

RESOLUTION NO. R2015-11

**Reauthorize the Acquisition of Real Property Interests Required for the Tacoma Trestle Project**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Board	05/28/15	Final Action	Ahmad Fazel, DECM Executive Director <b>Eric Beckman, Deputy Executive Director, Business and Construction Services</b> <b>Kevin Workman, Real Property Director</b>

PROPOSED ACTION

Reauthorizes the acquisition of 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 Tacoma Trestle Project.

KEY FEATURES SUMMARY

- This action reauthorizes the acquisition of property interests from three parcels located in the Dome District of Tacoma for construction of Sounder commuter rail facilities for the Tacoma Trestle Project.
- The Board previously authorized the acquisition of these properties under Resolution No. R2014-16 in August 2014. Reauthorization is being sought because notice of the Board action was not published in The News Tribune in Tacoma as required by state law. Sound Transit has been in contact with the owners and all owners were notified by certified mail before the Board took action on Resolution No. R2014-16. Notice of this action was published in The News Tribune on May 15 and 22, 2015.
- The properties are needed for construction, maintenance and operation of the commuter rail trestle and track from the Tacoma Dome Station to East M Street in Tacoma.
- The real properties identified in this requested action are included in Exhibit A.

BACKGROUND

The Tacoma Trestle Project covers the complete re-construction of track and structure upgrades along a 0.65-mile section of the Sounder South Line from the Tacoma Dome Station to East M Street in Tacoma. The project includes the replacement of the 100-year old single-track wooden trestle and steel girder bridge with a new double-track structure. Replacement of the trestle includes demolition and track removal of the existing bridge and trestle, upgrades to the embankment along the trestle, construction of new tracks and crossovers, construction of a new concrete viaduct, signal upgrades and erosion control. Service in the corridor will remain active throughout construction. The Tacoma Trestle Project is included in the ST2 plan and is scheduled for completion in 2017.

Certain property interests have been identified as necessary for construction of the Tacoma Trestle project. The proposed action would reauthorize the acquisition of three property interests from commercial/industrial properties, by condemnation to the extent permitted by law, if necessary, as needed for the construction, operation and maintenance of the Tacoma Trestle Project and the payment of relocation benefits to eligible affected owners and tenants. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions when efforts to reach agreement with property owners are unsuccessful.

The Board authorized the acquisition of 16 parcels under Resolution No. R2014-16 in August 2014. Sound Transit has completed acquisition of 13 of the parcels, but it will be necessary to condemn the three remaining properties that are the subject of this Resolution. Notice of the proposed Board action was published in the Seattle Times newspaper on August 15 and 22, 2014. The staff report for Resolution No. R2014-16 stated that the notice was also published in The News Tribune; however, the notice was inadvertently not submitted for publication. Notice has now been published in The News Tribune on May 15 and 22, 2015. Sound Transit is asking the Board to reauthorize acquisition in order to fully comply with the notice requirements contained in state law.

**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.

**Tacoma Trestle Track & Signal**

	Amended 2015 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	4,086	1,191		1,191	2,895
Preliminary Engineering	4,497	3,885		3,885	612
Final Design	13,481	7,250		7,250	6,231
Third Party Agreements	1,077				1,077
Right of Way	10,061	4,977		4,977	5,084
Construction	81,641				81,641
Construction Services	5,666	125		125	5,541
Vehicles					
<b>Total Current Budget</b>	<b>120,509</b>	<b>17,428</b>		<b>17,428</b>	<b>103,081</b>

**Phase Detail**

**Right of Way**

Right of Way	10,061	4,977		4,977	5,084
<b>Total Phase</b>	<b>10,061</b>	<b>4,977</b>		<b>4,977</b>	<b>5,084</b>

Notes:

Amounts are expressed in Year of Expenditure \$000s.

Board Approvals = Committed To-Date + Contingency, and includes pending Board actions.

Project budget page is located on page 54 of 210 of the Adopted 2015 Transit Improvement Plan (TIP).

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**

A public open house was held in February 2014 to introduce the conceptual engineering design concepts for the Tacoma Trestle project to the public and to receive customer feedback on the design concepts.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on August 12, 2014. Legal notices of this proposed Board action were originally published in the Seattle Times newspaper on August 15 and 22, 2014 and subsequently in The News Tribune on May 15 and 22, 2015.

## TIME CONSTRAINTS

The project is advancing on an aggressive timeline. A one month delay could affect the property acquisition schedule and possibly delay contract award and construction.

## PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2014-16: Authorized the chief executive officer to acquire or lease 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 Tacoma Trestle Project. Authorizes the Chief Executive Officer to apply to the City of Tacoma for an alley vacation and to carry out steps to acquire the alley property.

Resolution No. R2014-02: (1) Approved Gates 2 and 3 within Sound Transit's Phase Gate process for the Tacoma Trestle Track and Signal project, (2) amended the Adopted 2014 Lifetime Budget for the Tacoma Trestle Track and Signal project from \$10,254,520 to \$11,454,520 by increasing the preliminary engineering phase budget by \$1,200,000, and (3) amended the Adopted 2014 Annual Budget from \$5,474,000 to \$10,674,000 by increasing (a) the Preliminary Engineering phase from \$3,020,000 to \$4,220,000 and (b) the Right-of-way phase from \$2,000,000 to \$6,000,000.

## ENVIRONMENTAL REVIEW

Jl 5/18/2015

## LEGAL REVIEW

JV 5/26/2015

## **RESOLUTION NO. R2015-11**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority reauthorizing the acquisition of 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 Tacoma Trestle 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, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Tacoma Trestle 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 Tacoma Trestle 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 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 condemnation, 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.

WHEREAS, the Board previously authorized the acquisition of 16 properties for the Tacoma Trestle Project under Resolution No. R2014-16 in August 2014; and

WHEREAS, notice of the Board action was not published in The News Tribune in Tacoma prior to Board action on Resolution No. R2014-16, but has since been published in The News Tribune on May 15 and 22, 2015; and

WHEREAS, Sound Transit has completed acquisition of 13 of the parcels, but it will be necessary to condemn the three remaining properties that are the subject of this Resolution.

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 or lease of interests in the real property described in Exhibit A (said property to be used for the Tacoma Trestle 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 Tacoma Trestle 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 Tacoma Trestle Project by



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 May 28, 2015.

  
\_\_\_\_\_  
Paul Roberts  
Board Vice Chair

ATTEST:

  
\_\_\_\_\_  
Kathryn Flores  
Board Administrator

**RESOLUTION NO. R2015-11  
TACOMA TRESTLE**

**EXHIBIT A**

<b>R/W No</b>	<b>Tax Parcel No</b>	<b>Owner</b>
RJ020	2075280020	William M Curran and Anne R Curran
RJ022	2075240013	Time iN Space, LLC
RJ037	2075220015	Time iN Space, LLC



**RESOLUTION NO. R2015-11  
TACOMA TRESTLE**

EXHIBIT A

R/W No.	Owner/Contact	Parcel #	Address
RJ020	WILLIAM M CURRAN AND ANNE R CURRAN	2075280020	706 E. 25 <sup>th</sup> St. Tacoma, WA 98421

THE NORTH 77 FEET OF LOTS 1 THROUGH 8, INCLUSIVE, BLOCK 7528, THE TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., ACCORDING TO THE PLAT FILED FOR RECORD JULY 7, 1884 IN PIERCE COUNTY, WASHINGTON.

R/W No.	Owner/Contact	Parcel #	Address
RJ022	TIME IN SPACE, LLC	2075240013	602 E. 25 <sup>th</sup> St. Tacoma, WA 98421

THE NORTHERLY 77 FEET OF THE EASTERLY 135 FEET OF BLOCK 7524, AND THE NORTHERLY 77 FEET OF BLOCK 7526, TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., ACCORDING TO THE PLAT FILED FOR RECORD JULY 7, 1884 IN THE OFFICE OF THE COUNTY AUDITOR, IN PIERCE COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF EAST "F" STREET, VACATED BY CITY OF TACOMA ORDINANCE NOS. 3128 AND 23949, ADJOINING THE NORTHERLY 77 FEET OF SAID BLOCKS 7524 AND 7526 AND ATTACHED TO SAID PREMISES BY OPERATION OF LAW;

EXCEPT FROM SAID BLOCK 7526, THAT PORTION APPROPRIATED BY THE CITY OF TACOMA FOR THE CONSTRUCTION AND MAINTENANCE OF A PUBLIC STREET, BY DECREE ENTERED SEPTEMBER 12, 1928 IN PIERCE COUNTY SUPERIOR COURT CAUSE NO. 61287, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 7526;  
 THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK, A DISTANCE OF 119.73 FEET;  
 THENCE IN A SOUTHWESTERLY DIRECTION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 538 FEET AND CONCENTRIC WITH A CURVE HAVING A RADIUS OF 573 FEET, WHOSE TANGENT AT A POINT ON THE CENTER LINE OF EAST "G" STREET, 36.80 FEET SOUTH OF THE CENTER LINE OF EAST 25TH STREET, MAKING AN ANGLE OF 14°22' TO THE SOUTHWEST WITH THE SAID CENTER LINE OF EAST "G" STREET, A DISTANCE OF 130.04 FEET TO A POINT OF COMPOUND CURVE;  
 THENCE CONTINUING SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 283 FEET, A DISTANCE OF 1.32 FEET TO A POINT ON THE SOUTH LINE OF SAID BLOCK 7526, SAID POINT BEING 2.84 FEET WEST OF THE SOUTHEAST CORNER OF LOT 10, IN SAID BLOCK 7526;

