

RESOLUTION NO. R2011-19
Property Acquisition for the Sounder Commuter Rail – Mukilteo Station Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Capital Committee	12/8/11	Recommendation to Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	12/15/11	Final Action	Roger Hansen, DECM Real Property Director	206-689-3366

PROPOSED ACTION

Authorizes the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or by entering into administrative settlements, and (2) to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction, operation, and maintenance of the Mukilteo Sounder Station.

KEY FEATURES

- Authorizes acquisition and disposal of one partial property interest for construction of the Mukilteo Sounder Station South Platform.
- The real property identified in this requested action is included in Exhibit A.

PROJECT DESCRIPTION

The Mukilteo Sounder Station is divided into two projects, the north platform and the south platform. The north platform and parking lot have been in operation since 2008. The south platform project includes construction of the platform, stairs, elevator towers for both platforms, and a pedestrian bridge connecting the two platforms. The south platform project is scheduled for completion in the third quarter of 2012. Amenities include passenger shelters, benches, bicycle lockers, closed circuit television, ticket vending machines, and parking.

FISCAL INFORMATION

In accordance with Sound Transit policy, the property acquisition budget proposed in this action will, if necessary, be discussed with the Board in executive session.

Project Budget

Mukilteo Station, South Platform	2011 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted/ (Shortfall)
Agency Administration	704	704	-	704	-
Preliminary Engineering	-	-	-	-	-
Final Design	1,412	1,660	-	1,660	(247)
3rd Party	-	-	-	-	-
Right of Way	380	96	-	96	285
Construction	8,610	414	-	414	8,196
Construction Management	-	-	-	-	-
Vehicles	-	-	-	-	-
Contingency	24	-	-	-	24
Total Project Budget	\$ 11,131	\$ 2,873	\$ -	\$ 2,873	\$ 8,257

Notes:

Amounts are expressed in Year of Expenditure \$000.

Board Approvals = Committed to-date + Contingency, and includes pending Board Actions.

Project budget is located on page 81 of the 2011 Transit Improvement Plan.

SMALL BUSINESS PARTICIPATION

Not applicable to this action

APPRENTICE UTILIZATION COMMITMENT

Not applicable to this action

BACKGROUND

Certain property interests are necessary for construction, maintenance, and operation of the Mukilteo Sounder Station. Sound Transit’s authorizing legislation grants the agency the power of eminent domain for acquisitions when efforts to reach agreement with property owners are unsuccessful. This action will authorize the acquisition of the property needed for completion of the south platform of the Mukilteo Sounder Station. Construction of the new south platform includes the platform, stairs, as well as elevator towers and a pedestrian bridge connecting the two platforms. The south platform improvements are scheduled for completion in the third quarter of 2013.

ENVIRONMENTAL COMPLIANCE

All necessary NEPA and SEPA environmental documentation and approvals have been previously completed for the Mukilteo Station commuter rail project. The property acquisitions in this staff report are consistent with this documentation.

SSK 12-2-11

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2006-18: Authorized 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.

Resolution No. R2000-10: 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.

TIME CONSTRAINTS

A one month delay will not impact property acquisition work. A significant delay could impact the acquisition schedule and could ultimately affect the construction schedule for the project.

PUBLIC INVOLVEMENT

The following outreach activities have taken place during project development, construction and station opening:

Open House (including mailer):	March 2006
Mailer sent out regarding construction kickoff:	August 2007
Sound Transit Community Newsletter:	November 2007
Grand Opening – North Platform:	May 2008

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on November 30, 2011. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on December 2 and 9, 2011.

LEGAL REVIEW

JW 12/1/2011

RESOLUTION NO. R2011-19

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), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for Sounder Commuter Rail - Mukilteo Sounder Station Project.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 8, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of project improvements required under Sound Move, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Mukilteo Sounder Station are 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 Mukilteo Sounder Station, 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 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 (said property to be used for Mukilteo Sounder Station) and incorporated herein by reference, 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 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 Mukilteo Sounder Station 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. 78-2, before the acquisition of the property for the Mukilteo Sounder Station 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 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. 78-2.

SECTION 3. The Sound Transit Board deems the Mukilteo Sounder Station, 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 Mukilteo Sounder Station, 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 properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Mukilteo Sounder Station.

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 properties and property rights and/or rights in those of the properties described in Exhibit A, not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the Mukilteo Sounder Station. The chief executive officer 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.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 15, 2011.



Aaron Reardon
Board Chair

ATTEST:



Marcia Walker
Board Administrator

**RESOLUTION NO. R2011-19
EXHIBIT A**

Mukilteo Commuter Rail Station

R/W No.	Owner/Contact	Parcel #	Site Address
MKLT01 3	BNSF Railway Company	9999999109	920 First Street Mukilteo, WA 98275

Portion of the BNSF ROW located in the NE ¼, Sec 4, T 28N, Range 4E, W.M., County of Snohomish, WA