

**RESOLUTION NO. R2012-04**
**Property Acquisition for the Sounder Lakewood Layover Facility**

<b>MEETING:</b>	<b>DATE:</b>	<b>TYPE OF ACTION:</b>	<b>STAFF CONTACT:</b>	<b>PHONE:</b>
Capital Committee	2/9/12	Recommendation to Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	2/23/12	Final Action	<b>Roger Hansen, Real Property Director</b>	206-689-3366

**PROPOSED ACTION**

Authorizes the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or by entering into administrative settlements, and (2) to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction, operation, and maintenance of the Sounder Lakewood Layover Facility.

**KEY FEATURES**

- Authorizes acquisition, disposal or lease of one partial property interest in the 100<sup>th</sup> Street and Steilacoom Boulevard neighborhood in the City of Lakewood for construction of the permanent Sounder Lakewood Layover Facility.
- The real property identified in this requested action is included in Exhibit A.

**PROJECT DESCRIPTION**

The Sounder commuter rail Lakewood Layover Facility will be located between 100<sup>th</sup> Street and Steilacoom Boulevard in Lakewood. The layover facility is a systemwide component of the Sounder commuter rail program. It includes storage tracks and facilities for layover of trains at Seattle, Everett and Lakewood. The costs and budget are allocated to three subareas based on track miles. Storage track and light maintenance facilities have been constructed in Seattle and Everett; storage tracks have been installed in Lakewood with the light maintenance facilities in Lakewood to be completed in 2012.

**FISCAL INFORMATION**

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with the Board in executive session. Consistent with the current estimate at completion for real property acquisition, this action and acquisitions of remaining certified properties are affordable within the adopted project budget.

**Capital Project Budget**

<b>Layover</b>	<b>2012 TIP</b>	<b>Board Approvals</b>	<b>This Action</b>	<b>Board Approved Plus Action</b>	<b>Uncommitted/ (Shortfall)</b>
Agency Administration	1,138	984	-	984	153
Preliminary Engineering	268	268	-	268	(0)
Final Design	1,714	1,320	-	1,320	395
3rd Party	-	-	-	-	-
Right of Way	5,785	1,479	-	1,479	4,305
Construction	24,657	20,189	-	20,189	4,468
Construction Management	385	-	-	-	385
Vehicles	-	-	-	-	-
Contingency	-	-	-	-	-
<b>Total Project Budget</b>	<b>\$ 33,947</b>	<b>\$ 24,240</b>	<b>\$ -</b>	<b>\$ 24,240</b>	<b>\$ 9,706</b>

Notes:

Amounts are expressed in Year of Expenditure \$000.

Board Approvals = Committed to-date + Contingency, and includes pending Board Actions.

Project budget is located on page 71 of the 2012 Transit Improvement Plan.

**SMALL BUSINESS PARTICIPATION**

Not applicable to this action.

**APPRENTICE UTILIZATION COMMITMENT**

Not applicable to this action

**BACKGROUND**

Suuport facilities at the Lakewood layover yard are the last components of the Lakewood commuter rail extension necessary to support Sounder Operations in fall 2012. Storage tracks have been constructed with the M-to-Lakewood track and signal project. The facility will store up to six 7-car train sets that will be stored at the facility after the last evening train. The facility amenities will include wayside power, perimeter fencing, yard lighting, security guard shacks, maintenance and fire lane access roads, fire dry standpipes, power transformer and a bio-swale infiltration system. The acquisition of the adjacent BNSF parcel, between 100<sup>th</sup> Street and Steilacoom Boulevard, is essential for the Lakewood Layover Project. The footprint of Sound Transit’s existing right of way cannot accommodate the installation of all of the layover facility’s improvements.

**ENVIRONMENTAL COMPLIANCE**

SSK 2/2/12

## **PRIOR BOARD/COMMITTEE ACTIONS**

None.

## **TIME CONSTRAINTS**

A one month delay will not impact property acquisition work. A significant delay could impact the acquisition schedule and could ultimately affect the construction schedule for the project.

## **PUBLIC INVOLVEMENT**

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on February 6, 2012. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on February 10 and 17, 2012.

## **LEGAL REVIEW**

JB 2/2/12

**RESOLUTION NO. R2012-04**

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), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for Sounder Commuter Rail Lakewood Layover Facility.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

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

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Lakewood Layover Facility are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Lakewood Layover Facility, 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.

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 Exhibit A (said property to be used for Lakewood Layover Facility) and incorporated herein by reference, 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; provided that in the event the total of the acquisition, relocation, and re-establishment costs of the properties for the Lakewood Layover Facility 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 No. 78-2, before the acquisition of the property for the Lakewood Layover Facility 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 Exhibit A. 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 No. 78-2.

SECTION 3. The Sound Transit Board deems the Lakewood Layover Facility, 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 Exhibit A as being necessary for the construction, operation, and permanent location of Lakewood Layover Facility, parties be paid relocation and re-establishment costs associated with displacements from the properties.

SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Lakewood Layover Facility.

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 Exhibit A, not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the Lakewood Layover Facility. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the properties described in Exhibit A, 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 Project.

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.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on February 23, 2012.



Pat McCarthy  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator

**RESOLUTION NO. R2012-04  
EXHIBIT A**

**Sounder Lakewood Layover Facility**

<b>R/W No.</b>	<b>TAX PARCEL No.</b>	<b>OWNER / CONTACT</b>
LCS044	N/A R.R. ROW	Burlington Northern-Santa Fe



## EXHIBIT "A"

### Sounder Lakewood Layover Facility

R/W No.	Owner/Contact	Parcel #	Site Address
LCS044	Burlington Northern Santa-Fe	N/A R.R. ROW	No Site Address

THAT PORTION OF THE 400 FOOT WIDE ACT OF CONGRESS RIGHT OF WAY OF THE BNSF RAILWAY COMPANY, FORMERLY THE NORTHERN PACIFIC RAILROAD COMPANY, LYING SOUTHERLY OF THE NORTH 334.6 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 36 AND EAST OF THE CENTERLINE OF SAID 400 FOOT WIDE STRIP OF LAND LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

GOVERNMENT LOT 4 AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN.

EXCEPT ALL THAT PORTION THEREOF AS CONVEYED TO THE CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY UNDER RECORDING NUMBER 200502160867 WHICH IS A CORRECTION OF QUIT CLAIM DEED RECORDED UNDER RECORDING NUMBER 200409281270.

TOGETHER WITH THAT PORTION OF SECTION 1, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID 400 FOOT WIDE RIGHT OF WAY WITH THE NORTH LINE OF SAID SECTION 1; THENCE SOUTHERLY ALONG SAID EASTERLY LINE 70 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES 150 FEET; THENCE NORTHEASTERLY PARALLEL WITH THE CENTERLINE OF SAID 400 FOOT RIGHT OF WAY TO THE NORTH LINE OF SAID SECTION 1; THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION THEREOF CONVEYED BY ASSIGNMENT OF CONTRACT AND DEED RECORDED UNDER RECORDING NUMBER 200502160867 WHICH IS A CORRECTION OF QUIT CLAIM DEED RECORDED UNDER RECORDING NUMBER 200409281270. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON

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