



Resolution No. R2023-27

To Acquire Real Property Interests Required for the I-405 Stride Bus Rapid Transit Project

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	08/10/2023 08/24/2023	Recommend to Board Final action	Brooke Belman, Deputy CEO, Chief Expansion Delivery Officer Ron Lewis, DECM Executive Director 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 I-405 Stride Bus Rapid Transit Project.

Key features summary

- Authorizes the acquisition of all or portions of 22 parcels located in the cities of Lynnwood, Burien, and Renton needed for the construction, maintenance, and operation of the I-405 Stride Bus Rapid Transit Project.
- There are no anticipated relocations associated with these acquisitions.
- 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 I-405 Stride 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, and will feature 11 BRT stations.

Sound Transit issued a State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) for the I-405 Stride Bus Rapid Transit Project on September 30, 2020. Sound Transit has partnered with WSDOT on the design, environmental review, and delivery for some components of the project. Sound Transit coordinated with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to prepare National Environmental Policy Act (NEPA) documentation to inform federal approval and/or grant funding decisions for elements of the project in 2022 and 2023. 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 projects, 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

Project Identification	Project Refinements	Conceptual Engineering/ Environmental Review	Preliminary Engineering	Final Design	Construction
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Projected completion date for Construction Phase: (a) Q3 2028 Line S1; (b) Q2 2029 Line S2.

Project scope, schedule and budget summary are located on page 131 of the June 2023 Agency Progress Report.

Fiscal information

The authorized project allocation to date for the I-405 Stride Bus Rapid Transit Project is \$1,269,000,000. Within that amount, \$94,060,000 has been allocated to the right of way phase, of which \$32,282,640 has been previously committed. There is \$61,777,360 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.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

Sound Transit is committed to hearing from the public about the I-405 Stride Bus Rapid Transit 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 Stride Bus Rapid Transit Project, including the NE 44th Street BRT improvements. The in-person public meeting was supplemented with an online open house. Sound Transit has continued to meet with neighborhoods and the broader community.

Sound Transit has involved stakeholders, the public, and public agencies at the local, regional, and state levels since project development was initiated on the Bus Rapid Transit program in 2018.

A vast majority of the properties that are the subject of this action are owned by cities and WSDOT. As design has advanced, the project team has engaged directly with property owners to keep them apprised of the status of the project.

Continued engagement with the cities and WSDOT is planned in the coming months and the project team is engaging directly with private property owners. Furthermore, an online open house series for the entire Stride BRT program was held from February through April of 2023.

Time constraints

A one-month delay would impact the timing of the delivery of the I-405 Stride 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. R2023-18: Adopted the I-405 Stride Bus Rapid Transit project baseline schedule and budget by (a) increasing the authorized project allocation to-date by \$402,618,123 from \$866,381,877 to \$1,269,000,000, (b) decreasing the annual allocated budget by \$45,806,704 from \$167,827,704 to \$122,021,000, and (c) establishing the project open for service dates of Q3 2028 for the S1 Line and Q2 2029 for the S2 Line.

Resolution No. R2022-13: 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 I-405 Bus Rapid Transit Project.

Resolution No. R2021-08: Selected the route and station locations for the I-405 Bus Rapid Transit Project.

Resolution No. R2019-22: Amended the Adopted 2019 Budget for the I-405 Bus Rapid Transit project by a) increasing the authorized project allocation to date by \$7,500,000 from \$250,743,000 to \$258,243,000 and b) increasing the adopted 2019 annual project allocation by \$1,000,000 from \$101,775,000 to \$102,775,000.

Resolution No. R2019-07: Amended the adopted budget for the I-405 Bus Rapid Transit project by (a) increasing the authorized project allocation to date by \$7,300,000 from \$243,443,000 to \$250,743,000 and (b) increasing the adopted 2019 annual project allocation by \$7,300,000 from \$94,475,000 to \$101,775,000.

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.

Environmental review – KH 7/25/23

Legal review – MV 8/3/2023



Resolution No. R2023-27

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 I-405 Stride 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, I-405 Stride Bus Rapid Transit 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 I-405 Stride 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 I-405 Stride 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 or their designee is hereby authorized to:

- A. 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 Stride 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 Bus Rapid Transit I-405 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 I-405 Stride Bus Rapid Transit Project by purchase or by condemnation and the reimbursement of eligible relocation and reestablishment expenses.
- B. 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. 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. enter 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 I-405 Stride 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 I-405 Stride 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 I-405 Stride 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 for the construction, operation, and permanent location of I-405 Stride 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 I-405 Stride 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 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 Stride 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 August 24, 2023.



Dow Constantine
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2023-27
Exhibit A

I-405 BRT

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	BRI201	00372600900700	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036
2	BRI202	00372600900900	CITY OF LYNNWOOD	19701 37th Ave W Lynnwood, WA 98036
3	BRI203	00372600201400	SCHONER SQUARE LLC	3611 196th St SW Lynnwood, WA 98036-5769
4	BRI204	00372600900600	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036
5	BRI205	00372600900802	CITY OF LYNNWOOD	3618 196th St SW Lynnwood, WA 98036-5756
6	BRI207	00372600900500	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036
7	BRI208	00372600900400	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036
8	BRI209	00372600900300	CITY OF LYNNWOOD	3600 196th St SW Lynnwood, WA 98036
9	BRI210	00372600900200	CITY OF LYNNWOOD	3520 196th St SW Lynnwood, WA 98036
10	BRI211	00372600900100	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036
11	BRI218	00372601000204	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036
12	BRI219	00372601000201	CITY OF LYNNWOOD	3327 196th St SW Lynnwood, WA 98036
13	BRI221	00372601000102	CITY OF LYNNWOOD	3326 196th St SW Lynnwood, WA 98036
14	BRI222	00372601000112	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036

15	BRI223	00372601000108	CITY OF LYNNWOOD	19904 Poplar Way Lynnwood, WA 98036-6940
16	BRI224	00372601000101	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036
17	BRI225	00372601000110	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036
18	BRI226	00372601000111	CITY OF LYNNWOOD	No Site Address Lynnwood, WA 98036
19	BRI227	00372601000103	CITY OF LYNNWOOD	19632 Poplar Way Lynnwood, WA 98036
20	BRI228	00372601000104	CITY OF LYNNWOOD	3228 196th PL SW Lynnwood, WA 98036
21	BRI500	999999999999	WSDOT	No Site Address Burien, WA 98168
22	BRI500	999999999999	WSDOT	No Site Address Renton, WA 98057