

RESOLUTION NO. R2016-01
To Acquire Real Property Interests Required for the Sounder Yard & Shops Facility Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	1/14/2016	Recommend to Board	Ahmad Fazel, DECM Executive Director Kevin Workman, Director of Real Property Melissa Flores Saxe, Senior Project Manager
Board	1/28/2016	Final Action	

PROPOSED ACTION

(1) Authorizes the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Sounder Yard & Shops Facility Project, and (2) requires staff to prepare an amendment to the Adopted 2016 Budget for Board consideration within 60 days of completion of the acquisition if the property acquisition exceeds the current budget.

KEY FEATURES SUMMARY

- Authorizes the protective acquisition of one property adjacent to the Sounder Yard facility for the Sounder Yard and Shops Project.
- Board authorization to acquire this property interest is needed in order to construct the Sounder Yard & Shops Facility project.
- The real property identified in this action is included in Exhibit A.
- A NEPA Categorical Exclusion was approved by FTA in support of the protective acquisition.

BACKGROUND

The ST2 Plan approved and funded by voters in 2008, included funding to locate, design, and construct a maintenance facility to accommodate the Sounder commuter rail fleet by 2023. Amtrak currently conducts the required Federal Railroad Administration’s mandated maintenance service of the Sounder fleet in south Seattle. The new Yard and Shops facility in Lakewood, Washington, will maintain, store, and accommodate future expansion fleet and support commuter rail operations.

Environmental review of the Yard and Shops project is currently in progress under the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA). After the NEPA and SEPA review is completed for the Yard and Shops project, project staff will bring for the Board of Directors consideration an action to design and build the project in Lakewood.

The proposed action would authorize protective acquisition of a key parcel identified as necessary for construction of the Sounder Yard & Shops project in the single location being evaluated through the environmental process. The parcel is under threat of imminent development inconsistent with implementation of the Sound Yard & Shops project. Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation, and maintenance of the Sounder Yard & Shops Facility project and will reimburse relocation expenses 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.

Sound Transit received Federal Transit Administration (FTA) approval for the protective acquisition on November 23, 2015 because the property is at risk of being developed in a manner inconsistent with Sound Transit’s potential use of the property. A NEPA Categorical Exclusion was approved by FTA in support of the protective acquisition. The acquisition is exempt under SEPA.

FISCAL INFORMATION

Souder Yard and Shops

	Adopted 2016 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	860	358		358	502
Preliminary Engineering	5,116	2,363		2,363	2,753
Final Design					
Third Party Agreements					
Right of Way	865	37		37	828
Construction					
Construction Services					
Vehicles					
Total Current Budget	6,841	2,758		2,758	4,083

Phase Detail

Right of Way	Adopted 2016 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Right of Way	865	37		37	828
Other Right of Way					
Total Phase	865	37		37	828

Contract Detail

	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract Amount	-	-	-	-
Contingency Amount	-	-	-	-
Total Contract	-	-	-	-
Percent Contingency	0%	0%	0%	0%

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 21 of 116 of the Proposed 2016 Transit Improvement Plan (TIP).

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Public outreach on the Souder Yard & Shops project has taken place. Outreach activities have included meetings with adjacent property owners, businesses, stakeholders, local jurisdictions, and agencies.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on January 12, 2016. Legal notices of this proposed Board action will be published in the Tacoma News Tribune newspaper and Seattle Times on January 15, and 22, 2016.

TIME CONSTRAINTS

A one-month delay would delay Sound Transit's acquisition of this parcel, which is under threat of imminent development inconsistent with the Sounder Yard & Shops project.

PRIOR BOARD/COMMITTEE ACTIONS

Not applicable to this action.

ENVIRONMENTAL REVIEW

JI 1/6/2015

LEGAL REVIEW

JB 1/11/2016

RESOLUTION NO. R2016-01

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority (1) authorizing the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Souder Yard & Shops Facility Project, and (2) requiring staff to prepare an amendment to the Adopted 2016 Budget for Board consideration within 60 days of completion of the acquisition if the property acquisition exceeds the current budget.

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 by negotiated purchase or to condemn certain rights in the property for public purposes; and

WHEREAS, Sound Transit is conducting environmental review of the Souder Yard & Shops project under the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA). After completion of that review, the Sound Transit Board will make a decision on the project to be built.

WHEREAS, Sound Transit has identified a certain real property as necessary for the construction and permanent location of the Souder Yard & Shops project in the single location that is undergoing environmental review, and such property is reasonably described in Exhibit A of this resolution; and

WHEREAS, the property described in Exhibit A of this resolution is under threat of imminent development inconsistent with the construction of the Sounder Yard & Shops project and Sound Transit has received approval from the Federal Transit Administration to carry out a protective acquisition of the property.

WHEREAS, in order to use the property determined to be necessary for the construction, operation and maintenance, and permanent location of the Sounder Yard & Shops 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

WHEREAS, Sound Transit has commissioned or will commission an appraisal to determine the fair market value of the property, and will negotiate in good faith with the owner of the property 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 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 & Shops project). In accordance with Sound Transit's Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the property may not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition, costs of the property for the Sounder Yard & Shops 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 & Shops project by purchase or by condemnation to the extent permitted by law.

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 & Shops 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 maintenance, and permanent location of the Sounder Yard & Shops project.

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 & Shops 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 property and property rights and/or rights in those of the property described in Exhibit A to the extent permitted by law, necessary to construct the Sounder Yard & Shops project. The chief executive officer is also authorized to make minor amendments to the legal description of the property 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 January 28, 2016.



Marilyn Strickland
Board Vice Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2016-01
EXHIBIT A

SOUNDER YARD & SHOPS PROJECT

ROW ID	TAX PARCEL NO.	OWNER/CONTACT
SMB0001	0220368018	BURGESS SOUTH TACOMA WAY, LLC

RESOLUTION NO. R2016-01
EXHIBIT A

SOUNDER YARD & SHOPS PROJECT

R/W No.	Owner/Contact	Parcel #	Address
SMB0001	BURGESS SOUTH TACOMA WAY, LLC	0220368018	3906 STEILACOOM BLVD. SW LAKEWOOD, WA 98495

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.