

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-63

AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-006 (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) 1-5-015-006 (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 1-5-015-006 (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 1-5-015-006 (por.)

HONOLULU RAIL TRANSIT PROJECT

PARCEL 427

Being a portion of Lot 2 (Map 1) of
Land Court Consolidation 19

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 426 of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,101.12 feet North and 7,408.73 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 182.95 feet along the South side of Dillingham Boulevard;

2. 32° 04' 7.19 feet along Parcel 428 of the Honolulu Rail Transit Project;

Thence along Remainder of Parcel 427 of Honolulu Rail Transit Project, on a curve to the left with a radius of 80.00 feet, the chord azimuth and distance being:

3. 127° 51' 14.08 feet;

4. 122° 48' 60.61 feet along same;

5. 122° 04' 108.33 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

6. 212° 04'

5.00 feet along Parcel 426 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 956 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro".

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 006
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HONOLULU RAIL TRANSIT PROJECT

REMAINDER OF PARCEL 427

Being a portion of Lot 2 (Map 1) of
Land Court Consolidation 19

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 427 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,096.38 feet North and 7,411.38 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 108.33 feet along Parcel 427 of the Honolulu Rail Transit Project;
2. 302° 48' 60.61 feet along same;
Thence along same, on a curve to the right with a radius of 80.00 feet, the chord azimuth and distance being:
3. 307° 51' 14.08 feet;
4. 32° 04' 352.81 feet along Remainder of Parcel 428 of the Honolulu Rail Transit Project;
5. 122° 04' 182.95 feet along Lot 14-B-1 (Map 19) of Land Court Consolidation 165;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS
1871 WILI PA LOOP, SUITE A

501 SUMNER STREET, SUITE 521

100 PALUHI STREET, SUITE 207

6. 212° 04' 355.00 feet along Remainder of Parcel 426 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 64,906 Square Feet.

Reserving therefrom Easement B for Temporary Construction Purposes in favor of Honolulu Authority for Rapid Transportation.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro *EXP 06/16*

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 006

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HONOLULU RAIL TRANSIT PROJECT

**EASEMENT B
(FOR TEMPORARY CONSTRUCTION PURPOSES)**

Affecting Remainder of Parcel 427
of the Honolulu Rail Transit Project
Being a portion of Lot 2 (Map 1) of
Land Court Consolidation 19

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 427 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,096.38 feet North and 7,411.38 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 108.33 feet along Parcel 427 of the Honolulu Rail Transit Project;
2. 302° 48' 60.61 feet along same;
Thence along same, on a curve to the right with a radius of 80.00 feet, the chord azimuth and distance being:
3. 307° 51' 14.08 feet;
4. 32° 04' 2.64 feet along Remainder of Parcel 428 of the Honolulu Rail Transit Project;
5. 122° 24' 138.77 feet along remainder of Remainder of Parcel 427 of the Honolulu Rail Transit Project;
6. 122° 04' 26.64 feet along same;
7. 32° 04' 14.20 feet along same;
8. 122° 04' 19.29 feet along same;



ALUSTIN, TSUTSUMI & ASSOCIATES, INC.

601 SUMNER STREET, SUITE 621

CIVIL ENGINEERS • SURVEYORS
1871 WILI PA LOOP, SUITE A

100 PAUANI STREET, SUITE 207

9. 212° 04' 18.23 feet along Remainder of Parcel 426 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,001 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", written over a horizontal line.

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally designated easement.

Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 006
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Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015 – 63 AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-006 (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 1-5-015-006, and situated at 935 Dillingham Boulevard, Honolulu, which is required for guideway construction of the Honolulu Rail Transit Project (H RTP).

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-24 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.

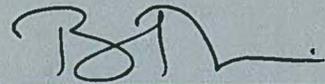
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

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