

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2008-39**

**Property Acquisition for the Sounder Seattle to Auburn Track and Signal Project**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	04/17/08	Discussion/Possible Action	Ahmad Fazel, Link Executive Director	(206) 398-5389
Board	04/24/08	Action	<b>Don Vogt,</b> <b>Sr. Real Estate Rep.</b>	<b>(206) 689-3396</b>

<b>Contract/Agreement Type:</b>	<b>✓</b>	<b>Requested Action:</b>	<b>✓</b>
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**

Sounder Seattle to Auburn Track and Signal

**PROPOSED ACTION**

Authorizes the chief executive officer to acquire certain real property from the Washington State Department of Transportation for the Sounder Seattle to Auburn Track and Signal project, in the amount of \$3,637,000 in land bank credits, and convey that property to the BNSF Railway Company.

**KEY FEATURES of PROPOSED ACTION**

- Sound Transit will acquire this property through the Restated Land Bank Agreement with the Washington State Department of Transportation (WSDOT).
- Authorizes a debit from Sound Transit's credit balance in the Land Bank account at WSDOT in the amount of \$3,637,000 as payment for the acquisition.
- Authorizes the Chief Executive Officer to transfer the property acquired, without charge, to the BNSF Railway Company (BNSF) to be used for construction of certain track improvements pursuant to the May 1, 2001 Sound Transit-BNSF Construction Agreement.

## **BUDGET IMPACT SUMMARY**

Current Project Phase: ROW Acquisition & Permits  
Projected Completion Date: 2008

There is no action required outside of the Board-adopted budget; there are no project 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**

The proposed action would authorize the acquisition of real property from the Washington State Department of Transportation for the Sounder Seattle to Auburn Track and Signal project.

The Adopted 2008 Budget for this project is \$255,469,316 with a Right of Way Acquisition and Permits budget of \$68,784. 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. Sound Transit obtains land bank credits based upon Regional Express HOV projects that will become part of the interstate highway system. The current land bank balance is \$152,251,793.38.

## **BUDGET TABLE**

Not applicable for this action.

## **M/W/DBE – SMALL BUSINESS PARTICIPATION**

Not applicable for this action.

## **PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION**

By a construction agreement between Sound Transit and BNSF dated May 1, 2001, the parties agreed upon certain capital improvements necessary to accommodate passenger rail service, including track and platform construction in the vicinity of King Street Station in Seattle. Sound Transit agreed to reimburse BNSF for the cost of those improvements, including land acquisition costs.

Work in this area will include construction of three main tracks and universal crossovers, and/or a fourth track from King Street Station to the passenger servicing facilities. The WSDOT property is needed to construct these improvements.

Sound Transit determined that by acquiring this property from WSDOT and conveying it to BNSF, Sound Transit can utilize land bank credits. If BNSF had to purchase the property directly from WSDOT, Sound Transit would be required to reimburse BNSF (via a cash transaction) as provided for in the Sound Transit-BNSF Construction Agreement.

The Restated Land Bank Agreement, approved by Motion No. M2003-113 by the Sound Transit Board on November 13, 2003, allows Sound Transit to purchase or lease WSDOT property through credits established by Sound Transit's improvements to WSDOT highway property. WSDOT and Sound Transit staff have been working to establish credits within the land bank for improvements completed through Capital Projects – Regional Express.

WSDOT has agreed to sell the necessary property to Sound Transit utilizing the land bank credits. Through the valuation process, a value of \$3,637,000 has been established for the approximately 0.84 acre site, located in the northwest corner of South Royal Brougham Way and Fourth Avenue South in Seattle. The property is legally described in Exhibit A to this motion.

Sound Transit received approval from the FTA for acquisition of this property on June 7, 2007.

**PRIOR BOARD or COMMITTEE ACTIONS and RELEVANT BOARD POLICIES**

<b>Motion or Resolution Number</b>	<b>Summary of Action</b>	<b>Date of Action</b>
M2003-113	Authorized the execution of a Restated Land Bank Agreement with the Washington State Department of Transportation for a term of 40 years that establishes credits upon construction bid.	11/13/03
R99-22	Authorized the execution of a Construction Agreement with BNSF to provide for the construction of certain capital improvements on and around BNSF's existing railroad right-of-way.	8/26/99

**CONSEQUENCES of DELAY**

BNSF would like to start utilizing the property as soon as the transaction is completed. Delay in approval will delay operations on the site.

**PUBLIC INVOLVEMENT**

Not applicable to this action.

**ENVIRONMENTAL COMPLIANCE**

SSK 3-04-08

**LEGAL REVIEW**

JW 4/8/08

## **SOUND TRANSIT**

### **MOTION NO. M2008-39**

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire certain real property from the Washington State Department of Transportation for the Sounder Seattle to Auburn Track and Signal project, in the amount of \$3,637,000 in land bank credits, and convey that property to the BNSF Railway Company.

#### **Background:**

By a construction agreement between Sound Transit and BNSF dated May 1, 2001, the parties agreed upon certain capital improvements necessary to accommodate passenger rail service, including track and platform construction in the vicinity of King Street Station in Seattle. Sound Transit agreed to reimburse BNSF for the cost of those improvements, including land acquisition costs.

Work in this area will include construction of three main tracks and universal crossovers, and/or a fourth track from King Street Station to the passenger servicing facilities. The WSDOT property is needed to construct these improvements.

Sound Transit determined that by acquiring this property from WSDOT and conveying it to BNSF, Sound Transit can utilize land bank credits. If BNSF had to purchase the property directly from WSDOT, Sound Transit would be required to reimburse BNSF (via a cash transaction) as provided for in the Sound Transit-BNSF Construction Agreement.

The Restated Land Bank Agreement, approved by Motion No. M2003-113 by the Sound Transit Board on November 13, 2003, allows Sound Transit to purchase or lease WSDOT property through credits established by Sound Transit's improvements to WSDOT highway property. WSDOT and Sound Transit staff have been working to establish credits within the land bank for improvements completed through Capital Projects – Regional Express.

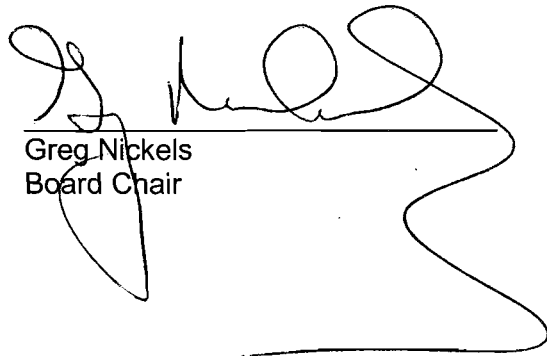
WSDOT has agreed to sell the necessary property to Sound Transit utilizing the land bank credits. Through the valuation process, a value of \$3,637,000 has been established for the approximately 0.84 acre site, located in the northwest corner of South Royal Brougham Way and Fourth Avenue South in Seattle. The property is legally described in Exhibit A to this motion.

Sound Transit received approval from the FTA for acquisition of this property on June 7, 2007.

**Motion:**

It is hereby approved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to acquire certain real property from the Washington State Department of Transportation for the Sounder Seattle to Auburn Track and Signal project, in the amount of \$3,637,000 in land bank credits, and convey that property to the BNSF Railway Company.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 24, 2008.



Greg Nickels  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator

**Motion No. M2008-39**  
**Exhibit A**  
**Legal Description**

That portion of Blocks 285 and 286 of Seattle Tide Lands, as per plat thereof on file in the office of the commissioner of Public Lands in Olympia, Washington;

TOGETHER WITH the North half of vacated South Vermont Street adjoining on the South of Lot 12 in Block 284 and adjoining on the North of Lot 1, Block 285 all of said plat, as disclosed by Ordinance Nos. 10551 and 18098;

TOGETHER WITH the East half of vacated 3rd Avenue South, adjoining said Block 284, and the North half of vacated South Vermont Street, adjoining said Block 284;

TOGETHER WITH a portion of Vacated 3rd Avenue South, formerly Oriental Avenue South adjoining said Block 285 and Block 286, as disclosed by Ordinance No. 10552.

TOGETHER WITH any streets or alleys that upon vacation attached to said Blocks by operation of law.

Said above property is more fully described as follows:

BEGINNING at a point opposite Highway Engineer's Station (hereinafter referred to as HES) EB B-2 11+32.21 on the EB B-2 line survey of SR 90, Connecticut St. Interchange: 4th Ave. S. to Transit Ramps and 85.28 feet northwesterly therefrom; thence southwesterly to a point opposite HES EB B-2 11+99.46 on said line survey and 38 feet northwesterly therefrom; thence southwesterly to a point opposite HES EB B-2 12+74.89 on said line survey and 36.28 feet northwesterly therefrom; thence southwesterly to a point opposite HES EB B-2 12+88.99 on said line survey and 37.59 feet northwesterly therefrom; thence southwesterly to a point opposite HES EB B-2 15+47.05 on said line survey and 74.87 feet southwesterly therefrom; thence southwesterly along a curve concave to the southeast with a radius of 1,280.00 feet an arc length of 228.10 feet to a point opposite HES EB B-2 17+15.31 on said line survey and 163.88 feet southwesterly therefrom, being on the northerly line of that certain property described in deed to Burlington Northern Railroad Company, recorded December 8, 1997, AFN 9712081979, records of King County; thence easterly along said northerly line to a point opposite HES EB B-2 17+21.03 on said line survey and 148.29 feet southwesterly therefrom and the northeast corner of said Burlington Northern Railroad Company description; thence southerly along the east line of said Burlington Northern Railroad Company description to HES EB B-2 17+29.21 on said line survey and 153.82 feet southwesterly therefrom; thence easterly to a point opposite HES EB B-2 17+36.59 on the EB B-2 line survey of SR 90, 4th Ave. S. to Airport Way S. and 134.33 feet southwesterly therefrom; thence northeasterly along a curve concave to the southeast with a radius of 1,676.77 feet an arc length of 140.93 feet to a point opposite HES EB B-2 16+38.07 on said line survey and 57.97 feet southwesterly therefrom; thence northeasterly to a point opposite HES EB B-2 16+06.43 on said line survey and 40.47 feet southwesterly therefrom; thence northwesterly to a point opposite HES EB B-2 16+04.53 on said line survey and 45.02 feet southwesterly therefrom; thence northeasterly to a point opposite HES EB B-2 11+02.10 on said line survey and 55.88 feet northwesterly therefrom; thence westerly to the Point of Beginning.

The Grantee herein, its successors or assigns, shall have no right of ingress and egress to, from and between said SR 90 and the lands herein conveyed; nor shall the grantee herein, its successors or assigns, be entitled to compensation for the loss of light, view and air occasioned by the location, construction, maintenance, or operation of said highway.

The specific details concerning all of which are to be found on sheets 2 and 3 of that certain map entitled SR 90, 4th Ave. S. to Airport Way S. and sheet 2, SR 90 Connecticut St. Interchange: 4th Ave. S. and Transit Ramps now of record and on file in the office of the Secretary of Transportation at Olympia, bearing dates of approval May 27, 2005 and August 23, 1985 respectively