



Resolution No. R2023-39

To Acquire Real Property Interests Required for the SR 522/NE 145th Street Stride Bus Rapid Transit project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	12/14/2023 12/15/2023	Recommend to Board Final action	Brooke Belman, Deputy CEO, Chief Expansion Delivery Officer Ron Lewis, DECM Executive Director Bernard van de Kamp, Program Executive, Bus Rapid Transit Faith Roland, Director of Real Property Jenifer Olsen, 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/NE 145th Street Stride Bus Rapid Transit project.

Key features summary

- Authorizes the acquisition of all or part of 7 parcels of real property located in Kenmore, Lake Forest Park, Seattle, and Shoreline needed for construction, maintenance, and operation of the SR 522/NE 145th Street Stride Bus Rapid Transit project.
- The SR 522/NE 145th Street Stride Bus Rapid Transit project will provide regional high-capacity transit service between Bothell and Shoreline, with stations in Bothell, Kenmore, Lake Forest Park, Seattle, and Shoreline. New Business Access and Transit lanes, stations, sidewalks and other right of way improvements will improve transit travel times, while enhancing access, safety, speed, and reliability.
- Based on the current level of design, the subject real property includes 7 partial acquisitions for the SR 522/NE 145th Street Stride Bus Rapid Transit project. The partial acquisitions consist of partial fee acquisitions, permanent easements, and/or temporary easements.
- There are no 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/NE 145th Street Stride 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 522/145th Street Stride Bus Rapid Transit Project was approved by voters in the ST3 Plan.

Project development 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.

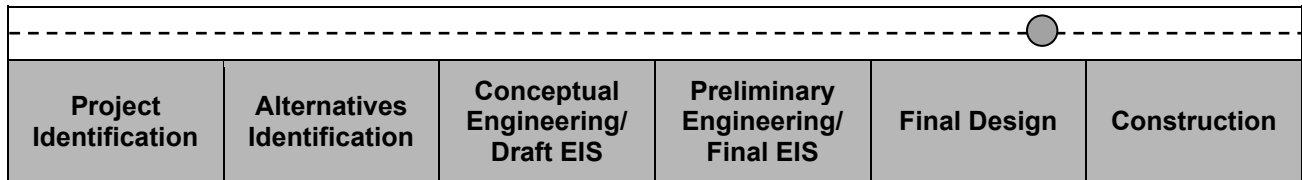
Sound Transit issued a State Environmental Policy Act (SEPA) Determination of Non-significance (DNS) for the SR 522/NE 145th Street Stride Bus Rapid Transit project on March 25, 2021.

Project development was completed in late summer of 2022. Currently, 90 percent design plans are available and 100 percent final design plans are progressing.

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.

Project status



Projected completion date for the final design phase: Q2 of 2024

Project scope, schedule and budget summary are located on page 138 of the October 2023 Agency Progress Report.

Fiscal information

The authorized project allocation for SR 522/NE 145th Street Stride Bus Rapid Transit project is \$581,500,000. Within that amount, \$89,620,000 has been allocated to the right of way phase, of which \$9,197,562 has been previously committed. There are \$80,422,438 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 the 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 which 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 Street Stride 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 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/NE 145th Street Stride 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. R2023-03, R2022-33, R2022-25, and 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.

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 11/28/23

Legal review – PM 12/08/23



Resolution No. R2023-39

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/NE 145th Street Stride 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 SR 522/NE 145th Street Stride 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 Street Stride 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 Street Stride 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:

- 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 the SR 522/NE 145th Street Stride 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 Street Stride 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 Street Stride 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/NE 145th Street Stride 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/NE 145th Street Stride 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/NE 145th Street Stride 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 the SR 522/NE 145th Street Stride 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/NE 145th Street Stride 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/NE 145th Street Stride 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 _____.

Dow Constantine
Board Chair

Attest:

Kathryn Flores
Board Administrator



Resolution No. R2023-39
Exhibit A

SR 522/NE 145th Street Stride Bus Rapid Transit project

ROW ID:	Tax Parcel #:	Taxpayer Name:	Tax Parcel Address:
BRS-199	3500100130	GREGORY D. HAVEMAN	2722 NE 145 th St. Shoreline, WA 98155
BRS-216	1568100250	FOREST LAKES, LLC, a Washington limited liability company	14505 32 nd Ave NE. Shoreline, WA 98155
BRS-218	7663700281	SDG Holdings, LLC	3201 NE 145 th St. Seattle, WA 98155
BRS-336	773850TRCT	SHERIDAN BEACH COMMUNITY CLUB	N/A
BRS-439.01	1126049011	17511 KENMORE LAND LLC	17511 68 th Ave NE. Kenmore, WA 98028
BRS-246.1	6744700063	LAKE FOREST PARK APARTMENTS, LLC	15001 37 th Ave NE. Lake Forest Park, WA 98155
BRS-246.2	6744700064	LAKE FOREST PARK APARTMENTS, LLC	15101 37 th Ave NE. Lake Forest Park, WA 98155