

RESOLUTION NO. R2017-05
To Acquire Real Property Interests Required for the Sumner Station Improvements Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	03/09/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director
Board	04/27/2017	Final Action	Kevin Workman, Director of Real Property

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 Sumner Station Improvements project.

KEY FEATURES SUMMARY

- Authorizes the acquisition of one property and private utility interests in City of Sumner properties, located near the Sumner Sounder Station in Sumner, Washington.
- The property is needed in order to construct the 4½ level parking garage consisting of approximately 623 parking spaces; surface parking; and traffic, sidewalk, and pedestrian improvements.
- The real properties identified in this action are included in Exhibit A.

BACKGROUND

In November 2008, the voter-approved Sound Transit 2 plan included funding for access improvements to the Sumner Sounder Station. During the process of refining the projects included in the ST2 plan, the Sound Transit Board responded to community concerns by calling for a Sounder Access and Demand Study. The study evaluated potential access improvements to eight existing Sounder stations including the Sumner Station. The study provided a range of potential access improvement projects that Sound Transit could implement in full or in part, that would allow riders to use a variety of modes of travel to the Sumner Station.

On May 26, 2016, the Sound Transit Board selected the project to be built for the Sumner Station Improvements project. The project will build a new 4½ story, approximately 623-space parking garage located at 810 Maple Street in Sumner, in the location of the existing Sound Transit surface parking lot. An estimated 234 surface-lot spaces, located both north and south of Maple Street and at the Red Apple building, will remain. The garage will bring the new parking total to approximately 857 stalls, or a net increase of approximately 505 stalls. Additional project improvements include traffic enhancements, driveway replacement, sidewalks, bicycle storage, curb ramps, pedestrian signal, and optional pedestrian bridge over the railroad. Sound Transit needs to acquire the real property described in Exhibit A, which is adjacent to the surface lot, for construction of the parking garage and related access improvements.

Every day, 1,000 people ride Sounder commuter rail or ST Express Bus service from the Sumner Station. Eleven roundtrip Sounder trains stop at the station daily. Parking is usually full early in the morning, and commuters heading to and from the Sumner Station experience traffic congestion. Sound Transit plans to provide 13 Sounder roundtrips by the end of 2017, and predicts an

approximately 70 percent increase in ridership by 2035. As ridership and service increase, reliable access to the station will continue to be important.

The project completed environmental review in compliance with the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) with approval of a NEPA Documented Categorical Exclusion on May 4, 2016, by the Federal Transit Administration and a SEPA Mitigated Determination of Nonsignificance issued by Sound Transit on March 31, 2016.

PROJECT STATUS

Project Identification	Alternatives Identification	Conceptual Engineering	Preliminary Engineering	Final Design	Construction
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Projected Completion Date for Preliminary Engineering: 3Q 2017

Project scope, schedule, and budget summary located on page 128 of the September 2016 Agency Progress Report.

FISCAL INFORMATION

There is sufficient authorized project allocation to date in the right-of-way phase of the project to fund this action.

The table below does not include the expected cost of this action, however, costs may be discussed with Board members in executive session.

Sumner Station Improvements

(in thousands)

	Authorized project allocation to date	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$1,433	\$594	\$	\$594	\$839
Preliminary Engineering	2,996	2,558		2,558	438
Final Design					
Third Party Agreements	7,658	2,700		2,700	4,958
Right of Way	4,414	2,855		2,855	1,559
Construction	113	97		97	16
Construction Services	428				428
Vehicles					
Total Current Budget	\$17,042	\$8,804	\$	\$8,804	\$8,238

Notes:

Amounts are expressed in Year of Expenditure.

Board approvals = Committed to-date + contingency as of Jan 17, and includes pending Board actions.

For detailed project information, see page 26 or 116 in the Proposed 2017 Transit Improvement Plan.

SMALL BUSINESS/DBE PARTICIPATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Public outreach on the Sumner Station Improvements project has taken place over the past several years. Outreach activities have included meetings with communities, property owners, businesses, stakeholders, local jurisdictions, and agencies.

Sound Transit has utilized an extensive community outreach effort to ensure that potentially affected property owners and community members have had opportunities to engage in the decision-making process.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners of record affected by this action on April 10, 2017. Legal notices of this proposed Board action will be published in the Tacoma News Tribune and Seattle Times newspapers on April 14 and 21, 2017.

TIME CONSTRAINTS

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

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2017-01: (1) Authorized the Sumner Station Improvements project to advance through Gate 4 within the Sound Transit Phase Gate process and (2) established the Phase Gate Project Budget of \$17,042,135 and establishes a fiscal year 2017 Annual Project Budget of \$4,481,000.

Resolution No. R2016-13: Selected the bicycle, pedestrian, lighting, and parking access improvements to be built for the Sumner Station Improvements project.

Resolution No. R99-29: Authorized the Executive Director to acquire, dispose, or lease certain real property interests from The Burlington Northern and Santa Fe Railway Company (BNSF) by negotiated purchase, by condemnation, by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the King Street, Tukwila, Kent, Auburn, Sumner, and Puyallup Commuter Rail Stations.

Resolution No. R99-24: Authorized the Executive Director to enter into a 99-year lease and development agreement with the City of Sumner as necessary for the construction and operation of the Sumner Commuter Rail Station for the Tacoma-to Seattle Commuter Rail Project.

Resolution No. R98-50: Authorized the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of commuter rail stations for the Tacoma to Seattle Commuter Rail Project.

ENVIRONMENTAL REVIEW

JI 2/2/2017

LEGAL REVIEW

JV 2/3/2017

RESOLUTION NO. R2017-05

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 Sumner Station Improvements 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, November 4, 2008, and November 8, 2016, 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 to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants; and

WHEREAS, Sound Transit has identified certain real property as necessary for the construction and permanent location of the Sumner Station Improvements 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 Sumner Station Improvements 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 property, and will negotiate in good faith with the owners of the property authorized to be acquired by negotiated purchase or condemned, with the intent of reaching agreement 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 Sumner Station Improvements 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 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, relocation, and reestablishment costs of the property for the Sumner Station Improvements 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 Sumner Station Improvements project by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

SECTION 2. The chief executive officer or his 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 Sumner Station Improvements 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 Sumner Station Improvements project, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the property.

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 Sumner Station Improvements 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 constructing, owning, and operating a permanent location of the Sumner Station Improvements project. The chief executive officer is also authorized to make minor amendments to the property described in Exhibit A, as may be necessary to correct 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 April 27, 2017.



Marilyn Strickland
Board Vice Chair

ATTEST:



Kathryn Flores
Board Administrator



RESOLUTION NO. R2017-05
EXHIBIT A

SUMNER STATION IMPROVEMENTS PROJECT

ITEM	ROW ID	TAX PARCEL NUMBER	TAX PAYERS	PROPERTY ADDRESS
1	SSI001	9999999141 (ST Internal)	CITY OF SUMNER	CITY ROW – Along SE edge of RR ROW, Between Harrison Street and Maple Street SUMNER, WA 98390
2	SSI002	7985100080	CITY OF SUMNER	XXX NARROW ST SUMNER, WA 98390
3	SSI003	9999999142 (ST Internal)	CITY OF SUMNER	CITY ROW – Portion of NARROW STREET Between Harrison Street and Academy Street SUMNER, WA 98390
4	SSI004	0420243174	CITY OF SUMNER	VACANT LAND at NE corner of Harrison Street and Narrow Street SUMNER, WA 98390
5	SSI005	5680000010	CITY OF SUMNER	XXX NARROW ST SUMNER, WA 98390
6	SSI008	0420243179	BARBARA J. SWANSON AND WALLACE D. SWANSON, III	725 NARROW AVENUE SUMNER, WA 98390
7	SSI012	5680000020	CITY OF SUMNER	XXX HARRISON ST SUMNER, WA 98390
8	SSI015	9999999144 (ST Internal)	CITY OF SUMNER	CITY ROW – North/South ALLEY North of Harrison Street and between tax parcels 5680000020 and 5680000010 SUMNER, WA 98390