

**SOUND TRANSIT  
STAFF REPORT**

**RESOLUTION NO. R2009-05**

**Property Acquisition for the Regional Express  
Kirkland Transit Center/3rd Street Project**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	3/19/09	Discussion/Possible Action to Recommend Board Approval	Ahmad Fazel, Link Executive Director	(206) 398-5389
Board	3/26/09	Action	Jim Edwards Director of Capital Projects <b>Don Vogt, Senior Real Estate Representative</b>	(206) 398-5436  (206) 689-3396

<b>Contract/Agreement Type:</b>	✓	<b>Requested Action:</b>	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate	✓	Property Acquisition	✓

**PROJECT NAME**

Regional Express Kirkland Transit Center/3<sup>rd</sup> Street Project

**PROPOSED ACTION**

Authorizes 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 of the Regional Express Kirkland Transit Center/3<sup>rd</sup> Street Project.

**KEY FEATURES of PROPOSED ACTION**

- The proposed action authorizes the acquisition of two parcels for the Regional Express Kirkland Transit Center/3<sup>rd</sup> Street Project, including authority to pay eligible relocation and re-establishment benefits to owners and tenants as necessary.
- Each of the parcels to be acquired is described in attachment Exhibit A to the proposal.
- At a minimum, a temporary construction easement will need to be acquired from each parcel.

**BUDGET IMPACT SUMMARY**

Current Project Phase: Final Design  
Projected Completion Date: August 2010

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

## **BUDGET AND FINANCIAL PLAN DISCUSSION**

The Adopted 2009 capital budget for the project is \$13,300,000. Within that budget, \$627,871 has been budgeted in the right of way phase with \$44,886 committed through January 31, 2009. The acquisition costs of specific parcels are appropriate for discussion with Board members in Executive Session.

The proposed action is consistent with the current board-adopted budget, and is affordable within the agency's long-term financial plan and subarea financial capacity. The action will have no new revenue impact on Sound Transit.

## **BUDGET TABLE**

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

**Project: 142 - Kirkland Transit Center/3rd**

	<b>2009 Adopted Budget<sup>1</sup> (A)</b>	<b>Committed To Date<sup>2</sup> (B)</b>	<b>This Action (C)</b>	<b>Total Committed &amp; Action (D)</b>	<b>Uncommitted (Shortfall) (E)</b>
1 <b>Agency Administration</b>	\$ 692	\$ 692	\$ -	\$ 692	\$ -
2 <b>Preliminary Engineering</b>	\$ 1,124	\$ 1,170	-	\$ 1,170	(47)
3 <b>Final Design</b>	\$ 1,904	\$ 1,500	-	\$ 1,500	404
4 <b>Right of Way</b>	\$ 628	\$ 45	-	\$ 45	583
5 <b>Construction</b>	\$ 8,758	\$ 12	-	\$ 12	8,746
6 <b>Contingency</b>	\$ 195	\$ -	-	\$ -	195
7 <b>Total Current Budget</b>	\$ 13,300	\$ 3,419	\$ -	\$ 3,419	\$ 9,881

### **Notes:**

<sup>1</sup> Project budget is located on page 152 of the Proposed 2009 Budget book. The 2009 Budget was adopted by the Board on December 11, 2008.

<sup>2</sup> Committed to date amount includes actual outlays and commitments through January 31, 2009.

## **SMALL BUSINESS PARTICIPATION**

Not applicable to this action.

## **PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION**

The project will provide a new Kirkland transit Center on the site of the existing transit center in downtown Kirkland on 3<sup>rd</sup> Street, between Kirkland Avenue and Central Way, and adjacent to Peter Kirk Park.

Preliminary design and public outreach support for selecting a site for the transit center project in downtown Kirkland was completed in 2005. This early design and outreach included stakeholder meetings, public open houses, and city council meetings. Based on this early design and outreach, the project's Executive Advisory Committee – senior staff from Sound Transit, the City of Kirkland, and King County Metro – unanimously supported a project on 3<sup>rd</sup> Street, at the site of the existing Kirkland Transit Center. The new transit center design includes use of approximately 3,000 sf of Peter Kirk Park, as approved by the Kirkland City Council in June, 2007.

The 30% design reflects Sound Transit's work to respond to the Kirkland City Council's request that Sound Transit take additional steps to gather input from the community regarding the project's design integration with improvements in Peter Kirk Park and the City's commercial areas. Final design will build on this direction to provide a transit center that reflects its environment and surrounding development, including the Kirkland Library addition that is currently in design.

King County Metro Water Treatment Division (WTD) is now designing an upgrade to a pump station abutting the western edge of the transit center project. The pump station project's design has lagged behind the

design of the transit center, and the pump station construction was planned to start after the transit center would be completed. The pump station work includes reconstruction of utility lines under 3<sup>rd</sup> Street, which will be rebuilt as part of the transit center project. In order to coordinate construction schedules and avoid demolition and replacement of the newly constructed transit center pavement, Sound Transit, City of Kirkland and King County are currently working to incorporate the under-street portion of the WTD work into Sound Transit's project. King County would pay for any additional costs.

Through the design process, two parcels have been identified being as necessary for the project. The parcels that are covered by the proposed resolution and complete descriptions of these parcels are listed in Exhibit A to this proposed resolution R2009-05.

An Environmental Checklist has been prepared for this project and a Determination of Non-significance (DNS) was issued on May 12, 2008. Sound Transit and the City of Kirkland are co-lead agencies. Sound Transit is the nominal lead agency under SEPA as per WAC 197-11-944. Sound Transit issued a DNS under WAC 197-11-340(2) and Sound Transit rules (Resolution R7-1). The DNS issued May 12, 2008 is based upon the revised Environmental Checklist, including additional noise impacts analysis conducted in response to comments received on the original DNS, issued January 16, 2008 and subsequently withdrawn.

**Prior Board/Committee Actions**

Motion/ Resolution Number and Date	Summary of Action
R2008-55 6/5/08	Contract Amendment for INCA Engineers, Inc. for the Final Design of the Kirkland Transit Center/3 <sup>rd</sup> Street Project

**CONSEQUENCES OF DELAY**

A two week deferral of action on this resolution will not significantly affect the project timeline.

**PUBLIC INVOLVEMENT**

There have been a series of public involvement outreach steps such as public open houses, stakeholder workshops, and City Council reviews. The consultant team conducted additional outreach to gather input on the project's "look and feel" including developing design concepts for review at City Council study sessions and a public open house. During the final design phase, the design team will continue study session presentations to the City Council and hold a final design public open house.

In compliance with state legislation regarding public notification, Sound Transit has mailed certified letters to property owners affected by this action. Legal notices of this proposed Board action have been published in the Kirkland area newspapers.

**ENVIRONMENTAL COMPLIANCE**

SK 2/25/09

**LEGAL REVIEW**

JB 3/13/09

## **SOUND TRANSIT**

### **RESOLUTION NO. R2009-05**

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 Regional Express Kirkland Transit Center/3rd Street Project.

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 construction, operation, and permanent location of the Kirkland Transit Center/3rd Street Project ("the Project") in Kirkland, Washington; and

WHEREAS, an Environmental Checklist has been prepared for this project and a Determination of Non-significance (DNS) was issued on May 12, 2008. Sound Transit and the City of Kirkland are co-lead agencies. Sound Transit is the nominal lead agency under SEPA as per WAC 197-11-944. Sound Transit issued a DNS under WAC 197-11-340(2) and Sound Transit rules (Resolution R7-1). The DNS issued May 12, 2008 is based upon the revised Environmental Checklist, including additional noise impacts analysis conducted in response to comments received on the original DNS, issued January 16, 2008 and subsequently withdrawn; 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 Transit has identified certain real properties as necessary for the construction and permanent location of the Regional Express Kirkland Transit Center/3<sup>rd</sup> Street Project, and they are reasonably described in Exhibit A of this resolution; and

WHEREAS, on March 10, 2009 Sound Transit mailed certified letters to property owners affected by this action, and also published newspaper notices in compliance with state law regarding public notification; 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 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 (said property to be used for the Regional Express Kirkland Transit Center/3<sup>rd</sup> Street Project) and incorporated herein by reference, 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 Regional Express Kirkland Transit Center/3<sup>rd</sup> Street 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 Regional Express Kirkland Transit Center/3<sup>rd</sup> Street 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, per Resolution No. 78-1.

SECTION 3. The Sound Transit Board deems the Regional Express Kirkland Transit Center/3<sup>rd</sup> Street 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 Regional Express Kirkland Transit Center/3<sup>rd</sup> Street Project, parties be paid relocation and re-establishment costs associated with displacements from the properties.

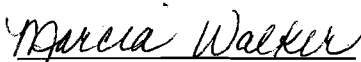
SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Regional Express Kirkland Transit Center/3<sup>rd</sup> Street Project.

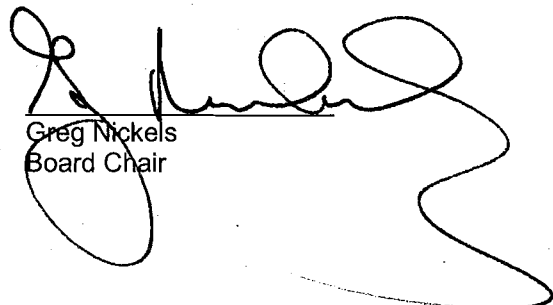
SECTION 5. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the properties and property rights and/or rights in those of the properties described in Exhibit A, for the purpose of constructing, owning, and operating a permanent location of the Regional Express Kirkland Transit Center/3<sup>rd</sup> Street 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.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on March 26, 2009.

ATTEST:

  
Marcia Walker  
Board Administrator

  
Greg Nickels  
Board Chair

**EXHIBIT A  
RESOLUTION NO. R2009-05**

**Regional Express Kirkland Transit Center/3<sup>rd</sup> Street**

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
616744	KLTC009	Kirkland Hotel Group, LLC	1244500300	220 Kirkland Ave Kirkland WA 98033

Legal Description:

That portion of Government Lot 5 in Section 5, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the meander corner between Sections 5 and 8, Township 25 North, Range 5 East, W.M., in King County, Washington;  
 thence north 89°39'00" east along the section line, 609.32 feet;  
 thence north 0°21'00" west 30 feet to the TRUE POINT OF BEGINNING;  
 thence north 89°39'00" east 180.68 feet along the north margin of Kirkland Avenue;  
 thence north 108 feet to the centerline of alley;  
 thence west 30 feet;  
 thence south 0°21'00" east 8 feet;  
 thence south 89°39'00" west 150.68 feet;  
 thence south 0°21'00" east 100 feet to the TRUE POINT OF BEGINNING;  
 EXCEPT that portion thereof conveyed to King County, as successor in interest to the Municipality of Metropolitan Seattle by deed recorded under Recording Number 8612051696;

(BEING KNOWN AS Lots 53 through 58, inclusive, Block 106, Burke and Farrar's Kirkland Addition Division No. 26, unrecorded), together with the west 30 feet of the south 108 feet of Third Street lying north of the easterly extension of the south line of said Lot 58;  
 EXCEPT that portion conveyed to the City of Kirkland under Recording Number 20060821002116).

Order No.	R/W No.	Owner/Contact	Parcel #	Site Address
616739	KLTC006	K. Square, L.L.C.	1244500435	255 Central Way Kirkland WA 98033

Legal Description:

That portion of Government Lot 5, Section 5, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the meander corner between Sections 5 and 8, Township 25 North, Range 5 East, W.M., in King County, Washington; Thence North 89°39'00" East along the southerly line of said Government Lot 5 a distance of 459.32 feet to the southerly production of the easterly line of 2nd Street (also known as Main Street);  
 Thence North 00°21'00" West 336.81 feet along said easterly line to the northwesterly line of Park Lane (also known as Commercial Avenue, 1st Avenue or Burke Avenue) as conveyed to the City of Kirkland by deed recorded under Recording Number 3883807, in King County, Washington, and the point of beginning;

Thence North 70°04'15" East along said northwesterly line 316.92 feet to the westerly line of 3rd Street as conveyed to the City of Kirkland by deed recorded under Recording Number 3883807; Thence North 01°27'22" East along said westerly line 68.80 feet; Thence continuing along said westerly line 7°52'25" West 104.20 feet to a point of tangency; Thence along a curve to the left having a radius of 19.51 feet through a central angle of 67°22'27" an arc distance of 22.94 feet to a point in the southerly line of Central Way; Thence along said southerly line South 70°04'15" West 285.90 feet to the easterly line of 2nd Street (Main Street); Thence southerly along said easterly line 198.77 feet to the point of beginning; EXCEPT that portion thereof conveyed to the municipality of Metropolitan Seattle by deed recorded under Recording Number 8612051696;

TOGETHER WITH that portion of Government Lot 5 in Section 5, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the meander corner between Sections 5 and 8, Township 25 North, Range 5 East, W.M., in King County, Washington; Thence North 89°39'00" East along the southerly line of said Government Lot 5 a distance of 459.32 feet to the southerly production of the easterly line of 2nd Street (also known as Main Street); Thence North 00°21'00" West 336.81 feet along said easterly line to the northwesterly line of Park Lane (also known as Commercial Avenue, 1st Avenue or Burke Avenue) as conveyed to the City of Kirkland by deed recorded under Recording Number 3883807, in King County, Washington; Thence North 70°04'15" East along said northwesterly line 316.92 feet to the westerly line of 3rd Street as conveyed to the City of Kirkland by deed recorded under Recording Number 3883807, and the TRUE POINT OF BEGINNING; Thence South 01°27'22" West along said westerly line 27.88 feet to a tract of land vacated under City of Kirkland Ordinance No. 968 to Metro; Thence South 89°39'00" West 68.45 feet; Thence South 00°21'00" East 50.00 feet to the northerly margin of Park Lane; Thence South 89°39'00" West along the northerly margin of said Park Lane 151.03 feet to a point which bears South 70°04'15" West from the point of beginning; Thence North 70°04'15" East to the point of beginning; EXCEPT any portion thereof lying within that certain tract of land conveyed to Municipality of Metropolitan Seattle by deed recorded under Recording Number 5839212;

(BEING KNOWN AS all of Lots 81 through 92, all of Lots 93 through 103, and portions of Lots 80, 104 and 105, Block 107, and the alley in Block 107, Burke and Farrar's Kirkland Div. No. 26, according to the unrecorded plat thereof);

TOGETHER WITH a portion of vacated Park Lane.