



Resolution No. R2019-08

Acquisition of Real Property and Interests Required for the I-405 Bus Rapid Transit Project: NE 44th Street Park-and-Ride

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	03/14/2019 03/28/2019	Recommend to Board Final Action	Ron Lewis, DECM Executive Director Paul Cornish, Project Director, PEPD Amy Pinneo – DECM Real Property Agent

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 re-establishment expenses incurred by affected owners and tenants as necessary for the acquisition of the NE 44th Street Park-and-Ride site in the City of Renton for the I-405 Bus Rapid Transit Project.

Key features summary

- This action authorizes the acquisition of a portion of one parcel for the NE 44th Street Park-and-Ride site in the City of Renton, a new parking lot with approximately 200 new spaces for commuters.
- The property that Sound Transit wishes to buy a portion of is currently owned by Port Quendall Company and used as parking overflow and storage for the Seahawks training facility. Port Quendall wishes to develop the entire parcel as part of a master site plan. Sound Transit wishes to buy this portion of the property now because of the threat of imminent development.
- There may be relocation of one or more structures and uses as part of any use of this property for the park-and-ride lot.
- The real property identified in this action is included in Exhibit A.

Background

The I-405 Bus Rapid Transit (BRT) Project is a voter-approved project in the agency capital plan. The BRT Project will provide BRT service within the I-405 corridor, operating primarily in managed lanes for 37 miles, Lynnwood to Bellevue and Bellevue to Burien. I-405 BRT Project development will involve planning and preliminary design of BRT elements, including routes, 11 BRT stations, and parking facilities.

The I-405 Master Plan (2002) identified bus rapid transit as the preferred high capacity transit mode along I-405. The master plan identified a BRT station at NE 44th Street. The voter-approved ST3 Plan (November 2016) funded the I-405 Bus Rapid Transit Project, a component of which is a new inline BRT station at the I-405/NE 44th Street interchange (NE 44th Street BRT Station) and an associated parking facility, the NE 44th Street Park-and-Ride.

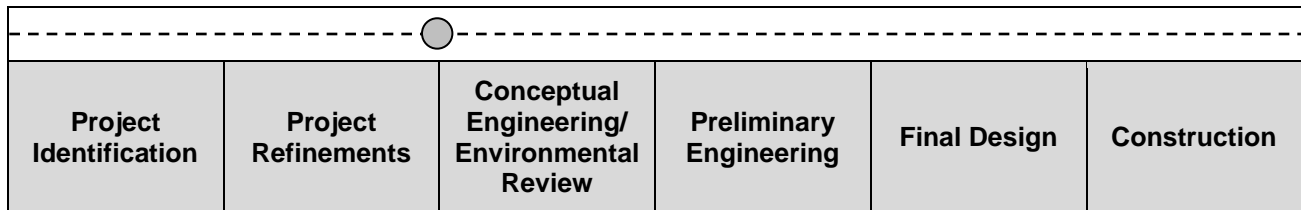
Sound Transit is partnering with the Washington State Department of Transportation (WSDOT) to reconstruct the I-405/NE 44th Street interchange as part of WSDOT's I-405 Renton to Bellevue

Widening and Express Toll Lane Project. This separate, WSDOT-administered project will build the NE 44th Street direct access ramp improvements identified in the I-405 Master Plan and funded by ST3. These BRT improvements will include pedestrian connections to the NE 44th Street Park-and-Ride that are located within WSDOT rights-of-way.

Use of the property as a new park-and-ride was evaluated in WSDOT’s environmental documentation for the Tukwila to I-90 Vicinity Express Toll Lane Project in 2018. While environmental review and conceptual engineering are underway for the larger -405 Bus Rapid Transit (BRT) project, Sound Transit determined that the 44th Street components have independent utility and can be advanced separately.

Project refinements to the entire I-405 BRT ST3 representative project were evaluated during Phase 1 for approximately 12 months. The next sequence of work for the I-405 BRT Project will involve environmental review and conceptual engineering in 2019-2020, followed by selection of the project to be built in mid-2020 by the Sound Transit Board of Directors prior to initiating Phase 3 – Preliminary Engineering. Certain components of the BRT program may be delivered earlier using conventional or alternative delivery methods. These components will be brought to the Sound Transit Board of Directors for review and approval.

Project status



Projected completion date for conceptual engineering and environmental review (I-405 BRT Project): 1Q 2020

Project scope, schedule and budget summary are located on page 172 of the December 2018 Agency Progress Report.

Fiscal information

The authorized project allocation to date for the I-405 Bus Rapid Transit project is \$250,743,000. Within that amount, \$65,350,000 has been allocated to the right of way phase, of which \$580,044 has been previously committed. There is \$64,769,956 of uncommitted funds in the right of way phase, which is sufficient to complete the proposed 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.

Public involvement

Sound Transit is committed to pro-actively seeking public feedback during all stages of the I-405 BRT Project. The Sound Transit project team has participated in WSDOT led meetings for the I-405 Renton to Bellevue Widening and Express Toll Lanes Project. In summer 2018, Sound Transit held a public meeting in downtown Renton to provide information on the I-405 BRT Project, including the NE 44th Street BRT improvements. The in-person public meeting was supplemented with an online open house. Sound Transit has met with neighborhoods near the future NE 44th Street BRT Park-and-Ride, including the Kennydale and Lacrosse Neighborhood Associations.

Sound Transit has provided information on the improvements to the I-405 BRT Elected Leadership Group, I-405 BRT Interagency Group, and SR 167/I-405 Executive Advisory Group. In January 2019, an online open house was held so participants could view project updates and provide information on non-motorized access barriers. Project staff is also providing ongoing coordination through briefings, emails and phone correspondence.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners of record affected by this actions on March 8, 2019. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on March 15, 2019, and March 22, 2019.

Time constraints

A one-month delay would not significantly impact the timing of this project.

Environmental review – KH 3/8/19

Legal review – MV 3/8/2019



Resolution No. R2019-08

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 re-establishment expenses incurred by affected owners and tenants as necessary for the acquisition of the NE 44th Street Park-and-Ride site in the City of Renton 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 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, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the N.E. 44th Street Park and Ride as part of 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 construction, operation, and permanent location of the N.E. 44th Street Park and Ride element 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 the N.E. 44th Street Park and Ride element of the 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 N.E. 44th Street Park and Ride element of 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. 2018-40, 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 or her designee 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. 2018-40.

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 for the construction, operation, and permanent location of the N.E. 44th Street Park and Ride as part of the 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 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 N.E. 44th Street Park and Ride as part 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 N.E. 44th Street Park and Ride as part 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 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 28, 2019.



John Marchione
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2019-08
Exhibit A

BRT 405 – NE 44th Street Park-and-Ride

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	RTN005	3224059049	Port Quendall Company (formally known as JAG Development Inc.)	4350 Lake Washington Blvd. Renton, WA 98056