

SOUND TRANSIT

RESOLUTION NO. R2006-13

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or by entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for (a) the construction of the Everett Station Layover Track for Trains 3 and 4, and (b) the Everett-Seattle Permitting/Mitigation Project related to Burlington Northern Santa Fe's shoreline track and facilities construction between Everett and Seattle, and rescinding Resolution No. R2005-23.

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, at a general election held within the Central Puget Sound Regional Transit Authority district, the voters approved local funding for high capacity transit in the Central Puget Sound Region; and

WHEREAS, Sound Transit is authorized to acquire and dispose of property for the construction of high capacity transportation facilities under RCW 81.112.080; and

WHEREAS, Sound Transit is constructing layover track for Trains 3 and 4 of the Everett-Seattle Corridor in the project known as the Everett Layover Track Extension for Trains 3 and 4 Project (the "Layover Track Project") and is required to mitigate shoreline impacts related to improvements made along that same corridor for the project known as the Everett-Seattle Permitting/Mitigation Project (the "Mitigation Project"); and

WHEREAS, government agencies with jurisdiction over Sound Transit's proposed Mitigation Project continue to review this proposal; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Layover Track Project and the Mitigation Project

(collectively, "the Projects") and are reasonably described in Exhibits A and B of this resolution;
and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Projects, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties;
and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will continue to 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 pay eligible relocation and re-establishment costs shall be paid from Sound Transit general funds; and

WHEREAS, the proposed acquisitions are consistent with the range of impacts and alternatives evaluated in the Sound Transit Everett-to-Seattle Commuter Rail Project Environmental Impact Statement prepared under the National and State Environmental Policy Acts.

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, lease, or disposal of the real property interests described in Exhibits A and B, and for the payment of eligible relocation and re-establishment costs. In accordance with Sound Transit's adopted Real Property Acquisition

and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties shall not exceed the fair market value to be determined through the appraisal process or as provided in Section 2 herein; provided that in the event the total of the acquisition, relocation, and re-establishment costs of the properties for the Projects exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer shall obtain approval from the appropriate committee or the Board, per Resolution 78-1, before the acquisition of the property for the Projects by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

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 the real property interests described in Exhibits A and B. 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 shall not exceed established project budgets. For all other settlements proposed, the chief executive officer shall obtain prior approval of the appropriate committee or the Board, per Resolution 78-1.

SECTION 3. The Board deems the Projects 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 in Exhibits A and B as being necessary for the construction, operation, and permanent location of the Projects, and that eligible parties be paid relocation and re-establishment costs associated with displacement from the properties.

SECTION 4. The Board finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibits A and B be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Projects.

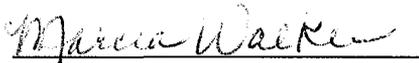
SECTION 5. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the properties and property rights and/or rights in those of the properties described in Exhibits A and B, not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the Projects. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the properties described in Exhibits A and B, 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 Projects.

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.

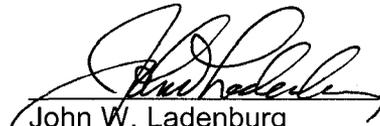
SECTION 7. Resolution No. R2005-23, as adopted by the Board of the Central Puget Sound Regional Transit Authority on October 13, 2005 is hereby rescinded and replaced by this Resolution No. R2006-13.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 22, 2006.

ATTEST:



Marcia Walker
Board Administrator



John W. Ladenburg
Board Chair

Legal Description for Layover Tracks 3 & 4 – Everett Track & Facilities

Exhibit A

LEGAL DESCRIPTION:

The Westerly 25 feet of the Westerly 40 feet of the BNSF Railway right-of-way as defined by a line 40 feet West of the centerline of the BNSF Railway Main Line Track existing and maintained as of March 13, 1990, being that portion of Section 29, Township 29 North, Range 5 East, W.M., in Snohomish County, Washington, lying North of the North margin of 36th Street and lying Southerly of the following described line:

Commencing at the most Easterly Southeasterly corner of the Everett Station boundary as shown on a Record of Survey recorded August 5, 2002 under Recording No. 200208055005, records of Snohomish County, Washington; Thence along the Easterly line of said boundary, North 15° 40' 03" West 321.38 feet to the true point of beginning;
Thence North 74° 19' 57" East 40 feet to said centerline of the Main Track, and the terminus of said described line.

Exhibit B – Mitigation Properties

Hendrickson Family Trust

That portion of Section 3, Township 29 North, Range 5 East of W M, beginning at a point 555.38 feet South of quarter corner on North boundary of Section, thence East 1292.9 feet, thence South 230 feet, thence West 1919.7 feet to the bank of Ebey Slough, thence North 2°24' East 50 feet, thence North 33°51' West 210 feet; thence East 740 feet to the point of beginning, being part of Government Lots 2 and 3, records of County Auditor, said County and State, Section 3, Township 29 North, Range 5 East, W M.,

Situate in the County of Snohomish, State of Washington.

Roberts

A portion of Government Lots 2 and 3, Section 3, Township 29 North, Range 5 East, W.M., described as follows:

Beginning at a point 455.34 feet South of the quarter corner of the North boundary of the Section;
Thence East 1294.3 feet;
Thence South 0°05' West for 100 feet;
Thence West 2032.9 feet to the bank of Ebey Slough;
Thence North 53°51' West for 110 feet;
Thence North 40°22' West for 40 feet;
Thence East for 857.5 feet to the point of beginning.

Situate in the County of Snohomish, State of Washington.

Rose

All that portion of Northeast quarter of Northwest quarter of Section thirty-four (34) and of Southeast quarter of Southwest quarter of Section twenty-seven (27), Township thirty (30) North, Range five (5) East, W.M., described as follows: Beginning at the quarter corner between Sections 27 and 34, Township 30 North, Range 5 East, W.M.; thence North 89°21' West along the section line for 850 feet to the true point of beginning; thence North 37°48' East 190 feet to the South line of county road; thence South 53°12' East along county road line for 59.4 feet; thence South 34°09' West for 202.7 feet; thence North 57°30' West for 20.9 feet; thence South 33°51' West for 136.2 feet; thence South 68°16' East for 52.8 feet; thence South 17°45' West for 214.2 feet; thence South 6°50' East for 445 feet; thence South 17°28' East for 183.8 feet; thence South 0°13' East for 302.0 feet, more or less, to South line of Northeast quarter of the Northwest quarter of said Section 34; thence North 89°00' West along sixteenth line for 487 feet to the Southwest corner of said Northeast quarter of the Northwest quarter of said Section 34; thence North 0°13' West along sixteenth line for 1040 feet; thence South 89°00' East for 331 feet; thence North 0°15' West for 256.4 feet, to the North line of said Section 34; thence South 89°21' East along section line for 113 feet to the true point of beginning.

Meadowdale Marina

LOTS 7, 8, 9, 10 AND 11, BLOCK A, PLAT OF MEADOWDALE TIDE LANDS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 28, IN SNOHOMISH COUNTY, WASHINGTON, AND

COMMENCING AT THE NORTHWEST CORNER OF LOT 7, BLOCK A, MEADOWDALE TIDELANDS AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, AT PAGE 28, RECORDS OF THE SNOHOMISH COUNTY AUDITOR; THENCE SOUTH 89°49'06" WEST ALONG THE NORTH LINE OF SAID LOT 7, 390.28 FEET TO THE POINT OF EXTREME LOW TIDE AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°49'06" WEST 48.83 FEET; THENCE SOUTH 10°35'40" WEST 254.82 FEET; THENCE SOUTH 51°40'25" EAST 88.01 FEET TO THE SOUTH LINE OF LOT 11, BLOCK A OF SAID PLAT; THENCE NORTH 89°49'07" EAST ALONG SAID SOUTH LINE 90.43 FEET TO THE POINT OF EXTREME LOW TIDE; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE LINE OF EXTREME LOW TIDE, WHICH IS APPROXIMATED BY THE FOLLOWING COURSES; THENCE NORTH 23°40'23" WEST 30.41 FEET; THENCE NORTH 33°51'56" WEST 30.41 FEET; THENCE NORTH 34°43'07" WEST 27.47 FEET; THENCE NORTH 27°55'44" WEST 27.47 FEET; THENCE NORTH 20°35'05" WEST 25.58 FEET; THENCE NORTH 00°54'31" EAST 181.05 FEET TO THE POINT OF BEGINNING.