



Resolution No. R2024-06

Early Acquisition of Real Property interests required for the Tacoma Dome Link Extension Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	03/14/2024	Recommend to Board	Don Billen, PEPD Executive Director
Board	03/28/2024	Final action	Curvie Hawkins, Project Director, HCT Development Faith Roland, Director, 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 Tacoma Dome Link Extension project.

Key features summary

- Authorizes the early acquisition of a single parcel of real property located in Fife.
- Property owners received permits from the City of Fife to begin construction on two 6,000 square foot buildings on a 1.2-acre site that is potentially affected by all Fife Tacoma Dome Link Extension (TDLE) station options and alignments being studied in the Draft environmental impact statement (EIS). Citation Management is aware of the challenges in leasing building space short term and is asking Sound Transit to consider early acquisition to avoid constructing on a site that would soon tear down any new buildings. They sent a letter dated August 18, 2023, with this request.
- The benefit to Sound Transit is securing the property as a vacant parcel as it currently stands, rather than purchasing a site with commercial buildings and tenants. The consequences if this is not approved include additional resources for relocating tenants, tearing down buildings, and the additional costs of those two activities.
- The real property identified in this requested action is included in Exhibit A.
- Sound Transit staff requested approval from the Federal Transit Administration to acquire the properties as a protective acquisition prior to completion of environmental review. Sound Transit received that approval by letter from FTA on February 7, 2024.

Background

The Tacoma Dome Link Extension will add nearly 10 miles to our regional light rail system via mostly elevated tracks between Federal Way and Tacoma. This project includes four new light rail stations in the South Federal Way, Fife, East Tacoma/Portland Avenue and Tacoma Dome areas.

These stations will also provide connections to other regional transit services like Sounder, Tacoma Link, ST Express, King County Metro, Pierce Transit, Intercity Transit and Amtrak.

Stations will feature pickup and drop-off zones and provide convenient access for pedestrians, cyclists, and riders arriving on paratransit and other modes. The future South Federal Way and Fife stations will each offer approximately 500 parking spaces.

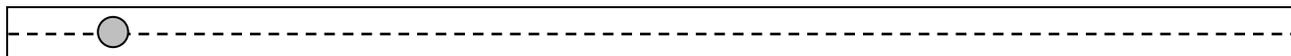
The parcel is currently vacant and is the subject of a development proposal. Structures on the property were demolished in 2023. Permit applications to build two 5,998 square foot vehicle maintenance buildings were submitted in September 2022, and approved by the City of Fife in July 2023. Final issuance of the permit is pending successful payment by the property owner. This imminent development would conflict with all the TDLE alternatives and station options in the Fife segment.

Sound Transit submitted a protective acquisition request to the Federal Transportation Administration (FTA) on January 12, 2024. On February 7, 2024, Sound Transit received concurrence from FTA that the early acquisition meets criteria in FTA's National Environmental Policy Act (NEPA) rules for Documented Categorical Exclusions (DCE) as a protective acquisition.

Sound Transit will acquire the property rights needed to construct the TDLE project. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions. Condemnation will be initiated should negotiations between Sound Transit and the property owners reach an impasse.

Dispositions of real property interests may occur to the extent required for relocating utilities as necessary or desirable for the projects, satisfying permit conditions or mitigation requirements, curing damages to real property caused by the project, or disposing of real property for the purpose of minimizing Sound Transit's costs of operations and maintenance.

Project status



Project Identification	Alternatives Identification	Conceptual Engineering/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction
------------------------	-----------------------------	-----------------------------------	------------------------------------	--------------	--------------

Projected completion date for Final Environmental Impact Statements: TDLE – Q4 2026;

Project scope, schedule and budget summary are located on page 104 of the January 2024 Agency Progress Report.

The Tacoma Dome Link Extension project is currently in the environmental review phase of planning. As part of this phase, Sound Transit develops conceptual design and prepares an Environmental Impact Statement that evaluates the potential impacts of the project. Through this work, we found the need to consider more station options in Fife and an additional route and associated station options in the South Federal Way/Milton area. There are no other alternatives being proposed in Tacoma.

Fiscal information

The authorized project allocation for the combined Tacoma Dome Link Extension and Operations & Maintenance Facility – South project is \$299,117,000. Within that amount, \$143,641,000 has been allocated to the right of way phase, of which \$7,567,705 has been previously committed. There is \$136,073,295 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 budget.

The current cost estimate for the Tacoma Dome Link Extension project is \$4.7 billion in 2023\$ and is affordable within the Agency's Finance Plan by 2035. The current cost estimate for the Operations & Maintenance Facility – South project is \$1.7 billion in 2023\$ and is affordable within the Agency's Finance Plan by 2029.

As the projects are pre-baselined, both the authorized project budget for project development work and a forecasted cost estimate for the remaining project delivery and construction work are reasonably assumed in the existing Long Range Financial Plan forecast.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

Not applicable to this action

Time constraints

Property owners currently have permits with the city of Fife for their proposed construction of their site.

Environmental review – KH 2/28/24

Legal review – PM 3/8/24



Resolution No. R2024-06

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 Dome Link Extension 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 construction and permanent location of the Tacoma Dome Link Extension and such properties are reasonably described in Exhibit A of this resolution; and

WHEREAS, environmental review of the Tacoma Dome Link Extension project is ongoing, and Sound Transit has sought and received authorization from the Federal Transit Administration (FTA) to acquire the subject properties prior to completion of such environmental review; and

WHEREAS, in order to use the property determined to be necessary for the construction, operation, and permanent location of the Tacoma Dome Link Extension, 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 as follows:

SECTION 1. The chief executive officer is hereby authorized to:

- A. 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 Tacoma Dome Link Extension) 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 Tacoma Dome Link Extension 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. R2023-30, before the acquisition of the property for the Tacoma Dome Link Extension by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.
- B. 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. R2023-30.
- C. 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.
- D. Execute into agreements for the disposition of interests in the real property identified in Exhibit A for: (1) the relocation of utilities as necessary or desirable for the Tacoma Dome Link Extension; (2) the satisfaction of permit conditions or mitigation requirements; (3) the curing of damages to real property acquired pursuant to Exhibit A and caused by the implementation of the Tacoma Dome Link Extension; or (4) returning real property identified in Exhibit A to previous owners for the purpose of minimizing Sound Transit's costs of operations and maintenance; provided that the foregoing dispositions of real property must be compatible with and must not interfere with regional transit system uses and must avoid the creation of unbuildable, residual parcels whenever possible.

SECTION 2. The Sound Transit Board deems the Tacoma Dome Link Extension, 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 Tacoma Dome Link Extension, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

SECTION 3. 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 Tacoma Dome Link Extension.

SECTION 4. 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 Tacoma Dome Link Extension.

SECTION 5. 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 March 28, 2024.



Dow Constantine
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2024-06
Exhibit A

Tacoma Dome Link Extension Project

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	TD3721		Fife Valley Ventures, L.L.C., a Washington limited liability company	1327 52nd Ave East, Fife WA 987424