



Resolution No. R2023-03

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

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	01/12/2023	Recommend to Board	Ron Lewis, DECM Executive Director
Board	01/26/2023	Final action	Bernard van de Kamp, Program Executive, Bus Rapid Transit 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 52 parcels located in the cities of Lake Forest Park, Bothell, and Kenmore needed for construction, maintenance, and operation of the SR 522 Bus Rapid Transit Project.
- The SR 522 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 (BAT) 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 parcels include 52 partial acquisitions for the SR 522 Bus Rapid Transit Project. The partial acquisitions consist of partial fee acquisitions, permanent easements, and/or temporary easements.
- There are no anticipated relocations.
- As work develops, parcels currently anticipated to be partial acquisitions or temporary easements may need to be acquired in full and/or permanently. If the scope of Sound Transit's acquisition changes, no subsequent Board action will be required.
- 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 purposes 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.

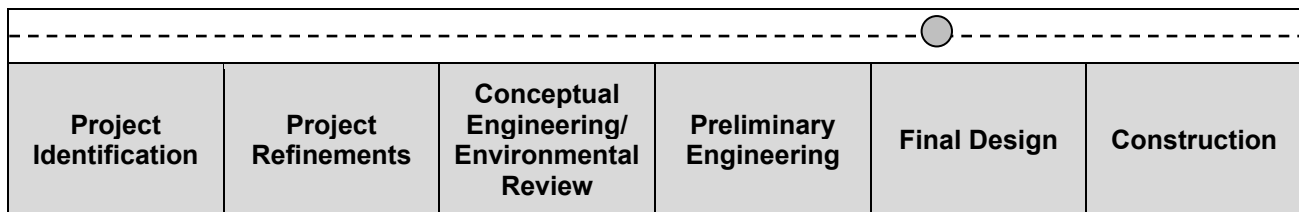
Sound Transit issued a State Environmental Policy Act (SEPA) Determination of Non-significance (DNS) for the SR 522 Bus Rapid Transit Project on March 25, 2021.

Project development was completed in late summer of 2022. Currently the 60 percent draft design plans for Seattle, Shoreline, Lake Forest Park, and Kenmore are available. The project team has developed project design to a 30 percent level for all other 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.

Project status



Projected completion date for the final design phase: Q4 of 2023

Project scope, schedule and budget summary are located on page 156 of the October 2022 Agency Progress Report

Fiscal information

The authorized project allocation for SR 522 Bus Rapid Transit Project is \$250,648,346. Within that amount, \$84,399,355 has been allocated to the right of way phase, of which \$6,676,001 has been previously committed. There is \$77,723,354 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 \$651 million in 2022 dollars and is affordable within the Agency’s Finance Plan. Staff is managing the project toward a 2027 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 the Adopted 2022 Budget 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. R2022-33, 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. 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 – LS 1/3/2023

Legal review – MV 1/6/2023



Resolution No. R2023-03

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 Bus Rapid Transit SR 522 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 SR 522 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 Bus Rapid Transit SR 522 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 Bus Rapid Transit SR 522 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 Bus Rapid Transit SR 522 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 Bus Rapid Transit SR 522 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 Bus Rapid Transit SR 522 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 Bus Rapid Transit SR 522 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 Bus Rapid Transit SR 522 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 Bus Rapid Transit SR 522 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 Bus Rapid Transit SR 522 Project, and affected owners and tenants be reimbursed eligible relocation and reestablishment expenses associated with displacements from the properties.

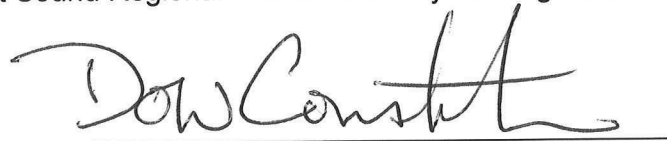
SECTION 3. The Sound Transit Board finds that the public health, safety, necessity, convenience, and welfare demand and require that interests in the real property described

in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Bus Rapid Transit SR 522 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 Bus Rapid Transit SR 522 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 January 26, 2023.



Dow Constantine
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2023-03 Exhibit A

SR 522 Bus Rapid Transit

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	BRS248	6744700105	Abadan Holdings LLC	15300 Bothell Way NE, Lake Forest Park
2	BRS250	6744700103	Goodethings, LLC	15348 Bothell Way NE, Lake Forest Park
3	BRS259	6744700343	Yazan Al-Alul & Krysta S Yousoufian, Trustees of the Yazan Al-Alul & Krysta S Yousoufian Living Trust dated June 10, 2021	15612 38th Ave NE, Lake Forest Park
4	BRS261	6744700303	Kimberly Osberg Lippman	15630 38th Ave NE, Lake Forest Park
5	BRS264	6744700301	John D Alkire & Karen A Heerensperger	15800 38th Ave NE, Lake Forest Park
6	BRS267	6744700285	Matthew & Jessica Burns	15836 38th Ave NE, Lake Forest Park
7	BRS269	6744700262	William H Kopeinig	15840 38th Ave NE, Lake Forest Park
8	BRS271	6744700260	Vishal & Shilpa Thakkar Verma	15848 38th Ave NE, Lake Forest Park
9	BRS273	6744700240	Vuifong Saelao	3821 NE 160th St, Lake Forest Park
10	BRS276	7740100305	Sandeep & Reetika Sethi	16002 38th Ave NE, Lake Forest Park
11	BRS279	7740100005	Luz Gutierrez	16030 39th Ave NE, Lake Forest Park
12	BRS281	7740100015	Dale Franklin & Jennifer Troy	16200 39th Ave NE, Lake Forest Park
13	BRS284	7740100025	Quang Bui & Tenzin Norzom-Bui	16210 39th Ave NE, Lake Forest Park
14	BRS286	7740100030	Vicki Scuri	16218 39th Ave NE, Lake Forest Park

15	BRS288	7740100035	Zachary J & Lisa A Hill	16226 39th Ave NE, Lake Forest Park
16	BRS290	7740100040	Casimir F & Elizabeth P Krzyminski	16234 39th Ave NE, Lake Forest Park
17	BRS292	7740100045	Erick L Lin & Jingwei Zhang	16244 39th Ave NE, Lake Forest Park
18	BRS294	7740100050	Pilin Ung	16252 39th Ave NE, Lake Forest Park
19	BRS296	7740100055	GRN Investment, LLC	16266 39th Ave NE, Lake Forest Park
20	BRS298	7740100060	Scott T & Krista K Forsyth Fisher	16274 39th Ave NE, Lake Forest Park
21	BRS301	7740100065	Yu-Chung & Maria Helena Gregio Han	16276 39th Ave NE, Lake Forest Park
22	BRS303	7740100070	Dong Han & Chung Hee Kim	16280 39th Ave NE, Lake Forest Park
23	BRS305	7740100075	Brady M Anderson & Tracey E Budden	16294 39th Ave NE, Lake Forest Park
24	BRS307	7740500040	Brian C & Cheryl Waite	16502 39th Ave NE, Lake Forest Park
25	BRS309	7740500045	Riley & Katrina Mahler	16510 39th Ave NE, Lake Forest Park
26	BRS311	7740500050	Donald & Lisa Koontz	16518 39th Ave NE, Lake Forest Park
27	BRS313	7740500055	Scott Mesic	16526 39th Ave NE, Lake Forest Park
28	BRS315	7740500060	David Alan Carlile & Sharon Nasheli Greene	16534 39th Ave NE, Lake Forest Park
29	BRS318	7740500065	Lucy Doyle	16706 39th Ave NE, Lake Forest Park
30	BRS319	7740500070	Ami Fein	16710 39th Ave NE, Lake Forest Park
31	BRS321	7740500075	Shawn Kenny & Simone McCready	16722 39th Ave NE, Lake Forest Park
32	BRS324	7740500080	Mark S & Jody T Anacker	16728 39th Ave NE, Lake Forest Park
33	BRS326	7740500085	Scott C Hildebrandt & Michelle R P Perkins	16740 39th Ave NE, Lake Forest Park

34	BRS328	7740500090	Andrew C & Monica M Knapp	16744 39th Ave NE, Lake Forest Park
35	BRS330	7740500095	David C & Sharon L Anderson	16756 39th Ave NE, Lake Forest Park
36	BRS333	7740500100	Peter C & Anne E Wicken	16764 39th Ave NE, Lake Forest Park
37	BRS337	7738500005	Mark R Blubaugh	16840 Bothell Way NE, Lake Forest Park
38	BRS403	1126049008	King County-Parks	6505 NE 175th St, Kenmore
39	BRS436	7946300120	U-Haul Real Estate Company	6720 NE Bothell Way, Kenmore
40	BRS440	1226049014	King County-Parks	N/A, Kenmore
41	BRS452	0114100936	Susi Craddock	7330 NE Bothell Way, Kenmore
42	BRS453	0114100920	King County-Transit	7340 NE Bothell Way, Kenmore
43	BRS454	0114100915	Kenmore Baptist Church	7504 NE Bothell Way, Kenmore
44	BRS574	0967000431	Real Living Northwest	18422 103rd Ave NE, Bothell
45	BRS576	0967000435	Gregory L & Darlene L Banks	18421 104th Ave NE, Bothell
46	BRS592	0826059159	Schwark Properties, LLC	10709 Beardslee Blvd, Bothell
47	BRS593	0826059166	Beardslee Heights Apartments, LLC	10733 Beardslee Blvd, Bothell
48	BRS595	0826059281	Beardslee Heights Apartments, LLC	10719 Beardslee Blvd, Bothell
49	BRS609	0526059052	Village at Beardslee Phase I, LLC	19116 Beardslee Blvd, Bothell
50	BRS610	0526059085	Village at Beardslee Phase I, LLC	19128 Beardslee Blvd, Bothell
51	BRS611	0526059315	Village at Beardslee Phase I, LLC	N/A, Bothell
52	BRS2761	7740100315	Jon Michael Lebo & Mary Ellen Cavallon	16026 38th Ave NE, Lake Forest Park