



Resolution No. R2022-25

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

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	09/08/2022	Recommend to Board	Ron Lewis, DECM Executive Director
Board	09/22/2022	Final action	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 43 parcels located in the cities of Seattle, Lake Forest Park, and Kenmore. The parcels include 4 full acquisitions and 39 partial acquisitions for the SR 522 Bus Rapid Transit Project. The partial acquisitions consist of partial fee acquisitions, permanent easements, and/or temporary easements.
- As work develops, parcels currently anticipated to be partial acquisitions or temporary easements may need to be acquired in full and/or permanently.
- The properties are needed for construction, maintenance, and operation of the SR 522 Bus Rapid Transit Project.
- There are 4 anticipated relocations; 1 business relocation and 3 residential relocations.
- 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 purpose 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.

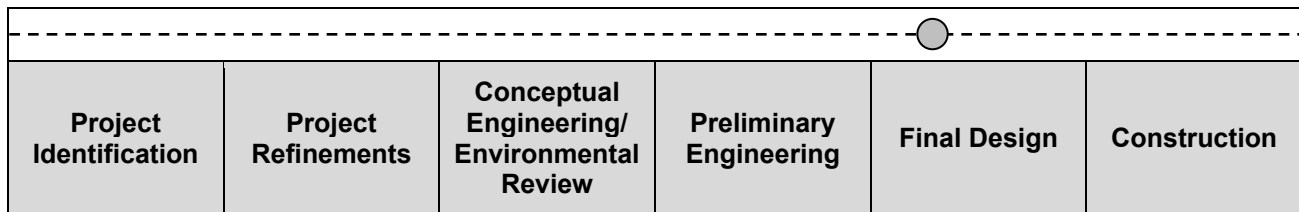
Project development was completed in the fall of 2021. Currently the project team has developed the project design to a 30 percent level for all project elements except garages, which have to date been designed to the 10 percent level.

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



Projected completion date for Construction Phase: Q2 of 2026.

Project scope, schedule and budget summary are located on page 160 of the June 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 \$6,389,700 has been previously committed. There is \$77,410,655 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 \$626 million in 2022 dollars and is affordable within the Agency’s Finance Plan. Staff is managing the project toward a 2026 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 Resolution No. R2021-21 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. R2022-14: 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 8/25/22

Legal review – MV 9/2/22



Resolution No. R2022-25

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 September 22, 2022.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2022-25 Exhibit A

SR 522 Bus Rapid Transit

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	BRS221	7663700240	Walgreen Company	14352 Lake City Way NE, Seattle
2	BRS240	6744700034	TYE III LLC	N/A, Lake Forest Park
3	BRS250.1	6744701588	AML Development LLC	3803 NE 155th St, Lake Forest Park
4	BRS256	7715650000	Shannon Heights Condominium (Units 34)	3820 NE 155th Pl, Lake Forest Park
5	BRS263	6744700321	Hanriyet Basoglu & Jizel Wanaka	3909 NE 157th Pl, Lake Forest Park
6	BRS268	6744700283	David W & Nancy B Hertzog	3908 NE 157th Ln, Lake Forest Park
7	BRS270	6744700263	Saurabh & Yashaswini S Bhatnagar	3917 NE 158th Ln, Lake Forest Park
8	BRS272	6744700261	Gerald R & Vicki L Harris	3911 NE 158th Ln, Lake Forest Park
9	BRS274	1165000020	Arthur & Winifred Ward	4005 NE 160th St, Lake Forest Park
10	BRS275	1165000010	Kim S & Annie Cheung	4001 NE 160th St, Lake Forest Park
11	BRS280.1	7738500420	John & Nadia Rodacker	16112 Bothell Way NE, Lake Forest Park
12	BRS282	7738500425	Mary Ann Nicholes	16118 Bothell Way NE, Lake Forest Park
13	BRS283	7738500430	Boyu Dong	16124 Bothell Way NE, Lake Forest Park
14	BRS285	7738500435	Julie Thi & James Simon Forinash	16130 Bothell Way NE, Lake Forest Park
15	BRS287	7738500440	Eva & Gareth Etchells	16136 Bothell Way NE, Lake Forest Park

16	BRS289	7738500445	Esther W Rawner	16144 Bothell Way NE, Lake Forest Park
17	BRS291	7738500451	Thomas D Faber	16154 Bothell Way NE, Lake Forest Park
18	BRS293	7738500460	William G & Mari M Watson	16242 Bothell Way NE, Lake Forest Park
19	BRS295	7738500465	Kyle R & Chelsea M Victor	16248 Bothell Way NE, Lake Forest Park
20	BRS297	7738500470	Hanna S McElroy & Christopher M Weimer	16252 Bothell Way NE, Lake Forest Park
21	BRS299	7738500475	Esteban Maldonado	16260 Bothell Way NE, Lake Forest park
22	BRS300	7738500480	Milagros Querol	16266 Bothell Way NE, Lake Forest Park
23	BRS302	7738500485	Dana C Carlson	16280 Bothell Way NE, Lake Forest Park
24	BRS304	7738500490	Troy A Lawlor & Dana West	16286 Bothell Way NE, Lake Forest Park
25	BRS306	7738500495	Becky Bayern	4005 NE 165th St, Lake Forest Park
26	BRS308	7738500165	John & Judy Slattery	4004 NE 165th St, Lake Forest Park
27	BRS310	7738500160	Mei Xian Wu & You Cheng Xu Revocable Trust Dated June 13, 2018	16516 Bothell Way NE, Lake Forest Park
28	BRS312	7738500161	Barbara D Buringa	16524 Bothell Way NE, Lake Forest Park
29	BRS314	7738500185	Pam L Hamre	16530 Bothell Way NE, Lake Forest Park
30	BRS316	7738500190	Jimmy Bellamy Jr.	16536 Bothell Way NE, Lake Forest Park
31	BRS317	7738500195	Lawrence W & Lynda W Humphrey	16540 Bothell Way NE, Lake Forest Park
32	BRS320	7738500205	Karl R Grams	N/A (Vacant Land) Bothell Way NE, Lake Forest Park
33	BRS322	7738500125	Ian S Parsons	16555 41st Ave NE, Lake Forest Park
34	BRS323	7738500120	Mark L & Kerri M Hallgrimson	16703 41st Ave NE, Lake Forest Park

35	BRS325	7738500220	Matthew C & Nancy L Staltman	N/A (Vacant Land) 16709 41st Ave NE, Lake Forest Park
36	BRS327	7738500110	Joanne R McKenzie	16715 41st Ave NE, Lake Forest Park
37	BRS329	7738500105	Nathan Zuber & Cassie Hansen	16721 41st Ave NE, Lake Forest Park
38	BRS331	7738500100	Jeanne M Hoffman	16727 41st Ave NE, Lake Forest Park
39	BRS332	7738500090	Andrew M & Vanessa S Whorley	16747 41st Ave NE, Lake Forest Park
40	BRS348	4019301656	Merlone Geier Partners	17181 Bothell Way NE, Lake Forest Park
41	BRS439	7946300101	AJF LLC	6744 NE Bothell Way, Kenmore
42	BRS3061	7738500320	Ronald E & Sarah R Prater	16245 41st Ave NE. Lake Forest Park
43	BRS3081	7738500170	Thomas J Jr. & Diane M Grabowski	16505 41 st Ave NE, Lake Forest Park