

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2003-09

Sammamish Park and Ride Property Acquisition

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	6/5/03	Discussion/Possible Action to Recommend Board Approval Action	Joann H. Francis, Chief Administrative Officer	(206) 689-4934
Board	6/12/03		Don Vogt, Senior Real Estate Representative	(206) 689-3396

OBJECTIVE OF ACTION

To acquire needed property rights for the construction and operation of the Sammamish Park and Ride Project.

ACTION

Authorize the Executive Director to acquire, dispose, or lease certain real property rights for the Sammamish Park and Ride Project by negotiated purchase or condemnation, and to pay relocation and re-establishment benefits to eligible owners and tenants.

KEY FEATURES

- Authorizes the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase or by condemnation and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Regional Express Sammamish Park and Ride Project.
- Authorizes the acquisition of interests in eight parcels for the Sammamish Park and Ride Project.
- Authorizes the Executive Director to sell to the City of Sammamish that part of the property that will become the extension of the Issaquah – Pine Lake Road.

BUDGET IMPACT SUMMARY

There are no budget impacts for this action.

BUDGET DISCUSSION

The project budget is shown in the table below, under Summary for Board Action. The budget amount for ROW \$2,093,000 of which, \$131,812 has been obligated. The remaining budget amount available for ROW acquisition is \$1,961,188. It is anticipated that this action will be achieved within the appraised values and within the available Board-adopted ROW budget.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is consistent with the current Board-adopted budget and is affordable within Sound Transit’s current long-term financial plan and the subarea financial capacity.

BUDGET TABLE

Action Item: Right of Way Acquisition for Sammamish P&R project, no. 380 (in thousands)

(1) Project Budget	Current Board Adopted Budget (A)	Obligations (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	389	343	-	343	46
Preliminary Engineering / Environmental Doc	292	289		289	3
Final Design	575	1		1	574
ROW Acquisition/Permits	2,093	132	*	132	1,961
Construction	2,291	-	-	-	2,291
Contingency	1,032	-	-	-	1,032
Total Project Budget	6,672	765	-	765	5,907

Phase Budget Detail

ROW Acquisition/Permits and Construction	2,093	132	*	132	1,961
	-	-	-	-	-
Total Phase	2,093	132	-	132	1,961

Contract Budget	Current Approved Contract Value (F)	Obligations (G)	Proposed Action (H)	Proposed Total Contract (I)
ROW Acquisition	N/A	N/A	*	N/A
Contingency	N/A	N/A	N/A	N/A
Total	N/A	N/A	N/A	N/A
Percent Contingency	N/A	N/A	N/A	N/A

Budget Shortfall	\$ (J)	Potential Revenues (K)	Funding Source (L)
N/A	N/A	N/A	N/A

Notes:

(1) Commitments include actual payments, commitments as of May 9, 2003 (HQ).

* The specific ROW budget amount is appropriate for Executive Session.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable to this action.

HISTORY OF PROJECT

In order to build and operate a high capacity transit system consisting of Sounder Commuter Rail, Link Light Rail, and Regional Express bus service, it is necessary for Sound Transit to acquire real property. Sound Transit's authorizing legislation provides the agency with the power to eminent domain to accomplish such acquisitions. The acquisition of real property will, in some cases, result in the temporary displacement of property owners, tenants, or businesses.

In February 2002, the Executive Committee endorsed the approach to use funds from the Unincorporated King County Transit Access Project to develop a park-and-ride lot on the Sammamish Plateau. The goal of this project is to capture transit riders closer to their homes, reduce traffic on I-90 and local streets, and free up parking capacity at park-and-ride lots along the I-90 corridor that are presently being used by Sammamish transit users.

A Technical Advisory Committee (TAC) comprised of staff from the City of Sammamish, King County Metro, and the City of Issaquah evaluated three potential sites all along 228th Avenue SE. A site at the intersection of 228th Avenue SE and Issaquah – Pine Lake Road, the city's two principal arterials, emerged as the preferred alternative and was endorsed by the Sammamish City Council on February 28, 2003. The primary reasons the preferred site was selected are as follows:

- Adjacent land use is compatible with transit (mixed use, commercial, multi-family and residential)
- Captures traffic travelling to Issaquah and points west along I-90, the city's largest transit market at this time
- Reduces congestion on area roads (228th, Spar Road, I-90 and Front Street)
- Reduces demand on area park-and-ride lots that are already over capacity and being used by Sammamish transit users

A State Environmental Policy Act (SEPA) checklist was prepared for this site and a Determination of Non-Significance (DNS) was issued on March 13, 2003. Copies of the DNS were sent to area residents and partner agencies. Comments from the public were received and responded to by Sound Transit during the comment period. The appeal period closed on April 3, 2003 with no appeals.

Sound Transit and the city are working on an agreement to include Issaquah - Pine Lake Road in the final design of the park-and-ride lot facility. The Issaquah - Pine Lake Road ends at the intersection adjacent to the park-and-ride lot. The city's comprehensive plan calls for the extension of this road, a portion of which is necessary to provide access to the Sammamish Park-and-Ride Lot. The city will be partnering with Sound Transit to complete the road extension. That partnership is established through an interlocal agreement. The interlocal agreement is the subject of a separate action, Motion No. M2003-61.

**Prior Board or Committee Actions
and Relevant Board Policies**

Motion or Resolution Number	Summary of Action	Date of Action
Motion M2003-56	Executing a contract with David Evans and Associates in the amount of \$448,245 with a 10% contingency of \$44,825 for a total amount not to exceed \$493,070 for preparation of final plans, specifications and estimates	5/15/03
Motion M2002-15	Authorizing PE/ED contract with David Evans and Associates	3/7/02

CONSEQUENCES OF DELAY

Regional Express would like to advertise this project for construction bids in early 2004. In order to meet that schedule, acquisition processes need to commence as soon as possible. Substantial delay in action on the resolution may produce a corresponding delay in the advertising date.

REGIONAL PARTNERSHIP AND COOPERATION

Through the establishment of a Technical Advisory Committee (TAC), Sound Transit coordinated with the City of Issaquah, the City of Sammamish, and King County Metro to develop criteria for the project and site selections and provide input during selection of a preferred alternative. This partnership will continue through the life of the project.

PUBLIC INVOLVEMENT

A community open house was held in October 2002. The project received favorable support from the public. In March of 2003, a project newsletter was sent to Sammamish area residents describing the features of the project. A second open house and newsletter will occur during the final design phase of the project.

LEGAL REVIEW

BN 5/19/03

SOUND TRANSIT

RESOLUTION NO. R2003-09

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the construction and operation of the Regional Express Sammamish Park and Ride Lot Project, and to execute all documents necessary to sell and convey certain interests acquired to the City of Sammamish as part of the extension of the Issaquah-Pine Lake Road.

WHEREAS, a Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish County region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, at a general election held within the Central Puget Sound Regional Transit Authority district, the voters approved local funding for Sound Move, the ten-year plan for high capacity transit in the Central Puget Sound Region; and

WHEREAS, Sound Move provided for the implementation of a series of Regional Express bus routes and transit improvements, and further provided for the construction, operation and permanent location of the Sammamish Park and Ride Lot Project in Sammamish, Washington; and

WHEREAS, an environmental checklist was prepared for this site and a Determination of Non-Significance (DNS) was issued on March 13, 2003 in compliance with the State Environmental Policy Act (SEPA). Copies of the DNS were sent to area residents and partner agencies. Comments from the public were received and responded to by Sound Transit during the comment period. The appeal period closed on April 3, 2003 with no appeals; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Sammamish Park and Ride Lot are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Sammamish Park and Ride Lot 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 to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will continue to 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 pay eligible relocation and re-establishment costs 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 Executive Director is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in Exhibit A (said property to be used for the construction of the Sammamish Park and Ride Lot Project), and for the payment of eligible relocation and re-establishment costs. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties shall 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 re-establishment costs of the properties for the Sammamish Park and Ride Lot Project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the Executive Director shall obtain approval from the

appropriate committee or the Board, per Resolution No. 78-1, before the acquisition of the property for the Sammamish Park and Ride Lot Project by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The Executive Director 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 the real property interests 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 shall not exceed established project budgets. For all other settlements proposed, the Executive Director shall obtain prior approval of the appropriate committee or the Board, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board deems the Sammamish Park and Ride Lot 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 the property identified in Exhibit A as being necessary for the construction, operation, and permanent location of the Sammamish Park and Ride Lot Project (said properties are described in Exhibit A and incorporated herein by reference), parties be paid relocation and re-establishment costs associated with displacements from the properties.

SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Sammamish Park and Ride Lot Project.

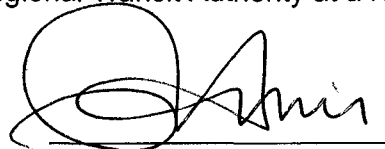
SECTION 5. In addition to the authority granted the Executive Director in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the properties and property rights and/or rights in those of the properties described in Exhibit A, not owned by a public entity, for the purpose of constructing, owning, and operating a

permanent location of the Sammamish Park and Ride Lot Project. The Executive Director 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.


SECTION 7. The Executive Director is authorized to execute all documents necessary to sell and convey to the City of Sammamish, Washington those property interests acquired pursuant to this resolution that will become part of the extension of the Issaquah-Pine Lake Road as part of the Sammamish Park and Ride Lot Project.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 12, 2003.



Ron Sims
Board Chair

ATTEST:



Marcia Walker
Board Administrator

EXHIBIT A

Sammamish Park & Ride

Order No.	Owner/Contact	Parcel #	Site Address
26898	DAVID J. HINES AND LINA HINES, HUSBAND AND WIFE	679510 0702	2924 224 TH Pl. SE

LEGAL DESCRIPTION:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3;
THENCE NORTH 01°31'46" EAST ALONG THE EAST LINE OF SAID SECTION 688.58 FEET;
THENCE NORTH 88°10'03" WEST 30.00 FEET TO THE WESTERLY MARGIN OF 228TH AVENUE SOUTHEAST;
THENCE CONTINUING NORTH 88°10'03" WEST 675.56 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 88°10'03" EAST 212.56 FEET;
THENCE NORTH 01°31'56" EAST 220.00 FEET;
THENCE SOUTH 81°11'34" WEST 216.67 FEET TO A POINT THAT IS NORTH 01°20'38" EAST 180.00 FEET FROM THE POINT OF BEGINNING;
THENCE SOUTH 01°20'38" WEST 180.00 FEET TO THE POINT OF BEGINNING.

Order No.	Owner/Contact	Parcel #	Site Address
29899	PINE LAKE PLATEAU DENTAL-MEDICAL BUILDING, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY	679104 0000	22727 SOUTHEAST 29 TH STREET

LEGAL DESCRIPTION:

ALL OF PINE LAKE DENTAL-MEDICAL CENTER, A CONDOMINIUM SURVEY MAP AND PLANS RECORDED IN VOLUME 155 OF CONDOMINIUMS, PAGES 96 THROUGH 100, INCLUSIVE, AND AMENDMENTS THERETO;
CONDOMINIUM DECLARATION RECORDED UNDER RECORDING NUMBER(S) 9905132086, AND AMENDMENTS THERETO, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION THEREOF CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEEDS RECORDED UNDER RECORDING NUMBERS 19991130001508 AND 20020903000435.

Order No.	Owner/Contact	Parcel #	Site Address
26897	SAMMAMISH PROPERTIES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY	679104 0000	22727 SOUTHEAST 29 TH STREET

LEGAL DESCRIPTION:

THAT PORTION OF SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST CORNER OF SAID SECTION 9;

THENCE NORTH 00°58'45" EAST 688.58 FEET;
 THENCE NORTH 88°43'04" WEST 330 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE CONTINUING NORTH 88°43'04" WEST 163 FEET;
 THENCE NORTH 00°58'45" EAST 420 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY MARGIN
 OF THE COUNTY ROAD AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER
 RECORDING NO. 2883399;
 THENCE SOUTH 89°00'16" EAST ALONG THE SOUTH MARGIN OF SAID COUNTY ROAD 163 FEET;
 THENCE SOUTH 00°47'55" WEST TO THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS THE WEST 163 FEET OF THE EAST 463 FEET OF LOTS 1 AND 2 IN BLOCK 4 OF
 PINECREST, ACCORDING TO THE UNRECORDED PLAT THEREOF.)

Order No.	Owner/Contact	Parcel #	Site Address
23908	PUGET SOUND ENERGY, INC., A WASHINGTON CORPORATION, SUCCESSOR IN INTEREST TO PUGET SOUND POWER & LIGHT COMPNAY	679510 0703	2935 228 TH AVE. SE

LEGAL DESCRIPTION:

THAT PORTION OF GOVERNMENT LOT 2 IN SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M.,
 IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 9;
 THENCE ALONG THE EAST-WEST CENTER LINE OF SAID SECTION NORTH 89°00'16" WEST 30.0 FEET;
 THENCE NORTH 0°58'45" EAST 688.58 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF
 LAND HEREIN DESCRIBED;
 THENCE CONTINUING NORTH 0°58'45" EAST 200.0 FEET;
 THENCE NORTH 88°43'04" WEST 200.0 FEET;
 THENCE SOUTH 0°58'45" EAST 200.0 FEET TO A POINT WHICH BEARS NORTH 88°43'04" WEST FROM
 THE TRUE POINT OF BEGINNING;
 THENCE SOUTH 88°43'04" EAST, 200.0 FEET TO THE TRUE POINT OF BEGINNING;
 EXCEPT THE EAST 12 FEET THEREOF DEEDED TO KING COUNTY FOR ROAD PURPOSES;

(ALSO KNOWN AS THE SOUTH 200 FEET OF THE EAST 200 FEET OF LOT 2 IN BLOCK 4 OF
 PINECREST, ACCORDING TO THE UNRECORDED PLAT THEREOF, EXCEPT THE EAST 12 FEET
 THEREOF;)

ALSO EXCEPT THAT PORTION CONVEYED TO KING COUNTY TO WIDEN 228TH AVENUE
 SOUTHEAST BY RECORDING NO. 19991101001383.

Order No.	Owner/Contact	Parcel #	Site Address
C5050-C1	MEIFANG WANG, AS HER SEPARATE ESTATE	679510 0722 679510 0721 679510 0745 679510 0720	SECTION 9, TOWNSHIP 24N, RANGE 6E, NE QUARTER

LEGAL DESCRIPTION:

PARCEL A:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 9, TOWNSHIP 24 NORTH, RANGE 6
 EAST, W.M., IN KING COUNTY, WASHINGTON;
 THENCE NORTH 89°00'16" WEST ALONG THE EAST AND WEST CENTERLINE OF SAID SECTION 30.00
 FEET;
 THENCE NORTH 0°58'45" EAST PARALLEL TO THE EAST LINE OF SAID SECTION 248.58 FEET;
 THENCE NORTH 88°43'04" WEST 300 FEET TO TRUE POINT OF BEGINNING;

THENCE NORTH 0°58'45" EAST 440 FEET;
THENCE NORTH 88°43'04" WEST 187.78 FEET;
THENCE SOUTH 0°58'45" WEST 440 FEET;
THENCE EAST TO THE TRUE POINT OF BEGINNING.

PARCEL B:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;
THENCE NORTH 89°00'16" WEST ALONG THE EAST AND WEST CENTERLINE OF SAID SECTION 30.00 FEET;
THENCE NORTH 0°58'45" EAST PARALLEL TO THE EAST LINE OF SAID SECTION 398.58 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 0°58'45" EAST 290 FEET;
THENCE NORTH 88°43'04" WEST 300.00 FEET;
THENCE SOUTH 0°58'45" WEST 290.00 FEET;
THENCE SOUTH 88°43'04" EAST 300 FEET TO THE TRUE POINT OF BEGINNING;
EXCEPT THE EAST 20 FEET THEREOF CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NO. 9904262560.

PARCEL C:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;
THENCE NORTH 0°58'45" EAST 248.58 FEET;
THENCE NORTH 88°43'04" WEST 30 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 88°43'03" WEST 300.00 FEET;
THENCE NORTH 0°58'45" EAST 150 FEET;
THENCE SOUTH 88°43'04" EAST 300 FEET;
THENCE SOUTH 150 FEET TO TRUE POINT OF BEGINNING;
EXCEPT THE EAST 20 FEET THEREOF CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NO. 9904262568.

PARCEL D:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;
THENCE NORTH 89°00'16" WEST ALONG THE EAST AND WEST CENTER LINE OF SAID SECTION 30.00 FEET;
THENCE NORTH 0°58'45" EAST PARALLEL TO THE EAST LINE OF SAID SECTION 248.58 FEET;
THENCE NORTH 88°43'04" WEST 487.09 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 0°58'45" EAST 440 FEET;
THENCE NORTH 88°43'04" WEST 187.78 FEET;
THENCE SOUTH 1°00'20" EAST 440 FEET;
THENCE EAST TO THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS A PORTION OF LOTS 3 AND 4 OF PINECREST, ACCORDING TO THE UNRECORDED PLAT THEREOF.)