

RESOLUTION NO. R2013-01

To Acquire Real Property Interests Required for Commuter Rail

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Capital Committee	01/10/2013	Recommend to Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	01/24/2013	Final Action	Eric Beckman, Project Director Roger Hansen, DECM Real Property Director	206-398-5251 206-689-3366

PROPOSED ACTION

(1) Authorizes the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or by entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary in order to secure property required for operation, and maintenance of the Sounder line, and (2) requires staff to prepare an amendment to the Adopted 2013 Budget to fund the acquisition for Board consideration within 60 days of completion of the acquisition.

KEY FEATURES SUMMARY

- Authorizes the full acquisition of 15 parcels that make up an approximately 1.3 mile rail corridor in the City of Tacoma. The corridor is owned by City of Tacoma and operated by Tacoma Rail. The real properties identified in this requested action are included in Exhibit A.
- Sound Transit has operated on this segment for approximately 10 years under a temporary operating agreement with the City of Tacoma. This action would authorize the acquisition of the property in lieu of establishing a new operating agreement.
- Funding for this acquisition requires a budget amendment to the Reservation Junction Track and Signal Project in the Adopted 2013 Budget. Staff will submit an amendment for the total amount of the acquisition for Board consideration within 60 days of acquiring the properties.

BACKGROUND

Sound Transit currently operates Sounder service on a 1.3 mile section of track owned by the City of Tacoma. This section of track provides a connection between the BNSF mainline and the Lakeview Subdivision track owned by Sound Transit. Sound Transit has operated on the track owned by the City of Tacoma for approximately 10 years under a temporary operating agreement.

In early 2012, during negotiations with the City of Tacoma for a permanent operating agreement, the advantages of the city selling the corridor to Sound Transit in lieu of an operating agreement were considered. Sound Transit ownership of the property will ensure control for completed and future investments Sound Transit has in the corridor, eliminate additional layers of approval for operational changes, provide greater authority when third parties seek permission to use this corridor, and provide certainty for Sound Transit in the event that Tacoma were to sell its freight rights over the corridor to another entity.

FISCAL IMPACT

Reservation Junction	2013 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	353	0		0	353
Preliminary Engineering	1,517	0		0	1,517
Final Design	0	0		0	-
Right of Way	0	0		0	-
Construction	0	0		0	-
Construction Services	0	0		0	-
Third Party Agreements	0	0		0	-
Vehicles	0	0		0	-
Total Current Budget	1,870	0	0	0	1,870

Notes:

Amounts are expressed in Year of Expenditure \$000s.

Board Approvals = Committed to date + contingency, and includes pending Board actions.

Project budget is on page 51 of 2013 Transit Improvement Plan.

SMALL BUSINESS PARTICIPATION

Not applicable to this action

EQUAL EMPLOYMENT WORKFORCE PROFILE

Not applicable to this action

PUBLIC INVOLVEMENT

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on January 8, 2013. Legal notices of this proposed Board action were published in the Tacoma News Tribune newspaper on January 11 and 18, 2013.

TIME CONSTRAINTS

A one month delay would not create a significant impact to the project schedule.

ENVIRONMENTAL REVIEW

Jl 1/3/2013

LEGAL REVIEW

JW 1/4/13

RESOLUTION NO. R2013-01

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority (1) authorizing the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or by entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary in order to secure property required for operation, and maintenance of the Sounder line, and (2) requiring staff to prepare an amendment to the Adopted 2013 Budget to fund the acquisition for Board consideration within 60 days of completion of the acquisition.

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 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, Sound Transit currently operates high capacity commuter rail service between Seattle and Lakewood; and

WHEREAS, in order to acquire the properties determined to be necessary for the continued operation and maintenance of project improvements, 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 continued operation of Sounder Commuter Rail service between Seattle and Lakewood that are reasonably described in Exhibit A of this resolution; and

WHEREAS, on January 8, 2013, Sound Transit mailed certified letters to property owners affected by this action and also published newspaper notices in compliance with state law regarding public notification; 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 the Sounder Commuter Rail Reservation Junction Track & Signal Project) 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 Sounder Commuter Rail Reservation Junction Track & Signal 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. 78-2, before the acquisition of the property for the Northgate Link Extension 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, subject to additional Board authorization for approval of any such settlement. 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 Sounder Commuter Rail Reservation Junction Track & Signal 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 for the continued operation and maintenance of project improvements for the Sounder Commuter Rail ST2 Seattle to Tacoma Track & Signal Project, 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 acquired, condemned, appropriated, taken and damaged for the operation and permanent location of the Sounder Commuter Rail Reservation Junction Track & Signal 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 properties and property rights and/or rights in those of the properties described in Exhibit A, to the extent permitted by law, for the purpose of owning, and operating a permanent location of the Sounder Commuter Rail Reservation Junction Track & Signal Project. 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 Sound Transit Board will be presented with an amendment to the Adopted 2013 Budget within 60 days of completion of the acquisition. 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. Notwithstanding the sections above, if Sound Transit intends to preserve the ability to use federal funds, then Sound Transit shall not condemn or otherwise acquire property interests until it obtains approval from FTA. In addition, if Sound Transit and the City of Tacoma reach a negotiated agreement or settlement for the purchase of the real property interests described in Exhibit A, such agreement shall be subject to Board approval.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on January 24, 2013.


Pat McCarthy
Board Chair

ATTEST:



Marcia Walker
Board Administrator

**RESOLUTION NO. R2013-01
RESERVATION JUNCTION TRACK AND SIGNAL**

EXHIBIT A

R/W No	Tax Parcel No	Owner
RJ001	2075220016	City of Tacoma
RJ002	2075280012	City of Tacoma
RJ003	2075300012	City of Tacoma
RJ004	2075320012	City of Tacoma
RJ005	2075340012	City of Tacoma
RJ006	2075360012	City of Tacoma
RJ007	2075380010	City of Tacoma
RJ008	4715010610	City of Tacoma
RJ009	4715010650	City of Tacoma
RJ010	4715010722	City of Tacoma
RJ011	4715010734	City of Tacoma
RJ012	4715011132	City of Tacoma
RJ013	4715010752	City of Tacoma
RJ014	4715024330	City of Tacoma
RJ015	4715024331	City of Tacoma

**RESOLUTION R2013-01
RESERVATION JUNCTION TRACK AND SIGNAL**

EXHIBIT A

R/W No.	Owner/Contact	Parcel #	Site Address
RJ001	City of Tacoma	2075220016	XXX E 25 th ST

Section 09 Township 20 Range 03 Quarter 11 : TACOMA LAND COS 1ST NW OF NE 9-20-03E B 7522, B 7524 & B 7526 EXC N 97 FT THEREOF TOG/W VAC EAST "E" ST & VAC EAST "F" ST ABUTT EXC THAT POR OF L 11 & 12 SD B 7526 TAKEN FOR ST PER SUP CT 61287 EASE OF REC APPROX 33,380 SQ FT OUT OF 001-4 & 207524-001-5 SEG H-0728 JU 3/1/96JU.

R/W No.	Owner/Contact	Parcel #	Site Address
RJ002	City of Tacoma	2075280012	XXX E 25 th ST

Section 09 Township 20 Range 03 Quarter 11 : TACOMA LD COS 1ST SLY 53 B 7528 TOG/W THAT POR VAC MCKINLEY AVE ADJ NE NE 09-20-03E APPROX 18,020 SQ FT OUT OF 001-0 SEG R-0206 TOG/W EASE OF RECORD PER ETN 739925 DC1986 JG7/20/90AT.

R/W No.	Owner/Contact	Parcel #	Site Address
RJ003	City of Tacoma	2075300012	XXX E 25 th ST

Section 09 Township 20 Range 03 Quarter 11 : TACOMA LD COS 1ST SLY 53 B 7530 TOG/W VAC MCKINLEY & "I" STS ABUTT NE OF NE 09-20-03E APPROX 20,140 SQ FT NE OF NE 09-20-03E OUT OF 001-0 SEG R-0206 JEA EMS TOG/W EASE OF REC PER ETN 739925 DC2075 JG7/20/90AT.

R/W No.	Owner/Contact	Parcel #	Site Address
RJ004	City of Tacoma	2075320012	XXX E 25 th ST

Section 09 Township 20 Range 03 Quarter 11 : TACOMA LD COS 1ST B 7532 TOG/W THAT POR VAC "I" ST ABUTT EXC FOLL DESC PROP BEG NE COR SD B 7532 TH SLY ALG ELY LI SD BLOCK 45.5 FT TH WLY ALG A STRAIGHT LI TO A PT ON W LI L 1 SD BLOCK WHICH IS 77 FT S OF NW COR THEREOF TH NLY ALG SD W LI SD BLOCK 77 FT TO SLY LI 25TH ST TH ELY ALG SD SLY LI & N LI SD BLOCK TO POB NE OF NE 09-20-03E APPROX 20,400 SQ FT OUT OF 001-0 SEG R-0206 TOG/W EASE OF RECORD PER ETN 739925 (DC1996 JG7/20/90AT).

R/W No.	Owner/Contact	Parcel #	Site Address
RJ005	City of Tacoma	2075340012	XXX E 25 th ST

Section 10 Township 20 Range 03 Quarter 22 : TACOMA LAND COS 1ST ADD OPTG PROP L 1 THRU 7 EXC NLY 30 FT ALSO L 8 THRU 12 EXC NLY 30 FT & EXC SLY 45 FT TOG/W 1/2 "K" ST VAC ABUTT ALSO 1/2 VAC ALLEY ABUTT & EXC BURLINGTON NORTHERN RW APPROX 26,575 SQ FT OUT OF 001-0 SEG N-1081 GD HB EMS (DCVCEMS7-21-81).

R/W No.	Owner/Contact	Parcel #	Site Address
RJ006	City of Tacoma	2075360012	XXX E 25 th ST

Section 10 Township 20 Range 03 Quarter 22 : TACOMA LD COS 7TH SLY 100 FT B 7536 & SLY 100 FT VAC "K" ST ADJ SD BLOCK NW OF NW 10-20-03E APPROX 33,000 SQ FT OUT OF 001-0 SEG R-0205 TOG/W EASE OF REC PER ETN 739925 (DC1988 JG7/20/90AT).

R/W No.	Owner/Contact	Parcel #	Site Address
RJ007	City of Tacoma	2075380010	1202E 25 th ST

Section 10 Township 20 Range 03 Quarter 22 : TACOMA LD COS 7TH B 7538 OPTG PROP.

R/W No.	Owner/Contact	Parcel #	Site Address
RJ008	City of Tacoma	4715010610	XXX E 25 th ST

Section 10 Township 20 Range 03 Quarter 22 INDIAN ADD: INDIAN ADD B 7538 C M & S P RY CO OPTG PROP TOG/W EASE OF RECORD PER ETN739925 (DC1990 JG7/20/90AT).

R/W No.	Owner/Contact	Parcel #	Site Address
RJ009	City of Tacoma	4715010650	XXX E 25 th ST

Section 10 Township 20 Range 03 Quarter 21 INDIAN ADD: INDIAN ADD NE OF NW 10-20-03E B 7540 TOG/W N 10 FT ALLEY ABUTT L 11 & 12 SD B 7540 VAC PER ORD 26688 ALSO TOG/W W 1/2 VAC E N ST VAC IN 1906 EASE OF REC APPROX 45100 SQ FT C M & ST P OPTG PROP TOG/W EASE OF REC PER ETN 739925 (DC1991 JG7/20/90AT) DC05-31-02AS DC/BL 07-23-03BL DC03-12-04JK.

R/W No.	Owner/Contact	Parcel #	Site Address
RJ010	City of Tacoma	4715010722	XXX E 25 th ST

Section 10 Township 20 Range 03 Quarter 21 INDIAN ADD: INDIAN ADD NE OF NW 10-20-03E B 7542 EXC POR OF L 27 & 28 LY ELY OF FOLL DESC LI BEG AT PT ON N LI OF SD B 7542, PT 35 FT WLY FROM NE COR OF SD B 7542 TH SELY TO INTER OF LI PAR TO & 20 FT SLY FROM SD N LI & LI PAR TO & 23.5 FT WLY FROM ELY LI OF SD B 7542 TH SLY PAR TO SD ELY LI TO SLY LI OF SD B 7542 TOG/W N 10 FT ALLEY ABUTT VAC PER ORD 26688 ALSO TOG/W E 1/2 VAC E N ST VAC IN 1906 EASE OF REC APPROX 2.30 AC SEG G 6084 TOG/W EASE OF REC PER ETN 739925 DC1992 JG7/20/90AT DC05-31-02AS DC/BL 07-23-03BL DC03-12-04JK.

R/W No.	Owner/Contact	Parcel #	Site Address
RJ011	City of Tacoma	4715010734	XXX Bay ST

Section 10 Township 20 Range 03 Quarter 12 INDIAN ADD: INDIAN ADD LAND ONLY POR L 2 THRU 5 B 7546 LY S ELY OF FOLL DESC LI BEG AT A PT ON NE COR SD L 3 TH SWLY TO A PT ON A LI PAR TO & 30 FT ELY FROM WLY LI OF SD B 7546 SD PT BEING 60 FT NLY FROM SLY LI SD B 7546 TH SLY PAR TO SD WLY LI TO SLY LI SD B 7546 OUT OF PARCEL 471501-073-2 SEG I 0044 TOG/W EASE OF RECORD PER ETN 739925 DC1993 JG7/20/90AT.

R/W No.	Owner/Contact	Parcel #	Site Address
RJ012	City of Tacoma	4715011132	XXX E 26 th ST

Section 10 Township 20 Range 03 Quarter 12 INDIAN ADD: INDIAN ADD B 7645 EXC POR OF L 1 & 2 LY WLY OF FOLL DESC LI BEG AT PT ON S LI OF SD B 7645, PT 30 FT ELY FROM SW COR OF SD B 7645 TH NWLY TO INTER OF LI PAR TO & 15 FT NLY OF SD S LI & LI PAR TO & 23.5 FT ELY OF WLY LI OF SD B 7645 TH NLY PAR TO SD WLY LI TO NLY LI OF SD B 7645 SEG G 6085 TOG/W EASE OF RECORD PER ETN 739925 (DC1994 JG7/20/90AT).

R/W No.	Owner/Contact	Parcel #	Site Address
RJ013	City of Tacoma	4715010752	XXX Puyallup Ave

Section 10 Township 20 Range 03 Quarter 12 INDIAN ADD: INDIAN ADD THAT POR L 8 THRU 29 B 7548 INDIAN ADD LY SLY OF A LI 50 FT NLY AS MEAS AT R/A FROM C/L OF MAIN TRACK OF CHEHALIS WESTERN RR ACROSS SD B 7548 TOG/W THAT POR L 13 THRU 33 B 7548 LY SLY OF C/L OF MAIN TRACK OF CHEHALIS WESTERN RR & NLY OF I-5 R/W TOG/W SWLY 1/2 PUYALLUP AVE ABUTT VAC UNDER ORD #23114 AFN 85-04-29-0222 NW OF NE 10-20-03E APPROX 91,350 SQ FT OUT OF 075-0 SEG R-0204TOG/W EASE OF REC PER ETN 739925 (DCJREMS12-10-81 & DCCAES8-19-85) (DC1989 JG7/20/90AT).

R/W No.	Owner/Contact	Parcel #	Site Address
RJ014	City of Tacoma	4715024330	XXX Unknown

Section 10 Township 20 Range 03 Quarter 12 INDIAN ADD THOSE PORTIONS OF THE NW OF NE & NE OF NE DESC AS FOLL BEG AT PT OPPOSITE HES 5W 386+92.16 ON 5W LI SURVEY OF SR 5 TACOMA AVE TO PUYALLUP RIVER BRIDGE VICINITY & 53 FT NLY THEREFROM TH NWLY TO PT OPPOSITE HES 5W 387+02.40 ON SD LI SURVEY & 58.05 FT NLY THEREFROM TH NELY TO PT OPPOSITE HES 5W 368+65.26 ON SD LI SURVEY & 76.4 FT NLY THEREFROM TH NELY TO PT OPPOSITE 5W 384+96.64 ON SD LI SURVEY & 102.66 FT NLY THEREFROM TH SLY TO PT OPPOSITE HES 384+86.47 ON SD LI SURVEY & 53 FT NLY THEREFROM TH WLY TO POB PER ETN 4044724 DC01/11/06LW.

R/W No.	Owner/Contact	Parcel #	Site Address
RJ015	City of Tacoma	4715024331	XXX Unknown

Section 10 Township 20 Range 03 Quarter 11 INDIAN ADD THAT POR OF NE OF NE DESC AS FOLL BEG AT PT OPPOSITE HES 5W 384+25.15 ON 5W LI SURVEY OF SR 5 TACOMA AVE TO PUYALLUP RIVER BRIDGE VICINITY & 53 FT NLY THEREFROM TH NLY TO PT OPPOSITE HES 5W 384+38.68 ON SD LI SURVEY & 120.57 FT NLY THEREFROM TH S 60 DEG 20 MIN 11 SEC E 46.64 FT TO PT OPP HES 5W 383+98.76 ON SD LI SURVEY & 100.75 FT NLY THEREFROM TH ALG C TO L WITH RAD OF 2924.18 AN ARC DIST OF 138.17 FT TO PT OPPOSITE HES 5W 382+75.66 ON SD LI SURVEY & 53 FT NLY THEREFROM TH WLY TO POB PICKUP SEG 2006-0724 LW01/11/06LW.