



Resolution No. R2022-13

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

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	05/12/2022	Recommend to Board	Ron Lewis, DECM Executive Director
Board	05/26/2022	Final action	Faith Roland, Director of Real Property 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 Bus Rapid Transit Project.

Key features summary

- Authorizes the acquisition of all or part of 17 parcels located in the cities of Bellevue, Burien, and Renton. Acquisitions consist of fee, temporary, and/or permanent easements for the I-405 Bus Rapid Transit Project.
- The properties are needed for construction, maintenance, and operation of the I-405 Bus Rapid Transit Project.
- There are no anticipated relocations associated with these acquisitions.
- This action also authorizes the future disposition of any real property interests authorized in this action 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.
- The real property identified in this requested action is included in Exhibit A.

Background

The I-405 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. I-405 Bus Rapid Transit Project development will involve planning and preliminary design of BRT elements, including routes, 11 BRT stations, and parking facilities.

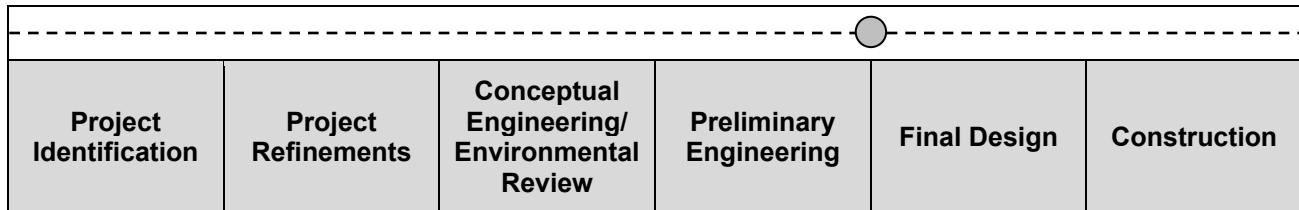
Sound Transit issued a State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) for the I-405 Bus Rapid Transit Project on September 30, 2020. Sound Transit has partnered with WSDOT on the design, environmental review, and delivery for some components of the project as part of WSDOT's I-405 Express Toll Lanes program. Sound Transit is coordinating 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.

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



Projected completion date for Construction Phase: (a) 2026 Service Line 1; (b) 2027 Service Line 2.

Project scope, schedule and budget summary are located on page 169 of the March 2022 Agency Progress Report.

Fiscal information

The authorized project allocation to date for the I-405 Bus Rapid Transit Project is \$730,930,256. Within that amount, \$36,833,000 has been allocated to the right of way phase, of which \$28,303,827 has been previously committed. There is \$8,529,173 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.

The current cost estimate for the I-405 Bus Rapid Transit Project is \$1,198 million in 2022\$ and is affordable within the Agency's Finance Plan. Staff is managing the project toward a 2026 delivery (2027 delivery for I-405 North and 2034 delivery for the parking), consistent with both Affordable and Target Schedules. This action is consistent with the schedule and financial plan adopted by the Board in Resolution No. R2021-21 and does not impact the affordability of any other system expansion project.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

Sound Transit is committed to pro-actively seeking public feedback during all stages of the I-405 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 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 met with neighborhoods near the future NE 44th Street BRT Park-and-Ride, including the Kennydale and Lacrosse Neighborhood Associations.

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.

Time constraints

A one-month delay would impact the timing of the delivery of the I-405 Bus Rapid Transit Project. Right of Way acquisition is a critical path to ensure construction can start and finish on time without delay.

Prior Board/Committee actions

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 4/29/22

Legal review – MV 5/9/22



Resolution No. R2022-13

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 Bus Rapid Transit Projects.

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, 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 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 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 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 I-405 Bus Rapid Transit 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 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. Execute 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 implementation of I-405 Bus Rapid Transit; (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 I-405 Bus Rapid Transit; 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.

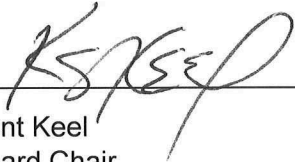
SECTION 2. The Sound Transit Board deems the I-405 Bus Rapid Transit Project to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within Sound Transit's boundaries to acquire interests in the real property identified in Exhibit A for the construction, operation, and permanent location of the I-405 Bus Rapid Transit Project, and that 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 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 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 May 26, 2022.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator



Resolution No. R2022-13

Exhibit A

I-405 BRT

Item:	Row #:	Tax Parcel #:	Tax Payer(s):	Property Address:
1	BRI102	1923049367	KING COUNTY-TRANSIT	14900 4TH AVE SW, Burien
2	BRI103	1923049005	BURIEN PLAZA LLC	138 SW 148TH ST, Burien
3	BRI104	1923049386	BURIEN PLAZA LLC/AUTO ZONE	120 SW 148TH ST, Burien
4	BRI105	3511000020	BURIEN SQUARE INVESTMENTS	125 A SW 148TH ST, Burien
5	BRI106	3511000005	M & R 2015 LLC	14807 1ST AVE S, Burien
6	BRI108	1923049371	KING COUNTY-TRANSIT	14900 4TH AVE SW, Burien
7	BRI109	3511000015	PK PROPERTIES, LLC	119 SW 148TH ST, Burien
8	BRI148	1923059053	AIR LOCKER INC	720 RAINIER AVE S, Renton
9	BRI149	1923059031	RENTON PROP HOLDING LLC	201 S 7TH ST, Renton
10	BRI150	1923059032	KING COUNTY-TRANSIT	301 S 7TH ST, Renton
11	BRI157	3225059058	FSP-CITY CENTER PLAZA LLC	555 110TH AVE NE, Bellevue
12	BRI165	3225059217	KING COUNTY-TRANSIT	CNR 108TH AVE NE & 110TH AVE NE, Bellevue
13	BRI167	7145800010	KING COUNTY LIBRARY SYSTEM	1111 110TH AVE NE, Bellevue
14	BRI168	7145800005	BELLEVUE CITY OF	1115 110TH AVE NE, Bellevue
15	BRI169	4307500000	LIBRARY SQUARE, A CONDOMINIUM	11004 NE 11TH ST, Bellevue
16	BRI170	6162000000	NORTHEAST 12TH PARK PLACE CONDOMINIUM	11011 NE 12TH ST, Bellevue
17	BRI171	2925059138	BELLEVUE CITY OF PARKS	CNR NE 12TH ST & 111TH AVE NE Bellevue