

RESOLUTION NO. R2016-14

To Acquire Real Property Interests Required for the Puyallup Station Access Improvement Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	05/12/2016	Recommend to Board	Ahmad Fazel, DECM Executive Director
Board	05/26/2016	Final Action	Kevin Workman, Director of Real Property

PROPOSED ACTION

Authorizes the chief executive officer to acquire or lease certain real property interests, including acquisition by condemnation, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Puyallup Station Access Improvement Project.

KEY FEATURES SUMMARY

- Authorizes the acquisition of five properties located in Puyallup, for construction of the Puyallup Station Access Improvement Project.
- Board authorization to acquire these property interests is needed in order to construct a parking garage with approximately 500 stalls, approximately 170 surface parking stalls along the north side of 3rd Avenue NW, a pedestrian bridge overcrossing 5th Street NW, and ramp and street improvements to meet current Americans with Disabilities Act (ADA) requirements.
- The Legal descriptions of the real properties identified in this requested action are included in Exhibit A.

BACKGROUND

The Puyallup Station Access Improvement Project will build bicycle, pedestrian, and parking access improvements at the Puyallup station.

In November 2008, the voter-approved ST2 Plan included funding for access improvements to the Puyallup Sounder Station. During the process of refining the projects included in the ST2 plan, the Sound Transit Board responded to community concerns by calling for a Sounder Access and Demand Study. The Study evaluated potential access improvements to eight existing Sounder stations including Puyallup. The study provided a range of potential access improvement projects that Sound Transit could implement in full or in part, that would allow riders to use alternative modes of travel to the Puyallup Station.

The Puyallup Station Access Improvement Project builds on the results of the Sounder Station Access and Demand Study. The initial phase of the Puyallup Station Access Improvement Project evaluated parking, traffic, pedestrian and bicycle access improvements that could be made to improve rider access to the Puyallup Station. The study of various packages of parking and access improvements led to the Board identification in August 2014 of Package C: Large Eagles Garage with modifications as the preferred alternative for environmental review. The August 2014 Board motion also identified that Sound Transit should consider a funding partnership with WSDOT and the Cities of Puyallup and Sumner to fund multi-modal improvements to the Traffic Avenue/SR410 interchange.

The project completed environmental review in compliance with the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) with approval of a NEPA Documented Categorical Exclusion on February 10, 2016, by the Federal Transit Administration and a SEPA Determination of Nonsignificance issued by Sound Transit on February 17, 2016.

In April 2016, the Board selected the following elements to be constructed for the project:

- A parking garage including approximately 500 stalls at the Eagles site, and approximately 170 surface parking stalls along the north side of 3rd Avenue NW (which includes replacing 68 existing stalls currently leased from the Eagles);
- Sidewalk, pedestrian lighting, and bicycle improvements in the station area; and
- A pedestrian bridge from the garage over 5th Street NW to the Sounder Station platform.

The pedestrian and bike improvements evaluated in the station area will enhance non-motorized access to the station, which in the last on-board survey constituted approximately 10 percent of Puyallup station ridership. The pedestrian bridge will increase passenger convenience by facilitating crossings of 5th Street NW from the proposed parking garage.

FISCAL IMPACT

This action is within the adopted budget and sufficient funds remain after approval of this action to fund the remaining work in the Right-of-Way Phase as contained in the current cost estimates.

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with the Board in executive session. Consistent with the current estimate, at completion for real property acquisition, this action and acquisitions of remaining certified properties are affordable within the adopted project budget.

Puyallup Station Improvements	Adopted 2016 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	757	423		423	334
Preliminary Engineering	2,680	2,541		2,541	139
Final Design					
Third Party Agreements					
Right of Way	4,977	32		32	4,946
Construction					
Construction Services					
Vehicles					
Total Current Budget	8,414	2,996		2,996	5,419

SMALL BUSINESS/DBE PARTICIPATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Public outreach on the Puyallup Station Access Improvement Project has taken place over the past several years. Outreach activities have included meetings with communities, property owners, businesses, stakeholders, local jurisdictions, and agencies

Sound Transit has utilized an extensive community outreach effort to ensure that potentially affected property owners and community members have opportunities to engage in the decision-making process.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on May 10, 2016. Legal notices of this proposed Board

action will be published in the Tacoma News Tribune and Seattle Times newspapers on May 13 and 20, 2016.

TIME CONSTRAINTS

A one-month delay would not significantly impact the timing of this project.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2016-07: Selected the bicycle, pedestrian, and parking access improvements to be built for the Puyallup Access Improvement Project.

Motion No. M2014-64: (1) Identified the Preferred Alternative for the Puyallup Station Access Improvement Project to advance into environmental review, and; (2) approved Gate 2: Identify Alternatives and Gate 3: Identify Preferred Alternative within Sound Transit's Phase Gate process.

ENVIRONMENTAL REVIEW

JI 5/5/2016

LEGAL REVIEW

JB 05/06/2016

RESOLUTION NO. R2016-14

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire or lease certain real property interests, including acquisition by condemnation, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Puyallup Station Access Improvement 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 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation and maintenance of project improvements required under the voter approved high capacity transportation system plans, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Puyallup Station Access Improvement Project and such properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to use the properties determined to be necessary for the construction, operation and maintenance, and permanent location of the Puyallup Station Access Improvement 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

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will 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 properties by voluntary purchase or to pay just compensation adjudged due after condemnation 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 or lease of interests in the real properties described in Exhibit A (said property to be used for the Puyallup Station Access Improvement Project). In accordance with Sound Transit's Real Property Acquisition and Relocation Policies,

Procedures and Guidelines, the acquisition price of the properties may not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition, costs of the properties for the Puyallup Station Access Improvement Project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer must obtain approval from the appropriate committee or the Board, per Resolution No. 78-2, before the acquisition of the properties for the Puyallup Station Access Improvement Project by purchase or by condemnation to the extent permitted by law.

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 interests in the real properties 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 may not exceed established project budgets. For all other settlements proposed, the chief executive officer must obtain prior approval of the appropriate committee or the Board, per Resolution No. 78-2.

SECTION 3. The Sound Transit Board deems the Puyallup Station Access Improvement 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 interests in the real properties identified in Exhibit A as being necessary for the demolition of certain encroaching structures necessary for the construction, operation and maintenance, and permanent location of the Puyallup Station Access Improvement Project.

SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that interests in the real properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Puyallup Station Access Improvement 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 properties described in Exhibit A to the extent permitted by law, for the purpose of removing encroaching structures necessary to construct the Puyallup Station Access Improvement Project. The chief executive officer is also authorized to make minor amendments to the legal description 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 May 26, 2016.



Dow Constantine
Board Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2016-14
EXHIBIT A

PUYALLUP STATION ACCESS IMPROVEMENTS PROJECT

ROW ID	TAX PARCEL NO.	OWNER/CONTACT
PSI001	5870000100	FRATERNAL ORDER OF EAGLES
PSI002	5870000110	O.D. SNIDER & SON INC.
PSI003	5870000120	DAFFODIL AERIE NO. 2308 FOE
PSI004	5870000130	DAFFODIL AERIE NO. 2308 FOE
PSI005	5870000140	EDWARD AND RODNEY HURLOW

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PUYALLUP STATION ACCESS IMPROVEMENTS PROJECT

R/W No.	Owner/Contact	Parcel #	Address
PSI001	FRATERNAL ORDER OF EAGLES	5870000100	202 5 TH STREET NW PUYALLUP, WA 98371

LOTS 1 AND 2 BLOCK 2, A. J. MILLER'S ADDITION TO PUYALLUP, PIERCE COUNTY W.T., 1888, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE 130, RECORDS OF PIERCE COUNTY AUDITOR.

SITUATE IN THE CITY OF PUYALLUP, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
PSI002	O.D. SNIDER & SON INC.	5870000110	302 5 TH STREET NW PUYALLUP, WA 98371

LOT 1, 2, 3, AND 4, BLOCK 3, PLAT OF A.J. MILLER'S ADDITION TO PUYALLUP, PIERCE COUNTY, W. T., 1888, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 130, RECORDS OF THE PIERCE COUNTY AUDITOR, IN THE CITY OF PUYALLUP, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
PSI003	DAFFODIL AERIE NO. 2308 FOE	5870000120	521 3 RD AVENUE NW PUYALLUP, WA 98371

LOT 5, BLOCK 3, PLAT OF A.J. MILLER'S ADDITION TO PUYALLUP, PIERCE COUNTY, W. T., 1888, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE 130, SITUATE IN THE CITY OF PUYALLUP, COUNTY OF PIERCE, STATE OF WASHINGTON.

TOGETHER WITH THE EAST HALF OF VACATED SIXTH STREET NORTHWEST ABUTTING THEREON, VACATED BY ORDINANCE NO. 2017 OF THE CITY OF PUYALLUP UNDER RECORDING NO. 8403210274.

R/W No.	Owner/Contact	Parcel #	Address
PSI004	DAFFODIL AERIE NO. 2308 FOE	5870000130	605 TO 609 3 RD AVENUE NW PUYALLUP, WA 98371

LOT 1 AND 2, BLOCK 4, PLAT OF A.J. MILLER'S ADDITION TO PUYALLUP, PIERCE COUNTY, W. T., 1888, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE 130, SITUATE IN THE CITY OF PUYALLUP, COUNTY OF PIERCE, STATE OF WASHINGTON.

TOGETHER WITH THE WEST HALF OF VACATED SIXTH STREET NORTHWEST ABUTTING THEREON, VACATED BY ORDINANCE NO. 2017 OF THE CITY OF PUYALLUP UNDER RECORDING NO. 8403210274.

R/W No.	Owner/Contact	Parcel #	Address
PSI005	EDWARD AND RODNEY HURLOW	5870000140	625 3 RD AVENUE NW PUYALLUP, WA 98371

LOTS 3 THRU 6 BLOCK 4, A. J. MILLER'S ADDITION TO PUYALLUP, PIERCE COUNTY W.T., 1888, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE 130, RECORDS OF PIERCE COUNTY AUDITOR.

SITUATE IN THE CITY OF PUYALLUP, COUNTY OF PIERCE, STATE OF WASHINGTON.