

**SOUND TRANSIT  
STAFF REPORT**

**RESOLUTION No. R2005-10**

**Issaquah Transit Center/SR900 Project  
Property Acquisition**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	3/17/05	Discussion/Possible Action to Recommend Board Approval Action	Phil O'Dell, Director, Project Delivery Support Services	(206) 398-5013
Board	3/24/05		<b>Don Vogt, Sr. Real Estate Representative</b>	(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, to pay eligible relocation and re-establishment benefits to affected parties as may be necessary for constructions of the Issaquah Transit Center/SR900 project, and to execute all documents necessary to convey interests acquired to the City of Issaquah.

**KEY FEATURES**

- Authorizes acquisition of real property interests for the Issaquah Transit Center/SR900 project for construction of a needed sewer line and installation of required traffic signalization. Project design has advanced and the location of a sewer line and traffic signals have been identified, therefore it is necessary for Sound Transit to acquire properties in addition to those previously authorized by Board Resolution No. R2005-01.
- Authorizes the Chief Executive Officer to transfer property rights acquired to the City of Issaquah as required.

**BUDGET IMPACT SUMMARY**

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

**BUDGET DISCUSSION**

The proposed action provides for the acquisition of property rights to allow for the completion of the Issaquah Transit Center/SR 900 Project (#326).

The adopted capital budget for the project is \$29.5 million, of which \$3.7 million has been committed to date. The total budget for the ROW phase of the project is \$1.9M. Adequate budget remains in the ROW phase to fund the proposed action.

The acquisition 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

The Issaquah Transit Center/SR 900 is included in the 2005 budget on page 139 of the budget book.

#### 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 <sup>1</sup> (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	\$ 1,731	\$ 721	\$ -	\$ 721	\$ 1,011
Preliminary Engineering	854	874	-	874	(21)
Final Design	1,915	1,879	-	1,879	36
Right of Way	1,877	172	-	172	1,705
Construction	23,105	84	-	84	23,021
Contingency	-	-	-	-	-
<b>Total Current Budget</b>	<b>\$ 29,482</b>	<b>\$ 3,730</b>	<b>\$ -</b>	<b>\$ 3,730</b>	<b>\$ 25,752</b>

#### Phase Budget Detail<sup>2</sup>

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

Contract Budget <sup>2</sup>	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
Contract	\$ -	\$ -	\$ -	\$ -
ST Contingency	-	0	\$ -	-
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Percent Contingency	0%		0%	0%

#### Budget Shortfall<sup>3</sup>

Level	Shortfall Amt (J)	Potential Funds (K)	Funding Source (L)
PE/ED Phase	\$ (21)	\$ 21	Unused contingency from other phases

#### Notes:

<sup>1</sup> Committed to-date includes actual outlays and commitments through February 25, 2005 (HQ). Committed amount includes contract contingencies.

<sup>2</sup> Budgets for specific parcels are appropriate for discussion with the Board in executive session.

<sup>3</sup> 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.

## M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable for this proposed action.

## **HISTORY OF PROJECT**

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 project will require displacement of users of King County Metro's park-and-ride lot for the period of construction – first quarter 2006 through fourth quarter 2007. A license plate survey of existing park-and-ride lot users concluded that many users will likely choose to use the available capacity in the new Eastgate Park-and-Ride and the Issaquah Highlands Park-and-Ride (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 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, agencies with interest and jurisdiction, and other organizations and groups. 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) was approved by the Federal Transit Administration on January 6, 2005.

Project design has advanced. The location of a sewer line to serve the project and the location of traffic signal improvements have been identified on four adjacent properties owned by Rowley Enterprises located at 1655 NW Mall Street, 1590 NW Maple Street, 1580 NW Maple Street, and 1584 NW Maple Street (King County Tax Parcel Nos. 7450900140, 7450900300, 7450900310 & 7450900320, respectively.) A sewer easement, a traffic signal easement, and temporary construction easements will be required.

The proposed acquisitions are in addition to earlier action of the Board in approving acquisitions. Future requests to the Board will involve approval of the transfer of the existing Park & Ride property to Sound Transit from the Washington State Department of Transportation.

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

<b>Motion or Resolution Number</b>	<b>Summary of Action</b>	<b>Date of Action</b>
R2005-01	Authorized 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 Issaquah Transit Center/SR900 project.	1/13/05
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.	12/09/04
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

## **CONSEQUENCES OF DELAY**

A minor delay in taking action on the matter would not create immediate adverse impact 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 seeking 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**

JDW 3/15/05

## **SOUND TRANSIT**

### **RESOLUTION NO. R2005-10**

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), 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 Issaquah Transit Center/SR900 Project, and to execute all documents necessary to convey interests acquired to the City of 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, Sound Move provided for the implementation of a series of bus routes and transit improvements, and further provided for the construction, operation, and permanent location of the Issaquah Transit Center/SR900 Project; 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, agencies with interest and jurisdiction, and other organizations and groups. 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) was approved by the Federal Transit Administration (FTA) on January 6, 2005; and

WHEREAS, the Sound Transit Board adopted Resolution No. R2005-01 on January 13, 2005 authorizing the Chief Executive Officer to acquire, dispose, or lease certain real property interests as described in Exhibit A of Resolution No. R2005-01, in connection with the construction and permanent location of the Issaquah Transit Center/SR900 project; and

WHEREAS, subsequent to Sound Transit Board adoption of Resolution No. R2005-01, design for the project has advanced and the location of a sewer line and traffic signals have been identified, therefore it is necessary for Sound Transit to acquire four additional properties 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 Issaquah Transit Center/SR900 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 or as provided in Section 2 herein; provided that in the event the total of the acquisition, relocation, and re-establishment costs of the properties for the Issaquah Transit Center/SR 900 Project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the Chief Executive Officer shall obtain approval from the appropriate committee or the Board, per Resolution No. 78-1, before the acquisition of the property for the Issaquah Transit Center/SR 900 Project by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The Chief Executive Officer 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 Chief Executive Officer shall obtain prior approval of the appropriate committee or the Board of Directors, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board of Directors deems the Issaquah Transit Center/SR 900 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 Issaquah Transit Center/SR 900 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 Issaquah Transit Center/SR 900 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 properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Issaquah Transit Center/SR 900 Project.


SECTION 5. 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, not owned by a public entity, for the purpose of constructing, owning, and operating a permanent location of the Issaquah Transit Center/SR 900 Project. The Chief Executive Officer 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.

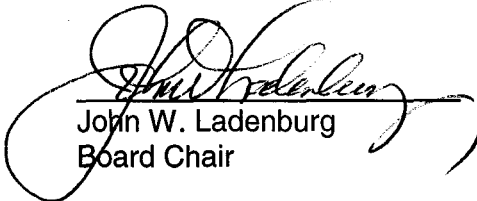
SECTION 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

SECTION 7. The Chief Executive Officer is authorized to execute all documents necessary to convey to the City of Issaquah the property interests acquired pursuant to this resolution, as required.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on March 24, 2005.

ATTEST:

  
\_\_\_\_\_  
Marcia Walker  
Board Administrator

  
\_\_\_\_\_  
John W. Ladenburg  
Board Chair



**SOUND TRANSIT**

**RESOLUTION NO. R2005-10**

**EXHIBIT 'A'**

**Tax Parcel Nos. 7450900140, 7450900300, 7450900310, & 7450900320**

Rowley Properties, Inc., a Washington corporation, formerly Rowley Enterprises, Inc., which acquired title as Point Hudson Company

Legal Description:

LOTS 14, 30, 31, AND 32 OF ROWLEY INDUSTRIAL PARK, AS PER PLAT RECORDED IN VOLUME 130 OF PLATS, PAGE 4 THROUGH 7, RECORDS OF KING COUNTY;

EXCEPT THE SOUTH 10 FEET OF SAID LOT 30, CONVEYED TO THE CITY OF ISSAQUAH BY DEED RECORDED UNDER RECORDING NO. 9407011468;

EXCEPT THE SOUTH 10 FEET OF SAID LOT 31, CONVEYED TO THE CITY OF ISSAQUAH BY DEED RECORDED UNDER RECORDING NO. 9407011469;

SITUATE IN THE CITY OF ISSAQUAH, COUNTY OF KING, STATE OF WASHINGTON.