

**SOUND TRANSIT**

**MOTION NO. M99-75**

**Mukilteo Memorandum of Understanding  
Relating to the Federal Surplus Action of the Mukilteo Tank Farm Parcel  
BACKGROUND AND COMMENTS**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Board of Directors	10/28/99	Discussion/Possible Action	Paul Price Barry Hennelly	398-5111 689-4925

**ACTION:**

Motion No. M99-75 would authorize the Executive Director to execute a Memorandum of Understanding establishing cooperation between Sound Transit, Port of Everett, City of Mukilteo, Washington State Department of Transportation (WSDOT), and City of Everett for the acquisition of the Mukilteo Tank Farm property from the United States Air Force through the Department of Defense surplus property process.

**BACKGROUND:**

Sound Move calls for Sounder commuter rail to serve the City of Mukilteo as part of the Everett-to-Seattle project. This Memorandum of Understanding (MOU) allows Sound Transit to participate in a process whereby the federal government will surplus property (the Mukilteo Tank Farm) to the Port of Everett, WSDOT Ferries, Sound Transit and cities of Mukilteo and Everett. The Port of Everett is the lead applicant. The Mukilteo tank farm is a former fuel tank farm site, covering approximately 22 acres of the City of Mukilteo's waterfront. This property is adjacent to Sounder's preferred Mukilteo station location.

The property would be used to provide land for beneficial public uses on Mukilteo's waterfront. Sound Transit would be allocated a portion of land sufficient to support Sounder Commuter Rail needs at the Mukilteo Station. Opportunities identified for consideration by the parties of this MOU may include:

1. Multi-modal Terminal Facilities, including:
  - Vanpool/shuttle area
  - Bus load/unloading area
  - Passenger drop off area
  - Commuter rail platform
  - Limited parking facilities, including shared use parking facilities
  - Ferry vehicle queue holding
2. Two ferry slips,
3. Overhead pedestrian loading structures for ferry, bus and Sounder commuter rail,
4. New roadway, pathway, and bicycle-way access and connections,
5. Mixed land use opportunities to enhance the Mukilteo waterfront and complement the project,
6. Waterfront/shoreline access, marina and related support activities and recreational uses.

Final uses and site plans have not yet been determined and would commence after the environmental remediation efforts are complete. Portions of the Mukilteo Tank Farm property are currently undergoing a Department of Defense funded environmental cleanup process to remove contaminants remaining from its prior use as an aviation fuel storage site. Sound Transit would not be liable for remediation of existing contamination found on the site. Until the Department of Defense completes its site remediation efforts, it will not release the property to the Port of Everett.

A commitment of cooperation among the local agencies previously mentioned is the first major hurdle in the surplus process. The federal surplus process permits the surplus of federal land to other public governmental entities without charge provided the properties will be used in a beneficial, public manner. Several public agencies act in concert to provide beneficial, overlapping uses only strengthens the position of the local governments.

The City of Mukilteo amended the draft MOU to include language-placing limitations related to parking on the Tank Farm site after the parties to the agreement had reviewed the draft agreement. In the event that Sound Transit decides to include parking in the immediate vicinity of the commuter rail station, this language could limit the options available. It should also be noted, however, that the City of Mukilteo has recently placed an overlay zone limiting parking on the area encompassing the tank farm. These issues will be addressed during permitting.

The Port of Everett, as the lead agency in this effort, would be the actual recipient of the surplus federal property. Following the Port of Everett's acquisition of the site, Sound Transit would then be allocated a portion of land sufficient to support Sounder commuter rail needs. However, should the site not be surplus before Sounder operations commence, Sound Transit will have the ability to lease a portion of the site from the U.S. Air Force.

#### **RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:**

- ◆ Adoption of Sound Move, the ten-year Regional Transit System Plan (May 31, 1996)

The Sound Move plan calls for a Mukilteo commuter rail station providing park & ride and pedestrian/bike enhancements and connections to local bus and ferry service.

- ◆ Adoption of Implementation Guide (May 22, 1997)

The Mukilteo commuter rail station is to be implemented in the year 2001.

#### **EXECUTIVE SUMMARY:**

##### **Scope of Work**

Participation in this agreement does not commit Sound Transit to a specific scope of work. Rather, it provides general commitment from Sound Transit to cooperate with this consortium in the federal surplus process.

The key features of this MOU are as follows:

- ◆ A significant portion of property, known as the Mukilteo Tank Farm site, is potentially available through the federal surplus property process. The property lies within the City of Mukilteo and City

of Everett boundaries, and is adjacent to the location of Sounder's preferred Mukilteo Station location.

- ◆ Sound Transit would be joining a partnership with the City of Mukilteo, Washington State Department of Transportation (WSDOT), City of Everett and the Port of Everett, with the goal of acquiring the property. The Port of Everett will be leading this effort.
- ◆ The site is 22 acres in size. Sound Transit's intent is to acquire a portion of this site for Sounder Commuter Rail station facilities, primarily parking. The City of Mukilteo maintains an effort to minimize parking in the vicinity of the Mukilteo waterfront.
- ◆ Sound Transit will not be required to carry out ongoing environmental remediation efforts.

### **FUNDING:**

Through participation in this Memorandum of Understanding, Sound Transit could potentially be allocated property without cost for the Mukilteo commuter rail station. The federal government's surplus of the Mukilteo Tank Farm represents a unique and timely opportunity for Sound Transit because of the significant potential cost savings.

In the event of Sounder's need to have access to property before the transaction has taken place, Sounder will rent up to 2 acres of land from the U.S. Air Force for an undetermined lease rate, for an anticipated 24 – 30 months until the agreement is finalized. Sounder has an unused budget of \$3.2 million for ROW on the Mukilteo Station project, which will still be adequate to meet expected needs, in the event of Sounder needing to lease the property.

### **ALTERNATIVES:**

1. Other property could be identified to accommodate Sound Transit commuter rail station facilities (i.e. parking, bus loading/drop-off areas) in the general station vicinity. Acquisition of a suitable property off the Tank Farm site could be accomplished through the condemnation process.
2. Alternatively, Sound Transit may identify offsite parking for the station. The nearest remote parking site is located 3.5 miles southeast of the proposed station area on Highway 525. This remote parking site is identified in the Everett-to-Seattle draft Environmental Impact Statement (EIS) as an alternative parking location.

### **CONSEQUENCES OF DELAY:**

The Port of Everett is eager to proceed with the federal property surplus process at this time. The Port is the lead agency for this effort, and has an immediate concern that further legislative cycle time not be lost.

### **LEGAL REVIEW:**

The Legal Department has reviewed and approved the Background and Comments and the Motion as to legal sufficiency.

## SOUND TRANSIT

### MOTION NO. M99-75

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a Memorandum of Understanding establishing cooperation between Sound Transit, Port of Everett, City of Mukilteo, Washington State Department of Transportation (WSDOT), and City of Everett for the acquisition of the Mukilteo Tank Farm property from the United States Air Force through the Department of Defense surplus property process.

#### Background:


Sound Move calls for Sounder commuter rail to serve the City of Mukilteo as part of the Everett-to-Seattle project. This Memorandum of Understanding allows Sound Transit to participate in a process whereby the federal government will surplus property (the Mukilteo Tank Farm) to the Port of Everett, WSDOT Ferries, Sound Transit and cities of Mukilteo and Everett. The Port of Everett is the lead applicant. The Mukilteo tank farm is a former fuel tank farm site, covering approximately 22 acres of the City of Mukilteo's waterfront. This property is adjacent to Sounder's preferred Mukilteo station location.

The property would be used to provide land for beneficial public uses on Mukilteo's waterfront. Sound Transit would be allocated a portion of land sufficient to support Sounder Commuter Rail needs at the Mukilteo station.


#### Motion:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority authorize the Executive Director to execute a Memorandum of Understanding establishing cooperation between Sound Transit, Port of Everett, City of Mukilteo, Washington State Department of Transportation (WSDOT), and City of Everett for the acquisition of the Mukilteo Tank Farm property from the United States Air Force through the Department of Defense surplus property process.

Adopted by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 28th day of October, 1999.

  
Paul E. Miller  
Board Chair

#### ATTEST:

  
Marcia Walker  
Board Administrator