

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2005-01

**Acquisition of Property Rights for the Regional Express Issaquah Transit
Center/SR900 Project**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	1/6/05	Discussion/Possible Action to Recommend Board Approval Action	Phil O'Dell, Director, Project Delivery Support Services	(206)398-5013
Board	1/13/05		Don Vogt, Sr. Real Estate Representative, Real Estate Division	(206)689-3396

ACTION

Authorizes the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as may be necessary for certain property interests in connection with the construction of the Regional Express Issaquah Transit Center/SR900 project.

KEY FEATURES

- Authorizes the acquisition of property interests for the Issaquah Transit Center/SR900 project.
- Allows development of interim park-and-ride lot stalls for use during construction of the Issaquah Transit Center project on the site of King County Metro's existing Issaquah Park-and-Ride at SR900.
- The real property identified in this requested action is included in Exhibit A. The project will require use of a portion of this property.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, and funding required from other parties.

BUDGET DISCUSSION

The proposed action authorizes the acquisition of certain property rights needed to provide interim parking during construction of the Issaquah Transit Center/SR900 project (#326).

The adopted 2005 budget for the Issaquah Transit Center is \$29.5 million. Commitments to date total \$1.8 million. \$1.9 million was budgeted for right-of-way acquisition and permits (ROW). \$147,351 of this budget has been committed to date, leaving up to \$1.7 million available to complete the phase.

The anticipated costs of specific property rights are appropriate for discussion with the Board in executive session.

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. The action will have no new revenue impacts on Sound Transit.

BUDGET TABLE

Summary for Board Action (Year of Expenditure \$000)

Action Item: Acquisition of property rights for the Issaquah Transit Center project (#326), \$s in thousands

	2005 Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	\$ 1,731	\$ 722	\$ -	\$ 722	\$ 1,009
Preliminary Engineering	854	874	-	874	(20)
Final Design	1,915	21	-	21	1,894
Right of Way	1,877	147	-	147	1,730
Construction	23,105	84	-	84	23,021
Contingency	-	-	-	-	-
Total Current Budget	\$ 29,482	\$ 1,849	\$ -	\$ 1,849	\$ 27,633

Phase Budget Detail ³

Property Acquisition	\$ 1,677	\$ -	\$ -	\$ -	\$ 1,677
Other ROW services	\$ 200	\$ 147	\$ -	\$ 147	\$ 53
Total Phase	\$ 1,877	\$ 147	\$ -	\$ 147	\$ 1,730

Contract Budget³

	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
Lease	\$ -	\$ -	\$ -	\$ -
ST Contingency	-	0	\$ -	-
Total	\$ -	\$ -	\$ -	\$ -
Percent Contingency	0%		0%	0%

Budget Shortfall

Level	Shortfall Amt (J)	Potential Funds (K)	Funding Source (L)
PE/ED Phase	\$ (20)	\$ 20	Unused contingency from other phases

Notes:

- 1 Committed to-date includes actual outlays and commitments through December 22, 2004 (HQ). Committed amount includes contract contingencies.
- 2 Consistent with Sound Transit Board budget policies, these phase level shortfalls will be depicted as negative variances until the 2006 budget is adopted. At that time, project contingency from other phases can be reallocated to the PE/ED phase to align phase budget amounts with project phase activity.
- 3 Budgets for specific parcels are appropriate for discussion with the Board in executive session.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable for this action.

HISTORY OF PROJECT

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
R2004-19	Board adopted the 2005 budget including a transfer of \$15.5M from East King County Program Reserves to the Issaquah Transit Center/SR900 project.	12/9/04
M2004-30	Executive Committee directed staff to make the structured parking option the preferred alternative for the Issaquah Transit Center/SR900 project.	4/1/04

The Issaquah Transit Center/SR900 project provides for the construction of a 6-bay transit center and 4-level 800-stall parking garage on the site of King County Metro's existing Issaquah Park-and-Ride. The new facility will expand the park-and-ride lot capacity and serve as a regional hub for Sound Transit and King County Metro bus service.

Construction of the Issaquah Transit Center/SR900 project will require displacement of those who currently use King County Metro's park-and-ride lot for the entire period of construction (1st Quarter 2006 through 4th Quarter 2007). A license plate survey of existing park-and-ride lot users concluded that many existing users will likely choose to use the available capacity in the new Eastgate Park-and-Ride Lot and the Issaquah Highlands Park-and-Ride Lot (scheduled to open in February 2006). However, the survey also suggested that Sound Transit should provide up to 200 stalls of interim parking during construction in order to continue to serve existing riders who are not able to easily access either the Eastgate Park-and-Ride or the Issaquah Highlands Park-and-Ride.

A study of potential interim parking sites in the vicinity of King County Metro's Issaquah Park-and-Ride was completed in December 2004. The study evaluated eleven potential sites and identified the subject property as a desirable site because of its proximity to the project location, the anticipated cost of development as interim parking, bus routing, and other considerations. The project will require use of a portion of the property owned by O.B. Issaquah Properties LLC, located at 1740 N.W. Mall St. in Issaquah.

A State Environmental Policy Act checklist for the project was prepared and a Determination of Nonsignificance (DNS) was issued on August 18, 2004. Copies of the DNS were sent to area residents and partner agencies. No public comments were received. The appeal period was closed on September 8, 2004 with no appeals. A Documented Categorical Exclusion under the National Environmental Policy Act (NEPA) is currently being reviewed by the Federal Transit Administration (FTA). Staff will not acquire the property rights until FTA approval is received.

CONSEQUENCES OF DELAY

Delay in action of two weeks beyond January 13, 2004 would have no immediate adverse impacts on the project.

PUBLIC INVOLVEMENT

The City of Issaquah Development Commission held a public, televised Community Conference Meeting on July 28, 2004, for the proposed Issaquah Transit Center/SR900 project as part of the City's site development permit approval process.

Sound Transit hosted a public open house on March 16, 2004 to receive input on a preferred project alternative. The feedback was strongly supportive of the structured parking alternative.

Sound Transit hosted a public open house on March 20, 2003 for siting the Issaquah Transit Center/SR900 project. The feedback was strongly supportive of the site of the existing Issaquah SR900 Park-and-Ride.

LEGAL REVIEW

BN 12-27-04

SOUND TRANSIT

RESOLUTION NO. R2005-01

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), condemnation litigation, or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the construction and operation of the Regional Express Issaquah Transit Center Project in Issaquah.

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 high capacity transit in the Central Puget Sound Region; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of project improvements required under Sound Move, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, a State Environmental Policy Act checklist for the project was prepared and a Determination of Nonsignificance (DNS) was issued on August 18, 2004. Copies of the DNS were sent to area residents and partner agencies. No public comments were received. The appeal period was closed on September 8, 2004 with no appeals. A Documented Categorical Exclusion under the National Environmental Policy Act (NEPA) is currently being reviewed by the Federal Transit Administration (FTA). Staff will not acquire the property rights that are the subject of this Board action until FTA approval is received.

WHEREAS, Sound Transit has identified certain real property as necessary for the construction and permanent location of the Regional Express Issaquah Transit Center Project in Issaquah, which is reasonably described in Exhibit A (Copy of Exhibit A is on file with the Board Administrator and is available upon request) of this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Regional Express Issaquah Transit Center Project in Issaquah, 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 that:

SECTION 1. The Chief Executive Officer 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 and for the payment of eligible relocation and re-establishment costs, said property to be used for the construction of the Regional Express Issaquah Transit Center Project. 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 Regional Express Issaquah Transit Center Project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the Chief Executive Officer shall obtain approval from the Executive Committee or the Board, per Resolution No. 78-1, before the acquisition of the property for the Regional Express Issaquah Transit Center project by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The Chief Executive Officer is 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 a 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 Chief Executive Officer shall obtain prior approval of the Board, per Resolution No. 78-1.

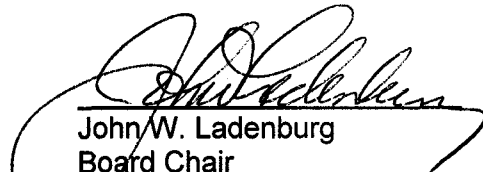
SECTION 3. The Sound Transit Board of Directors deems the Regional Express Issaquah Transit Center Project to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within the Sound Transit district boundaries to acquire the property identified herein as being necessary for the construction, operation, and permanent location of the Regional Express Issaquah Transit Center Project. The Board directs that all, any portion thereof, of the property identified herein be immediately acquired by voluntary agreement, or in lieu of agreement, that said properties be condemned, appropriated, taken, and damaged for the construction, operation, and permanent location of the Regional Express Issaquah Transit Center Project, said properties being described in Exhibit A incorporated herein by reference and that eligible parties be paid relocation and re-establishment costs associated with displacement 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 above described properties be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Regional Express Issaquah Transit Center Project.


SECTION 5. In addition to the authority granted the Chief Executive Officer in Section 1 above, condemnation proceedings are hereby authorized and the authority is hereby delegated to the Chief Executive Officer to take action as related to such condemnation proceedings to acquire all, or any portion thereof, of the properties and property rights and/or rights in the properties described in the attached Exhibit A for the purpose of constructing, owning, and operating the permanent location of the Regional Express Issaquah Transit Center Project. The Chief Executive Officer is also authorized to make minor amendments to the legal descriptions of properties described in the attached 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 January 13, 2005.


John W. Ladenburg
Board Chair

ATTEST:


Marcia Walker
Board Administrator

Resolution No. R2005-01

O.B. Issaquah Properties – Legal Description

EXHIBIT 'A'

LEGAL DESCRIPTION:

That portion of the North Half of the North Half of the Northeast Quarter of Section 29, Township 24 North, Range 6 East, W.M., in King County, Washington, described as follows:

Commencing at the Northeast corner of said section;
Thence due West along the North line of said section 1330 feet;
Thence due South 600 feet;
Thence due West 30 feet to the point of beginning;
Thence due South 30 feet;
Thence due West 280 feet;
Thence due North 470 feet;
Thence due East 280 feet;
Thence due South 440 feet to the point of beginning;
Except that portion condemned in King County Superior Court Cause No. 683444 for Primary State Highway No. 2, SR 900 and for Southeast 65th Street;
Also Except that portion conveyed to the State of Washington by deed recorded under Recording No. 20030404001895.