



Moving forward together

Capital Division

Capital Planning & Portfolio Management
201 S. Jackson Street
KSC-TR-0435
Seattle, WA 98104-3856

November 2, 2023

Sea Main Chan and Yilin Chan
18429 108th Ave SE
Renton, WA 98055

Situs: 18429 108th Ave SE

File: R-47
Name: Chan
Roadway: 108th Ave. RapidRide I-Line
Section: Renton
Project: 1134237
APN: 322305-9135

Sent Via Electronic and USPS Mail

Dear Mr. & Ms. Chan,

My name is Hannah McIntosh, and I recently became the manager of the Capital Planning and Portfolio Management Section, here at King County Metro. In my role, I oversee the Transit Real Estate and Environmental (TREE) team, which handles all our real estate transactions, including property acquisitions for new projects like the Metro RapidRide I Line.

I was briefed on your concerns and questions regarding our efforts to acquire property for this project. I apologize that our process caused confusion and frustration for your family. Going forward, my goal is to ensure that our messages are clear, and that we better explain our processes to better work with you.

After reviewing our prior email correspondence, I would like to take this opportunity to respond to some of your earlier questions in more detail. While we initially hoped to respond to your questions in person to walk through the project with you on-site, answer questions and get your feedback in real time and follow-up in writing, I understand that in-person meetings may not always be convenient or preferred. For this reason, we are completely open to continuing our discussions through written communications, or through a trusted intermediary such as a lawyer who represents you.

Enclosed, I have included the following documents for your reference:

- Follow up to your questions and concerns
- Two appendix diagrams (see details below)
- A timeline of the property acquisition process
- RapidRide I Line project folio (updated 2023) that provides an overview of this new transit line

In my experience, details of an acquisition are often best discussed and negotiated in person so we can make sure things are thoroughly understood and with the goal of achieving positive outcomes for both property owners and Metro. My hope is that after reviewing these materials, you will have a clearer understanding of our request, and that you might be willing to discuss next steps via an in-person

meeting. However, I respect your wishes to continue communicating through written correspondence, or through an intermediary if that is what you choose.

Lastly, I understand that you have been in touch with the King County Ombuds Office regarding your concerns. We are happy to include them in our discussions and have copied them on this letter to ensure transparency.

Once again, I want to apologize for your experience until now, and emphasize my commitment to addressing your concerns and improving our communications with your family moving forward. To provide context for next steps and timing, our goal on the I Line project is to have property acquisitions negotiated by January of 2024 so the project can remain on schedule, and we have ample time to work with property owners. I hope you will reach out to me directly, through whatever means you prefer, to discuss this project and how Metro can accommodate your needs as we proceed. Please review the attachments to this letter and let me know what questions or concerns you may have. I look forward to hearing from you.

Sincerely,



Hannah McIntosh, Section Manager

King County Metro
Capital Division
Capital Planning & Portfolio Management
201 S. Jackson Street
KSC-TR-0431
Seattle, WA 98104-3856

Phone: 206-418-9814

Email: hmcintosh@kingcounty.gov

Enclosed:

- Follow-up to your questions and concerns
- Appendix diagrams
 - Rendering of the house with the proposed bus shelter and pedestrian crossing (from the intersection)
 - Site plan of the property showing the amount of property needed and items to be constructed
- Metro's property acquisition timeline
- RapidRide, I Line project folio (updated 2023)

Follow-Up to Your Questions and Concerns

From emails sent between February 2022 and July 2023

1. Your Concern

As mentioned above, the proposed acquisition runs along my driveway, if you wish to continue this proposal, please CC a representative from King County for this matter, someone who can obtain a permit to relocate my driveway and carport to another section of my property. We have two infant children, and the proposed construction would block egress from our property for an unspecified length of time.

Our response

We understand our responsibility to ensure you and your family can get in and out of your property during the reconstruction of your driveway, and we'll take the following steps:

- **Curing of Concrete:** While the concrete access to your driveway is curing (Drying), we will use steel plates to make sure you can enter and exit your property.
- **Direct Coordination:** The project contractor will work closely with you to ensure your property access remains unaffected during the driveway reconstruction as well as during the remainder of the construction project.
- **Hotline for Communication:** We'll set up a hotline you can call with any questions or concerns during construction. We'll give you the hotline number before construction begins.

Our goal is to reduce the project impacts as much as possible for you, and we're doing these things to make sure you can use your driveway during the reconstruction and during the rest of the project.

2. Your Question

The Survey map is drawn by 1 Alliance Geometric which shows a misrepresentation of my property. Is this not considered as a fraudulent practice? Also, have you consulted with a legal team in terms on acquiring the drawn land which already has an easement in place?

Our response

I understand that you're concerned that the survey map by 1 Alliance Geometrics is incorrect and possibly fraudulent. We want to clarify that the map is based on official records, including a public right of way purchase from 1972 for road widening. This might make your property boundaries look different than you might expect, but it's not fraudulent. We've reviewed the map and confirmed it's accurate according to public records. If you think there is a specific error in the underlying records, please let us know what that error is so that we may evaluate that information.

3. Your Concern

Not only was my residency trespassed on as evidenced by photos on page 8. We are avid gardeners and have many pictures and videos of the progression of our yard. Those pictures were clearly taken recently without our knowledge or permission.

Our Response

Your property was inspected by the appraiser on January 9, 2022, from the existing right of way (publicly owned sidewalk and street next to your property), as stated in the appraisal report on page 2.

All pictures taken by the appraiser were taken only from the public sidewalk and street. Knowing your concern about having people on your property, we have been very careful to be sure no trespass occurred by the appraiser.

4. Your Concern

The Comparable Sale summary brought on by SOVA does not reflect the current appraised market value, let alone the projected property value.

Our Response

The appraisal for your property was conducted by SOVA, a certified appraisal company. It used comparable vacant land sales to determine the value of the proposed acquisition of 114 square feet and the temporary construction easement of 1,397 square feet.

We understand your land isn't vacant, but since only a part of your property is affected, the appraisal focuses on that area, which has no buildings on it. It also accounts for the impact on your fencing and landscaping. This appraisal doesn't determine the total market value of your property, which is standard practice. Future or projected value cannot be legally considered when appraisals are done for this process.

We understand that you have plantings in the impacted portion of your property. We would be happy to review any information you have on the value of those plantings and landscape improvements to be sure they were valued correctly. We are also open to discussing replacement landscaping where landscaping is disturbed. These are the sorts of conversations that we would like to have with you, whether in person, through correspondence, or through a trusted intermediary. We have been very successful at addressing concerns like these with other property owners over time.

5. Your Concern

The local fencing companies alone that we have been negotiating with have given us quotes that exceed RES Group's offer based on present labor and material cost.

Our Response

Your existing fencing was appraised at a value of \$1,250 using common valuation methods by the appraiser. In addition, to pay for the impacted existing fencing, we are proposing that the project would remove your fencing and replace it with new fencing to be located just inside your property line at no cost to you. We would consult with you on the proposed style of replacement fencing for your feedback prior to installation. If you have written bids from local fencing companies that differ from our appraised value, we would be happy to review those to determine whether they better represent the true cost of fence replacement.

6. Your Concern

There is also the matter of damage to property value from installation of a new bus stop/route. Firms that we have hired over the years have given us more accurate analysis.

Our Response

We are open to reviewing and considering the damage analysis that you have received if you wish to share it with us. Adjacent to your property there is already a bus stop and an existing bus route on the road. We are proposing to update the existing bus stop along the publicly owned property including the small piece of property we are attempting to purchase from you in the amount of 114 square feet (approximately 2.5 feet wide by 46 feet long).

7. Your Question

King County Metro from Metro CIO chief responded back via email that this proposal is a temporary construction easement. But no mention of the duration of the easement. Do you have an idea what is the time frame and if there are any guarantees that the termination of easement will end by release. Will you be able to act on behalf King County in terms of drafting such contract?

Our Response

The proposed temporary construction easement document provided in communication with you shows the proposed easement concluding upon completion and restoration of your property and terminates **no later than 12/31/26**. If that date were to be extended due to changes in the project construction schedule, we would notify you as far in advance as possible, and we would pay for the additional extended period. It is also possible that the temporary construction easement could be terminated early if construction finished more quickly than anticipated.

8. Your Question

Are the route planning, facility planning, risk management, & real estate management offices aware that there two separate parcels that would be ideal for construction of a rapid transit expansions in large open spaces directly North of our property up the road? One of these is already owned by King County Housing authority, and the other is literally an open grassy space with no residential development.

Our Response

We certainly understand that you would prefer that the bus stop be in a different place. In response to your request, and as part of our standard design process, our design team reviewed in detail the alternative locations above with the City of Renton and the Washington State Department of Transportation (WSDOT). Ultimately, the area to the north is not a feasible location for the southbound station because of the required HAWK Crossing (High-Intensity Activated Crosswalk) that will be installed just north of your property line. This pedestrian activated signal will stop traffic for pedestrians, which will provide a much-needed safe way for people to cross 108th Ave SE, which (as you know) is a busy 5-lane arterial.

When we examined the option to locate the bus stop on the King County Housing property, we saw that pedestrian safety would be reduced there because drivers approaching that crossing from behind the bus would not be able to see pedestrians well because the stopped bus would partially obstruct their view of the crossing. This is an important and well-documented safety issue for multi-lane street crossings and the existing bus stop location and new HAWK crossing adjacent to your property will present less risk compared to a stop and crossing located on the King County Housing property.

The existing bus stop location also provides the correct distance between bus stops to the north and south:

- The **nearest I Line bus stop to the north** is proposed to be located approximately 0.41 mi away (SE 180th St/Fred Meyer Driveway).
- and the **nearest I Line bus stop to the south** is proposed to be located approximately 0.44 miles away.

Without bus stops at SE 186th St, the distance between bus stops would be too far and would not provide sufficient access to the bus route.

9. Your Question

If I am understanding your previous message that there will be no eminent domain by King County?

Our Response

It is always the intention of the County to negotiate in good faith with all property owners on our public improvement projects. Historically, using eminent domain (“taking” property through condemnation) has been rare on King County Metro projects. However, it is always a last resort if negotiations are not successful.

As you may know, these processes are rooted in the Constitution. The Fifth Amendment requires governments to pay you Just Compensation for property acquired for public projects. The County cannot take your property without due process. We prefer to work collaboratively with you in order to purchase the land and easement needed for the project on a voluntary basis. But eminent domain is always a last resort if we are unable to reach a negotiated resolution.

In your email you also noted that you have been advised by legal counsel. We would welcome the involvement of your counsel in this process as that can often help property owners better

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understand and evaluate their options as they review the information. Please let us know if you would prefer that we work through your attorney and send us their contact information.

Here's an overview of our property acquisition process

It starts with us making every effort to work with property owners through meetings and written communication. We work hard to hear property owners' concerns, answer their questions, and walk through all the important details with them. This process almost always leads to a mutually satisfactory outcome where property owners are fairly compensated for the property we are acquiring, and we seek to address their concerns to the greatest extent possible within the project parameters.

If we are unable to reach an agreement

However, if we are unable to reach agreement with a property owner our next step is to begin the process of eminent domain and condemnation for the property rights required for the project. The first step in the condemnation process would be a letter from us letting you know that we are initiating the condemnation process.

Usually once the condemnation process begins an owner will engage their legal counsel and that often leads to a negotiated settlement that ends the process. In a negotiated settlement, the owner often gets a satisfactory outcome, and the county gets the property rights needed to complete the project, without having to resort to a full condemnation. However, if we are unable to negotiate a resolution, then Metro would submit a condemnation ordinance to the Metropolitan King County Council, seeking authority to condemn the necessary property interests. You would get notice of the ordinance hearing date and have an opportunity to present brief testimony to the Council. If the Council approved the condemnation ordinance, then Metro would file an eminent domain petition in King County Superior Court, in order to acquire the necessary property interests, and the court would determine the Just Compensation that the County would be required to pay you in order to condemn those property interests. You would receive notice of the court proceedings and have the opportunity to respond (whether yourself, or through an attorney) to the petition and to present information on property valuation and other matters relevant to the condemnation and the question of Just Compensation. The process would conclude with Metro being awarded the necessary property interests, and you would receive Just Compensation in an amount determined by the court.

10. Your Concern

On the 11th of February we received a postal letter, that was backdated, along with an email from 15th of February, to seize our property. Please note the term: "temporary easement" is used by King County Metro representative Mr. Lerner. However, the term "acquisition" is used frequently from RES Northwest correspondences, which implies eminent domain. Throughout the written correspondence to include email attachment from Mr. Lerner. Both of these terms are not interchangeable from what we have been told by legal counsel.

Our Response

We understand that the many terms involved in real estate transactions on public projects can be confusing and we apologize if we have not explained them clearly in our correspondence. The proposed acquisition of your property consists of two separate purchases, and Metro will seek to use the power of condemnation (eminent domain) to acquire both of them if we are not able to negotiate a voluntary transaction with you:

A. Temporary construction easement

Purchase of a 1397 Sq. Ft. of Temporary Construction Easement (TCE). This TCE would allow the construction company to step on your property to build the bus stop improvements, replace your fence, install any landscaping, and repave your driveway. It is limited in duration and expires on 12/31/2026 and is not a permanent acquisition.

B. Purchase of a Small Portion of Your Property

Permanent purchase of 114 (2.5' x 46') Square Feet, of public Right of Way, by warranty deed. This portion would be acquired by King County Metro then transferred to the City of Renton to become part of the roadway Right of Way.

You are correct that the two types of proposed property interests that Metro wishes to acquire are not identical as one is temporary, and one is permanent. Both however are subject to eminent domain by government agencies.

11. Your Concern

The new construction plans proposed by King County, Rapid Ride I-line seem to indicate the opposite from site plans; paving plan; and construction drawings that would drastically reduce our property size.

Our Response

While our proposed permanent property purchase is technically a very small slice of your property, we understand why it might feel like more due to loss of your gardening space in the area that the Washington State Department of Transportation acquired previously for the construction of SR-515. The proposed fee acquisition is 114 square feet, which is approximately 2.5 feet in width and 46 feet in length along the east side of your property. Your total lot size is 10,018 square feet.

Our intent is to provide consistent and clear information in all our plans. Please let us know if you see specific errors in documents we have shared. We are also including a drawing and site plan as part of this packet of information to help visualize the size of your property and location of the property line after the acquisition.

We would be happy to survey the boundaries of your parcel and to set temporary survey stakes or similar temporary markers to indicate where your parcel boundary lines are adjacent to the SE 186th and 108th Ave SE rights of way, if that would be helpful to advance our negotiations. We will not do this in advance of project construction requirements without your written permission and coordinating with you on a mutually acceptable date and time when the surveyor would come out to mark the boundary lines.

12. Your Question

It needs to be brought to your attention that the proposed area of construction damage is right over my septic system. The proposed land usage is over my property lot which currently serves 2 dwelling units and has septic system in place under the proposed area. Is King County Metro going to connect our property to sewer lines?

Our Response

The project team has reviewed the "As Built" septic system drawings of record from Soos Creek Water and Sewer District for your property and the proposed acquisition area of 114 square feet is not within the septic system area. Based on these public records, there will be no project impact to the septic system, therefore no connection to the public sewer is needed.

If you are willing to provide access to your property, we could locate the exact location of the septic system and ensure that we'll avoid it or determine whether sewer connections are necessary, if it is discovered that the public location records were incorrect. We take this obligation seriously and we would be very interested to review any information or documents that you may have that would suggest that any part of the septic system is located in the project area.

13. Your Question

How do you plan to compensate us when our property is left without water, power, and proper access due to the construction of this transit line and rapid transit stop? The water main line lies within the easement, and yet you have chosen to sweep this issue under the rug. This kind of dismissive behavior is simply unacceptable.

Our Response

We understand your concerns about being near an active construction zone and the potential impacts it could have on your property and on your utility service during construction. We want to assure you that the project team does not anticipate any extended disruption of water, power, or other utilities to your residence.

Here are some things to note:

- If there is an expected service interruption of more than five minutes, a seven-day notice is required to be provided by the utility agency or their agent/contractors. That is required by law, completely separate from Metro's project.
- Metro is committed to maintaining reasonable access to and from your residence. Please let us know if you or your family have any specific needs or special requirements that we should know about as we plan for how to maintain your access during the construction process.
- Before construction starts you will be provided with contact information to call in the event of any construction related issues.

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You mention in your email that the water main line lies within an easement. Our records do not show that the water main line lies within the proposed property acquisition, and it appears to be within the existing public property. However, we do need to relocate the water meter that serves your property, but that meter appears to be on public property, and we would ensure that the meter is properly reconnected to the water line that serves your property. We would be happy to review any information you have that shows the water main line in a different location, or to discuss other concerns that you may have regarding utility work that will be required as part of this project.