

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-79**

**AUTHORIZING THE ACQUISITION OF EASEMENTS OVER, ON, AND  
ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-1-016-009  
(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 easements over, on, and across the real property identified as Tax Map Key (TMK) 1-1-016-009 (portion) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said easements 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 easements over, on, and across the real property identified as TMK 1-1-016-009 (portion) 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 easements 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 easements 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

\_\_\_\_\_.

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

Exhibit A – Legal description of TMK 1-1-016-009 (portion)

**Parcel 319**  
Being a Portion of Lot 94  
As Shown on Map 150 of Land Court Application 1074

SITUATE AT MOANALUA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the Northwest corner of this parcel of land, along the South side of Waiwai Loop, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 11,166.11 feet South and 2,427.53 feet West, thence running by azimuths measured clockwise from true South:

- 1. 279° 04' 28.00 feet along the South side of Waiwai Loop;
- 2. 9° 04' 4.78 feet along the Remainder of Parcel 319;
- 3. 99° 04' 28.00 feet along the Remainder of Parcel 319;
- 4. 189° 04' 4.78 feet along the Remainder of Parcel 319 to the point of beginning and containing an area of 134 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  
 July 13, 2015  
 TMK: 1-1-016: 009 (PDQ 319)

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



**Remainder of Parcel 319**  
**Being a Portion of Lot 94**  
**As Shown on Map 150 of Land Court Application 1074**

SITUATE AT MOANALUA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the Northwest corner of this parcel of land, being the Northeast corner of Lot 95 (Map 150) of Land Court Application 1074, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 11,163.25 feet South and 2,445.47 feet West, thence running by azimuths measured clockwise from true South:

1. 279° 04' 18.17 feet along the South side of Waiwai Loop;
2. 9° 04' 4.78 feet along the Remainder of Parcel 319;
3. 279° 04' 28.00 feet along the Remainder of Parcel 319;
4. 189° 04' 4.78 feet along the Remainder of Parcel 319;
5. 279° 04' 9.83 feet along the South side of Waiwai Loop;
6. Thence along the South side of Waiwai Loop, on a curve to the left with a radius of 403.00 feet, the chord azimuth and distance being:  

275° 49' 07" 45.67 feet;
7. 359° 04' 317.10 feet along Lot 93 (Map 150) of Land Court Application 1074;
8. 88° 54' 141.50 feet along Keehi Lagoon Beach Park, Exec. Order No. 1561;
9. 128° 14' 17.51 feet along Keehi Lagoon Beach Park, Exec. Order No. 1561;
10. 189° 04' 326.49 feet along Lot 95 (Map 150) of Land Court Application 1074 to the point of beginning and containing an area of 41,745 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  
July 13, 2015  
TMK: 1-1-016: 009 (PDQ 319)

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



Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 319  
Being a Portion of Lot 94 (Map 150) of Land Court Application 1074  
In favor of HART

SITUATE AT MOANALUA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the Northeast corner of this easement, being also the Northwest corner of Parcel 319, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 11,166.11 feet South and 2,427.53 feet West, thence running by azimuths measured clockwise from true South:

- 1. 9° 04' 4.78 feet along Parcel 319;
- 2. 99° 04' 10.00 feet;
- 3. 189° 04' 4.78 feet;
- 4. 279° 04' 10.00 feet along the South side of Waiwai Loop to the point of beginning and containing an area of 48 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  
July 13, 2015  
TMK: 1-1-016: 009 (PDQ 319)

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



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-79</b> <b>AUTHORIZING THE ACQUISITION OF EASEMENTS OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-1-016-009 (PORTION) BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Morris M. Atta	<b>DATE:</b> September 24, 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 1-1-016-009, and situated at 2644 Waiwai Loop, Honolulu, which is required for guideway and temporary construction easements of the Honolulu Rail Transit Project (H RTP). The property is owned by SCI Corporation.

**2. Background/Justification**  
Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-47 on July 30, 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.

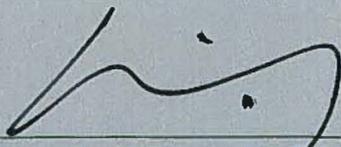
**5. Policy Impact**  
There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

**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	9/8/15 _____ Date
--	-------------------------

## **Honolulu Authority for Rapid Transportation**

### **RESOLUTION NO. 2015-81**

#### **AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-014-006 (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) 2-1-014-006 (portion) 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 2-1-014-006 (portion) 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**

\_\_\_\_\_.

\_\_\_\_\_  
Board Chair

**ATTEST:**

\_\_\_\_\_  
Board Administrator

**Exhibit A – Legal Description of TMK 2-1-014-006 (portion)**

**HONOLULU RAIL TRANSIT PROJECT**

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

Affecting Hawaiian Electric Company  
Being Grant 3537 to H.A. Widemann,  
Grant 3651 to The Hawaiian Electric Company, Limited,  
Grant 3664 to The Hawaiian Electric Company, Limited,  
Grant 4690 to J.A. McCandless,  
Grant 6879 to The Hawaiian Electric Company, Limited,  
Grant 7041 to The Hawaiian Electric Company, Limited

Situate at Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Northwest corner of Grant 7041 to The Hawaiian Electric Company, Limited, also along the West side of Ala Moana Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 1,878.64 feet South and 4,921.98 feet West thence running by azimuths measured clockwise from true South:

- |    |          |        |      |   |
|----|----------|--------|------|---|
| 1. | 329° 35' | 53.46  | feet | along the West side of Ala Moana Boulevard;                           |
| 2. | 58° 54'  | 123.48 | feet | along remainder Grant 7041 to The Hawaiian Electric Company, Limited; |
| 3. | 148° 54' | 73.98  | feet | along same;   |
| 4. | 232° 50' | 91.46  | feet | along the South side of Bishop Street;                                |

Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:



**AUSTIN, TSUTSUMI & ASSOCIATES, INC.**

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521  
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

100 PAUJAH STREET, SUITE 207  
HILO, HAWAII 96720

5. 281° 12' 30" 44.85 feet to the point of beginning and containing an area of 9,738 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*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  
July 20, 2015

TMK: (1) 2-1-014: 006 (Portion)  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 443 - Easement B.docx



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 621  
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

100 PAUAHI STREET, SUITE 213  
HILO, HAWAII 96720

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-81</b> <b>AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-014-006 (PORTION) BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Morris M. Atta	<b>DATE:</b> September 24, 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 2-1-014-006, and situated at 170 Aloha Tower Drive, Honolulu, which is required for guideway and station construction of the Honolulu Rail Transit Project (HRTTP). The property is owned by Hawaiian Electric Company Inc.

**2. Background/Justification**  
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-50 on July 30, 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.

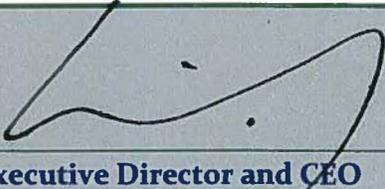
**5. Policy Impact**  
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

**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**

9/24/15  
 \_\_\_\_\_  
**Date**

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-44**

APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE ELECTRICAL EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-4-004-028 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID EASEMENT 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, prior to such acquisition the Charter directs HART to submit a list of real property and easements to be acquired by eminent domain to the City Council; and

WHEREAS, the City Council may approve the acquisition by eminent domain or may object by adoption of a resolution within 45 days of the notification to acquire the real property and easements; and

WHEREAS, the acquisition by eminent domain of the electrical easement over, on, and across the real property identified as Tax Map Key (TMK) 1-4-004-028 (Portion) and 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 written notification to the City Council is approved, for the acquisition by eminent domain of the electrical easement over, on, and across the real property identified as TMK 1-4-004-028 (Portion); and
2. That in the event the City Council approves or does not object to the acquisition within 45 days of notification, then HART is authorized to publish in a daily newspaper at least three days prior to Board action, the attached resolution marked as Exhibit B, authorizing acquisition by eminent domain of said easement.

ADOPTED by the Board of the Honolulu Authority for Rapid  
Transportation on \_\_\_\_\_.

Exhibit A – Legal description of TMK 1-4-004-028 (Portion)

Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of Electrical Easement  
Over, On, and Across the Real Property Identified as Tax Map Key 1-4-004-  
028 (Portion) by Eminent Domain.

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

DRAFT

Easement 303  
For Electrical Purposes  
Affecting Lot 895 (Map 196) 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 Ualena Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 10,914.23 feet South and 4,284.25 feet West, thence running by azimuths measured clockwise from true South:

- 1. 189° 04' 9.41 feet;
- 2. 279° 04' 13.00 feet;
- 3. 9° 04' 9.41 feet;
- 4. 99° 04' 13.00 feet along the North side of Ualena Street to the point of beginning and containing an area of 122 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  
 July 16, 2015  
 TMK: 1-1-004: 028 (PDQ 303)

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



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-\_\_**

**AUTHORIZING THE ACQUISITION OF ELECTRICAL EASEMENT OVER, ON, AND  
ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-4-004-028  
(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 electrical easement over, on, and across the real property identified as Tax Map Key (TMK) 1-4-004-028 (Portion) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said electrical 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 the electrical easement over, on, and across the real property identified as TMK 1-4-004-028 (Portion) 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

\_\_\_\_\_.

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

Exhibit A – Legal description of TMK.1-4-004-028 (Portion)

DRAFT

Easement 303  
For Electrical Purposes  
Affecting Lot 895 (Map 196) 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 Ualena Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 10,914.23 feet South and 4,284.25 feet West, thence running by azimuths measured clockwise from true South:

- 1. 189° 04' 9.41 feet;
- 2. 279° 04' 13.00 feet;
- 3. 9° 04' 9.41 feet;
- 4. 99° 04' 13.00 feet along the North side of Ualena Street to the point of beginning and containing an area of 122 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  
July 16, 2015  
TMK: 1-1-004: 028 (PDQ 303)

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



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-44 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE ELECTRICAL EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-4-004-028 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID EASEMENT BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon Morris Atta	<b>DATE:</b> 09/24/2015
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Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input checked="" type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input checked="" type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

**1. Purpose:**

Review of Notification to City Council for condemnation of land for public use, identified as Tax Map Key 1-1-004-028 (Portion), and situated at 2918 Ualena Street, Honolulu, Hawaii 96819, which is required for electrical easement purposes for the Honolulu Rail Transit Project (H RTP). This property, for which 122 square-foot electrical easement is required, is on the critical path for successful completion of the Airport Section of the H RTP. The property is owned by K.J.L. Associates.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-1-004-028 (Portion)) was designated as needed for the H RTP and identified in the Final Environmental Impact Statement (FEIS). As required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and FTA C5010.1D, the Owners were notified of HART's intent to acquire the property. An appraisal was conducted following URA guidelines, which took into consideration all site conditions and potential impacts.

- An appraisal report with an effective date of April 8, 2015 was conducted.
- A Letter of Offer dated June 4, 2015 was delivered.
- Owner has provided a Counteroffer to the Letter of Offer.
- Negotiations are ongoing.

This parcel is being referred to eminent domain in order to adhere to the project construction timeline. Access to this parcel is needed as soon as possible in order to avoid costly delays to the project schedule and timing. Negotiations with the Owner will continue during the eminent domain process.

**3. Procurement Background**

N/A

**4. Financial/Budget Impact**

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

**5. Policy Impact**

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

**6. Public Involvement**

N/A

**7. Alternatives**

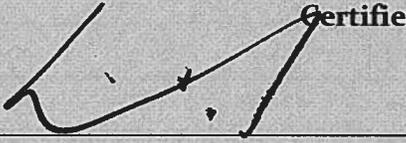
There is no feasible alternative to avoid the above described impacts to the property.

**8. Exhibits**

Exhibit 1 – Letter of Offer dated June 4, 2015

Exhibit 2 – Appraisal Summary prepared by Yamaguchi & Yamaguchi, Inc. with an effective appraisal date of April 8, 2015

**Certified and Recommended by:**



Executive Director and CEO



Date

8/10/15

Exhibit 1



IN REPLY REFER TO:  
CMS-AP00ROW-00902

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

June 4, 2015

*Cathy Luke*  
 Received  
*Cathy Luke* *6/4/15*  
 Print Name Date  
 Delivered: *[Signature]*  
*Jackson Skylesen*

Ivan M. Lui-Kwan, Esq.  
CHAIR

Donald G. Horner  
VICE CHAIR

George I. Atta  
Robert Bunda  
Michael D. Formby  
Ford N. Fuchigami  
William "Buzz" Hong  
Keslie W.K. Hui  
Damien T.K. Kim  
Carrie K.S. Okinaga, Esq.

Ms. Cathy Luke  
K.J.L. Associates  
45 North King Street, Suite 600  
Honolulu, Hawaii 96817

Dear Ms. Luke:

Subject: Honolulu Rail Transit Project (H RTP)  
2918 Ualena Street  
Parcel 303: Tax Map Key (TMK) 1-1-004-028 (Portion)  
**Letter of Offer**

The Honolulu Authority for Rapid Transportation (HART) is constructing the H RTP. As part of the H RTP, HART will need to acquire a portion of your property. An appraisal of the property identified as TMK 1-1-004-028 has been completed to determine just compensation.

A review of public records indicates that you are the Owner of Record of the property HART is seeking to acquire for this Project. Based on our findings as contained in the enclosed Statement of Just Compensation, HART offers to purchase a portion of your property, a total of 122 square feet, for electrical utility easement purposes, for the total consideration of \$14,000 (Fourteen Thousand Dollars), as shown colored in red on the enclosed map.

The total offer for acquiring the interest in your property is \$14,000 (Fourteen Thousand Dollars). Costs incidental to closing escrow for this transaction will be paid by HART except prorated costs such as taxes and insurance.

The amount of offer is predicated on the assumption that there exists no hazardous substance, product, or waste on the subject property. Please be advised that the amount offered is subject to completion of an environmental site assessment by HART, and the cost to remediate any identified findings may affect the valuation of the subject property.

If this offer is acceptable, please sign the duplicate of this letter and return it in the enclosed envelope by **July 6, 2015**. The remaining copy is for your file. Enclosed for your information are the Appraisal Summary Statement and General Acquisition and Relocation Information Brochure.

Ms. Cathy Luke  
Page 2  
June 4, 2015

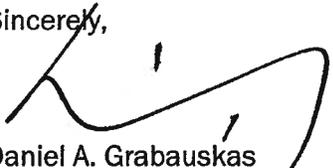
Also enclosed is a draft Possession and Use Agreement for your review, consideration, and for further discussion with your acquisition agent. The Possession and Use Agreement is intended to provide you early access to most of the purchase price of this acquisition subject to HART being provided access to the portion of your property required for construction of the H RTP with minimal risk to the Project. Under this agreement, your rights to the full just compensation amount are fully reserved and enforceable.

It is the desire of HART to acquire private property through voluntary purchase if possible. While HART has the power of eminent domain, HART has not sought the authority nor made any decision to exercise the power of eminent domain to acquire your property at this time.

In accordance with federal regulations affecting real property transactions, we request your cooperation in providing us with your Taxpayer Identification Number. Please execute and return the enclosed IRS Form W-9 at the same time. The W-9 is required by our Department of Budget and Fiscal Services to release the check.

HART has retained the services of Paragon Partners Ltd to assist you with the acquisition process. Please contact Mr. Jackson Blagden at 536-5900 if you have any questions or to discuss this matter further.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

K.J.L. Associates

By \_\_\_\_\_  
Its

Print Name: \_\_\_\_\_

Dated: \_\_\_\_\_

Exhibit 2



**Yamaguchi &  
Yamaguchi, Inc.**  
Real Estate Appraisal &  
Consulting Services

**PROJECT**

Honolulu Rail Transit Project

Parcel Designation: (1) 1-1-004-028  
HART RW Parcel: 303  
Owner: KJL Associates  
2918 Ualena Street  
Honolulu, Hawaii 96819

Effective Date: April 8, 2015

**AN APPRAISAL REPORT OF**

I-2 Intensive Industrial Zoned  
Electrical Easement Acquisition

**CLIENT**

Paragon Partners Ltd. for the Honolulu Authority for Rapid Transportation

**PREPARER**

Jon F. Yamaguchi, CRE, FRICS, SRPA, SRA



**Yamaguchi &  
Yamaguchi, Inc.**  
Real Estate Appraisal &  
Consulting Services

April 23, 2015

Ms. Georgia Marques  
Project Manager  
Paragon Partners Ltd. for the Honolulu Authority for Rapid Transportation  
5762 Bolsa Ave., Suite 201  
Huntington Beach, CA 92649

Re: Honolulu Rail Transit Project  
Permanent Electrical Easement Acquisition  
Parcel Designation: 1-1-1-004-028; 23,440 square feet  
HART RW Parcel 303  
2918 Ualena Street  
Honolulu, Hawaii 96819

Dear Mr. Marques,

At your request, we have appraised a real property interest for the above real estate. Our objective was to form one opinion about the market value for the Permanent Electrical Easement Acquisition on the subject property's fee simple estate assuming no liens or encumbrances other than normal covenants and restrictions of record. The Lessor of this property is KJL Associates and the Lessee is Charles H. McDonald & Co.

The purpose of this appraisal report is to assist the Honolulu Authority for Rapid Transportation in the valuation of a permanent electrical easement for Eminent Domain acquisition proceedings of the subject property as part of the Honolulu Rail Transit Project.

As a preview, the subject property identified as the "Larger Parcel" physically consists of a rectangular, non-corner parcel constituting 23,440 square feet. According to tax office records, the site is improved with a 48-year old warehouse consisting of a building footprint of 8,520 square feet that is not included in our appraisal valuation. The Permanent Utility Easement consists of 122 square feet as described on the survey map herein, submitted to us from the Honolulu Authority for Rapid Transportation (HART) identified as Easement 303. The subject easement is located near the front left southwest corner of the site situated adjacent to the front boundary. It is rectangular in size and approximately 122 square feet in size and approximately 9.04 feet x 13.00 feet.

This valuation contains analyses, opinions, and conclusions along with market data and reasoning appropriate for the scope of work detailed later herein. It was prepared solely for the intended use and intended user(s) explicitly identified in the attached report. Unauthorized users do so at their own risk. The appraisal is communicated in the attached Appraisal report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of April 23, 2015.

For purposes of this appraisal report the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 111-page report. If this letter is disjoined from the attached appraisal report, then the value opinions set forth in this letter are invalid because the analyses, opinions, and conclusions cannot be properly understood.

In general, valuation of the subject property involves a few complex issues. All value opinions are affected by all the information, extraordinary assumptions, hypotheses, general limiting conditions, facts, descriptions, and disclosures stated in the attached appraisal report. After careful consideration of all factors pertaining to, and influencing value, the data and analysis thereof firmly supports the following final value opinion(s) for the *Partial Acquisition* as of April 8, 2015.

\$ 2,652,000	<i>"As Is" Indicated Market Value of the Larger Parcel (Rounded)</i>
\$ 14,000	<i>"As Is" Indicated Market Value of Electrical Easement (Rounded)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 0	<i>Add: Contributory Value</i>
\$ 14,000	<i>Total Fair Market Value of the Electrical Easement Acquisition (Rounded)</i>

Thank you for your business. Let us know how we may further serve you.



Jon F. Yamaguchi, CRE, FRICS, SRPA, SRA  
 President / CEO  
 Certified General Appraiser  
 Hawaii License CGA 31  
 License Expiration Date: 12/31/2015

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-45**

APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE GUIDEWAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-1-004-035 (PORTION) AND 1-1-004-039 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID EASEMENTS 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, prior to such acquisition the Charter directs HART to submit a list of real property and easements to be acquired by eminent domain to the City Council; and

WHEREAS, the City Council may approve the acquisitions by eminent domain or may object by adoption of a resolution within 45 days of the notification to acquire the real property and easements; and

WHEREAS, the acquisition by eminent domain of the guideway easement and temporary construction easement over, on, and across the real property identified as Tax Map Keys (TMKS) 1-1-004-035 (Portion) and 1-1-004-039 (Portion) and 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 written notification to the City Council is approved, for the acquisition by eminent domain of the guideway easement and temporary construction easement over, on, and across the real property identified as TMKS 1-1-004-035 (Portion) and 1-1-004-039 (Portion); and
2. That in the event the City Council approves or does not object to the acquisition within 45 days of notification, then HART is authorized to publish in a daily newspaper at least three days prior to Board action, the attached resolution marked as Exhibit B, authorizing acquisition by eminent domain of said easements.

ADOPTED by the Board of the Honolulu Authority for Rapid  
Transportation on \_\_\_\_\_.

Exhibit A – Legal description of TMKS 1-1-004-035 (Portion) and 1-1-004-039 (Portion)  
Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of Guideway  
Easement and Temporary Construction Easement Over, On, and Across the  
Real Property Identified as Tax Map Keys 1-1-004-035 (Portion) and 1-1-  
004-039 (Portion) by Eminent Domain.

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

DRAFT

Legal  
Description  
Unavailable

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-\_\_**

**AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-1-004-035 (PORTION) AND 1-1-004-039 (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 guideway easement and temporary construction easement over, on, and across the real property identified as Tax Map Keys (TMKS) 1-1-004-035 (Portion) and 1-1-004-039 (Portion) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said guideway easement and temporary construction 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 the guideway easement and temporary construction easement over, on, and across the real property identified as TMKS 1-1-004-035 (Portion) and 1-1-004-039 (Portion) 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 easements 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 easements 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

\_\_\_\_\_.

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

Exhibit A – Legal description of TMKS 1-1-004-035 (Portion) and 1-1-004-039 (Portion)

Legal  
Description  
Unavailable

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-45</b> APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE GUIDEWAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-1-004-035 (PORTION) AND 1-1-004-039 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID EASEMENTS BY EMINENT DOMAIN	<b>STAFF CONTACT:</b> Elizabeth Scanlon Morris Atta	<b>DATE:</b> 09/24/2015
--	---	----------------------------

Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input checked="" type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input checked="" type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

**1. Purpose:**

Review of Notification to City Council for condemnation of land for public use, identified as Tax Map Keys 1-1-004-035 (Portion) and 1-1-004-039 (Portion), and situated at 2815 Koapaka Street; 2806 Ualena Street; 520 Lagoon Drive, Honolulu, Hawaii 96819, which is required for guideway easement and temporary construction easement purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 805 square-foot guideway easement and 2,592 square-foot temporary construction easement is required, is on the critical path for successful completion of the Airport Section of the H RTP. The property is owned by K.J.L. Associates.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-1-004-035 (Portion) and 1-1-004-039 (Portion)) was designated as needed for the H RTP and identified in the Final Environmental Impact Statement (FEIS). As required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and FTA C5010.1D, the Owners were notified of HART's intent to acquire the property. An appraisal was conducted following URA guidelines, which took into consideration all site conditions and potential impacts.

- An appraisal report with an effective date of April 8, 2015 was conducted.
- A Letter of Offer dated June 4, 2015 was delivered.
- Owner has not provided a Counteroffer to the Letter of Offer.
- Negotiations are ongoing.

This parcel is being referred to eminent domain in order to adhere to the project construction timeline. Access to this parcel is needed as soon as possible in order to avoid costly delays to the project schedule and timing. Negotiations with the Owner will continue during the eminent domain process.

**3. Procurement Background**

N/A

**4. Financial/Budget Impact**

The project budget includes an estimated cost for legal action associated with the eminent domain of the

property.

**5. Policy Impact**

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

**6. Public Involvement**

N/A

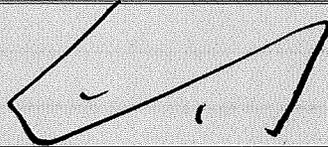
**7. Alternatives**

There is no feasible alternative to avoid the above described impacts to the property.

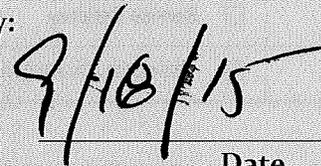
**8. Exhibits**

Exhibit 1 – Letter of Offer dated June 4, 2015

Exhibit 2 – Appraisal Summary prepared by Yamaguchi & Yamaguchi, Inc. with an effective appraisal date of April 8, 2015



Certified and Recommended by:



Executive Director and CEO

Date



IN REPLY REFER TO:  
CMS-APOOROW-00903

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

June 4, 2015

Ivan M. Lui-Kwan, Esq.  
CHAIR

Donald G. Horner  
VICE CHAIR

Ms. Cathy Luke  
K.J.L. Associates  
45 North King Street, Suite 600  
Honolulu, Hawaii 96817

George I. Atta  
Robert Bunda  
Michael D. Formby  
Ford N. Fuchigami  
William "Buzz" Hong  
Kestie W.K. Hui  
Damien T.K. Kim  
Carrie K.S. Okinaga, Esq.

Dear Ms. Luke:

Subject: Honolulu Rail Transit Project (H RTP)  
2815 Koapaka Street; 2806 Ualena Street; 520 Lagoon Drive  
Parcel 303A: Tax Map Keys (TMKs) 1-1-004-035 and 1-1-004-039 (Portions)  
**Letter of Offer**

The Honolulu Authority for Rapid Transportation (HART) is constructing the H RTP. As part of the H RTP, HART will need to acquire a portion of your property. An appraisal of the property identified as TMKs 1-1-004-035 and 1-1-004-039 has been completed to determine just compensation.

A review of public records indicates that you are the Owner of Record of the property HART is seeking to acquire for this Project. Based on our findings as contained in the enclosed Statement of Just Compensation, HART offers to purchase a portion of your property, a total of 805 square feet, for guideway easement purposes, for the total consideration of **\$52,000** (Fifty-Two Thousand Dollars), as shown colored in red on the enclosed map.

In addition, HART offers to purchase two Temporary Construction Easements (TCE) consisting of 2,592 square feet (shown colored in yellow on the enclosed map) for a consideration of **\$21,920** (Twenty-One Thousand Nine Hundred Twenty Dollars). The intent of the TCE is to provide temporary access to and use of a portion of your property for the purpose of facilitating Project construction activities. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. The duration of the TCE will be twelve months with a start date to be determined thru coordination with you and HART's contractor.

The total offer for acquiring the interest in your property is **\$73,920** (Seventy-Three Thousand Nine Hundred Twenty Dollars). Costs incidental to closing escrow for this transaction will be paid by HART except prorated costs such as taxes and insurance.

Ms. Cathy Luke  
Page 2  
June 4, 2015

The amount of offer is predicated on the assumption that there exists no hazardous substance, product, or waste on the subject property. Please be advised that the amount offered is subject to completion of an environmental site assessment by HART, and the cost to remediate any identified findings may affect the valuation of the subject property.

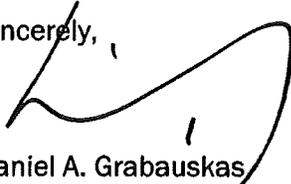
If this offer is acceptable, please sign the duplicate of this letter and return it in the enclosed envelope by **July 6, 2015**. The remaining copy is for your file. Enclosed for your information are the Appraisal Summary Statement and General Acquisition and Relocation Information Brochure. Also enclosed is a draft Possession and Use Agreement for your review, consideration, and for further discussion with your acquisition agent. The Possession and Use Agreement is intended to provide you early access to most of the purchase price of this acquisition subject to HART being provided access to the portion of your property required for construction of the H RTP with minimal risk to the Project. Under this agreement, your rights to the full just compensation amount are fully reserved and enforceable.

It is the desire of HART to acquire private property through voluntary purchase if possible. While HART has the power of eminent domain, HART has not sought the authority nor made any decision to exercise the power of eminent domain to acquire your property at this time.

In accordance with federal regulations affecting real property transactions, we request your cooperation in providing us with your Taxpayer Identification Number. Please execute and return the enclosed IRS Form W-9 at the same time. The W-9 is required by our Department of Budget and Fiscal Services to release the check.

HART has retained the services of Paragon Partners Ltd to assist you with the acquisition process. Please contact Mr. Jackson Blagden at 536-5900 if you have any questions or to discuss this matter further.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

Ms. Cathy Luke  
Page 3  
June 4, 2015

ACCEPTED:

K.J.L. Associates

By \_\_\_\_\_  
Its

Print Name: \_\_\_\_\_

Dated: \_\_\_\_\_



**Yamaguchi &  
Yamaguchi, Inc.**  
Real Estate Appraisal &  
Consulting Services

**PROJECT**

Honolulu Rail Transit Project

Parcel Designation: (1) 1-1-004-039 & (1) 1-1-004-035

HART RW Parcel: 303A

Owner: KJL Associates

2806 Ualena Street & 2815 Koapaka Street

Honolulu, Hawaii 96819

Effective Date: April 8, 2015

**AN APPRAISAL REPORT OF**

I-2 Intensive Industrial Property

Permanent and Temporary Construction Easements

**CLIENT**

Paragon Partners Ltd. for the Honolulu Authority for Rapid Transportation

**PREPARER**

Jon F. Yamaguchi, CRE, FRICS, SRPA, SRA

ONE KAPIOLANI BUILDING

600 Kapiolani Boulevard Suite 405 • Honolulu, Hawaii 96813

Bus: 808.533.8849 • Fax: 808-533-8088 • E-mail: [appraisals@yamaguchiinc.com](mailto:appraisals@yamaguchiinc.com)



**Yamaguchi &  
Yamaguchi, Inc.**  
Real Estate Appraisal &  
Consulting Services

April 24, 2015

Ms. Georgia Marquis  
Paragon Partners Ltd. for the Honolulu Authority for Rapid Transportation  
5762 Bolsa Ave., Suite 201  
Huntington Beach, CA 92649

Re: Honolulu Rail Transit Project  
Permanent and Temporary Construction Easements  
HART RW Parcel 303 A  
Parcel Designation: TMK (1) 1-1-004-039 & (1) 1-1-004-035  
2806 Ualena Street & 2815 Koapaka Street, Honolulu, Hawaii 96819

Dear Ms. Marquis,

At your request, we have appraised a real property interest for the above real estate. Our objective was to form one or more opinions about the market value for a 100% ownership interest in the subject property's fee simple estate assuming no liens or encumbrances other than normal covenants and restrictions of record. The Lessor of this property is KJL Associates and the Lessee is Malolo Beverages & Supply and various tenants.

The purpose of this appraisal report is to assist the Honolulu Authority for Rapid Transportation in the valuation of permanent easements and temporary construction easements for Eminent Domain acquisition proceedings of the subject property as part of the Honolulu Rail Transit Project.

As a preview, this appraisal consists of two separate tax map key parcels TMK: (1) 1-1-004-039 and (1) 1-1-004-035. They consist of 22,215 square feet and 4.12 Acres (179,361 square feet) respectively, and are zoned I-2 Intensive Industrial Use (Via HART Survey). Per our exterior observation and tax office records, Parcel 39 is improved with a 34-year old, industrial building with a 17,954 square foot footprint and Parcel 35 is improved with a 138,257 square foot (footprint), 53-year old industrial building. These improvements are not included as part of our appraisal job scope.

Parcel 39 includes two adjacent easements, Easement D (Permanent Guideway Easement) consisting of 241 square feet and Easement E (Temporary Construction Easement) consisting of 19 square feet located at the north west corner of Ualena Street and Lagoon Drive.

Parcel 35 includes three adjacent easements, Easements A and B (Permanent Guideway Easements) consisting of 286 square feet and 278 square feet respectively and Easement C (Temporary Construction Easement) consisting of 2,573 square feet located Along the Ualena Street frontage of the subject parcel.

This valuation contains analyses, opinions, and conclusions along with market data and reasoning appropriate for the scope of work detailed later herein. It was prepared solely for the intended use and intended user(s) explicitly identified in the attached report. Unauthorized users do so at their own risk. The appraisal is communicated in the attached Appraisal report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of April 24, 2015.

For purposes of this appraisal report the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 128-page report. If this letter is disjoined from the attached appraisal report, then the value opinions set forth in this letter are invalid because the analyses, opinions, and conclusions cannot be properly understood.

In general, valuation of the subject property involves no atypical issues. All value opinions are affected by all the information, extraordinary assumptions, hypotheses, general limiting conditions, facts, descriptions, and disclosures stated in the attached appraisal report. After careful consideration of all factors pertaining to and influencing value, the data and analysis thereof firmly supports the following final value opinion(s) for the subject property permanent easement acquisition and temporary construction easement as of April 8, 2015:

\$18,000	<i>Permanent Guideway Easement A</i>	<i>286 square feet</i>
\$18,000	<i>Permanent Guideway Easement B</i>	<i>278 square feet</i>
\$16,000	<i>Permanent Guideway Easement D</i>	<i>241 square feet</i>
\$52,000	<i>Total Permanent Easement Acquisition</i>	
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>	
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>	
\$ 0	<i>Add: Contributory Value</i>	
\$52,000	<i>Total Fair Market Value of the Partial Acquisition (Rounded)</i>	
\$ 21,760	<i>Estimated Annual Rent Per Annum @ 8% for the TCE C</i>	
\$1,813.33	<i>Estimated Monthly Rent Per Annum @ 8% for the TCE C</i>	
\$160	<i>Estimated Annual Rent Per Annum @ 8% for the TCE E</i>	
\$13.33	<i>Estimated Monthly Rent Per Annum @ 8% for the TCE E</i>	

Thank you for your business. Let us know how we may further serve you.



Jon F. Yamaguchi, CRE, FRICS, SRPA, SRA  
 President / CEO  
 Certified General Appraiser  
 Hawaii License CGA 31  
 License Expiration Date: 12/31/2015

## Honolulu Authority for Rapid Transportation

### RESOLUTION NO. 2015-83

APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 2-3-007-062 (PORTION) AND 2-3-007-063 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY 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, prior to such acquisition the Charter directs HART to submit a list of real property to be acquired by eminent domain to the City Council; and

WHEREAS, the City Council may approve the acquisition by eminent domain or may object by adoption of a resolution within 45 days of the notification to acquire the real property; and

WHEREAS, the acquisition by eminent domain in fee simple of the real property identified as Tax Map Keys (TMKS) 2-3-007-062 (Portion) and 2-3-007-063 (Portion) and 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 written notification to the City Council is approved, for the acquisition by eminent domain in fee simple of the real property identified as TMKS 2-3-007-062 (Portion) and 2-3-007-063 (Portion); and
2. That in the event the City Council approves or does not object to the acquisition within 45 days of notification, then HART is authorized to publish in a daily newspaper at least three days prior to Board action, the attached resolution marked as Exhibit B, authorizing acquisition by eminent domain in fee simple of the above-identified real property.

ADOPTED by the Board of the Honolulu Authority for Rapid  
Transportation on \_\_\_\_\_.

Exhibit A – Legal description of TMKS 2-3-007-062 (Portion) and 2-3-007-063 (Portion)  
Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Fee Simple  
Interest Real Property as Tax Map Keys 2-3-007-062 (Portion) and 2-3-007-  
063 (Portion) by Eminent Domain

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

DRAFT

## HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

### PARCEL 484

**Being portions of Lots 675 and 676, as shown on Map 4  
of Land Court Application 880, Section 2.  
Situate at Kewalo, Honolulu, Oahu, Hawaii**

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 892 (Map 66) of Land Court Application 880, Section 2, and on the Northerly side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 835.68 feet South and 1323.76 feet East and running by azimuths measured clockwise from true South:

1. 110° 42' 100.00 feet along the Northerly side of Kona Street;
2. 200° 42' 33.00 feet along the Southeasterly side of Pensacola Street;
3. 290° 42' 5.72 feet along remainder of Lot 675 (Map 4) of Land Court Application 880, Section 2;
4. 20° 42' 6.00 feet along remainder of Lot 675 (Map 4) of Land Court Application 880, Section 2;  
  
thence along remainder of Lot 675 (Map 4) of Land Court Application 880, Section 2, on a curve to the left with a radius of 17.50 feet, the chord azimuth and distance being:
5. 335° 42' 24.75 feet;
6. 290° 42' 44.68 feet along remainders of Lots 675 and 676 (Map 4) of Land Court Application 880, Section 2;
7. 20° 42' 2.50 feet along remainder of Lot 676 (Map 4) of Land Court Application 880, Section 2;
8. 290° 42' 32.10 feet along remainder of Lot 676 (Map 4) of Land Court Application 880, Section 2;

9. 20° 42' 7.00 feet along Lot 892 (Map 66) of Land Court Application 880, Section 2, to the point of beginning an containing and area of 1,070 square feet.



Description Prepared By:  
ENGINEERS SURVEYORS HAWAII, INC.

A handwritten signature in cursive script, appearing to read "Miles S. Horie", written over a horizontal line.

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

1320 North School Street  
Honolulu, Hawaii 96817

August 20, 2015

Tax Map Keys: (1<sup>st</sup> Div.) 2-3-07: 62 and 63

14-73

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-\_\_\_\_**

**AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST REAL  
PROPERTY IDENTIFIED AS TAX MAP KEYS 2-3-007-062 (PORTION)  
AND 2-3-007-063 (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) 2-3-007-062 (Portion) and 2-3-007-063 (Portion) 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 2-3-007-062 (Portion) and 2-3-007-063 (Portion) 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

\_\_\_\_\_.

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

Exhibit A – Legal Description of TMKS 2-3-007-062 (Portion) and 2-3-007-063 (Portion)

DRAFT

**HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT**

**PARCEL 484**

**Being portions of Lots 675 and 676, as shown on Map 4  
of Land Court Application 880, Section 2.  
Situate at Kewalo, Honolulu, Oahu, Hawaii**

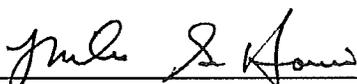
Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 892 (Map 66) of Land Court Application 880, Section 2, and on the Northerly side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 835.68 feet South and 1323.76 feet East and running by azimuths measured clockwise from true South:

- |    |      |     |             |   |
|----|------|-----|-------------|---|
| 1. | 110° | 42' | 100.00 feet | along the Northerly side of Kona Street;  |
| 2. | 200° | 42' | 33.00 feet  | along the Southeasterly side of Pensacola Street;   |
| 3. | 290° | 42' | 5.72 feet   | along remainder of Lot 675 (Map 4) of Land Court Application 880, Section 2;  |
| 4. | 20°  | 42' | 6.00 feet   | along remainder of Lot 675 (Map 4) of Land Court Application 880, Section 2;  |
|    |      |     |             | thence along remainder of Lot 675 (Map 4) of Land Court Application 880, Section 2, on a curve to the left with a radius of 17.50 feet, the chord azimuth and distance being: |
| 5. | 335° | 42' | 24.75 feet; |   |
| 6. | 290° | 42' | 44.68 feet  | along remainders of Lots 675 and 676 (Map 4) of Land Court Application 880, Section 2;  |
| 7. | 20°  | 42' | 2.50 feet   | along remainder of Lot 676 (Map 4) of Land Court Application 880, Section 2;  |
| 8. | 290° | 42' | 32.10 feet  | along remainder of Lot 676 (Map 4) of Land Court Application 880, Section 2;  |

9. 20° 42' 7.00 feet along Lot 892 (Map 66) of Land Court Application 880, Section 2, to the point of beginning an containing and area of 1,070 square feet.



Description Prepared By:  
ENGINEERS SURVEYORS HAWAII, INC.

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

1320 North School Street  
Honolulu, Hawaii 96817

August 20, 2015

Tax Map Keys: (1<sup>st</sup> Div.) 2-3-07: 62 and 63

14-73

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

**TITLE:**  
**RESOLUTION NO. 2015-83 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 2-3-007-062 (PORTION) AND 2-3-007-063 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN**

**STAFF CONTACT:**  
 Elizabeth Scanlon  
 Morris Atta

**DATE:**  
 09/24/2015

Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input checked="" type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input checked="" type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

### 1. Purpose:

Review of Notification to City Council for condemnation of land for public use, identified as Tax Map Keys 2-3-007-062 (Portion) and 2-3-007-063 (Portion), and situated at 1207 Hopaka Street and 1205 Hopaka Street, Honolulu, Hawaii 96814, which is required for guideway purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 1,070 square-foot fee partial fee acquisition is required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by K. Iida Properties, Ltd.

HART recommends use of eminent domain to acquire the property.

### 2. Background/Justification

This property (Tax Map Keys 2-3-007-062 (Portion) and 2-3-007-063 (Portions)) was designated as needed for the H RTP and identified in the Final Environmental Impact Statement (FEIS). As required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and FTA C5010.1D, the Owners were notified of HART's intent to acquire the property. An appraisal was conducted following URA guidelines, which took into consideration all site conditions and potential impacts.

- An appraisal report with an effective date of February 5, 2015 was conducted.
- A Letter of Offer dated July 14, 2015 was delivered.
- Owner has retained legal counsel
- Owner is currently obtaining an appraisal of their own.
- No counter offer has been received.
- Negotiations are ongoing.

This parcel is being referred to eminent domain in order to adhere to the project construction timeline. Access to this parcel is needed as soon as possible in order to avoid costly delays to the project schedule and timing. Negotiations with the Owner will continue during the eminent domain process.

### 3. Procurement Background

N/A

### 4. Financial/Budget Impact

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

**5. Policy Impact**

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

**6. Public Involvement**

N/A

**7. Alternatives**

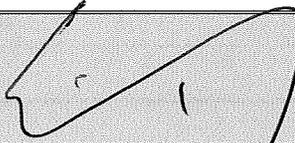
There is no feasible alternative to avoid the above described impacts to the property.

**8. Exhibits**

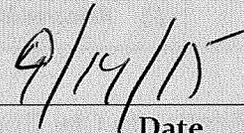
Exhibit 1 – Letter of Offer dated July 14, 2015.

Exhibit 2 – Appraisal Summary prepared by Yamaguchi & Yamaguchi, Inc. with an effective appraisal date of February 5, 2015.

**Certified and Recommended by:**



Executive Director and CEO



Date



IN REPLY REFER TO:  
CMS-AP00ROW-00968

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

July 14, 2015

Ivan M. Lui-Kwan  
CHAIR

Donald G. Horner  
VICE CHAIR

Mr. Robert S. Iida  
Ms. Shirley Iida  
K. Iida Properties, Ltd.  
P.O. Box 815  
Honolulu, Hawaii 96808

George I. Atta  
Michael D. Formby  
Ford N. Fuchigami  
Colleen Hanabusa  
William "Buzz" Hong  
Damien T.K. Kim  
Terrence M. Lee

Dear Mr. Robert S. Iida and Ms. Shirley Iida:

Subject: Honolulu Rail Transit Project (HRTTP)  
1207 and 1205 Hopaka Street  
Parcel 484: Tax Map Keys (TMKs) 2-3-007-062 and 2-3-007-063 (Portions)  
**Letter of Offer**

The Honolulu Authority for Rapid Transportation (HART) is constructing the HRTTP. As part of the HRTTP, HART will need to acquire a portion of your property. An appraisal of the property identified as TMKs 2-3-007-062 and 2-3-007-063 has been completed to determine just compensation.

A review of public records indicates that you are the Owner of Record of the property HART is seeking to acquire for this Project. Based on our findings as contained in the enclosed Statement of Just Compensation, HART offers to purchase a portion of your property for guideway purposes. The proposed area is a total of 1,070 square feet, in fee simple, free and clear of all liens and encumbrances for the total consideration of \$277,000 (Two Hundred Seventy-Seven Thousand Dollars), as shown colored in yellow on the enclosed map.

The total offer for acquiring the interest in your property is \$277,000 (Two Hundred Seventy-Seven Thousand Dollars). Costs incidental to closing escrow for this transaction will be paid by HART except prorated costs such as taxes and insurance.

The amount of offer is predicated on the assumption that there exists no hazardous substance, product, or waste on the subject property. Please be advised that the amount offered is subject to completion of an environmental site assessment by HART, and the cost to remediate any identified findings may affect the valuation of the subject property.

Mr. Robert S. Iida  
Ms. Shirley Iida  
Page 2  
July 14, 2015

If this offer is acceptable, please sign the duplicate of this letter and return it in the enclosed envelope by **August 10, 2015**. The remaining copy is for your file. Enclosed for your information are the Appraisal Summary Statement and General Acquisition and Relocation Information Brochure. Also enclosed is a draft Possession and Use Agreement for your review, consideration, and for further discussion with your acquisition agent. The Possession and Use Agreement is intended to provide you early access to most of the purchase price of this acquisition subject to HART being provided access to the portion of your property required for construction of the H RTP with minimal risk to the Project. Under this agreement, your rights to the full just compensation amount are fully reserved and enforceable.

It is the desire of HART to acquire private property through voluntary purchase if possible. While HART has the power of eminent domain, HART has not sought the authority nor made any decision to exercise the power of eminent domain to acquire your property at this time.

In accordance with federal regulations affecting real property transactions, we request your cooperation in providing us with your Taxpayer Identification Number. Please execute and return the enclosed IRS Form W-9 at the same time. The W-9 is required by our Department of Budget and Fiscal Services to release the check.

HART has retained the services of Paragon Partners Ltd to assist you with the acquisition process. Please contact Mr. Jeremy Marlar at 536-5900 if you have any questions or to discuss this matter further.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

Mr. Robert S. Iida  
Ms. Shirley Iida  
Page 3  
July 14, 2015

ACCEPTED:

K. IIDA PROPERTIES, LTD.

By \_\_\_\_\_  
Its

Print Name: \_\_\_\_\_

Dated: \_\_\_\_\_



**Yamaguchi &  
Yamaguchi, Inc.**  
Real Estate Appraisal &  
Consulting Services

**PROJECT**

Honolulu Rail Transit Project

Parcel Designation: (1) 2-3-007-062 & 063

HART RW Parcel: 484

Owner: K IIDA PROPERTIES LTD

1207 Hopaka Street

Honolulu, Hawaii 96814

Effective Date: February 5, 2015

**AN APPRAISAL REPORT OF**

HCDA Central Kakaako District

Partial Land Acquisition

**CLIENT**

Paragon Partners Ltd. for the Honolulu Authority for Rapid Transportation

**PREPARER**

Jon F. Yamaguchi, CRE, FRICS, SRPA, SRA

**DATE OF APPRAISAL**

May 16, 2015



**Yamaguchi &  
Yamaguchi, Inc.**  
Real Estate Appraisal &  
Consulting Services

May 16, 2015

Ms. Georgia Marquis  
Paragon Partners Ltd. for the Honolulu Authority for Rapid Transportation  
5762 Bolsa Ave., Suite 201  
Huntington Beach, CA 92649

Re: Honolulu Rail Transit Project  
HART RW Parcel 484  
Parcel Designation: TMK (1) 2-3-007-062 & 063  
1207 Hopaka Street, Honolulu, Hawaii 96814

Dear Ms. Marquis,

At your request, we have appraised a real property interest for the above real estate. Our objective was to form one or more opinions about the market value for a 100% ownership interest in the subject property's fee simple estate assuming no liens or encumbrances other than normal covenants and restrictions of record.

The purpose of this appraisal report is to assist the Honolulu Authority for Rapid Transportation in the *Partial Acquisition* and *Easement Evaluation* for Eminent Domain acquisition proceedings of the subject property as part of the Honolulu Rail Transit Project.

As a preview, the subject property physically consists one parcel consisting of 16,000 square feet and zoned Central Kakaako District. Per our exterior observation and tax office records, it is improved with a 43-year old, warehouse-office building with built in parking consisting of 10,628 square feet. These improvements are not included as part of our appraisal job scope.

The partial acquisition area along the property boundary frontage on Kona Street consists of 1,070 square feet. HART also requires a Temporary Construction Easement (TCE) identified as Easement EE that is adjacent to the partial acquisition area and consists of 293 square feet.

This valuation contains analyses, opinions, and conclusions along with market data and reasoning appropriate for the scope of work detailed later herein. It was prepared solely for the intended use and intended user(s) explicitly identified in the attached report. Unauthorized users do so at their own risk. The appraisal is communicated in the attached Appraisal report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of May 16, 2015.

For purposes of this appraisal report the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 129-page report. If this letter is disjoined from the attached appraisal report, then the value opinions set forth in this letter are invalid because the analyses, opinions, and conclusions cannot be properly understood.

In general, valuation of the subject property involves no atypical issues. All value opinions are affected by all the information, extraordinary assumptions, hypotheses, general limiting conditions, facts, descriptions, and disclosures stated in the attached appraisal report. After careful consideration of all factors pertaining to and influencing value, the data and analysis thereof firmly supports the following final value opinion(s) for the subject property partial taking and temporary construction easement as of February 5, 2015:

\$ 3,425,000	<i>"As Is" Indicated Market Value of the Larger Parcel</i>
\$ 3,196,000	<i>"As Is" Indicated Market Value of the Remainder Parcel</i>
\$ 229,000	<i>"As Is" Indicated Market Value of the Partial Acquisition</i>
\$ 229,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 48,000	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 0	<i>Add: Contributory Value</i>
\$ 277,000	<i>Total Fair Market Value of the Partial Acquisition (Rounded)</i>
\$ 5,040	<i>Estimated Annual Rent Per Annum @ 8% for the TCE</i>
\$ 420.00	<i>Estimated Monthly Rent Per Annum @ 8% for the TCE</i>

Thank you for your business. Let us know how we may further serve you.



John F. Yamaguchi, CRE, FRICS, SRPA, SRA  
 President / CEO  
 Certified General Appraiser  
 Hawaii License CGA 31  
 License Expiration Date: 12/31/2015

## Honolulu Authority for Rapid Transportation

### RESOLUTION NO. 2015-84

#### APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-039-011 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY 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, prior to such acquisition the Charter directs HART to submit a list of real property to be acquired by eminent domain to the City Council; and

WHEREAS, the City Council may approve the acquisition by eminent domain or may object by adoption of a resolution within 45 days of the notification to acquire the real property; and

WHEREAS, the acquisition by eminent domain in fee simple of the real property identified as Tax Map Key (TMK) 2-3-039-011 (Portion) and 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 written notification to the City Council is approved, for the acquisition by eminent domain in fee simple of the real property identified as TMK 2-3-039-011 (Portion); and
2. That in the event the City Council approves or does not object to the acquisition within 45 days of notification, then HART is authorized to publish in a daily newspaper at least three days prior to Board action, the attached resolution marked as Exhibit B, authorizing acquisition by eminent domain in fee simple of the above-identified real property.

ADOPTED by the Board of the Honolulu Authority for Rapid  
Transportation on \_\_\_\_\_.

Exhibit A – Legal description of TMK 2-3-039-011 (Portion)

Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Fee Simple  
Interest Real Property Identified as Tax Map Key 2-3-039-011 (Portion) by  
Eminent Domain

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

DRAFT

## HONOLULU RAIL TRANSIT PROJECT

PARCEL 496

Affecting Lot 67 (Map 17) of  
Land Court Consolidation 20

Situate at Kalia, Honolulu, Oahu, Hawaii

Beginning at the Southeast corner of this lot, being the Southwest corner of Lot 19 (Map 2) of Land Court Consolidation 20, being also along the North side of Lot 7 (Map 10) of Land Court Consolidation 65 (Kona Street), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 7,051.72 feet South and 1,783.80 feet East thence running by azimuths measured clockwise from true South:

1. 115° 20' 230.00 feet along Parcel 495-A of the Honolulu Rail Transit Project;

Thence along the East side of Lot 1 (Map 1) of Land Court Consolidation 20 (Kona Iki Street), on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

2. 160° 20' 28.28 feet;

3. 295° 20' 14.02 feet along the remainder of Lot 67 (Map 17) of Land Court Consolidation 20;

4. 205° 20' 30.19 feet along same;

5. 295° 20' 10.16 feet along same;

6. 205° 20' 0.56 feet along same;

7. 295° 20' 154.76 feet along same;

8. 205° 20' 18.41 feet along same;

9. 295° 20' 69.00 feet along same;



AUSTIN, TSUTSUMI &amp; ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521  
HONOLULU HAWAII 96817-50311871 WILI PA LOOP, SUITE A  
WAIHIKI MAII HAWAII 96793100 PAUHI STREET, SUITE 207  
HILO, HAWAII 96720

10. 25° 20' 68.67 feet along Lot 19 (Map 2) of Land Court Consolidation 20, to the point of beginning and containing an area of 13,238 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 09/16

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  
September 17, 2015

TMK: (1) 2-3-039: 011  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 496.docx



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-\_\_\_**

**AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST REAL  
PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-039-011 (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) 2-3-039-011 (Portion) 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 2-3-039-011 (Portion) 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

\_\_\_\_\_

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

Exhibit A – Legal Description of TMK 2-3-039-011 (Portion)

DRAFT

## HONOLULU RAIL TRANSIT PROJECT

PARCEL 496

Affecting Lot 67 (Map 17) of  
Land Court Consolidation 20

Situate at Kalia, Honolulu, Oahu, Hawaii

Beginning at the Southeast corner of this lot, being the Southwest corner of Lot 19 (Map 2) of Land Court Consolidation 20, being also along the North side of Lot 7 (Map 10) of Land Court Consolidation 65 (Kona Street), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 7,051.72 feet South and 1,783.80 feet East thence running by azimuths measured clockwise from true South:

1. 115° 20' 230.00 feet along Parcel 495-A of the Honolulu Rail Transit Project;

Thence along the East side of Lot 1 (Map 1) of Land Court Consolidation 20 (Kona Iki Street), on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

2. 160° 20' 28.28 feet;

3. 295° 20' 14.02 feet along the remainder of Lot 67 (Map 17) of Land Court Consolidation 20;

4. 205° 20' 30.19 feet along same;

5. 295° 20' 10.16 feet along same;

6. 205° 20' 0.56 feet along same;

7. 295° 20' 154.76 feet along same;

8. 205° 20' 18.41 feet along same;

9. 295° 20' 69.00 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

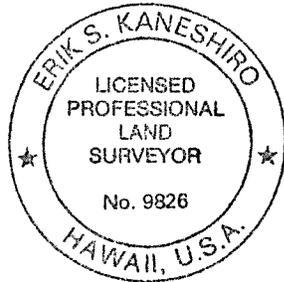
CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521  
HONOLULU HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A  
WAIHIKI MAII HAWAII 96793

100 PAUAAHI STREET, SUITE 207  
HILO, HAWAII 96720

10. 25° 20' 68.67 feet along Lot 19 (Map 2) of Land Court Consolidation 20, to the point of beginning and containing an area of 13,238 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 09/16

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  
September 17, 2015

TMK: (1) 2-3-039: 011  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 496.docx



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-84 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-039-011 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID EASEMENT BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon Morris Atta	<b>DATE:</b> 09/24/2015
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Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input checked="" type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input checked="" type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

**1. Purpose:**

Review of Notification to City Council for condemnation of land for public use, identified as Tax Map Key 2-3-039-011 (Portion), and situated at 1391 Kapiolani Boulevard, Honolulu, Hawaii 96814 which is required for guideway and station purposes for the Honolulu Rail Transit Project (HRTTP). This property, for which a 13,238 square-foot partial fee acquisition is required, is on the critical path for successful completion of the City Center Section of the HRTTP. The property is owned by Samkoo Hawaii, LLC.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 2-3-039-011 (Portion)) was designated as needed for the HRTTP and identified in the Final Environmental Impact Statement (FEIS). As required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and FTA C5010.1D, the Owners were notified of HART's intent to acquire the property. An appraisal was conducted following URA guidelines, which took into consideration all site conditions and potential impacts.

- An appraisal report with an effective date of February 10, 2015 was conducted.
- A Letter of Offer dated June 5, 2015 was delivered.
- Owner has not submitted a formal counteroffer.

This parcel is being referred to eminent domain in order to adhere to the project construction timeline. Access to this parcel is needed as soon as possible in order to avoid costly delays to the project schedule and timing. Negotiations with the Owner will continue during the eminent domain process.

**3. Procurement Background**

N/A

**4. Financial/Budget Impact**

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

**5. Policy Impact**

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

6. Public Involvement

N/A

7. Alternatives

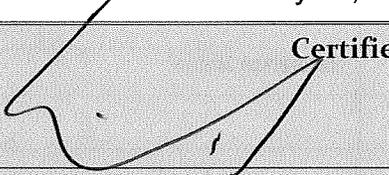
There is no feasible alternative to avoid the above described impacts to the property.

8. Exhibits

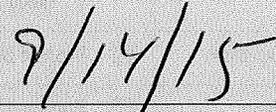
Exhibit 1 – Letter of Offer dated June 5, 2015.

Exhibit 2 – Appraisal Summary prepared by Hastings, Conboy, Braig & Associates, LTD. with an effective appraisal date of February 10, 2015.

Certified and Recommended by:



Executive Director and CEO



Date



IN REPLY REFER TO:  
CMS-AP00ROW-00873

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

June 5, 2015

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1631 Kapiolani Boulevard, Suite 2201  
Honolulu, Hawaii 96814

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Dear Mr. Yi:

Subject: Honolulu Rail Transit Project (H RTP)  
1391 Kapiolani Boulevard  
Parcel 496: Tax Map Key (TMK) 2-3-039-011 (Portion)  
**Letter of Offer**

The Honolulu Authority for Rapid Transportation (HART) is constructing the H RTP. As part of the H RTP, HART will need to acquire a portion of your property. An appraisal of the property identified as TMK 2-3-039-011 has been completed to determine just compensation.

A review of public records indicates that you are the Owner of Record of the property HART is seeking to acquire for this Project. Based on our findings as contained in the enclosed Statement of Just Compensation, HART offers to purchase a portion of your property, a total of 13,238 square feet, in fee simple, free and clear of all liens and encumbrances for the total consideration of **\$4,660,000** (Four Million Six Hundred Sixty Thousand Dollars), as shown colored in yellow on the enclosed map.

The total offer for acquiring the property is **\$4,660,000** (Four Million Six Hundred Sixty Thousand Dollars). Costs incidental to closing escrow for this transaction will be paid by HART except prorated costs such as taxes and insurance.

The amount of offer is predicated on the assumption that there exists no hazardous substance, product, or waste on the subject property. Please be advised that the amount offered is subject to completion of an environmental site assessment by HART, and the cost to remediate any identified findings may affect the valuation of the subject property.

If this offer is acceptable, please sign the duplicate of this letter and return it in the enclosed envelope by **July 6, 2015**. The remaining copy is for your file. Enclosed for your information are the Appraisal Summary Statement and General Acquisition & Relocation Information Brochure.

Mr. Tim Yi  
Page 2  
June 5, 2015

Also enclosed is a draft Possession and Use Agreement for your review, consideration, and for further discussion with your acquisition agent. The Possession and Use Agreement is intended to provide you early access to most of the purchase price of this acquisition subject to HART being provided access to the portion of your property required for construction of the H RTP with minimal risk to the Project. Under this agreement, your rights to the full just compensation amount are fully reserved and enforceable.

It is the desire of HART to acquire private property through voluntary purchase if possible. While HART has the power of eminent domain, HART has not sought the authority nor made any decision to exercise the power of eminent domain to acquire your property at this time.

In accordance with federal regulations affecting real property transactions, we request your cooperation in providing us with your Taxpayer Identification Number. Please execute and return the enclosed IRS Form W-9 at the same time. The W-9 is required by our Department of Budget and Fiscal Services to release the check.

HART has retained the services of Paragon Partners Ltd to assist you with the acquisition process. Please contact Mr. Jeremy Marlar at 536-5900 if you have any questions or to discuss this matter further.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

SAMKOO HAWAII, LLC

By \_\_\_\_\_  
Its

Print Name: \_\_\_\_\_

Dated: \_\_\_\_\_

**Appraisal Report**

**Prepared for  
Paragon Partners Ltd.  
5762 Bolsa Avenue, Suite 201  
Huntington Beach, CA 92649**

**Covering**

**Honolulu Rail Transit Project  
Parcel Designation (1) 2-3-39-11 (Portion)  
HART RW Parcel 496  
Owner: Samkoo Hawaii LLC  
1391 Kapiolani Boulevard  
Honolulu, Oahu, Hawaii**

**Prepared By**

**Alan J. Conboy, MAI, SRA  
Hastings, Conboy, Braig & Associates, Ltd.  
43 Oneawa Street, Suite 211  
Kailua, Hawaii 96734**

**Effective date of Appraisal – February 10, 2015**

Robert C. Hastings, Jr., CRE  
Alan J. Conboy, MAI, SRA  
Robert R. Braig, MAI, SRA  
Andrew B. Conboy

# HASTINGS, CONBOY, BRAIG & ASSOCIATES, LTD.

Real Estate Appraisers, Counselors and Economists

February 23, 2015

Ms. Georgia Marquis  
Project Manager  
Paragon Partners Ltd. For the Honolulu Authority for Rapid Transportation  
5762 Bolsa Avenue, Suite 201  
Huntington Beach, CA 92649

Dear Ms. Marquis:

**Re: Guideway Easement Acquisitions covering a Portion of the Samkoo Hawaii LLC Property, Tax Map Key (1) 2-3-39-11 (HART R/W 496)**

We have conducted, in the accompanying report, a complete appraisal of a guideway easement acquisition affecting the property located at 1391 Kapiolani Boulevard, Island of Oahu, State of Hawaii. The total property is identified on State of Hawaii tax maps as First Division Tax Map Key 2-3-39, Parcel 11.

Samkoo Hawaii LLC owns the fee simple interest in the property. The total property (Larger Parcel) consists of a 62,328 square foot parcel. The larger parcel is improved with two, one-story, steel and masonry buildings.

The guideway easement acquisition will consist of approximately 13,238 square feet located along Kona Street designated Parcel 11 (Portion). The easement will be used for "construction, operation, and maintenance of the fixed guideway, column, and other ancillary requirements for the Honolulu Rail Transit Project." The partial building acquisition will consist of the complete demolition (Taking) of the single-story building located along Kona Street containing a rentable area of approximately 19,724 square feet.

This appraisal was developed and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, 2000 (UASFLA) of the Interagency Land Acquisition Conference and the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Standards Board. The results of the appraisal are communicated in the format of an Appraisal Report. The date of the appraisal report is February 23, 2015.

The sources of information and basis of the estimates and assumptions are stated herein. The appraisers have relied on certain information developed from their research and knowledge of the market, and have performed reasonable verification of facts, except as specifically set forth in the report. To the best of the appraisers' knowledge and belief, the information contained in this report, on which the analyses and conclusions expressed herein are based, is fairly stated.

The results of our complete appraisal are set forth within the attached narrative Appraisal Report. Based on our thorough research and analyses and subject to the limiting conditions and assumptions stated herein, it is our opinion that the fair market value of the guideway easement land acquisition of a 13,238 square foot portion of the 1391 Kapiolani Boulevard property, as of an effective date of February 10, 2015, is summarized as follows:

	<u>Value Indication</u>		<u>Value Conclusion of Acquisition</u>
	<u>Before</u>	<u>After</u>	
Parcel 11 (Por.) 13,238 square feet	\$21,940,000	\$17,280,000	\$4,660,000

We appreciate the opportunity to have undertaken this appraisal assignment.

Sincerely,

**HASTINGS, CONBOY, BRAIG  
& ASSOCIATES, LTD.**

Alan J. Conboy, MAI, SRA  
Executive Vice President  
Hawaii State Certified General Appraiser CGA-185  
Certificate Expires: December 31, 2015

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