

## **SOUND TRANSIT**

### **RESOLUTION NO. R2002-15**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation, by settling condemnation litigation, or by administrative settlements with affected parties as necessary for the Tacoma-to-Seattle commuter rail 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, 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 of high capacity commuter rail service between Tacoma and Seattle; and

WHEREAS, the Tacoma-to-Seattle commuter rail project has complied with all applicable environmental processes and requirements. For example, Sound Transit and the Federal Transit Administration (FTA) prepared an Environmental Assessment of the proposed commuter rail service between Tacoma and Seattle in compliance with the National Environmental Policy Act. In June 1998, the FTA issued a finding of no significant environmental impact. In compliance with the State Environmental Policy Act, Chapter 43.21 RCW, Sound Transit considered and adopted the Environmental Assessment for the Tacoma-to-Seattle commuter rail project, and issued a determination of nonsignificance; and

WHEREAS, Sound Transit has identified certain real property as necessary for the construction and/or permanent location of rail, switch, and signal improvements for the Tacoma-to-Seattle commuter rail project, which property is reasonably described in Exhibit A attached hereto; and

WHEREAS, in order to acquire the property determined to be necessary for the construction and/or permanent location of the rail, switch, signal, and other improvements necessary for the construction and operation of the Tacoma-to-Seattle commuter rail project, it is necessary for Sound Transit to acquire by negotiated purchase or condemnation certain lands and rights in property for public purposes; and

WHEREAS, the property has been appraised by a qualified appraiser to determine the fair market value of the properties, Sound Transit 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 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 that:

SECTION 1. The Executive Director is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, condemnation, or disposal of the real property interests described in Exhibit A, said property to be used for the construction and/or permanent location of rail, switch, and signal improvements for the Tacoma-to-Seattle commuter rail project. The acquisition price of the property shall not exceed the fair market value to be determined in the appraisal process or in a condemnation action.

SECTION 2. Notwithstanding the limitations set forth in any other motion or resolution of the board, the Executive Director is hereby authorized to immediately initiate and prosecute condemnation proceedings and 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 settlement shall be made only upon the recommendation of legal counsel, for an amount deemed to be a reasonable estimation of fair market value, and shall not exceed

established budgets. For all other settlements proposed, the Executive Director shall obtain prior approval of the Executive Committee or the Board, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board of Directors deems the rail and switch improvements necessary for the operation of the Tacoma-to-Seattle commuter rail 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 herein as being necessary for the construction and/or permanent location of rail and switch improvements required for the Tacoma-to-Seattle commuter rail project. Said property being described in Exhibit A incorporated herein by reference.

SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the above described property be immediately acquired, condemned, appropriated, taken, and damaged for the construction and/or permanent location of the rail, switch, signal, and other improvements necessary for construction and operation of the Tacoma-to-Seattle commuter rail project.

SECTION 5. The Executive Director is authorized to waive any provision or requirement imposed by Sound Transit's adopted Real Property and Acquisition Policies as necessary to facilitate the immediate acquisition or condemnation of the property identified in Exhibit A.

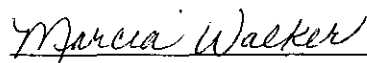
SECTION 6. The funds necessary to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 25, 2002.



Ron Sims  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator

**"EXHIBIT A"**

**BNSF/ST COMMUTER RAIL, SEATTLE TO TACOMA  
 PARCEL TAKING DESCRIPTION  
 CITY OF RENTON, A MUNICIPAL CORPORATION  
 SITE 15, PROJECT NO. 520147A  
 COMMONWEALTH LAND TITLE INSURANCE COMPANY  
 ORDER NO. 905594, NOVEMBER 7, 2001**

**LEGAL DESCRIPTION:**

THAT PORTION OF A TRACT OF LAND CONVEYED BY BURLINGTON NORTHERN RAILROAD PROPERTIES, INC., A DELAWARE CORPORATION, TO THE CITY OF RENTON, A MUNICIPAL CORPORATION UNDER A QUIT CLAIM DEED RECORDED UNDER KING COUNTY NO. 920514144 RECORDS OF KING COUNTY, WASHINGTON; SAID TRACT BEING PARCEL 10, EXHIBIT "A" OF SAID QUIT CLAIM DEED, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID PARCEL 10 ON THE EAST MARGIN OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY 100 FOOT RIGHT-OF-WAY;

THENCE SOUTH 02°06'05" WEST, ALONG THE WEST LINE OF SAID PARCEL AND EAST MARGIN OF SAID RIGHT-OF-WAY, 538.32 FEET TO THE TRUE POINT OF BEGINNING.

THENCE NORTH 47°08'05" EAST, WITHIN SAID PARCEL, 74.98 FEET TO THE EAST LINE THEREOF;

THENCE SOUTH 04°09'32" EAST, ALONG THE EAST LINE THEREOF, 38.45 FEET;

THENCE SOUTH 47°08'05" WEST, 52.83 FEET;

THENCE SOUTH 02°08'05" WEST, 516.91 FEET;

THENCE SOUTH 87°53'55" EAST, 40.00 FEET TO THE EAST LINE OF THE MOST NORTHERLY PORTION OF PARCEL 10;

THENCE SOUTH 02°08'05" WEST, ALONG SAID EAST LINE, 25.79 FEET TO AN ANGLE POINT THEREOF;

THENCE SOUTH 87°58'25" EAST, ALONG THE BOUNDARY OF SAID PARCEL, 17.51 FEET;

THENCE WITHIN SAID PARCEL SOUTH 02°06'05" WEST, 28.41 FEET;



THENCE NORTH 87°53'55" WEST, 77.51 FEET TO THE WEST LINE OF PARCEL 10 AND

THE EAST MARGIN OF SAID RAILROAD RIGHT-OF-WAY;

THENCE NORTH 02°06'05" EAST, ALONG THE WEST LINE AND EAST MARGIN THEREOF, 593.52 FEET TO THE TRUE POINT OF BEGINNING.

ALL IN WEST HALF OF SECTION 25, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., CITY OF RENTON, KING COUNTY, WA.;

CONTAINING 16,225 SQUARE FEET, MORE OR LESS.

 <b>SOUND TRANSIT</b>		REVISED	CRB	01/17/02
		PROJECT NO.:	CR-063	PAGE 1 OF 3
<b>DUANE HARTMAN &amp; ASSOCIATES, INC.</b> Surveyors 18928 WOODMILL-REDWOOD ROAD W-107 (425) 483-8368 WOODVILLE, WASHINGTON 98072 FAX (425) 483-4460 COMMUTER RAIL TRANSIT SYSTEM MP 11.4X		DRAWN BY:	CRB	DATE: 12/04/01
		CHECKED:	OTH	DATE: 12/06/01
		PARCEL AREA:	783,848	TAKE AREA: 19,225
		ASSESSOR NO.:	7323049004	DATE: 12/04/01
		OWNER:	CITY OF RENTON	
		SITE NO.:	15	PARCEL NO.: 520147A