



Resolution No. R2022-33

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

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	11/10/2022 11/17/2022	Recommend to Board Final action	Ron Lewis, DECM Executive Director Faith Roland, Real Property Director 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 portions of 36 parcels located in the cities of Lake Forest Park and Bothell needed for construction, maintenance, and operation of the SR 522 Bus Rapid Transit Project.
- Based on the current level of design, the parcels include 36 partial acquisitions for the SR 522 Bus Rapid Transit Project. The partial acquisitions consist of partial fee acquisitions, permanent easements, and/or temporary easements.
- There are no anticipated relocations.
- As work develops, parcels currently anticipated to be partial acquisitions or temporary easements may need to be acquired in full and/or permanently. If the scope of Sound Transit's acquisition changes, no subsequent Board action will be required.
- 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 properties identified in this requested action are 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, and 14 BRT station pairs. 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 late summer of 2022. Currently the 60% draft design plans for Seattle, Shoreline, Lake Forest Park, and Kenmore are available. The project team has developed project design to a 30 percent level for all other 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 project, 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.

Additional property acquisitions will be required to complete this project. Staff will return to seek approval for additional acquisitions.

Project status

Project Identification	Project Refinements	Conceptual Engineering/ Environmental Review	Preliminary Engineering	Final Design	Construction
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Projected completion date for the final design phase: Q4 of 2023.

Project scope, schedule and budget summary are located on page 163 of the August 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 \$6,435,019 has been previously committed. There is \$77,364,336 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 \$651 million in 2022 dollars and is affordable within the Agency’s Finance Plan. Staff is managing the project toward a 2027 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 the Adopted 2022 Budget 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.

Prior Board/Committee actions

Resolution No. R2022-25: Authorized 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.

Resolution No. R2022-14: Authorized 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.

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 11/1/22

Legal review – [MV 11/4/22]



Resolution No. R2022-33

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, 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, 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, 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:

- A. Is 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 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. Or their designee, is 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.
- C. Is 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. Is authorized to 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 as being necessary for the construction, operation, and permanent location of SR 522 Bus Rapid Transit 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 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 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 November 17, 2022.



Kim Roscoe
Board Chair Pro Tem

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2022-33 Exhibit A

SR 522 Bus Rapid Transit

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	BRS242	4109550000	Lake Washington Heights Condominium	15020 Bothell Way NE, Lake Forest Park
2	BRS255	4238500000	Le Avalon Condominium	15514 Bothell Way NE, Lake Forest Park
3	BRS338	1026049068	Schisling Family LLC	16815 Bothell Way NE, Lake Forest Park
4	BRS339	1026049083	Mobeen & Uzma Butte	16827 Bothell Way NE, Lake Forest Park
5	BRS515	0726059202	Idea Living LLC	17322 Bothell Way NE, Bothell
6	BRS517	0726059447	Alliance 98 LLC	17410 Bothell Way NE, Bothell
7	BRS518	0726059436	Alliance 98 LLC	17422 Bothell Way NE, Bothell
8	BRS519	7336400000	Riverfront Landing Condominium	17426 Bothell Way NE, Bothell
9	BRS521	0726059032	Cat Daddy Holdings LLC	17506 Bothell Way NE, Bothell
10	BRS522	0726059246	Ara Manoogian	17516 Bothell Way NE, Bothell
11	BRS523	0726059428	RW Bothell LLC	17522 Bothell Way NE, Bothell
12	BRS524	0726059245	Bryan G Johnson (KC Site)	N/A - Vacant
13	BRS525	0726059091	Biddle Properties I LLC	17909 Bothell Way NE, Bothell
14	BRS526	0726059145	Victor Fernandez	17716 Bothell Way NE, Bothell
15	BRS527	0726059054	City of Bothell	17800 Bothell Way NE, Bothell
16	BRS528	0726059096	Samma Senior Apartments LLC	17910 Bothell Way NE, Bothell

17	BRS529	9457200070	Federal Way Union Inc	N/A – Vacant, Bothell
18	BRS531	9457200081	Bothell Way Apartments LLC	N/A – Vacant, Bothell
19	BRS537	0726059265	King Country Rural Library	18215 98th Ave NE, Bothell
20	BRS538	2374200025	Jeff J Quinlan	18204 98th Ave NE, Bothell
21	BRS539	2374200016	Jeff J Quinlan	18212 98th Ave NE, Bothell
22	BRS540	2374200010	Taddele S Ambachew	18220 98th Ave NE, Bothell
23	BRS561	0967000325	City of Bothell	10120 NE 183rd St, Bothell
24	BRS564	0967000330	First Church of Christ Science	NE 185th St, Bothell
25	BRS565	0967000335	First Church of Christ Science	NE 185th St, Bothell
26	BRS572	9567800020	185th Bothell LLC	N/A – Vacant, Bothell
27	BRS573	6799500000	Pines The Condominium	10326 Pine St, Bothell
28	BRS575	2303250000	Eleven Townhomes Condominium	18507 104th Ave NE, Bothell
29	BRS579	0826059206	MSPT VIII LLC	18414 104th Ave NE, Bothell
30	BRS591	3067600050	City of Bothell	10726 Beardslee Blvd. Bothell
31	BRS594	3067600060	Paul L Weiden	10730 Beardslee Blvd, Bothell
32	BRS596	0526059240	Frank Starace	18607 Beardslee Blvd, Bothell
33	BRS597	526059175	University of Washington	18612 Beardslee Blvd, Bothell
34	BRS601	526059108	Mark Haight	18605 Beardslee Blvd, Bothell
35	BRS604	3906100005	Izydor Gryko & Yaqing Sun	10621 Beardslee Blvd, Bothell

36	BRS605	6057700010	Parkview Services	10706 Beardslee Pl, Bothell
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