



Resolution No. R2020-03

To Acquire Real Property Interests Required for the Kent Station Parking and Access Improvements Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	02/13/2020 02/27/2020	Recommend to Board Final Action	Ron Lewis, DECM Executive Director Joseph Gray, Director of Real Property Melvin Hamilton, Real Property Project Manager

Proposed action

Authorizes 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 Kent Station Parking and Access Improvement project.

Key features summary

- Authorizes the acquisition of all or part of 24 parcels located in the City of Kent. Acquisitions consist of fee, temporary and/or permanent easements for the Kent Station Parking and Access Improvement Project.
- There are five full acquisitions and potentially three business relocations. There are also 19 temporary construction easements.
- The properties are needed for construction, maintenance, and operation of the Kent Station Parking and Access Improvement Project. The project will provide improved access to the existing Kent Sounder station for Sounder riders, pedestrians, bicyclists, bus riders and drivers.
- The real properties identified in this requested action are included in Exhibit A.

Background

In November 2008, the voter-approved ST2 Plan included funding for access improvements to the Kent Sounder Station. Subsequently, the Sounder Station Access Study, Sound Transit 2012, was conducted to identify potential access improvements. However, funding for these improvements was suspended as a result of the reduced revenues. The Sound Transit Board restored funding for the Kent Station Access Improvements in January 2016.

In November 2017, the Sound Transit Board identified the preferred package of improvements for the Kent Sounder Station Access including a new parking garage located at East James and Railroad Avenue North. Sound Transit has also evaluated a range of improvements including: improved pedestrian crossing and bicycle lockers, measures that will improve safety and security such as lighting on the garage exterior and surrounding area to ensure a visible and well-lit area for pedestrians and others, 24-hour lighting inside the garage, visibility for stairwells and elevator shafts using glass or other transparent materials.

In February 2020, the Board will consider a separate Board action (Resolution No R2020-02) to select the non-motorized, transit and parking improvements to be constructed for the Kent Station Parking and

Access Improvement Project. In order to use the property determined to be necessary for the construction, operation, and permanent location of the Kent Station Parking and Access Improvements it is necessary for Sound Transit to acquire these parcels.

Sound Transit evaluated these improvements and issued a Determination of Non-significance (DNS) under the State Environmental Policy Act (SEPA) on October 7, 2019.

Project status

Project Identification	Alternatives Identification	Conceptual Engineering/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction
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Projected completion date for Preliminary Engineering is 2Q 2021

Project scope, schedule and budget summary are located on page 141 of the November 2019 Agency Progress Report.

Fiscal information

The total project allocation for the Kent Station Access Improvements Project is \$15,611,000. Within that amount, \$7,887,000 has been allocated to the right of way phase, of which \$15,423 has been previously committed. There is \$7,871,577 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.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

Extensive public involvement has occurred since project development was initiated. During Phase 1, Sound Transit worked closely with a Technical Advisory Committee, a Stakeholder Working Group, and the public to identify potential sites and access improvements, provide feedback on the evaluation, and to identify a recommended preferred alternative. Two open houses were held during Phase 1.

During Phase 2, Sound Transit has continued extensive public and stakeholder involvement. This included presentations to neighborhood groups (Kent Downtown Partnership, North Park, Mill Creek, and North Scenic Hill), as well as to the Kent Cultural Diversity Initiative Group, Kent Cultural Communities Board, and South King County Mobility Coalition, and to property owners. Sound Transit also held two open houses (October of 2018 and October of 2019), and staffed informational tables at community festivals.

Time constraints

A one-month delay would not have a significant impact on the project.

Environmental review – KH 2/5/20

Legal review – MV 2/11/20



Resolution No. R2020-03

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 Kent Station Parking and Access Improvements 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, environmental compliance pursuant to the State Environmental Policy Act (SEPA) is complete and Sound Transit issued a Determination of Non-significance (DNS) on October 7, 2019 for the Kent Station Parking and Access Improvements; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction, operation, maintenance and permanent location of the Kent Station Parking and Access Improvements 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 Kent Station Parking and Access Improvements 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 Kent Station Parking and Access Improvements 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 Kent Station Parking and Access Improvements 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 Kent Station Parking and Access Improvements 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. R2018-40.

SECTION 3. The Sound Transit Board deems the Kent Station Parking and Access Improvements 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 Kent Station Parking and Access Improvements 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, maintenance, and permanent location of the Kent Station Parking and Access Improvements.

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, maintaining, and operating a permanent location of the Kent Station Parking and Access Improvements. 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 February 27, 2020.

A handwritten signature in blue ink, appearing to read "Paul Roberts", is written over a solid black horizontal line.

Paul Roberts
Board Vice Chair

Attest:

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

Kathryn Flores
Board Administrator



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Exhibit A

Kent Station Parking and Access Improvements Project

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	KST100	1849700005	Washington Cold Storage	621 Railroad Ave Kent WA 98032
2	KST101	1849700010	Washington Cold Storage	621 Railroad Ave N Kent WA 98032
3	KST102	1849700115	Kay Partners LLC	*no site address* (Railroad Ave N)
4	KST103	1849700135	Merrill Allen J	*no site address* (Railroad Ave N)
5	KST104	1849700145	Merrill Allen J	502 Railroad Ave N Kent, WA 98032
6	KST105/124	9179601610	Peggy Kay S (TRUSTEE)	322 Railroad Ave N Kent WA 98032
7	KST106	9179601655	Pioneer Properties Kent LLC	204 Railroad Ave N Kent WA 98032
8	KST108	1849700265	Sudha Son Inc.	631 Central Ave N Kent WA 98032
9	KST109	1849700225	All City Bail Bond Co Inc.	607 Central Ave N Kent WA 98032
10	KST110	1849700215	3D 603 LLC	603 Central Ave N Kent WA 98032
11	KST111	1849700206	RRP Homes LLC	529 Central Ave N Kent WA 98032
12	KST112	1849700205	Bijoy Bordoloi	525 Central Ave N Kent WA 98032
13	KST113	1849700190	Alex Jamito & Tina Bass	521 Central Ave N Kent WA 98032
14	KST114	1849700185	Alex Jamito & Tina Bass	517 Central Ave N Kent WA 98032
15	KST114.1	1849700155	Heyoung Y Chung	501 Central Ave N.

16	KST114.2	1849700165	Jung & JR Properties	503 Central Ave N Kent WA, 98032
17	KST114.3	1849700175	Jung & JR Properties	511 Central Ave N Kent WA, 98032
18	KST115	9179601656	Pioneer Properties Kent LLC	210 E Pioneer St 98032
19	KST115.2	9179601815	Frank and Maria Scarsella	418 CENTRAL AVE N 98032
20	KST117	2422049011	BNSF	Rail Terminal
21	KST122	9179601635	Garry G & Debbie J Stewart	406 Railroad Ave N Kent WA, 98032
22	KST123	9179601625	Peggy S Kay (Trustee)	Railroad Ave N Kent WA, 98032
23	KST126	9179601490	City of Kent	226 Railroad Ave N Kent WA, 98032
24	KST127	9179601480	Vivian Eberle LLC	216 Railroad Ave N Kent WA, 98032