



Resolution No. R2019-04

To Acquire Real Property Interests Required for the Sumner Station Parking and Access Improvements Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	02/14/2019	Recommend to Board	Ron Lewis, DECM Executive Director
Board	02/28/2019	Final action	Joseph Gray, Director – Real Property Melvin Smith-Real Property Project Manager

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 Parking and Access Improvements project.

Key features summary

- Authorizes the acquisition of all or portions of seven parcels. The planned partial acquisitions consist of temporary construction easements for the Sumner Station Access Improvements project. These parcels are located near the Sounder station in the City of Sumner.
- As work develops, parcels identified as partial acquisitions or temporary easements may need to be acquired in full and/or permanently.
- Relocations activities are not anticipated on the identified parcels.
- The properties are needed for construction of the 4-½ story parking garage consisting of approximately 630 new parking spaces or related improvements such as driveway replacement, traffic enhancements, sidewalks, curb ramps, and pedestrian signals.
- The Legal descriptions of the real properties identified in this requested action are included in Exhibit A.

Background

In November 2008, the voter-approved Sound Transit 2 (ST2) 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 Sumner. 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 alternative modes of travel to the Sumner Sounder Station.

On May 26, 2016, the Sound Transit Board selected the project to be built. The Sumner Station Parking and Access Improvements project will build a new 4-½ story garage located at the current station parking lot consisting of approximately 630 stalls, for a net increase of about 500 stalls. Existing parking

spaces located both north and south of Maple Street will remain. The garage will bring the new parking total to 800 stalls, or a net increase of 500 stalls. Additional project improvements include traffic enhancements, sidewalks, and lighting improvements.

Project status

Project Identification	Alternatives Identification	Conceptual Engineering/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction
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Projected Completion Date for Preliminary Engineering Phase: 4 Q 2018

Project scope, schedule, and budget summary located on page 149 of the September 2018 Agency Progress Report.

Fiscal information

The authorized project allocation to date for the Sumner Station Access Improvements project is \$17,042,135. Within that amount, \$4,414,000 has been allocated to the right of way phase, of which \$3,556,678 has been previously committed. There is \$857,322 of uncommitted funds in the right of way phase, which is sufficient to complete the proposed action.

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 and apprenticeship utilization

Not applicable to this action.

Public involvement

Public outreach on the Sumner Station Access 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 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 actions on February 8, 2019. Legal notices of this proposed Board action will be published in the Seattle Times and Tacoma News Tribune newspapers on February 15 and 22, 2019.

Time constraints

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

Prior Board/Committee actions

Resolution No. R2017-05: Authorized 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.

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 – KH 1/31/19

Legal review – PWM 2/8/19



Resolution No. R2019-04

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 Parking and Access Improvements Projects.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) 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 Sound Transit 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 properties as necessary for the construction and permanent location of the Sumner Station Parking and Access Improvements Projects 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 Sumner Station Parking and Access Improvements Projects, 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 that:

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 Sumner Station Parking and Access Improvements Projects) 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 reestablishment costs of the properties for the Sumner Station Parking and Access Improvements Projects 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. 2018-40, before the acquisition of the property for Sumner Station Parking and Access Improvements Projects 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. 2018-40.

SECTION 3. The Sound Transit Board deems the Sumner Station Parking and Access Improvements Projects 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 Sumner Station Parking and Access Improvements Projects and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

SECTION 4. The Sound Transit Board 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 Parking and Access Improvements Projects.

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 Sumner Station Parking and Access Improvements Projects. 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 February 28, 2019.



John Marchione
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2019-04

Exhibit A

SUMNER STATION ACCESS IMPROVEMENTS PROJECT

ITEM	ROW #	TAX PARCEL NUMBER	TAX PAYER(S)	PROPERTY ADDRESS
1	SSI007	0420243120	Station Place LLC	728 Cherry Ave Sumner WA, 98390
2	SSI009	0420243176	East Pierce Fire & Rescue	800 Harrison St Sumner WA, 98390
3	SSI014	0420243162	Creiterion Services LLC	715 Thompson St Sumner WA, 98390
4	SSI016	0420243182	City of Sumner	715 Thompson St, Sumner WA 98390
5	SSI017	0420256001	Nyle P & Jennifer E Chambers	602 Station Ln, Sumner WA, 98390
6	SSI019	7985100253	Michael A & Karen L Cerullo, & Richard A Cerullo	712 Cherry Ave Sumner WA, 98390
7	SSI020	7985100252	Carl & Doris Wright	809-811 Harrison St Sumner WA, 98390