

RESOLUTION NO. R2013-20
Surplus Property Declaration

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Capital Committee	09/12/2013	Recommendation to Board	Ahmad Fazel, DECM Executive Director	(206) 398-5389
Board	09/26/2013	Final Action	Roger Hansen, Real Property Director	(206) 689-3366

PROPOSED ACTION

Approves the chief executive officer's declaration of surplus real property acquired for the D to M Street Sounder and Lakewood Connector projects, including the method of disposition to use future proceeds from selling the property for the open D to M Street Sounder Commuter Rail project or other capital projects.

KEY FEATURES SUMMARY

- In accordance with Sound Transit's Real Property Disposition Policy, Procedures and Guidelines, a property can be declared surplus when it is determined by the chief executive officer that certain real property is no longer needed for present or future transit purposes. For real property where the value exceeds \$200,000, a surplus property declaration must be approved by the Sound Transit Board.
- This action approves the chief executive officer's surplus declaration that portions of six parcels located adjacent to the Sounder commuter rail alignment in Tacoma, WA, owned by Sound Transit are no longer required for a transit purpose based on completion of the D to M Street Commuter Rail project. This action also approves the chief executive officer's method of disposition to use the net proceeds from the disposition to offset the cost of replacement property or to reduce the gross project cost of another FTA eligible capital transit project.
- A portion of the proposed surplus property is proposed to be conveyed to the City of Tacoma as partial compensation for railroad right of way Sound Transit is acquiring from the City. Board authorization for the agreement with the City of Tacoma will be sought separately.
- The total surplus property consists of approximately 53,262 square feet of land adjacent to and along the north and south sides of the Sounder Commuter Rail alignment on either side of Pacific Avenue in the Dome District of Tacoma. The parcels consist of portions of Pierce County Tax Parcels 2075130022, 2075140021, 2075140031, 2025040040, 2025040031 and 2025050040. (See Exhibit A attached.) The parcels south of the commuter rail alignment are proposed to be conveyed to the City of Tacoma and consist of 35,286 square feet.

BACKGROUND

The D Street to M Street Track and Signal Project built new railroad tracks between East D and South M Streets and installed train signaling systems between Tacoma and Lakewood. The project connects the Tacoma Dome Station with stations in South Tacoma and Lakewood.

Sounder service to South Tacoma and Lakewood currently operates on a 1.3 mile section of track owned by the City of Tacoma. This section of track provides a connection between the BNSF mainline and the Lakeview Subdivision track owned by Sound Transit. Sound Transit has operated on the track owned by the City of Tacoma for approximately 10 years under a temporary operating agreement.

Sound Transit and the City of Tacoma are currently negotiating a purchase and sale agreement by which the City would sell the 1.3 mile section of track to Sound Transit. As part of the agreement, Sound Transit would convey some of the parcels being declared surplus as part of this action to the City of Tacoma.

FISCAL IMPACT

The agency's long term financial plan assumes the sale of surplus property as a source of additional revenue to the subareas. To the extent that surplus properties are not sold, revenues and financial capacity is reduced. Sound Transit plans to convey four surplus property parcels to the City of Tacoma as partial compensation for railroad right of way Sound Transit plans to acquire from the City. Proceeds from the two remaining surplus properties would be recorded as miscellaneous revenue in the Pierce County subarea.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

EQUAL EMPLOYMENT WORKFORCE PROFILE

Not applicable to this action.

PUBLIC INVOLVEMENT

In compliance with RCW 39.33.020, Sound Transit held a public hearing on September 12, 2013 to advise the public of Sound Transit's intent to sell approximately 35,286 square feet of surplus land owned by Sound Transit to the City of Tacoma.

TIME CONSTRAINTS

This item is a necessary precursor to the Purchase and Sale Agreement with the City of Tacoma which includes the exchange of the surplus property as partial compensation for the purchase railroad right of way from the City. A delay would not affect the disposal process but would affect Sound Transit's agreement with the City.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2013-01: (1) Authorizes the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or by entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary in order to secure property required for operation, and maintenance of the Sounder line, and (2) requires staff to prepare an amendment to the Adopted 2013 Budget to fund the acquisition for Board consideration within 60 days of completion of the acquisition.

Resolution No. R2009-12: 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 the Sounder Commuter Rail D to M Street Track & Signal Project.

Resolution No. R2009-03: Correcting the legal description in Resolution No. R2008-02 Exhibit A for the D to M Track and Signal Project and ratifying the actions of the chief executive officer with regard to the amended legal description as of the effective date of Resolution No. R2008-02.

Resolution No. R2008-13: 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 the Sounder Commuter Rail D to M Street Track & Signal Project.

Resolution No. R2008-02: 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 the Commuter Rail D to M Street Track & Signal project.

ENVIRONMENTAL REVIEW

JI 8/23/2013

LEGAL REVIEW

JV 9/6/2013

RESOLUTION NO. R2013-20

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority approving the chief executive officer's declaration of surplus real property, including the method of disposition to use future proceeds from selling the property for the open D to M Street Sounder Commuter Rail project or other capital projects.

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, the D Street to M Street Track and Signal Project built new railroad tracks between East D and South M Streets and installed train signaling systems between Tacoma and Lakewood and the line opened for revenue service in October 2012; and

WHEREAS, Sound Transit acquired property from Pierce County Tax Parcels 2075140021, 2025040031, 2025050040 (Anderson-Kellis Construction, LLC), 2025040040 (Wakefield Investments), 2075130022 (Equilon Enterprises, LLC) and 2075140031 (Barton McMacken Family Limited Partnership) authorized by the Board by Resolution No. R2003-13 and R2008-02 for D to M Street Sounder Commuter Rail project; and

WHEREAS, Sound Transit Board by Resolution No. R2003-13 and R2008-02 authorized the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into

administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the D to M Street Project, including property acquisition from Anderson-Kellis Construction, LLC; Wakefield Investments, Equilon Enterprises, LLC and Barton McMacken Family Limited Partnership; and

WHEREAS, Sound Transit Board by Resolution No. R2013-01 authorized the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the Reservation Junction Track and Signal Project, including property acquisition from the City of Tacoma; and

WHEREAS, subject to future Board approval, Sound Transit proposes to enter into a Purchase and Sale Agreement with the City of Tacoma for acquisition of 1.3 miles of track from the City. As partial consideration for the acquisition, Sound Transit would convey portions of the former Anderson-Kellis Construction, LLC; Wakefield Investments, Equilon Enterprises, LLC and Barton McMacken Family Limited Partnership properties to the City; and

WHEREAS, portions of the subject real properties totaling approximately 53,262 square feet are no longer needed for a transit purpose and have been declared surplus by the chief executive officer. The surplus property is generally depicted on the attached Exhibit A; and

WHEREAS, the subject property was acquired using Federal Transit Administration funds and requiring their concurrence in the method of surplus disposition, said request for concurrence having been submitted on August 15, 2013; and

WHEREAS, Sound Transit's Real Property Disposition Policy, Procedures, and Guidelines require a disposition method(s) be chosen for federally-assisted property, and the chief executive officer has elected to use one of the following disposition methods: "(4a.iii) selling and using the proceeds for other Capital Projects or by (4a. iv) keeping the proceeds in the open

project and applying the net proceeds from the sale of project real property to the original cost of the real property purchased for that project."

NOW THEREFORE BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

SECTION 1. The subject property is declared surplus and that the method of disposition is approved subject to Federal Transit Administration concurrence.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 26, 2013.


Pat McCarthy
Board Chair

ATTEST:


Marcia Walker
Board Administrator

EXHIBIT A

