

SOUND TRANSIT

RESOLUTION NO. R98-43

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire, dispose, or lease up to 13.8 acres of property for construction of the Longacres Commuter Rail Station by purchase or by condemnation.

WHEREAS, a Regional Transit Authority (“RTA”), 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, Central Puget Sound area voters approved local funding for *Sound Move*, the ten-year plan for regional high-capacity transit in the Central Puget Sound Region; and

WHEREAS, Sound Move provided for the implementation high capacity commuter rail service between Tacoma and Seattle, and further provided for the construction, operation and permanent location of the Longacres Commuter Rail Station and associated parking facilities in Tukwila, Washington; and

WHEREAS, in June 1998, a Federal Transit Administration (“FTA”) conducted an environmental evaluation of the proposed location for the Longacres Commuter Rail Station and issued a finding of no significant environmental impact. In compliance with the State Environmental Policy Act , Chapter 43.21 RCW, and the implementing regulations set forth in WAC 197-11, Sound Transit considered and adopted the FTA’s finding of no significant environmental impact for the Tacoma-Seattle commuter rail project, including the Longacres Commuter Rail Station location; and

WHEREAS, after consideration of the finding of no significant environmental impact, and public and governmental comments, Sound Transit selected a site for the Tukwila station that will require the acquisition of up to 13.8 acres in private ownership. The property is situated adjacent to the former Longacres Race Track between the railroad tracks at S. 158th Street and is reasonably described in Exhibit A attached hereto; and

WHEREAS, in order to acquire the property determined to be necessary for the construction, operation and permanent location of the Longacres Commuter Rail Station, it is necessary for Sound Transit to acquire by purchase or to condemn certain lands and rights in property for public purposes, as hereinafter stated; and

WHEREAS, Sound Transit has commissioned appraisals to determine the fair market value of the property and will continue to negotiate in good faith with the owners of the properties authorized to be condemned with the intent of reaching agreements for the acquisition of the property for fair market value; and

WHEREAS, 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;

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

SECTION 1. The Executive Director is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of up to 13.8 acres of property described in Exhibit A, said property to used for the construction of the Longacres Commuter Rail Station in Tukwila. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the property shall

not exceed the fair market value to be determined when the appraisal evaluation process is completed; provided that in the event that the fair market value of the property exceeds Sound Transit's estimated range of the fair market value as indicated by preliminary appraisal evaluations, then the Executive Director shall obtain approval from the Executive Committee before the acquisition of the property by purchase or by condemnation.

Section 2. The Sound Transit Board of Directors deems the Longacres Commuter Rail Station to be constructed in Tukwila 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 herein as being necessary for the construction, operation and permanent location of the Longacres Commuter Rail Station and associated parking facilities. The Board directs that all, any portion thereof, of the property identified herein be immediately acquired by voluntary agreement, or in lieu of agreement, that said properties be condemned, appropriated, taken and damaged for the construction, operation and permanent location of the Longacres Commuter Rail Station, said property being described in Exhibit A incorporated herein by reference.

SECTION 3. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience and welfare demand and require that the above-described properties be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation and permanent location of the Longacres Commuter Rail Station and associated parking facilities in Tukwila.

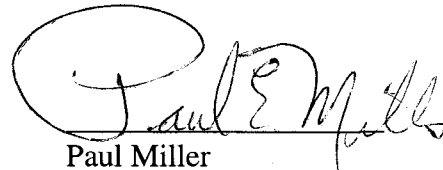
SECTION 4. Sound Transit has complied with the State Environmental Policy Act and the guidelines of WAC Chapter 197-11 with respect to this resolution authorizing condemnation proceedings.

SECTION 5. In addition to the authority granted the Executive Director 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 the properties described in the attached Exhibit A for the purpose of constructing, owning and operating the Longacres Commuter Rail Station and associated parking facilities in Tukwila.

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.

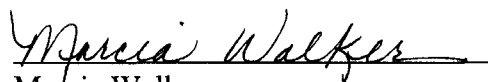
ADOPTED by the Board of the Central Puget Sound Regional Transit

Authority at a regular meeting thereof held on the 10th day of September 1998.



Paul Miller
Board Chair

ATTEST:



Marcia Walker
Board Administrator

EXHIBIT A

PARCEL A:

THAT PORTION OF THE HENRY MEADER DONATION CLAIM NO. 46 AND OF SECTIONS 24 AND 25, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WEST OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY, EAST OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY, AND SOUTH OF A LINE 137 FEET SOUTH OF THE NORTH LINE OF SAID DONATION CLAIM AND NORTH OF THE CITY OF SEATTLE BOW LAKE PIPELINE RIGHT-OF-WAY;

TOGETHER WITH THAT PORTION OF THE HENRY MEADER DONATION CLAIM NO. 46 DESCRIBED ABOVE, BEGINNING ON THE 2M LINE OF PRIMARY STATE HIGHWAY NO. 1 GREEN RIVER INTERCHANGE AT HIGHWAY ENGINEERING STATION 2M 149 + 25.97 POINT OF TANGENCY "Y" 0+00;

THENCE NORTH 87°07'32" EAST ALONG SAID "Y" LINE 418.74 FEET TO INTERSECTION WITH THE WESTERLY MARGIN OF PUGET SOUND POWER & LIGHT RIGHT-OF-WAY; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY MARGIN TO A POINT 20 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO THE EASTERLY PRODUCED LINE OF THE ABOVE DESCRIBED "Y";

THENCE NORTH 87°08'04" EAST 100 FEET TO EASTERLY MARGIN OF PUGET SOUND POWER & LIGHT RIGHT-OF-WAY TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 87°08'04" EAST 124.74 FEET TO WESTERLY MARGIN OF UNION PACIFIC RAILROAD RIGHT-OF-WAY;

THENCE NORTH 03°40'04" EAST ALONG THE WESTERLY RIGHT-OF-WAY MARGIN TO THE SOUTHERLY MARGIN OF LOT 1 OF THE CITY OF TUKWILA BOUNDARY LINE ADJUSTMENT NO. 81-36 SPE RECORDING NO. 8111090569;

THENCE SOUTH 87°13'29" WEST 127.45 FEET;

THENCE SOUTH 01°26'34" EAST TO THE POINT OF BEGINNING.

PARCEL A-1:

THOSE EASEMENT RIGHTS BENEFITING SAID PARCEL B AS ESTABLISHED IN RECORDING NO. 3480349, 9003121658, 9601231152 AND 9609130558.

PARCEL B:

ALL THAT PORTION OF GOVERNMENT LOT 11 AND ALL THAT PORTION OF HENRY MEADER DONATION CLAIM NO. 46 IN THE NORTH HALF OF THE NORTHWEST QUARTER AND THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER ALL SITUATED IN SECTION 25, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., BOUNDED AS FOLLOWS:

ON THE WEST BY A LINE DRAWN PARALLEL WITH AND DISTANT 43 FEET EASTERLY MEASURED AT RIGHT ANGLES TO THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY MAIN TRACK CENTERLINE AS LOCATED AND CONSTRUCTED;
ON THE EAST BY A LINE DRAWN PARALLEL WITH AND DISTANT 50 FEET WESTERLY MEASURED AT RIGHT ANGLES TO BURLINGTON NORTHERN RAILROAD COMPANY'S OLD MAIN LINE TRACK CENTERLINE AS NOW LOCATED AND CONSTRUCTED;
ON THE SOUTH BY A LINE DRAWN PARALLEL WITH AND DISTANT 330 FEET SOUTHERLY AT RIGHT ANGLES TO THE SOUTH LINE OF SAID GOVERNMENT LOT 11;
ON THE NORTH BY THE SOUTH MARGIN OF THE CITY OF SEATTLE'S 30 FOOT WIDE BOW LAKE PIPELINE RIGHT-OF-WAY, AS CONVEYED TO THE CITY OF SEATTLE, BY DEED RECORDED UNDER RECORDING NO. 4131067;
EXCEPT THAT PORTION THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID DONATION CLAIM AND THE EAST MARGIN OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT-OF-WAY;
THENCE EASTERLY A DISTANCE OF 120 FEET ALONG SAID SOUTH LINE OF SAID DONATION CLAIM;
THENCE NORTHEASTERLY MEASURED AT RIGHT ANGLES TO SAID SOUTH LINE A DISTANCE OF 80 FEET;
THENCE WESTERLY PARALLEL WITH SAID SOUTH LINE TO SAID EASTERLY MARGIN OF SAID CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT-OF-WAY;
THENCE SOUTHERLY ALONG SAID RAILROAD RIGHT-OF-WAY TO THE POINT OF BEGINNING.

LESS THAT PORTION SOUTH OF THE NORTH LINE OF STRANDER BLVD. PROJECTED EASTERLY.