

## Resolution No. R2023-08

### To Acquire Real Property Interests Required for the Stride BRT Bus Base North Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	03/09/2023	Recommend to Board	Ron Lewis, DECM Executive Director
Board	03/23/2023	Final action	Rick Capka, Deputy Program Executive, Bus Rapid Transit <b>Faith Roland, Director of Real Property</b> 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 Stride BRT Bus Base North project.

### Key features summary

- Authorizes the acquisition of all or portions of 5 parcels located in the City of Bothell. Acquisitions are needed for the construction, maintenance, and operation of the Stride BRT Bus Base North project.
- There are no anticipated relocations based on the current state of design.
- This action also authorizes the future disposition of the real property interests included in this action to the extent required for relocating utilities as necessary or desirable for the project, satisfying permit conditions or mitigation requirements, curing damages to real property caused by the project, or disposing of real property for the purposes of minimizing Sound Transit's costs of operations and maintenance.
- The real properties identified in this requested action are included in Exhibit A.

### Background

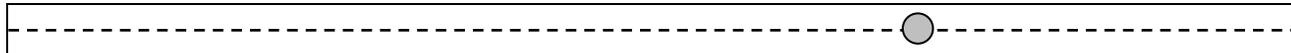
Sound Transit is constructing a new bus base in Bothell north of the Canyon Park Park-and-Ride. The Stride BRT Bus Base North project will include a new bus maintenance and operations building, and a parking structure for buses and other vehicles. The facility will primarily be used by buses operating on the proposed Stride I-405 and SR 522/NE 145th Bus Rapid Transit (BRT) lines, with some buses from the Sound Transit Express bus fleet also using this facility.

The Stride BRT Bus Base North is a large-scale bus base that will be used to store, clean, and maintain buses for the Stride Bus Rapid Transit system. In addition, the facility will include buildings for office, operations, and maintenance functions; as well as provide storage capacity and maintenance capabilities. The project is intended to deliver a facility for a 120-bus fleet of 60' and 40' coaches (including double decker buses), facilities for servicing and maintaining the buses as well as initial

battery electric bus charging, and facilities for employee staff, drivers, mechanics, servicing (cleaners and hostlers), and other bus base support functions. Apart from the buses, parking space for employees, visitors and other non-revenue vehicles will also be provided.

Sound Transit issued a State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) for the Stride BRT Bus Base North project on August 10, 2020. Sound Transit issued a SEPA Addendum to the DNS on August 5, 2021, to share additional analysis with interested parties related to traffic and roadway conditions.

## Project status



Project Identification	Project Refinements	Conceptual Engineering/ Environmental Review	Preliminary Engineering	Final Design	Construction
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Projected completion date for: Q2 2026

Project scope, schedule and budget summary are located on page 157 of the December 2022 Agency Progress Report.

## Fiscal information

The authorized project allocation for the Stride BRT Bus Base North project is \$283,036,500. Within that amount, \$47,687,000 has been allocated to the right of way phase, of which \$35,930,372 has been previously committed. There is \$11,756,628 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 Stride BRT Bus Base North project is affordable within the Agency’s Finance Plan. Staff is managing the project toward a 2026 delivery, consistent with both Affordable and Target Schedules. This action is consistent with the schedule and financial plan adopted by the Board in Resolution No. R2021-05 and does not impact the affordability of any other system expansion project.

## Public involvement

The Stride BRT Bus Base North project site is in the Canyon Park Business Center in Bothell, WA. As the design has advanced, the project team has engaged directly with the Canyon Park Business Center Owner’s Association (CPBCOA) to keep them apprised of the status of the project.

Continued engagements with the CPBOA are planned in the coming months, and the project team is engaging directly with several property owners directly adjacent to the project site to seek input on specific elements of the project. Furthermore, an online open house series for the entire Stride BRT program is scheduled to run from February 22, 2023, through April 8, 2023.

## Time constraints

A one-month delay would impact the timing of the delivery of the Stride BRT Bus Base North project. Right of Way acquisition is a critical path to ensure construction can both start and finish on time.

## **Prior Board/Committee actions**

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

Resolution No. R2020-21: Amended the Adopted 2020 Budget for the Bus Base North project to support a property acquisition by (a) increasing the 2020 annual budget from \$1,530,000 to \$16,530,000 and (b) transferring \$12,600,000 from the Construction Services phase to the Right of Way phase while maintaining the authorized project allocation of \$48,676,000.

Resolution No. R2017-26: Authorized the chief executive officer to acquire certain real property interests, contingent on receipt of any necessary federal approvals, 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 potential transit center and park-and-ride and operations and maintenance facility sites for the I-405 Bus Rapid Transit Project.

Resolution No. R2016-37: Adopted an annual budget for the period from January 1 through December 31, 2017, and adopted the 2017 Transit Improvement Plan.

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**Environmental review** – KH 2/27/23

**Legal review** – MV 3/3/23



## **Resolution No. R2023-08**

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 Stride BRT Bus Base North 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, maintain, 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 Stride BRT Bus Base North 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 Stride BRT Bus Base North 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, maintenance, and permanent location of the Stride BRT Bus Base North 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 Stride BRT Bus Base North 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 Stride BRT Bus Base North 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 Stride BRT Bus Base North 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. 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 Stride BRT Bus Base North 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 Stride BRT Bus Base North 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 Stride BRT Bus Base North 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, maintenance, and permanent location of the Stride BRT Bus Base North project, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

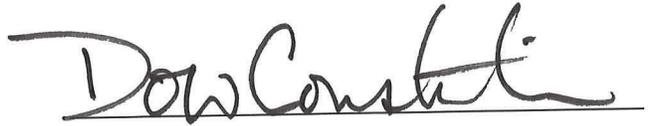
SECTION 3. The Sound Transit Board finds that the public health, safety, necessity, convenience, and welfare demand and require that interests in the real property described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Stride BRT Bus Base North 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 properties described in Exhibit A to the extent permitted by law, for the purpose of constructing, owning, maintaining, and operating a permanent location of the Stride BRT Bus Base North 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 March 23, 2023.



Dow Constantine  
Board Chair

**Attest:**



Kathryn Flores  
Board Administrator



# Resolution No. R2023-08

## Exhibit A

### Stride BRT Bus Base North

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	BRI-178	27052900202300	Canyon Park Business Center Owners Association	N/A – Private Road
2	BRI-179	27052900203600	Canyon Park Romac LLC, MRVJ LLC	21919 20 <sup>th</sup> Ave SE Bothell, WA 98021-4446
3	BRI-180	27052900203700	RREF IV-P Bothell LLC	21919 20 <sup>th</sup> Ave SE Bothell, WA 98021-4446
4	BRI-181	27052900201700	AGC Biologics Inc	21501 23 <sup>rd</sup> DR SE Bothell, WA 98021-3900
5	BRI-182	27052900202200	CPI/AHP Woodlands MOB Owner LLC	N/A – Vacant Parcel