



Resolution No. R2022-14

To Acquire Real Property Interests Required for the SR 522 Bus Rapid Transit Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	05/12/2022	Recommend to Board	Ron Lewis, DECM Executive Director
Board	05/26/2022	Final action	Faith Roland, Director of Real Property James Chung, 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 SR 522 Bus Rapid Transit Project.

Key features summary

- Authorizes the acquisition of all or part of 27 parcels located in Kenmore, Lake Forest Park, Seattle, and Shoreline. Acquisitions consist of fee, temporary, and/or permanent easements for the SR 522 Bus Rapid Transit Project.
- The properties are needed for construction, maintenance, and operation of the SR 522 Bus Rapid Transit Project.
- There are 4 anticipated relocations.
- This action also authorizes the future disposition of any real property interests included in this action 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.
- The real property identified in this requested action is included in Exhibit A.

Background

The SR 522 Bus Rapid Transit (BRT) Project establishes BRT service along the corridor, primarily operating in business access and transit or transit queue bypass lanes for approximately nine miles between Shoreline and Bothell, with separate, connecting service options to Woodinville. Funding for the SR 522 Bus Rapid Transit 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 Bus and Transit (BAT) lanes.

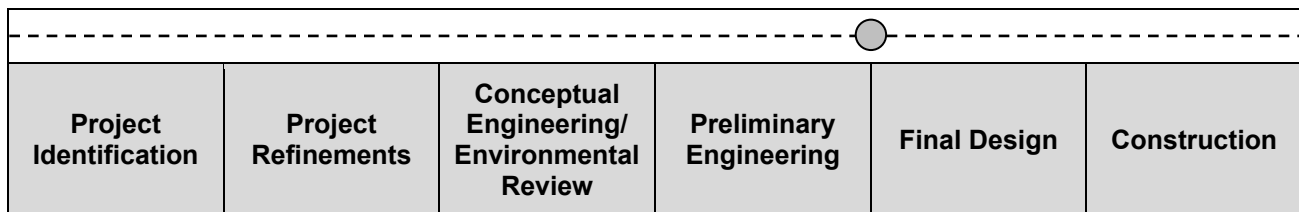
Sound Transit issued a State Environmental Policy Act (SEPA) Determination of Non-significance (DNS) for the SR 522 Bus Rapid Transit Project on March 25, 2021.

Project development was completed in the 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 BRT 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



Projected completion date for Construction Phase: 2Q 2026

Project scope, schedule and budget summary are located on page 173 of the March 2022 Agency Progress Report.

Fiscal information

The authorized project allocation for SR 522 Bus Rapid Transit Project is \$209,128,353. Within that amount, \$83,799,355 has been allocated to the right of way phase, of which \$5,466,411 has been previously committed. There is \$78,332,944 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.

The current cost estimate for the SR 522 Bus Rapid Transit Project is \$626 million in 2022 and is affordable within the Agency's Finance Plan. Staff is managing the project toward a 2026 delivery (2034 delivery for parking at Kenmore and Bothell; 2044 delivery for the parking at Lake Forest Park), consistent with both Affordable and Target Schedules. This action is consistent with the schedule and financial plan adopted by the Board in Resolution No. R2021-21 and does not impact the affordability of any other system expansion project.

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 Bus Rapid Transit Project held one online open house and a series of live virtual town halls along corridor cities and issued the State Environmental Policy Act Determination of Nonsignificance (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, Interagency Group (IAG) members, and stakeholders throughout the area.

Time constraints

A one-month delay would impact the timing of the delivery of the SR 522 Bus Rapid Transit Project. Right of Way acquisition is a critical path to ensure construction can both start and finish on time without delay.

Prior Board/Committee actions

Resolution No. R2021-09: Authorized 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.

Resolution No. R2021-07: Selected the route, roadway improvements, and station locations for the State Route 522/NE 145th Bus Rapid Transit Project.

Resolution No. R2021-06: Selected the project to be built for the Bus Rapid Transit Maintenance Base project supporting the I-405 and SR522/145th Bus Rapid Transit projects.

Environmental review – KH 4/28/22

Legal review – MV 5/9/22



Resolution No. R2022-14

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 SR 522 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, Bus Rapid Transit SR522 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 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 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 or their designee 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 SR 522 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 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 Bus Rapid Transit Project 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. R2018-40.
- C. 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.
- 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 SR 522 Bus Rapid Transit Project; (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 SR 522 Bus Rapid Transit Project; 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 SR 522 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 for the construction, operation, and permanent location of SR 522 Bus Rapid Transit Project, and that 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 SR 522 Bus Rapid Transit Project.

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 SR 522 Bus Rapid Transit Project.

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 May 26, 2022.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2022-14

Exhibit A

BRT SR 522

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	BRS101	2026049004	SEATTLE CITY OF DPR	1000 NE 135th St, Seattle
2	BRS105	7568700640	JAMES A MICELI	14508 6th Ave NE, Shoreline
3	BRS106	7568700635	MICHAEL S HANSEN	608 NE 145th St, Shoreline
4	BRS107	7568700626	BEHROOZ & FATENEH ASGHARI-NASAB	620 NE 145th St, Shoreline
5	BRS108	7568700625	CHARLENE C WILLE	14505 8th Ave NE, Shoreline
6	BRS109	6703700070	ALEX M PRINDLE	14601 9th Ave NE, Shoreline
7	BRS110	6704300070	BRADLEY C CRUSON	901 NE 146th St, Shoreline
8	BRS111	6704300065	COMPASS CENTER HOUSING	905 NE 146th St, Shoreline
9	BRS121	6632900710	BRYAN J & KOREEN O'NEIL	14503 12th Ave NE, Shoreline
10	BRS123	6632300644	CIVETTA PROPERTIES, LLC	1201 NE 145th St, Seattle
11	BRS125	6632300645	CIVETTA PROPERTIES, LLC	1207 NE 145th St, Seattle
12	BRS127	6632300646	CIVETTA PROPERTIES, LLC	1213 NE 145th St, Seattle
13	BRS129	6632300647	CIVETTA PROPERTIES, LLC	1219 NE 145th St, Seattle
14	BRS131	6632300641	CENTURYLINK REAL ESTATE	1249 NE 145th St, Seattle
15	BRS134	6632300643	GIH PROPERTIES, LTD	14359 15th Ave NE, Seattle
16	BRS139	6632300281	ABC PACIFIC CORP	1531 NE 145th St, Seattle
17	BRS140	6632300290	ABC PACIFIC CORP	1549 NE 145th St, Seattle
18	BRS141	6632300291	ABC PACIFIC CORP	1557 NE 145th St, Seattle
19	BRS142	3670500385	DENISE OLSON COHNHEIM & NICHOLE OLSON LANGENBACH	1554 NE 145th St, Shoreline
20	BRS143	3670500529	ANN BERGERON	1700 NE 145th St, Shoreline
21	BRS144	6632300200	PARAMOUNT PARK APT, LLC	1717 NE 145th St, Seattle
22	BRS203	1568100165	AURORAVIEW HOLDINGS, LLC	14504 30th Ave NE, Shoreline
23	BRS204	7663700390	SEATTLE HOUSING AUTHORITY	14378 30th Ave NE, Seattle
24	BRS258	6744700360	OP SHERIDAN LLC	15530 Bothell Way NE, Lake Forest Park

25	BRS260	6744700341	WILLIAM D & VERON DAVIS	15548 Bothell Way NE, Lake Forest Park
26	BRS437	7946300115	DAVID D FALKENBERG	6722 NE Bothell Way, Kenmore
27	BRS438	7946300110	GHRB INVESTMENT INC.	6734 NE Bothell Way, Kenmore