

## **SOUND TRANSIT**

### **RESOLUTION NO. R2009-03**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority correcting the legal description in Resolution No. R2008-02 Exhibit A for the D to M Track and Signal Project and ratifying the actions of the chief executive officer with regard to the amended legal description as of the effective date of Resolution No. R2008-02.

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 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, the voter-approved regional high-capacity transportation system includes implementation of commuter rail service between Everett and Lakewood; and

WHEREAS, Sounder commuter rail improvements in the Tacoma to Lakewood segment, D to M Street phase include the construction, operation, and permanent location of an approximately 1.2 mile length of new railroad track; and

WHEREAS, in compliance with the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA), the Federal Transit Administration (FTA) and Sound Transit prepared and issued a Final Environmental Impact Statement (FEIS) for the Lakewood to Tacoma Commuter Rail and SR-512 Park and Ride Expansion in May 2002 which covered the proposed locations for the two commuter rail stations in South Tacoma and Lakewood, track and signal improvements and extensions from Tacoma to Lakewood, and a new layover yard at Camp Murray. A Record of Decision (ROD) was issued by FTA in December 2002. FTA approved a NEPA Reevaluation in February 2007 which evaluated, among other design changes and new information, the proposed change of location of the layover facility from Camp Murray to Lakewood after Camp Murray became unavailable. On November 28, 2007, FTA approved another NEPA Reevaluation, which evaluated the impacts of a new alignment in the D to M Street segment in

Tacoma (Modified Alternative 3 with a grade separated railroad bridge at Pacific in Tacoma). In compliance with SEPA, a SEPA Addendum was issued on December 4, 2007, which also evaluated the impacts of Modified Alternative 3. As a result, NEPA and SEPA documentation and compliance are complete for the set of proposed Lakewood to Tacoma commuter rail improvements authorized to date by the Sound Transit Board; 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 identified certain real properties as necessary for the construction and permanent location of the commuter rail D to M Street Track & Signal Project, ("the Project"), and the Sound Transit Board authorized their acquisition by negotiation or exercise of eminent domain by adopting Resolution No. R2008-02 on February 14, 2008; and

WHEREAS, during project design and development Sound Transit determined that it was necessary to amend the legal description in Resolution No. R2008-02 Exhibit A for the Project construction and operation to conform the area to be acquired to project needs; and

WHEREAS, pursuant to Section 5 of Resolution No. R2008-02, the chief executive officer exercised the authority delegated to her to amend the legal description described in Resolution No. R2008-02 Exhibit A to conform the legal description to the precise boundaries of the property required for the Project; and

WHEREAS, the amended legal description is attached as Resolution No. R2009-03 Exhibit A; and

WHEREAS, on June 5, 2008, Sound Transit entered into a Use and Possession Agreement and short term leaseback with Holgate Street Properties, LLC, for the area described in the amended legal description in Resolution No. R2009-03 Exhibit A; and

WHEREAS, on January 21, 2009, Sound Transit mailed a certified letter to the property owner affected by this action, Holgate Street Properties, LLC, which contained a notice that the Board would be considering this matter including authorizing condemnation, and also provided notice by publication in two newspapers on January 29, 2009 and February 5, 2009, in compliance with state law regarding public notification; and

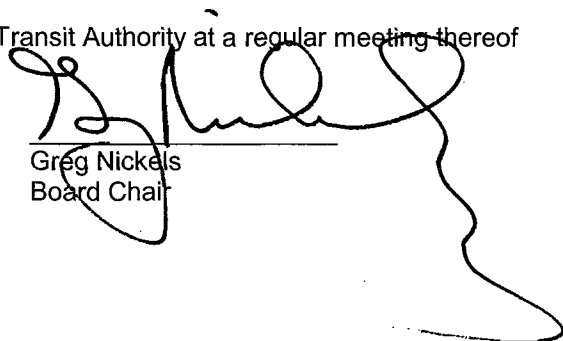
WHEREAS, the Board of the Central Puget Sound Regional Transit Authority wishes to ratify and confirm these actions of the chief executive officer and amend the legal description in Resolution No. R2008-02 Exhibit A.

NOW THEREFORE BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

SECTION 1. Resolution No. R2008-02, as adopted by the Board of the Central Puget Sound Regional Transit Authority on February 14, 2008 is hereby amended by replacing Resolution No. R2008-02 Exhibit A with Resolution No. R2009-03 Exhibit A.


SECTION 2. The Sound Transit Board hereby confirms that the actions of the chief executive officer to amend the legal description in Resolution No. R2008-02 Exhibit A as adopted by the Board on February 14, 2008, to conform the legal description to project needs are consistent with the authority delegated by Resolution No. R2008-02. The actions of the chief executive officer taken consistent with the amendment of the legal description, including but not limited to entry into a Use and Possession Agreement and leaseback with Holgate Street Properties, LLC are hereby ratified and confirmed as of the effective date of Resolution No. R2008-02.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on February 12, 2009.



Greg Nickels  
Board Chair

ATTEST:

  
Marcia Walker  
Board Administrator