

## RESOLUTION NO. R2017-26

**Early Acquisition of Property Necessary for Potential Sites for the I-405 Bus Rapid Transit Project**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	7/13/2017	Recommend to Board	Ahmad Fazel, DECM Executive Director
Board	7/27/2017	Final Action	<b>Kevin Workman, Director of Real Property</b> <b>Bernard van de Kamp, HCT East Corridor Development Director</b>

## PROPOSED ACTION

Authorizes 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.

## KEY FEATURES SUMMARY

- This action will authorize early acquisition of property located in Renton for potential construction of a transit center and park-and-ride, and property located in Bothell (Canyon Park area) for potential construction of an operations and maintenance facility for the I-405 Bus Rapid Transit Project.
- Sound Transit wishes to buy the properties now because of the threat of imminent development as the properties are currently being marketed for sale.
- Sound Transit will complete environmental review for the project once it formally enters the Project Development phase.
- If determined to be necessary, Sound Transit will seek federal approval to carry out the “protective acquisitions” in advance of acquiring property, and Board authorization to acquire will be contingent on receiving any necessary approvals.
- The real property identified in this action is included in Exhibit A.

## BACKGROUND

The I-405 Bus Rapid Transit Project is a voter-approved project in the agency capital plan. The project provides for the establishment of a Bus Rapid Transit (BRT) system from the Lynnwood Transit Center to the Burien Transit Center via I-5, I-405, and SR 518. The project includes new and upgraded transit centers and flyer stops, new park-and-ride capacity, and access improvements to the stations. Funding for property for a potential bus operations and maintenance facility is included in the I-405 Bus Rapid Transit Project. The bus operations and maintenance facility would accommodate future bus fleet required for the I-405 Bus Rapid Transit Project and the SR 522 Bus Rapid Transit Project. The facility would be located in the vicinity of the I-405/SR 522 corridors.

Sound Transit anticipates returning in the 4th Quarter 2017 to complete the Phase Gate 1 action.

The project is still in the early stages of procuring an environmental and preliminary engineering consultant. This property acquisition will not limit the evaluation of alternatives for the location of the I-405 Bus Rapid Transit Project or the SR 522 Bus Rapid Transit Project.

The Board is considering a separate budget amendment that is necessary to carry out the acquisition of this property.

#### FISCAL INFORMATION

Resolution No. R2017-25 would increase the budget for the I-405 Bus Rapid Transit project by \$45,000,000 for a new total project allocation to date of \$45,650,000. Within that amount, \$45,000,050 is within in the right-of-way phase of the project, and is sufficient to fund this action.

The budgeted amount for the parcels contained in this action is consistent with the ST3 right of way estimate for this project. Additionally, as this action is acquiring property early in the development of the project and before Board has selected final project locations, there is a risk that one or more of the parcels could be deemed unsuitable for use as the preliminary engineering and project scope process matures and the final project locations are selected. If that is the case, the parcels would be considered for surplus and potentially disposed of in accordance with Board policy.

#### SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action.

#### PUBLIC INVOLVEMENT

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on July 11, 2017. Legal notices of this proposed Board action will be published in the Renton Reporter newspaper and Seattle Times on July 14, and 21, 2017.

Public outreach activities on the I-405 Bus Rapid Transit Project will include meetings with property owners, adjacent property owners, businesses, stakeholders, local jurisdictions, and agencies after these projects are formally initiated.

#### TIME CONSTRAINTS

A one-month delay would not delay Sound Transit's acquisition of this parcel.

#### PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2017-22: Amended the adopted 2017 annual budget to create the I-405 Bus Rapid Transit project by (a) establishing the authorized project allocation to date in the amount of \$650,000 and (b) establishing the 2017 Annual Budget in the amount of \$650,000.

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.

#### ENVIRONMENTAL REVIEW

PW 7/7/2017

#### LEGAL REVIEW

JB 7/11/2017

## RESOLUTION NO. R2017-26

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing 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.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 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 Central Puget Sound Regional Transit Authority 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, Sound Transit has identified certain real properties as necessary for the potential construction and permanent location of a transit center and park-and-ride, and operations and maintenance facility sites for the I-405 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 potential construction, operation, and permanent location of the I-405 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 I-405 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 I-405 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. 78-2, before the acquisition of the property for the I-405 Bus Rapid Transit Project by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.

SECTION 2. The chief executive officer 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. 78-2.

SECTION 3. The Sound Transit Board deems the I-405 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 as potential sites for construction, operation, and permanent location of I-405 Bus Rapid Transit Project, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

SECTION 4. The Sound Transit Board of Directors 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 I-405 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 I-405 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 authority granted to the chief executive officer in this Resolution may be exercised only upon receipt of any federal "protective acquisition" approvals determined to be necessary by any entity that may provide funding for the I-405 Bus Rapid Transit Project.

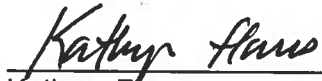
SECTION 7. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 27, 2017.

A handwritten signature in black ink, appearing to read "Dave Somers", written over a horizontal line.

Dave Somers  
Board Chair

ATTEST:

A handwritten signature in black ink, appearing to read "Kathryn Flores", written over a horizontal line.

Kathryn Flores  
Board Administrator

RESOLUTION NO. R2017-26  
EXHIBIT A

I-405 BUS RAPID TRANSIT PROJECT

Item	RW ID	Owner	Parcel ID	Address
1	RTN001	Sound Ford Inc.	1923059035	750 Rainier Ave S., Renton
2	RTN002	Sound Ford Inc.	1923059063	750 Rainier Ave S., Renton
3	RTN003	Sound Ford Inc.	1923059068	200 S. Grady Way, Renton
4	RTN004	Sound Ford Inc.	1923059074	200 S. Grady Way, Renton
5	XMB001	Immunex MFG Corp	27052900200800	21516 23 <sup>RD</sup> Drive SE Bothell, WA 98021