

**RESOLUTION NO. R2014-24**
**To Acquire Real Property Interests Required for the Sounder Yard Expansion Project**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	09/11/14	Recommendation to the Board	Ahmad Fazel, DECM Executive Director <b>Eric Beckman, Deputy Executive Director, Business &amp; Construction Services</b>
Board	09/25/14	Final Action	<b>Roger Hansen, Real Property Director</b>

**PROPOSED ACTION**

Authorizes the chief executive officer to acquire certain real property interests, including acquisition by condemnation, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Sounder Yard Expansion Project.

**KEY FEATURES SUMMARY**

- Authorizes the acquisition of property interests from 17 parcels located near the Century Yard in Lakewood which will be expanded to store new fleet necessary for additional Sounder service provided for in the ST2 plan.
- The properties are needed for construction, maintenance and operation of the Sounder Yard Expansion project to increase storage track capacity to store up to seven, eight-car train sets and construct a permanent train crew facility to replace off site leased space.
- The real properties identified in this requested action are included in Exhibit A.

**BACKGROUND**

In 2013, the Sound Transit Board created the Sounder Yard Expansion project by reallocating budget from the Sounder Yard and Shops Facility project. The Sounder Yard Expansion project will increase track capacity at the Century Yard in Lakewood. Improvements will be compatible with the future Sounder Yard and Shops Facility project that is currently in preliminary design.

The scope of the expansion project includes constructing additional track and modifying signals, completing drainage improvements, increasing wayside power and yard lighting, and constructing a Train and Engine Crew (T&E) building and grade level parking.

The Sounder Yard Expansion preliminary engineering work was completed at the end of 2013. The preliminary engineering consultant, Parsons Brinkerhoff, has been working on the completion of the design-build bridging documents and Sound Transit has applied to the Washington State Project Review Committee (PRC) for approval to use design-build as the preferred delivery method.

Environmental review for the Sounder Yard Expansion project was completed with the State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance (DNS) was issued November 8, 2013. The Federal Transit Administration approved a National Environmental Policy Act (NEPA) Documented Categorical Exclusion on October 28, 2013.

**FISCAL INFORMATION**

This action is within the Adopted Budget and sufficient funds remain after approval of this action to fund the remaining work in the Right of Way Phase as contained in the current cost estimates.

## Sounder Yard Expansion

	Revised 2014 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	1,200	121		121	1,079
Preliminary Engineering	2,150	1,896		1,896	254
Final Design	-	-		-	-
Right of Way	400	-		-	400
Construction	15,400	-		-	15,400
Construction Services	1,400	-		-	1,400
Third Party Agreements	-	-		-	-
Vehicles	-	-		-	-
<b>Total Current Budget</b>	<b>20,550</b>	<b>2,017</b>	-	<b>2,017</b>	<b>18,533</b>

### Phase Detail

#### Right of Way

Right of Way	400	-	-	-	400
Other Right Of Way					
<b>Total Phase</b>	<b>400</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>400</b>

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.

### SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action.

### PUBLIC INVOLVEMENT

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on September 9, 2014. Legal notices of this proposed Board action were published in the Seattle Times newspaper on September 12 and 19, 2014.

### TIME CONSTRAINTS

A one month delay could impact the project by delaying procurement and construction activities.

### PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2014-14: (1) Adopted the Sounder Yard Expansion Baseline schedule and budget by a) establishing the Baseline Cost estimate at \$20,550,000 funded by the Sounder Yard and Shops project, b) amending the adopted 2014 Lifetime Budget from \$5,422,000 to \$20,550,000, c) amending the adopted 2014 Annual Budget from \$1,695,000 to \$2,169,000; and (2) approved Gate 4: Enter Final Design and Gate 5: Establish Baseline within Sound Transit's Phase Gate process, adopting December 31, 2016 as the project completion milestone.

Resolution No. R2014-07: (1) Amended the Adopted 2014 Lifetime Budget for the Sounder Yard Expansion project from \$835,000 to \$5,422,000 for costs related to creating program requirements, updating plans and reports for design-build procurement, and construction management services, and (2) amended the Adopted 2014 Annual Budget from \$0 to \$1,695,000.

Motion No. M2014-31: Authorized the chief executive officer to execute a contract amendment with Parsons Brinckerhoff, Inc. to complete program requirements and related documents for a design-build procurement for the Sounder Yard Expansion project in the amount of \$1,224,755, with a 10% contingency of \$122,476, for a new total contract amount not to exceed \$4,141,291, contingent upon Board approval of Resolution No. R2014-07 to amend the project budget.

### ENVIRONMENTAL REVIEW

JI 8/20/2014

### LEGAL REVIEW

JB 9/4/2014

**RESOLUTION NO. R2014-24**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire certain real property interests, including acquisition by condemnation and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Sounder Yard Expansion Project.

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 use the property determined to be necessary for the construction, operation and maintenance of project improvements required under the voter approved high capacity transportation system plans, it is necessary for Sound Transit to acquire through negotiated purchase or to condemn certain rights in the property for public purposes, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, the identified property are necessary for the Sounder Commuter Rail Yard Expansion Project; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Sounder Yard Expansion Project and such properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation, and permanent location of the Sounder Yard Expansion Project, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will 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 reimburse eligible relocation and reestablishment expenses 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 of interests in the real property described in Exhibit A (said property to be used for the Sounder Yard Expansion Project) and incorporated herein by reference, and for the reimbursement of eligible relocation and reestablishment expenses. In accordance with Sound Transit's Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties may 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 Sounder Yard Expansion Project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer must obtain approval from the appropriate committee or the Board, per Resolution No. 78-2, before the acquisition of the property for the Sounder Yard

Expansion Project by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

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 interests in the real property 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 may not exceed established project budgets. For all other settlements proposed, the chief executive officer must obtain prior approval of the appropriate committee or the Board, per Resolution No. 78-2.

SECTION 3. The Sound Transit Board deems the Sounder Yard Expansion Project, 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 interests in the real property identified in Exhibit A as being necessary for the construction, operation, and permanent location of the Sounder Yard Expansion Project, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses 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 interests in the real property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Sounder Yard Expansion Project.

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 to the extent permitted by law, for the purpose of constructing, owning, and operating a permanent location of the Sounder Yard Expansion Project. 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 September 25, 2014.



Dow Constantine  
Board Chair

ATTEST:

  
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Marcia Walker  
Board Administrator

**RESOLUTION NO. R2014-24  
SOUNDER YARD EXPANSION**

**EXHIBIT A**

<b>R/W No</b>	<b>Tax Parcel No</b>	<b>Owner</b>
SMB001	0220368018	Burgess Holdings, LLC, Raymond C. Burgess and William Brayton
SMB005	0220368019	Frank F. Paige and Sally C. Paige
SMB008	0220368020	94th Street, LLC
SMB010	0220368026	94th Street, LLC
SMB012	5087000040	Pierce County Fire District 2, Lakewood Fire Department, also known as West Pierce Fire and Rescue
SMB013	5087000050	Contractors Building Supply, Inc.
SMB014	0220364006	94th Street, LLC
SMB015	5087000030	Elisa A. Jacoby
SMB016	5087000060	Contractors Building Supply
SMB017	5087000070	Contractors Building Supply
SMB018	5087000080	Contractors Building Supply
SMB019	5087000090	Edwin W. West
SMB020	5087000100	David W. West
SMB021	5087000110	Maurice Thevenoux
SMB022	5087000121	Maurice Thevenoux
SMB023	5087000131	Maurice Thevenoux
SMB024	0219015003	Delta Painting & Prefinishing Inc.

**RESOLUTION NO. R2014-24  
SOUNDER YARD EXPANSION**

EXHIBIT A

R/W No.	Owner/Contact	Parcel #	Address
SMB001	Burgess Holdings, LLC, Raymond C. Burgess and William Brayton	0220368018	3906 Steilacoom Blvd SW Lakewood, WA 98499

LOT 1, PIERCE COUNTY SHORT PLAT NUMBER [76-584](#), ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 12, 1976, RECORDS OF PIERCE COUNTY AUDITOR. EXCEPT THE SOUTH 50 FEET THEREOF AND ALSO EXCEPT THE NORTH 20 FEET THEREOF. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB005	Frank F. Paige & Sally C. Paige	0220368019	9118 39 <sup>th</sup> Ave. SW Lakewood, WA 98499

SOUTH 50 FEET OF LOT 1 AND ALL OF LOTS 2 AND 3, PIERCE COUNTY SHORT PLAT NUMBER [76-584](#), ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 12, 1976 IN VOLUME 12 OF SHORT PLATS, PAGE 5, RECORDS OF PIERCE COUNTY AUDITOR. EXCEPT THE SOUTH 50 FEET OF SAID LOT 3. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB008	94th Street, LLC	0220368020	3872 Steilacoom Blvd SW Lakewood, WA 98499

PARCEL D, BOUNDARY LINE ADJUSTMENT [200212115002](#), ACCORDING TO THE SURVEY THEREOF RECORDED DECEMBER 11, 2002, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB010	94th Street, LLC	0220368026	3872 Steilacoom Blvd SW Lakewood, WA 98499

PARCEL C, BOUNDARY LINE ADJUSTMENT [200212115002](#), ACCORDING TO THE SURVEY THEREOF RECORDED DECEMBER 11, 2002, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.



R/W No.	Owner/Contact	Parcel #	Address
SMB012	Pierce County Fire District 2, Lakewood Fire Department, also known as West Pierce Fire and Rescue	5087000040	9410 39 <sup>th</sup> Ave. Court SW Lakewood, WA 98499

LOT 4, LAKEWOOD COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 50 OF PLATS, PAGES 5, 6 AND 7, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB013	Contractors Building Supply, Inc.	5087000050	9516 39 <sup>th</sup> Ave. Court SW Lakewood, WA 98499

LOT 5, LAKEVIEW COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGE 5, 6 AND 7, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB014	94th Street, LLC	0220364006	3906 Steilacoom Blvd SW Lakewood, WA 98499

PARCEL B, BOUNDARY LINE ADJUSTMENT [200212115002](#), ACCORDING TO THE SURVEY THEREOF RECORDED DECEMBER 11, 2002, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB015	Elisa A. Jacoby	5087000030	9402 39 <sup>th</sup> Ave. Court SW Lakewood, WA 98499

LOT 3, LAKEVIEW COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGES 5, 6 AND 7, AND AS CORRECTED BY AFFIDAVIT OF MINOR CORRECTION OF SURVEY RECORDED UNDER RECORDING NO. [8706220372](#), RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB016	Contractors Building Supply, Inc.	5087000060	9516 39 <sup>th</sup> Ave. Court SW Lakewood, WA 98499

LOT 6, LAKEVIEW COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGE 5, 6 AND 7, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB017	Contractors Building Supply, Inc.	5087000070	9516 39 <sup>th</sup> Ave. Court SW Lakewood, WA 98499

LOT 7, LAKEVIEW COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGE 5, 6 AND 7, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB018	Contractors Building Supply, Inc.	5087000080	9516 39 <sup>th</sup> Ave. Court SW Lakewood, WA 98499

LOT 8, LAKEVIEW COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGE 5, 6 AND 7, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB019	Edwin W. West	5087000090	9606 to 9610 40 <sup>th</sup> Ave. SW Lakewood, WA 98499

LOT 9, LAKEVIEW COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGE 5, 6 AND 7, AND AS AMENDED BY AFFIDAVIT OF MINOR CORRECTION OF SURVEY RECORDED UNDER RECORDING NO. [8706220372](#), RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB020	David W. West	5087000100	9614 to 9616 40 <sup>th</sup> Ave. SW Lakewood, WA 98499

LOT 10, LAKEVIEW COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGE 5, 6 AND 7, AND AS AMENDED BY AFFIDAVIT OF MINOR CORRECTION OF SURVEY RECORDED UNDER RECORDING NO. [8706220372](#), RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB021	Maurice Thevenoux	5087000110	9622 40 <sup>th</sup> Ave. SW Lakewood, WA 98499

LOT 11, LAKEVIEW COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGES 5, 6 AND 7, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB022	Maurice Thevenoux	5087000121	9622 40 <sup>th</sup> Ave. SW Lakewood, WA 98499

PARCEL A, BOUNDARY LINE ADJUSTMENT [8705130449](#), ACCORDING TO THE SURVEY THEREOF RECORDED MAY 13, 1987, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB023	Maurice Thevenoux	5087000131	9720 40 <sup>th</sup> Ave. SW Lakewood, WA 98499

PARCEL B, BOUNDARY LINE ADJUSTMENT [8705130449](#), ACCORDING TO THE SURVEY THEREOF RECORDED MAY 13, 1987, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
SMB024	Delta Painting & Prefinishing Inc.	0219015003	4025 100 <sup>th</sup> St. SW Lakewood, WA 98499

LOT 3, PIERCE COUNTY SHORT PLAT NO. [75-493](#), ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 26, 1975 IN VOLUME 6 OF SHORT PLATS, PAGE 64, RECORDS OF PIERCE COUNTY AUDITOR. SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.