

**RESOLUTION NO. R2016-02**
**To Acquire Real Property Interests Required for the Tacoma Link Expansion Project**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	01/14/16	Recommendation to the Board	Ahmad Fazel, DECM Executive Director Madeleine Greathouse, Project Director – Tacoma Link
Board	01/28/16	Final Action	<b>Kevin Workman, Director of Real Property</b>

**PROPOSED ACTION**

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 Tacoma Link Expansion Project.

**KEY FEATURES SUMMARY**

- Authorizes the full acquisition of one property identified for the Tacoma Link Expansion Project.
- Board authorization to acquire this property interest is needed for the expansion of Sound Transit’s existing Tacoma Link Operations and Maintenance Facility.
- The real property identified in this action is included in Exhibit A.

**BACKGROUND**

The Tacoma Link Expansion Project is a 2.4 mile extension of the existing Tacoma Link light rail from the Theater District in downtown Tacoma to the Hilltop neighborhood in the City of Tacoma. The extension will travel primarily in-street along Stadium Way, North 1st St., Division Ave. and Martin Luther King Jr. Way. The project includes six new stations, relocates the Theater District Station and expands the existing Operations and Maintenance Facility.

Certain property interests have been identified as necessary for construction of the Tacoma Link Expansion Project. The proposed action would authorize the acquisition of one property for expansion of the existing Tacoma Link Operations Maintenance Facility (OMF). Sound Transit will acquire the property, by condemnation if necessary, as needed for the construction, operation and maintenance of the Tacoma Link Expansion 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.

The project completed environmental review in compliance with both NEPA and SEPA with approval of a NEPA Documented Categorical Exclusion (DCE) on June 25, 2015, by the Federal Transit Administration and a SEPA Determination of Nonsignificance (DNS), issued by Sound Transit on July 13, 2015.

Sound Transit is undertaking geotechnical and archaeological borings in early 2016 adjacent to the OMF expansion site. This will assess if archaeological resources are present since a subsurface archaeological site was recently found at the adjacent Tacoma Trestle project site. If archaeological resources are found, Sound Transit will need to coordinate with FTA, the State Historic Preservation Officer, and Native American tribes about proceeding with the property and

potential mitigation measures. An offer to purchase the property will not be made until archaeological testing has been completed.

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 Link Expansion	2016 TIP*	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	10,600	1,833	0	1,833	8,767
Preliminary Engineering	5,872	5,897	0	5,897	(25)
Final Design	10,830	0	0	0	10,830
Third Parties	500	0	0	0	500
Right of Way	3,200	24	0	24	3,176
Construction	0	0	0	0	0
Construction Services	0	0	0	0	0
Vehicles	2,000	0	0	0	2,000
<b>Total Current Budget</b>	<b>33,002</b>	<b>7,754</b>	<b>0</b>	<b>7,754</b>	<b>25,248</b>

**Phase Detail - Right of Way**

ROW Phase	3,200	24	0	24	3,176
<b>Total Phase</b>	<b>3,200</b>	<b>24</b>	<b>0</b>	<b>24</b>	<b>3,176</b>

**Property Acquisition Details**

	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Property Acquisition Contract	0	0	0	0
Contingency	0	0	0	0
<b>Total Contract Amount</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Percent Contingency	0%	0%	0%	0%

**Notes:**

\*Tacoma Link Expansion project Budget Amendment was approved on December 17 2015, Resolution No. R2015-33.

\*\* PE Phase budget shortfall is a result of Contract Remaining ( committed funds) that are not anticipated to be spent, and will be recommitted as soon as contracts ( agreements) complete and are closed.

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

Board Approvals to Date includes amounts through November 30, 2015 plus any pending Board Actions.

Board Approvals = Committed to-date + Contingency.

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

Sound Transit promotes and encourages small business participation, which also includes Disadvantaged Business Enterprises (DBEs). Small Business and DBE goals are based upon an examination of subcontracting opportunities contained in the work of this contract and the number of Small Businesses/DBEs available to perform such subcontracting work.

Sound Transit determined that Small Business and DBE subcontracting opportunities are infeasible or improbable, so Small Business/DBE goals were not established or required.

## PUBLIC INVOLVEMENT

Sound Transit has utilized an extensive community outreach effort to ensure that potentially affected property owners and community members have opportunities to engage in the decision-making process. Public outreach on the Tacoma Link Expansion Project has taken place over the past several years.

Sound Transit conducted extensive public outreach to inform preliminary engineering and decision on the project alignment, station locations, and Operations and Maintenance Facility expansion by the Board. Public involvement included email notifications, an open house, online surveys, stakeholder roundtables, community and Tacoma City Council briefings.

In summer 2015, additional outreach advertised the availability of the environmental documents and DNS comment period providing the public opportunities for input before the Board's project decision. Outreach included:

- Notification postcard to approximately 14,000 corridor residents and property owners.
- Website, newspaper, and SEPA Register notices of availability received 251,219 impressions.
- E-mail notice to approximately 3,000 interested persons.
- Eight community and agency briefings.
- Participation in three fairs/festivals.
- A 14-day public comment period on the DNS with 36 comments received.
- An in-person open house with 78 attendees.
- A 14-day online open house with 244 site views.

The outreach effort and comments received are summarized in the Public Involvement and SEPA Comment Summary Report, August 2015 which has been provided to the Board.

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 and Seattle Times newspapers on January 15 and 22, 2016.

## TIME CONSTRAINTS

A one-month delay would not significantly impact the timing of this project.

## PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2015-33: (1) Amended the Adopted 2015 Budget by (a) increasing the lifetime capital budget for the Tacoma Link Expansion project by \$25,216,229 from \$7,785,771 to \$33,002,000 and (b) increased the 2015 Annual Budget by \$478,257 from \$3,225,500 to \$3,703,757; and (2) authorized the project to advance through Gate 4 within Sound Transit's Phase Gate Process.

Resolution No. R2015-22: Selected the route, stations and operations and maintenance facility expansion site for the Tacoma Link Expansion.

## ENVIRONMENTAL REVIEW

JI 1/6/2015

## LEGAL REVIEW

JB 1/8/2016

**RESOLUTION NO. R2016-02**



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 to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Tacoma Link 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 by negotiated purchase or to condemn certain rights in the property for public purposes; and

WHEREAS, Sound Transit has identified a certain real property as necessary for the construction and permanent location of the Tacoma Link Extension Project and such property is 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 maintenance, and permanent location of the Tacoma Link Extension 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 Tacoma Link Extension 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 Tacoma Link Extension 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 Link Extension 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 Tacoma Link Extension 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 demolition of certain encroaching structures necessary for the construction, operation and maintenance, and permanent location of the Tacoma Link Extension 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 Tacoma Link Extension 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, for the purpose of removing encroaching structures necessary to construct the Tacoma Link Extension 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.



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Marilyn Strickland  
Board Vice Chair

ATTEST:

  
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Kathryn Flores  
Board Administrator



**RESOLUTION NO. R2016-02**  
**EXHIBIT A**

TACOMA LINK EXTENSION

ROW ID	TAX PARCEL NO.	OWNER/CONTACT
TLE001	2075320013	AVH & BJ HOLDINGS 2, LLC

**RESOLUTION NO. R2016-02**  
**EXHIBIT A**

TACOMA LINK EXTENSION

R/W No.	Owner/Contact	Parcel #	Address
TLE001	AVH & BJ HOLDINGS 2, LLC	2075320013	824 E. 25 <sup>TH</sup> STREET TACOMA, WA 98421

(A)

THE NORTHERLY 77 FEET OF THE EASTERLY 98 FEET OF BLOCK 7530, THE TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T., ACCORDING TO THE PLAT THEREOF RECORDED JULY 7, 1884, RECORDS OF PIERCE COUNTY AUDITOR.

EXCEPT THE NORTHERLY 77 FEET OF THE EASTERLY 23 FEET OF LOT 9, SAID BLOCK 7530, CONVEYED TO WILLIAM S. HART AND BARBARA HART, HUSBAND AND WIFE, BY DEED RECORDED UNDER RECORDING NO. 9305030062.

(B)

THAT PORTION OF BLOCK 7532 OF SAID PLAT AND THAT PORTION OF VACATED EAST I STREET ABUTTING THEREON AND ATTACHED THERETO BY OPERATION OF LAW, AS VACATED BY CITY OF TACOMA ORDINANCE NO. 3129, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 7532; THENCE SOUTHERLY ALONG THE EASTERLY SIDE OF SAID BLOCK 45.5 FEET; THENCE WESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE EAST LINE OF BLOCK 7530 OF SAID ADDITION, WHICH IS 77 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG SAID EAST LINE OF SAID BLOCK 7530, 77 FEET TO THE SOUTHERLY LINE OF 25TH STREET; THENCE EASTERLY ALONG SAID SOUTHERLY LINE AND THE NORTH LINE OF SAID BLOCK 7532 TO THE POINT OF BEGINNING.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.