

**SOUND TRANSIT  
STAFF REPORT**

**RESOLUTION NO. R2003-10**

**Property Acquisition for Regional Express Federal Way 317<sup>th</sup> Direct Access Project**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	6/5/03	Discussion/Possible Action to Recommend Board Approval Action	Joann H. Francis, Chief Administrative Officer	(206) 689-4934
Board	6/12/03		<b>Don Vogt, Senior Real Estate Representative</b>	(206) 689-3396

**OBJECTIVE OF ACTION**

To acquire needed property rights for the construction and operation of the Regional Express Federal Way 317<sup>th</sup> Direct Access Project.

**ACTION**

Authorizes the Executive Director to acquire, dispose, or lease certain real property rights for the Federal Way 317<sup>th</sup> Direct Access Project by negotiated purchase or condemnation, and to pay relocation and re-establishment benefits to eligible owners and tenants.

**KEY FEATURES**

- Authorizes the acquisition of certain real property in order to effect environmental mitigation as a result of the Regional Express Federal Way 317<sup>th</sup> Direct Access Project.
- Authorizes future disposition of the property to a suitable entity for continued management in accordance with Sound Transit's mitigation obligation.
- The real property is identified in Exhibit A, attached to Resolution No. R2003-10.

**BUDGET IMPACT SUMMARY**

There are no budget impacts for this action.

**BUDGET DISCUSSION**

The budget amount for ROW \$515,173 of which, \$320,278 has been obligated. The remaining budget amount available for ROW acquisition is \$194,895.

It is anticipated that the remaining ROW budget is adequate for this action.

**REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS**

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

## BUDGET TABLE

Action Item: Right of Way Acquisition for I-5 @ 317th in Federal Way Project, no. 125 - (\$000)

(1) Project Budget	Current Board	Obligations	This Action	Total	Uncommitted
	Adopted Budget (A)	(B)	(C)	Committed & Action (D)	(Shortfall) (E)
Agency Administration	1,680	1,381	-	1,381	299
Preliminary Engineering / Environmental Doc	2,254	2,215		2,215	39
Final Design	2,293	1,745		1,745	548
<b>ROW Acquisition/Permits</b>	<b>515</b>	<b>320</b>	<b>*</b>	<b>320</b>	<b>195</b>
Construction	21,333	276	-	276	21,057
Contingency	-	-	-	-	-
<b>Total Project Budget</b>	<b>28,075</b>	<b>5,937</b>	<b>-</b>	<b>5,937</b>	<b>22,138</b>

### Phase Budget Detail

<b>ROW Acquisition/Permits and Construction</b>	<b>515</b>	<b>320</b>	<b>*</b>	<b>320</b>	<b>195</b>
	-	-	-	-	-
<b>Total Phase</b>	<b>515</b>	<b>320</b>	<b>-</b>	<b>320</b>	<b>195</b>

Contract Budget	Current Approved Contract Value (F)	Obligations (G)	Proposed Action (H)	Proposed Total Contract (I)
ROW 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) Commitments include actual payments, commitments as of April 25, 2003 (HQ).

\* Cost information for acquisition of the identified property is appropriate for Executive session.

## M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable to this action.

## HISTORY OF PROJECT

The Federal Way 317<sup>th</sup> Direct Access Project consists of an HOV direct access ramp that would connect the I-5 center HOV lanes at South 317<sup>th</sup> Street, which leads to the proposed transit center. The freeway end of the ramp would be constructed in the median of I-5. The West end of the ramp would merge with South 317<sup>th</sup> Street where the street turns to the North and becomes 28<sup>th</sup> Avenue South.

The Federal Way 317<sup>th</sup> Direct Access Project was included in an Environmental Assessment (EA) prepared by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA). The Environmental Assessment was issued in September 2001. A Finding of No Significant Impact (FONSI) was issued by FTA and FHWA in March 2002. Sound Transit also adopted the Environmental Assessment and issued a Determination of Non-Significance (DNS) pursuant to the Washington State Environmental Policy Act (SEPA) in

March 2002. The environmental documentation identified the real property necessary for the construction and operation of the two projects.

The environmental process also led to a determination that environmental mitigation will be required as a result of wetland disturbance associated with the construction of the Project. The real property that is the subject of this action has been identified as a suitable mitigation site. Hylebos Creek runs through the property and the plan is to restore and maintain a wetland located on the property.

After restoration, if a suitable government agency or non-profit environmental organization is identified to take over management of the mitigation site, the easement would be transferred to that entity. Disposition would be in accordance with adopted Board policies.

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

Motion or Resolution Number	Summary of Action	Date of Action
Reso R2002-04	Authorizing the Executive Director to Acquire Property Interests for the Federal Way 317 <sup>th</sup> Direct Access Project	4/11/02
Motion M2001-20	Authorizing task order with WSDOT for design services for Federal Way Direct Access Project	3/15/01

**CONSEQUENCES OF DELAY**

Regional Express would like to advertise this project for construction bids in early 2004. In order to meet that schedule, acquisition processes need to commence as soon as possible. Substantial delay in action on the resolution may produce a corresponding delay in the advertising date.

**REGIONAL PARTNERSHIP AND COOPERATION**

The Federal Way 317<sup>th</sup> Direct Access Project is being developed in conjunction with WSDOT.

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. Together these groups have provided direction on the preferred alternative for the direct access ramp.

## **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.

Sound Transit participated in a WSDOT-hosted Citizens Accessibility Access Committee hearing on December 12, 2001.

## **LEGAL REVIEW**

BN 5/19/03

## **SOUND TRANSIT**

### **RESOLUTION NO. R2003-10**

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 (including settlement), by condemnation litigation, or by administrative settlement; 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 317<sup>th</sup> Direct Access 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, at a general election held within the Central Puget Sound Regional Transit Authority District, voters approved local funding for Sound Move, the ten-year plan for 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 317<sup>th</sup> Direct Access Project in Federal Way, Washington; 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 Project 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 authorized the acquisition of certain properties in connection with the Federal Way 317<sup>th</sup> Direct Access Project; and

WHEREAS, Sound Transit has identified certain additional real property as necessary for the construction and permanent location of the Federal Way 317<sup>th</sup> Direct Access Project as reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Federal Way 317<sup>th</sup> Direct Access 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 property, and will continue to negotiate in good faith with the owners of the property authorized to be acquired by negotiated purchase or condemned, with the intent of reaching agreement 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 (said property to be used for the construction of the Federal Way 317<sup>th</sup> Direct Access Project), and for the payment of eligible relocation and re-establishment costs. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the property 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 317<sup>th</sup> Direct Access Project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), 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 for the Federal Way 317<sup>th</sup> Direct Access Project by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The Executive Director or her designee 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 finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlements shall not exceed established project 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 deems the Federal Way 317<sup>th</sup> Direct Access Project 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 in Exhibit A as being necessary for the construction, operation, and permanent location of the Federal Way 317<sup>th</sup> Direct Access Project (said properties are described in Exhibit A and incorporated herein by reference), and that eligible parties be paid relocation and re-establishment costs associated with displacement from the property.

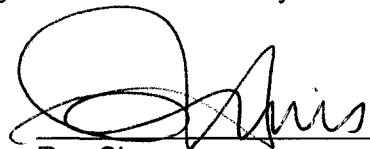
SECTION 4. The Sound Transit Board finds that the public health, safety, necessity, convenience, and welfare demand and require that the property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Federal Way 317th Direct Access Project.

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 the property described in Exhibit A, for the purpose of constructing, owning, and operating a permanent location of the Federal Way 317<sup>th</sup> Direct Access Project. The Executive Director is also authorized to make minor amendments to the legal descriptions of the properties described in 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.


SECTION 7. The Executive Director is further authorized to execute such agreements as are necessary for the disposal of the real property interests described in Exhibit A in accordance with Sound Transit Resolution No. R99-35, Policy for Real Property Disposition, in order to effect the required mitigation measures.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 12, 2003.



Ron Sims  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator



# EXHIBIT A

## Federal Way Direct 317<sup>th</sup> Access Project

Order No.	Owner/Contact	Parcel #	Site Address
C10759	PULEMAU PAAGA AND TABATHA PAAGA, HUSBAND AND WIFE	322104-9021-09	326 S. 376 <sup>th</sup> St., Federal Way

**LEGAL DESCRIPTION:**

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION DESCRIBED AS FOLLOWS:

BEGINNING 30 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE NORTH ALONG THE WEST LINE OF SAID SUBDIVISION 126 FEET;

THENCE SOUTHEASTERLY TO A POINT 188 FEET EAST OF THE POINT OF BEGINNING;

THENCE WEST TO THE POINT OF BEGINNING.