

RESOLUTION NO. R2017-29
To Acquire Real Property Interests Required for the Sounder Maintenance Base Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	8/10/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director
Board	8/24/2017	Final Action	Kevin Workman, Director of Real Property Melissa Flores Saxe, Senior Project Manager

PROPOSED ACTION

Authorizes the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Sounder Maintenance Base Project.

KEY FEATURES SUMMARY

- Authorizes the acquisition of one property located in the City of Lakewood for the Sounder Maintenance Base project.
- This property is needed for construction of the Sounder Maintenance Base project.
- The real property identified in this action is included in Exhibit A.

BACKGROUND

The ST2 Plan approved and funded by voters in 2008, included funding to locate, design, and construct a maintenance facility to accommodate the Sounder commuter rail fleet by 2023. Amtrak currently conducts the required Federal Railroad Administration’s mandated maintenance service of the Sounder fleet in south Seattle. The new maintenance base facility in Lakewood, Washington, will maintain, store, and accommodate future expansion fleet and support commuter rail operations.

Sound Transit proposes constructing a new railroad storage facility on the Sounder Rail Yard site between Steilacoom Boulevard SW and 100th Street SW in the City of Lakewood.

In May 2016, the Board approved the project to be built. The project will include a building which will contain maintenance bays, material storage areas, offices, and facilities for employees. Supporting facilities such as roadway, site lighting, drainage facilities, and required utility infrastructure are also included in the project.

The project team completed conceptual engineering in 2015 and began preparation of the environmental documents. In January 2016, staff briefed the Board on the project and the Real Property division obtained authority for a protective property acquisition. The Federal Transit Administration issued a National Environmental Policy Act (NEPA) Documented Categorical Exclusion (DCE) in November 2015 approving the property acquisition and DCE in January 2016 for the project. Sound Transit issued the State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance (DNS) on March 25, 2016, and the public comment period closed on April 8, 2016.

FISCAL INFORMATION

There is \$2,748,000 of uncommitted funds in the right of way phase which is sufficient to complete this proposed action. Project baseline costs are expected to be established in 2018.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Public outreach activities have included meetings with adjacent property owners, businesses, stakeholders, local jurisdictions, and agencies.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on August 8, 2017. Legal notices of this proposed Board action will be published in the Tacoma News Tribune newspaper on August 11, 2017, and August 18, 2017.

TIME CONSTRAINTS

A one-month delay would not delay Sound Transit's acquisition of this parcel.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2016-01: (1) Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Souder Yard & Shops Facility Project, and (2) required staff to prepare an amendment to the Adopted 2016 Budget for Board consideration within 60 days of completion of the acquisition if the property acquisition exceeds the current budget.

ENVIRONMENTAL REVIEW

KH 8/3/2017

LEGAL REVIEW

JB 8/3/2017

RESOLUTION NO. R2017-29

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Sounder Maintenance Base Project.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 RCW 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, November 4, 2008, and November 8, 2016, 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 to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, The Federal Transit Administration issued a National Environmental Policy Act (NEPA) Documented Categorical Exclusion (DCE) in November 2015 approving the property acquisition and DCE in January 2016 for the Sounder Maintenance Base Project. Sound Transit issued the State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance (DNS) on March 25, 2016, and the public comment period closed on April 8, 2016; and

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

WHEREAS, in order to use the property determined to be necessary for the construction, operation, and permanent location of the Sounder Maintenance Base 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 reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the property, 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 property by voluntary purchase or to pay just compensation adjudged due after condemnation and the funds necessary to reimburse eligible relocation and reestablishment expenses 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 of interests in the real property described in Exhibit A (said property to be used for Sounder Maintenance Base Project) and incorporated herein by reference, and for the reimbursement of eligible relocation and reestablishment expenses. 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, relocation, and reestablishment costs of the properties for the Sounder Maintenance Base 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 property for the Sounder Maintenance Base Project by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

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 property 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 Sounder Maintenance Base 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 property identified in Exhibit A as being necessary for the construction, operation, and permanent location of Sounder Maintenance Base Project, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses 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 interests in the real property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Sounder Maintenance Base 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 to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the Sounder Maintenance Base 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 August 24, 2017.



Dave Somers
Board Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2017-29
EXHIBIT A

SOUNDER MAINTENANCE BASE PROJECT

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYER	PROPERTY ADDRESS
1	SMB0005	0220368019	FRANK T and SALLY C PAIGE	9118 39TH AVE SW LAKEWOOD, WA 98499