

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2006-06

Property Acquisition for Seattle to Auburn Track and Facilities

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	1/19/06	Discussion/Possible Recommendation for Board Approval	Phil O'Dell, Director Project Delivery Support Services	(206) 398-5013
Board	1/26/06	Discussion/Possible Action	John T. McLean, Sr. Real Estate Rep.	(206) 689-4916

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate	✓	Property Acquisition	✓

PROJECT NAME

Seattle to Auburn Track and Facilities

PROPOSED ACTION

Authorizes the Chief Executive Officer to draw on the land bank to acquire from the Washington State Department of Transportation certain real property described in Exhibit A, and to convey the property to Burlington Northern and Santa Fe Railway Company for track improvements contracted under the Commuter Rail Construction and Service Agreements between Sound Transit and The Burlington Northern and Santa Fe Railway Company, or related parties.

KEY FEATURES of PROPOSED ACTION

- Authorizes a draw on the Sound Transit land bank account to acquire the property from the Washington State Department of Transportation (WSDOT).
- Authorizes the conveyance of the property to Burlington Northern and Santa Fe Railway Company (BNSF) so that the railroad company can complete track improvements required as part of its agreement with Sound Transit.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET and FINANCIAL PLAN DISCUSSION

No dollar amount was included in the right-of-way budget for this acquisition because it was anticipated that it would be purchased with land bank credits. There are sufficient credits in the Sound Transit land bank fund to acquire these properties.

BUDGET TABLE

Not applicable for this action, no funds required.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable for this action.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

This action will authorize Sound Transit to acquire ownership of WSDOT surplus property, formerly serving the Fourth Avenue South on-ramp to I-90 and I-5.

The Seattle to Auburn Track and Facilities Project provides for the construction of new BNSF mainlines south of the King Street Commuter Rail Station. Pursuant to the Construction Agreement between Sound Transit and BNSF (the “Construction Agreement”), BNSF is obligated to construct the track improvements and Sound Transit is obligated to pay certain costs associated with those improvements. Costs of real property acquisition are the responsibility of Sound Transit.

Sound Transit has reached an agreement with BNSF and WSDOT that will allow Sound Transit to acquire WSDOT property required by BNSF under the Construction Agreement. The WSDOT property, valued at approximately \$550,000, can be acquired by use of credits against the land bank account, a significant savings for Sound Transit. Sound Transit will acquire the property and immediately convey it to BNSF.

Prior Board/Committee Actions on this Project and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
M2003-113	Authorizing the Chief Executive Officer to execute a Re-Stated Land Bank Agreement with the Washington State Department of Transportation substantially in the form of the attached Exhibit A, for a term of 40 years, that establishes credits upon construction bid. It is further authorized that the standard Airspace Lease Agreement be revised to provide for a term up to 40 years, and to address rent adjustments, termination and remedy. The Chief Executive Officer is hereby authorized to execute said Airspace Leases for up to the term stated herein.	11/13/03

R99-22 (Chronological order with newest first)	Authorizing the Executive Director to execute two contracts with The Burlington Northern and Santa Fe Railway (BNSF), each to be substantially in accordance with the basic terms for such agreements set forth in the Background and Comments attached hereto as Exhibit A. The first is a long-term contract that will provide for BNSF to operate <i>Sounder</i> commuter rail service between Seattle and Tacoma (Operating Agreement). The second is a contract that will specify agreed-upon capital improvements on and around BNSF's existing railroad right-of-way, and provide for BNSF to construct those improvements and for Sound Transit to contribute approximately \$200 million and other public authorities to contribute approximately \$70 million to the cost of such construction (Construction Agreement).	08/26/99
---	--	----------

CONSEQUENCES of DELAY

A delay beyond February 16, 2006, may result in BNSF's having to acquire the property outright from WSDOT, resulting in a corresponding charge to Sound Transit that can otherwise be avoided.

ENVIRONMENTAL COMPLIANCE

Not applicable for this action.

LEGAL REVIEW

JW 1/10/06

SOUND TRANSIT

MOTION NO. M2006-06

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to draw on the land bank to acquire from the Washington State Department of Transportation certain real property described in Exhibit A, and to convey the property to Burlington Northern and Santa Fe Railway Company for track improvements contracted under the Commuter Rail Construction and Service Agreements between Sound Transit and The Burlington Northern and Santa Fe Railway Company, or related parties.

Background:

This action will authorize Sound Transit to acquire ownership of WSDOT surplus property, formerly serving the Fourth Avenue South on-ramp to I-90 and I-5.

The Seattle to Auburn Track and Facilities Project provides for the construction of new BNSF mainlines south of the King Street Commuter Rail Station. Pursuant to the Construction Agreement between Sound Transit and BNSF (the "Construction Agreement"), BNSF is obligated to construct the track improvements and Sound Transit is obligated to pay certain costs associated with those improvements. Costs of real property acquisition are the responsibility of Sound Transit.

Sound Transit has reached an agreement with BNSF and WSDOT that will allow Sound Transit to acquire WSDOT property required by BNSF under the Construction Agreement. The WSDOT property, valued at approximately \$550,000, can be acquired by use of credits against the land bank account, a significant savings for Sound Transit. Sound Transit will acquire the property and immediately convey it to BNSF.

Motion:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer is authorized to draw on the land bank to acquire from the Washington State Department of Transportation certain real property described in Exhibit A, and to convey the property to Burlington Northern and Santa Fe Railway Company for track improvements contracted under the Commuter Rail Construction and Service Agreements between Sound Transit and The Burlington Northern and Santa Fe Railway Company, or related parties.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on January 26, 2006.


John W. Ladenburg
Board Chair

ATTEST:

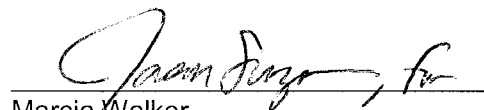

Marcia Walker
Board Administrator

Exhibit A

**BNSF/ST COMMUTER RAIL, SEATTLE TO TACOMA
PARCEL TAKING DESCRIPTION
STATE OF WASHINGTON
SITE 20, PROJECT NO. 5201.25.A
OLD REPUBLIC TITLE LTD.
ORDER NO. 615322, AUGUST 31, 2001**

LEGAL DESCRIPTION (TAKING PARCEL):

A PORTION OF TRACT 6 DESCRIBED IN THE QUIT CLAIM DEED, RECORDED UNDER KING COUNTY AUDITORS FILE NO. **8805030703** AND RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION OF TRACT NO. 6, PARCEL "A" UNDER AUDITOR'S FILE NO. **8810180034**, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 6 BEING OPPOSITE HIGHWAY ENGINEERS STATION (HERE AFTER REFERRED TO AS HES) **11+32.21** ON THE EB-B-2 LINE SURVEY OF SR-90, **85.28** FEET NORTHWESTERLY THERE FROM;
THENCE SOUTH **89'42'05"** EAST ALONG THE NORTH LINE OF SAID TRACT NO. 6 A DISTANCE OF **23.35** FEET;
THENCE SOUTH **18'46'53"** WEST, **121.70** FEET;
THENCE SOUTH **18'03'57"** WEST, **22.48** FEET;
THENCE SOUTH **08'30'37"** WEST, **39.53** FEET;
THENCE SOUTH **06'33'16"** WEST, **112.99** FEET;
THENCE SOUTH **06'58'43"** WEST, **54.40** FEET;




THENCE SOUTH **1135'28"** WEST, **58.73** FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF **1597.02 FEET**;
THENCE CONTINUING ALONG SAID CURVE TO THE RIGHT THROUGH A CENTER ANGLE OF **10'11'34"**, AN ARC LENGTH OF **284.11** FEET;
THENCE SOUTH **01'23'54"** WEST, **25.65** FEET TO THE SOUTH LINE OF SAID TRACT 6 AND THE NORTH MARGIN OF SOUM ROYAL BROUGHAM WAY;

THENCE NORTH **88'52'06"** WEST ALONG SAID MARGIN A DISTANCE OF **33.89** FEET TO A POINT ON A CURVE TO THE RIGHT FROM WHICH CENTER BEARS SOUTH **88'41'57"** EAST A RADIUS OF **1280** FEET, SAID POINT ON CURVE BEING OPPOSITE H.E.S. EB-B-2 **17+22.21** ON SAID EE-B-2 LINE SURVEY AND **169.38** FEET SOUTHWESTERLY THEREFROM, AT A POINT ON THE EAST LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY AND WEST MARGIN OF SAID TRACT 6;
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT AND SAID BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF **10'50'29"**, AN ARC LENGTH OF **242.20** FEET;
THENCE NORTH **12'08'32"** EAST, ALONG SAID RIGHT-OF-WAY LINE AND WEST MARGIN OF SAID TRACT 6, **270.79** FEET;
THENCE NORTH **11'54'23"** EAST, ALONG SAID MARGIN, **14.16** FEET;
THENCE NORTH **11'39'45"** EAST, ALONG SAID MARGIN, **86.44** FEET;
THENCE NORTH **11'27'57"** EAST, ALONG SAID MARGIN AND RAILROAD RIGHT-OF-WAY **105.15** FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PART OF SAID TRACT 6 DESCRIBED IN A QUIT CLAIM DEED RECORDED UNDER KING COUNTY AUDITOR'S FILE NO. **9712081979** DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT OPPOSITE H.E.S. EB-B-2 **17+21.03**
ON THE EB-B-2 LINE SURVEY OF SR 90 AND **148.29** SOUTHWESTERLY THEREFROM;
THENCE WESTERLY TO A POINT OPPOSITE HES EB-B-2 **17415.31** ON SAID EB-B-2 LINE SURVEY AND **163.88** FEET SOUTHWESTERLY THEREFROM;
THENCE SOUTHERLY TO A POINT OPPOSITE HES EB-B-2 **17+22.91** ON SAID EB-B-2 LINE SURVEY AND **169.38** FEET SOUTHWESTERLY THEREFROM;
THENCE EASTERLY TO A POINT OPPOSITE HES EB-B-2 **17+29.21** ON SAID EB-B-2 LINE SURVEY AND **153.82** FEET SOUTHWESTERLY THEREFROM;
THENCE NORTHERLY TO THE POINT OF BEGINNING;

CONTAINING **14,948** SQUARE FEET, MORE OR LESS.

			PROJECT NO.: CR-033	PAGE 1 OF 3
DUANE HARTMAN & ASSOCIATES, INC. --- Surveyors --- 6928 WOODINVILLE-REDMOND ROAD, B-107 (425) 483-5355 WOODINVILLE, WASHINGTON 98072 FAX (425) 483-4850			DRAWN BY: GRB	DATE: 11/17/01
			CHECKED: DTH	DATE: 11/17/01
COMMUTER RAIL TRANSIT SYSTEM UP 0.3%			PARCEL AREA: N/A	TAKE AREA: 14,948 SQ FT
			ASSESSOR NO.: 766620-4925-00	DATE: 11/17/01
			OWNER: STATE OF WASHINGTON	
			SITE NO.: 20	PARCEL NO: 5201.25.A