Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-43

AUTHORIZING THE ACQUISITION OF EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-1-016-018 (PORTION) BY EMINENT DOMAIN

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain . . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of an easement over, on, and across the real property identified as Tax Map Key (TMK) 1-1-016-018 (por.) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said easement over, on, and across the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain of an easement over, on, and across the real property identified as TMK 1-1-016-018 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and

2. That the acquisition of said easement by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and

3. That the acquisition of said easement by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and

4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on JUL 30 2015.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal description of TMK 1-1-016-018 (por.)

EASEMENT A

For Electrical Purposes

Affecting Lot 103

As Shown on Map 150 of Land Court Application 1074

In favor of Hawaiian Electric Company

Situate at Moanalua, Honolulu, Island of Oahu, Hawaii

Beginning at the Southwest corner of this easement, along the North side of Waiwai Loop, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 11,117.04 feet South and 2,577.16 feet West, thence running by azimuths measured clockwise from true South:

1.	189° 04'	8.37	feet;
2.	279° 04'	8.35	feet;
3.	189° 04'	1.14	feet;
4.	279° 04'	13.00	feet;
5.	9° 04'	9.51	feet;
6.	99°04'	21.35	feet along the North side of Waiwai Loop to the point of beginning and containing an area of 194 Square Feet, more or less.

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Honolulu Authority for Rapid Transportation
STAFF SUMMARY

TITLE:	STAFF CONTACT:	DATE:
RESOLUTION NO. 2015 – 43 AUTHORIZING THE ACQUISITION OF EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-1-016-018 (PORTION) BY EMINENT DOMAIN	Morris Atta	July 30, 2015

Type:	Goal	Focus Area	Reference Notes
☒ Action/Approval	☒ Project Delivery	☐ Livability/Land Use	
☐ Information	☐ Service Delivery	☐ Partnerships	
☐ Follow-up	☐ Resource Stewardship	☐ Agency Admin.	

1. Purpose:

Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Key 1-1-016-018, and situated at 2629 Waiwai Loop, Honolulu, which is required for guideway construction of the Honolulu Rail Transit Project (HRTP).

2. Background/Justification

Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-11 on May 21, 2015. More than 45 days has elapsed since the notice. The City Council neither approved or adopted a resolution in objection of the action. Accordingly, under the Charter of the City and County of Honolulu section 17-103.2(b), HART may now properly proceed with the condemnation proceedings for this parcel.

3. Procurement Background

N/A

4. Financial/Budget Impact

The project budget includes an estimated cost for legal action associated with the condemnation of the property.

5. Policy Impact

There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement

N/A

7. Alternatives

There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits

N/A

Certified and Recommended by:

Executive Director and CEO — Date: 7/23/15

Form Name: Admin01_Rev. A_06-08-11