

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-61

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED
AS TAX MAP KEY 1-2-003-006 (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 the real property identified as Tax Map Key (TMK) 1-2-003-006 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of 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 in fee simple of the real property identified as TMK 1-2-003-006 (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 the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property 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 AUG 27 2015.


Board Chair

ATTEST:


Board Administrator

Exhibit A – Legal Description of TMK 1-2-003-006 (por.)

Parcel 410

**Being a Portion of the Remainder of Lot 15 in Block 10 of "Kapiolani Tract"
Being also a Portion of R.P. No. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua No Moehonua**

SITUATE AT MOKAUEA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the Northwest corner of this parcel of land, also being the North corner of the Remainder of Parcel 410, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,747.20 feet South and 4,789.16 feet West, thence running by azimuths measured clockwise from true South:

- 1. 222° 20' 12.91 feet along Lot 13 in Block 10 of "Kapiolani Tract";
- 2. 312° 20' 50.00 feet along the Southwest side of Dillingham Boulevard;;
- 3. 42° 20' 12.91 feet along Lot A;
- 4. 132° 20' 50.00 feet along the Remainder of Parcel 410 to the point of beginning and containing an area of 645 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

Ryan M. Suzuki

Ryan M. Suzuki Exp: 4/30/16
Licensed Professional Land Surveyor
Certificate Number 10059

2024 North King Street, Suite 200
Honolulu, Hawaii 96819
June 12, 2015



Remainder of Parcel 410

Being a Portion of the Remainder of Lot 15 and all of Lot 16 in Block 10 of "Kapiolani Tract"
Being also a Portion of R.P. No. 8194, L.C. Aw. 6450, Apana 1 to Kaunuoehua No Moehonua

SITUATE AT MOKAUEA, HONOLULU, ISLAND OF OAHU, HAWAII

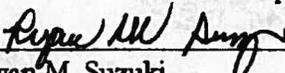
Beginning at the North corner of this parcel of land, also being the Northwest corner of Parcel 410, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,747.20 feet South and 4,789.16 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 410;
2. 42° 20' 180.09 feet along Lot A and Lot 18 in Block 10 of "Kapiolani Tract";
3. 132° 20' 50.00 feet along the Northeast side of Colburn Street;
4. 222° 20' 180.09 feet along Lot 14 and Lot 13 in Block 10 of "Kapiolani Tract"; to the point of beginning and containing an area of 9,005 Square Feet, more or less.



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June 12, 2015



Easement A
For Temporary Construction Purposes
Affecting the Remainder of Parcel 410

Being a Portion of Lot 15 in Block 10 of "Kapiolani Tract"
Being a Portion of Royal Patent Number 8194, Land Commission
Award Number 6450, Apana 1 to Kaumohua no Moehonua

SITUATE AT MOKAUEA, KALIHI, HONOLULU, ISLAND OF OAHU, HAWAII

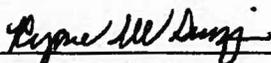
Beginning at the North corner of this easement, being the West corner of Parcel 410, also being the North corner of Remainder of Parcel 410, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 4,747.20 feet South and 4,789.16 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 410;
2. 42° 20' 4.00 feet along Lot A;
3. 132° 20' 50.00 feet;
4. 222° 20' 4.00 feet along Lot 13 in Block 10 of "Kapiolani Tract" to the point of beginning and containing an area of 200 Square Feet, more or less.



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June 12, 2014

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R. M. TOWILL CORPORATION
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Planning
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Environmental Services
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Construction Management

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015 – 61 AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-006 (PORTION) BY EMINENT DOMAIN	STAFF CONTACT: Morris Atta	DATE: August 27, 2015
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Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

1. Purpose:
 Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Key 1-2-003-006, and situated at 1733 Dillingham Boulevard, 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 2015-22 on June 25, 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.

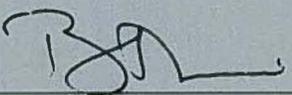
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

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

8/14/15

Date