

Resolution No. R2021-10

Property Acquisition for the Auburn Station Parking and Access Improvements project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	09/09/2021	Recommend to Board	Ron Lewis, DECM Executive Director
Board	09/23/2021	Final Action	Faith Roland Director – Real Property Melvin Hamilton, Project Manager – Real Property

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 Auburn Station Parking and Access Improvements project.

Key features Summary

- This action authorizes the acquisition of all or portions of property rights from 10 parcels located in the City of Auburn. Acquisitions consist of temporary, permanent or crane swing easements for the Auburn Station Parking and Access Improvements project.
- These property interest are needed to construct, operate and maintain the Auburn Station Parking and Access Improvement project.
- The legal descriptions of the real properties identified in this requested action are included in Exhibit A.

Background

In November 2008, voters approved access improvements to the Auburn Sounder Station as part of the ST2 ballot measure to expand mass transit throughout the region. Subsequently, the Sounder Station Access Study was conducted to identify potential access improvements at Sounder stations. However, funding for these improvements was suspended as a result of the reduced revenue during the recession.

The Sound Transit Board restored funding for the Auburn Sounder Station access improvements in January 2016, and Phase 1 of the Auburn Sounder Station Access Improvements project commenced in November 2016. Following the Auburn City Council’s recommendation, in November 2017 the Sound Transit Board identified the preferred site for a new parking structure, located at the intersection of 1st and A Streets NW, about two blocks from Auburn Station.

Sound Transit evaluated the parking structure and associated access improvements and issued a Determination of Non-significance under the State Environmental Policy Act (SEPA) on January 29, 2020. The Federal Transit Administration (FTA) concurred that the Project qualified as a categorical exclusion as described in its National Environmental Policy Act (NEPA) Rules on February 26, 2020.

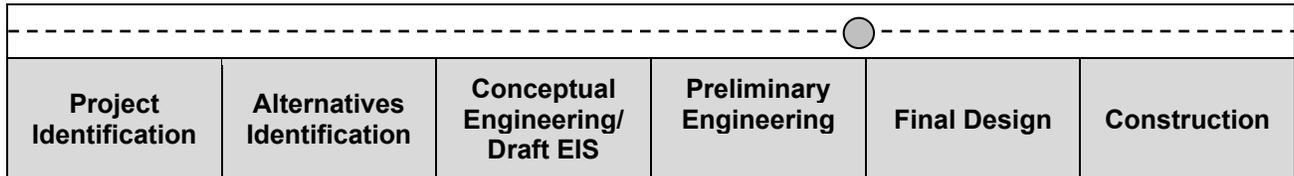
The Project would construct a new five-story parking garage providing approximately 535 stalls for transit patrons. Pedestrian, bicycle, and transit amenities are also proposed adjacent to and near the project garage site to enhance overall access to the Auburn Station including:

- Painted crosswalks, signals, lighting, and signage adjacent to the proposed garage
- Pedestrian safety and traffic calming features consisting of painted curb extensions, roadway channelization, and installation of rectangular rapid flashing beacons
- Bicycle improvements include adding smart lockers and bike racks at Auburn Station
- New bus shelters at five existing bus stops along routes that connect with the Auburn Station.

The FTA granted Sound Transit’s early acquisition request of three parcels and the Board subsequently approved those acquisitions through Resolution No. R2019-05.

To ensure that funding remains available to complete all voter approved projects, the Board also establishes a program schedule that is affordable utilizing current financial projections and cost estimates through Resolution No. R2021-05.

Project status



Projected completion date for Preliminary Engineering: 2Q 2022

Project scope, schedule and budget summary are located on page 131 of the July 2021 Agency Progress Report.

Fiscal information

The authorized project allocation for the Auburn Station Parking and Access Improvements project is \$12,592,000. Within that amount, \$3,824,000 has been allocated to the right-of-way phase of which, \$434,420 has been previously committed. There is \$3,389,580 of uncommitted funds remaining in the right-of-way phase.

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.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

Extensive public involvement has occurred since project development was initiated in early 2017. During Phase 1 Alternatives Analysis, outreach included: two open houses attended by approximately 120 people, as well as meetings with community stakeholders and potentially affected property owners. During Phase 2 Conceptual Engineering and Environmental Analysis, outreach to date includes an online and in-person open house in October 2018 with approximately 175 participants; meetings with community stakeholders and potentially affected property owners and businesses; and information tables at community events.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on September 3, 2021. Legal notices of this proposed Board action will be published in the Seattle Times and Tacoma News Tribune on September 10 and 17, 2021.

Time constraints

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

Prior Board/Committee actions

Resolution No. R2019-05: 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 potential parking garage for the Auburn Station Parking and Access Improvements project.

Motion No. M2017-138: (1) Identified the Preferred Alternative for the Auburn Station Access Improvements Project to advance into environmental review, and (2) authorized the project to advance through Gate 2: Identify Alternatives and Gate 3: Identify Preferred Alternative within Sound Transit's Phase Gate process.

Resolution No. R2016-08: (1) Amended the Adopted 2016 Budget to create the Auburn Station Access Improvements Project by (a) establishing the Project Lifetime Budget through alternatives analysis in the amount of \$831,000, (b) establishing the 2016 Annual Budget in the amount of \$289,500 and (2) authorized the project to advance through Gate 1 within Sound Transit's Phase Gate Process.

Motion No. M2016-10: (1) Restored funding for the Kent and Auburn Access Projects in the Sound Transit 2 Finance Plan, and (2) directed staff to start work on those access projects and return with a budget amendment and Phase Gate actions when appropriate.

Resolution No. R2021-05: To ensure that funding remains available to complete all voter approved projects, the Board also establishes a program schedule that is affordable utilizing current financial projections and cost estimates.

Environmental review – KH 8/31/20

Legal review – PM 4/3/2020



Resolution No. R2021-10

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 Auburn Station Access Improvement Project.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (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 Sound Transit 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, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Auburn Station Access Improvement Project.

and such properties are 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 Auburn 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 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 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 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 Auburn Station Access Improvement 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 Auburn 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. R2018-40, before the acquisition of the property for the Auburn Station Access Improvement 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. R2018-40.

SECTION 3. The Sound Transit Board deems the Auburn 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 property identified in Exhibit A as being necessary for the construction, operation, and permanent location of Auburn Station Access Improvement 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 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 Auburn 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 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 constructing, owning, and operating a permanent location of the Auburn Station Access Improvement 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 September 23, 2021.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2021-10
Exhibit A

Auburn Station Parking and Access Improvements project

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
AST	104	7816200100	AUBURN CITY OF	11 A ST NW 98002
AST	110	0492000285	INVESTORS FIVE INC	122 2ND AVE NW 98002
AST	111	0492000238	SMITH TERESA A+PETER G TURY	116 2ND ST NW 98002
AST	112	0492000235	FAIRWEATHER MONTY+KRISTIN	129 A ST NW 98002
AST	113	0492000236	Bruce Boytler LLC.	125 A ST NW 98002
AST	114	0492000305	AUBURN MEDICAL PROP II LLC	121 N DIVISION ST 98002
AST	115	0300460000	AUBURN CITY OF	101 N DIVISION ST
AST	116	7816200060	AUBURN CITY OF	25 W MAIN ST 98002
AST	117	1321049022	BNSF	250 W MAIN ST 98002
AST	118	781570UNKN	AUBURN CITY OF	25 W MAIN ST 98002