

RESOLUTION NO. R2011-20
Property Acquisition for the Sounder Commuter Rail Tukwila Station

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, 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 to the extent possible by law (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 Tukwila Sounder Station.

KEY FEATURES

- Authorizes acquisition and disposal of 13 partial property interests in the Renton Junction neighborhood in the City of Tukwila and the City of Renton for construction of the permanent Sounder station.
- The real properties identified in this requested action are included in Exhibit A.

PROJECT DESCRIPTION

The permanent Tukwila Sounder Station will be located between Longacres Way and the proposed Strander Boulevard extension in Tukwila. The project will replace the temporary wooden boarding platforms and leased parking area located directly south of the Longacres Way trestle with a permanent facility. Major components of the permanent station include two 700-foot long platforms with passenger shelters to provide wind and climate protection, a bus transfer facility, 390 parking stalls, and 68 bicycle parking spaces. The permanent station is designed so that the existing temporary station can continue to operate during construction.

FISCAL INFORMATION

In accordance with Sound Transit policy, budgets proposed in this action for specific parcels will, if necessary, be discussed with the Board in executive session.

Project Budget

Tukwila Station	2011 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted/ (Shortfall)
Agency Administration	2,555	2,555	-	2,555	-
Preliminary Engineering	1,105	1,101	-	1,101	4
Final Design	3,212	4,187	-	4,187	(976)
3rd Party	-	-	-	-	-
Right of Way	12,296	8,588	-	8,588	3,708
Construction	27,662	223	-	223	27,439
Construction Management	-	1,516	-	1,516	(1,516)
Vehicles	-	-	-	-	-
Contingency	2,304	-	-	-	2,304
Total Project Budget	\$ 49,134	\$ 18,171	\$ -	\$ 18,171	\$ 30,963

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 83 of the 2011 Transit Improvement Plan.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

APPRENTICE UTILIZATION COMMITMENT

Not applicable to this action

BACKGROUND

The Sound Move plan includes a commuter rail station located in the City of Tukwila. Sound Transit purchased ten acres of property in the city limits of Renton and Tukwila between the BNSF and Union Pacific Railroad (UPRR) railroad rights of way and between Longacres Way and Strander Boulevard for the construction of the station. This Sound Move project includes two 600 to 1,000 foot long platforms, an 800 to 1,000 stall surface parking lot on the west side of BNSF tracks, a bus transfer facility, two ticket vending machines, and bike lockers. The station also includes CCTV and public address and/or changeable message sign systems.

The station planning and design began in 1997, and was put on hold in March 1999 to allow the City of Tukwila time to explore transit oriented development (TOD) options. In November 2000, the Board postponed the construction of the permanent Tukwila commuter rail station to allow the City of Tukwila additional time to continue to explore TOD possibilities. In order to serve Tukwila, Sound Transit constructed a temporary station in 2001. In 2002 an agreement was executed with the City of Tukwila and the City of Renton to delay the final design of the permanent station for up to ten years to allow the City of Tukwila to finalize its downtown development plan and the City of Renton to design and fund the extension of Strander Boulevard.

ST2 includes additional funding for the Tukwila Sounder Station. Final design is scheduled to be completed in June 2012, and advertising for construction could take place in the third quarter of 2012. Construction is scheduled to be completed in the fourth quarter of 2013.

Certain property interests have been identified as necessary for construction, maintenance, and operation of the Tukwila Sounder Station. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions when efforts to reach

agreement with property owners are unsuccessful. This action would authorize the acquisition of 13 partial property acquisitions for permanent and temporary rights by condemnation if necessary, as needed for the construction, operation, and maintenance of the Tukwila commuter rail station, and the payment of relocation benefits to eligible affected owners and tenants.

The parcels identified in Exhibit A are in the vicinity of the Renton Junction neighborhood in the City of Tukwila and the City of Renton.

ENVIRONMENTAL COMPLIANCE

Environmental documentation under both NEPA (National Environmental Policy Act) and SEPA (State Environmental Policy Act) has been completed. A NEPA Environmental Assessment was completed and issued by Sound Transit and the Federal Transit Administration (FTA) in January 2009. A Finding of No Significant Impact (FONSI) was issued by FTA in March 2009. The NEPA Environmental Assessment (2009) also served as a SEPA Addendum to the Seattle to Tacoma Commuter Rail Notice of Adoption of NEPA Environmental Assessment and SEPA Mitigated DNS (1998). The property acquisitions in this staff report are consistent with the prior environmental documentation.

SSK 12-2-11

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2010-09: 1) Amended the Adopted 2010 Lifetime Budget for the Sounder Commuter Rail Tukwila Station Project from \$16,433,658 to \$49,133,658, 2) amended the Adopted 2010 Annual Budget from \$5,314,650 to \$6,695,454 and 3) established a baseline budget of \$49,133,658 and a baseline scheduled completion date of first quarter 2013 for the project.

Motion No. M98-69: Authorized the Executive Director to acquire by negotiated purchase or eminent domain up to 13.8 acres of property for construction of the Longacres commuter rail station in Tukwila.

Resolution No. R98-44: Delegated to the Executive Committee all such powers as enumerated in Resolution 78-1 as are necessary to acquire, dispose, lease or otherwise authorize any real property transaction(s) necessary for the construction and operation of the Longacres Commuter Rail Station in Tukwila, Washington.

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

In October 2010 Sound Transit hosted an open house at the temporary Tukwila Sounder Station, to update riders and community members about plans for a permanent station. In the months since, Sound Transit has maintained a project website with updated project information, and outreach staff has answered public inquiries as they arise.

In the coming weeks, Sound Transit outreach staff will post banners at the station updating riders about the project and directing them to the web page. Sound Transit plans to hold another public open house in early 2012 in conjunction with the City of Tukwila.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on November 29, 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. R2011-20

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 to the extent permitted by law (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for Tukwila Sounder Station.

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 Tukwila 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 Tukwila 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 Tukwila 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 Tukwila 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 Tukwila 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 Tukwila 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 Tukwila 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 Tukwila 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 Tukwila 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. R2011-20
EXHIBIT A**

Tukwila Commuter Rail Station

R/W No.	Owner/Contact	Parcel #	Site Address
TKWA13	Longacres Park, Inc.	0886700040-06	No Site Address, Tukwila, WA Lot 4
TKWA14	Longacres Park, Inc.	0886700050-03	No Site Address, Tukwila, WA Lot 5
TKWA15	Longacres Park, Inc.	0886700070-09	No Site Address, Tukwila, WA Lot 7
TKWA16	Longacres Park, Inc.	0886700090-05	No Site Address, Tukwila, WA Lot 9

LOTS 4, 5, 7, AND 9, BOEING LONGACRES PROPERTY (SECOND AMENDED BINDING SITE PLAN), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 228 OF PLATS, PAGE(S) 22 THROUGH 28, INCLUSIVE IN KING COUNTY WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
TKWA17	City of Seattle	0005800017-09	No Site Address, Tukwila, WA

THAT PORTION OF GOVERNMENT LOT 9, SECTION 25, TOWNSHIP 23 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, AND OF THE HENRY A. MEADERS DONATION LAND CLAIM NO. 46, IN SAID SECTION, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 30 FEET IN WIDTH OVER AND ACROSS THE SAID LANDS, BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 9 IN SAID SECTION; THENCE ON THE EAST LINE THEREOF A DISTANCE OF 15 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE NORTH 87°18'12" WEST ON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 749.19 FEET TO POINT OF CURVE;
 THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 920 FEET AND THROUGH A CENTRAL ANGLE OF 19°56'15" A DISTANCE OF 320.14 FEET TO POINT OF TANGENCY;
 THENCE SOUTH 72°45'33" WEST ALONG SAID TANGENT A DISTANCE OF 701.80 FEET TO POINT OF CURVE;
 THENCE WESTERLY ALONG THE ARCE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 137.55 FEET AND THROUGH A CENTRAL ANGLE OF 20°01'15" A DISTANCE OF 48.06 FEET TO A POINT OF TANGENCY;
 THENCE NORTH 87°13'12" WEST ALONG SAID TANGENT A DISTANCE OF 3004.13 FEET, MORE OR LESS, TO THE LOW WATER LINE ON THE EASTERLY BANK OF THE GREEN RIVER ABUTTING SAID DONATION CLAIM;
 EXCEPTING THEREFROM THE PORTIONS OF SAID STRIP LYING AND BEING WITHIN THE RIGHTS OF WAY OF THE SEVERAL RAILROADS AND PUBLIC HIGHWAYS CROSSING SAID STRIP;
 ALL BEARINGS BEING REFERRED TO THE LAMBERT GRID AS USED IN THE AERIAL SURVEY FOR KING COUNTY, WASHINGTON;

(ALSO KNOWN AS THE CITY OF SEATTLE CEDAR RIVER PIPELINE 4 AND ALSO KNOWN AS THE BOW LAKE PIPELINE)

R/W No.	Owner/Contact	Parcel #	Site Address
TKWA18	Washington Federal Savings	2423049137-08	No Site Address, Tukwila, WA

PARCEL 1, CITY OF TUKWILA BOUNDARY LINE ADJUSTMENT NUMBER L06-077, RECORDED UNDER RECORDING NUMBER 20071011900001, KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
TKWA19	Longacres Park, Inc.	0886700100-03	No Site Address, Tukwila, WA Lot 10
TKWA20	Longacres Park, Inc.	0886700160-00	No Site Address, Tukwila, WA Lot 16
TKWA21	Longacres Park, Inc.	0886700380-04	No Site Address, Tukwila, WA Tr. C
TKWA22	Longacres Park, Inc.	0886700150-02	No Site Address, Tukwila, WA Lot 15
TKWA23	Longacres Park, Inc.	0886700180-06	No Site Address, Tukwila, WA Lot 18
TKWA24	Longacres Park, Inc.	0886700190-04	No Site Address, Tukwila, WA Lot 19

LOTS 10, 15, 16, 18, AND 19, AND TRACT "C", BOEING LONGACRES PROPERTY (SECOND AMENDED BINDING SITE PLAN), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 228 OF PLATS, PAGE(S) 22 THROUGH 28, INCLUSIVE, IN KING COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Site Address
TKWA25	City of Tukwila	2423049034-02	825 Industry Drive Tukwila, WA 98188

PARCEL 2, CITY OF TUKWILA BOUNDARY LINE ADJUSTMENT NUMBER L06-077, RECORDED UNDER RECORDING NUMBER 20071011900001, KING COUNTY, WASHINGTON.