

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-70

**AUTHORIZING THE ACQUISITION OF EASEMENT OVER, ON, AND ACROSS
THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-031-030
(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 a perpetual easement Temporary Construction Easement (TCE), on, and across the real property identified as Tax Map Key (TMK)2-1-031-030 (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 2-1-031-030 (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
 AUG 27 2015 .


Board Chair

ATTEST:


Board Administrator

Exhibit A – Legal description of TMK 2-1-031-030 (por.)

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

Parcel 447

BEING PORTION OF LOT 6-A (MAP 9) OF LAND COURT APPLICATION 345 SITUATE AT HONUAKAHA AND KAAKAUKUKUL, HONOLULU, OAHU, HAWAII

Beginning at the Southeast corner of this parcel of land, the direct azimuth and distance from the South corner of Lot 6-A (Map 9) of Land Court Application 345 being: 140° 30' 23.88 feet, and on the North side of Halekauwila Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 4062.93 feet South and 3341.21 feet West and running by azimuths measured clockwise from true South:

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|----|----------|-------------|---|
| 1. | 140° 30' | 235.32 feet | along the North side of Halekauwila Street; |
| 2. | 230° 30' | 3.43 feet | along remainder of Lot 6-A (Map 9) of Land Court Application 345; |
| 3. | 320° 30' | 7.12 feet | along remainder of Lot 6-A (Map 9) of Land Court Application 345; |
| 4. | 230° 30' | 23.84 feet | along remainder of Lot 6-A (Map 9) of Land Court Application 345; |
| 5. | 320° 30' | 194.17 feet | along remainder of Lot 6-A (Map 9) of Land Court Application 345; |
| 6. | 50° 30' | 25.76 feet | along remainder of Lot 6-A (Map 9) of Land Court Application 345; |
| 7. | 320° 30' | 34.03 feet | along remainder of Lot 6-A (Map 9) of Land Court Application 345; |

8. 50° 30' 1.51 feet along remainder of Lot 6-A (Map 9) of Land Court Application 345 to the point of beginning and containing an area of 5,371 square feet.

Description Prepared By:

ENGINEERS SURVEYORS HAWAII,
INC.



Miles S. Horie

Miles S. Horie Exp. 4/30/16
Licensed Professional Land Surveyor
Certificate Number 10007

1320 North School Street
Honolulu, Hawaii 96817

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

December 5, 2014

Revised: June 15, 2015

Tax Map Key (1st Div) 2-1-031: 30 Por.

14-73

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015 – 70 AUTHORIZING THE ACQUISITION OF EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-031-030 (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 2-1-031-030, and situated at 616 Keawe Street, 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 2015-32 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
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