

Resolution No. R2019-05

Early Acquisition of Real Property and Interests Required for the Auburn Station Parking and Access Improvements Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	02/14/2019 02/28/2019	Recommend to Board Final Action	Ron Lewis, DECM Executive Director 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 potential parking garage for the Auburn Station Parking and Access Improvements project.

Key features summary

- This action authorizes the early acquisition of all or portions of three parcels for the Auburn Station Parking and Access Improvements Project's potential construction of a new parking garage with approximately 535 new spaces for commuters.
- The three identified parcels are all currently owned by the City of Auburn and used as a parking lot for city employees. A private developer also has development rights which would divest the City of ownership. Sound Transit wishes to secure the properties so it is available for use for the project without the developer investing additional resources to exercise its development rights.
- In August 2018, the Federal Transit Administration (FTA) confirmed that the proposed early property acquisition qualifies as a Categorical Exclusion under the National Environmental Policy Act.
- As work develops, parcels identified as partial acquisitions or temporary easements may need to be acquired in full and/or permanently.
- Relocation activities, if any, will be limited in scope and commence only after environmental review for this project has been completed.
- The legal descriptions of the real properties identified in this requested action are included in Exhibit A.

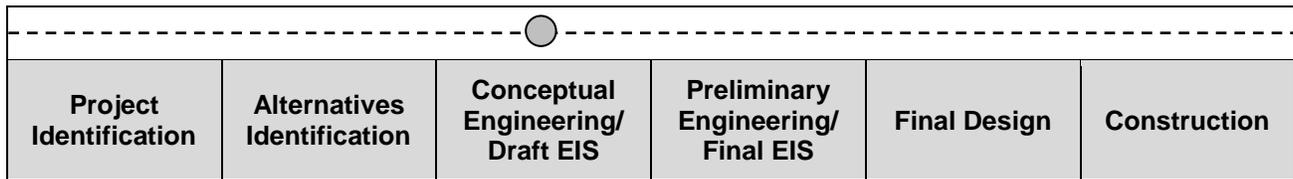
Background

In November 2008, the voter-approved ST2 Plan included funding for access improvements to the Auburn Sounder Station. Subsequently, the Sounder Station Parking and Access Improvements Study was conducted to identify potential access improvements at Sounder stations. However, funding for these improvements was suspended as a result of reduced revenue during the recession. The Sound Transit Board restored funding for the Auburn Station Parking and Access Improvements project in January 2016, and Phase 1 of the project commenced in November 2016.

During Phase 1, several sites were identified and evaluated for a potential new parking garage to be constructed in connection with the project, in coordination with the City of Auburn and a group of local stakeholders. Following the Auburn City Council's recommendation, in November 2017 the Sound Transit Board identified the preferred site for a new parking structure, located at the intersection of 1st and A Streets NW, about two blocks from Auburn Station. The new structure would add approximately 535 new parking spaces for commuters. As part of the project, Sound Transit is also evaluating a range of non-motorized improvements for increased access to the station for pedestrians, bicycles, and buses.

The identified site is comprised of three parcels, all are currently owned by the City of Auburn and are being used as a parking lot for city employees. However, a private developer has development rights on the parcels. Sound Transit requested from the FTA early acquisition of the parcels in order to secure its ability to use the properties for the project without the developer investing additional resources to exercise its development rights. The FTA granted approval in August 2018, confirming that the acquisition qualifies as a NEPA Categorical Exclusion. Sound Transit is in the process of obtaining FTA NEPA approval and could ask the Board to consider selecting this location to build the parking structure after completion of environmental review.

Project status



Projected completion date for Conceptual Engineering: 4Q 2019

Project scope, schedule and budget summary are located on page 129 of the September 2018 Agency Progress Report.

Fiscal information

The authorized project allocation to date for the Auburn Station Parking and Access Improvements project is \$8,941,000. Within that amount, \$3,788,000 has been allocated to the right of way phase, of which \$495 has been previously committed. There is \$3,787,505 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/DBE participation, apprenticeship utilization, and Title IV compliance

Not applicable to this action.

Public involvement

Extensive public involvement has occurred since project development was initiated in early 2017. During Phase 1 Alternatives Analysis, outreach included: two open houses attended by approximately 120 people, as well as meetings with community stakeholders and potentially affected property owners. During Phase 2 Conceptual Engineering and Environmental Analysis, outreach to date includes an online and in-person open house in October 2018 with approximately 175 participants; meetings with

community stakeholders and potentially affected property owners; and information tables at community events.

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

Motion No. M2017-138: (1) Identified the Preferred Alternative for the Auburn Station Parking and Access Improvements Projects to advance into environmental review, and (2) authorized the project to advance through Gate 2: Identify Alternatives and Gate 3: Identify Preferred Alternative within Sound Transit's Phase Gate process.

Resolution No. R2016-08: (1) Amended the Adopted 2016 Budget to create the Auburn Station Parking and Access Improvements Projects by (a) establishing the Project Lifetime Budget through alternatives analysis in the amount of \$831,000, (b) establishing the 2016 Annual Budget in the amount of \$289,500 and (2) authorized the project to advance through Gate 1 within Sound Transit's Phase Gate Process.

Motion No. M2016-10: (1) Restored funding for the Kent and Auburn Access Projects in the Sound Transit 2 Finance Plan, and (2) directed staff to start work on those access projects and return with a budget amendment and Phase Gate actions when appropriate.

Environmental review – KH 1/31/19

Legal review – MT 2/8/2019



Resolution No. R2019-05

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 a potential parking garage for the Auburn Station Access Parking and Access Improvements project.

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 potential construction and permanent location of the parking garage for the Auburn Station Access Improvements Project and such properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, Sound Transit requested and received approval from the Federal Transit Administration that an early property acquisition of such properties qualifies as a Categorical Exclusion under the National Environmental Policy Act on August 29, 2018; and

WHEREAS, in order to secure its ability to use the property for the potential construction, operation, and permanent location of the parking garage for the Auburn Station Access 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 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 as a potential site for construction of part of the Auburn Station Access 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 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 Auburn Station Access 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. 2018-40, before the acquisition of the property for Auburn Station Access Improvements project 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 Auburn Station Access 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 permanent location of Auburn Station 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 as a potential site for the construction, operation, and permanent location of the parking garage for the Auburn Station Access 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 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 potentially constructing, owning, and operating a permanent location of part of the Auburn Station Access Improvements project. 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



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Exhibit A

Auburn Station Access Improvements Project

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	AST101	0492000460	City of Auburn	1st Street NW and A Street NW
2	AST102	0492000461	City of Auburn	1st Street NW and A Street NW
3	AST103	0492000463	City of Auburn	1st Street NW and A Street NW