

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2006-18

Property Acquisition for the Sounder Commuter Rail – Mukilteo Station Project

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	10/05/06	Discussion/Possible Action to Recommend Board Approval	Hamid Qaasim, Interim Director, Project Delivery Support Services	(206) 398-5129
Board	10/12/06	Action	Don Vogt, Sr. Real Estate Representative	(206) 689-3396

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate	✓	Property Acquisition	✓

PROJECT NAME

Sounder Commuter Rail - Mukilteo Station

PROPOSED ACTION

Authorizes the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or by administrative settlement, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the Sounder Commuter Rail Mukilteo Station Project.

KEY FEATURES of PROPOSED ACTION

- This action would authorize the Chief Executive Officer to acquire real property interests in the Burlington Northern and Santa Fe Railway (BNSF) right of way at Mukilteo Station for station platforms. The property identified in this action is included in Exhibit A of Resolution No. R2006-18.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET and FINANCIAL PLAN DISCUSSION

The adopted budget for Mukilteo Station is \$18,213,773. Within that budget, \$2,875,772 has been budgeted in the right of way phase of which \$2,522,780 remains uncommitted.

The proposed action is consistent with those amounts, and is affordable within the agency's current long-term financial plan and sub-area financial capacity. The action will have no new revenue impact on Sound Transit. The acquisition costs of specific parcels are appropriate for discussion with board members in executive session.

BUDGET TABLE

Summary for Board Action (Year of Expenditure \$000)

Project 205 - Mukilteo Station

	2006 Board Adopted Budget ¹ (A)	Committed To Date ² (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	\$ 1,255	\$ 416	\$ -	\$ 416	\$ 839
2 Preliminary Engineering	\$ 684	\$ 618	-	\$ 618	65
3 Final Design	\$ 2,726	\$ 2,422	-	\$ 2,422	304
4 Right of Way	\$ 2,876	\$ 353	-	\$ 353	2,523
5 Construction	\$ 10,673	\$ 73	-	\$ 73	10,600
6 Contingency	\$ -	\$ -	-	\$ -	-
7 Total Current Budget	\$ 18,214	\$ 3,883	\$ -	\$ 3,883	\$ 14,331
Phase Budget Detail					
8 Right of Way	2,876	353	0	\$ 353	2,523
9 Misc. Activity					-
10 Total Phase	\$ 2,876	\$ 353	\$ -	\$ 353	\$ 2,523

Notes:

¹ Project budget is located on page 102 of the Adopted 2006 budget book.

² Committed to date amount includes actual outlays and commitments through September 11, 2006.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable for this action.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

In order to build and operate a high capacity transit system consisting of commuter rail service, light rail service, and a program of regional express bus service, HOV improvements, and park-and-ride facilities throughout central Puget Sound, it is necessary for Sound Transit to acquire real property. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions.

In compliance with the National Environmental Policy Act (NEPA), the Federal Transit Administration (FTA) and Sound Transit issued the Everett-Seattle Commuter Rail Project Final Environmental Impact Statement (EIS) in December 1999 which included the Mukilteo Station and met both NEPA and State Environmental Policy Act (SEPA) requirements. A Record of Decision (ROD) on the Final EIS was issued by the FTA in February 2000. The properties proposed for acquisition were included in the environmental review and documentation done for the EIS.

The Mukilteo Station is a two-platform station with an overhead pedestrian walkway and elevators and stairs connecting the two platforms. Passenger amenities will include shelters, benches, bicycle lockers, a communications building, closed circuit television, ticket vending

machines, and parking for up to 120 vehicles. The station will be located adjacent to the to-be-relocated Burlington Northern Santa Fe (BNSF) mainlines just south of the Tank Farm property and east of the Mukilteo Speedway. The project is being developed in coordination with Washington State Department of Transportation plans for a new ferry terminal and redevelopment plans for the Tank Farm property. The project will be constructed in two phases with the north platform scheduled to begin construction in 2006 to allow service to begin to the Mukilteo community by mid-2007. The south platform, pedestrian bridge, elevators and stair towers will be constructed in 2008.

Sound Transit intends to acquire 40-year leases for these platforms from BNSF.

Prior Board/Committee Actions on this Project

Motion/Resolution Number and Date	Summary of Action
R2000-10 6/08/00	Authorized the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchases or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of commuter rail facilities for the Everett to Seattle Commuter Rail Project.

CONSEQUENCES of DELAY

A delay in Board action may result in a delay in the property acquisition schedule.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

SK 9/22/06

LEGAL REVIEW

JW 9/28/06

SOUND TRANSIT

RESOLUTION NO. R2006-18

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or by administrative settlement, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the Sounder Commuter Rail Mukilteo Station 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, the voters approved local funding for high capacity transit in the Central Puget Sound Region; and

WHEREAS, Sound Transit is authorized to acquire and dispose of property for the construction of high capacity transportation facilities under RCW 81.112.080; and

WHEREAS, Sound Transit is constructing a platform for the Mukilteo Station in the project known as the Mukilteo Station Project (the "Project"); and

WHEREAS, in compliance with the National Environmental Policy Act (NEPA), the Federal Transit Administration (FTA) and Sound Transit issued the Everett-Seattle Commuter Rail Project Final Environmental Impact Statement (EIS) in December 1999 which included the Mukilteo Station and met both NEPA and State Environmental Policy Act (SEPA) requirements. A Record of Decision (ROD) on the Final EIS was issued by the FTA in February 2000. The properties proposed for acquisition were included in the environmental review and documentation done for the EIS; and

WHEREAS, Sound Transit has identified certain real property as necessary for the construction and permanent location of the Project and it is reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to acquire the property determined to be necessary for the construction, operation, and permanent location of the 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 owner of the property 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 chief executive officer 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. 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 or as provided in Section 2 herein; provided that in the event the total of the acquisition, relocation, and re-

establishment costs of the property for the Project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer shall obtain approval from the appropriate committee or the Board, per Resolution No. 78-1, before the acquisition of the property for the Project by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The chief executive officer or her designee is hereby authorized to settle condemnation litigation or enter into 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 chief executive officer shall obtain prior approval of the appropriate committee or the Board, per Resolution No. 78-1.

SECTION 3. The Board deems the 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 Project, and that eligible parties be paid relocation and re-establishment costs associated with displacement from the property.

SECTION 4. The 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 Project.

SECTION 5. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the property and property rights and/or rights in those of the property described in Exhibit A,

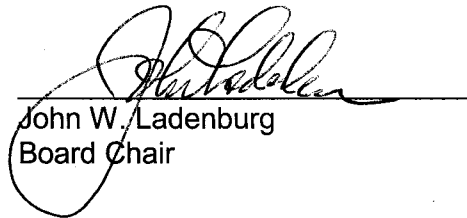
not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the Project. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the property described in Exhibit A, as may be necessary to correct scrivener's 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.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on October 12, 2006.

ATTEST:

Marcia Walker
Marcia Walker
Board Administrator


John W. Ladenburg
Board Chair

Resolution No. R2006-18

Exhibit A

That certain parcel of land situated in the City of Mukilteo, County of Snohomish, State of Washington, being that portion of the right-of-way of the Great Northern Railway Company within Section 4, Township 28 North, Range 4 East, W.M., included within a strip of land 65.00 feet wide, the northerly line of which is described as follows:

Commencing at the intersection of the centerline of Park Avenue with the northerly line of said right-of-way; thence along said right-of-way, North 69°11'36" East 668.22 feet to the True Point of Beginning; thence continuing North 69°11'36" East 566.21 feet to the terminus of said strip.