

## **SOUND TRANSIT**

### **RESOLUTION NO. R2009-08**

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 (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the Sounder Commuter Rail D to M Street Track & Signal Project.

WHEREAS, a Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish County region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, at a general election held within the Central Puget Sound Regional Transit Authority district, the voters approved local funding for Sound Move, the ten-year plan for high capacity transit in the Central Puget Sound Region; and

WHEREAS, Sound Move provided for the implementation of high capacity commuter rail service between Tacoma and Lakewood, and further provided for the construction, operation, and permanent location of an approximately 1.2 mile length of new railroad track in Tacoma, Washington, from D Street to M Street; 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 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 has identified certain real properties as necessary for the construction and permanent location of the Sounder Commuter Rail D to M Street Track & Signal Project, and they are reasonably described in Exhibit A of this resolution; and

WHEREAS, on April 6, 2009, 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 D to M Street 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 D to M Street 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. 78-1, before the acquisition of the property for the Sounder Commuter Rail D to M Street Track & Signal Project 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. 78-1.

SECTION 3. The Sound Transit Board deems the Sounder Commuter Rail D to M Street 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 construction, operation, and permanent location of the Sounder Commuter Rail D to M Street Track & Signal Project, parties be paid relocation and re-establishment costs associated with displacements from the properties.

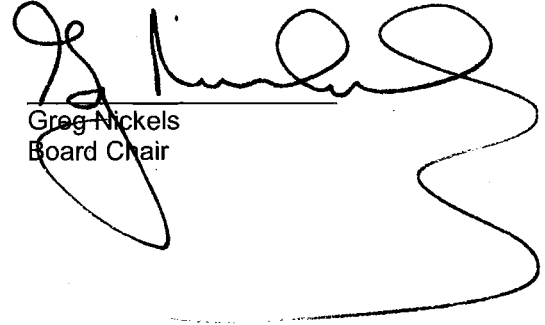
SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Sounder Commuter Rail D to M Street 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, not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the Sounder Commuter Rail D to M Street 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 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 April 23, 2009.



Greg Nickels  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator