



Resolution No. R2021-09

Real Property Acquisition for the Stride Bus Rapid Transit SR522 Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	09/09/2021	Recommend to Board	Ron Lewis, DECM Executive Director
Board	09/23/2021	Final action	Bernard van de Kamp, Program Executive Amy Pinneo, Real Property Project Manager

Proposed action

Authorizes the chief executive officer to acquire or lease 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 SR 522/NE 145th Bus Rapid Transit Project.

Key features summary

- Authorizes the acquisition of all or a portion of 44 parcels. These parcels are located in the cities of Seattle, Shoreline, Lake Forest Park and Kenmore for the Stride Bus Rapid Transit program (BRT) SR 522/NE 145th Project. One of the parcels is owned by King County.
- The properties are required to construct the build out of the transit queue bypass lanes, Business Access and Transit (BAT) lanes, sidewalks and planting strips, and BRT station platforms. Parking facilities have also been identified in preliminary design, however due to realignment, have not advanced in design, beyond 10% due to the adjustment in delivery date specific to these parking garages.
- The real property identified in this requested action is identified in Exhibit A.

Background

The SR 522/NE 145th BRT Project establishes BRT service along the corridor, primarily operating in business access and transit (BAT) or transit queue bypass lanes for approximately nine miles between Shoreline and Bothell, with separate, connecting service options to Woodinville. Funding for the SR522/NE 145th BRT project was approved by voters in the ST3 Plan.

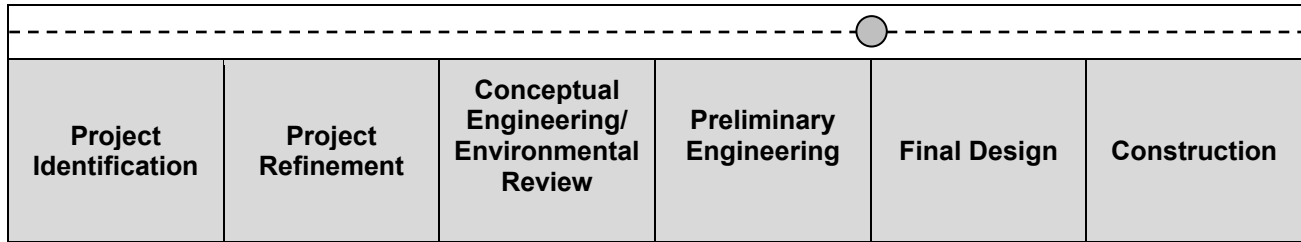
Project development involves, and has involved to date, planning and preliminary design of BRT elements including routing, roadway and sidewalk improvements; 14 BRT station pairs; and parking facilities. The analysis during the preliminary engineering phase confirmed the station locations and identified speed and reliability project elements such as transit queue bypass lanes and BAT lanes.

Sound Transit issued a State Environmental Policy Act (SEPA) Determination of Non-significance (DNS) for the SR 522/NE 145th BRT Project on March 25, 2021.

Project development is anticipated to be completed by fall of 2021. Currently the project team has developed the project design to a 30 percent level for all project elements except garages, which have to date been designed to the 10 percent level.

Sound Transit will acquire the property rights needed to construct the build out of the transit queue bypass lanes and BAT lanes, sidewalks and planting strips, and BRT station platforms. 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.

Project status



Projected completion date for Construction Phase: 2Q 2026

Project scope, schedule and budget summary are located on page 182 of the July 2021 Agency Progress Report.

Fiscal information

The authorized project allocation for SR 522/NE 145th Bus Rapid Transit (BRT) Project is \$148,570,000. Within that amount, \$52,081,000 has been allocated to the right of way phase, of which \$380,530 has been previously committed. There is \$51,700,471 of uncommitted funds in the right of way phase, which is sufficient to complete the 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.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

Project engagement along the corridor includes local and elected leaders, agency partners, businesses, residents, and other stakeholders to help shape the program. Sound Transit's open, inclusive, and ongoing stakeholder involvement program includes a variety of tools and techniques to inform and engage the public.

The BRT Project's Community Engagement and Communications Plan describes the public participation opportunities that will continue to be conducted throughout project development, including public meetings, property owner engagement, charrettes, briefings, project website, online open houses, printed materials, project hotline, and dedicated outreach staff to engage the public. In 2021, the SR 522/NE 145th BRT Project held one online open house and a series of live virtual town halls along corridor cities, and issued the SEPA DNS for public comment. During the COVID-19 pandemic, Sound Transit leveraged virtual platforms to provide project updates to potentially impacted property owners, members of the general public, and facilitated briefings and meetings with neighborhood associations, IAG members, and stakeholders throughout the area.

Sound Transit has involved stakeholders, the public, and public agencies at the local, regional, and state levels since project development was initiated on the Stride Bus Rapid Transit program in 2018.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on September 2, 2021. Legal notices of this proposed Board action will be published in the Seattle Times newspapers on September 10 and September 17, 2021.

Time constraints

A one-month delay would significantly impact the timing of this project. As ROW acquisition is a critical path to be able to ensure construction can both start and finish on time, it is critical that the acquisition process for this project get started without further delay.

Environmental review – KH 8/31/21

Legal review – MV 9/7/21



Resolution No. R2021-09

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 SR522 NE 145th Bus Rapid Transit 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, the SR522 NE 145th Bus Rapid Transit Project is a component of Sound Transit's high capacity system; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the SR 522 NE 145th Bus Rapid Transit Project 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 SR 522 NE 145th Bus Rapid Transit 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 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 SR 522 NE 145th Bus Rapid Transit 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 SR 522 NE 145th Bus Rapid Transit 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. R2018-40, before the acquisition of the property for the SR 522 NE 145th Bus Rapid Transit Project by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

SECTION 2. The chief executive officer or the chief executive's 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. R2018-40.

SECTION 3. The Sound Transit Board deems the SR 522 NE 145th Bus Rapid Transit 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 SR 522 NE 145th Bus Rapid Transit, 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 SR 522 NE 145th Bus Rapid Transit 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 constructing, owning, and operating a permanent location of the SR 522 NE 145th Bus Rapid Transit 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 September 23, 2021.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2021-09 Exhibit A

NE145th / SR 522 Bus Rapid Transit Project

Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
BRS-122	6632900143	Julio & Orilia Ortiz	1202 NE 145TH ST Shoreline
BRS-124	6632900144	Abadi LLC	1206 NE 145TH ST Shoreline
BRS-126	6632900141	LUU VICTOR T+TRAN DUNG M	1216 NE 145TH ST Shoreline
BRS-128	6632900140	TRACEY MICHAEL A	1222 NE 145TH ST Shoreline
BRS-130	6632900012	KBE INVESTMENTS 11 LLC	1232 NE 145TH ST Shoreline
BRS-132	6632900015	PW PROPERTIES LLC	1234 NE 145TH ST Shoreline
BRS-133	6632900010	SABRA PARK RIDGE LLC	1250 NE 145TH ST Shoreline
BRS-135	6632900011	145TH STREET ASSOCIATES LLC	14501 15TH AVE NE Shoreline
BRS-136	3670500335	ALBERTSONS LLC	14500 15TH AVE NE Shoreline
BRS-137	6632300280	UNITED SAVINGS AND LOAN ASSOCIATION	14360 15TH AVE NE Seattle
BRS-138	6632300282	CAR WASH ENTERPRISES	1513 NE 145TH ST Seattle
BRS-201	7663700410	TERRANCE YOKISHAMA	14371 30TH AVE NE Seattle
BRS-202	6649300250	CTR PARTNERSHIP LP	2818 NE 145TH ST Shoreline
BRS-217	1568100445	MEFB LLC	3204 NE 145TH ST Shoreline
BRS-219	7663700280	WINDSOR PARK EST LAKE CITY	14347 LAKE CITY WAY NE Seattle

BRS-220	1568100460	MCDONALDS CORPORATION	14507 BOTHELL WAY NE Shoreline
BRS-222	1626049070	REIBMAN, KASHANSKY, HOOLEY, LEWIS	14506 BOTHELL WAY NE Lake Forest Park
BRS-223	1626049101	NORTHWEST KIDNEY CENTERS	14524 BOTHELL WAY NE Lake Forest Park
BRS-227	1626049030	CLEPPE FAMILY TRUST	14558 BOTHELL WAY NE Lake Forest Park
BRS-231	1568100645	ANNA ALBERTY	14702 BOTHELL WAY NE Lake Forest Park
BRT-233	1568100655	GIFFORD PROPERTIES	14712 BOTHELL WAY NE Lake Forest Park
BRS-235	1568100660	PROVIDENCE LCW LLC	14724 BOTHELL WAY NE Lake Forest Park
BRS-236	1568100665	PROVIDENCE LCW LLC	14724 BOTHELL WAY NE Lake Forest Park
BRS-238	6744700020	WATERCREST APARTMENTS LLC	14812 BOTHELL WAY NE Lake Forest Park
BRS-243	6744700060	SEIDEL GROUP LLC	15030 BOTHELL WAY NE Lake Forest Park
BRS-245	6744700080	14724 BOTHELL WAY NE	15041 BOTHELL WAY NE Lake Forest Park
BRS-246	6744700062	LAKE FOREST PARK APARTMENTS	15044 BOTHELL WAY NE Lake Forest Park
BRS-247	6744700106	TOP OF THE LAKE APTS I+II	3532 NE 153RD ST Lake Forest Park
BRS-251	7748300000 7748300010 7748300020, 7748300030, 7748300040	SHERIVU CONDOMINIUM Units 3636, 3638 Grant and Karen Strom 3640, 3642 Catherine DeHoogh	3640 NE 155TH ST Lake Forest Park
BRS-252	8026700170	JAMES PONSART	3637 NE 156TH ST Lake Forest Park
BRS-253	6744700123	JOHN STRONG & YAN GUO	15500 BOTHELL WAY NE Lake Forest Park
BRS-254	8026700175	GOOD KYMBERLY S	15600 37TH AVE NE Lake Forest Park

BRS-257	8026700180	ESMELE LUDIVINA C+JAIME L T	15604 37TH AVE NE Lake Forest Park
BRS-262	6744700340	MURRAY ERIC W+JACOB P SANDF	3911 NE 157TH PL Lake Forest Park
BRS-265	6744700302	GORDON & YING SPENCER	3906 NE 157TH PL Lake Forest Park
BRS-266	6744700300	SYDNEY & MARA VINNEDGE	3902 NE 157TH PL Lake Forest Park
BRS-334	7740500105	ADRIAN & MADALINA DOBRA	16776 39TH AVE NE Lake Forest Park
BRS-351	4030100350	KING COUNTY	17400 BOTHELL WAY NE Lake Forest Park
BRS-393	8832900005	MELVIN ROBERT F	6016 NE BOTHELL WAY Kenmore
BRS-396	1126049010	JOSHIN LLC	6115 NE BOTHELL WAY Kenmore