

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-69

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED
AS TAX MAP KEYS 1-5-015-005 (PORTION) and 1-5-015-001 (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 Keys (TMKS) 1-5-015-005 (por.) and 1-5-015-001 (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 TMKS 1-5-015-005 (por.) and 1-5-015-001 (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 TMKS 1-5-015-005 (por.) and 1-5-015-001 (por.)

HONOLULU RAIL TRANSIT PROJECT

PARCEL 432-A

Being a portion of Lot B-1 (Map 7) of
Land Court Application 903

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 431 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 2,548.09 feet North and 6,525.57 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 77.54 feet along the South side of Dillingham Boulevard;
 2. 32° 04' 6.24 feet along Parcel 432-B of the Honolulu Rail Transit Project;
 3. 122° 04' 45.59 feet along Remainder of Parcel 432-A of Honolulu Rail Transit Project;
- Thence along same, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
4. 84° 13' 24.54 feet;
 5. 70° 21' 6.38 feet along same;
 6. 122° 04' 4.17 feet along same;
 7. 212° 04' 20.07 feet along same;
 8. 122° 04' 4.44 feet along same;



9. 212° 04' 6.24 feet along Parcel 431 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 713 Square Feet.

Subject to Easement A for Water Purposes as shown on Map 4 of Land Court Application 903.

Subject also, to Easement B for Sewer Purposes as shown on Map 8 of Land Court Application 903.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



Erik S. Kaneshiro *ETP 6/16*

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: 005
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HONOLULU RAIL TRANSIT PROJECT

REMAINDER OF PARCEL 432-A

Being a portion of Lot B-1 (Map 7) of
Land Court Application 903

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the North corner of this lot, being a Westerly corner of Parcel 432-A of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,542.80 feet North and 6,528.89 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 4.44 feet along Parcel 432-A of the Honolulu Rail Transit Project;
 2. 32° 04' 20.07 feet along same;
 3. 302° 04' 4.17 feet along same;
 4. 250° 21' 6.38 feet along same;
- Thence along same, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
5. 264° 13' 24.54 feet;
 6. 302° 04' 45.59 feet along same;
 7. 32° 04' 288.29 feet along Remainder of Parcel 432-B of the Honolulu Rail Transit Project;
 8. 88° 32' 16.00 feet along Lot 33-A-2 (Map 16) of Land Court Application 1758;
 9. 122° 04' 64.20 feet along Lot 17 (Map 10) of Land Court Consolidation 165;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS
1871 WILI PA LOOP, SUITE A

100 PAUHAH STREET, SUITE 207

10. 212° 04' 297.13 feet along Lot 17 (Map 10) of Land Court Consolidation 165 and Remainder of Parcel 431 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 22,751 Square Feet.

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

Subject to Easement A for Water Purposes as shown on Map 4 of Land Court Application 903.

Subject also, to Easement B for Sewer Purposes as shown on Map 8 of Land Court Application 903.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:




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: 005
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HONOLULU RAIL TRANSIT PROJECT

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

Affecting Remainder of Parcel 432-A
of the Honolulu Rail Transit Project
Being a portion of Lot B-1 (Map 7) of
Land Court Application 903

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northeast corner of this easement, being the Southeast corner of Parcel 432-A of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,501.63 feet North and 6,463.18 feet West thence running by azimuths measured clockwise from true South:

1. 32° 04' 3.32 feet along Remainder of Parcel 432-B of the Honolulu Rail Transit Project;
2. 122° 04' 48.19 feet along remainder of Remainder of Parcel 432-A of the Honolulu Rail Transit Project;
3. 32° 04' 16.74 feet along same;
4. 122° 04' 20.73 feet along same;
5. 250° 21' 6.38 feet along Parcel 432-A of the Honolulu Rail Transit Project;

Thence along same, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

6. 264° 13' 24.54 feet;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS - SURVEYORS
1871 WILI PA LOOP, SUITE A

100 PALUANI STREET, SUITE 207

7. 302° 04' 45.59 feet along same to the point of beginning and containing an area of 431 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 designated easement.

Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 005

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HONOLULU RAIL TRANSIT PROJECT

PARCEL 432-B

Being a portion of Lot 14-A (Map 14) of
Land Court Application 1758

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 432-A 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 2,506.93 feet North and 6,459.87 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 126.53 feet along the South side of Dillingham Boulevard;

Thence along Parcel 432-C of the Honolulu Rail Transit Project, on a curve to the left with a radius of 935.00 feet, the chord azimuth and distance being:

2. 321° 31' 40" 18.74 feet;
3. 122° 04' 144.20 feet along Remainder of Parcel 432-B of Honolulu Rail Transit Project;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS
1871 WILI PA LOOP, SUITE A

100 PALIAHI STREET, SUITE 207

4. 212° 04'

6.24 feet along Parcel 432-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 845 Square Feet.

Subject to Portion of Easement 4 for Pole and Wire Lines Purposes in favor of Hawaiian Electric Company, Inc., as shown on Map 1 of Land Court Application 903.

Subject also, to Portion of Easement 30 for Sewer Purposes in favor of the City and County of Honolulu, as shown on Map 1 of Land Court Application 903.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



Erik S. Kaneshiro *map office*

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: 001 (Portion)
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HONOLULU RAIL TRANSIT PROJECT

REMAINDER OF PARCEL 432-B

Being a portion of Lot 14-A (Map 14) of
Land Court Application 1758

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 432-B of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,501.63 feet North and 6,463.18 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 144.20 feet along Parcel 432-B of the Honolulu Rail Transit Project;

Thence along Remainder of Parcel 432-C of the Honolulu Rail Transit Project, on a curve to the left with a radius of 935.00 feet, the chord azimuth and distance being:

2. 316° 33' 28.5" 143.32 feet;

3. 59° 30' 114.47 feet along Lot 14-B (Map 14) of Land Court Application 1758, Lot 21-A (Map 4) of Land Court Consolidation 97, and Lot 33-A-2 (Map 16) of Land Court Application 1758;

4. 88° 32' 277.86 feet along Lot 33-A-2 (Map 16) of Land Court Application 1758;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS - SURVEYORS
1871 WIL PA LOOP, SUITE A

501 SUMNER STREET, SUITE 521

100 PALIAHI STREET, SUITE 207

5. 212° 04' 288.29 feet along Remainder of Parcel 432-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 50,628 Square Feet.

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

Subject to the following:

1. Portion of Easements 3 and 4 for Pole and Wire Lines Purposes in favor of Hawaiian Electric Company, Inc., as shown on Map 1 of Land Court Application 903;
2. Portion of Easements 5 and 30 for Sewer Purposes in favor of The City and County of Honolulu, as shown on Map 1 of Land Court Application 903.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



Erik S. Kaneshiro *exp 04/16*

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: 001 (Portion)
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HONOLULU RAIL TRANSIT PROJECT

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

**Affecting Remainder of Parcel 432-B
of the Honolulu Rail Transit Project
Being a portion of Lot 14-A (Map 14) of
Land Court Application 1758**

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 432-B of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,501.63 feet North and 6,463.18 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 144.20 feet along Parcel 432-B of the Honolulu Rail Transit Project;
Thence along Remainder of Parcel 432-C of the Honolulu Rail Transit Project, on a curve to the left with a radius of 935.00 feet, the chord azimuth and distance being:
2. 320° 38' 04" 10.42 feet;
3. 122° 04' 154.07 feet along remainder of Remainder of Parcel 432-B of the Honolulu Rail Transit Project;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS - SURVEYORS
1871 WILI PA LOOP, SUITE A

100 PALUHI STREET, SUITE 207

4. 212° 04'

3.32 feet along Remainder of Parcel 432-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 495 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 designated easement.

Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 001 (Portion)
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HONOLULU RAIL TRANSIT PROJECT

PARCEL 432-C

Being a portion of Land Court Application 904

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 432-B 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 2,439.75 feet North and 6,352.64 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 209.50 feet along the South side of Dillingham Boulevard;

Thence along same, on a curve to the left with a radius of 759.34 feet, the chord azimuth and distance being:

2. 300° 46' 45" 34.12 feet;

3. 350° 15' 5.98 feet along Parcel 433-A of the Honolulu Rail Transit Project;

Thence along Remainder of Parcel 432-C of Honolulu Rail Transit Project, on a curve to the right with a radius of 782.00 feet, the chord azimuth and distance being:

4. 119° 44' 58" 63.24 feet;

5. 122° 04' 166.75 feet along same;

Thence along Parcel 432-B of the Honolulu Rail Transit Project, on a curve to the right with a radius of 935.00 feet, the chord azimuth and distance being:



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS - SURVEYORS
1871 WILI PA LOOP, SUITE A

501 SUMNER STREET, SUITE 521

100 PALUHI STREET, SUITE 207

6. 141° 31' 40" 18.74 feet to the point of beginning and containing an area of 1,441 Square Feet.

Subject to Easement for Sewer Purposes in favor of the City and County of Honolulu, as shown on Map 1 of Land Court Application 904.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", with a date "6/16/15" written to the right.

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: 001 (Portion)
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HONOLULU RAIL TRANSIT PROJECT

REMAINDER OF PARCEL 432-C

Being a portion of Land Court Application 904

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 432-C of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,425.08 feet North and 6,340.98 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 166.75 feet along Parcel 432-C of the Honolulu Rail Transit Project;
Thence along same, on a curve to the left with a radius of 782.00 feet, the chord azimuth and distance being:
2. 299° 44' 58" 63.24 feet;
3. 350° 15' 25.97 feet along Remainder of Parcel 433-A of the Honolulu Rail Transit Project;
4. 14° 15' 5.01 feet along same;
5. 93° 30' 33.56 feet along Remainder of Parcel 433-B of the Honolulu Rail Transit Project;
6. 110° 05' 29.00 feet along same;
Thence along Lot 14-B (Map 14) of Land Court Application 1758 and Remainder of Parcel 432-B of the Honolulu Rail Transit Project, on a curve to the right with a radius of 935.00 feet, the chord azimuth and distance being:



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS
1871 WILI PA LOOP, SUITE A

501 SUMNER STREET, SUITE 521

100 PALUANI STREET, SUITE 207

7. 134° 56' 30" 195.86 feet to the point of beginning and containing an area of 6,760 Square Feet.

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

Subject to Easement for Sewer Purposes in favor of the City and County of Honolulu, as shown on Map 1 of Land Court Application 904.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



Erik S. Kaneshiro exp 4/16

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: 001 (Portion)
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HONOLULU RAIL TRANSIT PROJECT

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

**Affecting Remainder of Parcel 432-C
of the Honolulu Rail Transit Project
Being a portion of Land Court Application 904**

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 432-C of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,425.08 feet North and 6,340.98 feet West thence running by azimuths measured clockwise from true South:

1. 302° 04' 166.75 feet along Parcel 432-C of the Honolulu Rail Transit Project;

Thence along same, on a curve to the left with a radius of 782.00 feet, the chord azimuth and distance being:

2. 299° 44' 58" 63.24 feet;

3. 350° 15' 5.02 feet along Remainder of Parcel 433-A of the Honolulu Rail Transit Project;

Thence along remainder of Remainder of Parcel 432-C of the Honolulu Rail Transit Project, on a curve to the right with a radius of 784.16 feet, the chord azimuth and distance being:

4. 119° 18' 55" 57.51 feet;

5. 121° 25' 7.32 feet along same;

6. 212° 04' 0.71 feet along same;

7. 122° 04' 158.65 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SUMNER STREET, SUITE 821

CIVIL ENGINEERS • SURVEYORS
1871 WILI PA LOOP, SUITE A

100 PALAHI STREET, SUITE 207

Thence along Remainder of Parcel 432-B of the Honolulu Rail Transit Project, on a curve to the right with a radius of 935.00 feet, the chord azimuth and distance being:

8. 140° 38' 04" 10.42 feet to the point of beginning and containing an area of 796 Square Feet.



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 designated easement.

Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 001 (Portion)
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Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015 – 69 AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-5-015-005 (PORTION) and 1-5-015-001 (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 Keys 1-5-015-005 and 1-5-015-001, and situated at 735 Dillingham Boulevard, Honolulu, which is required for guideway construction of the Honolulu Rail Transit Project (HRTTP).

2. Background/Justification
Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-31 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.

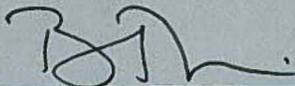
5. Policy Impact
There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
N/A

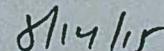
7. Alternatives
There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
N/A

Certified and Recommended by:



Executive Director and CEO



Date