest corner of 23rd Avenue South and South 316th Street.

It will serve as the interface for Pierce Transit, King County Metro, and Sound Transit bus services in this area.

The Federal Way Transit Center Project was included in an Environmental Assessment (EA) prepared by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA). The EA was issued on September 26, 2001. A Finding of No Significant Impact (FONSI) was issued by FTA and FHWA on March 15, 2002. Sound Transit adopted the EA and issued a Determination of Non-Significance pursuant to the Washington State Environmental Policy Act (SEPA) on March 6, 2002. The environmental documentation identified the real property necessary for the construction and operation of the two projects. The real properties (Properties) identified in this request (Exhibit A) is consistent with the environmental documentation for the projects and with the property needs identified through the design process.

The Board approved the acquisition of (5) parcels for this project by its Resolution No. R2002-04, on April 11, 2002. Since that time, it has been determined that temporary construction easements are needed on two adjacent properties, one owned by Cratsenberg Properties, LLC, and the other by DCG II, LLC. This resolution would authorize those acquisitions.

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

Motion or Resolution Number	Summary of Action	Date of Action
R2002-04	Authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Regional Express Federal Way Transit Center	4/11/02
M2001-28	Authorizing a MOA with the City of Federal Way concerning the construction of the Federal Way Transit Center	4/12/01
M2001-20	Authorizing task order with WSDOT for design services for Federal Way Direct Access	3/15/01
M2001-09	Authorizing final design for Federal Way Transit Center	2/1/01
R99-20	Approval of the real property acquisition and relocation policy, procedures and guidelines	4/23/98

CONSEQUENCES OF DELAY

Regional Express would like to advertise this project for construction bids by the second quarter of 2003. In order to meet that schedule, acquisition processes need to commence as soon as possible. Delay in action on the resolution may produce a corresponding delay in the advertising date.

REGIONAL PARTNERSHIP AND COOPERATION

- The Federal Way Transit Center is being carried out in cooperation with the City of Federal Way.
- The Federal Way Project Group has established a Project Management Team (PMT) and an Executive Advisory Committee (EAC) to assist staff in making project decisions. The PMT consists of technical staff from partnering agencies who meet to provide technical oversight to the consultants. The EAC is comprised of elected officials, key agency management staff, and city business and community leaders to advise Sound Transit on project-related matters. Both these committees will remain active through final design.

PUBLIC INVOLVEMENT

Sound Transit has a public outreach program that is designed to solicit feedback at key stages of the project. To date, there have been three open houses and three newsletters on the project, as well as a project web site.

LEGAL REVIEW

MB – 1/24/03

SOUND TRANSIT

RESOLUTION NO. R2003-01

A RESOLUTION of the Board of Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Regional Express Federal Way Transit Center Project.

WHEREAS, a Regional Transit Authority, hereinafter referred to as 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 a series of Regional Express bus routes and transit improvements, and further provided for the construction, operation and permanent location of the Federal Way Transit Center Project; and

WHEREAS, an Environmental Assessment (EA) was prepared by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) in coordination with Sound Transit and The Washington State Department of Transportation (WSDOT) in compliance with the National Environmental Policy Act (NEPA). FTA and FHWA were the co-lead federal agencies. The EA was issued on September 26, 2001 and made available to the public, agencies, jurisdictions, and affected tribes. A public hearing for the EA was held on October 30, 2001. Comments were received on the EA through November 12, 2001. After carefully considering the EA, its supporting documents, and the public comments and responses, FTA and FHWA found that the proposed Federal Way projects would have no significant adverse impacts on the environment. A Finding of No Significant Impact (FONSI) was issued by FTA and FHWA on March 15, 2002. Sound Transit adopted the EA and issued a

Determination of Non-Significance (DNS) pursuant to the Washington State Environmental Policy Act (SEPA) on March 6, 2002; and

WHEREAS, on April 11, 2002, by Resolution No. R2002-04, the Board of the Central Puget Sound Regional Transit Authority authorized the acquisition of certain properties in connection with the Federal Way Transit Center Project; and

WHEREAS, Sound Transit has identified certain additional real properties as necessary for the construction and permanent location of the Federal Way Transit Center Project in Federal Way, Washington, 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 Federal Way Transit Center Project, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has commissioned or will commission 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 that:

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 Federal Way Transit Center Project in Federal Way, 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; provided that in the event the total of the acquisition, relocation, and re-establishment costs of the properties for the Federal Way Transit Center Project exceeds Sound Transit's approved budget for right-of-way (ROW) acquisition (plus contingency), then the Executive Director shall obtain approval from the Executive Committee or the Board, per Resolution No. 78-1, before the acquisition of the property for the Federal Way Transit Center Project 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 Executive Committee or the Board, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Federal Way Transit Center Project to be constructed in Federal Way, 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 Federal Way Transit Center Project. Said properties being described in Exhibit A incorporated herein by reference and that eligible parties


be paid relocation and re-establishment costs associated with displacements 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 Federal Way Transit Center Project in Federal Way, Washington.

SECTION 5. 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 those of the properties described in the attached Exhibit A, not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the Federal Way Transit Center Project in Federal Way, Washington. The Executive Director is also authorized to make minor amendments to the legal descriptions of the 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 projects.

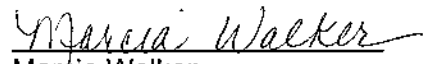
SECTION 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on February 13, 2003.



Ron Sims
Board Chair

ATTEST:



Marcia Walker
Board Administrator

EXHIBIT A

Federal Way Transit Center

Order No.	Owner/Contact	Parcel #	Site Address
C5052-ST	CRATSENBERG PROPERTIES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY	092104-9297-05	2012 S. 320 th St.

LEGAL DESCRIPTION:

LOT 4, TOGETHER WITH AN UNDIVIDED INTEREST IN TRACT X, OF KING COUNTY SHORT PLAT NO. 1077139, ACCORDING TO SHORT PLAT RECORDED JUNE 30, 1978 UNDER RECORDING NO. 7806301002, IN KING COUNTY, WASHINGTON.

Order No.	Owner/Contact	Parcel #	Site Address
C5053-ST	DCG II, LLC, A WASHINGTON LIMITED LIABILITY COMPANY	242320-0050-00	2200 S. 320 th St.

LEGAL DESCRIPTION:

LOT 2 OF CITY OF FEDERAL WAY BOUNDARY LINE ADJUSTMENT NO. BLA 00-104493, RECORDED UNDER RECORDING NO. 20010215900003, IN KING COUNTY, WASHINGTON; EXCEPT THAT PORTION CONVEYED TO THE CITY OF FEDERAL WAY FOR STREET BY INSTRUMENT RECORDED JULY 21, 2000 UNDER RECORDING NO. 20000721001417.