

## **Honolulu Authority for Rapid Transportation**

### **RESOLUTION NO. 2015-12**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 9-6-004-023 (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) 9-6-004-023 (por.) 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 9-6-004-023 (por.); 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 9-6-004-023 (por.)

Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real Property  
Identified as Tax Map Key 9-6-004-023 (portion) by Eminent Domain

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Board Chair

ATTEST:

---

Board Administrator



R. M. TOWILL CORPORATION

Description prepared by:



2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
March 9, 2015

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



**PARCEL 104B**

Being a portion of the land bearing Tax Key designation (1) 9-6-004-023  
Being also a Portion of R.P. 4475, L.C. Aw. 7713, Apana 46 to V. Kamamalu

Situate at Waiawa, Ewa, Island of Oahu, Hawaii

Beginning at the Northeast corner of this parcel of land, along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Hawaiian Plane Coordinate Grid System, Zone III" being 87,060.52 feet North and 502,877.81 feet East, thence running by azimuths measured clockwise from true South:

1. Along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)) on a curve to the right with a radius of 2,464.00 feet, the chord azimuth and distance being:  

357° 54' 35.5"      179.73 feet;
2. Thence along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)) on a curve to the right with a radius of 2,162.87 feet, the chord azimuth and distance being:  

1° 24' 09.5"      105.89 feet;
3.      93° 16' 55"      14.40 feet along the Remainder of Parcel 104;
4.      180° 49' 13"      284.21 feet along the Remainder of Parcel 104;
5.      265° 52' 16"      6.36 feet along the Remainder of Parcel 104 to the point of beginning and containing an area of 3,773 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  
March 9, 2015



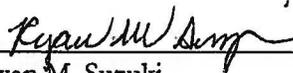


R. M. TOWILL CORPORATION

Description prepared by:



2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
March 9, 2015

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



**The Remainder of PARCEL 104**

Being a portion of the land bearing Tax Key designation (1) 9-6-004-023  
Being also a Portion of R.P. 4475, L.C. Aw. 7713, Apana 46 to V. Kamamalu

Situate at Waiawa, Ewa, Island of Oahu, Hawaii

Beginning at the Northeast corner of this parcel of land, along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Hawaiian Plane Coordinate Grid System, Zone III" being 90,219.65 feet North and 502,367.04 feet East, thence running by azimuths measured clockwise from true South:

1. Along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)) on a curve to the right with a radius of 1,560.00 feet, the chord azimuth and distance being:  
348° 14' 38"          525.12 feet;
2. 357° 56'          438.39 feet along the West side of Interstate Highway (F.A.P. No. I-H1-1(14));
3. 87° 56'          22.00 feet along the West side of Interstate Highway (F.A.P. No. I-H1-1(14));
4. 357° 56'          229.66 feet along the West side of Interstate Highway (F.A.P. No. I-H1-1(14));
5. 87° 56'          10.00 feet along the West side of Interstate Highway (F.A.P. No. I-H1-1(14));
6. Thence along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)) on a curve to the left with a radius of 3,150.00 feet, the chord azimuth and distance being:  
350° 44'          789.60 feet;



- |     |  |                |   |
|-----|--|----------------|---|
| 7.  | 343° 32'   | 416.36         | feet along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)); |
| 8.  | 253° 32'   | 7.41           | feet along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)); |
| 9.  | 343° 32'   | 334.46         | feet along Parcel 104C;   |
| 10. | 347° 16' 01"   | 248.58         | feet along Parcel 104C;   |
| 11. | 80° 21'  | 18.78          | feet along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)); |
| 12. | Thence along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)) on a curve to the right with a radius of 2,464.00 feet, the chord azimuth and distance being: |                |   |
|     |  | 353° 05' 05.5" | 235.14 feet;  |
| 13. | 85° 52' 16"  | 6.36           | feet along Parcel 104B;   |
| 14. | 0° 49' 13"   | 284.21         | feet along Parcel 104B;   |
| 15. | 273° 16' 55"   | 14.40          | feet along Parcel 104B;   |
| 16. | Thence along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)) on a curve to the right with a radius of 2,162.87 feet, the chord azimuth and distance being: |                |   |
|     |  | 6° 16' 08.5"   | 261.35 feet;  |
| 17. | Thence along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)) on a curve to the right with a radius of 2,162.87 feet, the chord azimuth and distance being: |                |   |
|     |  | 10° 35' 38"    | 65.01 feet;   |
| 18. | 281° 27' 18"   | 61.31          | feet along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)); |



19. 5° 10' 08" 195.76 feet along Parcel 104A;
20. Thence along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)) on a curve to the right with a radius of 1,428.18 feet, the chord azimuth and distance being:  
21° 07' 25" 125.96 feet;
21. 113° 39' 04" 101.00 feet along the West side of Interstate Highway (F.A.P. No. I-H1-1(14));
22. Thence along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)) on a curve to the right with a radius of 1,327.18 feet, the chord azimuth and distance being:  
25° 53' 34" 103.82 feet;
23. 174° 11' 4,133.51 feet along Lots 92-B-1-A, 1790, 13173, 13172, 13171, and 10212 of Land Court Application 1000;
24. 248° 33' 16" 91.82 feet along Interstate Highway (F.A.P. No. I-H1-1(14)) to the point of beginning and containing an area of 15.532 Acres, 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  
March 9, 2015



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 9-6-004-023 (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) 9-6-004-023 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 9-6-004-023 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMK 9-6-004-023 (por.)



R. M. TOWILL CORPORATION

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*Ryan M. Suzuki*

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Honolulu, Hawaii 96819  
March 9, 2015



**PARCEL 104B**

Being a portion of the land bearing Tax Key designation (1) 9-6-004-023  
Being also a Portion of R.P. 4475, L.C. Aw. 7713, Apana 46 to V. Kamamalu

Situate at Waiawa, Ewa, Island of Oahu, Hawaii

Beginning at the Northeast corner of this parcel of land, along the West side of Interstate Highway (F.A.P. No. I-H1-1(14)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Hawaiian Plane Coordinate Grid System, Zone III" being 87,060.52 feet North and 502,877.81 feet East, thence running by azimuths measured clockwise from true South:

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1° 24' 09.5"      105.89 feet;
3.      93° 16' 55"                      14.40      feet along the Remainder of Parcel 104;
4.      180° 49' 13"                     284.21      feet along the Remainder of Parcel 104;
5.      265° 52' 16"                     6.36      feet along the Remainder of Parcel 104 to the point of beginning and containing an area of 3,773 Square Feet, more or less.



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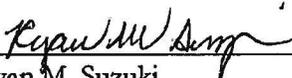


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March 9, 2015

  
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**The Remainder of PARCEL 104**

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*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  
 March 9, 2015



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-12 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 9-6-004-023 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
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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 9-6-004-023, and situated at Waihona Street, Honolulu, Hawaii, which is required for station infrastructure purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 29,650 square-foot portion is required, is on the critical path for successful completion of the West Oahu/Farrington Highway Section of the H RTP. The property is owned by The Trustees of the Estate of Bernice Pauahi Bishop.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 9-6-004-023) was designated as a partial take 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 the portion would have on the remainder of the property.

- An Offer to acquire, in fee, three portions totaling 29,650 square feet, was made to the Owner who accepted and is currently in escrow.

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**

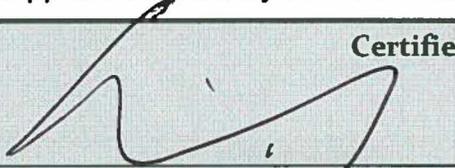
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

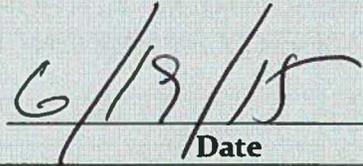
Exhibit 1 – Offer letter dated 7/29/2014

Exhibit 2 – Appraisal Summary from John Child & Company dated 7/9/2014

Certified and Recommended by:



Executive Director and CEO



Date

APOOROW  
CMS 01845

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COK 15 X  
JA

RECEIVED  
KAHEHAMEHA SCHOOLS  
CENTRAL FILES

2014 AUG -5 P 1:52

**HART** HART-ROW

IN REPLY REFER TO:  
CMS-APOOROW-00579

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.  
CHAIR

Donald G. Horner  
VICE CHAIR

George I. Aita  
Robert Bunda  
Michael D. Furnby  
Ford H. Fuchigami  
William "Buz" Hong  
Kisilo W. Kim  
Damon T. Kim  
Carrie K. S. Okinaga, Esq.

HAND-DELIVERED

July 29, 2014

BP Bishop Trust Estate  
567 South King Street, Suite 200  
Honolulu, Hawaii 96813

Attention: Ms. Catherine Camp

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (HRTTP)  
Parcel 104: Tax Map Key 9-6-004-023 (Portion)  
Letter of Offer

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 0.6804-acre portion of your property, identified as Tax Map Key 9-6-004-023 (shown colored in yellow on the enclosed tax map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$22,300 (Twenty-Two Thousand Three Hundred Dollars and no cents).

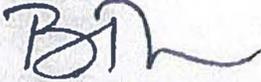
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by August 29, 2014. The remaining copies are for your files. Also enclosed for your information is the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

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.

BP Bishop Trust Estate  
Page 2  
July 29, 2014

Please call Mr. Ryan Ng at 768-6199 if you have any questions regarding this matter.

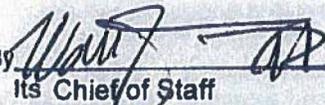
Sincerely,



*dm*  
Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:  
ROBERT K.W.H. NOBRIGA, CORBETT AARON KAMOHAIKIOKALANI KALAMA, MICAH A. KANE,  
JANEEN-ANN AULANI OLDS , AND LANCE KEAVE WILHELM  
Trustees under the Will and Estate of ~~Trustees under the Will and Estate of~~  
Bernice Pauahi Bishop, deceased. Bernice Pauahi Bishop, deceased.

By  \_\_\_\_\_  
Its Chief of Staff

Print Name: Walter Thoemmes

Dated: FEB 12 2015

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

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

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

Kamehameha Schools hereby accepts the foregoing offer, subject however, to all of the terms and conditions set forth in the attached Addendum and all exhibits thereto, which are incorporated herein by reference.

### Addendum

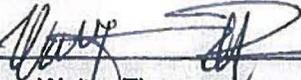
The "Parcels" are three parcels or segments of land with a total acreage of 0.6804 acre referred to as "Parcel 104: Tax Map Key 9-6-004-023 (Portion)" and commonly referred to as the Waiawa parcels. The foregoing offer made by HART to acquire (in lieu of condemnation) the Parcels in fee simple for \$22,300, is accepted by the Trustees of the Estate of Bernice Pauahi Bishop ("KS") subject to, and amended by, the following terms and conditions:

1. HART shall offer compensation to KS for the Right of Entry Agreement ("TCE"), which offer shall be submitted with more information on the scope and timing of the TCE. Although KS does not object to granting the TCE on the terms and conditions described below, compensation should be provided to KS. If and when KS agrees to the compensation for the TCE and is paid such compensation, the "Right of Entry Agreement" shall be in the form attached hereto as Exhibit 1 in lieu of the Consent to Enter attached to HART's offer.
2. HART shall, at its cost and expense, cause the Parcels to be subdivided from the portions of the 17.949-acre parcel of land described in that certain Status Report issued by Title Guaranty of Hawaii, Inc. (No. 201422544) dated June 20, 2014, which is included in HART's appraisal report, in a manner that the remaining lot is a separately subdivided and insurable lot. KS shall cooperate with HART in the execution of authorization documents to allow HART to accomplish the same.
3. Upon the subdivision of the Parcels and the payment of the foregoing compensation to KS, the Parcels shall be conveyed by KS to HART by a quitclaim deed. Recording fees and conveyance tax, if any, for such transfer shall be paid for by HART.
4. HART shall, at its cost and expense, cause the reconstruction and restoration of existing site improvements affected by the taking.
5. In accepting the compensation for the Parcel, KS is expressly relying on the accuracy and validity of the following valuation assumption made by HART's appraiser:

"The proposed taking will reduce the remainder parcel to about 17,2686 acres (17.949 acres less 0.6804 acres). The segments involved in the taking are along the perimeter of the parcel. The relatively level and usable portion of the H-2 Freeway Parcel is largely unaffected by the proposed taking.

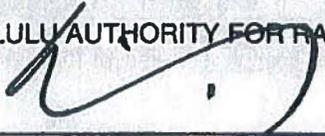
The taking does not create a non-conformity in terms of lot size, dimensions, access, or setbacks and does not impact the marketability or productivity of the parcel as it currently exists. The taking does not impact the remainder land, the intensity of that use, or conformity with existing land use regulations. Therefore, the taking does not result in any severance damages to the remainder property."
6. This agreement has been executed by or on behalf of the Trustees of the Estate of Bernice Pauahi Bishop in their fiduciary capacities as said Trustees, and not in their individual capacities. No personal liability or obligation under this agreement shall be imposed or assessed against said Trustees in their individual capacities.

TRUSTEES OF THE ESTATE OF  
BERNICE PAUAAHI BISHOP, AS  
AFORESAID

By:   
Name: Walter Thoemmes  
Title: Chief of Staff  
Date: FEB 12 2015

The foregoing terms and conditions are accepted:

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

  
\_\_\_\_\_  
Daniel A. Grabauskas  
Executive Director and CEO

Date: 3/18/15



**JOHN CHILD & COMPANY**  
APPRAISERS & CONSULTANTS

July 9, 2014

Karen Char, MAI, CRE  
Paul D. Cool, MAI, CRE  
Shelly H. Tanaka, MAI  
Sammy Apsen

City and County of Honolulu  
Honolulu Authority for Rapid Transportation  
c/o Mr. Todd A. Salvatore  
Paragon Partners Ltd.  
5762 Bolsa Avenue, Suite 201  
Huntington Beach, California 92649

Dear Mr. Salvatore:

**Re: Partial Acquisition of the H-2 Freeway Parcel  
Tax Map Key (1) 9-6-004:023, PDQ Parcel 104**

At your request, John Child & Company has estimated the fair market value of the partial fee simple acquisition involving a 0.6804-acre portion of the H-2 Freeway Parcel. This letter summarizes the background and estimated value presented in the attached report.

**STUDY BACKGROUND**

The Trustees of the Estate of Bernice Pauahi Bishop, a charitable educational trust (Bishop Estate, also referred to as Kamehameha Schools) owns the fee simple interest in a 17.949-acre vacant parcel along the westerly side of the H-2 Highway, north of the H-1/H-2 Freeway Interchange, in Waiawa, Ewa, Oahu, Hawaii. The parcel, referred to as the H-2 Freeway Parcel, is identified as Tax Map Key 9-6-004:023 of the First Taxation Division.

Honolulu Authority for Rapid Transportation (HART), a semi-autonomous public transit authority, has retained Paragon Partners Ltd. as its consultant for the Honolulu Rail Transit Project (HRTTP). HART plans to acquire three segments of the H-2 Freeway Parcel totaling 0.6804 acres. These segments will be incorporated into the dedicated access ramp connecting the H-2 Freeway to the Pearl Highlands Station's park-and-ride facility and bus transit center.

HART requires an appraisal of the fee simple interest in the taking. In this regard, you asked us to assist you.

**STUDY OBJECTIVE**

The objective of our assistance is to estimate the fair market value of the fee simple interest in the 0.6804-acre portion of the H-2 Freeway Parcel to be acquired by HART.



#### **INTENDED USE AND USERS**

Our assistance is intended to be used by HART, Paragon Partners, Ltd. (Paragon Partners), and the U.S. Department of Transportation Federal Transit Administration (FTA) in connection with the H RTP.

As a result, our assistance is intended for the sole and exclusive use of HART (Client), Paragon Partners, and the FTA. The Client has agreed that our assistance is not intended for any other purpose or users and is not to be relied upon by any third parties for any purpose, whatsoever.

#### **DATE OF PROPERTY VISIT**

The property was last visited on June 24, 2014. A representative of the property owner, Ms. Catherine Camp, accompanied the appraiser.

#### **EFFECTIVE DATE OF APPRAISAL**

The effective date of appraisal is June 24, 2014.

#### **DATE OF REPORT**

The date of this report is July 9, 2014.

#### **DEFINITIONS OF TERMS**

Terms used in this report are defined in the Appraisal Institute's, **The Dictionary of Real Estate Appraisal**, Fifth Edition, unless otherwise footnoted.

#### **Fair Market Value**

"Fair market value" has the same meaning as "market value."

Market value means the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy



or sell, giving due consideration to all available economic uses of the property at the time of the appraisal. [1]

### **Fee Simple Interest**

“Fee simple interest” is the same as “fee simple estate.”

Fee simple estate is defined as absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

### **HYPOTHETICAL CONDITIONS**

A hypothetical condition is that which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of the data used in an analysis. [2]

The valuation is based on the following hypothetical conditions.

#### **Access to a Public Road**

In its Status Report dated June 20, 2014, Title Guaranty of Hawaii, Inc. (Title Guaranty) reports that the H-2 Freeway Parcel has no recorded access to a public roadway.

However, a former cane haul road extends across the H-2 Freeway Parcel and provides practical access to Kamehameha Highway and Waihona Street. This cane haul road is also used for accessing utility installations by Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc.

At the request of Paragon Partners, the valuation is based on the hypothetical condition that the H-2 Freeway Parcel has legal access to public roadways via the cane haul road.

---

[1] Interagency Land Acquisition Conference, **Uniform Appraisal Standards for Federal Land Acquisitions**, 2000.

[2] Appraisal Institute, **The Dictionary of Real Estate Appraisal**, Fifth Edition, 2010.



### **Impact of the Project**

Section 24.103(b) of the Code of Federal Regulation (CFR) states:

“The appraiser shall disregard any decrease or increase in the market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.”

Therefore, this valuation is based on the hypothetical condition that the H-2 Freeway Parcel is not impacted by the rail project as of the date of valuation.

### **EXTRAORDINARY ASSUMPTION**

An extraordinary assumption is an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis. [1]

Title Guaranty does not have satisfactory evidence that the Land described herein is a subdivided lot of record under the ordinances of the City and County of Honolulu. Before title insurance can be issued, written verification should be obtained from the County planning department that the Land is an existing subdivided lot of record.

At the request of Paragon Partners, this valuation is based on the extraordinary assumption that the H-2 Freeway Parcel is a subdivided lot of record under the ordinances of the City and County of Honolulu.

### **STUDY CONDITIONS**

This report is subject to the study conditions included in Section I.

---

[1] Appraisal Institute, **The Dictionary of Real Estate Appraisal**, Fifth Edition, 2010.

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
July 9, 2014  
Page 5



**ESTIMATED FAIR MARKET VALUE**

Based on the valuation analyses, the fair market value of the fee simple interest in the 0.6804-acre portion of the H-2 Freeway Parcel to be acquired by the HART, as of June 24, 2014, is estimated to be:

**TWENTY TWO THOUSAND THREE HUNDRED DOLLARS**  
**\$22,300.**

\* \* \* \* \*

We appreciate the opportunity to assist you on this interesting assignment. Please contact us if you have questions.

Sincerely,

JOHN CHILD & COMPANY, INC.

Paul D. Cool, MAI, CRE  
Vice President  
Certified General Appraiser License No. 71  
State of Hawaii  
Expires December 31, 2015

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-13**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-106 (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) 1-2-003-106 (por.) 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 1-2-003-106 (por.); 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 1-2-003-106 (por.)

Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real Property Identified as Tax Map Key 1-2-003-106 (portion) by Eminent Domain

---

Board Chair

ATTEST:

---

Board Administrator

**Parcel 408**

Being a portion of Lot 3 (Department of Land Utilization File No. 78(20))

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

Beginning at the Northwest corner of this parcel of land, also being the North corner of the Remainder of Parcel 408, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,679.86 feet South and 4,863.08 feet West, thence running by azimuths measured clockwise from true South:

- 1. 222' 20' 12.91 feet along a portion of Lot 9 in Block 10 of "Kapiolani Tract";
- 2. 312' 20' 50.00 feet along the Southwest side of Dillingham Boulevard;
- 3. 42' 20' 12.91 feet along a portion of Lot 13 in Block 10 of "Kapiolani Tract";
- 4. 132' 20' 50.00 feet along the Remainder of Parcel 408 to the point of beginning and containing an area of 645 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
 Honolulu, Hawaii 96819  
 March 9, 2015



**The Remainder of Parcel 408**  
Being a portion of Lot 3 (Department of Land Utilization File No. 78(20))

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

Beginning at the North corner of this parcel of land, also being the West corner of Parcel 408, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,679.86 feet South and 4,863.08 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 408;
2. 42° 20' 180.09 feet along a portion of Lot 13 and Lot 14 in Block 10 of "Kapiolani Tract";
3. 132° 20' 50.00 feet along the Northeast side of Colburn Street;
4. 222° 20' 180.09 feet along a Lot 10 and a portion of Lot 9 in Block 10 of "Kapiolani Tract" to the point of beginning and containing an area of 9,005 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

A handwritten signature in black ink, appearing to read "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  
March 9, 2015



Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 408

Being a Portion of Lot 3 (Department of Land Utilization File No. 78(20))

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

Beginning at the North corner of this easement, being the Northwest corner of Parcel 408, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 4,679.86 feet South and 4,863.08 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 408;
2. 42° 20' 4.00 feet along a portion of Lot 13 in Block 10 of "Kapiolani Tract";
3. 132° 20' 50.00 feet;
4. 222° 20' 4.00 feet along a portion of Lot 9 in Block 10 of "Kapiolani Tract" to the point of beginning and containing an area of 200 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



**Easement A  
For Electrical Purposes  
Affecting Lot 12 (Map 1) of Land Court Consolidation 97**

**Being a Portion of Lot 12 (Map 1) of Land Court Consolidation 97**

**SITUATE AT KOIUIU, LELEO AND KUWILI, HONOLULU, ISLAND OF OAHU, HAWAII**

Beginning at the Southeast corner of this easement, along the North side of Kaaahi Place, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL", being 1,619.30 feet North and 5,275.64 feet West, thence running by azimuths measured clockwise from true South:

1.        68° 50'                                18.98 feet along the North side of Kaaahi Place;
  
2.        Thence along the North side of Kaaahi Place, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:  

83° 43' 46"                15.42 feet;
  
3.        160° 38'                                10.07 feet;
  
4.        250° 38'                                14.72 feet;
  
5.        248° 50'                                18.85 feet;
  
6.        338° 50'                                13.57 feet to the point of beginning and containing an area of 442 Square Feet, more or less.





R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 1-2-003-106 (PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-2-003-106 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-2-003-106 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMK 1-2-003-106 (por.)

**Parcel 408**

Being a portion of Lot 3 (Department of Land Utilization File No. 78(20))

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

Beginning at the Northwest corner of this parcel of land, also being the North corner of the Remainder of Parcel 408, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,679.86 feet South and 4,863.08 feet West, thence running by azimuths measured clockwise from true South:

- 1. 222° 20' 12.91 feet along a portion of Lot 9 in Block 10 of "Kapiolani Tract";
- 2. 312° 20' 50.00 feet along the Southwest side of Dillingham Boulevard;
- 3. 42° 20' 12.91 feet along a portion of Lot 13 in Block 10 of "Kapiolani Tract";
- 4. 132° 20' 50.00 feet along the Remainder of Parcel 408 to the point of beginning and containing an area of 645 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
 Honolulu, Hawaii 96819  
 March 9, 2015



**The Remainder of Parcel 408**  
Being a portion of Lot 3 (Department of Land Utilization File No. 78(20))

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

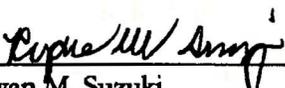
Beginning at the North corner of this parcel of land, also being the West corner of Parcel 408, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,679.86 feet South and 4,863.08 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 408;
2. 42° 20' 180.09 feet along a portion of Lot 13 and Lot 14 in Block 10 of "Kapiolani Tract";
3. 132° 20' 50.00 feet along the Northeast side of Colburn Street;
4. 222° 20' 180.09 feet along a Lot 10 and a portion of Lot 9 in Block 10 of "Kapiolani Tract" to the point of beginning and containing an area of 9,005 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
March 9, 2015



Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 408

Being a Portion of Lot 3 (Department of Land Utilization File No. 78(20))

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

Beginning at the North corner of this easement, being the Northwest corner of Parcel 408, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 4,679.86 feet South and 4,863.08 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 408;
2. 42° 20' 4.00 feet along a portion of Lot 13 in Block 10 of "Kapiolani Tract";
3. 132° 20' 50.00 feet;
4. 222° 20' 4.00 feet along a portion of Lot 9 in Block 10 of "Kapiolani Tract" to the point of beginning and containing an area of 200 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014







2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014

R. M. TOWILL CORPORATION

Description prepared by:

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



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-13 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-106 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-2-003-106, and situated at 1811 Dillingham Boulevard, Honolulu, Hawaii, 96819, which is required for road widening for the Honolulu Rail Transit Project (H RTP). This property, for which a 645 square-foot portion and 200 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Central Building Company, Limited.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-2-003-106) was designated as a partial take 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 the portion would have on the remainder of the property.

- The Owner has accepted the Offer and is currently in escrow and waiting for subdivision maps, Land Court, and Department of Planning and Permitting to close escrow.

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**

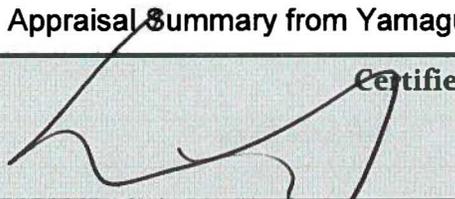
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 8/28/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 8/5/2014

Certified and Recommended by:



Executive Director and CEO

6/19/15  
Date



HONOLULU AUTHORITY for RAPID TRANSPORTATION

IN REPLY REFER TO:  
CMS-APOOROW-00603

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

August 28, 2014

Ivan M. Lui-Kwan, Esq.  
CHAIR

Donald G. Horner  
VICE CHAIR

Central Building Company, Limited  
P.O. Box 75144  
Honolulu, Hawaii 96836

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.

Attention: Mr. Bryan Chang

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)  
1811 Dillingham Boulevard  
Parcel 408: Tax Map Key 1-2-003-106 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 645 square foot portion your property, identified as Tax Map Key 1-2-003-106 (shown colored in blue on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$105,500 (One Hundred Five Thousand and Five Hundred Dollars).

In addition, HART offers to purchase a Temporary Construction Easement (TCE) encompassing a total of 200 square feet (shown in yellow on the enclosed map), for a total consideration of \$1,308 (One Thousand Three Hundred and Eight Dollars). The purpose of the TCE is to facilitate street widening and construction of the improvements with the right-of-way (ROW). Activities that may be performed with the TCE may include: demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to driveway and back of sidewalk connections to existing grades, and surface restoration. The duration of the TCE's will be six months, with a start date to be determined thru coordination with you and the HART's contractor.

The total offer for acquiring both interests in your property is \$106,808 (One Hundred Six Thousand Eight Hundred Eight Dollars).

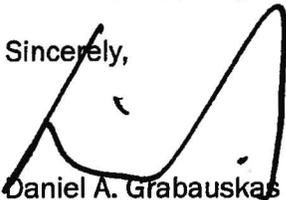
Central Building Company, Limited  
Page 2  
August 28, 2014

If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by October 1, 2014. The remaining copies are for your files. Also enclosed for your information is the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

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.

Please call Mr. Walter "Cap" Havekorst at 799-3655 or by email at [whavekorst@paragon-partners.com](mailto:whavekorst@paragon-partners.com) if you have any questions regarding this matter.

Sincerely,

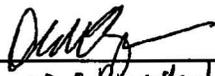


Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

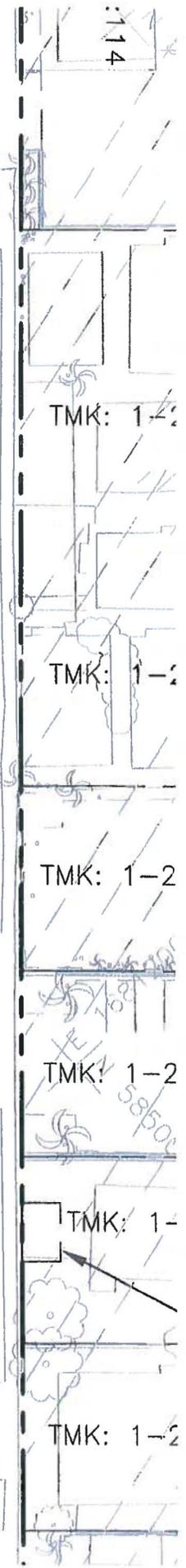
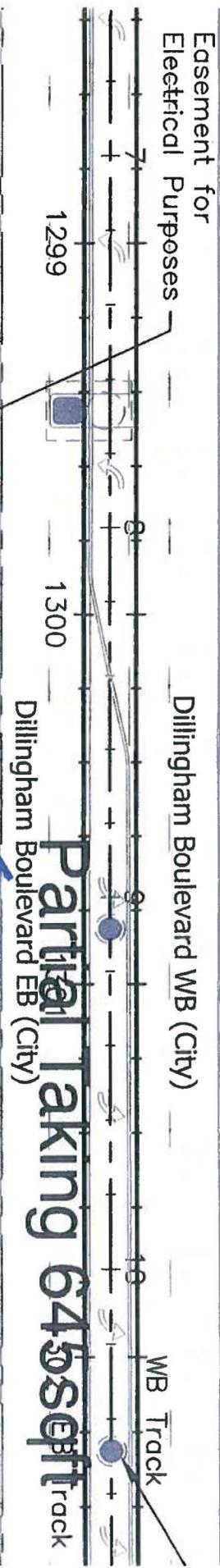
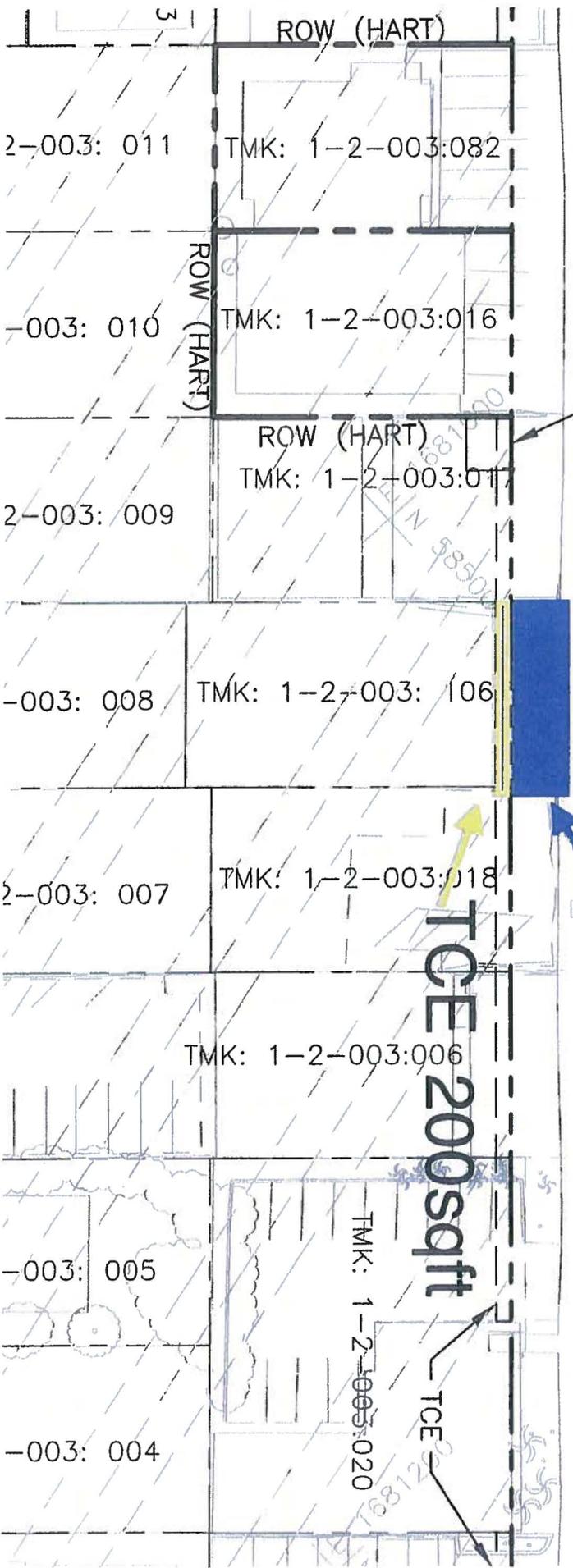
ACCEPTED:

CENTRAL BUILDING COMPANY, LIMITED

By   
its Vice President

Print Name: Dale Zame

Dated: 8/28/14



## Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶ _____	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number			
[ ] [ ] [ ] [ ]	-	[ ] [ ] [ ] [ ]	-
[ ] [ ] [ ] [ ]	-	[ ] [ ] [ ] [ ]	-

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number			
[ ] [ ] [ ] [ ] [ ] [ ]	-	[ ] [ ] [ ] [ ] [ ] [ ]	-
[ ] [ ] [ ] [ ] [ ] [ ]	-	[ ] [ ] [ ] [ ] [ ] [ ]	-

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below)

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶ _____	Date ▶ _____
------------------	----------------------------------	--------------

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

#### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7)

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester.
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details).
3. The IRS tells the requester that you furnished an incorrect TIN.
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

### Specific Instructions

#### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

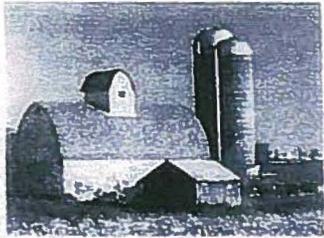
**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/Estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

---

Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

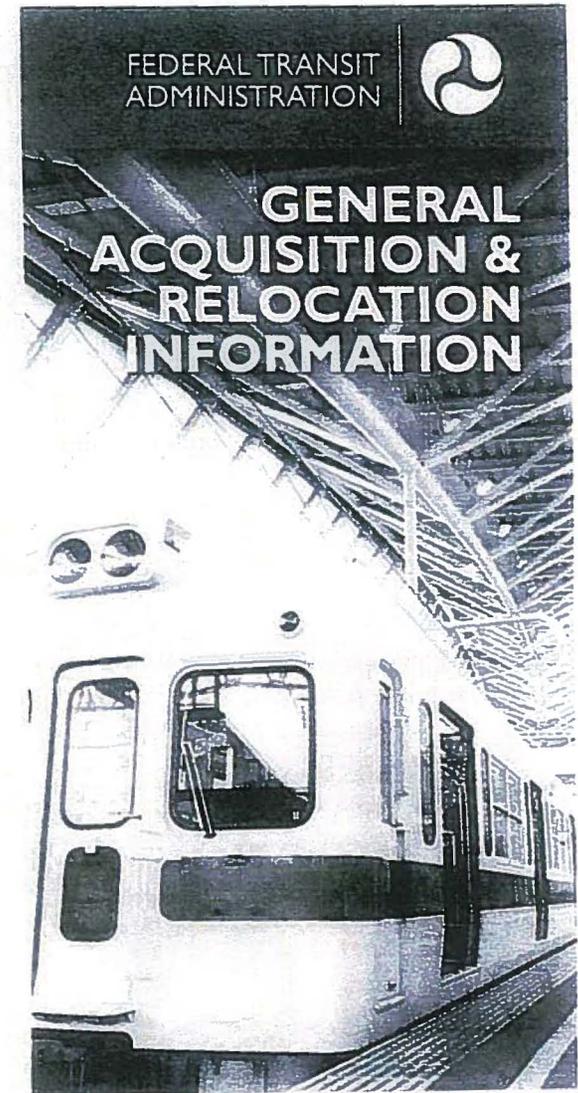
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

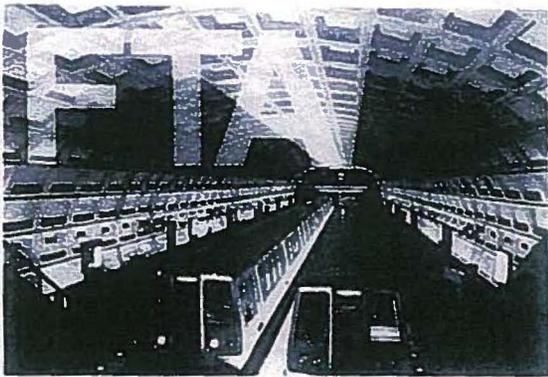
Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY.



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

Residential Homeowner Occupants, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

90 day Occupant or Tenant, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000	Generally, exempt payees 1 through 7 <sup>1</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply, if you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>1</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup>List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup>Circle the minor's name and furnish the minor's SSN.

<sup>3</sup>You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup>List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN.
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

### Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4464. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, the cancellation of debt, or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

August 5, 2014

Mr. Todd Salvatore  
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  
Partial Acquisition  
Parcel Designation: 1-2-003-106; 5,000 square feet  
HART RW Parcel 408  
1811 Dillingham Boulevard, Honolulu, Hawaii 96819

Dear Mr. Salvatore,

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 "*Partial Acquisition*" of 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 identified as the "Larger Parcel" physically consists of a rectangular, non-corner vacant parcel constituting 5,000 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 Summary report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of August 5, 2014.

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 110-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 July 21, 2014.

\$ 817,600	<i>"As Is" Indicated Market Value of the Larger Parcel</i>
\$ 712,130	<i>"As Is" Indicated Market Value of the Remainder Parcel</i>
\$ 105,470	<i>"As Is" Indicated Market Value of the Partial Acquisition</i>
\$ 105,500	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 105,500	<i>Total Fair Market Value of the Partial Acquisition (Rounded)</i>
\$ 2,616	<i>Estimated Annual Rent Per Annum @ 8% - Temporary Construction Easement</i>
\$ 218	<i>Estimated Monthly Rent</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. 2015-14**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-018 (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) 1-2-003-018 (por.) 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 1-2-003-018 (por.); 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 1-2-003-018 (por.)  
Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real Property  
Identified as Tax Map Key 1-2-003-018 (portion) by Eminent Domain

---

Board Chair

ATTEST:

---

Board Administrator

Parcel 409  
Being a Portion of Lot 13 in Block 10 of "Kapiolani Tract"  
Being also a Portion of Royal Patent Number 8194, Land Commission  
Award Number 6450, Apana 1 to Kaumohua no Moehonua

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

Beginning at the Northwest corner of this parcel of land, also being the North corner of the Remainder of Parcel 409, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 5,622.05 feet North and 10,726.02 feet West, thence running by azimuths measured clockwise from true South:

- 1. 222° 20' 12.91 feet along Lot 1-A (Map 3) of Land Court Application 660;
- 2. 312° 20' 50.00 feet along the Southwest side of Dillingham Boulevard;
- 3. 42° 20' 12.91 feet along Lot 16 in Block 10 of "Kapiolani Tract";
- 4. 132° 20' 50.00 feet along the Remainder of Parcel 409 to the point of beginning and containing an area of 645 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 8, 2015



Remainder of Parcel 409  
Being a Portion of Lot 13 in Block 10 of "Kapiolani Tract"  
Being also a Portion of Royal Patent Number 8194, Land Commission  
Award Number 6450, Apana 1 to Kaumohua no Moehonua

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4. 222° 20' 80.09 feet along Lot 1-A (Map 3) of Land Court Application 660 to the point of beginning and containing an area of 4,005 Square Feet, more or less.



R. M. TOWILL CORPORATION

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Licensed Professional Land Surveyor  
Certificate Number 10059

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 8, 2015

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail [mtowill@hawaii.r.com](mailto:mtowill@hawaii.r.com)



R. M. TOWILL CORPORATION  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 409

Being a Portion of Lot 13 of "Kapiolani Tract"  
Being a portion of Royal Patent Number 8194, Land Commission  
Award Number 6450, Apana 1 to Kaumohua no Moehonua

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

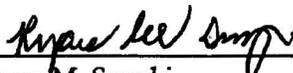
Beginning at the North corner of this easement, being the Northwest corner of Parcel 409, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 5,622.05 feet North and 10,726.02 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 409;
2. 42° 20' 4.00 feet along a Portion of Lot 15 in Block 10 of "Kapiolani Tract";
3. 132° 20' 50.00 feet;
4. 222° 20' 4.00 feet along Lot 1-A (Map 3) of Land Court Application 660 to the point of beginning and containing an area of 200 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

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

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



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Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 1-2-003-018 (PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-2-003-018 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-2-003-018 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMK 1-2-003-018 (por.)

Parcel 409  
Being a Portion of Lot 13 in Block 10 of "Kapiolani Tract"  
Being also a Portion of Royal Patent Number 8194, Land Commission  
Award Number 6450, Apana 1 to Kaumohua no Moehonua

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

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- 2. 312° 20' 50.00 feet along the Southwest side of Dillingham Boulevard;
- 3. 42° 20' 12.91 feet along Lot 16 in Block 10 of "Kapiolani Tract";
- 4. 132° 20' 50.00 feet along the Remainder of Parcel 409 to the point of beginning and containing an area of 645 Square Feet, more or less.



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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  
May 8, 2015



Remainder of Parcel 409  
Being a Portion of Lot 13 in Block 10 of "Kapiolani Tract"  
Being also a Portion of Royal Patent Number 8194, Land Commission  
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SITUATE AT MOKAUEA, KALIHI, HONOLULU, ISLAND OF OAHU, HAWAII

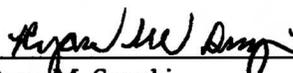
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Ryan M. Suzuki Exp: 4/30/16  
Licensed Professional Land Surveyor  
Certificate Number 10059

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 8, 2015



Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 409

Being a Portion of Lot 13 of "Kapiolani Tract"  
Being a portion of Royal Patent Number 8194, Land Commission  
Award Number 6450, Apana 1 to Kaumohua no Moehonua

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

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3. 132° 20' 50.00 feet;
4. 222° 20' 4.00 feet along Lot 1-A (Map 3) of Land Court Application 660 to the point of beginning and containing an area of 200 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

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

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail [mtowill@hawaii.rr.com](mailto:mtowill@hawaii.rr.com)



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SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-14 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-018 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-2-003-018, and situated at 1803 Dillingham Boulevard, Honolulu, Hawaii, 96819, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 645 square-foot portion and 200 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Rosebud Holdings, Limited.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-2-003-018) was designated as a partial take 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 the portion would have on the remainder of the property.

- The Owner submitted a counteroffer, an agreement was reached through administrative settlement and is in escrow waiting for subdivision maps, and Department of Planning and Permitting to close.

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**

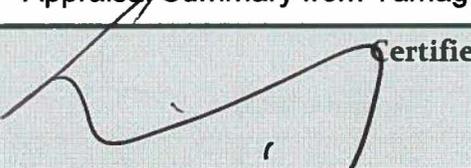
There is no feasible alternative to avoid the above-described impacts to the property.

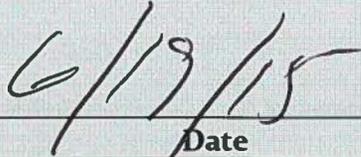
**8. Exhibits**

Exhibit 1 – Offer letter dated 8/28/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 8/1/2014

Certified and Recommended by:

  
\_\_\_\_\_  
Executive Director and CEO

  
\_\_\_\_\_  
Date



HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

August 28, 2014

*[Handwritten Signature]*  
Received  
James Nutter 9/3/14  
Print Name Date

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.  
CHAIR

Donald G. Horner  
VICE CHAIR

George J. Atta  
Robert Bunda  
Michael D. Formby  
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William "Buzz" Hong  
Kestlie W.K. Hui  
Damien T.K. Kim  
Carrie K.S. Okinaga, Esq.

Rosebud Holdings, Limited  
91-140 Kaomi Loop  
Kapolei, Hawaii 96707

Attention: Mr. James G. Nutter

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)  
1803 Dillingham Boulevard  
Parcel 409: Tax Map Key 1-2-003-018 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 645 square foot portion of your property, identified as Tax Map Key 1-2-003-018 shown colored in blue on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$105,500 (One Hundred Five Thousand and Five Hundred dollars).

In addition, HART offers to purchase a Temporary Construction Easement (TCE) encompassing a total of 200 square feet (shown in yellow on the enclosed map), for a total consideration of \$1,308 (One Thousand Three Hundred and Eight Dollars). The purpose of the TCE is to facilitate street widening and construction of the improvements with the right-of-way (ROW). Activities that may be performed with the TCE may include: demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to driveway and back of sidewalk connections to existing grades, and surface restoration. The duration of the TCE's will be six months, with a start date to be determined thru coordination with you and the HART's contractor.

The total offer for acquiring both interests in your property is \$106,808 (One Hundred Six Thousand Eight Hundred Eight Dollars).

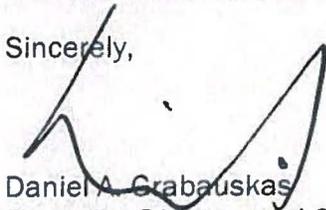
Rosebud Holdings, Limited  
Page 2  
August 28, 2014

If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by October 1, 2014. The remaining copies are for your files. Also enclosed for your information is the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

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.

Please call Mr. Walter "Cap" Havekorst at 799-3655 or by email at [whavekorst@paragon-partners.com](mailto:whavekorst@paragon-partners.com) if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

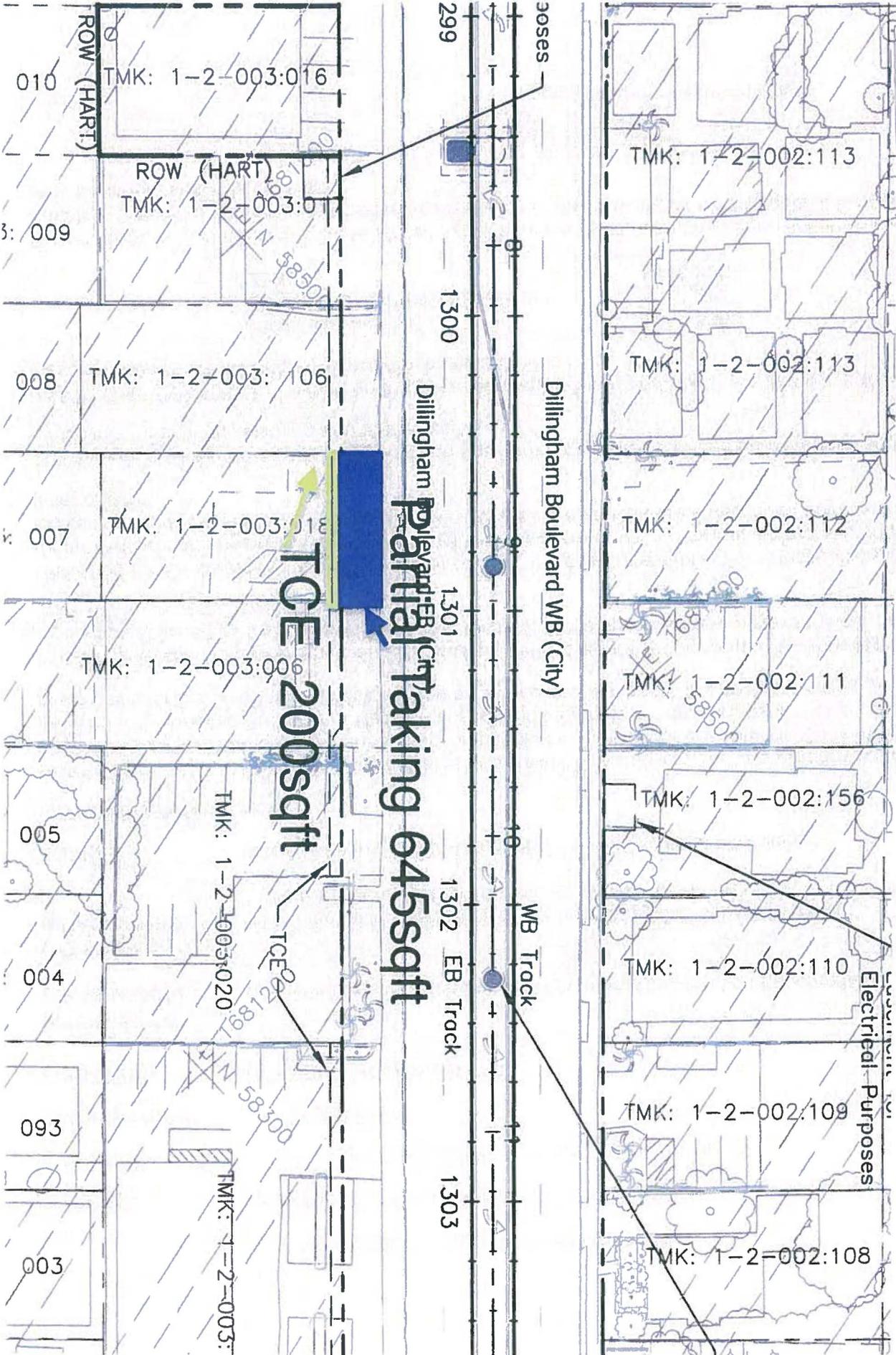
ACCEPTED:

ROSEBUD HOLDINGS, LIMITED

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

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

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



010

TMK: 1-2-003:016

ROW (HART)

ROW (HART)

TMK: 1-2-003:017

3: 009

008

TMK: 1-2-003: 106

007

TMK: 1-2-003:018

TMK: 1-2-003:006

005

TMK: 1-2-003:020

004

093

003

TMK: 1-2-003:003

299

1300

1301

1302

1303

roses

Dillingham Boulevard WB (City)

WB Track

Dillingham Boulevard WB (City) Taking 645sqft

TCE 200sqft

TMK: 1-2-002:113

TMK: 1-2-002:113

TMK: 1-2-002:112

TMK: 1-2-002:111

TMK: 1-2-002:156

TMK: 1-2-002:110

TMK: 1-2-002:109

TMK: 1-2-002:108

Electrical Purposes

5850d

5850d

5830d

**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (HRTP)  
**LOCATION:** 1803 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** (1) 1-2-003-018  
**OWNER(S):** ROSEBUD HOLDINGS LTD.  
**INTEREST TO BE ACQUIRED:** Unencumbered fee simple and Temporary Construction Easement  
**PARCEL TO BE ACQUIRED:** Partial fee taking consisting of approximately 645 square feet and Temporary Construction Easements (TCE's) of +/- 200sf.  
**ZONING:** IMX-1 Industrial Mixed-Use by the City & County of Honolulu  
**IMPROVEMENTS:** None

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, a State of Hawaii licensed appraiser performed an appraisal. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

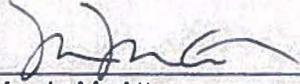
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Partial Fee Taking	\$105,500
Temporary Construction Easement	\$ 1,308
<b>TOTAL:</b>	<b>\$106,808</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.

  
\_\_\_\_\_  
Morris M. Atta  
Deputy Director of Right-of-Way

## APPRAISAL SUMMARY STATEMENT

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 1803 Dillingham Blvd., Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** (1) 1-2-003-018  
**OWNER(S):** ROSEBUD HOLDINGS LTD.  
**PARCEL AREA:** Partial Fee taking of 645 Square Feet and  
Temporary Construction Easement of +/- 200 Square Feet  
**PROPERTY ACQUIRED:** ALL: \_\_\_ PART: X  
**INTEREST TO BE ACQUIRED:** Unencumbered fee simple  
**ZONING:** IMX-1 Industrial Mixed-Use  
**HIGHEST & BEST USE:** Commercial  
**ASSESSED VALUE (2014):**

Land	\$693,300
Improvements:	n/a
<b>TOTAL</b>	<b>\$693,300</b>

---

Partial Fee Taking \$105,500  
Temporary Construction Easement: \$ 1,308

The Appraisal Estimate is: **\$106,808**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map key listed hereinbelow, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

PROJECT:           **Honolulu Rail Transit Project (H RTP)**  
TAX MAP KEY:      **(1) 1-2-003-018**  
LOCATION:           **1803 Dillingham Boulevard, Honolulu, Oahu, Hawaii**  
PURPOSE:           **Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

(1) That the area covered by this consent document is colored in yellow and blue as outlined on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a **nominal** consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

TAX MAP KEY: (1) 1-2-003-018  
Consent to Enter – Page 2

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

ROSEBUD HOLDINGS, LIMITED

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

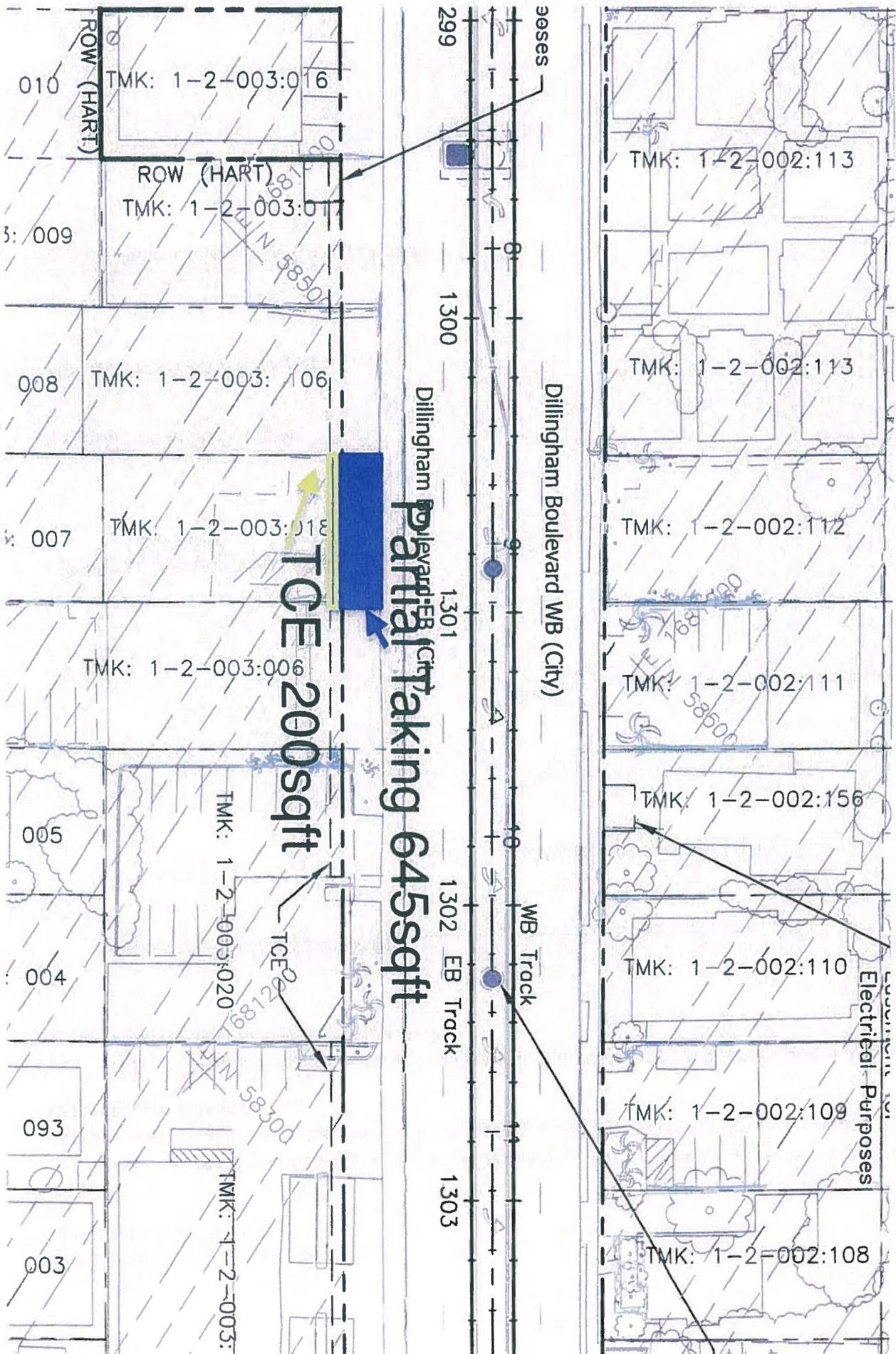
Phone \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED AS TO CONTENTS

  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation



010

TMK: 1-2-003:016

ROW (HART)

ROW (HART)

TMK: 1-2-003:017

009

008

TMK: 1-2-003:016

007

TMK: 1-2-003:015

TMK: 1-2-003:006

005

TMK: 1-2-003:020

004

093

003

TMK: 1-2-003:003

299

1300

1301

1302

1303

seoses

Dillingham Boulevard WB (City)

WB Track

Dillingham Boulevard WB (City)  
**Partial Taking 645sqft**

**TCE 200sqft**

TMK: 1-2-002:113

TMK: 1-2-002:113

TMK: 1-2-002:112

TMK: 1-2-002:111

TMK: 1-2-002:156

TMK: 1-2-002:110

TMK: 1-2-002:109

TMK: 1-2-002:108

Electrical Purposes



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

August 1, 2014

Mr. Todd Salvatore  
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  
Partial Acquisition  
Parcel Designation: 1-2-003-018; 4,650 square feet  
HART RW Parcel 409  
1803 Dillingham Boulevard, Honolulu, Hawaii 96819

Dear Mr. Salvatore,

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 "*Partial Acquisition*" of 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 identified as the "Larger Parcel" physically consists of a rectangular, non-corner vacant parcel constituting 4,650 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 Summary report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of August 1, 2014.

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 110-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 July 21, 2014.

\$ 760,368	<i>"As Is" Indicated Market Value of the Larger Parcel</i>
\$ 654,898	<i>"As Is" Indicated Market Value of the Remainder Parcel</i>
\$ 105,470	<i>"As Is" Indicated Market Value of the Partial Acquisition</i>
\$ 105,500	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 105,500	<i>Total Fair Market Value of the Partial Acquisition (Rounded)</i>
\$ 2,616	<i>Estimated Annual Rent Per Annum @ 8% - Temporary Construction Easement</i>
\$ 218	<i>Estimated Monthly Rent</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. 2015-15**

APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-020 (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) 1-2-003-020 (por.) 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 1-2-003-020 (por.); 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 1-2-003-020 (por.)**  
**Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real Property**  
**Identified as Tax Map Key 1-2-003-020 (portion) by Eminent Domain**

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

**ATTEST:**

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

**Parcel 411**  
Being a Portion of Lot A  
Same Being a Portion of Lots 17 and 19 in Block 10 of "Kapiolani Tract"  
Being a Portion of R.P. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua no Moehonua

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

Beginning at the Northwest corner of this parcel of land, also being the North corner of the Remainder of Parcel 411, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,780.88 feet South and 4,752.19 feet West, thence running by azimuths measured clockwise from true South:

- 1. 222° 20' 12.91 feet along a portion of Lot 15 in Block 10 of "Kapiolani Tract";
- 2. 312° 20' 100.00 feet along the Southwest side of Dillingham Boulevard;
- 3. 42° 20' 12.91 feet along a portion of Lot 21 in Block 10 of "Kapiolani Tract";
- 4. 132° 20' 100.00 feet along the Remainder of Parcel 411 to the point of beginning and containing an area of 1,291 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
March 9, 2015

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



**The Remainder of Parcel 411**  
Being a Portion of Lot A  
Same Being a Portion of Lots 17 and 19 in Block 10 of "Kapiolani Tract"  
Being a Portion of R.P. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua no Moehonua

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

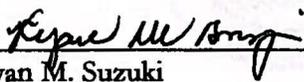
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1. 312° 20' 100.00 feet along Parcel 411;
2. 42° 20' 80.09 feet along a portion of Lot 21 in Block 10 of "Kapiolani Tract";
3. 132° 20' 100.00 feet along Lots 20 and 18 in Block 10 of "Kapiolani Tract";
4. 222° 20' 80.09 feet along a portion of Lot 15 in Block 10 of "Kapiolani Tract" to the point of beginning and containing an area of 8,009 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
March 9, 2015

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



**R. M. TOWILL CORPORATION**  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 411

Being a Portion of Lot A  
Same Being a Portion of Lots 17 and 19 in Block 10 of "Kapiolani Tract"  
Being a Portion of Royal Patent Number 8194, Land Commission  
Award Number 6450, Apana 1 to Kaumohua no Moehonua

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

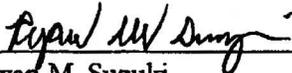
Beginning at the North corner of this easement, being the West corner of Parcel 411, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,780.88 feet South and 4,752.19 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 43.80 feet along Parcel 411;
2. 42° 20' 4.00 feet;
3. 132° 20' 43.80 feet;
4. 222° 20' 4.00 feet along Lot 16 in Block 10 of "Kapiolani Tract" to the point of beginning and containing an area of 175 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

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

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



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Planning  
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Construction Management

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-020 (PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-2-003-020 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-2-003-020 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMK 1-2-003-020 (por.)

RR

**Parcel 411**  
Being a Portion of Lot A  
Same Being a Portion of Lots 17 and 19 in Block 10 of "Kapiolani Tract"  
Being a Portion of R.P. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua no Moehonua

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

Beginning at the Northwest corner of this parcel of land, also being the North corner of the Remainder of Parcel 411, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,780.88 feet South and 4,752.19 feet West, thence running by azimuths measured clockwise from true South:

- 1. 222° 20' 12.91 feet along a portion of Lot 15 in Block 10 of "Kapiolani Tract";
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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  
March 9, 2015



**The Remainder of Parcel 411**  
Being a Portion of Lot A  
Same Being a Portion of Lots 17 and 19 in Block 10 of "Kapiolani Tract"  
Being a Portion of R.P. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua no Moehonua

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

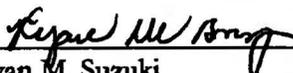
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R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
March 9, 2015

- 1 -

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Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



**R. M. TOWILL CORPORATION**  
SINCE 1930

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Easement A  
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Being a Portion of Lot A  
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Award Number 6450, Apana 1 to Kaumohua no Moehonua

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

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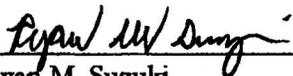
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4. 222° 20' 4.00 feet along Lot 16 in Block 10 of "Kapiolani Tract" to the point of beginning and containing an area of 175 Square Feet, more or less.



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

R. M. TOWILL CORPORATION

Description prepared by:

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

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail [mtowill@hawaii.rr.com](mailto:mtowill@hawaii.rr.com)



R. M. TOWILL CORPORATION  
SINCE 1920

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-15 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-020 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-2-003-020, and situated at 1723 and 1727 Dillingham Boulevard, Honolulu, Hawaii, 96819, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 1,291 square-foot portion and 175 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Elum Two, LLC.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-2-003-020) was designated as a partial take 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 the portion would have on the remainder of the property.

- The Owner has accepted the Offer and is currently in escrow and waiting for subdivision maps, Land Court, and Department of Planning and Permitting to close escrow.

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**

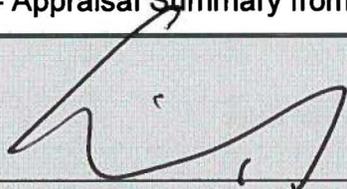
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

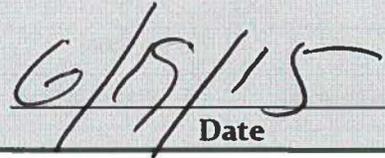
Exhibit 1 – Offer letter dated 12/11/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 11/7/2014

Certified and Recommended by:



Executive Director and CEO



Date

RL1592

**HART**

HART-ROW

IN REPLY REFER TO:

CMS-APOOROW-00726

2015 JAN 6 AM 10 18

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEOHAND-DELIVERED

BOARD OF DIRECTORS

December 11, 2014

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Carrie K.S. Okinaga, Esq.

Dear Mr. Lum:

Subject: Honolulu Rail Transit Project (H RTP)  
1723 and 1727 Dillingham Boulevard  
Parcel 411: Tax Map Key (TMK) 1-2-003-020 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 1,291 square foot portion of your property, identified as TMK 1-2-003-020 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$215,200 (Two Hundred Fifteen Thousand Two Hundred Dollars).

In addition, HART offers to purchase a Temporary Construction Easement (TCE) consisting of 175 square feet (shown colored in pink on the enclosed map) for a consideration of \$1,045 (One Thousand Forty-Five Dollars). The intent of the TCE is to facilitate construction of improvements within the right-of-way which may include demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to the driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCE will be six 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 \$216,245 (Two Hundred Sixteen Thousand Two Hundred Forty-Five Dollars).

Mr. Ernest Lum  
Page 2  
December 11, 2014

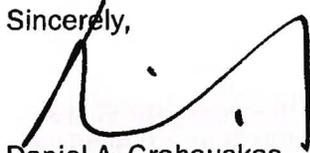
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by **January 15, 2015**. The remaining copies are for your files. Also enclosed for your information are the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

If we do not hear from you by January 15, 2015, this offer shall be considered rejected and HART will proceed to review options to acquire the subject property.

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.

Please contact Mr. Walter "Cap" Havekorst at 799-3655 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

ELUM TWO, LLC

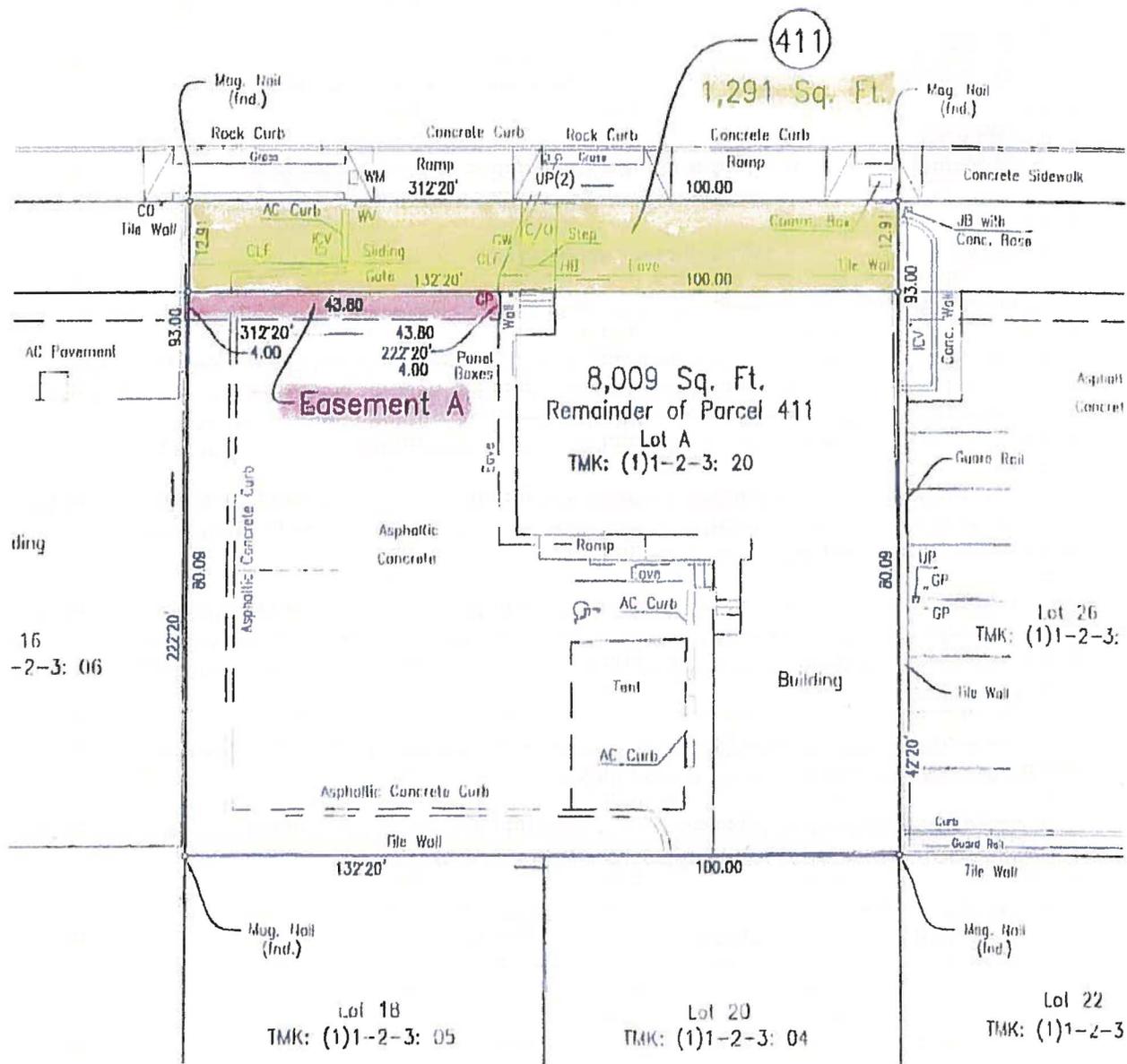
By Ernest K. Lum *1/15/15*  
Its

Print Name: ERNEST K F LUM

Dated: 1/5/15

PARCEL MAP EXHIBIT  
 TMK 1-2-003-020 (Portion)

DILLINGHAM BOULEVARD



## STATEMENT OF JUST COMPENSATION

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 1723 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-2-003-020 (Portion)  
**OWNER(S):** ELUM TWO, LLC  
**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple & Temporary Construction Easement  
**PARCEL TO BE ACQUIRED:** Partial Fee Simple taking of +/- 1,291 square feet  
Temporary Construction Easement of +/- 175 square feet  
**ZONING:** IMX-1, Industrial Mixed-Use  
**IMPROVEMENTS:** Contributory Value is given to landscaping, irrigation and driveway

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

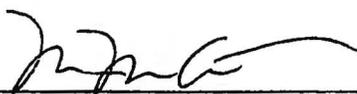
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Partial Fee Taking	<b>\$215,200</b>
Temporary Construction Easement	<b>\$ <u>1,045</u></b>
<b>TOTAL:</b>	<b>\$216,245</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.

  
\_\_\_\_\_  
Morris M. Atta  
Deputy Director of Right-of-Way

**APPRAISAL SUMMARY STATEMENT**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 1723 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-2-003-020 (Portion)  
**OWNER(S):** ELUM TWO, LLC  
**PARCEL AREA:** +/- 1,291 square feet of Partial Fee Simple  
+/- 175 square feet of Temporary Construction Easement  
**PROPERTY ACQUIRED:** ALL: \_\_\_ PART: X  
**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple & Temporary Construction Easement  
**ZONING:** IMX-1, Industrial Mixed-Use  
**HIGHEST & BEST USE:** Mixed-Use Industrial/Commercial  
**ASSESSED VALUE (2014):** Land Value \$1,226,400  
**FOR TOTAL PARCEL** Building Value \$ 222,200  
TOTAL \$1,448,600  

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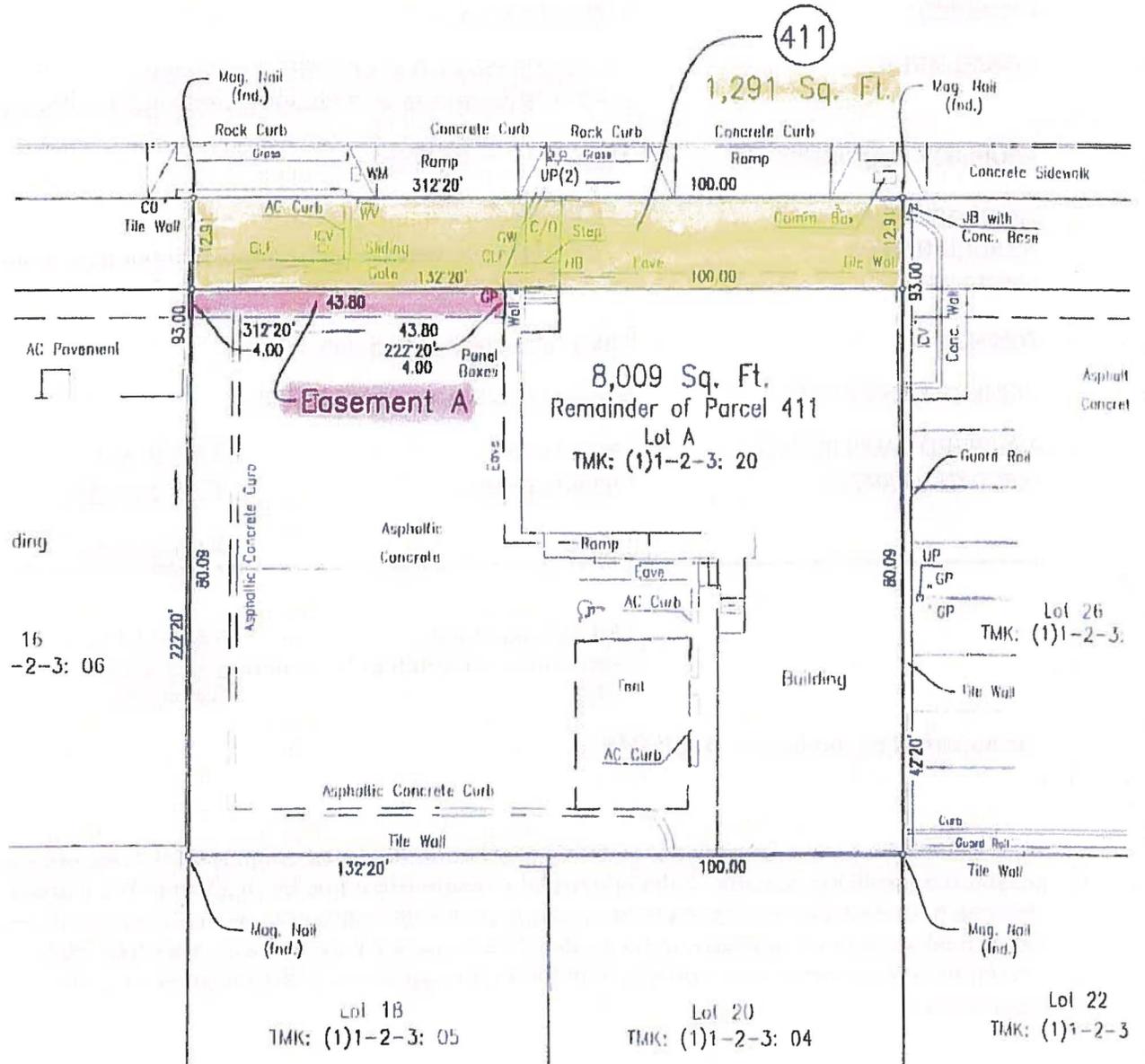
  
Partial Fee Taking \$215,200  
Temporary Construction Easement \$ 1,245  
TOTAL \$216,245

The Appraisal Estimate is: **\$216,245**

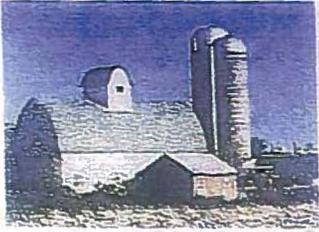
The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

PARCEL MAP EXHIBIT  
 TMK 1-2-003-020 (Portion)

DILLINGHAM BOULEVARD



## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

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### Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

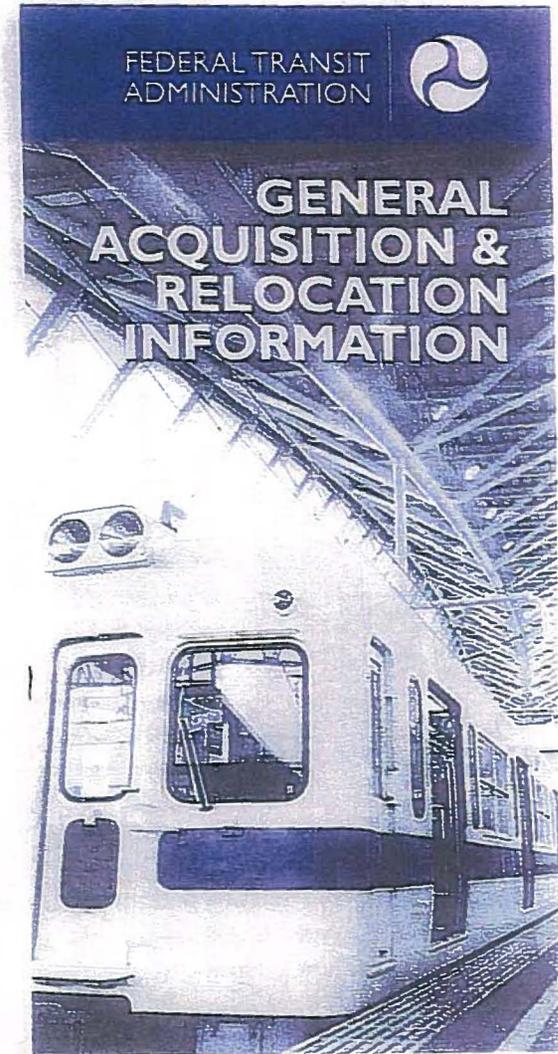
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF TRANSPORTATION   
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR INFORMATION ON CONTACTING YOUR LOCAL AGENCY

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) <b>ELUM TWO, LLC</b>	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	
	<input type="checkbox"/> Exempt payee	
	Address (number, street, and apt. or suite no.) <b>750 AMPANA ST RM 212</b>	Requester's name and address (optional)
City, state, and ZIP code <b>HONOLULU HI 96814</b>		
List account number(s) here (optional)		

<b>Part I Taxpayer Identification Number (TIN)</b>																																					
Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.																																					
<p><b>Note.</b> If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="9" style="text-align: center;">Social security number</th> </tr> <tr> <td style="width: 25px; height: 20px;"> </td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="9" style="text-align: center;">Employer identification number</th> </tr> <tr> <td style="width: 25px; height: 20px;">2</td> <td style="width: 25px; height: 20px;">0</td> <td style="width: 25px; height: 20px;">-</td> <td style="width: 25px; height: 20px;">1</td> <td style="width: 25px; height: 20px;">5</td> <td style="width: 25px; height: 20px;">5</td> <td style="width: 25px; height: 20px;">8</td> <td style="width: 25px; height: 20px;">9</td> <td style="width: 25px; height: 20px;">8</td> </tr> </table>	Social security number																		Employer identification number									2	0	-	1	5	5	8	9	8
Social security number																																					
Employer identification number																																					
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<b>Part II Certification</b>	
Under penalties of perjury, I certify that:	
<ol style="list-style-type: none"> <li>The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and</li> <li>I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and</li> <li>I am a U.S. citizen or other U.S. person (defined below).</li> </ol>	
<p><b>Certification instructions.</b> You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.</p>	
<b>Sign Here</b>	Signature of U.S. person ▶ <i>Emek K. ...</i> Date ▶ <i>1/5/15</i>

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA) name" on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

**Exempt Payee**

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and Its Instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

**Part I. Taxpayer Identification Number (TIN)**

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

**Part II. Certification**

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records from Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

- To reduce your risk:
  - Protect your SSN,
  - Ensure your employer is protecting your SSN, and
  - Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uca.gov](mailto:spam@uca.gov) or contact them at [www.ftc.gov/dtheft](http://www.ftc.gov/dtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

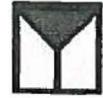
<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Privacy Act Notice**

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

November 7, 2014

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 411  
Parcel Designation: TMK (1) 1-2-003-020  
1723 Dillingham Boulevard, Honolulu, Hawaii 96817

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 9,300 square feet and zoned IMX-1 Industrial Mixed-Use. Per our exterior observation and tax office records, it is improved with a 32-year old, one story office building consisting of 2,700 square feet and an asphalt paved open parking area. These improvements are not included as part of our appraisal job scope.

The partial acquisition area along the property boundary frontage on Dillingham Boulevard consists of 1,291 square feet. HART also requires a Temporary Construction Easement (TCE) identified as Easement A that is adjacent to the partial acquisition area and consists of 175 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 November 7, 2014.

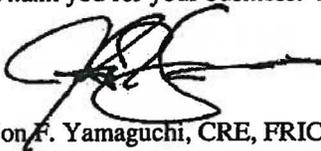
For purposes of this appraisal report the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 116-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 October 18, 2014:

\$ 1,387,000	<i>"As Is" Indicated Market Value of the Larger Parcel</i>
\$ 1,195,000	<i>"As Is" Indicated Market Value of the Remainder Parcel</i>
\$ 193,000	<i>"As Is" Indicated Market Value of the Partial Acquisition</i>
\$ 193,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 19,200	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 3,000	<i>Add: Contributory Value</i>
\$ 215,200	<i>Total Fair Market Value of the Partial Acquisition (Rounded)</i>
\$ 2,089	<i>Estimated Annual Rent Per Annum @ 8% for the TCE</i>
\$ 174.08	<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.



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. 2015-16**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-028-073 (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) 1-5-028-073 (por.) 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 1-5-028-073 (por.); 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 1-5-028-073 (por.)  
Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real Property  
Identified as Tax Map Key 1-5-028-073 (portion) by Eminent Domain

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

ATTEST:

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

**Parcel 413**

Being a Portion of Parcel A in Block 10-A of "Kapiolani Tract"  
 Being a Portion of R.P. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua no Moehonua

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

Beginning at the South corner of this parcel of land, also being the East corner of the Remainder of Parcel 413, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 5,197.62 feet South and 4,295.77 feet West, thence running by azimuths measured clockwise from true South:

1. 132° 20' 122.38 feet along the Remainder of Parcel 413;
2. Thence along the Remainder of Parcel 413, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
 99° 49' 29" 21.50 feet;
3. 222° 20' 4.49 feet along the Southeast side of Kalihi Street;
4. Thence along the Southeast side of Kalihi Street and the Southwest side of Dillingham Boulevard, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:  
 267° 20' 28.28 feet;
5. 312° 20' 117.74 feet along the Southwest side of Dillingham Boulevard;
6. 30° 15' 13.23 feet along Lot 624 in Section A of Land Court Application 750 to the point of beginning and containing an area of 1,773 Square Feet, more or less.

- 1 -





2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
March 9, 2015

R. M. TOWILL CORPORATION

Description prepared by:

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

- 2 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail [mtowill@hawaii.rr.com](mailto:mtowill@hawaii.rr.com)



R. M. TOWILL CORPORATION  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management





R. M. TOWILL CORPORATION

Description prepared by:

A handwritten signature in cursive script, appearing to read "Ryan M. Suzuki", written over a horizontal line.

Ryan M. Suzuki

Exp: 4/30/16

Licensed Professional Land Surveyor

Certificate Number 10059

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
March 9, 2015



**Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 413**

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

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

Beginning at the Southeast corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 5,148.57 feet South and 4,349.70 feet West, thence running by azimuths measured clockwise from true South:

1.      42° 20'                                      10.00 feet;
2.      132° 20'                                      3.08 feet;
3.      222° 20'                                      6.00 feet;
4.      132° 20'                                      46.40 feet;
5.      Thence on a curve to the left with a radius of 16.00 feet, the chord azimuth and distance being:  

99° 49' 29"                      21.50 feet;
6.      42° 20'                                      29.90 feet;
7.      132° 20'                                      4.00 feet;
8.      222° 20'                                      30.83 feet along the Southeast side of Kalihi Street;
9.      Thence along Parcel 413, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  

279° 49' 21.5"                      21.50 feet;



10. 312' 20'

49.48 feet along Parcel 413 to the point of beginning and containing an area of 377 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

A handwritten signature in cursive script, appearing to read "Ryan M. Suzuki".

Ryan M. Suzuki

Exp: 4/30/16

Licensed Professional Land Surveyor

Certificate Number 10059

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



Easement B  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 413

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

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

Beginning at the Southeast corner of this easement, also being the South corner of Parcel 413, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 5,197.62 feet South and 4,295.77 feet West, thence running by azimuths measured clockwise from true South:

1. 30° 15' 13.30 feet;
2. 132° 20' 23.79 feet;
3. 210° 47' 13.27 feet;
4. 312° 20' 23.66 feet along Parcel 413 to the point of beginning and containing an area of 309 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 1-5-028-073 (PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-5-028-073 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-5-028-073 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMK 1-5-028-073 (por.)

**Parcel 413**  
**Being a Portion of Parcel A in Block 10-A of "Kapiolani Tract"**  
**Being a Portion of R.P. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua no Moehonua**

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

Beginning at the South corner of this parcel of land, also being the East corner of the Remainder of Parcel 413, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 5,197.62 feet South and 4,295.77 feet West, thence running by azimuths measured clockwise from true South:

1. 132° 20' 122.38 feet along the Remainder of Parcel 413;
2. Thence along the Remainder of Parcel 413, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
99° 49' 29" 21.50 feet;
3. 222° 20' 4.49 feet along the Southeast side of Kalihi Street;
4. Thence along the Southeast side of Kalihi Street and the Southwest side of Dillingham Boulevard, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:  
267° 20' 28.28 feet;
5. 312° 20' 117.74 feet along the Southwest side of Dillingham Boulevard;
6. 30° 15' 13.23 feet along Lot 624 in Section A of Land Court Application 750 to the point of beginning and containing an area of 1,773 Square Feet, more or less.





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2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
March 9, 2015

- 2 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail [mtowill@hawaii.r.com](mailto:mtowill@hawaii.r.com)



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Planning  
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Environmental Services  
Photogrammetry  
Surveying  
Construction Management





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Description prepared by:

A handwritten signature in cursive script that reads "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  
March 9, 2015



Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 413

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

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

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1. 42° 20' 10.00 feet;
2. 132° 20' 3.08 feet;
3. 222° 20' 6.00 feet;
4. 132° 20' 46.40 feet;
5. Thence on a curve to the left with a radius of 16.00 feet, the chord azimuth and distance being:  
99° 49' 29" 21.50 feet;
6. 42° 20' 29.90 feet;
7. 132° 20' 4.00 feet;
8. 222° 20' 30.83 feet along the Southeast side of Kalihi Street;
9. Thence along Parcel 413, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
279° 49' 21.5" 21.50 feet;



10. 312' 20'

49.48 feet along Parcel 413 to the point of beginning and containing an area of 377 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



Easement B  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 413

Being a Portion of Lot A in Block 10-A of "Kapiolani Tract"  
Being a Portion of Royal Patent Number 8194, Land Commission  
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SITUATE AT MOKAUEA, KALIHI, HONOLULU, ISLAND OF OAHU, HAWAII

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R. M. TOWILL CORPORATION

Description prepared by:

A handwritten signature in black ink that reads "Ryan M. Suzuki".

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-16 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-028-073 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-5-028-073, and situated at 1617 Dillingham Boulevard, Honolulu, Hawaii 96817, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 1,773 square-foot portion and 686 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Lane Kunio Fujii, et al.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-5-028-073) was designated as a partial take 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 the portion would have on the remainder of the property.

- On 11/20/2014 a partial take Offer was presented to Owner and Offer was accepted on 12/2/2014. A Consent to Enter was executed by Owner on 12/2/2014. Currently in escrow awaiting subdivision maps, Land Court, and Department of Planning and Permitting to close escrow.

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**

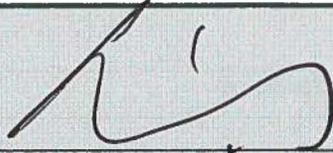
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 11/20/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 10/20/2014

Certified and Recommended by:



Executive Director and CEO

6/19/15  
Date

Exhibit 1  
APOOROW  
CMS01647

IN REPLY REFER TO:  
CMS-APOOROW-00697

RL 12/18  
L 15 P  
ROW COP  
JA



HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.  
CHAIR

Donald G. Horner  
VICE CHAIR

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Robert Bunda  
Michael D. Formby  
Ross M. Higashi  
William "Buzz" Hong  
Kestlie W.K. Hui  
Damien T.K. Kim  
Carrie K.S. Okinaga, Esq

CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
7014 0150 0000 5879 1659

November 20, 2014

Lane Kunio Fujii  
Frances Mitsue Shimotsu  
Jerry Juichi Fujii  
Marvin Masanori Fujii  
528 Kalihi Street  
Honolulu, Hawaii 96819

HART-ROW

2014 DEC 4 PM 3 44

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)  
1617 Dillingham Boulevard  
Parcel 413: Tax Map Key (TMK) 1-5-028-073 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 1,773 square foot portion of your property, identified as TMK 1-5-028-073 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for a consideration of \$255,000 (Two Hundred Fifty-Five Thousand Dollars).

In addition, HART offers to purchase a 686 square foot Temporary Construction Easement (TCE) adjacent to the aforementioned partial taking (shown colored in blue on the enclosed map), for a consideration of \$3,868 (Three Thousand Eight Hundred Sixty-Eight Dollars). The purpose of the TCE is to facilitate construction of the improvements within the right-of-way. Activities that may be performed within the TCE may include: demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve the operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCE will be six months, with a start date to be determined thru coordination with you and HART's contractor.

The total offer for acquiring both interests in your property is \$258,868 (Two Hundred Fifty-Eight Thousand Eight Hundred Sixty-Eight Dollars).

Lane Kunio Fujii  
Frances Mitsue Shimotsu  
Jerry Juichi Fujii  
Marvin Masanori Fujii  
Page 2  
November 20, 2014

If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by December 20, 2014. The remaining copies are for your files. Also enclosed for your information are the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

If we do not hear from you by December 20, 2014, this offer shall be considered rejected and HART will proceed to review options to acquire the subject property.

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.

Please contact Mr. Joseph Hastings at 294-5206 if you have any questions regarding this matter.

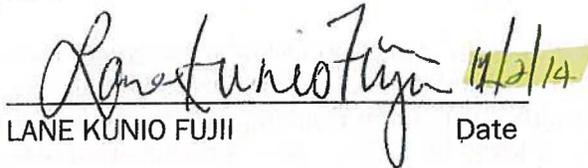
Sincerely,

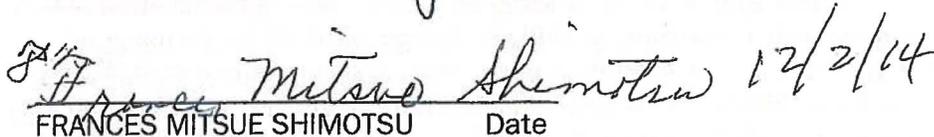


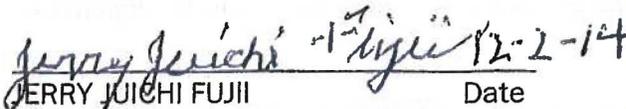
Daniel A. Grabauskas  
Executive Director and CEO

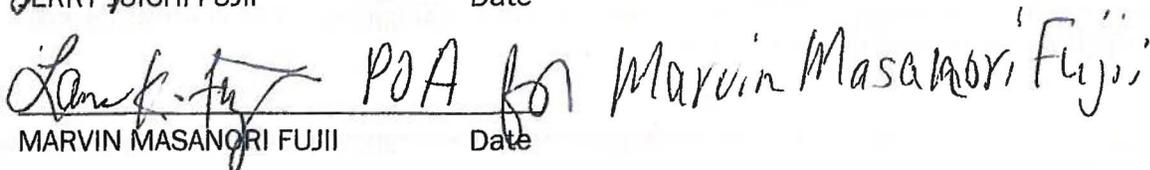
Enclosures

ACCEPTED:

 11/2/14  
LANE KUNIO FUJII Date

 12/2/14  
FRANCES MITSUE SHIMOTSU Date

 12-2-14  
JERRY JUICHI FUJII Date

 POA for Marvin Masanori Fujii  
MARVIN MASANORI FUJII Date



**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 1617 Dillingham Boulevard, Honolulu, Oahu Hawaii  
**TAX MAP KEY:** 1-5-028-073 (Portion)  
**OWNER(S):** LANE KUNIO FUJII, FRANCES MITSUE SHIMOTSU, JERRY JUICHI FUJII, MARVIN MASANORI FUJII

**INTEREST TO BE ACQUIRED:** Unencumbered fee simple & Temporary Construction Easement

**PARCEL TO BE ACQUIRED:** Partial fee simple taking consisting of +/- 1,773 square feet and Temporary Construction Easement of +/- 686 square feet

**ZONING:** IMX-1, Industrial Mixed-Use

**IMPROVEMENTS:** Contributory Value is given to landscaping, irrigation, driveways and curbs

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Partial Fee Taking	<b>\$255,000</b>
Temporary Construction Easement	<b>\$ 3,868</b>
<b>TOTAL:</b>	<b>\$258,868</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



Morris M. Atta  
Deputy Director of Right-of-Way

**APPRAISAL SUMMARY STATEMENT**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 1617 Dillingham Blvd. Boulevard, Honolulu, Hawaii 96819  
**TAX MAP KEY:** 1-5-028-073 (Portion)  
**OWNER(S):** LANE KUNIO FUJII, FRANCES MITSUE SHIMOTSU, JERRY JUICHI FUJII, MARVIN MASANORI FUJII

**PARCEL AREAS:** +/- 1,773 square feet of Partial fee simple taking  
+/- 686 square feet of Temporary Construction Easement

**PROPERTY ACQUIRED:** ALL:  PART:

**INTEREST TO BE ACQUIRED:** Unencumbered fee simple & Temporary Construction Easement

**ZONING:** IMX-1, Industrial Mixed-Use

**HIGHEST & BEST USE:** Light-Industrial, Office or Commercial

<b>ASSESSED VALUE (2014):</b>	Land Value	\$1,286,700
<b>FOR TOTAL PARCEL</b>	Building Value	<u>\$ 732,200</u>
	<b>TOTAL</b>	<b>\$2,018,900</b>

---

	Partial Fee Taking	\$255,000
	Temporary Construction Easement	<u>\$ 3,868</u>
	<b>TOTAL</b>	<b>\$258,868</b>

The Appraisal Estimate is: **\$258,868**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.



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

October 20, 2014

Ms. Georgia Marquis  
Director of Acquisition & Relocation Services  
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 413  
Parcel Designation: TMK: (1) 1-5-028-073; 13,677 square feet  
1617 Dillingham Boulevard, Honolulu, Hawaii 96817

Dear Ms. Marquis,

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 "*Partial Acquisition*" of 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 of one parcel at the southeast corner of Dillingham Boulevard and Kalihi Street consisting of 13,677 square feet. The improvements, operated as a Bank of Hawaii branch facility straddles the subject site and two adjacent lots. Parcel 71 is owned by Bank of Hawaii consisting of 10,752 square feet and Parcel 83 is owned by Carole K. Shirakata Trust et al consisting of 4,165 square feet. The existing improvements encumber all three of the adjacent parcels with a single use. All three parcels are zoned IMX-1 Industrial Mixed-Use. Per our exterior observation and tax office records, the improvements, originally built in 1971 and renovated over the years consists of 3,441 square feet. The improvements are not included as a part of our appraisal job scope.

The subject property and the adjacent lots do not have unity of ownership, but it does have contiguity and unity of use. However, since the parcels do not have unity of ownership the appraiser has identified the larger parcel as the subject parcel independently as TMK (1) 1-1-5-028-073.

The partial acquisition area along the property boundary frontages involving the corner of Dillingham Boulevard and Kalihi Street consists of 1,773 square feet. HART also requires a Temporary Construction Easement (TCE) identified as Easement A and Easement B, situated inside of the partial acquisition area consisting of 686 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 September 27, 2014.

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 118-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 September 27, 2014:

\$ 1,928,000	<i>"As Is" Indicated Market Value of the Larger Parcel</i>
\$ 1,678,000	<i>"As Is" Indicated Market Value of the Remainder Parcel</i>
\$ 250,000	<i>"As Is" Indicated Market Value of the Partial Acquisition</i>
\$ 250,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 5,000	<i>Add: Contributory Value</i>
\$ 255,000	<i>Total Fair Market Value of the Partial Acquisition (Rounded)</i>
\$ 7,736	<i>Estimated Annual Rent Per Annum @ 8% for the TCE</i>
\$ 644.66	<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.



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. 2015-17**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-007 (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) 1-5-015-007 (por.) 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 1-5-015-007 (por.); 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 1-5-015-007 (por.)

Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real Property Identified as Tax Map Key 1-5-015-007 (portion) by Eminent Domain

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

ATTEST:

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

**Parcel 426**  
Being a Portion of Lot 3-A-1  
As Shown on Map 3 of Land Court Consolidation 19

**SITUATE AT KAPALAMA, HONOLULU, ISLAND OF OAHU, HAWAII**

Beginning at the Northwest corner of this parcel of land, also being the North corner of the Remainder of Parcel 426, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,152.24 feet North and 7,578.93 feet West, thence running by azimuths measured clockwise from true South:

- 1. 212° 04' 5.00 feet along Lot 5 (Map 4) of Land Court Consolidation 19;
- 2. 302° 04' 140.26 feet along the Southwest side of Dillingham Boulevard;
- 3. 32° 04' 5.00 feet along Lot 2 (Map 1) of Land Court Consolidation 19;
- 4. 122° 04' 140.26 feet along the Remainder of Parcel 426 to the point of beginning and containing an area of 701 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  
May 8, 2015



**Remainder of Parcel 426**  
Being a Portion of Lot 3-A-1  
As Shown on Map 3 of Land Court Consolidation 19

SITUATE AT KAPALAMA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the North corner of this parcel of land, also being the Northwest corner of the Parcel 426, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,152.24 feet North and 7,578.93 feet West, thence running by azimuths measured clockwise from true South:

- |    |          |  |
|----|----------|--|
| 1. | 302° 04' | 140.26 feet along Parcel 426;  |
| 2. | 32° 04'  | 355.00 feet along Lot 2 (Map 1) of Land Court Consolidation 19;  |
| 3. | 122° 04' | 140.26 feet along Lot 14-B-1 (Map 19) and Lot 6 (Map 6) of Land Court Consolidation 165;   |
| 4. | 212° 04' | 355.00 feet along Lot 5 (Map 4) of Land Court Consolidation 19 to the point of beginning and containing an area of 49,793 Square Feet, more or less. |



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 8, 2015



**Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 426**

**Being a Portion of Lot 3-A-1  
As Shown on Map 3 of Land Court Consolidation 19**

**SITUATE AT KAPALAMA, HONOLULU, ISLAND OF OAHU, HAWAII**

Beginning at the North corner of this easement, being the West corner of Parcel 426, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,152.24 feet North and 7,578.93 feet West, thence running by azimuths measured clockwise from true South:

- |     |          |  |
|-----|----------|--|
| 1.  | 302° 04' | 140.26 feet along Parcel 426;                                  |
| 2.  | 32° 04'  | 18.19 feet along Lot 2 (Map 1) of Land Court Consolidation 19; |
| 3.  | 122° 07' | 1.78 feet;   |
| 4.  | 210° 40' | 13.58 feet;  |
| 5.  | 122° 25' | 99.79 feet;  |
| 6.  | 32° 04'  | 14.27 feet;  |
| 7.  | 98° 08'  | 2.45 feet;   |
| 8.  | 182° 19' | 5.61 feet;   |
| 9.  | 213° 01' | 10.39 feet;  |
| 10. | 122° 04' | 21.64 feet;  |
| 11. | 31° 43'  | 1.00 feet;   |
| 12. | 122° 14' | 11.87 feet;  |



13. 212' 04'

4.97 feet along Lot 3-A-2 (Map 3) of Land Court Consolidation 19 to the point of beginning and containing an area of 699 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 15, 2015



**HONOLULU RAIL TRANSIT PROJECT**

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

Affecting Remainder of Parcel 426  
of the Honolulu Rail Transit Project  
Being a portion of Lot 3-A-1 (Map 3) of  
Land Court Consolidation 19

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 426 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,171.35 feet North and 7,530.25 feet West thence running by azimuths measured clockwise from true South:

- |    |          |        |      |  |
|----|----------|--------|------|--|
| 1. | 302° 04' | 140.26 | feet | along Parcel 426 of the Honolulu Rail Transit Project;                           |
| 2. | 32° 04'  | 18.23  | feet | along Remainder of Parcel 427 of the Honolulu Rail Transit Project;              |
| 3. | 122° 04' | 1.74   | feet | along remainder of Remainder of Parcel 426 of the Honolulu Rail Transit Project; |
| 4. | 212° 04' | 14.14  | feet | along same;  |
| 5. | 122° 04' | 126.20 | feet | along same;  |
| 6. | 32° 04'  | 1.34   | feet | along same;  |
| 7. | 122° 04' | 12.32  | feet | along same;  |



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

8. 212° 04'

5.43 feet along Remainder of Parcel 425 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 615 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 007  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 426 - Easement A.docx



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 1-5-015-007 (PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-5-015-007 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-5-015-007 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMK 1-5-015-007 (por.)

**Parcel 426**  
Being a Portion of Lot 3-A-1  
As Shown on Map 3 of Land Court Consolidation 19

SITUATE AT KAPALAMA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the Northwest corner of this parcel of land, also being the North corner of the Remainder of Parcel 426, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,152.24 feet North and 7,578.93 feet West, thence running by azimuths measured clockwise from true South:

- 1. 212° 04' 5.00 feet along Lot 5 (Map 4) of Land Court Consolidation 19;
- 2. 302° 04' 140.26 feet along the Southwest side of Dillingham Boulevard;
- 3. 32° 04' 5.00 feet along Lot 2 (Map 1) of Land Court Consolidation 19;
- 4. 122° 04' 140.26 feet along the Remainder of Parcel 426 to the point of beginning and containing an area of 701 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  
May 8, 2015



**Remainder of Parcel 426**  
Being a Portion of Lot 3-A-1  
As Shown on Map 3 of Land Court Consolidation 19

SITUATE AT KAPALAMA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the North corner of this parcel of land, also being the Northwest corner of the Parcel 426, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,152.24 feet North and 7,578.93 feet West, thence running by azimuths measured clockwise from true South:

- |    |          |  |
|----|----------|--|
| 1. | 302° 04' | 140.26 feet along Parcel 426;  |
| 2. | 32° 04'  | 355.00 feet along Lot 2 (Map 1) of Land Court Consolidation 19;  |
| 3. | 122° 04' | 140.26 feet along Lot 14-B-1 (Map 19) and Lot 6 (Map 6) of Land Court Consolidation 165;   |
| 4. | 212° 04' | 355.00 feet along Lot 5 (Map 4) of Land Court Consolidation 19 to the point of beginning and containing an area of 49,793 Square Feet, more or less. |



R. M. TOWILL CORPORATION

Description prepared by:

A handwritten signature in cursive script, appearing to read "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  
May 8, 2015



Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 426

Being a Portion of Lot 3-A-1  
As Shown on Map 3 of Land Court Consolidation 19

SITUATE AT KAPALAMA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the North corner of this easement, being the West corner of Parcel 426, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,152.24 feet North and 7,578.93 feet West, thence running by azimuths measured clockwise from true South:

- |     |          |  |
|-----|----------|--|
| 1.  | 302° 04' | 140.26 feet along Parcel 426;                                  |
| 2.  | 32° 04'  | 18.19 feet along Lot 2 (Map 1) of Land Court Consolidation 19; |
| 3.  | 122° 07' | 1.78 feet;   |
| 4.  | 210° 40' | 13.58 feet;  |
| 5.  | 122° 25' | 99.79 feet;  |
| 6.  | 32° 04'  | 14.27 feet;  |
| 7.  | 98° 08'  | 2.45 feet;   |
| 8.  | 182° 19' | 5.61 feet;   |
| 9.  | 213° 01' | 10.39 feet;  |
| 10. | 122° 04' | 21.64 feet;  |
| 11. | 31° 43'  | 1.00 feet;   |
| 12. | 122° 14' | 11.87 feet;  |

- 1 -



13. 212' 04'

4.97 feet along Lot 3-A-2 (Map 3) of Land Court Consolidation 19 to the point of beginning and containing an area of 699 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 15, 2015



**HONOLULU RAIL TRANSIT PROJECT**

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

Affecting Remainder of Parcel 426  
of the Honolulu Rail Transit Project  
Being a portion of Lot 3-A-1 (Map 3) of  
Land Court Consolidation 19

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 426 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,171.35 feet North and 7,530.25 feet West thence running by azimuths measured clockwise from true South:

- |    |          |        |      |  |
|----|----------|--------|------|--|
| 1. | 302° 04' | 140.26 | feet | along Parcel 426 of the Honolulu Rail Transit Project;                           |
| 2. | 32° 04'  | 18.23  | feet | along Remainder of Parcel 427 of the Honolulu Rail Transit Project;              |
| 3. | 122° 04' | 1.74   | feet | along remainder of Remainder of Parcel 426 of the Honolulu Rail Transit Project; |
| 4. | 212° 04' | 14.14  | feet | along same;  |
| 5. | 122° 04' | 126.20 | feet | along same;  |
| 6. | 32° 04'  | 1.34   | feet | along same;  |
| 7. | 122° 04' | 12.32  | feet | along same;  |



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

8. 212° 04'

5.43 feet along Remainder of Parcel 425 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 615 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 007  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 426 - Easement A.docx



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-17 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-007 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-5-015-007, and situated at 985 Dillingham Boulevard, Honolulu, Hawaii, 96817, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 701 square-foot portion and 615 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by A.S.N. Enterprises, A Hawaii LP.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-5-015-007) was designated as a partial take 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 the portion would have on the remainder of the property.

- The Owner has accepted the Offer and is currently in escrow and waiting for subdivision maps, Land Court, and Department of Planning and Permitting to close escrow.

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**

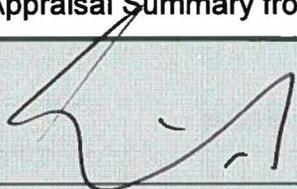
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

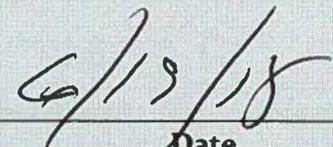
Exhibit 1 – Offer letter dated 11/21/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 10/30/2014

Certified and Recommended by:



Executive Director and CEO



Date

RL1558



IN REPLY REFER TO:  
CMS-APOOROW-00699

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

November 21, 2014

Ivan M. Lui-Kwan, Esq.  
CHAIR

HART-ROW

Donald G. Horner  
VICE CHAIR

2014 DEC 16 PM 3 42

Mr. Ronald Terayama  
A.S.N. Enterprises Hawaii Ltd. Partnership  
985 Dillingham Boulevard  
Honolulu, Hawaii 96817

George I. Atta  
Robert Bunda  
Michael D. Formby  
Ross M. Higashi  
William "Buzz" Hong  
Kessie W.K. Hui  
Damien T.K. Kim  
Carrie K.S. Okinaga, Esq.

Dear Mr. Terayama:

Subject: Honolulu Rail Transit Project (H RTP)  
985 Dillingham Boulevard  
Parcel 426: Tax Map Key (TMK) 1-5-015-007 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 701 square foot portion of your property, identified as TMK 1-5-015-007 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for a consideration of \$98,800 (Ninety Eight Thousand Eight Hundred Dollars).

In addition, HART offers to purchase a 615 square foot Temporary Construction Easement (TCE) adjacent to the aforementioned partial taking (shown colored in red on the enclosed map), for a consideration of \$3,331 (Three Thousand Three Hundred Thirty-One Dollars). The purpose of the TCE is to facilitate construction of the improvements within the right-of-way. Activities that may be performed within the TCE may include: demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve the operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCE will be six 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 \$102,131 (One Hundred Two Thousand One Hundred Thirty-One Dollars).

Mr. Ronald Terayama  
Page 2  
November 21, 2014

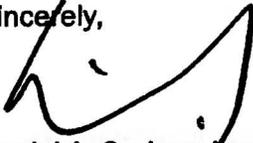
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by December 21, 2014. The remaining copies are for your files. Also enclosed for your information are the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

If we do not hear from you by December 21, 2014, this offer shall be considered rejected and HART will proceed to review options to acquire the subject property.

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.

Please contact Mr. Joseph Hastings at 294-5206 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

A.S.N. ENTERPRISES HAWAII LTD PARTNERSHIP

By   
Its GEN Partner

Print Name: RONALD S. TERAYAMA

Dated: 15 DEC 2014



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

October 30, 2014

Ms. Georgia Marquis  
Director of Acquisition & Relocation Services  
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 426  
Parcel Designation: TMK (1) 1-5-015-007  
985 Dillingham Boulevard, Honolulu, Hawaii 96817

Dear Ms. Marquis,

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 "*Partial Acquisition*" of 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 of one parcel: TMK: (1) 1-1-5-015-007 constituting 50,494 square feet fronting Dillingham Boulevard. The parcel is zoned IMX-1 Industrial Mixed-Use. Per our exterior observation and tax office records the subject property is improved with a 9-year old warehouse space and interior office and mezzanine space totaling approximately 47,064 square feet. These improvements are not included as part of our appraisal job scope.

The partial acquisition area along the property boundary frontage of Dillingham Boulevard consists of 701 square feet. HART also requires a Temporary Construction Easement (TCE) identified as Easement A that is situated inside of the partial acquisition area consisting of 615 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 Summary report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of October 17, 2014.

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 121-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 October 17, 2014:

\$ 6,836,000	<i>"As Is" Indicated Market Value of the Larger Parcel (Rounded)</i>
\$ 6,741,000	<i>"As Is" Indicated Market Value of the Remainder Parcel (Rounded)</i>
\$ 95,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 95,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 3,800	<i>Add: Contributory Value</i>
\$ 98,800	<i>Total Fair Market Value of the Partial Acquisition</i>
\$ 6,661	<i>Estimated Annual Rent Per Annum @ 8% for the TCE</i>
\$555.06	<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.



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. 2015-18**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-017 (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) 1-5-015-017 (por.) 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 1-5-015-017 (por.); 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 1-5-015-017 (por.)**  
**Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real Property**  
**Identified as Tax Map Key 1-5-015-017 (portion) by Eminent Domain**

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

**ATTEST:**

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

**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 428**

Being a portion of Lot 14-B-2 (Map 19) of  
Land Court Consolidation 165

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 427 of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,003.99 feet North and 7,253.69 feet West thence running by azimuths measured clockwise from true South:

- |    |          |       |       |  |
|----|----------|-------|-------|--|
| 1. | 310° 05' | 71.68 | feet  | along Parcel 428-A of the Honolulu Rail Transit Project;   |
| 2. | 302° 04' | 84.00 | feet  | along same;  |
|    |          |       |       | Thence along same, on a curve to the right with a radius of 32.00 feet, the chord azimuth and distance being:  |
| 3. | 347° 04' | 45.25 | feet; |  |
| 4. | 32° 04'  | 5.00  | feet  | along same;  |
|    |          |       |       | Thence along Remainder of Parcel 428 of Honolulu Rail Transit Project, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being: |
| 5. | 167° 04' | 42.43 | feet; |  |
| 6. | 122° 04' | 91.06 | feet  | along same;  |
|    |          |       |       | Thence along same, on a curve to the right with a radius of 155.00 feet, the chord azimuth and distance being:   |
| 7. | 127° 29' | 29.26 | feet; |  |



8. 132° 54' 37.46 feet along same;
9. 212° 04' 7.19 feet along Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,379 Square Feet.

Subject to portion of Easement 14 for Sewer Purposes, as shown on Map 9 of Land Court Consolidation 165.

Subject also, to portion of 5-foot wide Roadway Setback as shown on Maps 1 and 9 of Land Court Consolidation 165.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 017  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 428.docx



**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 428**

Being a portion of Lot 14-B-2 (Map 19) of  
Land Court Consolidation 165

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 428 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,997.89 feet North and 7,257.51 feet West thence running by azimuths measured clockwise from true South:

1. 312° 54' 37.46 feet along Parcel 428 of the Honolulu Rail Transit Project;  
Thence along same, on a curve to the left with a radius of 155.00 feet, the chord azimuth and distance being:
2. 307° 29' 29.26 feet;
3. 302° 04' 91.06 feet along same;  
Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
4. 347° 04' 42.43 feet;
5. 32° 04' 60.70 feet along Remainder of Parcel 428-A of the Honolulu Rail Transit Project;  
Thence along same, on a curve to the right with a radius of 340.00 feet, the chord azimuth and distance being:
6. 38° 43' 13.5" 78.79 feet;



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

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS  
1871 WILIPA LOOP, SUITE A

100 PAUHI STREET, SUITE 207

Thence along same, on a curve to the right with a radius of 570.00 feet, the chord azimuth and distance being:

- 7. 53° 51' 44" 168.27 feet;
- 8. 62° 21' 20.62 feet along the West side of Alakawa Street;
- 9. 122° 04' 104.98 feet along Lot 14-B-1 (Map 19) of Land Court Consolidation 165;
- 10. 212° 04' 352.81 feet along Remainder of Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 56,989 Square Feet.

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

Subject to portion of Easement 14 for Sewer Purposes, as shown on Map 9 of Land Court Consolidation 165.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 017  
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HONOLULU RAIL TRANSIT PROJECT

EASEMENT C  
(FOR TEMPORARY CONSTRUCTION PURPOSES)

Affecting Remainder of Parcel 428  
of the Honolulu Rail Transit Project  
Being a portion of Lot 14-B-2 (Map 19) of  
Land Court Consolidation 165

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 428 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,997.89 feet North and 7,257.51 feet West thence running by azimuths measured clockwise from true South:

1. 312° 54' 37.46 feet along Parcel 428 of the Honolulu Rail Transit Project;  
Thence along same, on a curve to the left with a radius of 155.00 feet, the chord azimuth and distance being:
2. 307° 29' 29.26 feet;
3. 302° 04' 91.06 feet along same;  
Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
4. 347° 04' 42.43 feet;
5. 32° 04' 5.00 feet along Remainder of Parcel 428-A of the Honolulu Rail Transit Project;
6. 122° 04' 11.02 feet along remainder of Remainder of Parcel 428 of Honolulu Rail Transit Project;
7. 212° 04' 20.88 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS  
1875 WILPAI ROAD SUITE A

501 SUMNER STREET, SUITE 521

100 BAHAMU STREET SUITE 207

- 8. 122° 04' 3.37 feet along same;
- 9. 212° 04' 3.30 feet along same;
- 10. 122° 04' 41.17 feet along same;
- 11. 212° 04' 3.93 feet along same;
- 12. 122° 04' 29.26 feet along same;
- 13. 212° 04' 2.88 feet along same;
- 14. 122° 04' 36.24 feet along same;

Thence along same, on a curve to the right with a radius of 159.00 feet, the chord azimuth and distance being:

- 15. 127° 29' 30.02 feet;
- 16. 132° 54' 36.69 feet along same;
- 17. 212° 04' 4.08 feet along Remainder of Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,300 Square Feet.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.  
Description Prepared By:



*Erik S. Kaneshiro* 6/16

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 017  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 428 - Easement C.docx



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 1-5-015-017 (PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-5-015-017 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-5-015-017 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate

terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMK 1-5-015-017 (por.)

REF

**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 428**

Being a portion of Lot 14-B-2 (Map 19) of  
Land Court Consolidation 165

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 427 of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,003.99 feet North and 7,253.69 feet West thence running by azimuths measured clockwise from true South:

- |    |          |       |       |  |
|----|----------|-------|-------|--|
| 1. | 310° 05' | 71.68 | feet  | along Parcel 428-A of the Honolulu Rail Transit Project;   |
| 2. | 302° 04' | 84.00 | feet  | along same;  |
|    |          |       |       | Thence along same, on a curve to the right with a radius of 32.00 feet, the chord azimuth and distance being:  |
| 3. | 347° 04' | 45.25 | feet; |  |
| 4. | 32° 04'  | 5.00  | feet  | along same;  |
|    |          |       |       | Thence along Remainder of Parcel 428 of Honolulu Rail Transit Project, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being: |
| 5. | 167° 04' | 42.43 | feet; |  |
| 6. | 122° 04' | 91.06 | feet  | along same;  |
|    |          |       |       | Thence along same, on a curve to the right with a radius of 155.00 feet, the chord azimuth and distance being:   |
| 7. | 127° 29' | 29.26 | feet; |  |



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PAUAAHI STREET, SUITE 207

8. 132° 54' 37.46 feet along same;
9. 212° 04' 7.19 feet along Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,379 Square Feet.

Subject to portion of Easement 14 for Sewer Purposes, as shown on Map 9 of Land Court Consolidation 165.

Subject also, to portion of 5-foot wide Roadway Setback as shown on Maps 1 and 9 of Land Court Consolidation 165.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 017  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 428.docx



HONOLULU RAIL TRANSIT PROJECT

REMAINDER OF PARCEL 428

Being a portion of Lot 14-B-2 (Map 19) of  
Land Court Consolidation 165

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 428 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,997.89 feet North and 7,257.51 feet West thence running by azimuths measured clockwise from true South:

1. 312° 54' 37.46 feet along Parcel 428 of the Honolulu Rail Transit Project;  
Thence along same, on a curve to the left with a radius of 155.00 feet, the chord azimuth and distance being:
2. 307° 29' 29.26 feet;
3. 302° 04' 91.06 feet along same;  
Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
4. 347° 04' 42.43 feet;
5. 32° 04' 60.70 feet along Remainder of Parcel 428-A of the Honolulu Rail Transit Project;  
Thence along same, on a curve to the right with a radius of 340.00 feet, the chord azimuth and distance being:
6. 38° 43' 13.5" 78.79 feet;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PAUHI STREET, SUITE 207

Thence along same, on a curve to the right with a radius of 570.00 feet, the chord azimuth and distance being:

- 7. 53° 51' 44" 168.27 feet;
- 8. 62° 21' 20.62 feet along the West side of Alakawa Street;
- 9. 122° 04' 104.98 feet along Lot 14-B-1 (Map 19) of Land Court Consolidation 165;
- 10. 212° 04' 352.81 feet along Remainder of Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 56,989 Square Feet.

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

Subject to portion of Easement 14 for Sewer Purposes, as shown on Map 9 of Land Court Consolidation 165.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 017  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 428 Remainder.docx



**HONOLULU RAIL TRANSIT PROJECT**

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

**Affecting Remainder of Parcel 428  
of the Honolulu Rail Transit Project  
Being a portion of Lot 14-B-2 (Map 19) of  
Land Court Consolidation 165**

**Situate at Kapalama, Honolulu, Oahu, Hawaii**

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 428 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,997.89 feet North and 7,257.51 feet West thence running by azimuths measured clockwise from true South:

- |    |          |       |       |   |
|----|----------|-------|-------|---|
| 1. | 312° 54' | 37.46 | feet  | along Parcel 428 of the Honolulu Rail Transit Project;  |
|    |          |       |       | Thence along same, on a curve to the left with a radius of 155.00 feet, the chord azimuth and distance being: |
| 2. | 307° 29' | 29.26 | feet; |   |
| 3. | 302° 04' | 91.06 | feet  | along same;   |
|    |          |       |       | Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being: |
| 4. | 347° 04' | 42.43 | feet; |   |
| 5. | 32° 04'  | 5.00  | feet  | along Remainder of Parcel 428-A of the Honolulu Rail Transit Project;   |
| 6. | 122° 04' | 11.02 | feet  | along remainder of Remainder of Parcel 428 of Honolulu Rail Transit Project;                                  |
| 7. | 212° 04' | 20.88 | feet  | along same;   |



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

**CIVIL ENGINEERS • SURVEYORS**

501 SUMNER STREET, SUITE 521

1871 WILPA LOOP, SUITE A

100 DALLAS STREET, SUITE 207

- |     |          |       |      |             |
|-----|----------|-------|------|-------------|
| 8.  | 122° 04' | 3.37  | feet | along same; |
| 9.  | 212° 04' | 3.30  | feet | along same; |
| 10. | 122° 04' | 41.17 | feet | along same; |
| 11. | 212° 04' | 3.93  | feet | along same; |
| 12. | 122° 04' | 29.26 | feet | along same; |
| 13. | 212° 04' | 2.88  | feet | along same; |
| 14. | 122° 04' | 36.24 | feet | along same; |

Thence along same, on a curve to the right with a radius of 159.00 feet, the chord azimuth and distance being:

- |     |          |       |       |  |
|-----|----------|-------|-------|--|
| 15. | 127° 29' | 30.02 | feet; |  |
| 16. | 132° 54' | 36.69 | feet  | along same;  |
| 17. | 212° 04' | 4.08  | feet  | along Remainder of Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,300 Square Feet. |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.  
Description Prepared By:

*Erik S. Kaneshiro* 4/16

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 017  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 428 - Easement C.docx



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-18 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-017 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-5-015-017, and situated at 925 Dillingham Boulevard, Honolulu, Hawaii, 96817, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 1,379 square-foot portion and 1,300 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Tradewind Dillingham, LLC.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-5-015-017) was designated as a partial take 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 the portion would have on the remainder of the property.

- Letter of Offer clarifying terms was delivered and Owner who then accepted the Offer amount on 5/13/2015. Escrow is open and waiting for subdivision maps, Land Court, and Department of Planning and Permitting to close escrow.

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**

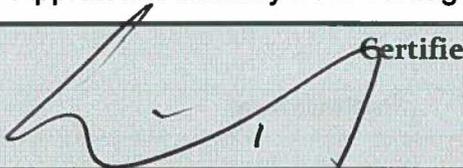
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

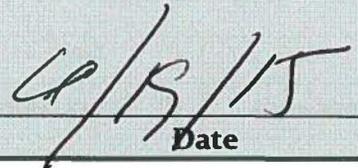
Exhibit 1 – Offer letter dated 11/19/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 10/15/2014

Certified and Recommended by:



Executive Director and CEO



Date



HONOLULU AUTHORITY for RAPID TRANSPORTATION

IN REPLY REFER TO:  
CMS-APOOROW-00692HAND-DELIVERED

November 19, 2014

Mr. Jeremy Shorenstein  
 Tradewind Dillingham, LLC  
 1132 Bishop Street, Suite 2450  
 Honolulu, Hawaii 96813

Dear Mr. Shorenstein:

Subject: Honolulu Rail Transit Project (H RTP)  
 925 Dillingham Boulevard  
 Parcel 428: Tax Map Key (TMK) 1-5-015-017 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 1,379 square foot portion of your property, identified as TMK 1-5-015-017 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$179,500 (One Hundred Seventy-Nine Thousand Five Hundred Dollars).

In addition, HART offers to purchase a Temporary Construction Easement (TCE) consisting of 1,300 square feet (shown colored in red on the enclosed map) for a consideration of \$6,292 (Six Thousand Two Hundred Ninety-Two Dollars). The intent of the TCE is to facilitate construction of improvements within the right-of-way which may include: demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to the driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCE will be six months, with a start date to be determined thru coordination with you and HART's contractor.

The total offer for acquiring both interests in your property is \$185,792 (One Hundred Eighty-Five Thousand Seven Hundred Ninety-Two Dollars).

Daniel A. Grabauskas  
 EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.  
 CHAIR

Donald G. Horner  
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 Robert Bunda  
 Michael D. Formby  
 Ross M. Higashi  
 William "Buzz" Hong  
 Kestie W.K. Hul  
 Damien T.K. Kim  
 Carrie K.S. Okinaga, Esq

Received  
 Jeremy Shorenstein 11/2/14  
 Print Name Date

Mr. Jeremy Shorestein  
Page 2  
November 19, 2014

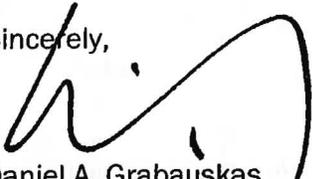
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by December 19, 2014. The remaining copies are for your files. Also enclosed for your information is the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

If we do not hear from you by December 19, 2014, this offer shall be considered rejected and HART will proceed to review options to acquire the subject property.

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.

Please contact Mr. Alex Sutterer at 441-0546 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

TRADEWIND DILLINGHAM, LLC

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

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

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



## STATEMENT OF JUST COMPENSATION

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 925 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-5-015-017 (Portion)  
**OWNER(S):** TRADEWIND DILLINGHAM, LLC  
**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple & Temporary Construction Easement  
**PARCEL TO BE ACQUIRED:** Fee Simple Taking of +/- 1,379 square feet  
Temporary Construction Easement of +/- 1,300 square feet  
**ZONING:** IMX-1, Industrial Mixed-Use  
**IMPROVEMENTS:** Contributory Value is given to sidewalks, metal railings, landscaping, irrigation, signage platform, and lighting

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

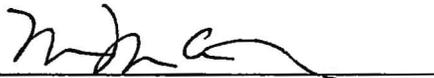
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Partial Fee Simple Acquisition	<b>\$179,500</b>
Temporary Construction Easement	<b>\$ 6,292</b>
<b>TOTAL:</b>	<b>\$185,792</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.

  
\_\_\_\_\_  
Morris M. Atta  
Deputy Director of Right-of-Way

## APPRAISAL SUMMARY STATEMENT

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (HRTP)  
**ADDRESS:** 925 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-5-015-017 (Portion)  
**OWNER(S):** TRADEWIND DILLINGHAM, LLC  
**PARCEL AREA:** +/- 1,379 square feet of Partial Parcel Acquisition  
+/- 1,300 square feet of Temporary Construction Easement  
**PROPERTY ACQUIRED:** ALL: \_\_\_ PART: X  
**INTERESTS TO BE ACQUIRED:** Unencumbered Fee Simple & Temporary Construction Easement  
**ZONING:** IMX-1, Industrial Mixed-Use  
**HIGHEST & BEST USE:** Light industrial, office or commercial use  
**ASSESSED VALUE (2014):** Land Value \$5,019,100  
**FOR TOTAL PARCEL** Building Value \$7,281,300  
TOTAL \$12,300,400

---

Partial Fee Taking	\$179,500
Temporary Construction Easement	<u>\$6,292</u>
TOTAL	\$185,792

The Appraisal Estimate is: **\$185,792**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map key listed hereinbelow, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

PROJECT:               **Honolulu Rail Transit Project (H RTP)**  
TAX MAP KEY:       **1-5-015-017 (Portion)**  
LOCATION:              **925 Dillingham Boulevard, Honolulu, Oahu, Hawaii**  
PURPOSE:             **Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

(1) That the areas covered by this consent document are colored in yellow and red on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a **nominal** consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

TAX MAP KEY: 1-5-015-017  
Consent to Enter - Page 2

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

TRADEWIND DILLINGHAM, LLC

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

Phone \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY

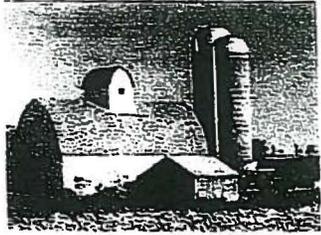
\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED AS TO CONTENTS

  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation



## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

---

Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

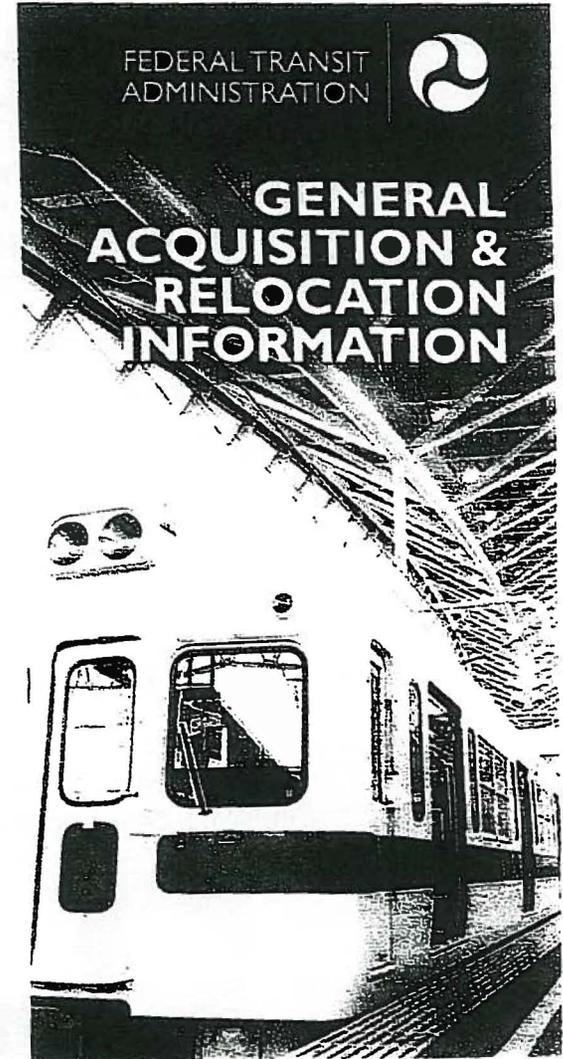
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

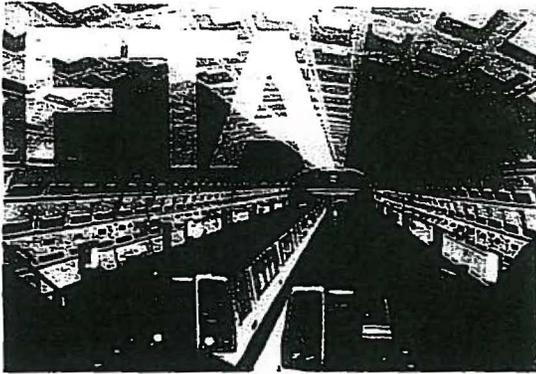
Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



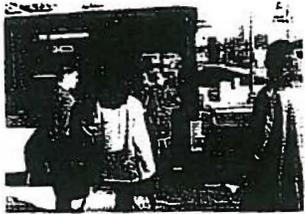
**FTA** | U.S. DEPARTMENT OF TRANSPORTATION   
**FEDERAL TRANSIT ADMINISTRATION**

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

Residential Homeowner Occupants, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

90 day Occupant or Tenant, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*



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

October 15, 2014

Ms. Georgia Marquis  
Director of Acquisition & Relocation Services  
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 428  
Parcel Designation: TMK (1) 1-5-015-017 and TMK (1) 1-5-015-016  
925 Dillingham Boulevard, Honolulu, Hawaii 96817

Dear Ms. Marquis,

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 "*Partial Acquisition*" of 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 of two adjacent parcels: Parcel 17 constituting 58,368 square feet fronting Dillingham Boulevard and Parcel 16 constituting 55,662 square feet fronting Alakawa Street. Both parcels are zoned IMX-1 Industrial Mixed-Use and have unity of ownership, contiguity and unity of use; therefore, the larger parcel is identified as a combination of the two adjacent parcels with a total area of 114,030 square feet. Per our exterior observation and tax office records Parcel 17 is improved with a 29-year old, two story office building with an auxiliary warehouse space totaling approximately 55,100 square feet. These improvements are not included as part of our appraisal job scope.

The partial acquisition area along the property boundary frontages involving the corner of Dillingham Boulevard and Alakawa Street consists of 1,379 square feet. HART also requires a Temporary Construction Easement (TCE) identified as Easement C that is situated inside of the partial acquisition area consisting of 1,300 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 Summary report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of October 15, 2014.

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 117-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 October 10, 2014:

\$ 13,798,000	<i>"As Is" Indicated Market Value of the Larger Parcel (Rounded)</i>
\$ 13,631,000	<i>"As Is" Indicated Market Value of the Remainder Parcel (Rounded)</i>
\$ 167,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 167,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 12,500	<i>Add: Contributory Value</i>
\$ 179,500	<i>Total Fair Market Value of the Partial Acquisition</i>
\$ 12,584	<i>Estimated Annual Rent Per Annum @ 8% for the TCE</i>
\$ 1,048.67	<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.



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. 2015-19**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-007-024 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) 1-5-007-024 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 above; 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 1-5-007-024

Exhibit B – Resolution No. 2015\_\_ - \_\_ Authorizing the Acquisition of the Real Property Identified as Tax Map Key 1-5-007-024 by Eminent Domain.

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

ATTEST:

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

HONOLULU RAIL TRANSIT PROJECT

REMAINDER OF PARCEL 435

Being a portion of Lot 18 (Map 1) of  
Land Court Consolidation 97

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the North corner of this lot, being the West corner of Parcel 435 of Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 1,859.76 feet North and 5,768.56 feet West thence running by azimuths measured clockwise from true South:

1. 324° 16' 64.07 feet along Parcel 435 of Honolulu Rail Transit Project;
2. 56° 59' 88.33 feet along Lot 17 (Map 1) of Land Court Consolidation 97;
3. 146° 59' 64.00 feet along Lot 2-B (Map 3) of Land Court Application 1815;
4. 236° 59' 85.29 feet along Lot 42 (Map 8) of Land Court Consolidation 97, to the point of beginning and containing an area of 5,556 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* 6/16/15

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-007: 024  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 435 Remainder.docx



HONOLULU RAIL TRANSIT PROJECT

PARCEL 435

Being a portion of Lot 18 (Map 1) of Land Court Consolidation 97

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the North corner of this lot, being the East corner of Lot 42 (Map 8) of Land Court Consolidation 97, being also along the Southwest side of Kaaahi Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 1,867.84 feet North and 5,756.12 feet West thence running by azimuths measured clockwise from true South:

- 1. 326° 59' 64.00 feet along the Southwest side of Kaaahi Street;
- 2. 56° 59' 11.79 feet along Lot 17 (Map 1) of Land Court Consolidation 97;
- 3. 144° 16' 64.07 feet along Remainder of Parcel 435 of Honolulu Rail Transit Project;
- 4. 236° 59' 14.83 feet along Lot 42 (Map 8) of Land Court Consolidation 97, to the point of beginning and containing an area of 852 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro*

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-007: 024  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 428.docx



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 1-5-007-024 BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-5-007-024 by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-5-007-024 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 1-5-007-024

RR

FF

**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 435**

Being a portion of Lot 18 (Map 1) of  
Land Court Consolidation 97

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the North corner of this lot, being the East corner of Lot 42 (Map 8) of Land Court Consolidation 97, being also along the Southwest side of Kaaahi Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 1,867.84 feet North and 5,756.12 feet West thence running by azimuths measured clockwise from true South:

- |    |          |       |      |   |
|----|----------|-------|------|---|
| 1. | 326° 59' | 64.00 | feet | along the Southwest side of Kaaahi Street;  |
| 2. | 56° 59'  | 11.79 | feet | along Lot 17 (Map 1) of Land Court Consolidation 97;  |
| 3. | 144° 16' | 64.07 | feet | along Remainder of Parcel 435 of Honolulu Rail Transit Project;   |
| 4. | 236° 59' | 14.83 | feet | along Lot 42 (Map 8) of Land Court Consolidation 97, to the point of beginning and containing an area of 852 Square Feet. |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro*

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-007: 024  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 428.docx



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

HONOLULU RAIL TRANSIT PROJECT

REMAINDER OF PARCEL 435

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4. 236° 59' 85.29 feet along Lot 42 (Map 8) of Land Court Consolidation 97, to the point of beginning and containing an area of 5,556 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-007: 024  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 435 Remainder.docx



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-19 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-007-024 BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-5-007-024, and situated at 525 Kaaahi Street, Honolulu, Hawaii, 96817, which is required for guideway purposes for the Honolulu Rail Transit Project (HRTTP). This property, for which a 6,408 square-foot full take is required, is on the critical path for successful completion of the City Center Section of the HRTTP. The property is owned by Bo Wah Investment, Inc.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-5-007-024) was designated as a full take 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 of the full take.

- Letter of Offer for full take, in fee, was presented to the Owner. The Owner presented a counteroffer requesting a partial acquisition that would include a demolition of a portion of his building and a partial, in fee, taking of his property. An administrative settlement has been reached with the Owner. The transaction is currently in escrow waiting for subdivision maps, Land Court and Department of Planning and Permitting to close escrow.

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**

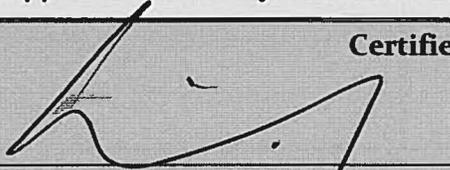
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 8/6/2014

Exhibit 2 – Appraisal Summary from John Child & Company dated 7/2/2014

**Certified and Recommended by:**



**Executive Director and CEO**

6/19/15

**Date**

Hand  
L 15 A



IN REPLY REFER TO:  
CMS-APOOROW-00589

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

**HAND-DELIVERED**

BOARD OF DIRECTORS

August 6, 2014

Ivan M. Lui-Kwan, Esq.  
CHAIR

*Danny Au*  
Received  
Print Name: *DANNY AU*  
Date

Donald G. Horner  
VICE CHAIR

Mr. Danny Au  
Bo Wah Investment, Inc.  
1037 Maunakea Street  
Honolulu, Hawaii 96817

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

Dear Mr. Au:

Subject: Honolulu Rail Transit Project (H RTP)  
525 Kaaahi Street  
Parcel 435: Tax Map Key 1-5-007-024  
Letter of Offer

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase your property, identified as Tax Map Key 1-5-007-024 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$1,510,000 (One Million Five Hundred Ten Thousand Dollars and no cents).

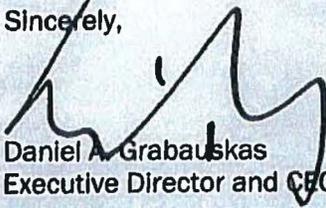
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by September 15, 2014. The remaining copies are for your files. Also enclosed for your information is the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

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.

Mr. Danny Au  
Page 2  
August 6, 2014

Please call Mr. Alex Sutterer at (330) 217-5926 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

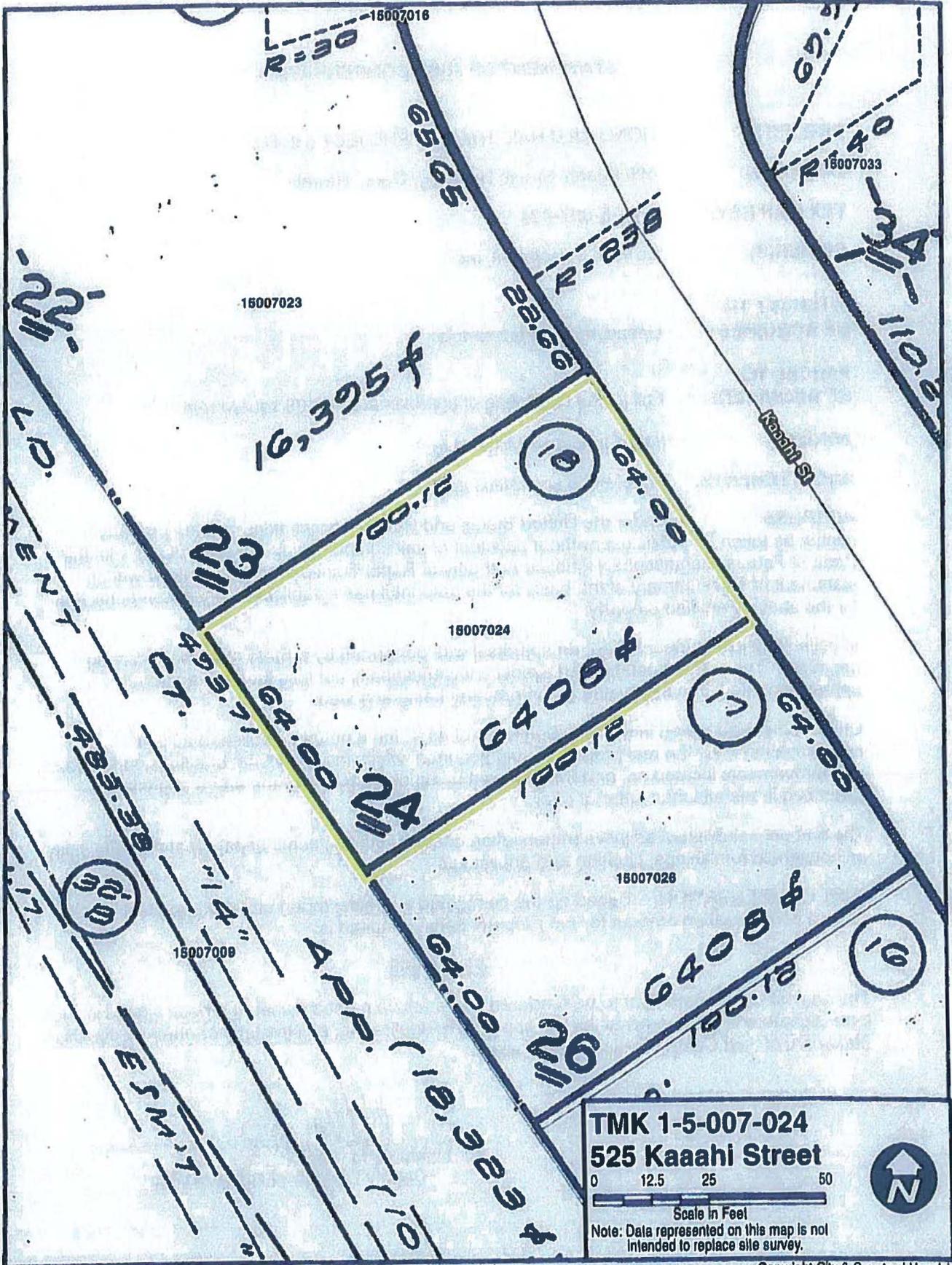
ACCEPTED:

BO WAH INVESTMENT, INC.  
a Hawaii Corporation

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

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

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



**TMK 1-5-007-024**  
**525 Kaaahi Street**

0 12.5 25 50  
 Scale in Feet

Note: Data represented on this map is not intended to replace site survey.



Prepared by:

Date Prepared:

Copyright City & County of Honolulu  
 All Rights Reserved 2008

**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 525 Kaaahi Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** (1) 1-5-007-024  
**OWNER(S):** Bo Wah Investment, Inc.  
**INTEREST TO BE ACQUIRED:** Unencumbered fee simple  
**PARCEL TO BE ACQUIRED:** Full taking consisting of approximately 6,408 square feet  
**ZONING:** IMX-1 Industrial Mixed-Use  
**IMPROVEMENTS:** Warehouse and Office space

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

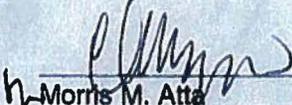
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

**\$1,510,000**

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.

  
\_\_\_\_\_  
Morris M. Atta  
Deputy Director of Right-of-Way

## APPRAISAL SUMMARY STATEMENT

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 525 Kaaahi Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** (1) 1-5-007-024  
**OWNER(S):** BO WAH INVESTMENT, INC.

**PARCEL AREA:** 6,408 Square Feet  
**PROPERTY ACQUIRED:** ALL: X PART: \_\_\_  
**INTEREST TO BE ACQUIRED:** Unencumbered fee simple  
**ZONING:** IMX-1 Industrial Mixed-Use  
**HIGHEST & BEST USE:** Commercial

**ASSESSED VALUE (2014):**

Land	\$884,300
Improvements:	\$297,600
<b>TOTAL</b>	<b>\$1,181,900</b>

---

The Appraisal Estimate is: \$1,510,000

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

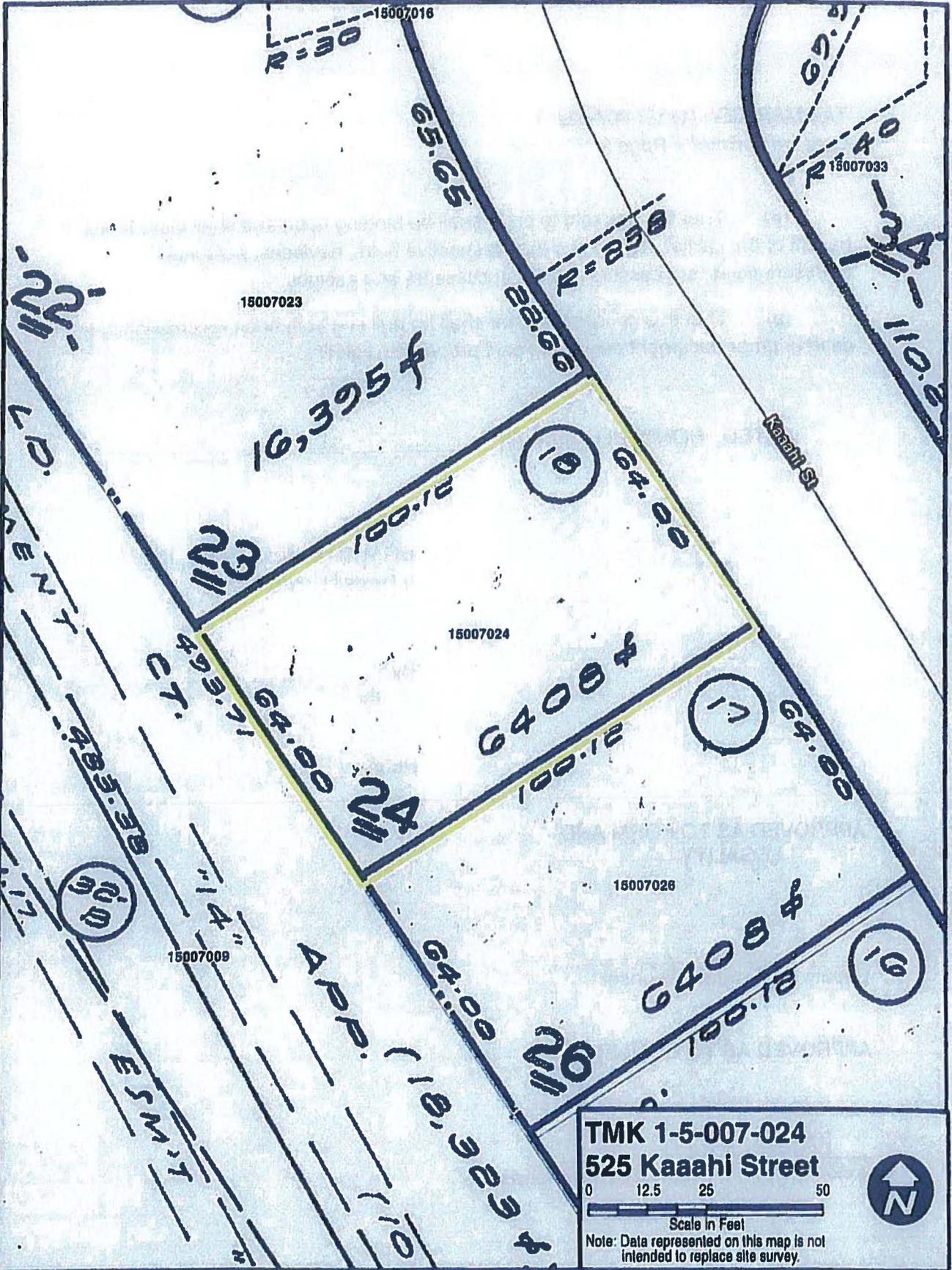
## CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map key listed herein below, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

**PROJECT: Honolulu Rail Transit Project (H RTP)**  
**TAX MAP KEY: (1) 1-5-007-024**  
**LOCATION: 525 Kaaahi Street, Honolulu, Oahu, Hawaii**  
**PURPOSE: Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

- (1) That the area covered by this consent document is colored in yellow outlined on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.
- (2) That this consent to enter is granted for a **nominal** consideration of \$1.00.
- (3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.
- (4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.
- (5) That HART will, in its discretion, determine the extent of the work to be done.
- (6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.
- (7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.



**TMK 1-5-007-024**  
**525 Kaaahi Street**



Note: Data represented on this map is not intended to replace site survey.

Prepared by:

Date Prepared:

Copyright City & County of Honolulu  
 All Rights Reserved 2008

TAX MAP KEY: (1) 1-5-007-024  
Consent to Enter – Page 2

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

BO WAH INVESTMENT, INC.  
a Hawaii Corporation

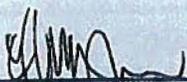
By \_\_\_\_\_  
Its

Phone \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED AS TO CONTENTS

  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation



**JOHN CHILD & COMPANY**  
APPRAISERS & CONSULTANTS

July 2, 2014

Karen Char, MAI, CRE  
Paul D. Cool, MAI, CRE  
Shelly H. Tanaka, MAI  
Sammy Agsen

City and County of Honolulu  
Honolulu Authority for Rapid Transportation  
c/o Mr. Todd A. Salvatore  
Paragon Partners Ltd.  
5762 Bolsa Avenue, Suite 201  
Huntington Beach, California 92649

Dear Mr. Salvatore:

**Re: Acquisition of the Bo Wah Kaaahi Street Property at 525 Kaaahi Street, Tax Map Key  
(1) 1-5-007:024; PDQ Parcel 435**

**STUDY BACKGROUND**

The Bo Wah Kaaahi Street Property is an improved industrial warehouse property at 525 Kaaahi Street, Iwilei, Oahu, Hawaii. The property consists of a 6,408<sup>sq</sup>ft, industrial-commercial mixed use zoned parcel identified as Tax Map Key 1-5-007:024 of the First Taxation Division. The parcel is improved with a 6,556<sup>sq</sup>ft storage warehouse built in 1967 and occupied by the property owner, Bo Wah Investment, Inc.

Honolulu Authority for Rapid Transportation (HART), a semi-autonomous public transit authority, has retained Paragon Partners Ltd. as its consultant for the Honolulu Rail Transit Project (HRTTP). The HRTTP requires a full take of the property for the Iwilei Transit Station. In this regard, you have asked us to assist you.

**STUDY OBJECTIVE**

The objective of our assistance is to estimate the fair market value of the fee simple interest in the Bo Wah Kaaahi Street Property to be acquired by HART.

**INTENDED USE AND USERS**

Our assistance is intended to be used by HART, Paragon Partners Ltd. (Paragon Partners), and the U.S. Department of Transportation Federal Transit Administration (FTA) in connection with the HRTTP.

As a result, our assistance is intended for the sole and exclusive use of HART (Client), Paragon Partners, and the FTA. The Client has agreed that our assistance is not intended for any other purpose or users and is not to be relied upon by any third parties for any purpose, whatsoever.

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
July 2, 2014  
Page 2



#### **DATE OF PROPERTY VISIT**

The property was visited on June 23, 2014. The property owner, Mr. Danny Au, accompanied the appraisers.

#### **EFFECTIVE DATE OF APPRAISAL**

The effective date of appraisal is June 23, 2014.

#### **DATE OF REPORT**

The date of this report is July 2, 2014.

#### **DEFINITIONS OF TERMS**

Terms used in this report are defined in the Appraisal Institute's, **The Dictionary of Real Estate Appraisal**, Fifth Edition, unless otherwise footnoted.

##### **Fair Market Value**

"Fair market value" has the same meaning as "market value."

Market value means the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal. [1]

##### **Fee Simple Interest**

"Fee simple interest" is the same as "fee simple estate."

---

[1] Interagency Land Acquisition Conference, **Uniform Appraisal Standards for Federal Land Acquisitions**, 2000.



Fee simple estate is defined as absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

#### **ASSUMPTION OF A HYPOTHETICAL CONDITION**

A hypothetical condition is that which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of the data used in an analysis. [1]

Section 24.103(b) of the Code of Federal Regulation (CFR) states:

“The appraiser shall disregard any decrease or increase in the market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.”

Therefore, the estimated market value of the property is based on the hypothetical condition that the property is not impacted by the rail project as of the date of valuation.

The assumption of this hypothetical condition could have an effect on the value of the property.

#### **STUDY CONDITIONS**

This report is subject to the study conditions included in Section I.

#### **ESTIMATED FAIR MARKET VALUE**

Based on the valuation assumptions and analyses, the fair market value of the fee simple interest in the Bo Wah Kaaahi Street Property is estimated to be:

**ONE MILLION FIVE HUNDRED TEN THOUSAND DOLLARS**  
**\$1,510,000.**

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[1] Appraisal Institute, **The Dictionary of Real Estate Appraisal**, Fifth Edition, 2010.

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
July 2, 2014  
Page 4



The estimated fair market value is the value of the real estate only. Personal property observed during the site visit includes portable wall-mounted air-conditioning units and a walk-in refrigerator that the owner brought in after acquiring the property in 2009. An inventory of the realty and personal items is included in Addendum 4.

\* \* \* \* \*

We appreciate the opportunity to assist you on this interesting assignment. Please contact us if you have questions.

Sincerely,

JOHN CHILD & COMPANY, INC.

Paul D. Cool, MAI, CRE  
Vice President  
Certified General Appraiser License No. 71  
State of Hawaii  
Expires December 31, 2015

Shelly H. Tanaka, MAI  
Senior Appraiser  
Certified General Appraiser License No. 648  
State of Hawaii  
Expires December 31, 2015

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-20**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-2-009-006 (PORTION), 1-2-009-005 (PORTION), and 1-2-009-016 (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) 1-2-009-006 (por.), 1-2-009-005 (por.), and 1-2-009-016 (por.) 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 1-2-009-006 (por.), 1-2-009-005 (por.), and 1-2-009-016 (por.); 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 \_\_\_\_\_.

**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 401-A**

Being a portion of Lot 13, Block 9, of the "Kapiolani Tract"  
 Being also, a portion of Land Patent 8194,  
 Land Commission Award 6450, Apana 1 to Kaunuohua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 400-B of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,156.30 feet North and 11,224.30 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along the South side of Dillingham Boulevard;
2. 42° 20' 12.90 feet along Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;
3. 132° 20' 50.00 feet along Remainder of Parcel 401-A of Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;



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

CIVIL ENGINEERS • SURVEYORS

4. 222° 20' 12.90 feet along Parcel 400-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuchua for Moehonua, to the point of beginning and containing an area of 645 Square Feet.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



*Erik S. Kaneshiro* EXP 4/16

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 006  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401-A.docx



**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 401-A**

Being a portion of Lot 13, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuoehua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 401-A of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,146.77 feet North and 11,232.99 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-A of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;
2. 42° 20' 80.10 feet along Remainder of Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;
3. 132° 20' 50.00 feet along Lot 14, Block 9, of the "Kapiolani Tract", along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;



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

**CIVIL ENGINEERS • SURVEYORS**

501 SUMNER STREET SUITE 501

1871 WILIPAI PLACE SUITE A

100 PALIARI STREET SUITE 207

4. 222° 20' 80.10 feet along Remainder of Parcel 400-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunohua for Moehonua, to the point of beginning and containing an area of 4,005 Square Feet.

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 006  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401-A Remainder.docx



**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 401-B**

Being a portion of Lot 15, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuohua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 401-A of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,122.63 feet North and 11,187.34 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along the South side of Dillingham Boulevard;
2. 42° 20' 12.90 feet along Parcel 401-C of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;
3. 132° 20' 50.00 feet along Remainder of Parcel 401-B of Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;



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

CIVIL ENGINEERS - SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PALIAMI STREET, SUITE 207

4. 222° 20'

12.90 feet along Parcel 401-A of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunohua for Moehonua, to the point of beginning and containing an area of 645 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 005  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401-B.docx



**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 401-B**

Being a portion of Lot 15, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuohua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 401-B of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,113.10 feet North and 11,196.03 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;
2. 42° 20' 80.10 feet along Remainder of Parcel 401-C of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;
3. 132° 20' 50.00 feet along Lot 16, Block 9, of the "Kapiolani Tract", along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;



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

CIVIL ENGINEERS - SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PAUANI STREET, SUITE 207

4. 222° 20' 80.10 feet along Remainder of Parcel 401-A of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunohua for Moehonua, to the point of beginning and containing an area of 4,005 Square Feet.

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 005  
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**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 401-C**

Being a portion of Lot 17, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuoehua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 401-B of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,088.96 feet North and 11,150.38 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along the South side of Dillingham Boulevard;
2. 42° 20' 12.90 feet along Lots 17-A and 17-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;
3. 132° 20' 50.00 feet along Remainder of Parcel 401-C of Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PALANI STREET, SUITE 217

4. 222° 20' 12.90 feet along Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunohua for Moehonua, to the point of beginning and containing an area of 645 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", with the date "Exp 06/16" written to the right.

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 016  
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**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 401-C**

Being a portion of Lot 17, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuohua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 401-C of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,079.42 feet North and 11,159.07 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-C of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;
2. 42° 20' 80.10 feet along Lot 17-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;
3. 132° 20' 50.00 feet along Lot 18, Block 9, of the "Kapiolani Tract", along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;



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

CIVIL ENGINEERS • SURVEYORS  
1871 WILI PA LOOP, SUITE A

501 SUMNER STREET, SUITE 821

100 PALAHI STREET, SUITE 207

4. 222° 20' 80.10 feet along Remainder of Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunohua for Moehonua, to the point of beginning and containing an area of 4,005 Square Feet.

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

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 016  
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**HONOLULU RAIL TRANSIT PROJECT**

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

**Affecting Remainder of Parcel 401-A  
of the Honolulu Rail Transit Project  
Being a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuohua for Moehonua**

**Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii**

**Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 401-A of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,146.77 feet North and 11,232.99 feet West thence running by azimuths measured clockwise from true South:**

- 1. 312° 20' 50.00 feet along Parcel 401-A of the Honolulu Rail Transit Project;**
- 2. 42° 20' 4.00 feet along Remainder of Parcel 401-B of the Honolulu Rail Transit Project;**
- 3. 132° 20' 50.00 feet along the remainder of Remainder of Parcel 401-A of the Honolulu Rail Transit Project;**



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

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS  
1871 WIL PA LOOP, SUITE A

100 PAUHI STREET, SUITE 207

4. 222° 20'

4.00 feet along Remainder of Parcel 400-B of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 200 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 006  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401 - Easement C.docx



**HONOLULU RAIL TRANSIT PROJECT**

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

**Affecting Remainder of Parcel 401-B  
of the Honolulu Rail Transit Project  
Being a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuohua for Moehonua**

**Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii**

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 401-B of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,113.10 feet North and 11,196.03 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-B of the Honolulu Rail Transit Project;
2. 42° 20' 4.00 feet along Remainder of Parcel 401-C of the Honolulu Rail Transit Project;
3. 132° 20' 50.00 feet along the remainder of Remainder of Parcel 401-B of the Honolulu Rail Transit Project;



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

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS  
1871 WILI PA LOOP, SUITE A

100 PALAHI STREET, SUITE 207

4. 222° 20'

4.00 feet along Remainder of Parcel 401-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 200 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 005  
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**HONOLULU RAIL TRANSIT PROJECT**

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

**Affecting Remainder of Parcel 401-C  
of the Honolulu Rail Transit Project  
Being a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuohua for Moehonua**

**Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii**

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 401-C of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,079.42 feet North and 11,159.07 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-C of the Honolulu Rail Transit Project;
2. 42° 20' 4.00 feet along Lot 17-B of the Honolulu Rail Transit Project;
3. 132° 20' 50.00 feet along the remainder of Remainder of Parcel 401-C of the Honolulu Rail Transit Project;



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

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS  
1871 WIL PA LOOP, SUITE A

100 PALAHI STREET, SUITE 207

4. 222° 20'

4.00 feet along Remainder of Parcel 401-B of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 200 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", with a date "EXP 11/14" written to the right.

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 016  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401 - Easement E.docx



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-2-009-006 (PORTION), 1-2-009-005 (PORTION), and 1-2-009-016 (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 (TMKS) 1-2-009-006 (por.), 1-2-009-005 (por.), and 1-2-009-016 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMKS 1-2-009-006 (por.), 1-2-009-005 (por.), and 1-2-009-016 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and

4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and
5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMKS 1-2-009-006 (por.), 1-2-009-005 (por.), and 1-2-009-016 (por.)

**HONOLULU RAIL TRANSIT PROJECT****PARCEL 401-A**

Being a portion of Lot 13, Block 9, of the "Kapiolani Tract"  
 Being also, a portion of Land Patent 8194,  
 Land Commission Award 6450, Apana 1 to Kaunuoehua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 400-B of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,156.30 feet North and 11,224.30 feet West thence running by azimuths measured clockwise from true South:

- |    |          |       |      |  |
|----|----------|-------|------|--|
| 1. | 312° 20' | 50.00 | feet | along the South side of Dillingham Boulevard;  |
| 2. | 42° 20'  | 12.90 | feet | along Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;          |
| 3. | 132° 20' | 50.00 | feet | along Remainder of Parcel 401-A of Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua; |



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILPAI LOOP, SUITE A

100 DALLAS STREET, SUITE 207

4. 222° 20' 12.90 feet along Parcel 400-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua, to the point of beginning and containing an area of 645 Square Feet.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



*Erik S. Kaneshiro* exp 4/16

ERIK S. KANESHIRO

Licensed Professional Land Surveyor  
Certificate No. 9826

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 006  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401-A.docx



**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 401-A**

Being a portion of Lot 13, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuoehua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 401-A of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,146.77 feet North and 11,232.99 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-A of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;
2. 42° 20' 80.10 feet along Remainder of Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;
3. 132° 20' 50.00 feet along Lot 14, Block 9, of the "Kapiolani Tract", along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 501

1471 WILPAI CUP, SUITE A

100 PALIAMI STREET, SUITE 207

4. 222° 20' 80.10 feet along Remainder of Parcel 400-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua, to the point of beginning and containing an area of 4,005 Square Feet.

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 006  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401-A Remainder.docx



**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 401-B**

Being a portion of Lot 15, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuohua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 401-A of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,122.63 feet North and 11,187.34 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along the South side of Dillingham Boulevard;
2. 42° 20' 12.90 feet along Parcel 401-C of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;
3. 132° 20' 50.00 feet along Remainder of Parcel 401-B of Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1571 WILI PA LOOP, SUITE A

100 PALIAMI STREET, SUITE 207

4. 222° 20' 12.90 feet along Parcel 401-A of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua, to the point of beginning and containing an area of 645 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

ERIK S. KANESHIRO

Licensed Professional Land Surveyor  
Certificate No. 9826

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 005  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401-B.docx



**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 401-B**

Being a portion of Lot 15, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuoehua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 401-B of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,113.10 feet North and 11,196.03 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;
2. 42° 20' 80.10 feet along Remainder of Parcel 401-C of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;
3. 132° 20' 50.00 feet along Lot 16, Block 9, of the "Kapiolani Tract", along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PALAHU STREET, SUITE 207

4. 222° 20' 80.10 feet along Remainder of Parcel 401-A of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua, to the point of beginning and containing an area of 4,005 Square Feet.

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 005  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401-B Remainder.docx



**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 401-C**

Being a portion of Lot 17, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuohua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 401-B of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,088.96 feet North and 11,150.38 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along the South side of Dillingham Boulevard;
2. 42° 20' 12.90 feet along Lots 17-A and 17-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;
3. 132° 20' 50.00 feet along Remainder of Parcel 401-C of Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua;



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

CIVIL ENGINEERS • SURVEYORS

1871 WILIPA LOOP, SUITE A

501 SUMNER STREET, SUITE 821

100 PALIAMI STREET, SUITE 207

4. 222° 20' 12.90 feet along Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua, to the point of beginning and containing an area of 645 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 016  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401-C.docx



**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 401-C**

Being a portion of Lot 17, Block 9, of the "Kapiolani Tract"  
Being also, a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuoehua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 401-C of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,079.42 feet North and 11,159.07 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-C of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;
2. 42° 20' 80.10 feet along Lot 17-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;
3. 132° 20' 50.00 feet along Lot 18, Block 9, of the "Kapiolani Tract", along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuoehua for Moehonua;



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PALANI STREET, SUITE 207

4. 222° 20' 80.10 feet along Remainder of Parcel 401-B of the Honolulu Rail Transit Project, along the remainder of L.P. 8194, L.C. Aw. 6450, Ap. 1 to Kaunuohua for Moehonua, to the point of beginning and containing an area of 4,005 Square Feet.

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

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 016  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401-C Remainder.docx



**HONOLULU RAIL TRANSIT PROJECT**

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

**Affecting Remainder of Parcel 401-A  
of the Honolulu Rail Transit Project  
Being a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuuohua for Moehonua**

**Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii**

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 401-A of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,146.77 feet North and 11,232.99 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-A of the Honolulu Rail Transit Project;
2. 42° 20' 4.00 feet along Remainder of Parcel 401-B of the Honolulu Rail Transit Project;
3. 132° 20' 50.00 feet along the remainder of Remainder of Parcel 401-A of the Honolulu Rail Transit Project;



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

**CIVIL ENGINEERS • SURVEYORS  
1871 WILJ PA LOOP, SUITE A**

501 SUMNER STREET, SUITE 521

100 PALUANI STREET, SUITE 207

4. 222° 20'

4.00 feet along Remainder of Parcel 400-B of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 200 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 006  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401 - Easement C.docx



**HONOLULU RAIL TRANSIT PROJECT**

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

Affecting Remainder of Parcel 401-B  
of the Honolulu Rail Transit Project  
Being a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuuohua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 401-B of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,113.10 feet North and 11,196.03 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-B of the Honolulu Rail Transit Project;
2. 42° 20' 4.00 feet along Remainder of Parcel 401-C of the Honolulu Rail Transit Project;
3. 132° 20' 50.00 feet along the remainder of Remainder of Parcel 401-B of the Honolulu Rail Transit Project;



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PALAHI STREET, SUITE 207

4. 222° 20'

4.00 feet along Remainder of Parcel 401-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 200 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

ERIK S. KANESHIRO

Licensed Professional Land Surveyor  
Certificate No. 9826

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 005  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401 - Easement D.docx



**HONOLULU RAIL TRANSIT PROJECT**

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

Affecting Remainder of Parcel 401-C  
of the Honolulu Rail Transit Project  
Being a portion of Land Patent 8194,  
Land Commission Award 6450, Apana 1 to Kaunuuohua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 401-C of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,079.42 feet North and 11,159.07 feet West thence running by azimuths measured clockwise from true South:

1. 312° 20' 50.00 feet along Parcel 401-C of the Honolulu Rail Transit Project;
2. 42° 20' 4.00 feet along Lot 17-B of the Honolulu Rail Transit Project;
3. 132° 20' 50.00 feet along the remainder of Remainder of Parcel 401-C of the Honolulu Rail Transit Project;



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

**CIVIL ENGINEERS • SURVEYORS**

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PALIAHI STREET, SUITE 207

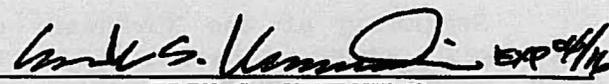
4. 222° 20'

4.00 feet along Remainder of Parcel 401-B of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 200 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-2-009: 016  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401 - Easement E.docx



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-20 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-2-009-006 (PORTION), 1-2-009-005 (PORTION), and 1-2-009-016 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
---	---	---------------------------

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 portions of Tax Map Keys 1-2-009-016, 1-2-009-005, and 1-2-009-006, and situated at 1965, 1973, 2009 Dillingham Boulevard, Honolulu, Hawaii, 96819, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 1,935 square-foot portion and 600 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Claire M. Tong, et al.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

Portions of this property (Tax Map Keys 1-2-009-016, 1-2-009-005, and 1-2-009-006) was designated as a partial take 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 the portion would have on the remainder of the property.

- Owner accepted the Offer with language contingencies. HART currently drafting Possession and Use language that may satisfy the language contingency.

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**

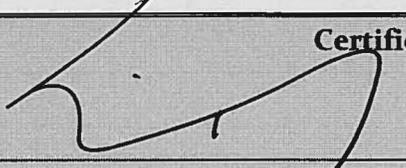
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 9/23/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 8/19/2014

**Certified and Recommended by:**



**Executive Director and CEO**

6/19/15

**Date**

RL1398  
READ  
L 15 X  
COR R



IN REPLY REFER TO:  
CMS-APOOROW-00622

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

September 23, 2014

Ivan M. Lui-Kwan, Esq.  
CHAIR

*Kenneth Wang*  
Received  
*Kenneth Wang* 9/30/14  
Print Name Date

Donald G. Horner  
VICE CHAIR

Ms. Claire M. Tong  
Mr. Kevin S. Sugimoto  
Mr. Mark S. Kihiro  
Mr. Clyde M. Nishimoto  
c/o Hawaiian Host Inc.  
500 Alakawa Street, #111  
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.

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)  
1965 Dillingham Boulevard; 1973 Dillingham Boulevard; 2009 Dillingham Boulevard  
Parcel 401: Tax Map Keys 1-2-009-016; 1-2-009-005; 1-2-009-006 (Portions)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 1,935 square foot portion of your property (shown colored in yellow on the attached map), in fee simple, free and clear of all liens and encumbrances, for a consideration of \$316,500 (Three Hundred Sixteen Thousand Five Hundred Dollars).

In addition, HART offers to purchase a 600 square foot **Temporary Construction Easement (TCE)** adjacent to the aforementioned partial taking (shown colored in blue on the attached map), for a consideration of \$3,924 (Three Thousand Nine Hundred Twenty-Four Dollars). The purpose of the TCE is to facilitate construction of the improvements within the right-of-way (ROW). Activities that may be performed within the TCE may include: demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve the operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCE will be six months, with a start date to be determined thru coordination with you and HART's contractor.

The **total** offer for acquiring both interests in your property is **\$320,424** (Three Hundred Twenty Thousand Four Hundred Twenty-Four Dollars).

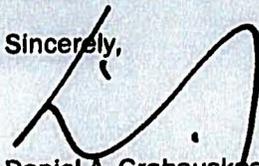
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by **October 17, 2014**. The remaining copies are for your files. Also enclosed for your information is the Statement of Just Compensation, Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

Ms. Claire M. Tong  
Mr. Kevin S. Sugimoto  
Mr. Mark S. Kihiro  
Mr. Clyde M. Nishimoto  
Page 2  
September 23, 2014

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.

Please call Mr. Joe Hastings at 808-294-5206 or by email at [jhastings@paragon-partners.com](mailto:jhastings@paragon-partners.com) if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

Ms. Claire M. Tong  
Mr. Kevin S. Sugimoto  
Mr. Mark S. Kihiro  
Mr. Clyde M. Nishimoto

\_\_\_\_\_  
CLAIRE M. TONG

Date

\_\_\_\_\_  
KEVIN S. SUGIMOTO

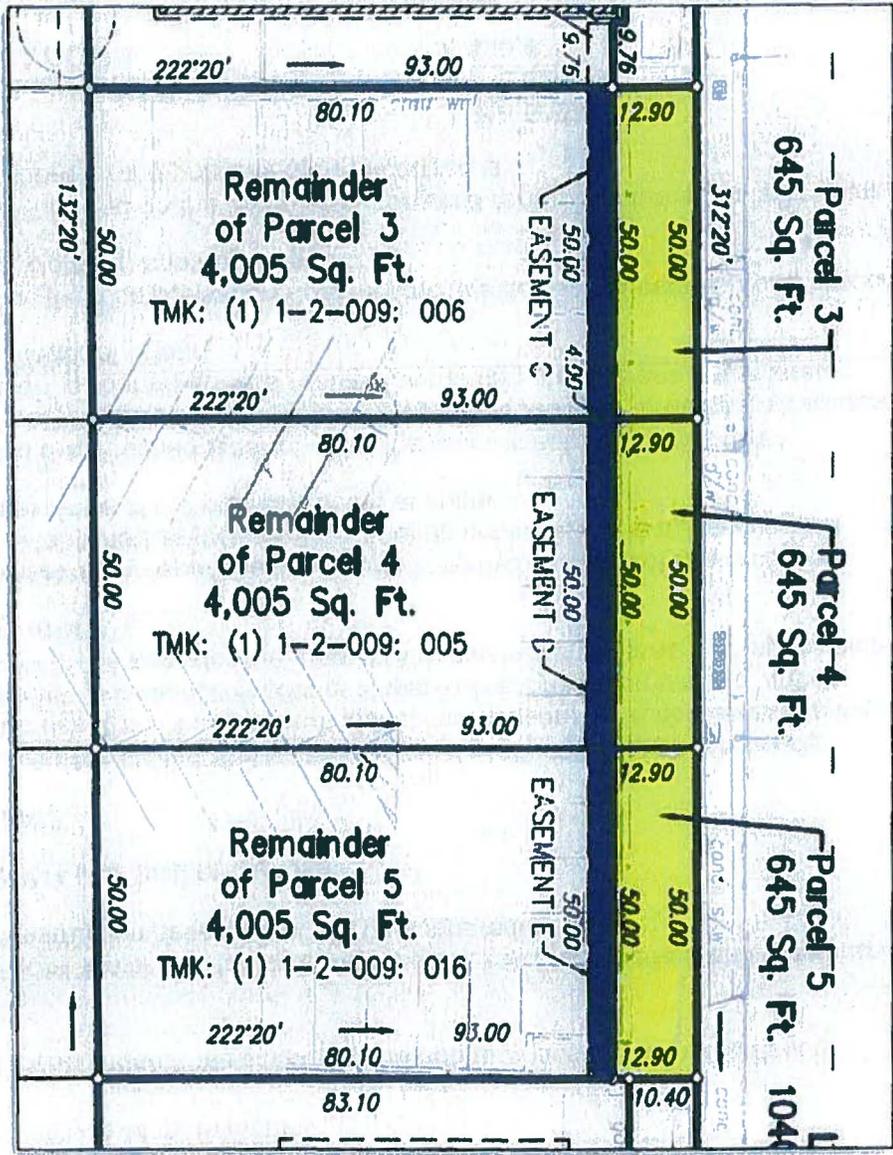
Date

\_\_\_\_\_  
MARK S. KIHIRO

Date

\_\_\_\_\_  
CLYDE M. NISHIMOTO

Date



Partial Taking  
 Temporary Construction Easement (TCE)

MAP

**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 1965, 1973, 2009 Dillingham Boulevard, Honolulu, HI 96817  
**TAX MAP KEYS:** Tax Map Keys 1-2-009-016; 1-2-009-005; 1-2-009-006 (Portions)  
**OWNER(S):** Ms. Claire M. Tong; Mr. Kevin S. Sugimoto; Mr. Mark S. Kihiro;  
Mr. Clyde M. Nishimoto  
**INTERESTS TO BE ACQUIRED:** Unencumbered fee simple and temporary construction easement  
**PARCELS TO BE ACQUIRED:** Partial fee simple taking consisting of ±1,935 square feet and temporary construction easement of ±600 square feet.  
**ZONING:** IMX-1 Industrial Mixed-Use  
**IMPROVEMENTS:** N/A.

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

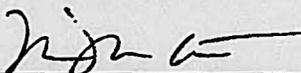
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing, and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Partial Fee Taking:	\$316,500
Temporary Construction Easement:	<u>3,924</u>
<b>TOTAL JUST COMPENSATION</b>	<b>\$ 320,424</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.

  
\_\_\_\_\_  
Morris M. Atta  
Deputy Director of Right-of-Way

**APPRAISAL SUMMARY STATEMENT**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)

**ADDRESS:** 1973 Dillingham Boulevard, Honolulu, HI 96817  
1965 Dillingham Boulevard, Honolulu, HI 96817  
2009 Dillingham Boulevard, Honolulu, HI 96817

**TAX MAP KEYS:** 1-2-009-016; 1-2-009-005; 1-2-009-006 (Portions)

**OWNER(S):** Ms. Claire M. Tong; Mr. Kevin S. Sugimoto;  
Mr. Mark S. Kihiro; Mr. Clyde M. Nishimoto

**PARCEL AREAS:** Partial fee taking ±1,935 square feet; Temporary  
Construction Easement (TCE) ±600 square feet.

**PROPERTY ACQUIRED:** ALL:    PART:   X  

**INTERESTS TO  
BE ACQUIRED:** Unencumbered fee simple and temporary construction  
easement

**ZONING:** IMX-1 Industrial Mixed-Use

**HIGHEST & BEST USE:** Light industrial, commercial, or office

**ASSESSED VALUE (2014):**

Land	\$693,300
For total Improvements:	<u>          -</u>
<b>TOTAL</b>	<b>\$693,300</b>

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The Appraisal Estimate is:

Partial Fee Taking:	\$316,500
Temporary Construction Easement (TCE):	<u>      3,924</u>
<b>TOTAL APPRAISAL ESTIMATE</b>	<b>\$ 320,424</b>

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map keys listed herein below, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and/or its representatives and consultants for the purpose stated:

**PROJECT:** Honolulu Rail Transit Project (H RTP)

**TAX MAP KEYS:** 1-2-009-016; 1-2-009-005; 1-2-009-006 (Portions)

**LOCATION:** 1973 Dillingham Boulevard, Honolulu, HI 96817  
1965 Dillingham Boulevard, Honolulu, HI 96817  
2009 Dillingham Boulevard, Honolulu, HI 96817

**PURPOSE:** Construction Activities

It is understood that this consent to enter is granted upon the following terms:

(1) That the area covered by this consent document consists of the areas outlined in yellow and blue on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a nominal consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

TAX MAP KEYS: 1-2-009-005; 1-2-009-006; 1-2-009-016  
Consent to Enter – Page 2

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

\_\_\_\_\_  
CLAIRE M. TONG

\_\_\_\_\_  
MR. KEVIN S. SUGIMOTO

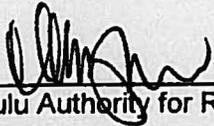
\_\_\_\_\_  
MR. MARK S. KIHIO

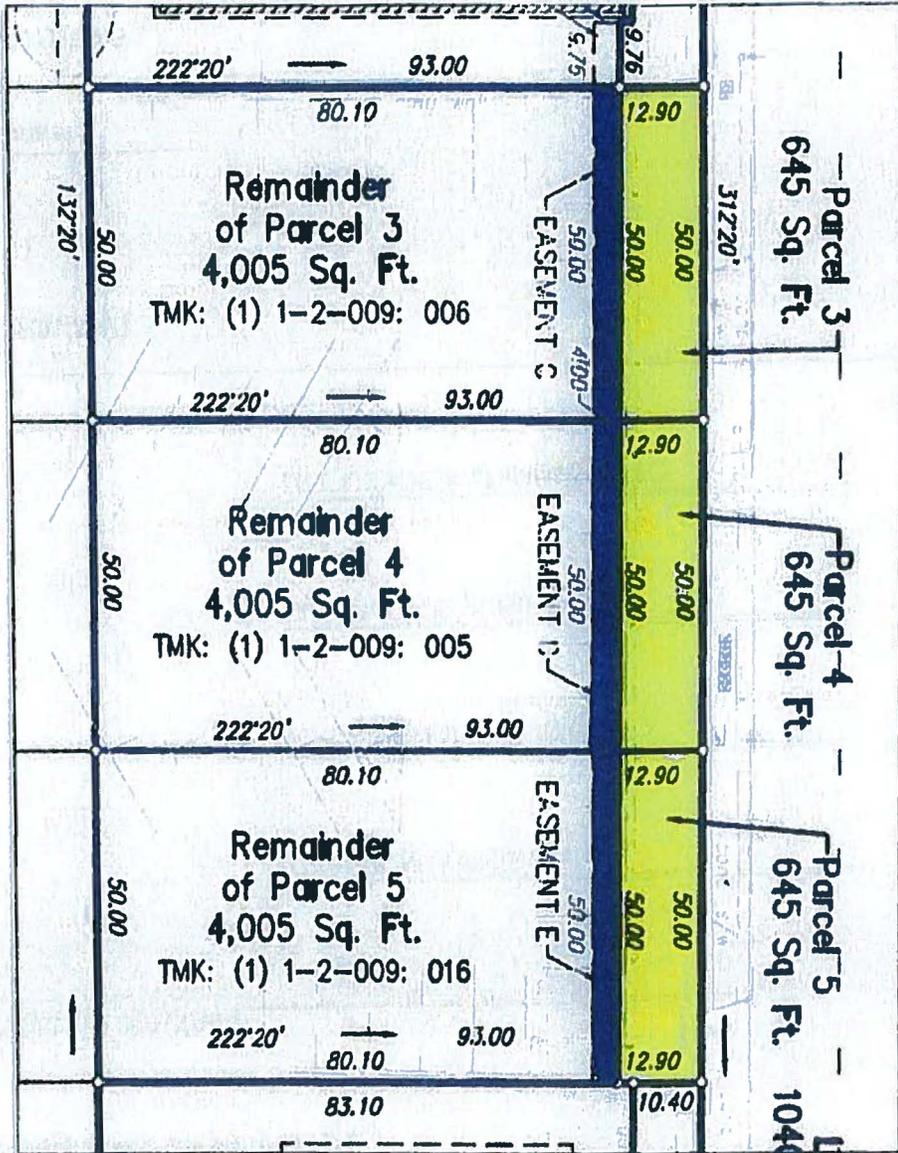
\_\_\_\_\_  
MR. CLYDE M. NISHIMOTO

APPROVED AS TO FORM AND  
LEGALITY

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED AS TO CONTENTS

  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation



- Partial Taking
- Temporary Construction Easement (TCE)

MAP

## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

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### Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

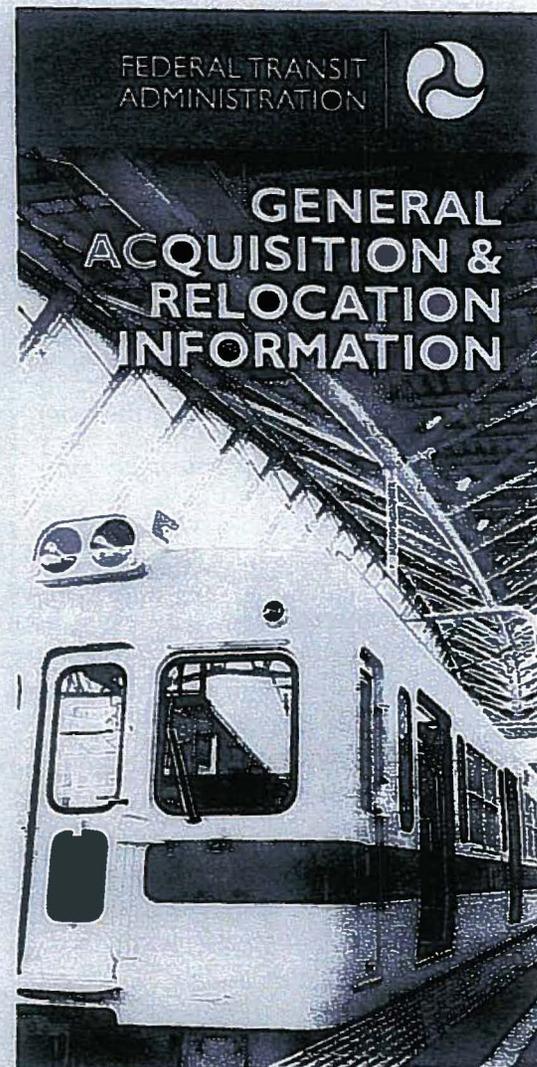
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
**FEDERAL TRANSIT ADMINISTRATION**

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY.



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*



The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

### Specific Instructions

#### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

**Exempt Payee**

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for ...	THEN the payment is exempt for ...
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

**Part I. Taxpayer Identification Number (TIN)**

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

**Part II. Certification**

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>3</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>3</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>3</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-368-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

August 19, 2014

Mr. Todd Salvatore  
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  
Partial Acquisition  
Parcel Designation: 1-2-009-016, 005, 006; 4,650 square feet (each)  
HART RW Parcel 401  
1965, 1973, 2009 Dillingham Boulevard, Honolulu, Hawaii 96819

Dear Mr. Salvatore,

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 "*Partial Acquisition*" of 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 identified as the "Larger Parcel" physically consists of three individual rectangular, non-corner vacant parcels constituting 4,650 square feet each and 3 individual rectangular, non-corner vacant parcels constituting 5,000 square feet each.

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 Summary report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of August 19, 2014.

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 145-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 July 30, 2014.

\$ 105,500	<i>Parcel 16 "As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 105,500	<i>Parcel 05 "As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 105,500	<i>Parcel 06 "As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 316,500	<i>"As Is" Indicated Market Value of Partial Acquisition (Total)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 316,500	<i>Total Fair Market Value of the Partial Acquisition Parcels 016, 005 &amp; 006 (Rounded)</i>
	<i>Temporary Construction Easements</i>
\$ 7,848	<i>Estimated Total Annual Rent Per Annum @ 8% for Parcels 16, 05 and 06</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. 2015-21**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-014 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) 1-2-003-014 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 above; 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 1-2-003-014

Exhibit B – Resolution No. 2015\_\_ -\_\_ Authorizing the Acquisition of the Real Property Identified as Tax Map Key 1-2-003-014 by Eminent Domain.

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

ATTEST:

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





R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

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

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



**Remainder of Parcel 404**  
**Being a Portion of Lot A**  
**Being a Portion of Lot 1 and all of Lot 2 in Block 10 of "Kapiolani Tract"**  
**Being also a Portion of R.P. No. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua No Mochonua**

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

Beginning at the East corner of this parcel of land, also being the South corner of Parcel 404, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,578.85 feet South and 4,973.96 feet West, thence running by azimuths measured clockwise from true South:

1. 42° 20' 80.09 feet along a portion of Lot 5 in Block 10 of "Kapiolani Tract";
2. 132° 20' 100.00 feet along Lot 3 in Block 10 of "Kapiolani Tract";
3. 222° 20' 55.38 feet along the Southeast side of Mokauea Street;
4. 255° 07' 5.61 feet along Parcel 404;
5. Thence along Parcel 404, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
267° 20' 28.28 feet;
6. 312° 20' 76.96 feet along Parcel 404 to the point of beginning and containing an area of 7,855 Square Feet, more or less.





R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

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

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



**Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 404**

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

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

Beginning at the Southeast corner of this easement, also being the South corner of Parcel 404, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 4,578.85 feet South and 4,973.96 feet West, thence running by azimuths measured clockwise from true South:

1. 42° 20' 4.00 feet along a portion of Lot 5 in Block 10 of "Kapiolani Tract";
2. 132° 20' 76.96 feet;
3. 107° 20' 15.00 feet;
4. 42° 54' 14.71 feet;
5. 132° 20' 9.30 feet;
6. 222° 20' 0.33 feet along the Southeast side of Mokauea Street;
7. 255° 07' 5.61 feet along Parcel 404;
8. Thence along Parcel 404, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
267° 20' 28.28 feet;
9. 312° 20' 76.96 feet along Parcel 404 to the point of beginning and containing an area of 487 Square Feet, more or less.

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail [rmtowill@hawaii.rr.com](mailto:rmtowill@hawaii.rr.com)



**R. M. TOWILL CORPORATION**  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management



R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 1-2-003-014 BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-2-003-014 by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-2-003-014 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 1-2-003-014

DRAFT

**Parcel 404**  
**Being a Portion of Lot A**  
**Being a Portion of Lot 1 in Block 10 of "Kapiolani Tract"**  
**Being also a Portion of R.P. No. 8194, L.C. Aw. 6450, Apana 1 to Kaunuuohua No Moehonua**

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

Beginning at the East corner of this parcel of land, also being the North corner of Lot 5 in Block 10 of "Kapiolani Tract", the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,569.31 feet South and 4,965.27 feet West, thence running by azimuths measured clockwise from true South:

1. 42° 20' 12.91 feet along a portion of Lot 5 in Block 10 of "Kapiolani Tract";
2. 132° 20' 76.96 feet along the Remainder of Parcel 404;
3. Thence along the Remainder of Parcel 404, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:  
87° 20' 28.28 feet;
4. 75° 07' 5.61 feet along the Remainder of Parcel 404;
5. 222° 20' 17.62 feet along the Southeast side of Mokauea Street;
6. Thence along the Southeast side of Mokauea Street and the Southwest side of Dillingham Boulevard, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
267° 20' 28.28 feet;
7. 312° 20' 80.00 feet along the Southwest side of Dillingham Boulevard to the point of beginning and containing an area of 1,359 Square Feet, more or less.





R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

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

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



**Remainder of Parcel 404**  
**Being a Portion of Lot A**  
**Being a Portion of Lot 1 and all of Lot 2 in Block 10 of "Kapiolani Tract"**  
**Being also a Portion of R.P. No. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua No Moehonua**

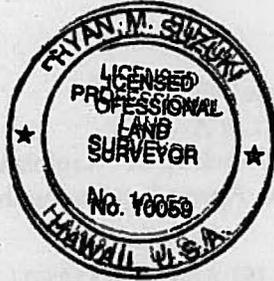
**SITUATE AT MOKAUEA, HONOLULU, ISLAND OF OAHU, HAWAII**

Beginning at the East corner of this parcel of land, also being the South corner of Parcel 404, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,578.85 feet South and 4,973.96 feet West, thence running by azimuths measured clockwise from true South:

1.        42° 20'                                80.09 feet along a portion of Lot 5 in Block 10 of "Kapiolani Tract";
2.        132° 20'                              100.00 feet along Lot 3 in Block 10 of "Kapiolani Tract";
3.        222° 20'                                55.38 feet along the Southeast side of Mokauea Street;
4.        255° 07'                                5.61 feet along Parcel 404;
5.        Thence along Parcel 404, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  

267° 20'                                28.28 feet;
6.        312° 20'                                76.96 feet along Parcel 404 to the point of beginning and containing an area of 7,855 Square Feet, more or less.





R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

Ryan M. Suzuki Exp: 4/30/16

Licensed Professional Land Surveyor

Certificate Number 10059

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







R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-21 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-014 BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-2-003-014, and situated at 1829 Dillingham Boulevard, Honolulu, Hawaii, 96819, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 9,214 square-foot full take is required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Walter S. Takara Trust et al.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-2-003-014) was designated as a full take 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 of the full take.

- Owner rejected the full take Offer and submitted a counteroffer for a partial take and reconfiguration of the subject structure to be performed by HART's Cost-to-Cure team. Administrative Settlement is anticipated and negotiations with the Owner 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**

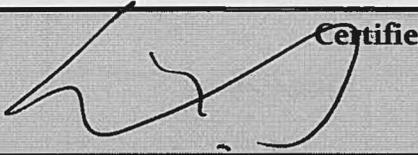
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 9/16/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 7/31/2014

**Certified and Recommended by:**



**Executive Director and CEO**

  
**Date**



IN REPLY REFER TO:  
CMS-APOOROW-00620

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

September 16, 2014

*[Handwritten Signature]*  
 Received Walter Takara 9/24/14  
 Print Name Date  
 Ivan M. Lui-Kwan, Esq.  
CHAIR  
 Donald G. Horner  
VICE CHAIR

Walter S. Takara Trust  
Hatsue Takara Trust  
1829 Dillingham Boulevard  
Honolulu, Hawaii 96819

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

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)  
1829 Dillingham Boulevard  
Parcel 404: Tax Map Key 1-2-003-014 (Full Take)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase your 9,214 square foot portion of your property, identified as Tax Map Key 1-2-003-014 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$2,400,000 (Two Million Four Hundred Thousand Dollars).

The total offer for acquiring your property is \$2,400,000.

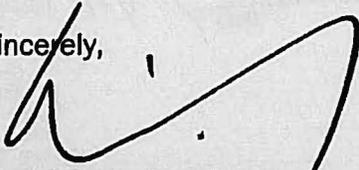
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by October 15, 2014. The remaining copies are for your files. Also enclosed for your information is the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

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.

Walter S. Takara Trust  
Hatsue Takara Trust  
Page 2  
September 16, 2014

Please call Mr. Walter "Cap" Havekorst at 799-3655 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

WALTER S. TAKARA  
Trustee of the Walter S. Takara  
Revocable Trust, dated June 13, 1992.

HATSUE TAKARA  
Trustee of the Hatsue Takara  
Revocable Trust, dated June 13, 1992.

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

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

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

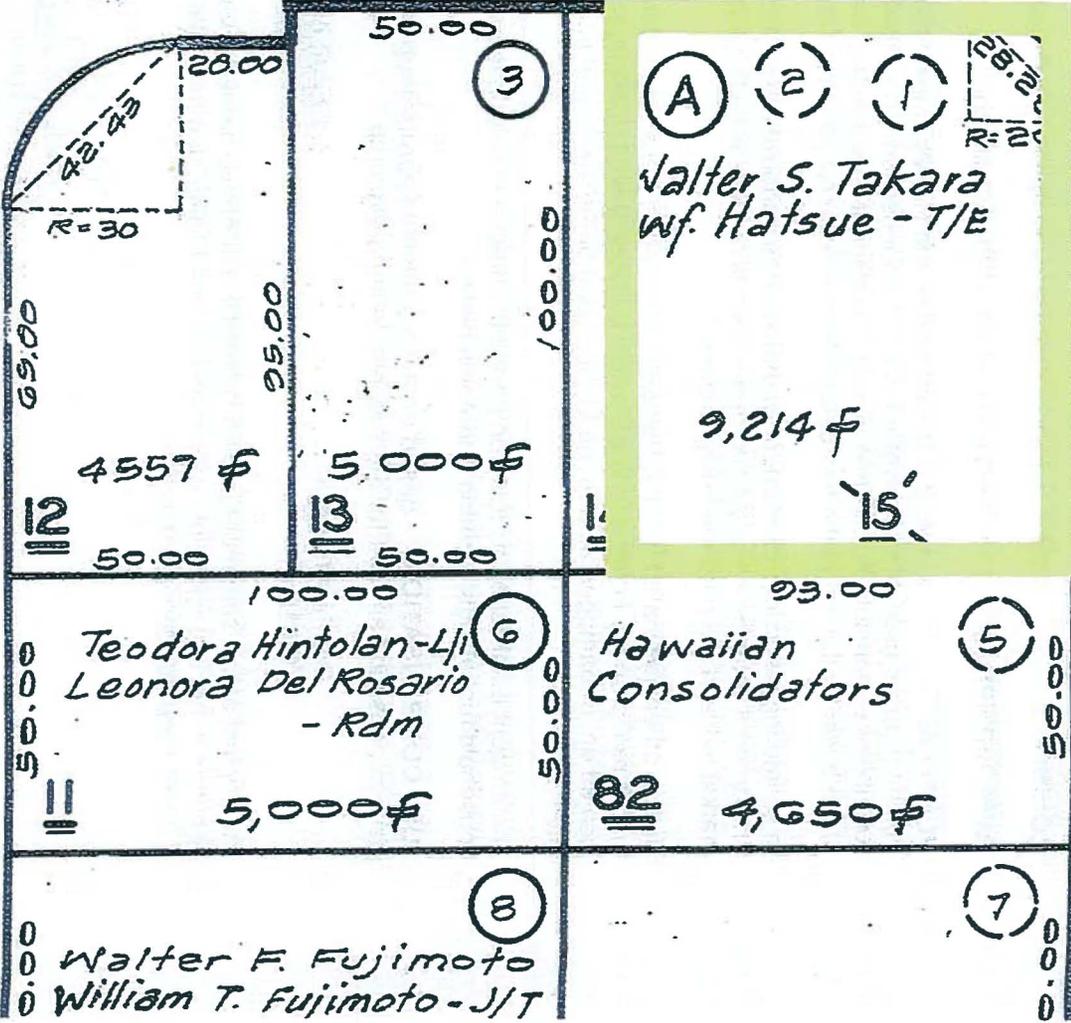
Print Name: \_\_\_\_\_

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

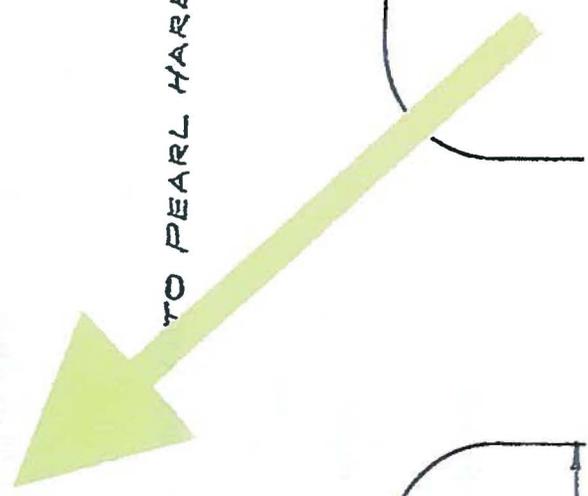
Dated: \_\_\_\_\_



521



TO PEARL HARB



YARD



## STATEMENT OF JUST COMPENSATION

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 1829 Dillingham Boulevard Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** (1) 1-2-003-014  
**OWNER(S):** WALTER S. TAKARA TRUST/ HATSUE TAKARA TRUST  
**INTEREST TO BE ACQUIRED:** Unencumbered fee simple  
**PARCEL TO BE ACQUIRED:** Full taking consisting of approximately 9,214 square feet  
**ZONING:** IMX-1 Industrial Mixed-Use by the City & County of Honolulu  
**IMPROVEMENTS:** 33 Year Old Warehouse/Office Building

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Full Fee Taking	<b><u>\$2,400,000</u></b>
<b>TOTAL:</b>	<b><u>\$2,400,000</u></b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.

  
\_\_\_\_\_  
Morris M. Atta  
Deputy Director of Right-of-Way

## APPRAISAL SUMMARY STATEMENT

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 1829 Dillingham Boulevard Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** (1) 1-2-003-014  
**OWNER(S):** WALTER S TAKARA TRUST/ HATSUE TAKARA TRUST

**PARCEL AREA:** 9,214 Square Feet  
**PROPERTY ACQUIRED:** ALL: X PART: \_\_\_\_\_  
**INTEREST TO BE ACQUIRED:** Unencumbered fee simple  
**ZONING:** IMX-1 Industrial Mixed-Use  
**HIGHEST & BEST USE:** Commercial

**ASSESSED VALUE (2014):**

LAND	\$1,274,700
BUILDING	<u>\$1,008,700</u>
TOTAL	<u>\$2,283,400</u>

---

The Appraisal Estimate is: \$2,400,000

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map key listed hereinbelow, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

**PROJECT: Honolulu Rail Transit Project (HRTP)**  
**TAX MAP KEY: (1) 1-2-003-014**  
**LOCATION: 1829 Dillingham Boulevard, Honolulu, Oahu, Hawaii**  
**PURPOSE: Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

(1) That the area covered by this consent document is colored in yellow outlined on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a **nominal** consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

TAX MAP KEY: (1) 1-2-003-014  
Consent to Enter – Page 2

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

WALTER S. TAKARA

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

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

Phone: \_\_\_\_\_

HATSUE TAKARA

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

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

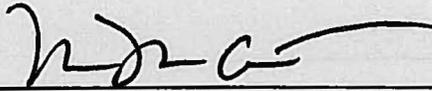
Phone: \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY

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Deputy Corporation Counsel

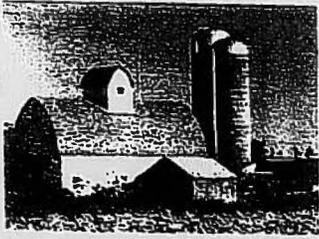
APPROVED AS TO CONTENTS



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Honolulu Authority for Rapid Transportation

## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

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Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

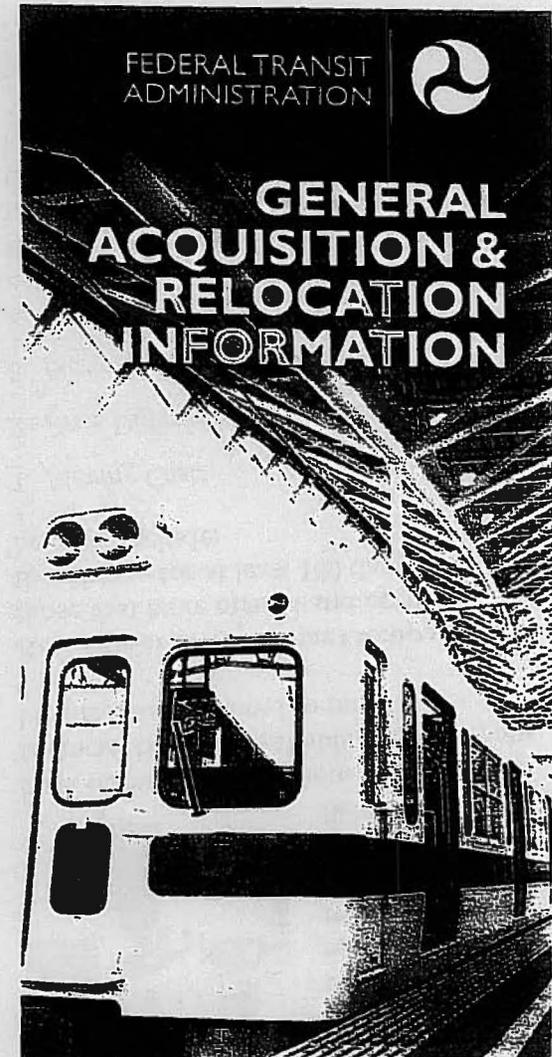
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



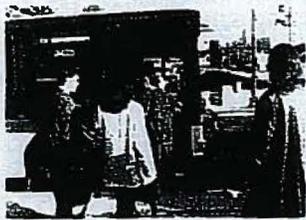
**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶	
	<input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.)		Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

<b>Social security number</b>					
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<b>Employer identification number</b>					
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**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
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### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II Instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA) name" on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

### Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

### Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

### Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA and HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number to Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The actual owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>3</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

July 31, 2014

Mr. Todd Salvatore  
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  
Whole Parcel Acquisition  
Parcel Designation: (1) 1-2-003-014; 9,214 square feet  
HART RW Parcel 404  
1829 Dillingham Boulevard, Honolulu, Hawaii 96819

Dear Mr. Salvatore,

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 whole parcel *Eminent Domain* acquisition proceeding of the subject parcel as part of the Honolulu Rail Transit Project.

As a preview, the subject property physically consists of a mostly rectangular, parcel constituting 9,214 square feet and is zoned IMX-1 Industrial Mixed-Use. It is improved with a 33-year old warehouse/office building consisting of a 1st level covered parking area of 2,219 square feet, 1st level warehouse 4,490 square feet and a 2nd level office of 6,709 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 31, 2014.

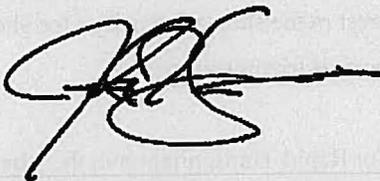
For purposes of this appraisal report the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 169-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 as of May 31, 2014:

\$2,400,000 "As Is" (Whole Parcel Acquisition)

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. 2015-22**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-006 (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) 1-2-003-006 (por.) 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 1-2-003-006 (por.); 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 1-2-003-006 (por.)

Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real Property Identified as Tax Map Key 1-2-003-006 (portion) by Eminent Domain

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

ATTEST:

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

**Parcel 410**

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

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

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

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



R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

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

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



**Remainder of Parcel 410**  
Being a Portion of the Remainder of Lot 15 and all of Lot 16 in Block 10 of "Kapiolani Tract"  
Being also a Portion of R.P. No. 8194, L.C. Aw. 6450, Apana 1 to Kaunuoehua No Moehonua

SITUATE AT MOKAUEA, HONOLULU, ISLAND OF OAHU, HAWAII

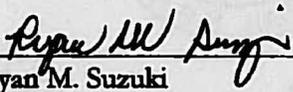
Beginning at the North corner of this parcel of land, also being the Northwest corner of Parcel 410, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,747.20 feet South and 4,789.16 feet West, thence running by azimuths measured clockwise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

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



R. M. TOWILL CORPORATION

Description prepared by:

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

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



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

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

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

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

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



2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014

R. M. TOWILL CORPORATION

Description prepared by:

A handwritten signature in cursive script, appearing to read "Ryan M. Suzuki".

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

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail [mtowill@hawaii.r.com](mailto:mtowill@hawaii.r.com)



R. M. TOWILL CORPORATION  
SINCE 1930

Planning  
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Environmental Services  
Photogrammetry  
Surveying  
Construction Management

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-006 (PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-2-003-006 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-2-003-006 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

- 5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

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

**Parcel 410**

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

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

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

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



R. M. TOWILL CORPORATION

Description prepared by:

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

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



**Remainder of Parcel 410**

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

SITUATE AT MOKAUEA, HONOLULU, ISLAND OF OAHU, HAWAII

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



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Description prepared by:

  
Ryan M. Suzuki Exp: 4/30/16  
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Certificate Number 10059

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



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

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

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

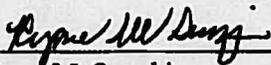
Beginning at the North corner of this easement, being the West corner of Parcel 410, also being the North corner of Remainder of Parcel 410, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 4,747.20 feet South and 4,789.16 feet West, thence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

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



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014

- 1 -

2024 North King Street  
Suite 200  
Honolulu HI 96819-3470  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.r.com



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Surveying  
Construction Management

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-22 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-006 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-2-003-006, and situated at 1733 Dillingham Boulevard, Honolulu, Hawaii, 96819, which is required for project construction purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 645 square-foot portion and 200 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by TCT, Inc.

**HART recommends use of eminent domain to acquire the property.**

**2. Background/Justification**

This property (Tax Map Key 1-2-003-006) was designated as a partial take 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 the portion would have on the remainder of the property.

- The Owner has rejected the Offer and submitted a counteroffer. Negotiations with the Owner 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**

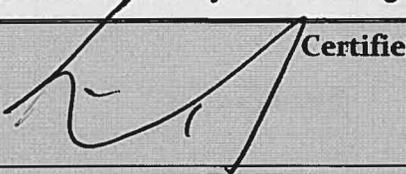
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 12/10/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 11/6/2014

Certified and Recommended by:



Executive Director and CEO

6/19/15  
Date

AL 1563



IN REPLY REFER TO:  
CMS-AP00ROW-00725

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabau, Esq.  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

December 10, 2014

*Phillip K. Tom*  
Received  
Phillip K. Tom  
Print Name Date

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.  
CHAIR

Donald G. Horner  
VICE CHAIR

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

Mr. Phillip Tom  
TCT, Inc.  
2527 Pali Highway  
Honolulu, Hawaii 96817

Dear Mr. Tom:

Subject: Honolulu Rail Transit Project (H RTP)  
1733 Dillingham Boulevard  
Parcel 410: Tax Map Key (TMK) 1-2-003-006 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 645 square foot portion of your property, identified as TMK 1-2-003-006 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of **\$115,200** (One Hundred Fifteen Thousand and Two Hundred Dollars). Only ingress/egress will be permitted within taking.

In addition, HART offers to purchase a Temporary Construction Easement (TCE) encompassing a total of 200 square feet (shown in pink on the enclosed map) for a total consideration of **\$1,184** (One Thousand One Hundred Eighty-Four Dollars). The purpose of the TCE is to facilitate street widening and construction of the improvements with the right-of-way which may include demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCEs will be six 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 **\$116,384** (One Hundred Sixteen Thousand Three Hundred Eighty-Four Dollars).

Mr. Phillip Tom  
Page 2  
December 10, 2014

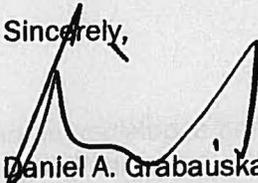
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by January 10, 2015. The remaining copies are for your files. Also enclosed for your information are the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

If we do not hear from you by January 10, 2015, this offer shall be considered rejected and HART will proceed to review options to acquire the subject property.

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.

Please call Mr. Walter "Cap" Havekorst at 799-3655 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

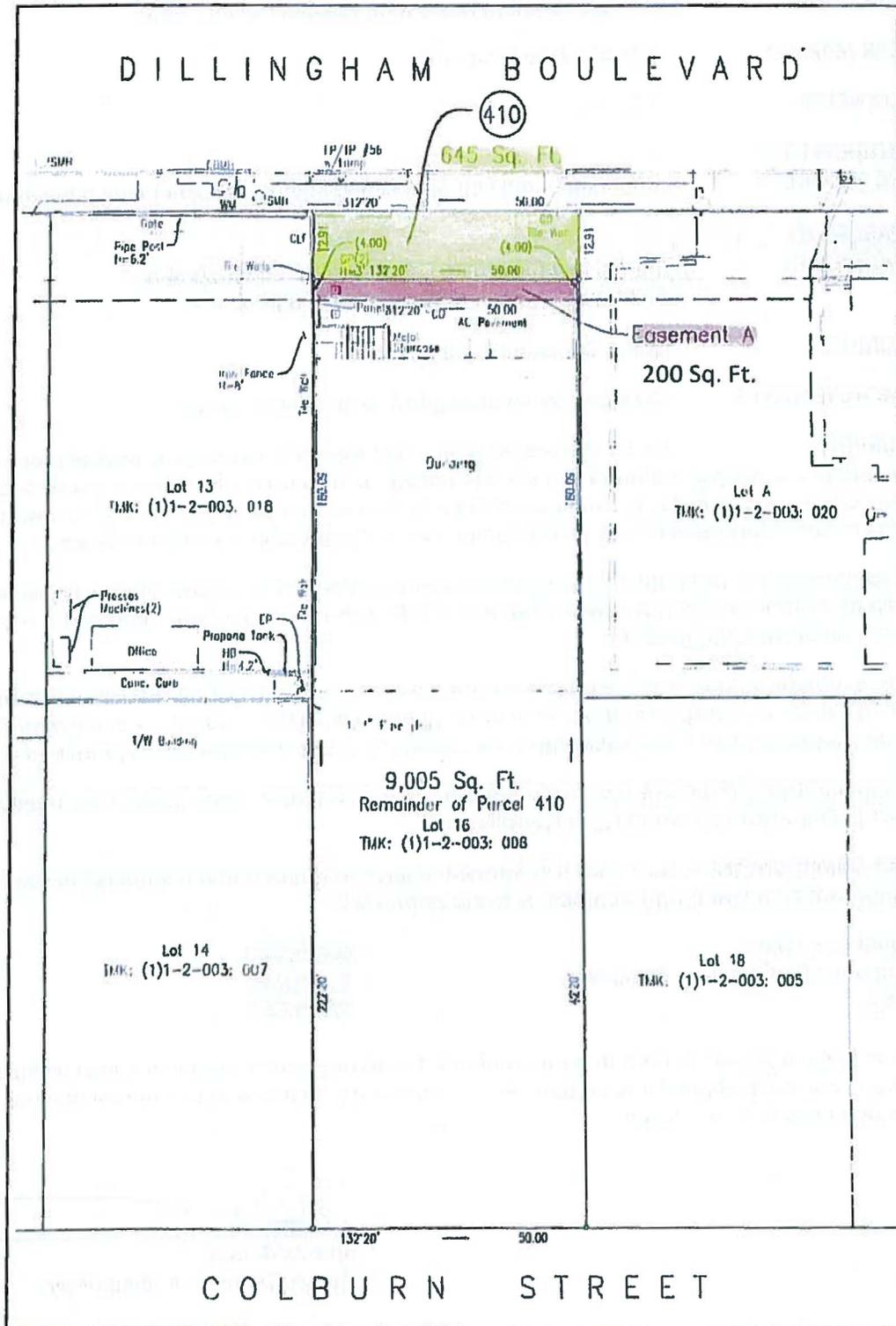
TCT, Inc.

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

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

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

Parcel Map Exhibit  
TMK 1-2-003-006 (Partial)



**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 1733 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-2-003-006 (Portion)  
**OWNER(S):** TCT, INC.  
**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple and Temporary Construction Easement  
**PARCEL TO ACQUIRED:** Partial Fee Simple taking of +/- 645 square feet and Construction Easement of +/- 200 square feet  
**ZONING:** IMX-1 Commercial Mixed-Use  
**IMPROVEMENTS:** Contributory Value is given to an asphalt driveway

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

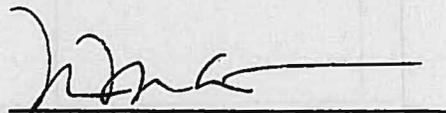
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Partial Fee Taking	\$115,200
Temporary Construction Easement	\$ 1,184
<b>TOTAL:</b>	<b>\$116,384</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



Morris M. Atta  
Deputy Director of Right-of-Way

### APPRAISAL SUMMARY STATEMENT

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 1733 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-2-003-006 (Portion)  
**OWNER(S):** TCT, INC.  
**PARCEL AREA:** Partial Fee Simple taking consisting of +/- 645 square feet and Temporary Construction Easement consisting of +/- 200 square feet

**PROPERTY ACQUIRED:** ALL:  PART:

**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple & Temporary Construction Easement

**ZONING:** IMX-1 Commercial Mixed-Use

**HIGHEST & BEST USE:** Commercial / Light Industrial / Office

<b>ASSESSED VALUE (2014): FOR TOTAL PARCEL</b>	Land Value	\$1,325,800
	Building Value	<u>\$ 306,100</u>
	<b>TOTAL</b>	<b>\$1,631,900</b>

---

Partial Fee Taking	<b>\$115,200</b>
Temporary Construction Easement	<b><u>\$ 1,184</u></b>
<b>TOTAL:</b>	<b>\$116,384</b>

The Appraisal Estimate is: **\$116,384**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map key listed hereinbelow, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

PROJECT:                   **Honolulu Rail Transit Project (H RTP)**  
TAX MAP KEY:           **1-2-003-006 (Portion)**  
LOCATION:                   **1733 Dillingham Boulevard, Honolulu, Oahu, Hawaii**  
PURPOSE:                 **Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

(1) That the area covered by this consent document is colored in yellow and pink on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a **nominal** consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

TAX MAP KEY: 1-2-003-006 (Portion)  
Consent to Enter – Page 2

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

TCT, INC.

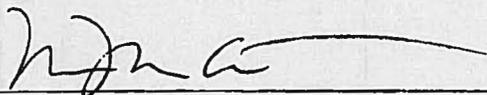
By \_\_\_\_\_  
Its

Phone \_\_\_\_\_

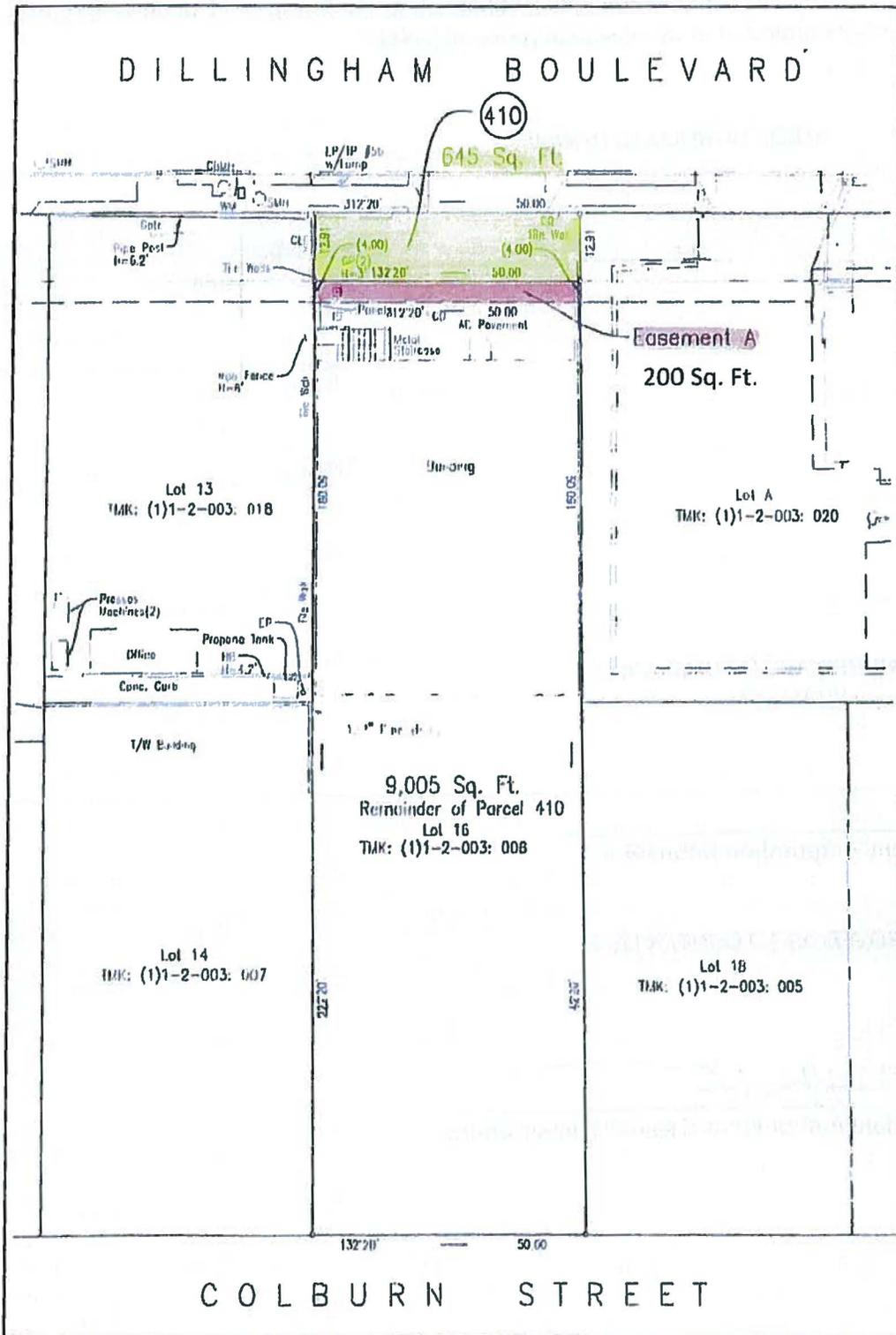
APPROVED AS TO FORM AND  
LEGALITY

\_\_\_\_\_  
Deputy Corporation Counsel

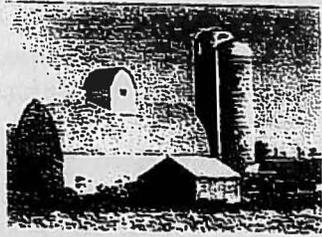
APPROVED AS TO CONTENTS

  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation

Parcel Map Exhibit  
TMK 1-2-003-006 (Partial)



## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

---

Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

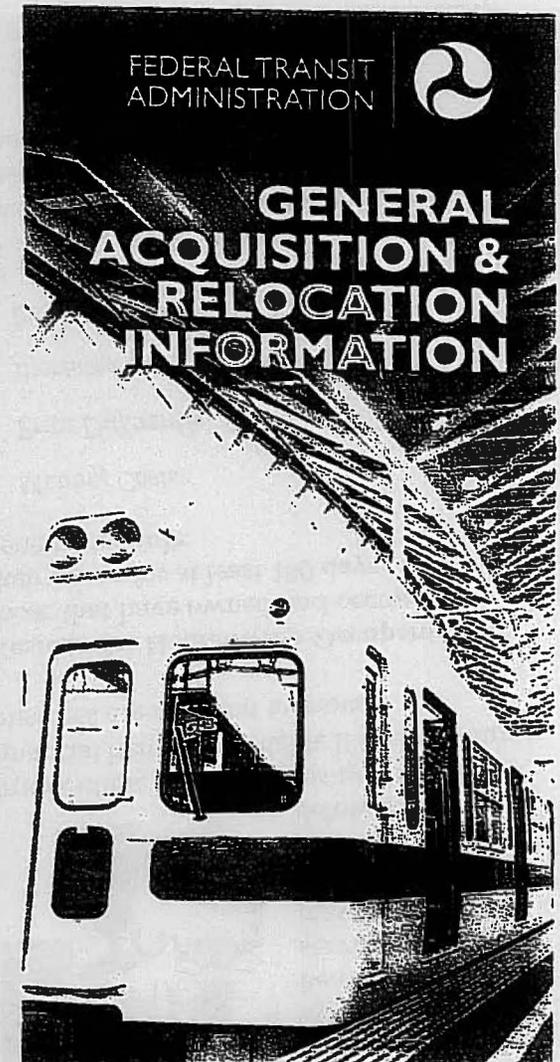
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
**FEDERAL TRANSIT ADMINISTRATION**

SEE THE BACK PANEL OF THIS BROCHURE FOR



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶	
	<input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.)		Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

<b>Social security number</b>					
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<b>Employer identification number</b>					
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**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

### Specific Instructions

#### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA) name" on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>4</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

November 6, 2014

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 410  
Parcel Designation: TMK (1) 1-2-003-006  
1733 Dillingham Boulevard, 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 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 of one parcel consisting of 9,650 square feet zoned IMX-1 Industrial Mixed-Use. Per our exterior observation and tax office records it is improved with a 28-year old, steel frame warehouse building consisting of an interior area of 6,157 square feet and an asphalt paved open parking area. These improvements are not included as part of our appraisal job scope.

The partial acquisition area along the property boundary frontage along Dillingham Boulevard consists of 645 square feet. HART also requires a Temporary Construction Easement (TCE) identified as Easement A that is adjacent to the partial acquisition area and consists of 200 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 October 6, 2014.

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 117-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 October 21, 2014:

\$ 1,428,000	<i>"As Is" Indicated Market Value of the Larger Parcel</i>
\$ 1,332,000	<i>"As Is" Indicated Market Value of the Remainder Parcel</i>
\$ 95,000	<i>"As Is" Indicated Market Value of the Partial Acquisition</i>
\$ 95,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 19,200	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 1,000	<i>Add: Contributory Value</i>
\$ 115,200	<i>Total Fair Market Value of the Partial Acquisition (Rounded)</i>
\$ 2,367	<i>Estimated Annual Rent Per Annum @ 8% for the TCE</i>
\$ 197.25	<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.



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. 2015-23**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-101 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) 1-2-003-101 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 above; 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 1-2-003-101

Exhibit B – Resolution No. 2015\_\_ - \_\_ Authorizing the Acquisition of the Real Property Identified as Tax Map Key 1-2-003-101 by Eminent Domain.

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

ATTEST:

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





R. M. TOWILL CORPORATION

Description prepared by:

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

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





**Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 412**

**Being Portions of Lot 21, 23, 25, and 26 in Block 10 of "Kapiolani Tract"  
Being a Portion of Royal Patent Number 8194, Land Commission  
Award Number 6450, Apana 1 to Kaumohua no Moehonua**

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

Beginning at the North corner of this easement, also being the Northwest corner of Parcel 412, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 4,848.21 feet South and 4,678.28 feet West, thence running by azimuths measured clockwise from true South:

1.     312° 20'                                 182.56 feet along Parcel 412;
2.     Thence along Parcel 412, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  

342° 40' 35.5"     20.21 feet;
3.     42° 20'                                 32.20 feet along the Northwest side of Kalihi Street;
4.     132° 20'                                 4.00 feet;
5.     222° 20'                                 22.78 feet;
6.     177° 10'                                 22.16 feet;
7.     132° 20'                                 180.28 feet;
8.     222° 20'                                 4.00 feet along Lot A to the point of beginning and containing an area of 1,026 Square Feet, more or less.





R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 1-2-003-101 BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-2-003-101 by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-2-003-101 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 1-2-003-101

RR

FF

**Parcel 412**

Being Portions of Lots 21, 23, and 25 in Block 10 of "Kapiolani Tract"  
 Being also a Portion of R.P. No. 8194, L.C. Aw. 6450, Apana 1 to Kaunuuohua No Moehonua

SITUATE AT MOKAUEA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the North corner of this parcel of land, also being the East corner of Lot A, along the Southwest side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,838.67 feet South and 4,669.59 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 180.00 feet along the Southwest side of Dillingham Boulevard;
2. Thence along the Southwest side of Dillingham Boulevard and the Northwest side of Kalihi Street, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
 357° 20' 28.28 feet;
3. 42° 20' 3.11 feet along the Northwest side of Kalihi Street;
4. Thence along the Remainder of Parcel 412, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:  
 162° 40' 35.5" 20.21 feet;
5. 132° 20' 182.56 feet along the Remainder of Parcel 412;
6. 222° 20' 12.91 feet along Lot A to the point of beginning and containing an area of 2,546 Square Feet, more or less.





R. M. TOWILL CORPORATION

Description prepared by:

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

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



**Remainder of Parcel 412**  
Being Portions of Lots 21, 23, and 25 and all of Lot 26 in Block 10 of "Kapiolani Tract"  
Being also a Portion of R.P. No. 8194, L.C. Aw. 6450, Apana 1 to Kaunuohua No Moehonua

SITUATE AT MOKAUEA, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the North corner of this parcel of land, also being the Northwest corner of Parcel 412, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 4,848.21 feet South and 4,678.28 feet West, thence running by azimuths measured clockwise from true South:

1. 312° 20' 182.56 feet along Parcel 412;
2. Thence along the Parcel 412, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
342° 40' 35.5" 20.21 feet;
3. 42° 20' 69.89 feet along the Northwest side of Kalihi Street;
4. 132° 20' 200.00 feet along Lots 27, 24, and 22 in Block 10 of "Kapiolani Tract";
5. 222° 20' 80.09 feet along Lot A to the point of beginning and containing an area of 15,968 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

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

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



**Easement A  
For Temporary Construction Purposes  
Affecting the Remainder of Parcel 412**

**Being Portions of Lot 21, 23, 25, and 26 in Block 10 of "Kapiolani Tract"  
Being a Portion of Royal Patent Number 8194, Land Commission  
Award Number 6450, Apana 1 to Kaumohua no Moehonua**

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

Beginning at the North corner of this easement, also being the Northwest corner of Parcel 412, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 4,848.21 feet South and 4,678.28 feet West, thence running by azimuths measured clockwise from true South:

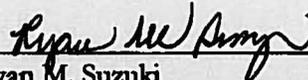
1. 312° 20' 182.56 feet along Parcel 412;
2. Thence along Parcel 412, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
342° 40' 35.5" 20.21 feet;
3. 42° 20' 32.20 feet along the Northwest side of Kalihi Street;
4. 132° 20' 4.00 feet;
5. 222° 20' 22.78 feet;
6. 177° 10' 22.16 feet;
7. 132° 20' 180.28 feet;
8. 222° 20' 4.00 feet along Lot A to the point of beginning and containing an area of 1,026 Square Feet, more or less.





R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-23 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-2-003-101 BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-2-003-101, and situated at 1701 Dillingham Boulevard, Honolulu, Hawaii, 96819, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which an 18,514 square-foot full take is required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Lane Kunio Fujii, et al.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-2-003-101) was designated as a full take 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 of the full take.

- Full take Offer was made to Owner on 12/24/2014, negotiated at length and after even further discussions with tenant (Aloha Petroleum) the Owner has countered, requesting a partial, in fee acquisition. An area of 2,456 square feet has been identified as the area needed to widen Dillingham Boulevard. A new valuation is being explored and a partial take acquisition amount will be presented to the Owner in the coming weeks. The partial take will impact the existing business, causing gas pumps and canopy to be reconfigured and relocated on the property.

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**

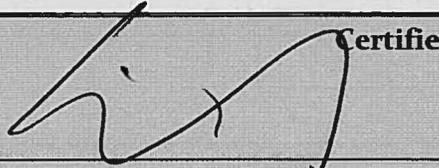
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

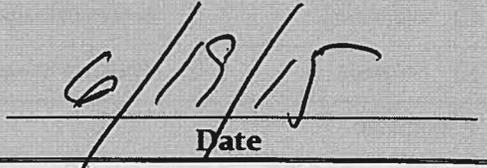
Exhibit 1 – Offer letter dated 12/24/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 10/24/2014

**Certified and Recommended by:**



**Executive Director and CEO**



**Date**

RL1585  
READ  
L 154  
OK RW  
JU



HONOLULU AUTHORITY for RAPID TRANSPORTATION

IN REPLY REFER TO:  
CMS-APOOROW-00734

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.  
CHAIR

Donald G. Horner  
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Ford N. Fuchigami  
William "Buzz" Hong  
Keslie W.K. Hui  
Damien T.K. Kim  
Carrie K.S. Okinaga, Esq.

CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
7014 0150 0000 5879 1819

December 24, 2014

Mr. Lane Kunio Fujii  
Ms. Frances Mitsue Shimotsu  
Mr. Jerry Juichi Fujii  
Mr. Marvin Masanori Fujii  
528 Kalihi Street  
Honolulu, Hawaii 96819

Attention: Ms. Frances Mitsue Shimotsu

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)  
1701 Dillingham Boulevard  
Parcel 412: Tax Map Key (TMK) 1-2-003-101  
Letter of Offer

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase your property, identified as TMK 1-2-003-101 (shown outlined in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$3,200,000 (Three Million Two Hundred Thousand Dollars).

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 the Consent to Enter and return them in the enclosed envelope by January 26, 2015. The remaining copies are for your files. Also enclosed for your information are the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

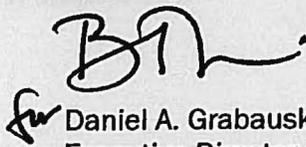
If we do not hear from you by January 26, 2015, this offer shall be considered rejected and HART will proceed to review options to acquire the subject property.

Mr. Lane Kunio Fujii  
Ms. Frances Mitsue Shimotsu  
Mr. Jerry Juichi Fujii  
Mr. Marvin Masanori Fujii  
Page 2  
December 24, 2014

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.

Please contact Mr. Joe Hastings at 294-5206 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

\_\_\_\_\_  
Lane Kunio Fujii

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frances Mitsue Shimotsu

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jerry Juichi Fujii Trust

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marvin Masanori Fujii Trust

\_\_\_\_\_  
Date



**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 1701 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-2-003-101  
**OWNER(S):** Lane Kunio Fujii, Frances Mitsue Shimotsu, Jerry Juichi Fujii Trust, and Marvin Masanori Fujii Trust  
**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple  
**PARCEL TO BE ACQUIRED:** Full Fee Simple taking of +/- 18,514 square feet  
**ZONING:** IMX-1, Industrial Mixed-Use  
**IMPROVEMENTS:** Consideration given to (2) Island Canopies, (2) Walk-In Refrigerators, Main Structure, Plumbing and Electrical System

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Full Fee Simple Taking	<u>\$3,200,000</u>
<b>TOTAL:</b>	<b>\$3,200,000</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



Morris M. Atta  
Deputy Director of Right-of-Way

**APPRAISAL SUMMARY STATEMENT**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)

**ADDRESS:** 1701 Dillingham Boulevard, Honolulu, Oahu, Hawaii

**TAX MAP KEY:** 1-2-003-101

**OWNER(S):** Lane Kunio Fujii, Frances Mitsue Shimotsu, Jerry Juichi Fujii Trust, and Marvin Masanori Fujii Trust

**PARCEL AREA:** +/- 18,514 SF square feet of Full Fee Simple

**PROPERTY ACQUIRED:** ALL: X PART:     

**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple

**ZONING:** IMX-1, Industrial Mixed-Use

**HIGHEST & BEST USE:** Light Industrial, Office or Commercial

<b>ASSESSED VALUE (2014):</b>	Land Value	\$1,846,800
<b>FOR TOTAL PARCEL</b>	Building Value	<u>\$ 229,800</u>
	<b>TOTAL</b>	<b>\$2,076,600</b>

---

	Full Fee Simple Taking	<b>\$3,200,000</b>
	<b>Total</b>	<b>\$3,200,000</b>

The Appraisal Estimate is: **\$3,200,000**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

### CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map key listed hereinbelow, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

PROJECT:           **Honolulu Rail Transit Project (H RTP)**  
TAX MAP KEY:       **1-2-003-101**  
LOCATION:           **1701 Dillingham Boulevard, Honolulu, Oahu, Hawaii**  
PURPOSE:           **Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

(1) That the area covered by this consent document is outlined in yellow on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a **nominal** consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

TAX MAP KEY: 1-2-003-101

Consent to Enter - Page 2

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

OWNER:

\_\_\_\_\_  
Lane Kunio Fujii

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frances Mitsue Shimotsu

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jerry Juichi Fujii Trust

\_\_\_\_\_  
Date

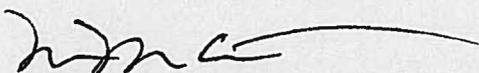
\_\_\_\_\_  
Marvin Masanori Fujii Trust

\_\_\_\_\_  
Date

APPROVED AS TO FORM AND  
LEGALITY

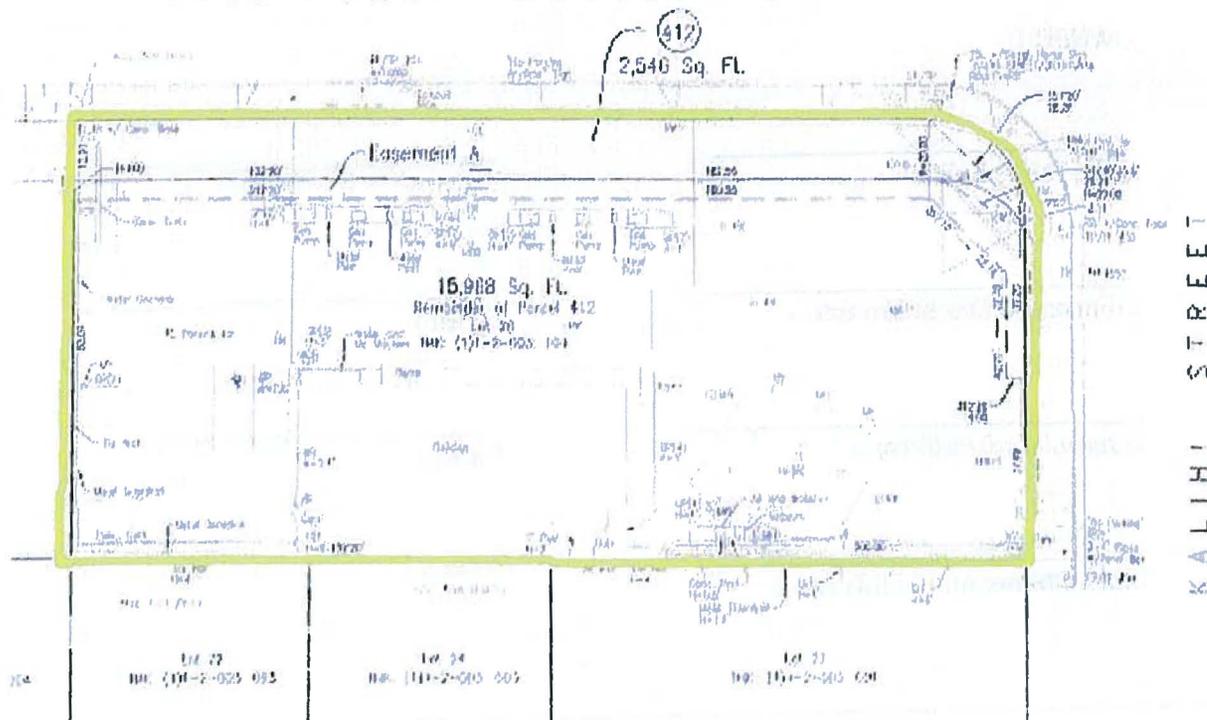
\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED AS TO CONTENTS

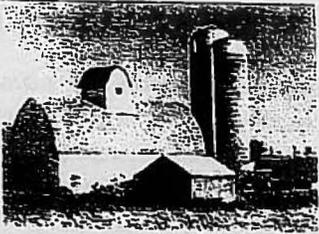
  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation

PARCEL MAP EXHIBIT  
TMK 1-2-003-101

DILLINGHAM BOULEVARD



## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

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Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

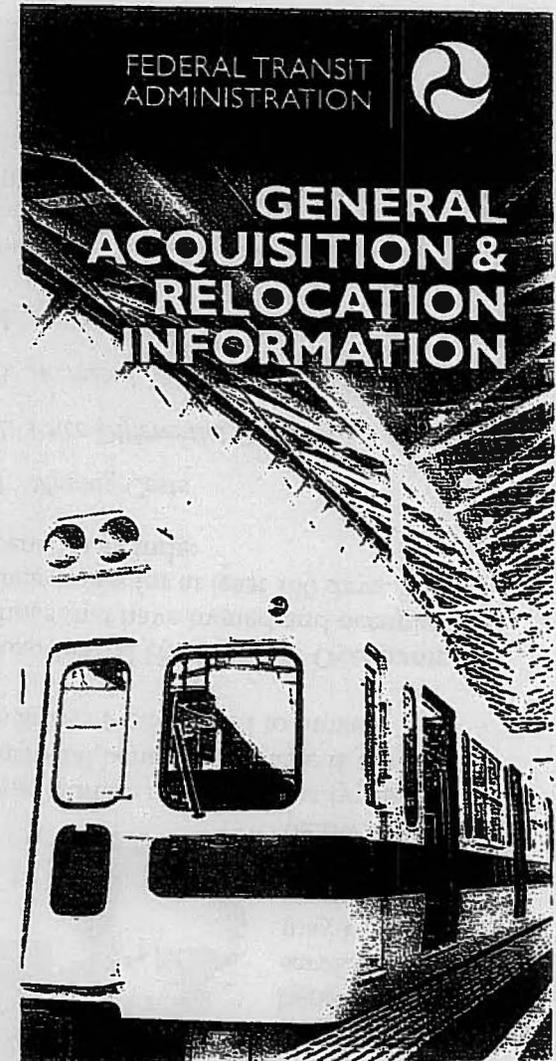
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



FTA | U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*



The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA) name" on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

**Exempt Payee**

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

**Part I. Taxpayer Identification Number (TIN)**

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

**Part II. Certification**

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>3</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1089 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>3</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>3</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1089 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@ucca.gov](mailto:spam@ucca.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

October 24, 2014

Ms. Georgia Marquis  
Director of Acquisition & Relocation Services  
Paragon Partners Ltd. for the Honolulu Authority for Rapid Transportation  
5762 Bolsa Ave., Suite 201  
Huntington Beach, CA 92649

Re: Honolulu Rail Transit Project  
Whole Parcel Acquisition  
Parcel Designation: (1) 1-2-003-101; 18,514 square feet  
HART RW Parcel 412  
1701 Dillingham Boulevard, 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 purpose of this appraisal report is to assist the Honolulu Authority for Rapid Transportation in the whole parcel *Eminent Domain* acquisition proceeding of the subject parcel as part of the Honolulu Rail Transit Project.

As a preview, the subject property physically consists of a mostly rectangular, corner parcel constituting 18,514 square feet and is zoned IMX-1 Industrial Mixed-Use. As a preview, the subject property physically consists of a mostly rectangular, parcel constituting 18,514 square feet and is zoned IMX-1 Industrial Mixed-Use. It is improved with a service station typical in the 1970's, converted into a combination service and convenience store and in recent years converted to a self-service gas and convenience store facility which was completely renovated in 2013. The appraiser's measurements indicate the total area of the store to be 1,809 square feet and the two detached canopies with roof covering of 560 square feet each.

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 October 24, 2014.

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 141-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 as of September 27, 2014:

\$3,200,000 "As Is" (Whole Parcel Acquisition)

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. 2015-24**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-006 (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) 1-5-015-006 (por.) 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 1-5-015-006 (por.); 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 1-5-015-006 (por.)

Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real Property Identified as Tax Map Key 1-5-015-006 (portion) by Eminent Domain

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

ATTEST:

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

**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 427**

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

Situate at Kapalama, Honolulu, Oahu, Hawaii

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

1. 302° 04' 182.95 feet along the South side of Dillingham Boulevard;
2. 32° 04' 7.19 feet along Parcel 428 of the Honolulu Rail Transit Project;

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

3. 127° 51' 14.08 feet;
4. 122° 48' 60.61 feet along same;
5. 122° 04' 108.33 feet along same;



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

6. 212° 04'

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 006  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 427.docx



**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 427**

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

Situate at Kapalama, Honolulu, Oahu, Hawaii

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

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



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

CIVIL ENGINEERS • SURVEYORS

1871 WILIPA LOOP, SUITE A

501 SUMNER STREET, SUITE 821

100 PALAHI STREET, SUITE 207

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

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", with a horizontal line underneath it.

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
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Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 006  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 427 Remainder.docx



**HONOLULU RAIL TRANSIT PROJECT**

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

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

Situate at Kapalama, Honolulu, Oahu, Hawaii

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

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



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

601 SUMNER STREET, SUITE 621

CIVIL ENGINEERS • SURVEYORS  
1871 WILI PA LOOP, SUITE A

100 PALUANI STREET, SUITE 207

9. 212° 04'

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

Honolulu, Hawaii  
June 16, 2015

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

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-006 (PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-5-015-006 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-5-015-006 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

- 5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMK 1-5-015-006 (por.)

1	That a question of eminent domain is for all purposes properly raised as to the proposed project and the Corporation Counsel of the City of Honolulu is empowered to initiate eminent domain proceedings and to file the acquisition report and
2	That the acquisition of the above identified property by eminent domain is determined and decided to be necessary for the purpose as stated, and
3	That the acquisition of the above identified property by eminent domain is determined and decided to be necessary for the stated public use and purpose, and
4	That in the process of said proceedings in eminent domain the Corporation Counsel is authorized and empowered in respect to terms of settlement, subject to the approval of HART and the Court before which such proceedings are commenced, and

**HONOLULU RAIL TRANSIT PROJECT****PARCEL 427**

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

Situate at Kapalama, Honolulu, Oahu, Hawaii

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

1. 302° 04' 182.95 feet along the South side of Dillingham Boulevard;
2. 32° 04' 7.19 feet along Parcel 428 of the Honolulu Rail Transit Project;

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

3. 127° 51' 14.08 feet;
4. 122° 48' 60.61 feet along same;
5. 122° 04' 108.33 feet along same;



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

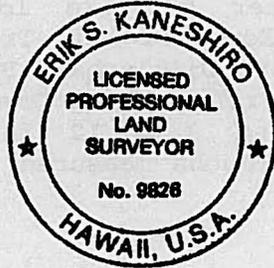
CIVIL ENGINEERS • SURVEYORS  
1871 WILI PA LOOP, SUITE A

501 SUMNER STREET, SUITE 621

100 PALAHI STREET, SUITE 207

6. 212° 04'

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", with a horizontal line underneath it.

ERIK S. KANESHIRO

Licensed Professional Land Surveyor  
Certificate No. 9826

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

Honolulu, Hawaii  
June 16, 2015

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

**REMAINDER OF PARCEL 427**

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

Situate at Kapalama, Honolulu, Oahu, Hawaii

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5. 122° 04' 182.95 feet along Lot 14-B-1 (Map 19) of Land Court Consolidation 165;



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1671 WILJ PA LOOP, SUITE A

100 PALIAHI STREET, SUITE 207

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

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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Honolulu, Hawaii  
June 16, 2015

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

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

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

**Situate at Kapalama, Honolulu, Oahu, Hawaii**

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

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**Thence along same, on a curve to the right with a radius of 80.00 feet, the chord azimuth and distance being:**
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Certificate No. 9826

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

Honolulu, Hawaii  
June 16, 2015

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

## STAFF SUMMARY

**TITLE:**  
**RESOLUTION NO. 2015-24 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-006 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN**

**STAFF CONTACT:**  
 Elizabeth Scanlon  
 Morris Atta

**DATE:**  
 6/25/2015

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 Key 1-5-015-006, and situated at 935 Dillingham Boulevard, Honolulu, Hawaii 96817, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 956 square-foot portion and 1,001 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by CPY Partners, LLC.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-5-015-006) was designated as a partial take 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 the portion would have on the remainder of the property.

- Offer was sent to Owner for the appraised amount on 11/21/2014. Owner rejected Offer and provided list of concerns on 12/11/2014. 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**

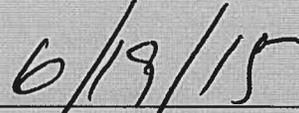
Exhibit 1 – Offer letter dated 11/21/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 11/6/2014

**Certified and Recommended by:**



**Executive Director and CEO**



**Date**

REL#1496  
LOB. EDW.  
JY READ  
READ  
L 15 R



IN REPLY REFER TO:  
CMS-AP00ROW-00701

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

November 21, 2014

*[Signature]*  
Received  
JAMES YORK 11/24/14  
Print Name Date

Ivan M. Lui-Kwan, Esq.  
CHAIR

Donald G. Horner  
VICE CHAIR

Mr. James York  
CPY Partners, LLC  
935 Dillingham Boulevard  
Honolulu, Hawaii 96817

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

Dear Mr. York:

Subject: Honolulu Rail Transit Project (H RTP)  
935 Dillingham Boulevard  
Parcel 427: Tax Map Key (TMK) 1-5-015-006 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 956 square foot portion of your property, identified as TMK 1-5-015-006 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for a consideration of \$136,500 (One Hundred Thirty-Six Thousand Five Hundred Dollars).

In addition, HART offers to purchase a 1,001 square foot Temporary Construction Easement (TCE) adjacent to the aforementioned partial taking (shown colored in red on the enclosed map), for a consideration of \$5,421 (Five Thousand Four Hundred Twenty-One Dollars). The purpose of the TCE is to facilitate construction of the improvements within the right-of-way. Activities that may be performed within the TCE may include: demolition, grading, utilities, traffic items, paving and sidewalk. These activities may involve the operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCE will be six months, with a start date to be determined thru coordination with you and HART's contractor.

The total offer for acquiring both interests in your property is \$141,921 (One Hundred Forty-One Thousand Nine Hundred Twenty-One Dollars).

Mr. James York  
Page 2  
November 21, 2014

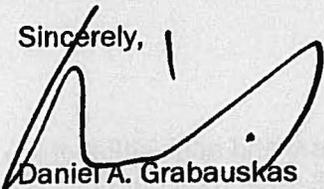
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by December 21, 2014. The remaining copies are for your files. Also enclosed for your information are the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

If we do not hear from you by December 21, 2014, this offer shall be considered rejected and HART will proceed to review options to acquire the subject property.

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.

Please contact Mr. Joseph Hastings at 294-5206 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

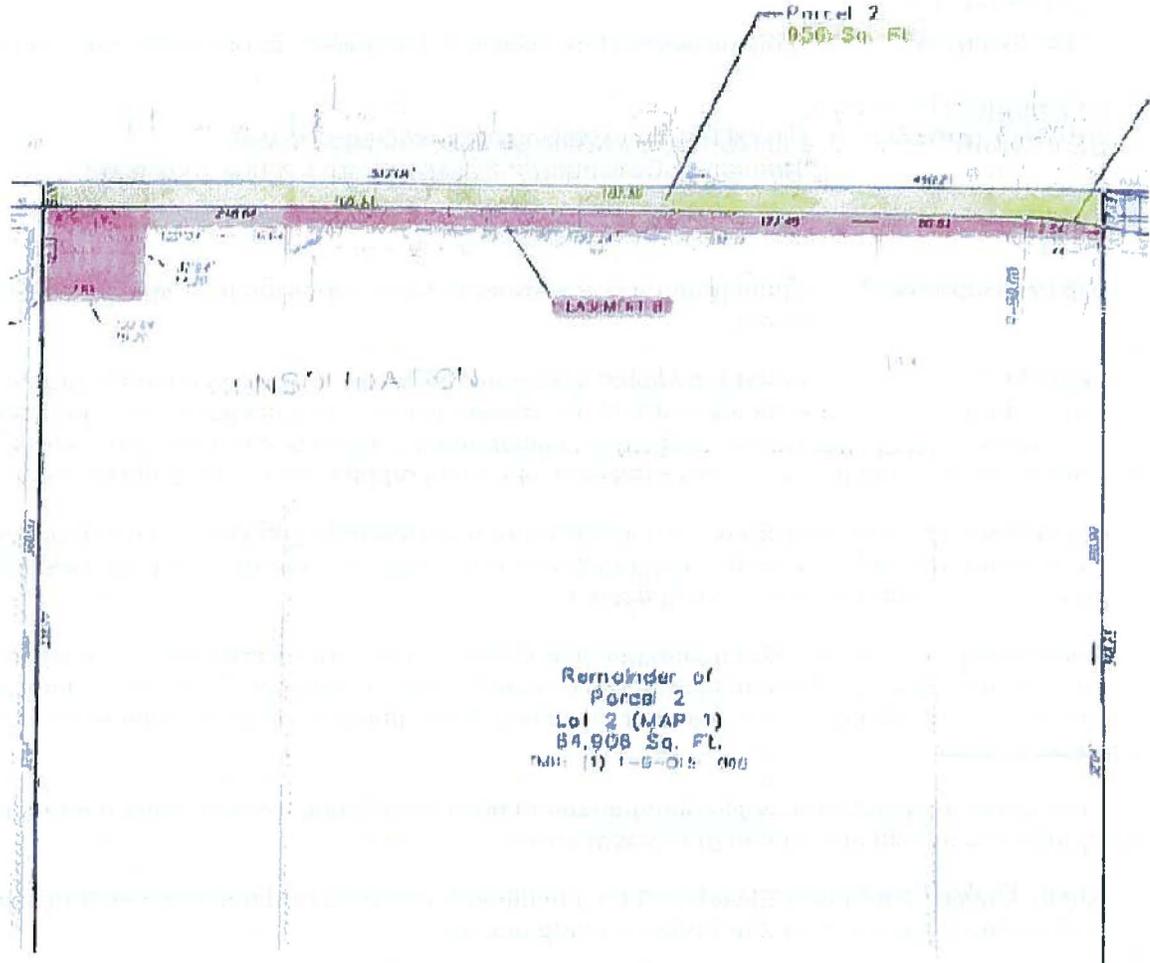
CPY PARTNERS, LLC

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

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

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

**PARCEL MAP EXHIBIT**  
**TMK 1-5-015-006 (Portion)**



## STATEMENT OF JUST COMPENSATION

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 935 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-5-015-006 (Portion)  
**OWNER:** CPY PARTNERS, LLC  
**INTERESTS TO BE ACQUIRED:** Unencumbered Fee Simple & Temporary Construction Easement  
**PARCELS TO BE ACQUIRED:** Partial fee simple taking of +/- 956 square feet  
Temporary Construction Easement of +/- 1,001 square feet  
**ZONING:** IMX-1, Industrial Mixed-Use  
**IMPROVEMENTS:** Contributory Value is given to trees, landscaping/irrigation, curbs, and driveways

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

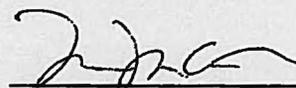
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Partial Fee Taking	\$ 136,500
Temporary Construction Easement	<u>\$ 5,421</u>
<b>TOTAL:</b>	<b>\$ 141,921</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



Morris M. Atta  
Deputy Director of Right-of-Way

### APPRAISAL SUMMARY STATEMENT

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 935 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-5-015-006 (Portion)  
**OWNER(S):** CPY PARTNERS, LLC  
**PARCEL AREAS:** Partial fee simple taking consisting of +/- 956 square feet and temporary construction easement of +/- 1,001 square feet  
**PROPERTY ACQUIRED:** ALL:    PART:   X    
**INTEREST TO BE ACQUIRED:** Unencumbered fee simple & Temporary Construction Easement  
**ZONING:** IMX-1, Industrial Mixed-Use  
**HIGHEST & BEST USE:** Commercial Office / Industrial Mixed-Use  
**ASSESSED VALUE (2014):** Land Value \$ 5,544,100  
**FOR TOTAL PARCEL** Building Value \$ 9,253,900  
**TOTAL** \$14,798,000

Partial Fee Taking \$136,500  
Temporary construction easement \$ 5,421  
**TOTAL:** \$141,921

The Appraisal Estimate is: \$141,921

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map key listed hereinbelow, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

**PROJECT: Honolulu Rail Transit Project (HRTP)**  
**TAX MAP KEY: 1-5-015-006 (Portion)**  
**LOCATION: 935 Dillingham Boulevard, Honolulu, Oahu, Hawaii**  
**PURPOSE: Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

(1) That the area covered by this consent document is colored in yellow and red on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a **nominal** consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

TAX MAP KEY: 1-5-015-006 (Portion)  
Consent to Enter – Page 2

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

CPY PARTNERS, LLC

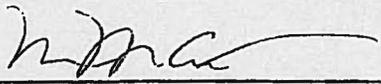
By \_\_\_\_\_  
Its

Phone \_\_\_\_\_

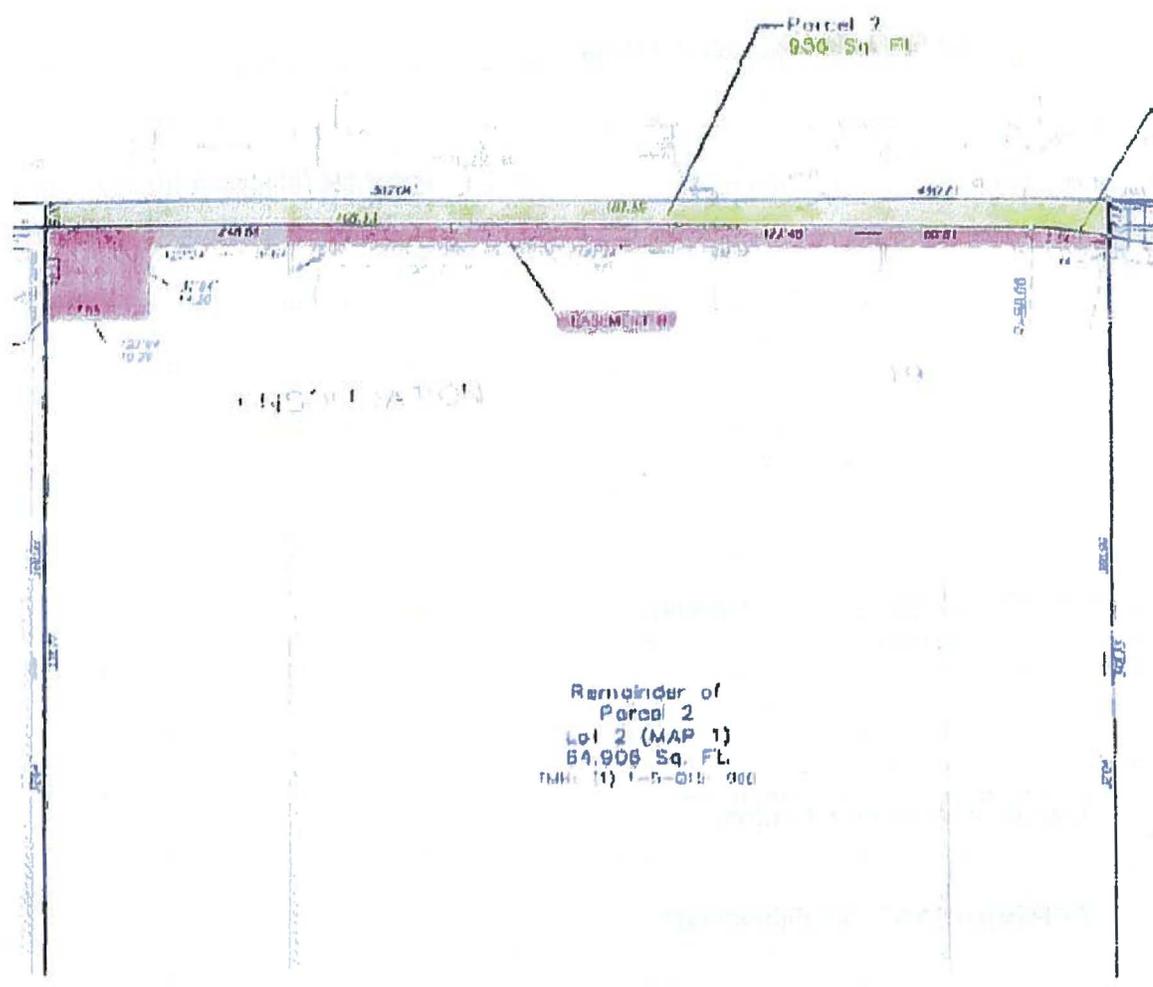
APPROVED AS TO FORM AND  
LEGALITY

\_\_\_\_\_  
Deputy Corporation Counsel

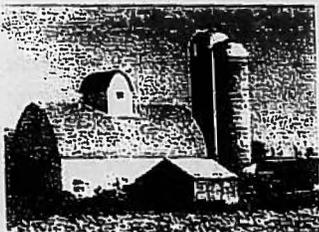
APPROVED AS TO CONTENTS

  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation

**PARCEL MAP EXHIBIT**  
**TMK 1-5-015-006 (Portion)**



## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

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Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

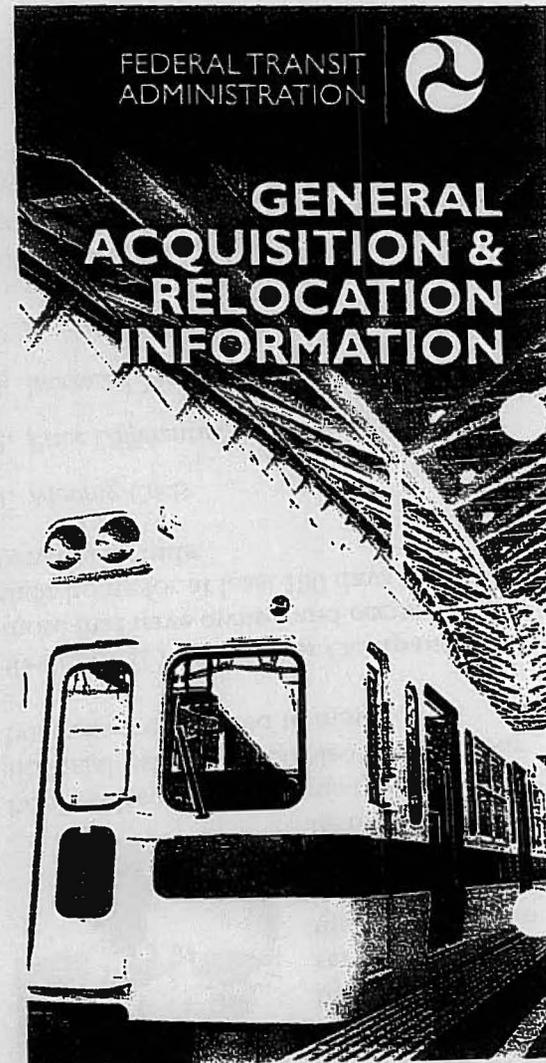
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____	
	<input type="checkbox"/> Other (see instructions) ▶ _____	
Address (number, street, and apt. or suite no.)		Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number									

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number									

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

**Sign Here**      Signature of U.S. person ▶

Date ▶

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

#### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

**Exempt Payee**

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

**Part I. Taxpayer Identification Number (TIN)**

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

**Part II. Certification**

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>4</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

November 6, 2014

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 427  
Parcel Designation: TMK (1) 1-5-015-006  
935 Dillingham Boulevard, Honolulu, Hawaii 96817

Dear Ms. Marquis,

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 "*Partial Acquisition*" of 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 of one parcel: TMK (1) 1-5-015-006 constituting 65,862 square feet fronting Dillingham Boulevard zoned IMX-1 Industrial Mixed-Use. Per our exterior observation and tax office records Parcel 006 is improved with a 6-year old, two story Warehouse Mini Storage/Office building totaling approximately 125,387 square feet. These improvements are not included as part of our appraisal job scope.

The partial acquisition area along the property boundary frontage Dillingham Boulevard consists of 956 square feet. HART also requires a Temporary Construction Easement (TCE) identified as Easement B that is situated inside of the partial acquisition area consisting of 1,001 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 Summary report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of October 17, 2014.

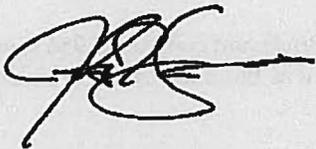
For purposes of this appraisal report the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 121-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 October 17, 2014:

\$ 8,916,000	<i>"As Is" Indicated Market Value of the Larger Parcel (Rounded)</i>
\$ 8,787,000	<i>"As Is" Indicated Market Value of the Remainder Parcel (Rounded)</i>
\$ 129,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 129,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 7,500	<i>Add: Contributory Value</i>
\$ 136,500	<i>Total Fair Market Value of the Partial Acquisition</i>
\$ 10,841	<i>Estimated Annual Rent Per Annum @ 8% for the TCE</i>
\$ 903.44	<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.



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. 2015-25**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-007-032 (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 an easement over, on, and across the real property identified as Tax Map Key (TMK) 1-5-007-032 (por.) 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 an easement over, on, and across the real property identified as TMK 1-5-007-032 (por.); 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 1-5-007-032 (por.)

Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of Easement Over, On, and Across the Real Property Identified as Tax Map Key 1-5-007-032 (Portion) by Eminent Domain.

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

ATTEST:

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

**Easement A  
For Electrical Purposes  
Affecting Lot 12 (Map 1) of Land Court Consolidation 97**

**Being a Portion of Lot 12 (Map 1) of Land Court Consolidation 97**

**SITUATE AT KOIUTU, LELEO AND KUWILI, HONOLULU, ISLAND OF OAHU, HAWAII**

Beginning at the Southeast corner of this easement, along the North side of Kaaahi Place, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL", being 1,619.30 feet North and 5,275.64 feet West, thence running by azimuths measured clockwise from true South:

1. 68° 50' 18.98 feet along the North side of Kaaahi Place;
2. Thence along the North side of Kaaahi Place, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:  
83° 43' 46" 15.42 feet;
3. 160° 38' 10.07 feet;
4. 250° 38' 14.72 feet;
5. 248° 50' 18.85 feet;
6. 338° 50' 13.57 feet to the point of beginning and containing an area of 442 Square Feet, more or less.





R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

Ryan M. Suzuki Exp: 4/30/16

Licensed Professional Land Surveyor

Certificate Number 10059

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF EASEMENT OVER, ON, AND ACROSS  
THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-007-032  
(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 an electrical easement over, on, and across the real property identified as Tax Map Key (TMK)1-5-007-032 (por.) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said easement over, on, and across the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain of an easement over, on, and across the real property identified as TMK 1-5-007-032 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of said easement by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of said easement by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate

terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

- 5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on

\_\_\_\_\_.

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

ATTEST:

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

Exhibit A – Legal description of TMK 1-5-007-032 (por.)

1. That application by applicant for a settlement over, on and across the real property described as TMK 1-5-007-032 (por.) is hereby authorized and the Corporation Counsel of the County of Honolulu is authorized to execute the settlement and proceedings as provided by law for the acquisition thereof and
2. That the acquisition of said easement by eminent domain is determined and decided to be for a valid public use and purpose as provided by law;
3. That the acquisition of said easement by eminent domain is determined and decided to be necessary for the proposed 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

**Easement A  
For Electrical Purposes  
Affecting Lot 12 (Map 1) of Land Court Consolidation 97**

**Being a Portion of Lot 12 (Map 1) of Land Court Consolidation 97**

**SITUATE AT KOIUIU, LELEO AND KUWILI, HONOLULU, ISLAND OF OAHU, HAWAII**

Beginning at the Southeast corner of this easement, along the North side of Kaaahi Place, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL", being 1,619.30 feet North and 5,275.64 feet West, thence running by azimuths measured clockwise from true South:

1. 68° 50' 18.98 feet along the North side of Kaaahi Place;
2. Thence along the North side of Kaaahi Place, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:  
83° 43' 46" 15.42 feet;
3. 160° 38' 10.07 feet;
4. 250° 38' 14.72 feet;
5. 248° 50' 18.85 feet;
6. 338° 50' 13.57 feet to the point of beginning and containing an area of 442 Square Feet, more or less.





R. M. TOWILL CORPORATION

Description prepared by:

*Ryan M. Suzuki*

Ryan M. Suzuki

Exp: 4/30/16

Licensed Professional Land Surveyor

Certificate Number 10059

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
June 12, 2014



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-25 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-007-032 (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> 6/25/2015
--	---	---------------------------

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 Key 1-5-007-032, and situated at 906 Kaaahi Street, Honolulu, Hawaii 96817, which is required for electrical utility purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 443 square-foot easement is required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by TSR Partners.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-5-007-032) was designated as a partial take 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 the portion would have on the remainder of the property.

- Offer presented to Owner on 4/27/2015 for appraised amount. Initially Owner rejected the Offer, after further negotiations with the Owner a settlement amount has been agreed upon. Currently drafting an Administrative Settlement which addresses Owner's concerns regarding the construction activity.

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**

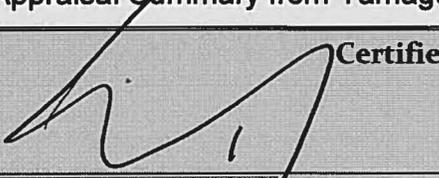
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 4/27/2015

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 3/2/2015

Certified and Recommended by:



Executive Director and CEO



Date

RL 1909



IN REPLY REFER TO:  
CMS-AP00ROW-00849

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

April 27, 2015

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.  
CHAIR

*Wendall Dang*  
Received  
*Wendall Dang 4-30-15*  
Print Name Date

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.

Mr. Wendall Dang  
TSR Partners  
P.O. Box 10242  
Honolulu, Hawaii 96816

Dear Mr. Dang:

Subject: Honolulu Rail Transit Project (H RTP)  
906 Kaaahi Street  
Parcel 438: Tax Map Key (TMK) 1-5-007-032 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 443-square-foot portion of your property, identified as TMK 1-5-007-032 (shown colored in yellow on the enclosed map), for electrical utility easement purposes, for the total consideration of **\$56,000** (Fifty-Six Thousand Dollars).

In addition, HART offers to compensate you for severance damages consisting of the loss of one (1) parking space for a consideration of **\$19,200** (Nineteen Thousand Two Hundred Dollars).

The total offer for acquiring the interest in your property is **\$75,200** (Seventy-Five Thousand Two Hundred Dollars).

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 **May 28, 2015**. The remaining copy is for your file. Enclosed for your information are the Appraisal Summary Statement and General Acquisition & Relocation Information Brochure. Also enclosed is a draft Right of Entry, Possession and Use Agreement for your review, consideration, and to be further discussed with your acquisition agent.

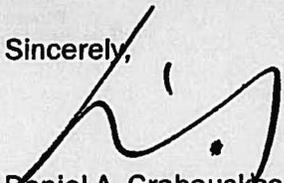
Mr. Wendall Dang  
Page 2  
April 27, 2015

If we do not hear from you by **May 28, 2015**, this offer shall be considered rejected and HART will proceed with alternate options, including eminent domain, to acquire the subject property.

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.

Please contact Ms. Georgia Marquis at 536-5900 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

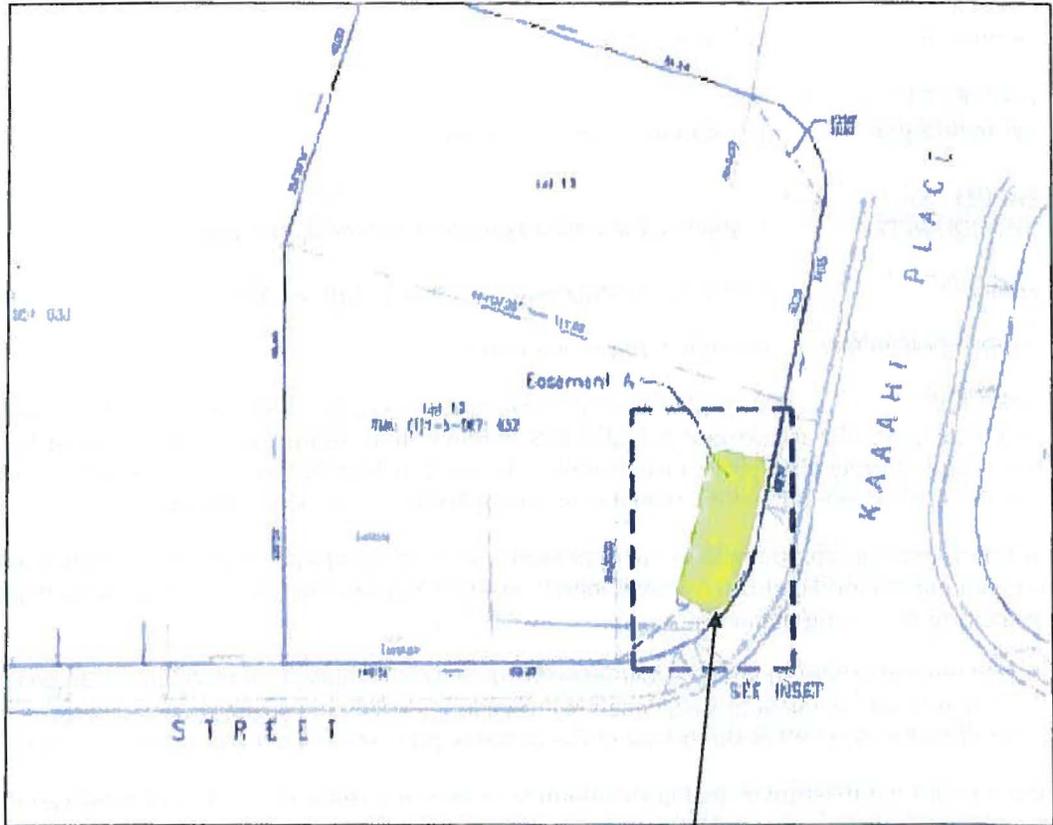
TSR PARTNERS

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

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

Date: \_\_\_\_\_

PARCEL MAP EXHIBIT  
TMK 1-5-007-032 (Portion)



**Yellow = Electrical Utility Easement**

**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 906 Kaaahi Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-5-007-032 (Portion)  
**OWNER(S):** TSR PARTNERS  
**INTEREST TO BE ACQUIRED:** Permanent Utility Easement  
**PARCEL TO BE ACQUIRED:** Utility Electrical Easement of +/- 443 square feet  
**ZONING:** IMX-1, Industrial-Commercial Mixed-Use District  
**IMPROVEMENTS:** Chain link fence, concrete

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

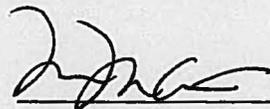
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Utility Easement	\$ 56,000
Severance Damages	<u>\$ 19,200</u>
<b>TOTAL:</b>	<b>\$ 75,200</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



\_\_\_\_\_  
Morris M. Atta  
Deputy Director of Right-of-Way

**APPRAISAL SUMMARY STATEMENT**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 906 Kaaahi Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-5-007-032 (Portion)  
**OWNER(S):** TSR PARTNERS

**PARCEL AREA:** +/- 443 square feet of Utility Electrical Easement

**PROPERTY ACQUIRED:** ALL: \_\_\_ PART: X

**INTEREST TO BE ACQUIRED:** Permanent Utility Easement

**ZONING:** IMX-1, Industrial-Commercial Mixed-Use District

**HIGHEST & BEST USE:** Light Industrial

**ASSESSED VALUE (2014):**

Land Value	\$1,428,300
Building Value	<u>\$ 241,400</u>
<b>TOTAL</b>	<b>\$1,669,700</b>

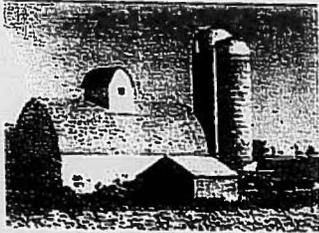
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Utility Easement	\$ 56,000
Severance Damages	<u>\$ 19,200</u>
<b>TOTAL</b>	<b>\$ 75,200</b>

The Appraisal Estimate is: **\$ 75,200**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

---

Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

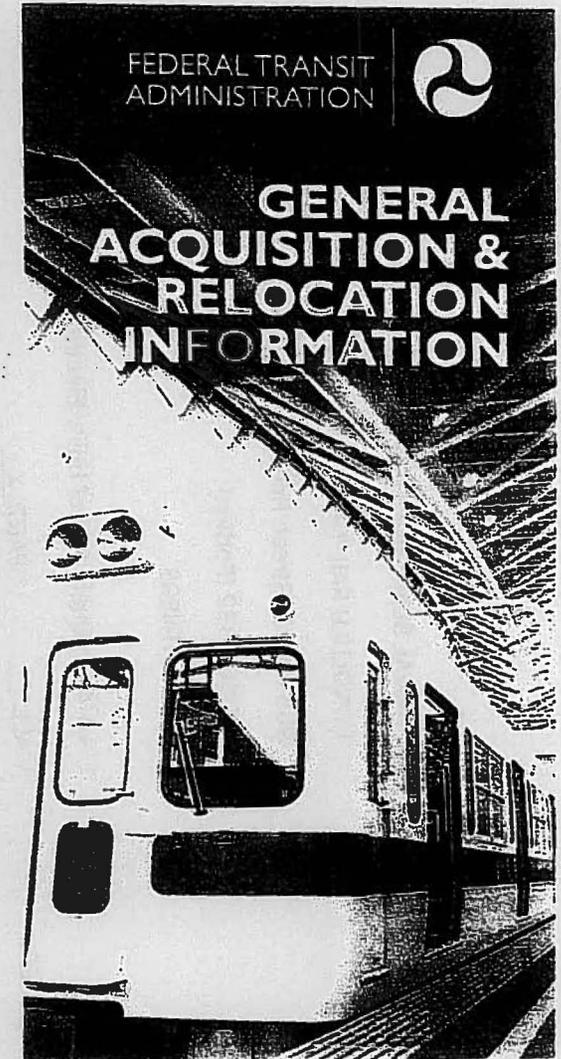
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL (X) PICK UP ( )

Tax Map Key No.: \_\_\_\_\_

Total Pages: [ ]

**RIGHT OF ENTRY, POSSESSION AND USE AGREEMENT**

THIS RIGHT OF ENTRY, POSSESSION AND USE AGREEMENT (the "Agreement") is dated \_\_\_\_\_, 2014, and entered into by and between the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, whose business and mailing address is 1099 Alakea Street, Suite 1700, Honolulu, Hawaii 96813, and \_\_\_\_\_, whose mailing address is \_\_\_\_\_ ([collectively,] "GRANTOR"). HART and GRANTOR are collectively referred to as the "Parties," and individually, a "Party," all as governed by the context in which such words are used.

**WITNESSETH THAT:**

WHEREAS, GRANTOR is the owner of the real property located at \_\_\_\_\_ Honolulu, Hawaii \_\_\_\_\_, and legally described in the attached Exhibit "A" (the "Property");

WHEREAS, although HART is seeking to acquire the Property for the construction and operation of the Honolulu Rail Transit Project (the "Project"), the acquisition of [an easement over] the Property is pending;

WHEREAS, HART requires immediate possession and use of the Property to construct the Project;

WHEREAS, HART and GRANTOR agree that any delay in the start of construction of the Project is contrary to the public interest;

WHEREAS, the purpose of this Agreement is to allow HART to proceed with construction of the Project without delay; and

WHEREAS, pursuant to Hawaii Revised Statutes ("HRS") § 101-3, GRANTOR agrees to grant HART an irrevocable right to entry, possession and use of the Property on the terms and conditions set forth below;

## AGREEMENT

NOW, THEREFORE, in consideration of the sum to be paid to GRANTOR which is set forth in Section 2 below, and in consideration of the foregoing recitals, which are incorporated herein by reference, and the mutual promises, covenants, terms, conditions and restrictions contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, HART and GRANTOR hereby agree as follows:

1. Possession and Use. GRANTOR hereby irrevocably grants to HART the right of entry and exclusive possession and use of the Property for the purpose of constructing the Project and the right to remove any improvements. Authorized activities include surveying, inspection, environmental studies, archaeological studies and mitigation measures, clearing, demolition, construction of permanent improvements, relocating, replacing, and improving existing utility facilities, locating new utility facilities, and other work required to be performed in connection with the Project. This Agreement will extend to HART, its contractors and assigns, owners of any existing utilities on the Property and those who may be lawfully permitted on the Property by HART in the future, and all others deemed necessary by HART for the purpose of the Project. This grant will allow the construction, relocation, replacement, repair, improvement, operation and maintenance of utilities on the Property.

2. Payment. In full consideration for this irrevocable grant of entry, possession and use and other GRANTOR covenants, warranties, and obligations under this Agreement, HART will tender to GRANTOR the sum of \_\_\_\_\_ AND NO/100 DOLLARS (\$ \_\_\_\_\_). GRANTOR agrees that this sum represents adequate and full compensation for the possession and use of the Property. HART will be entitled to enter, take possession and use the Property upon tender of payment. The Parties agree that the sum tendered represents \_\_\_\_\_ percent of HART's approved appraisal of the fair market value of the Property, which assumes no adverse environmental conditions affecting the value of the Property. The approved appraised value is HART's determination of the just compensation owed to GRANTOR for the real property interest to be acquired by HART in the Property, encumbered with the improvements thereon, if any, and damages to the remainder of GRANTOR's interest in any larger tract of which the Property is a part (the "Remainder"), if any. The Parties agree that the sum tendered to GRANTOR will be deducted from any final settlement amount voluntarily negotiated by the Parties or from any court judgment. In the event the amount of the final settlement or judgment for acquisition of [an easement over] the Property is less than the amount HART has paid for the possession and use of the Property, then GRANTOR agrees that the original amount tendered represents an overpayment for the difference and, upon written notice from HART, GRANTOR will promptly refund the overpayment to HART.

3. Term. The effective date of this Agreement will be the date on which payment pursuant to Section 2 above is tendered to GRANTOR by HART, or disbursed to GRANTOR by a title company acting as escrow agent for the transaction (the "Effective Date"). This Agreement shall continue to remain in effect until [an easement over] the Property is acquired either by negotiation or final court judgment.

4. Warranties. GRANTOR warrants and represents that the title to the Property is free and clear of all liens and encumbrances or that proper releases will be executed for the Property prior to funds being disbursed under this Agreement. GRANTOR further warrants that GRANTOR has the full right and authority to enter into this Agreement and grant HART the rights described, and that no other person or entity owns an interest in the fee title to the Property and further agrees to indemnify HART from all unreleased or undisclosed liens, claims or encumbrances affecting the Property.

5. Valuation Date. The Parties agree that the valuation date for determining the amount of just compensation for the real property interest proposed to be acquired in the Property, for negotiation or eminent domain proceeding purposes, will be the Effective Date of this Agreement.

6. Acquisition of [an Easement over] the Property. HART and GRANTOR agree that HART will acquire [an easement over] the Property, in the name of the City and County of Honolulu, either by negotiated settlement by the Parties or by condemnation and that this Agreement is made pursuant to HRS § 101-3. GRANTOR reserves all rights of compensation for the title and interest in and to the Property which GRANTOR holds as of the time immediately prior to the Effective Date of this Agreement. This Agreement shall in no way prejudice GRANTOR's rights to receive full and just compensation as allowed by law for all of GRANTOR's interests in and to the Property to be acquired by HART, encumbered with the improvements thereon, if any, and damages, if any, to the Remainder, if any; all as the Property exists on the Effective Date of this Agreement. HART's removal or construction of improvements on the Property shall in no way affect the fair market value of the Property in determining compensation due to GRANTOR in the eminent domain proceedings, if any. There will be no project impact upon the appraised value of the Property. This grant will not prejudice GRANTOR's rights to any relocation benefits for which GRANTOR may be eligible.

- a. Acquisition [of an Easement] by Negotiated Settlement. In the event [an easement over] the Property is acquired by negotiated settlement by the Parties, HART will not be liable to GRANTOR for interest upon the negotiated settlement amount, except as provided by HRS § 101-3. Payment of any interest will be on the difference between the amount of the payment in Section 2 above and the amount of the negotiated settlement.
- b. Acquisition [of an Easement] by Condemnation. In the event HART institutes or has instituted eminent domain proceedings to acquire [an easement over] the Property, HART will not be liable to GRANTOR for interest, including blight of summons damages, upon any award or judgment as a result of such proceedings,

except as provided by HRS § 101-3. Payment of any interest, including blight of summons damages, will be on the difference between the amount of the payment in Section 2 above and the amount of the judgment.

7. Non-Transferability. GRANTOR shall not assign, sell, encumber, or otherwise transfer all or any portion of the Property without first obtaining HART's written consent.

8. Public Purpose of the Project. The purpose of this Agreement is to allow HART to proceed with its Project without delay and to allow GRANTOR to have the use, at this time, of a percentage of the estimated compensation for HART's acquisition of a real property interest in the Property. GRANTOR expressly acknowledges that the proposed Project is for a valid public use and voluntarily waives any right GRANTOR has or may have, known or unknown, to contest the jurisdiction of the court in any condemnation proceeding for acquisition of [an easement over] the Property related to the Project, based upon claims that the condemning authority has no authority to acquire the Property through eminent domain, has no valid public use for the Property, or that acquisition of [an easement over] the Property is not necessary for the public use.

9. Parties' Intent to Be Bound. HART and GRANTOR intend that this Agreement, including, without limitation, the right of entry, possession and use provisions set forth above, constitutes a binding contract. In particular in this regard, GRANTOR acknowledges and agrees that it is important for HART to have assurances that the Project may be constructed in a timely manner, and that the rights granted to HART in this Agreement are crucial to the Project's success. In the event of any dispute concerning the right of entry, possession and use provisions set forth above, GRANTOR and HART agree that monetary damages will not be adequate to make them whole, and intend for the terms of such right of entry, possession and use provisions to be specifically enforceable.

10. Entire Agreement. This Agreement reflects the entire agreement between the Parties and shall supersede all prior or contemporaneous oral or written understandings, statements, representations or promises between the Parties concerning the matters contained herein.

11. Governing Law. This Agreement is made and entered into in the State of Hawaii, and shall in all respects be interpreted, enforced and governed under the laws of said state. The language of all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning and not strictly for or against any of the Parties.

12. Successors in Interest. This Agreement shall be binding upon and inure to the benefit of the heirs, devisees, successors in trust, personal representatives, successors and assigns of the Parties.

13. Understanding of Agreement. This Agreement has been negotiated in good faith and each Party warrants and represents that in executing this Agreement, they are not relying upon any representation, promise, inducement or statement made in negotiation that has not been included in the terms of this Agreement.

14. Fees and Costs. Each Party shall bear its own costs and attorneys' fees incurred in connection with negotiating the matters described in this Agreement.

15. Severability. In case any part, term, portion or provision of this Agreement is determined to be illegal, invalid or unenforceable, the remaining parts, terms, portions and provisions shall remain valid, enforceable, and in full force and effect.

16. Amendment to Agreement. This Agreement may only be amended by written agreement, executed by the Parties.

17. Recordation of Agreement. It is agreed HART will record this document.

18. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, HART and GRANTOR have executed this Agreement.

"HART"

"GRANTOR"

HONOLULU AUTHORITY FOR RAPID  
TRANSPORTATION

\_\_\_\_\_  
By: Daniel A. Grabauskas  
Its: Executive Director and CEO

APPROVED AS TO CONTENT:

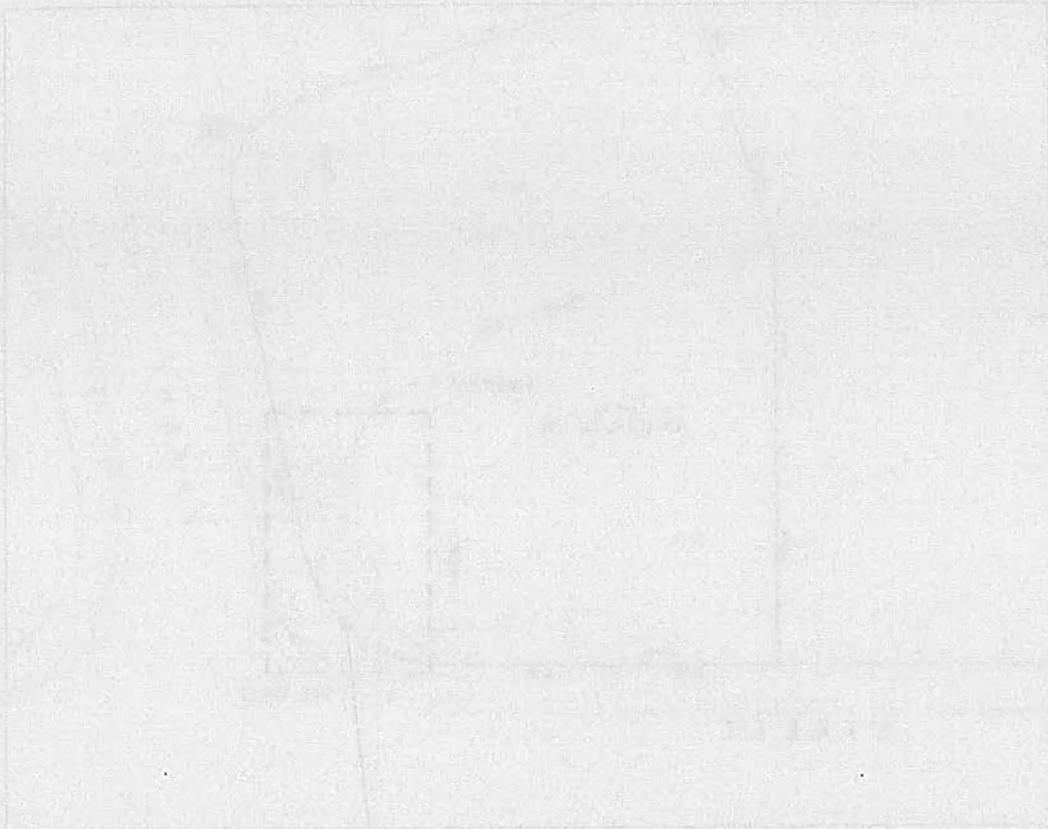
\_\_\_\_\_  
Morris M. Atta  
Deputy Director, Right-of-Way

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

[Add notary pages]

THE STATE OF TEXAS  
COUNTY OF [ ]



Notary Public  
My Commission Expires [ ]

PARCEL MAP EXHIBIT  
TMK 1-5-007-032 (Portion)



**Yellow = Electrical Utility Easement**

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶	
	<input type="checkbox"/> Other (see instructions) ▶	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

<b>Part I Taxpayer Identification Number (TIN)</b>																			
Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.																			
	<table border="1" style="margin: auto;"> <tr><td colspan="9" style="text-align: center;">Social security number</td></tr> <tr> <td style="width: 20px; height: 20px;"></td> </tr> </table>	Social security number																	
Social security number																			
<b>Note.</b> If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.	<table border="1" style="margin: auto;"> <tr><td colspan="9" style="text-align: center;">Employer identification number</td></tr> <tr> <td style="width: 20px; height: 20px;"></td> </tr> </table>	Employer identification number																	
Employer identification number																			

<b>Part II Certification</b>	
Under penalties of perjury, I certify that:	
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and	
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and	
3. I am a U.S. citizen or other U.S. person (defined below).	
<b>Certification instructions.</b> You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.	
<b>Sign Here</b>	Signature of U.S. person ▶
	Date ▶

**General Instructions**  
 Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of Form**  
 A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

### Specific Instructions

#### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),

2. The United States or any of its agencies or instrumentalities,

3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,

4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or

5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,

7. A foreign central bank of issue,

8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,

9. A futures commission merchant registered with the Commodity Futures Trading Commission,

10. A real estate investment trust,

11. An entity registered at all times during the tax year under the Investment Company Act of 1940,

12. A common trust fund operated by a bank under section 584(a),

13. A financial institution,

14. A middleman known in the investment community as a nominee or custodian, or

15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS Individual taxpayer Identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>3</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN.
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, *Identity Theft Prevention and Victim Assistance*.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-368-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

March 2, 2015

Ms. Georgia Marquis  
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: TMK: (1) 1-5-007-032; 13,578 square feet  
HART RW Parcel 438  
906 Kaaahi Place  
Honolulu, Hawaii 96817

Dear Ms. Marquis,

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 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 mostly square parcel at the corner of Kaaahi Street and Kaaahi Place constituting 13,578 square feet. According to tax office records, the site is improved with a 45-year old 6,011 square feet warehouse that includes a 522 square feet office. These improvements are not included in our valuation.

The electrical easement acquisition area along the property boundary frontage involving the corner of Kaaahi Street and Kaaahi Place consists of 443 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 March 2, 2015.

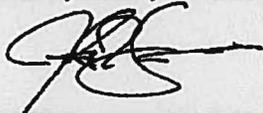
For purposes of this appraisal report, the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 118-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 as of February 2, 2015:

\$ 1,717,000	<i>"As Is" Indicated Market Value of the Larger Parcel</i>
\$ 56,000	<i>"As Is" Indicated Market Value of the Electrical Easement (Rounded)</i>
\$ 19,200	<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>
\$ 75,200	<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. 2015-26**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-002-069 (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 an easement over, on, and across the real property identified as Tax Map Key (TMK) 2-3-002-069 (por.) 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 an easement over, on, and across the real property identified as TMK 2-3-002-069 (por.); 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 2-3-002-069 (por.)

Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of Easement Over, On, and Across the Real Property Identified as Tax Map Key 2-3-002-069 (Portion) by Eminent Domain.

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

ATTEST:

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

**HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT**

**Parcel 471**

Being a portion of Lot 16 (Block 4) of Kewalo Tract, being also a portion of Royal Patent 5716, Land Commission Award 10605, No. 7 to Piikoi.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the West corner of this parcel of land, being also the South corner of Lot 15, Block 4, of Kewalo Tract and on the Northerly side of Lot 2-A (Map 12) Block 4, of Land Court Consolidation 53, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 5793.33 feet South and 1524.63 feet West and running by azimuths measured clockwise from true South:

1. 231° 52'                      6.71 feet    along Lot 15, Block 4 of Kewalo Track, along remainder of Royal Patent 5716, Land Commission Award 10605, No. 7 to Piikoi;

thence along remainder of Lot 16, along remainder of of Royal Patent 5716, Land Commission Award 10605, No. 7 to Piikoi, on a curve to the right with a radius of 1132.25 feet, the azimuth to the radial center being 25° 31' 03", the chord azimuth and distance being:

2. 298° 42' 31"    126.06 feet;

3. 51° 52'                      29.33 feet    along remainder of Royal Patent 5716, Land Commission Award 10605, No. 7 to Piikoi;

4. 128° 46' 15" 119.00 feet along Lot 2-A (Map 12) of Land Court Consolidation 53, to the point of beginning and containing an area of 2,236 square feet.



Description Prepared By:

ENGINEERS SURVEYORS HAWAII,  
INC.

A handwritten signature in black ink, 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

May 29, 2014

Revised: June 15, 2015

Tax Map Key: (1<sup>st</sup> Div.) 2-3-02: 69 Por.

14-73

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF AN EASEMENT OVER, ON, AND  
ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-002-069  
(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 an guideway easement over, on, and across the real property identified as Tax Map Key (TMK)2-3-002-069 (por.) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said easement over, on, and across the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain of an easement over, on, and across the real property identified as TMK 2-3-002-069 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of said easement by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of said easement by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and

4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and
5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on

\_\_\_\_\_.

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

ATTEST:

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

Exhibit A – Legal description of TMK 2-3-002-069 (por.)

**HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT**

**Parcel 471**

Being a portion of Lot 16 (Block 4) of Kewalo Tract, being also a portion of Royal Patent 5716, Land Commission Award 10605, No. 7 to Pili'oi.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the West corner of this parcel of land, being also the South corner of Lot 15, Block 4, of Kewalo Tract and on the Northerly side of Lot 2-A (Map 12) Block 4, of Land Court Consolidation 53, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 5793.33 feet South and 1524.63 feet West and running by azimuths measured clockwise from true South:

1. 231° 52'                      6.71 feet    along Lot 15, Block 4 of Kewalo Track, along remainder of Royal Patent 5716, Land Commission Award 10605, No. 7 to Pili'oi;

thence along remainder of Lot 16, along remainder of of Royal Patent 5716, Land Commission Award 10605, No. 7 to Pili'oi, on a curve to the right with a radius of 1132.25 feet, the azimuth to the radial center being 25° 31' 03", the chord azimuth and distance being:

2. 298° 42' 31"    126.06 feet;

3. 51° 52'                      29.33 feet along remainder of Royal Patent 5716, Land Commission Award 10605, No. 7 to Pili'oi;

4. 128° 46' 15" 119.00 feet along Lot 2-A (Map 12) of Land Court Consolidation 53, to the point of beginning and containing an area of 2,236 square feet.



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Licensed Professional Land Surveyor

Certificate Number 10007

1320 North School Street  
Honolulu, Hawaii 96817

May 29, 2014

Revised: June 15, 2015

Tax Map Key: (1<sup>st</sup> Div.) 2-3-02: 69 Por.

14-73

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-26 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-002-069 (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> 6/25/2015
--	---	---------------------------

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 Key 2-3-002-069, and situated at 975 Queen Street, Honolulu, Hawaii, 96814, which is required for guideway easement purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 2,242 square-foot guideway easement is required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Tropical Lamp & Shade Company, LTD.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 2-3-002-069) was designated as a partial take 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 the portion would have on the remainder of the property.

- Letter of Offer was presented to Owner for partial acquisition/air rights. Owner has not provided counteroffer. Owner continues to pose questions on what can be allowed on the remaining parcel. Negotiations with the Owner regarding the partial acquisition are ongoing and have become protracted.

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**

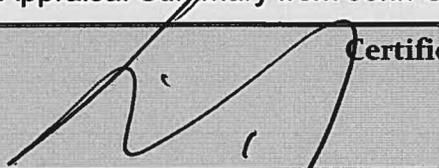
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 11/6/2014

Exhibit 2 – Appraisal Summary from John Child & Company dated 10/17/2014

**Certified and Recommended by:**



**Executive Director and CEO**



**Date**

DL 14166  
READ by K  
COR ROW  
L IS R  
JWA



HART-ROW

IN REPLY REFER TO:  
CMS-AP00ROW-00672

HONOLULU AUTHORITY for RAPID TRANSPORTATION

2014 NOV 11 PM 3 14

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

November 6, 2014

*Clifford J. Garcia*  
Resolved  
Clifford J. Garcia 11-9-14  
Print Name Date

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.  
CHAIR

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Ross M. Higashi  
William "Buzz" Hong  
Kestie W.K. Hui  
Damien T.K. Kim  
Carrie K.S. Okinaga, Esq.

Mr. Clifford Garcia  
Mr. James Garcia  
Tropical Lamp & Shade Co.  
975 Queen Street  
Honolulu, Hawaii 96814

Dear Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)  
975 Queen Street  
Parcel 471: Tax Map Key (TMK) 2-3-002-069 (Portion)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 2,242 square feet portion of your property, identified as TMK 2-3-002-069 (shown colored in yellow on the enclosed tax map), as a perpetual easement, along with the severance damages, for the total consideration of \$383,000 (Three Hundred Eighty-Three Thousand Dollars). This perpetual easement is for aerial/guideway purposes. Clearance between the ground and base of the guideway structure as it crosses the property will vary between 22 feet and 25 feet. The existing structure and current uses will be permitted within the guideway easement area. In addition, parking, security fencing, and gates will be permitted. However, no new structures will be permitted.

The total offer for acquiring the interest in your property is \$383,000 (Three Hundred Eighty-Three Thousand Dollars).

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.

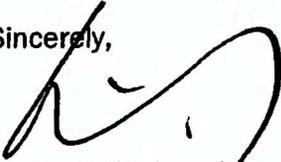
Mr. Clifford Garcia  
Mr. James Garcia  
Page 2  
November 6, 2014

If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by December 8, 2014. The remaining copies are for your files. Also enclosed for your information is the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

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.

Please contact Mr. Alex Sutterer at 441-0546 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

TROPICAL LAMP & SHADE CO.

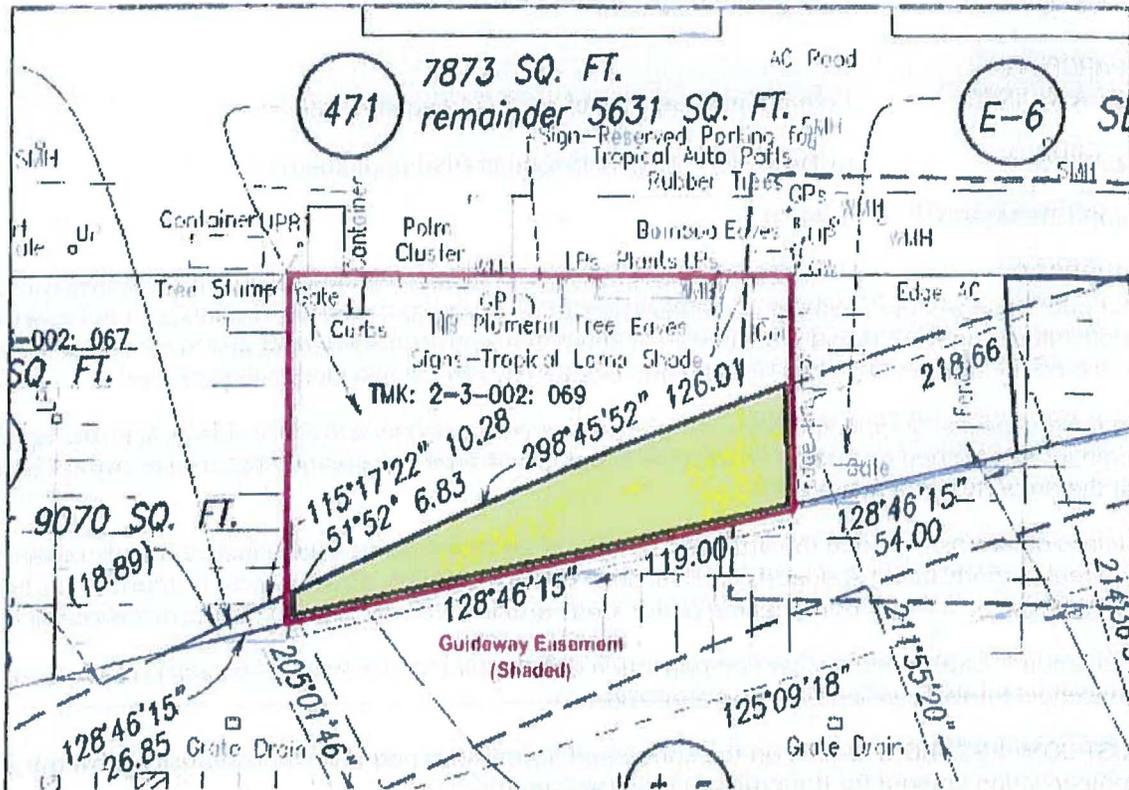
By \_\_\_\_\_  
Its

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

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

# PARCEL MAP EXHIBIT

TMK 2-3-002-069



**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 975 Queen Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 2-3-002-069 (Portion)  
**OWNER(S):** TROPICAL LAMP & SHADE CO.  
**INTEREST TO BE ACQUIRED:** Permanent Easement  
**PARCEL TO BE ACQUIRED:** Permanent Easement of +/- 2,242 square feet  
**ZONING:** HCDA (KAK) - Special Design District (Industrial)  
**IMPROVEMENTS:** None

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

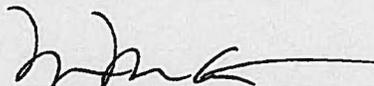
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Permanent Easement	<b>\$331,000</b>
Severance Damages	<b><u>\$52,000</u></b>
<b>TOTAL:</b>	<b>\$383,000</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



\_\_\_\_\_  
Morris M. Atta  
Deputy Director of Right-of-Way

**APPRAISAL SUMMARY STATEMENT**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (HRTP)  
**ADDRESS:** 975 Queen Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 2-3-002-069 (Portion)  
**OWNER(S):** TROPICAL LAMP & SHADE CO.  
**PARCEL AREA:** +/- 2,242 Square Feet of Permanent Easement  
**PROPERTY ACQUIRED:** ALL:  PART:   
**INTEREST TO BE ACQUIRED:** Permanent Easement  
**ZONING:** HCDA (KAK) - Special Design District (Industrial)  
**HIGHEST & BEST USE:** Low Rise Commercial Development  
**ASSESSED VALUE (2014):** Land Value \$1,275,400  
**FOR TOTAL PARCEL** Building Value \$ 89,700  

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**TOTAL** \$1,365,100

Permanent Easement \$ 331,000  
Severance Damages \$ 52,000  
**TOTAL** \$ 383,000

The Appraisal Estimate is: **\$383,000**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map key listed hereinbelow, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and / or its representatives and consultants for the purpose stated:

**PROJECT: Honolulu Rail Transit Project (H RTP)**  
**TAX MAP KEY: 2-3-002-069 (Portion)**  
**LOCATION: 975 Queen Street, Honolulu, Oahu, Hawaii**  
**PURPOSE: Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

(1) That the area covered by this consent document is colored in yellow outlined on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a nominal consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

TAX MAP KEY: 2-3-002-069 (Portion)  
Consent to Enter - Page 2

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

TROPICAL LAMP & SHADE CO.

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

Phone \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY

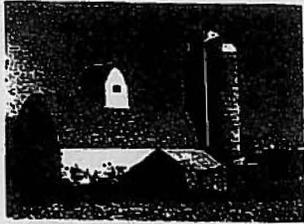
\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED AS TO CONTENTS

  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation



## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

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Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

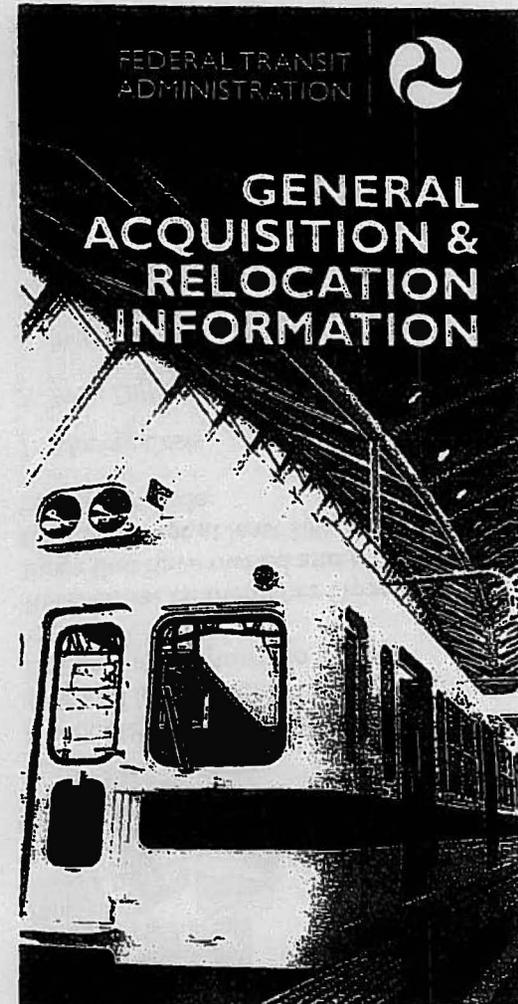
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

A message from the FTA and  
your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

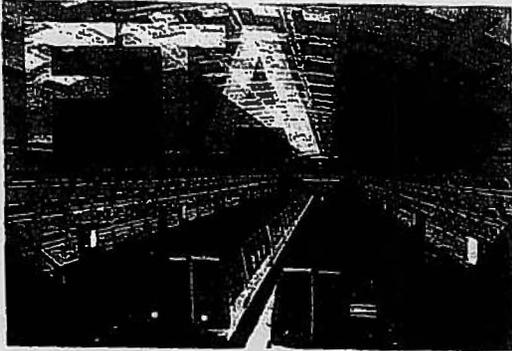
Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY.



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

Residential Homeowner Occupants, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

90 day Occupant or Tenant, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*



The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

If the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and Its Instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records from Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Privacy Act Notice**

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



**JOHN CHILD & COMPANY**  
APPRAISERS & CONSULTANTS

October 17, 2014

Karen Char, MAI, CRE  
Paul D. Cool, MAI, CRE  
Shelly H. Tanaka, MAI

City and County of Honolulu  
Honolulu Authority for Rapid Transportation  
c/o Mr. Alex Sutterer  
Paragon Partners Ltd.  
1099 Alakea Street, Suite 2150  
Honolulu, Hawaii 96813

Dear Mr. Sutterer:

**Re: Partial Acquisition of the Tropical Lamp & Shade Property  
Tax Map Key (1) 2-3-002:069, PDQ Parcel 471**

At your request, John Child & Company has estimated the fair market value of certain ownership interests in the Tropical Lamp & Shade Property under full take and partial take scenarios. This letter summarizes the background and estimated values presented in the attached report.

**STUDY BACKGROUND**

Tropical Lamp & Shade Company, Ltd. (TL&S) owns the fee simple interest in an improved property at 975 Queen Street in Kakaako, Honolulu, Oahu, Hawaii. The property, referred to as the Tropical Lamp & Shade Property, is identified as Tax Map Key 2-3-002:069 of the First Taxation Division.

The 7,873 $\overline{7}$  parcel is improved with a Quonset structure with adjacent covered sheds and parking areas. The Quonset structure was constructed in 1943. Additions have been made over the years. TL&S and related entities occupy a portion of the property. The balance is occupied by a single tenant.

Honolulu Authority for Rapid Transportation (HART), a semi-autonomous public transit authority, has retained Paragon Partners Ltd. as its consultant for the Honolulu Rail Transit Project (H RTP). The proposed H RTP guideway easement will encroach into a 2,242 $\overline{7}$  portion of the Tropical Lamp & Shade Property along the property's southerly boundary.

Alternatively, HART is considering a full take of the Tropical Lamp & Shade Property. In this regard, you have asked us to assist you.

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
October 17, 2014  
Page 2



## **STUDY OBJECTIVES**

The objectives of our assistance are to:

1. Estimate the fair market value of the fee simple interest in the Tropical Lamp & Shade Property, assuming a full take.
2. Estimate the fair market value of the property rights over the 2,242<sup>sq</sup> portion of the Tropical Lamp & Shade Property associated with the H RTP guideway easement to be acquired by HART.

## **INTENDED USE AND USERS**

Our assistance is intended to be used by HART, Paragon Partners, Ltd. (Paragon Partners), and the U.S. Department of Transportation Federal Transit Administration (FTA) in connection with the H RTP.

As a result, our assistance is intended for the sole and exclusive use of HART (Client), Paragon Partners, and the FTA. The Client has agreed that our assistance is not intended for any other purpose or users and is not to be relied upon by any third parties for any purpose, whatsoever.

## **DATE OF PROPERTY VISIT**

The property was visited on October 3, 2014. Mr. Clifford Garcia of TL&S, the property owner, accompanied the appraiser. Also attending on behalf of the property owner was Mr. Chad Garcia of Hawaii Property Development Realty, LLC and son of James P. Garcia, Jr.

## **EFFECTIVE DATE OF APPRAISAL**

The effective date of appraisal is October 3, 2014.

## **DATE OF REPORT**

The date of this report is October 17, 2014.



## **DEFINITIONS OF TERMS**

Terms used in this report are defined in the Appraisal Institute's, **The Dictionary of Real Estate Appraisal**, Fifth Edition, unless otherwise footnoted.

### **Fair Market Value**

"Fair market value" has the same meaning as "market value."

Market value means the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal. [1]

### **Fee Simple Interest**

For the purpose of this report, fee simple interest is the same as fee simple estate. Fee simple estate is defined as absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

### **Easement in Gross**

An easement is the right to use another's land for a stated purpose.

An easement in gross is an easement that benefits a legal person or entity (individual, corporation, partnership, LLC, government entity, etc.) and not a particular tract of land; an easement having a servient estate but no dominant estate.

The Tropical Lamp & Shade Property is the servient estate.

---

[1] Interagency Land Acquisition Conference, **Uniform Appraisal Standards for Federal Land Acquisitions**, 2000.



### **Hypothetical Condition**

That which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of the data used in an analysis.

### **ASSUMPTION OF A HYPOTHETICAL CONDITION**

Section 24.103(b) of the Code of Federal Regulation (CFR) states:

“The appraiser shall disregard any decrease or increase in the market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.”

Therefore, the estimated fair market value of the property rights over a portion of the Tropical Lamp & Shade Property to be acquired by HART is based on the hypothetical condition that the property is not impacted by the rail project as of the date of valuation.

The assumption of this hypothetical condition could have an effect on the value of the property.

### **STUDY CONDITIONS**

This report is subject to the study conditions included in Section 1.

### **ESTIMATED FAIR MARKET VALUE ASSUMING A FULL TAKE**

The highest and best use of the Tropical Lamp & Shade Property would be for low-rise commercial development. The existing improvements represent an interim use until the site is redeveloped.

The market value of the fee simple interest in the Tropical Lamp & Shade Property is estimated by direct comparison with comparable properties that have been transacted in the market. The analysis provides a reliable basis for establishing value.



Based on the valuation assumptions and analyses summarized in Section III, the fair market value of the fee simple interest in the Tropical Lamp & Shade Property, as of October 3, 2014, is estimated to be:

**ONE MILLION FOUR HUNDRED SIXTY THOUSAND DOLLARS**  
**\$1,460,000.**

The estimated fair market value is the value of the real estate only. An inventory of the realty and personalty items is included in Addendum 5.

**ESTIMATED MARKET VALUE  
OF THE PARTIAL TAKING**

The fair market value of the partial taking is estimated based on the sum of the easement taking plus severance damages, shown as follows:

Market value of the easement taking	\$331,000
Severance damages	<u>52,000</u>
Fair market value of the partial taking	<u>\$383,000</u>

Based on the analysis presented in Section IV, the fair market value of the property rights over the 2,242<sup>sq</sup> portion of the Tropical Lamp & Shade Property associated with the H RTP guideway easement to be acquired by HART, as of October 3, 2014, is estimated to be:

**THREE HUNDRED EIGHTY THREE THOUSAND DOLLARS**  
**\$383,000.**

\* \* \* \* \*

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
October 17, 2014  
Page 6



We appreciate the opportunity to assist you on this interesting assignment. Please contact us if you have questions.

Sincerely,

JOHN CHILD & COMPANY, INC.

Paul D. Cool, MAI, CRE  
Vice President  
Certified General Appraiser License No. 71  
State of Hawaii  
Expires December 31, 2015

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-27**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-007-039 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) 2-3-007-039 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 above; 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 2-3-007-039

Exhibit B – Resolution No. 2015\_\_ - \_\_\_\_ Authorizing the Acquisition of the Real Property Identified as Tax Map Key 2-3-007-039 by Eminent Domain.

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

ATTEST:

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

**HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT**

**Parcel 477**

**Being Lot 352 (Map 1) of Land Court Application 880, Section 2.**

**Situate at Kewalo, Honolulu, Oahu, Hawaii**

**Beginning at the Northeast corner of this parcel of land, being also the Northwest corner of Lot 885-B (Map 136) of Land Court Application 880, Section 2, and on the Southerly side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 767.04 feet South and 1028.77 feet West and running by azimuths measured clockwise from true South:**

- 1. 20° 42' 100.00 feet along Lot 885-B (Map 136) of Land Court Application 880, Section 2;**
- 2. 110° 42' 50.00 feet along Lot 353-A (Map 33) of Land Court Application 880, Section 2;**
- 3. 200° 42' 100.00 feet along Lot 352-A (Map 1) of Land Court Application 880, Section 2;**

4. 290° 42'

50.00 feet along the Southerly side of Kona Street to the point of beginning and containing an area of 5,000 square feet.



1320 North School Street  
Honolulu, Hawaii 96817

Description Prepared By:

ENGINEERS SURVEYORS HAWAII,  
INC.

A handwritten signature in black ink, 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

May 29, 2014

Revised: June 15, 2015

Tax Map Key: (1<sup>st</sup> Div.) 2-3-02: 39

14-73

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY 2-3-007-039 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) 2-3-007-039 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 2-3-007-039 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 2-3-007-039

DRAFT

## HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

### Parcel 477

Being Lot 352 (Map 1) of Land Court Application 880, Section 2.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the Northeast corner of this parcel of land, being also the Northwest corner of Lot 885-B (Map 136) of Land Court Application 880, Section 2, and on the Southerly side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 767.04 feet South and 1028.77 feet West and running by azimuths measured clockwise from true South:

1. 20° 42' 100.00 feet along Lot 885-B (Map 136) of Land Court Application 880, Section 2;
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Miles S. Horie

Exp. 4/30/16

Licensed Professional Land Surveyor

Certificate Number 10007

May 29, 2014

Revised: June 15, 2015

Tax Map Key: (1<sup>st</sup> Div.) 2-3-02: 39

14-73

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-27 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-007-039 BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 2-3-007-039, and situated at 1163 Kona St., Honolulu, Hawaii, 96814, which is required for guideway purposes for the Honolulu Rail Transit Project (HRTTP). This property, for which a 5,000 square-foot full take is required, is on the critical path for successful completion of the City Center Section of the HRTTP. The property is owned by Andres Nelson, Jr.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 2-3-007-039) was designated as a full take 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 of the full take.

- Owner has rejected the full take Offer and submitted a counteroffer for a partial take with cut and re-face of the building. 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 – Offer letter dated 2/24/2015

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 6/30/2014

Certified and Recommended by:

\_\_\_\_\_  
Executive Director and CEO

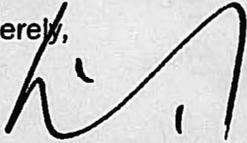
6/19/15  
\_\_\_\_\_  
Date



Mr. Sonny Nelson  
Page 2  
February 24, 2015

Please contact Mr. Jackson Blagden at 536-5900 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

Andres Nelson, Jr.

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

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

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



## STATEMENT OF JUST COMPENSATION

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 1163 Kona Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 2-3-007-039  
**OWNER(S):** Andres Nelson, Jr.  
**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple  
**PARCEL TO BE ACQUIRED:** Full Fee Simple Acquisition of +/- 5,000 square feet  
**ZONING:** Central Kaka'ako (CK) PITT 4-Industrial District  
**IMPROVEMENTS:** 2 Story Masonry Concrete Structure

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

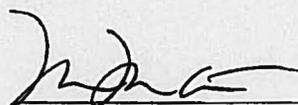
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Full Fee Simple Acquisition	<u>\$1,700,000</u>
<b>TOTAL:</b>	<b>\$1,700,000</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



Morris M. Atta  
Deputy Director of Right-of-Way

### APPRAISAL SUMMARY STATEMENT

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 1163 Kona Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 2-3-007-039  
**OWNER(S):** Andres Nelson, Jr.  
**PARCEL AREA:** +/- 5,000 square feet of Full Fee Simple Taking  
**PROPERTY ACQUIRED:** ALL: X PART: \_\_\_  
**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple  
**ZONING:** Central Kaka'ako (CK) PITT 4-Industrial District  
**HIGHEST & BEST USE:** Warehouse / Office / Retail

<b>ASSESSED VALUE (2013): FOR TOTAL PARCEL</b>	Land Value	\$ 855,000
	Building Value	\$ <u>544,400</u>
	<b>TOTAL</b>	<b>\$1,399,400</b>

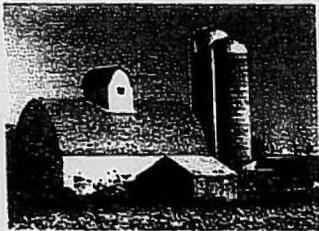
---

	Full Fee Acquisition	<u>\$1,700,000</u>
	<b>TOTAL</b>	<b>\$1,700,000</b>

The Appraisal Estimate is: **\$1,700,000**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

---

### Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

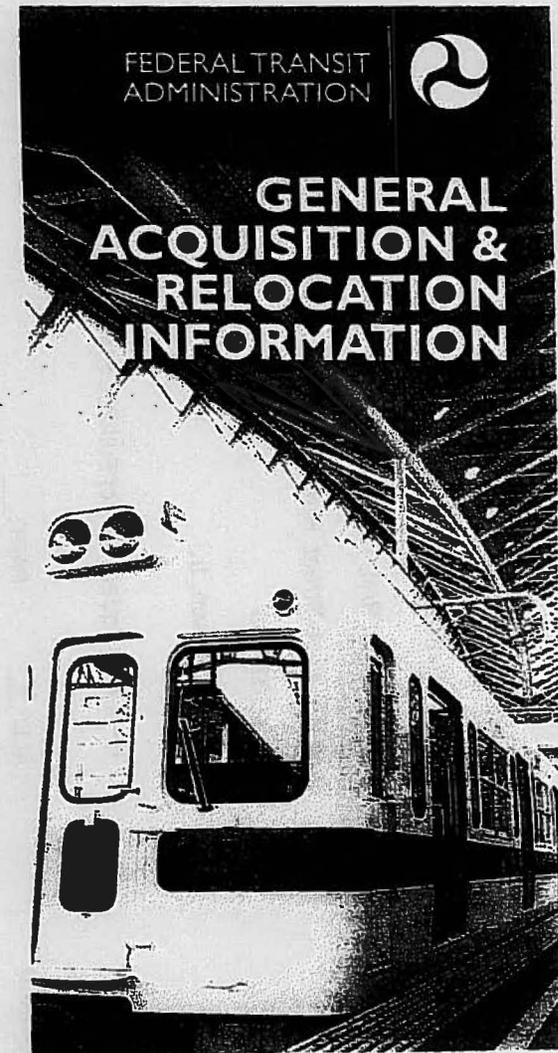
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF TRANSPORTATION   
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY.



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL (X) PICK UP ( )

Tax Map Key No.: \_\_\_\_\_

Total Pages: [ ]

**RIGHT OF ENTRY, POSSESSION AND USE AGREEMENT**

THIS RIGHT OF ENTRY, POSSESSION AND USE AGREEMENT (the "Agreement") is dated \_\_\_\_\_, 2014, and entered into by and between the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, whose business and mailing address is 1099 Alakea Street, Suite 1700, Honolulu, Hawaii 96813, and \_\_\_\_\_, whose mailing address is \_\_\_\_\_ ([collectively,] "GRANTOR"). HART and GRANTOR are collectively referred to as the "Parties," and individually, a "Party," all as governed by the context in which such words are used.

**WITNESSETH THAT:**

WHEREAS, GRANTOR is the owner of the real property located at \_\_\_\_\_ Honolulu, Hawaii \_\_\_\_\_, and legally described in the attached Exhibit "A" (the "Property");

WHEREAS, although HART is seeking to acquire the Property for the construction and operation of the Honolulu Rail Transit Project (the "Project"), the acquisition of [an easement over] the Property is pending;

WHEREAS, HART requires immediate possession and use of the Property to construct the Project;

WHEREAS, HART and GRANTOR agree that any delay in the start of construction of the Project is contrary to the public interest;

WHEREAS, the purpose of this Agreement is to allow HART to proceed with construction of the Project without delay; and

WHEREAS, pursuant to Hawaii Revised Statutes ("HRS") § 101-3, GRANTOR agrees to grant HART an irrevocable right to entry, possession and use of the Property on the terms and conditions set forth below;

#### AGREEMENT

NOW, THEREFORE, in consideration of the sum to be paid to GRANTOR which is set forth in Section 2 below, and in consideration of the foregoing recitals, which are incorporated herein by reference, and the mutual promises, covenants, terms, conditions and restrictions contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, HART and GRANTOR hereby agree as follows:

1. Possession and Use. GRANTOR hereby irrevocably grants to HART the right of entry and exclusive possession and use of the Property for the purpose of constructing the Project and the right to remove any improvements. Authorized activities include surveying, inspection, environmental studies, archaeological studies and mitigation measures, clearing, demolition, construction of permanent improvements, relocating, replacing, and improving existing utility facilities, locating new utility facilities, and other work required to be performed in connection with the Project. This Agreement will extend to HART, its contractors and assigns, owners of any existing utilities on the Property and those who may be lawfully permitted on the Property by HART in the future, and all others deemed necessary by HART for the purpose of the Project. This grant will allow the construction, relocation, replacement, repair, improvement, operation and maintenance of utilities on the Property.

2. Payment. In full consideration for this irrevocable grant of entry, possession and use and other GRANTOR covenants, warranties, and obligations under this Agreement, HART will tender to GRANTOR the sum of \_\_\_\_\_ AND NO/100 DOLLARS (\$\_\_\_\_\_). GRANTOR agrees that this sum represents adequate and full compensation for the possession and use of the Property. HART will be entitled to enter, take possession and use the Property upon tender of payment. The Parties agree that the sum tendered represents \_\_\_\_\_ percent of HART's approved appraisal of the fair market value of the Property, which assumes no adverse environmental conditions affecting the value of the Property. The approved appraised value is HART's determination of the just compensation owed to GRANTOR for the real property interest to be acquired by HART in the Property, encumbered with the improvements thereon, if any, and damages to the remainder of GRANTOR's interest in any larger tract of which the Property is a part (the "Remainder"), if any. The Parties agree that the sum tendered to GRANTOR will be deducted from any final settlement amount voluntarily negotiated by the Parties or from any court judgment. In the event the amount of the final settlement or judgment for acquisition of [an easement over] the Property is less than the amount HART has paid for the possession and use of the Property, then GRANTOR agrees that the original amount tendered represents an overpayment for the difference and, upon written notice from HART, GRANTOR will promptly refund the overpayment to HART.

3. Term. The effective date of this Agreement will be the date on which payment pursuant to Section 2 above is tendered to GRANTOR by HART, or disbursed to GRANTOR by a title company acting as escrow agent for the transaction (the "Effective Date"). This Agreement shall continue to remain in effect until [an easement over] the Property is acquired either by negotiation or final court judgment.

4. Warranties. GRANTOR warrants and represents that the title to the Property is free and clear of all liens and encumbrances or that proper releases will be executed for the Property prior to funds being disbursed under this Agreement. GRANTOR further warrants that GRANTOR has the full right and authority to enter into this Agreement and grant HART the rights described, and that no other person or entity owns an interest in the fee title to the Property and further agrees to indemnify HART from all unreleased or undisclosed liens, claims or encumbrances affecting the Property.

5. Valuation Date. The Parties agree that the valuation date for determining the amount of just compensation for the real property interest proposed to be acquired in the Property, for negotiation or eminent domain proceeding purposes, will be the Effective Date of this Agreement.

6. Acquisition of [an Easement over] the Property. HART and GRANTOR agree that HART will acquire [an easement over] the Property, in the name of the City and County of Honolulu, either by negotiated settlement by the Parties or by condemnation and that this Agreement is made pursuant to HRS § 101-3. GRANTOR reserves all rights of compensation for the title and interest in and to the Property which GRANTOR holds as of the time immediately prior to the Effective Date of this Agreement. This Agreement shall in no way prejudice GRANTOR's rights to receive full and just compensation as allowed by law for all of GRANTOR's interests in and to the Property to be acquired by HART, encumbered with the improvements thereon, if any, and damages, if any, to the Remainder, if any; all as the Property exists on the Effective Date of this Agreement. HART's removal or construction of improvements on the Property shall in no way affect the fair market value of the Property in determining compensation due to GRANTOR in the eminent domain proceedings, if any. There will be no project impact upon the appraised value of the Property. This grant will not prejudice GRANTOR's rights to any relocation benefits for which GRANTOR may be eligible.

- a. Acquisition [of an Easement] by Negotiated Settlement. In the event [an easement over] the Property is acquired by negotiated settlement by the Parties, HART will not be liable to GRANTOR for interest upon the negotiated settlement amount, except as provided by HRS § 101-3. Payment of any interest will be on the difference between the amount of the payment in Section 2 above and the amount of the negotiated settlement.
- b. Acquisition [of an Easement] by Condemnation. In the event HART institutes or has instituted eminent domain proceedings to acquire [an easement over] the Property, HART will not be liable to GRANTOR for interest, including blight of summons damages, upon any award or judgment as a result of such proceedings,

except as provided by HRS § 101-3. Payment of any interest, including blight of summons damages, will be on the difference between the amount of the payment in Section 2 above and the amount of the judgment.

7. Non-Transferability. GRANTOR shall not assign, sell, encumber, or otherwise transfer all or any portion of the Property without first obtaining HART's written consent.

8. Public Purpose of the Project. The purpose of this Agreement is to allow HART to proceed with its Project without delay and to allow GRANTOR to have the use, at this time, of a percentage of the estimated compensation for HART's acquisition of a real property interest in the Property. GRANTOR expressly acknowledges that the proposed Project is for a valid public use and voluntarily waives any right GRANTOR has or may have, known or unknown, to contest the jurisdiction of the court in any condemnation proceeding for acquisition of [an easement over] the Property related to the Project, based upon claims that the condemning authority has no authority to acquire the Property through eminent domain, has no valid public use for the Property, or that acquisition of [an easement over] the Property is not necessary for the public use.

9. Parties' Intent to Be Bound. HART and GRANTOR intend that this Agreement, including, without limitation, the right of entry, possession and use provisions set forth above, constitutes a binding contract. In particular in this regard, GRANTOR acknowledges and agrees that it is important for HART to have assurances that the Project may be constructed in a timely manner, and that the rights granted to HART in this Agreement are crucial to the Project's success. In the event of any dispute concerning the right of entry, possession and use provisions set forth above, GRANTOR and HART agree that monetary damages will not be adequate to make them whole, and intend for the terms of such right of entry, possession and use provisions to be specifically enforceable.

10. Entire Agreement. This Agreement reflects the entire agreement between the Parties and shall supersede all prior or contemporaneous oral or written understandings, statements, representations or promises between the Parties concerning the matters contained herein.

11. Governing Law. This Agreement is made and entered into in the State of Hawaii, and shall in all respects be interpreted, enforced and governed under the laws of said state. The language of all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning and not strictly for or against any of the Parties.

12. Successors in Interest. This Agreement shall be binding upon and inure to the benefit of the heirs, devisees, successors in trust, personal representatives, successors and assigns of the Parties.

13. Understanding of Agreement. This Agreement has been negotiated in good faith and each Party warrants and represents that in executing this Agreement, they are not relying upon any representation, promise, inducement or statement made in negotiation that has not been included in the terms of this Agreement.

14. Fees and Costs. Each Party shall bear its own costs and attorneys' fees incurred in connection with negotiating the matters described in this Agreement.

15. Severability. In case any part, term, portion or provision of this Agreement is determined to be illegal, invalid or unenforceable, the remaining parts, terms, portions and provisions shall remain valid, enforceable, and in full force and effect.

16. Amendment to Agreement. This Agreement may only be amended by written agreement, executed by the Parties.

17. Recordation of Agreement. It is agreed HART will record this document.

18. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, HART and GRANTOR have executed this Agreement.

"HART"

"GRANTOR"

HONOLULU AUTHORITY FOR RAPID  
TRANSPORTATION

\_\_\_\_\_  
By: Daniel A. Grabauskas  
Its: Executive Director and CEO

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Morris M. Atta  
Deputy Director, Right-of-Way

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

[Add notary pages]

PARCEL MAP EXHIBIT  
TRK 2-2007-002





The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA) name" on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

### Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for ...	THEN the payment is exempt for ...
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

### Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

### Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if Item 1, below, and Items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in Items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out Item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out Item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>4</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-368-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

June 30, 2014

Mr. Todd Salvatore  
Project Manager  
Paragon Partners Ltd.  
5762 Bolsa Avenue Suite 201  
Huntington Beach, California 92649

Re: Honolulu Rail Transit Project  
Whole Parcel Acquisition  
Parcel Designation: (1) 2-3-007-039  
HART RW Parcel: 477  
1163 Kona Street, Honolulu, Hawaii 96814

Dear Mr. Salvatore,

At your request, we have completed a re-appraisal of the 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 whole parcel *Eminent Domain* acquisition proceeding of the subject parcel as part of the Honolulu Rail Transit Project.

As a preview, the subject property physically consists of a mostly rectangular, non-corner parcel constituting 5,000 square feet. It is improved with a 31-year old masonry-concrete warehouse structure encompassing most of the entire site.

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 Summary report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of June 30, 2014.

Previously, our client had informed us that the owner of the subject property would not grant the appraiser physical access to the interior of the subject property. At the request of Paragon Partners Ltd. we completed an appraisal of the subject property without an interior inspection on May 10, 2014 and incorporated an Extraordinary Assumption that included: "Should a physical inspection that includes a professional cost estimator result in improvement components and cost differences, the appraisal valuation may be invalid and require a re-appraisal".

Subsequently, the owner contacted HART and Paragon Partners Ltd. and requested a meeting and physical inspection to be conducted by HART and the appraiser. Therefore, this report is a re-appraisal of the subject property that includes a physical inspection by the appraiser and our professional cost estimator.

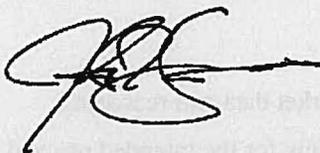
For purposes of this appraisal report, the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 140-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 as of June 20, 2014:

**\$1,700,000 Fair Market Value "As Is" (Whole Parcel Acquisition)**

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. 2015-28**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-007-045 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) 2-3-007-045 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 above; 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 2-3-007-045

Exhibit B – Resolution No. 2015\_\_ - \_\_ Authorizing the Acquisition of the Real Property Identified as Tax Map Key 2-3-007-045 by Eminent Domain.

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

ATTEST:

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

## HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

### Parcel 483

Being Lots 339 and 340 (Map 1) of Land Court Application 880, Section 2.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the Northeast corner of this parcel of land, being also the Northwest corner of Lot 338 (Map 1) of Land Court Application 880, Section 2, and on the Southerly side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 890.77 feet South and 1356.40 feet East and running by azimuths measured clockwise from true South:

1. 20° 42' 100.00 feet along Lot 337 (Map 1) of Land Court Application 880, Section 2;
2. 110° 42' 100.00 feet along Lot 340-A (Map 1) and Lot 341-A (Map 33) of Land Court Application 880, Section 2;
3. 200° 42' 100.00 feet along Lot 332-A-1 (Map 32) of Land Court Application 880, Section 2;

4. 290° 42' 100.00 feet along the Southerly side of Kona Street to the point of beginning and containing an area of 10,000 square feet.



1320 North School Street  
Honolulu, Hawaii 96817

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

June 15, 2015  
Tax Map Key: (1<sup>st</sup> Div.) 2-3-07: 45

14-73

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-007-045 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) 2-3-007-045 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 2-3-007-045 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 2-3-007-045

DRAFT

## HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

### Parcel 483

Being Lots 339 and 340 (Map 1) of Land Court Application 880, Section 2.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the Northeast corner of this parcel of land, being also the Northwest corner of Lot 338 (Map 1) of Land Court Application 880, Section 2, and on the Southerly side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 890.77 feet South and 1356.40 feet East and running by azimuths measured clockwise from true South:

1. 20° 42' 100.00 feet along Lot 337 (Map 1) of Land Court Application 880, Section 2;
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3. 200° 42' 100.00 feet along Lot 332-A-1 (Map 32) of Land Court Application 880, Section 2;

4. 290° 42' 100.00 feet along the Southerly side of Kona Street to the point of beginning and containing an area of 10,000 square feet.



1320 North School Street  
Honolulu, Hawaii 96817

Description Prepared By:

ENGINEERS SURVEYORS HAWAII,  
INC.

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

June 15, 2015  
Tax Map Key: (1<sup>st</sup> Div.) 2-3-07: 45

14-73

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-28 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-007-045 BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 2-3-007-045, and situated at 1209 Kona Street, Honolulu, Hawaii, 96814, which is required for purposes for the Honolulu Rail Transit Project (HRTTP). This property, for which a 10,000 square-foot full take is required, is on the critical path for successful completion of the City Center Section of the HRTTP. The property is owned by Honolulu Hardwoods, Inc.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 2-3-007-045) was designated as a full take 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 of the full take.

- Owner rejected the Offer and has countered, to which HART responded. We will continue to negotiate with the Owner in the hope of reaching settlement without the need of eminent domain. HART has submitted a counteroffer to the Owner who has rejected the counter.

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**

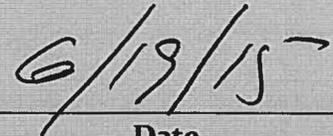
Exhibit 1 – Offer letter dated 8/20/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 7/10/2014

Certified and Recommended by:



Executive Director and CEO



Date

COR  
READ  
KL 1372  
L 15 P



IN REPLY REFER TO:  
CMS-APOOROW-00592

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

BOARD OF DIRECTORS

August 20, 2014

Ivan M. Lui-Kwan, Esq.  
CHAIR

Honolulu Hardwoods, Inc.  
1211 Kona Street  
Honolulu, Hawaii 96814

Received \_\_\_\_\_

Donald G. Horner  
VICE CHAIR

Attention: Mr. Brian Hoeng

Hand delivered to  
Bryan Hoeng  
on 8/26/14.  
Morris M. Atta  
Witnessed by: Dean Yogi  
Mark Peters.

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.

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)  
1209 Kona Street  
Parcel 483: Tax Map Key 2-3-007-045  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase your property, identified as Tax Map Key 2-3-007-045 (shown colored in yellow on the attached map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$2,200,000 (Two Million Two Hundred Thousand Dollars).

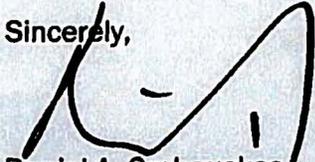
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by September 20, 2014. The remaining copies are for your files. Also enclosed for your information is the Statement of Just Compensation, Appraisal Summary Statement, and the General Acquisition & Relocation Information Brochure.

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.

Honolulu Hardwoods, Inc.  
Page 2  
August 20, 2014

Please call Mr. Ryan Ng at 768-6199 or by email at [ryanng@paragon-partners.com](mailto:ryanng@paragon-partners.com) if you have any questions regarding this matter.

Sincerely,



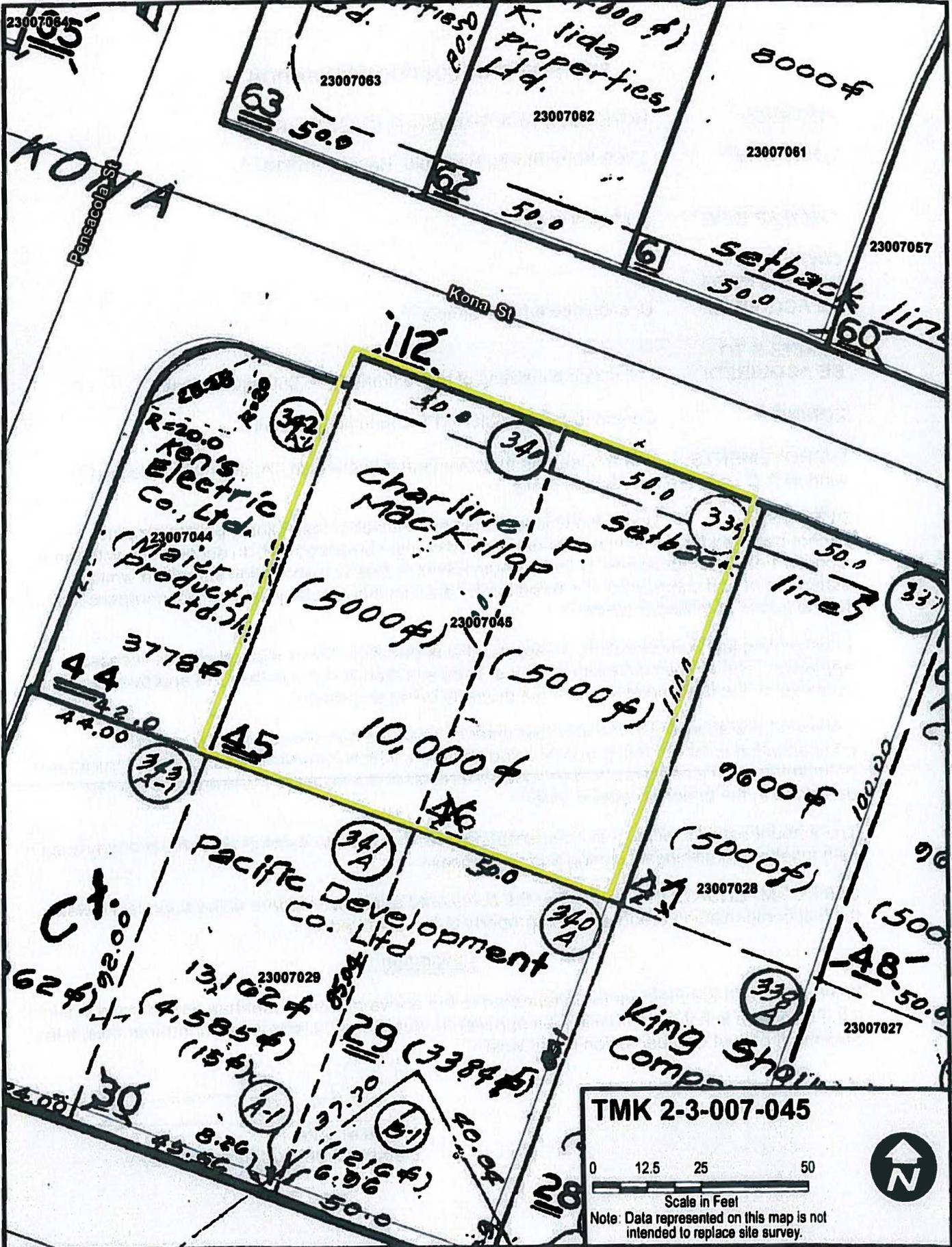
Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

Owner: Honolulu Hardwoods, Inc.

By \_\_\_\_\_  
Honolulu Hardwoods, Inc.                      Date



Prepared by:

Date Prepared:

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All Rights Reserved 2008

## STATEMENT OF JUST COMPENSATION

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)

**LOCATION:** 1209 Kona Street, Honolulu, Hawaii 96814

**TAX MAP KEY:** (1) 2-3-007-045

**OWNER(S):  
INTERESTS TO  
BE ACQUIRED:** Unencumbered Fee Simple

**PARCELS TO  
BE ACQUIRED:** Full taking consisting of approximately 10,000 square feet

**ZONING:** Central Kaka'ako (CK) PITT 4-Industrial District

**IMPROVEMENTS:** Warehouse with mezzanine and showroom. Additionally, three (3) window A/C units are included as realty.

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

**\$2,200,000**

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



Morris M. Atta  
Deputy Director of Right-of-Way

## APPRAISAL SUMMARY STATEMENT

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (HRTP)  
**ADDRESS:** 1209 Kona Street, Honolulu, HI 96814  
**TAX MAP KEY:** (1) 2-3-007-045  
**OWNER(S):** Honolulu Hardwoods, Inc.  
**PARCEL AREAS:** 10,000 square feet  
**PROPERTY ACQUIRED:** ALL: X PART:      
**INTERESTS TO BE ACQUIRED:** Unencumbered Fee Simple  
**ZONING:** Central Kaka'ako (CK) PITT 4-Industrial District  
**HIGHEST & BEST USE:** Commercial  
**ASSESSED VALUE (2014):**

Land	\$1,800,000
Improvements:	\$ <u>171,500</u>
<b>TOTAL</b>	<b>\$1,971,500</b>

---

The Appraisal Estimate is: \$2,200,000

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## **CONSENT TO ENTER**

The undersigned, being the owner of that certain property bearing the tax map key listed herein below, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

**PROJECT:** Honolulu Rail Transit Project (HRTP)

**TAX MAP KEY:** (1) 2-3-007-045

**LOCATION:** 1209 Kona Street, Honolulu, HI 96814

**PURPOSE:** Construction Activities

It is understood that this consent to enter is granted upon the following terms:

(1) That the area covered by this consent document consists of the areas as shown in yellow on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a nominal consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

TAX MAP KEY: (1) 2-3-007-045  
Consent to Enter – Page 2

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

Owner: Honolulu Hardwoods, Inc.

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

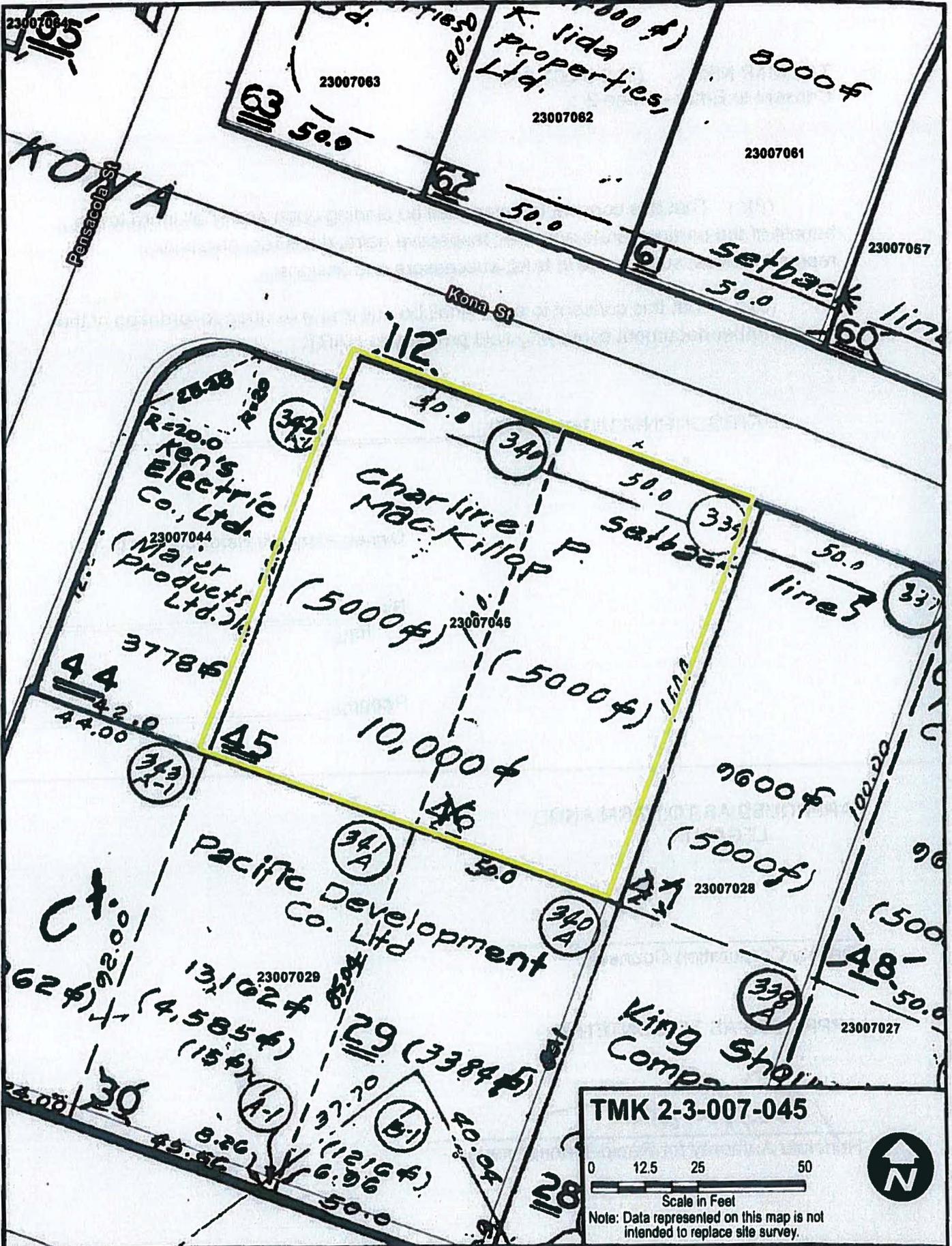
Phone \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED AS TO CONTENTS

  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation



Prepared by:

Date Prepared:

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All Rights Reserved 2008

## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

---

### Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

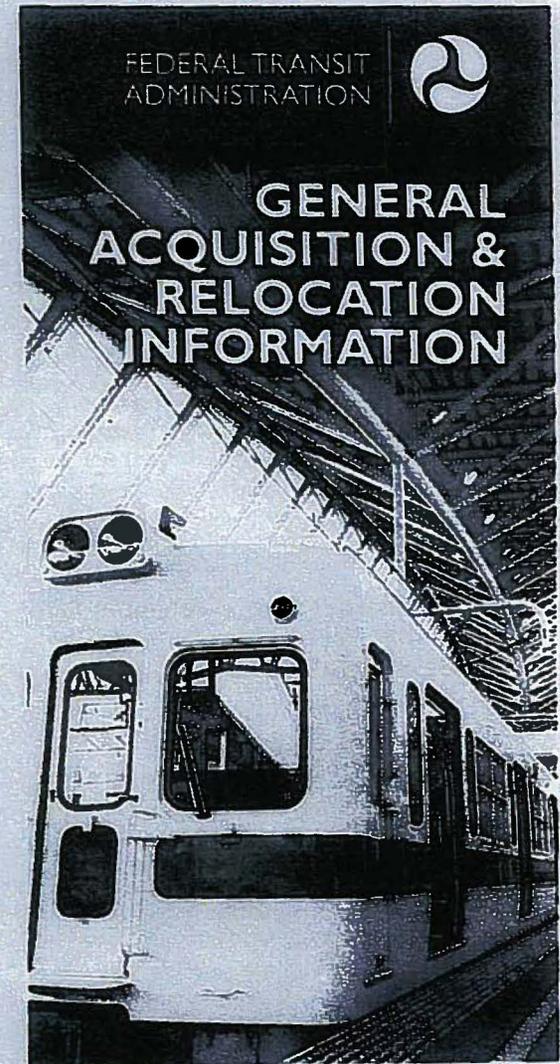
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
**FEDERAL TRANSIT ADMINISTRATION**

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY.



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

<b>Print or type See Specific Instructions on page 2.</b>	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	
	<input type="checkbox"/> Exempt payee	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

<b>Social security number</b>	
[ ] [ ] [ ] [ ]	- [ ] [ ] - [ ] [ ] [ ] [ ]
<b>Employer identification number</b>	
[ ] [ ] [ ] [ ]	- [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶ _____	Date ▶ _____
------------------	----------------------------------	--------------

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

#### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup> The grantor <sup>4</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

July 10, 2014

Mr. Todd Salvatore  
Project Manager  
Paragon Partners Ltd.  
5762 Bolsa Avenue Suite 201  
Huntington Beach, California 92649

Re: Honolulu Rail Transit Project  
Whole Parcel Acquisition  
Parcel Designation: (1) 2-3-007-045  
HART RW Parcel 483  
1209 Kona Street, Honolulu, Hawaii 96814

Dear Mr. Salvatore,

At your request, we have completed an appraisal of the 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 whole parcel *Eminent Domain* acquisition proceeding of the subject parcel as part of the Honolulu Rail Transit Project.

As a preview, the subject property physically consists of a mostly square, non-corner parcel constituting 10,000 square feet. It is improved with a 31-year old masonry-wooden warehouse structure encompassing most of the entire site.

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 Summary report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of, 2014.

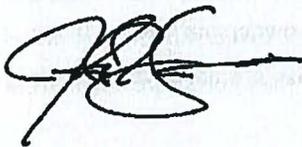
For purposes of this appraisal report, the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 143-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 as of June 22, 2014:

**\$2,200,000 Fair Market Value "As Is" (Whole Parcel Acquisition)**

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. 2015-29**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-1-016-007 (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) 1-1-016-007 (por.) 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 1-1-016-007 (por.); 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 1-1-016-007 (por.)**  
**Exhibit B – Resolution No. 2015-\_\_\_, Authorizing the Acquisition of the Real Property Identified as Tax Map Key 1-1-016-007 (portion) by Eminent Domain**

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

**ATTEST:**

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

RL 2041

A

**PARCEL 306**

**Being Portions of Lot 92 and 93**

**As Shown on Map 150 of Land Court Application 1074**

*Watumull*  
*1-1-016-007/306*

**Situate at Moanalu, Honolulu, Island of Oahu, Hawaii**

Beginning at the West 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 11,206.64 feet South and 2,801.13 feet East, thence running by azimuths measured clockwise from true South:

- 1. 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:  
258° 14' 55"      197.47
- 2. 333° 25' 30"      84.17 feet along Lot 91 (Map 150) of Land Court Application 1074;
- 3. Thence along the Remainder of Parcel 306, on a curve to the right with a radius of 2,250.00 feet, the chord azimuth and distance being:  
97° 55' 41"      89.42 feet;
- 4. 99° 04'      144.23 feet along the Remainder of Parcel 306 to the point of beginning and containing an area of 6,567 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  
May 11, 2015



**Remainder of PARCEL 306**  
**Being Portions of Lot 92 and 93**  
**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 11,206.60 feet South and 2,800.15 feet East, thence running by azimuths measured clockwise from true South:

1. 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:  

272° 30' 02"      0.99 feet;
2. 279° 04'      144.23 feet along Parcel 306;
3. Thence along Parcel 306, on a curve to the left with a radius of 2,250.00 feet, the chord azimuth and distance being:  

277° 55' 41"      89.42 feet;
4. 333° 25' 30"      161.77 feet along Lot 91 (Map 150) of Land Court Application 1074;
5. 44° 40'      73.40 feet along Keehi Lagoon Beach Park, Exec. Ord. No. 1561;
6. 71° 10' 30"      263.80 feet along Keehi Lagoon Beach Park, Exec. Ord. No. 1561;
7. 179° 27'      317.10 feet along Lot 94 (Map 150) of Land Court Application 1074 to the point of beginning and containing an area of 67,668 Square Feet, more or less.

3



R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 11, 2015



**EASEMENT A**

**For Electrical Purposes**

**Being a Portion of Lot 93**

**As Shown on Map 150 of Land Court Application 1074**

**Situate at Moanalua, Honolulu, Island of Oahu, Hawaii**

**Beginning at the Northeast corner of this easement, along the Southeast side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 11,166.42 feet South and 2,994.46 feet East, thence running by azimuths measured clockwise from true South:**

- 1. 333° 25' 30" 16.77 feet along Lot 91 (Map 150) of Land Court Application 1074;**
- 2. 64° 13' 13.10 feet;**
- 3. 154° 14' 6.94 feet;**
- 4. 68° 01' 31.10 feet;**
- 5. 160° 10' 10.00 feet;**
- 6. Thence along the Southwest side of Waiwai Loop, on a curve to the left with a radius of 403.00 feet, the chord azimuth and distance being:  
  
247° 07' 08" 42.92 feet to the point of beginning  
and containing an area of 518 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  
May 11, 2015



**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-1-016-007 (PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-1-016-007 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-1-016-007 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate

terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

- 5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMK 1-1-016-007 (por.)

**PARCEL 306**

Being Portions of Lot 92 and 93

As Shown on Map 150 of Land Court Application 1074

Situate at Moanalua, Honolulu, Island of Oahu, Hawaii

Beginning at the West 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 11,206.64 feet South and 2,801.13 feet East, thence running by azimuths measured clockwise from true South:

1. 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:  

258° 14' 55"      197.47
2. 333° 25' 30"      84.17 feet along Lot 91 (Map 150) of Land Court Application 1074;
3. Thence along the Remainder of Parcel 306, on a curve to the right with a radius of 2,250.00 feet, the chord azimuth and distance being:  

97° 55' 41"      89.42 feet;
4. 99° 04'      144.23 feet along the Remainder of Parcel 306 to the point of beginning and containing an area of 6,567 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  
May 11, 2015



**Remainder of PARCEL 306**  
**Being Portions of Lot 92 and 93**  
**As Shown on Map 150 of Land Court Application 1074**

Situate at Moanalu, 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 11,206.60 feet South and 2,800.15 feet East, thence running by azimuths measured clockwise from true South:

1. 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:  

272° 30' 02"      0.99 feet;
2. 279° 04'      144.23 feet along Parcel 306;
3. Thence along Parcel 306, on a curve to the left with a radius of 2,250.00 feet, the chord azimuth and distance being:  

277° 55' 41"      89.42 feet;
4. 333° 25' 30"      161.77 feet along Lot 91 (Map 150) of Land Court Application 1074;
5. 44° 40'      73.40 feet along Keehi Lagoon Beach Park, Exec. Ord. No. 1561;
6. 71° 10' 30"      263.80 feet along Keehi Lagoon Beach Park, Exec. Ord. No. 1561;
7. 179° 27'      317.10 feet along Lot 94 (Map 150) of Land Court Application 1074 to the point of beginning and containing an area of 67,668 Square Feet, more or less.

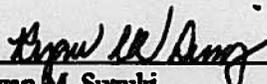
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R. M. TOWILL CORPORATION

Description prepared by:

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

2024 North King Street, Suite 200  
Honolulu, Hawaii 96819  
May 11, 2015



**EASEMENT A**  
**For Electrical Purposes**  
**Being a Portion of Lot 93**  
**As Shown on Map 150 of Land Court Application 1074**

**Situate at Moanalu, Honolulu, Island of Oahu, Hawaii**

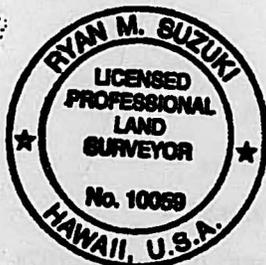
Beginning at the Northeast corner of this easement, along the Southeast side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 11,166.42 feet South and 2,994.46 feet East, thence running by azimuths measured clockwise from true South:

- |    |              |       |   |
|----|--------------|-------|---|
| 1. | 333° 25' 30" | 16.77 | feet along Lot 91 (Map 150) of Land Court Application 1074; |
| 2. | 64° 13'      | 13.10 | feet;   |
| 3. | 154° 14'     | 6.94  | feet;   |
| 4. | 68° 01'      | 31.10 | feet;   |
| 5. | 160° 10'     | 10.00 | feet;   |

6. Thence along the Southwest side of Waiwai Loop, on a curve to the left with a radius of 403.00 feet, the chord azimuth and distance being:

247° 07' 08"      42.92 feet to the point of beginning  
and containing an area of 518 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  
May 11, 2015



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-29 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-1-016-007 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Elizabeth Scanlon  Morris Atta	<b>DATE:</b> 6/25/2015
--	---	---------------------------

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 Key 1-1-016-007, and situated at 2656 and 2660 Waiwai Loop, Honolulu, Hawaii, 96819, which is required for guideway and electrical purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 6,567 square-foot portion is required, is on the critical path for successful completion of the Airport Section of the H RTP. The property is owned by Watumull Enterprises, Ltd.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 1-1-016-007) was designated as a partial take 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 the portion would have on the remainder of the property.

- An Offer was delivered on 5/4/2015. 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**

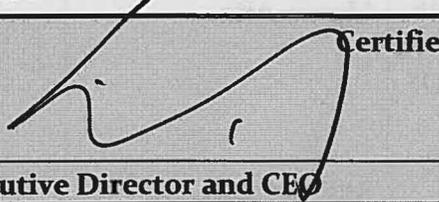
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 5/4/2015

Exhibit 2 – Appraisal Summary from John Child & Company dated 3/17/2015

Certified and Recommended by:



Executive Director and CEO

6/18/15  
Date

RL 1935



IN REPLY REFER TO:  
CMS-APOOROW-00861

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

May 4, 2015

*h/k Kong*  
 Received  
 Steven Kong 5/4/15  
 Print Name Date

BOARD OF DIRECTORS

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  
Kestie W.K. Hui  
Damien T.K. Kim  
Carrie K.S. Okinaga, Esq.

Mr. Rajun Watumull  
Watumull Enterprises, Ltd.  
c/o Bradley R. Pulice  
700 Bishop Street, Suite 2100  
Honolulu, Hawaii 96813

Attention: Mr. Bradley R. Pulice

Dear Mr. Watumull:

Subject: Honolulu Rail Transit Project (H RTP)  
2656 and 2660 Waiwai Loop  
Parcel 306: Tax Map Key (TMK) 1-1-016-007 (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 1-1-016-007 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 6,567 square-feet, in fee simple, free and clear of all liens and encumbrances to be used for guideway and electrical purposes, as shown colored in red on the enclosed map.

The total offer for acquiring the interest in your property is **\$1,600,000** (One Million Six Hundred Thousand Dollars). HART will pay costs incidental to closing escrow for this transaction 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 **June 3, 2015**. The remaining copy is for your file. Enclosed for your information are the Appraisal Summary Statement and General Acquisition & Relocation Information Brochure.

Mr. Rajun Watumull  
Page 2  
May 4, 2015

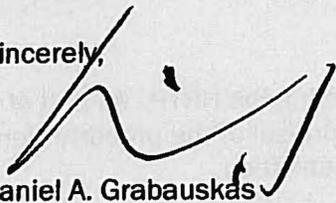
Also enclosed is a draft Possession and Use Agreement for your review, consideration, and to be further discussed with your acquisition agent. The Possession and Use Agreement is intended to provide you early access to most of the purchase price of this acquisition subject to HART being provided access to the portion of your property required for construction of the HRTP 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 to you.

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

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

WATUMULL ENTERPRISES, LTD.

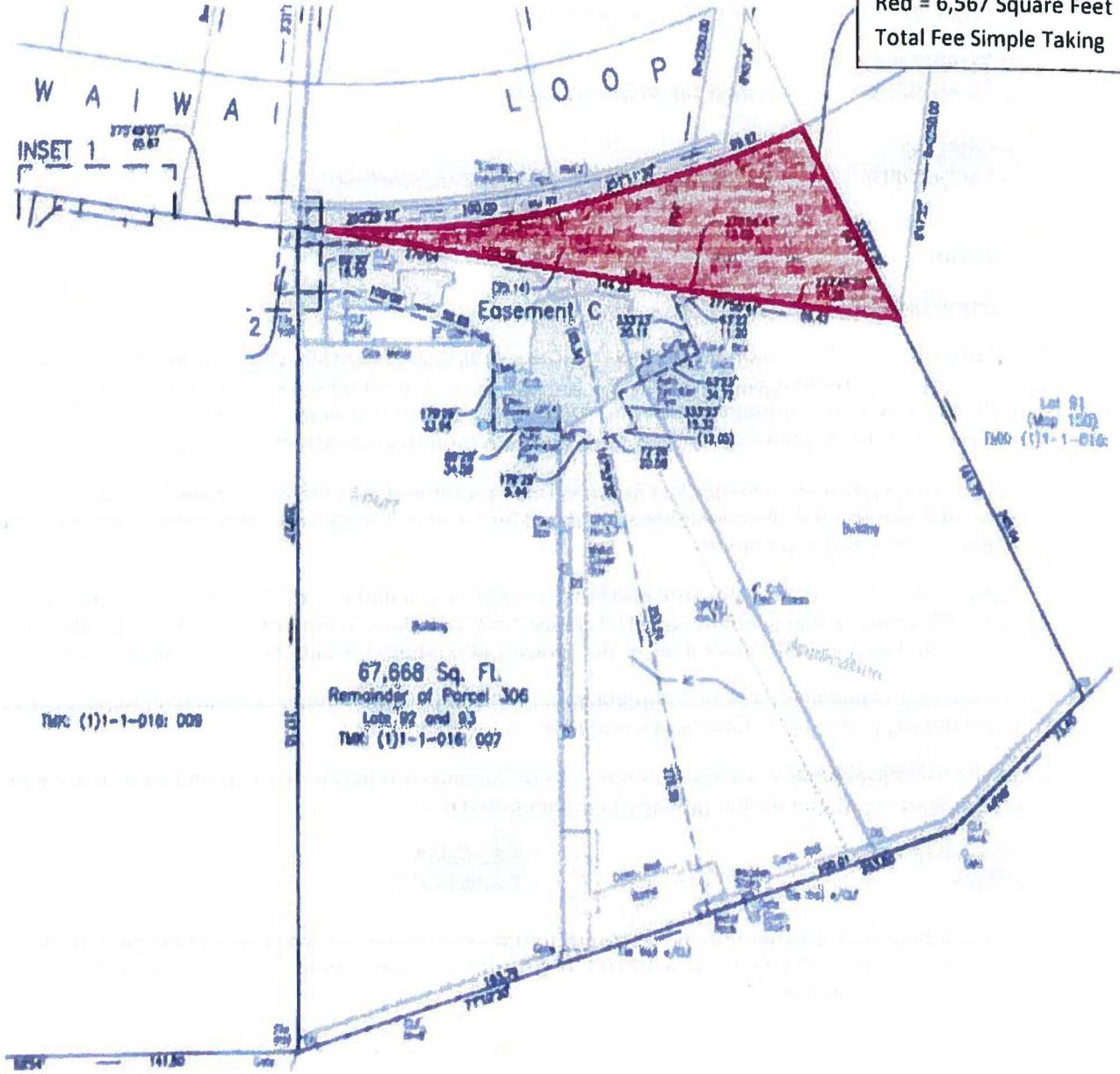
By \_\_\_\_\_  
Its

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

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

PARCEL MAP EXHIBIT  
TMK 1-1-016-007 (Portion)

Red = 6,567 Square Feet  
Total Fee Simple Taking



### STATEMENT OF JUST COMPENSATION

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 2656 and 2660 Waiwai Loop, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-1-016-007 (Portion)  
**OWNER(S):** Watumull Enterprises, Ltd.  
**INTEREST TO BE ACQUIRED:** Partial Fee Simple Take  
**PARCEL TO BE ACQUIRED:** Partial Fee Taking of +/- 6,567 square feet  
**ZONING:** IMX-1  
**IMPROVEMENTS:** None

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Partial Fee Taking	<u>\$1,600,000</u>
<b>TOTAL:</b>	<b>\$1,600,000</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



Morris M. Atta  
Deputy Director of Right-of-Way

**APPRAISAL SUMMARY STATEMENT**

**PROJECT** HONOLULU RAIL TRANSIT PROJECT (HRTP)  
**ADDRESS:** 2656 and 2660 Waiwai Loop, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** 1-1-016-007 (Portion)  
**OWNER(S):** Watumull Enterprises, Ltd.  
  
**PARCEL AREA:** +/- 6,567 square feet of Partial Fee Simple Taking  
  
**PROPERTY ACQUIRED:** ALL: \_\_\_ PART: X  
  
**INTEREST TO BE ACQUIRED:** Unencumbered Fee Simple  
  
**ZONING:** IMX-1  
  
**HIGHEST & BEST USE:** Warehouse  
  
**ASSESSED VALUE (2014):** Land Value \$5,183,300  
**FOR TOTAL PARCEL** Building Value \$ 2,490,800  
  
TOTAL \$7,674,100

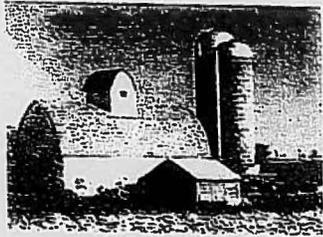
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Partial Fee Simple Taking \$1,600,000  
TOTAL \$1,600,000

The Appraisal Estimate is: \$1,600,000

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

---

Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

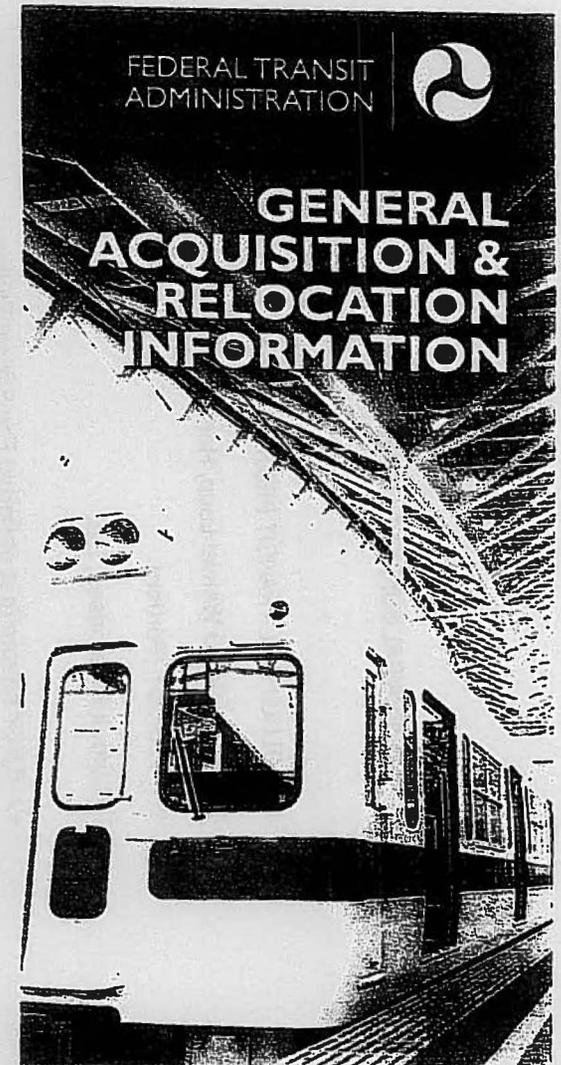
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF TRANSPORTATION   
**FEDERAL TRANSIT ADMINISTRATION**

SEE THE BACK PANEL OF THIS BROCHURE FOR



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Dorm Payment*

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL (X) PICK UP ( )

Tax Map Key No.: \_\_\_\_\_

Total Pages: [ ]

**RIGHT OF ENTRY, POSSESSION AND USE AGREEMENT**

THIS RIGHT OF ENTRY, POSSESSION AND USE AGREEMENT (the "Agreement") is dated \_\_\_\_\_, 2014, and entered into by and between the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, whose business and mailing address is 1099 Alakea Street, Suite 1700, Honolulu, Hawaii 96813, and \_\_\_\_\_, whose mailing address is \_\_\_\_\_ ([collectively, "GRANTOR"]). HART and GRANTOR are collectively referred to as the "Parties," and individually, a "Party," all as governed by the context in which such words are used.

**WITNESSETH THAT:**

WHEREAS, GRANTOR is the owner of the real property located at \_\_\_\_\_ Honolulu, Hawaii \_\_\_\_\_, and legally described in the attached Exhibit "A" (the "Property");

WHEREAS, although HART is seeking to acquire the Property for the construction and operation of the Honolulu Rail Transit Project (the "Project"), the acquisition of [an easement over] the Property is pending;

WHEREAS, HART requires immediate possession and use of the Property to construct the Project;

WHEREAS, HART and GRANTOR agree that any delay in the start of construction of the Project is contrary to the public interest;

WHEREAS, the purpose of this Agreement is to allow HART to proceed with construction of the Project without delay; and

WHEREAS, pursuant to Hawaii Revised Statutes ("HRS") § 101-3, GRANTOR agrees to grant HART an irrevocable right to entry, possession and use of the Property on the terms and conditions set forth below;

### AGREEMENT

NOW, THEREFORE, in consideration of the sum to be paid to GRANTOR which is set forth in Section 2 below, and in consideration of the foregoing recitals, which are incorporated herein by reference, and the mutual promises, covenants, terms, conditions and restrictions contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, HART and GRANTOR hereby agree as follows:

1. Possession and Use. GRANTOR hereby irrevocably grants to HART the right of entry and exclusive possession and use of the Property for the purpose of constructing the Project and the right to remove any improvements. Authorized activities include surveying, inspection, environmental studies, archaeological studies and mitigation measures, clearing, demolition, construction of permanent improvements, relocating, replacing, and improving existing utility facilities, locating new utility facilities, and other work required to be performed in connection with the Project. This Agreement will extend to HART, its contractors and assigns, owners of any existing utilities on the Property and those who may be lawfully permitted on the Property by HART in the future, and all others deemed necessary by HART for the purpose of the Project. This grant will allow the construction, relocation, replacement, repair, improvement, operation and maintenance of utilities on the Property.

2. Payment. In full consideration for this irrevocable grant of entry, possession and use and other GRANTOR covenants, warranties, and obligations under this Agreement, HART will tender to GRANTOR the sum of \_\_\_\_\_ AND NO/100 DOLLARS (\$\_\_\_\_\_). GRANTOR agrees that this sum represents adequate and full compensation for the possession and use of the Property. HART will be entitled to enter, take possession and use the Property upon tender of payment. The Parties agree that the sum tendered represents \_\_\_\_\_ percent of HART's approved appraisal of the fair market value of the Property, which assumes no adverse environmental conditions affecting the value of the Property. The approved appraised value is HART's determination of the just compensation owed to GRANTOR for the real property interest to be acquired by HART in the Property, encumbered with the improvements thereon, if any, and damages to the remainder of GRANTOR's interest in any larger tract of which the Property is a part (the "Remainder"), if any. The Parties agree that the sum tendered to GRANTOR will be deducted from any final settlement amount voluntarily negotiated by the Parties or from any court judgment. In the event the amount of the final settlement or judgment for acquisition of [an easement over] the Property is less than the amount HART has paid for the possession and use of the Property, then GRANTOR agrees that the original amount tendered represents an overpayment for the difference and, upon written notice from HART, GRANTOR will promptly refund the overpayment to HART.

3. Term. The effective date of this Agreement will be the date on which payment pursuant to Section 2 above is tendered to GRANTOR by HART, or disbursed to GRANTOR by a title company acting as escrow agent for the transaction (the "Effective Date"). This Agreement shall continue to remain in effect until [an easement over] the Property is acquired either by negotiation or final court judgment.

4. Warranties. GRANTOR warrants and represents that the title to the Property is free and clear of all liens and encumbrances or that proper releases will be executed for the Property prior to funds being disbursed under this Agreement. GRANTOR further warrants that GRANTOR has the full right and authority to enter into this Agreement and grant HART the rights described, and that no other person or entity owns an interest in the fee title to the Property and further agrees to indemnify HART from all unreleased or undisclosed liens, claims or encumbrances affecting the Property.

5. Valuation Date. The Parties agree that the valuation date for determining the amount of just compensation for the real property interest proposed to be acquired in the Property, for negotiation or eminent domain proceeding purposes, will be the Effective Date of this Agreement.

6. Acquisition of [an Easement over] the Property. HART and GRANTOR agree that HART will acquire [an easement over] the Property, in the name of the City and County of Honolulu, either by negotiated settlement by the Parties or by condemnation and that this Agreement is made pursuant to HRS § 101-3. GRANTOR reserves all rights of compensation for the title and interest in and to the Property which GRANTOR holds as of the time immediately prior to the Effective Date of this Agreement. This Agreement shall in no way prejudice GRANTOR's rights to receive full and just compensation as allowed by law for all of GRANTOR's interests in and to the Property to be acquired by HART, encumbered with the improvements thereon, if any, and damages, if any, to the Remainder, if any; all as the Property exists on the Effective Date of this Agreement. HART's removal or construction of improvements on the Property shall in no way affect the fair market value of the Property in determining compensation due to GRANTOR in the eminent domain proceedings, if any. There will be no project impact upon the appraised value of the Property. This grant will not prejudice GRANTOR's rights to any relocation benefits for which GRANTOR may be eligible.

- a. Acquisition [of an Easement] by Negotiated Settlement. In the event [an easement over] the Property is acquired by negotiated settlement by the Parties, HART will not be liable to GRANTOR for interest upon the negotiated settlement amount, except as provided by HRS § 101-3. Payment of any interest will be on the difference between the amount of the payment in Section 2 above and the amount of the negotiated settlement.
- b. Acquisition [of an Easement] by Condemnation. In the event HART institutes or has instituted eminent domain proceedings to acquire [an easement over] the Property, HART will not be liable to GRANTOR for interest, including blight of summons damages, upon any award or judgment as a result of such proceedings,

except as provided by HRS § 101-3. Payment of any interest, including blight of summons damages, will be on the difference between the amount of the payment in Section 2 above and the amount of the judgment.

7. Non-Transferability. GRANTOR shall not assign, sell, encumber, or otherwise transfer all or any portion of the Property without first obtaining HART's written consent.

8. Public Purpose of the Project. The purpose of this Agreement is to allow HART to proceed with its Project without delay and to allow GRANTOR to have the use, at this time, of a percentage of the estimated compensation for HART's acquisition of a real property interest in the Property. GRANTOR expressly acknowledges that the proposed Project is for a valid public use and voluntarily waives any right GRANTOR has or may have, known or unknown, to contest the jurisdiction of the court in any condemnation proceeding for acquisition of [an easement over] the Property related to the Project, based upon claims that the condemning authority has no authority to acquire the Property through eminent domain, has no valid public use for the Property, or that acquisition of [an easement over] the Property is not necessary for the public use.

9. Parties' Intent to Be Bound. HART and GRANTOR intend that this Agreement, including, without limitation, the right of entry, possession and use provisions set forth above, constitutes a binding contract. In particular in this regard, GRANTOR acknowledges and agrees that it is important for HART to have assurances that the Project may be constructed in a timely manner, and that the rights granted to HART in this Agreement are crucial to the Project's success. In the event of any dispute concerning the right of entry, possession and use provisions set forth above, GRANTOR and HART agree that monetary damages will not be adequate to make them whole, and intend for the terms of such right of entry, possession and use provisions to be specifically enforceable.

10. Entire Agreement. This Agreement reflects the entire agreement between the Parties and shall supersede all prior or contemporaneous oral or written understandings, statements, representations or promises between the Parties concerning the matters contained herein.

11. Governing Law. This Agreement is made and entered into in the State of Hawaii, and shall in all respects be interpreted, enforced and governed under the laws of said state. The language of all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning and not strictly for or against any of the Parties.

12. Successors in Interest. This Agreement shall be binding upon and inure to the benefit of the heirs, devisees, successors in trust, personal representatives, successors and assigns of the Parties.

13. Understanding of Agreement. This Agreement has been negotiated in good faith and each Party warrants and represents that in executing this Agreement, they are not relying upon any representation, promise, inducement or statement made in negotiation that has not been included in the terms of this Agreement.

14. Fees and Costs. Each Party shall bear its own costs and attorneys' fees incurred in connection with negotiating the matters described in this Agreement.

15. Severability. In case any part, term, portion or provision of this Agreement is determined to be illegal, invalid or unenforceable, the remaining parts, terms, portions and provisions shall remain valid, enforceable, and in full force and effect.

16. Amendment to Agreement. This Agreement may only be amended by written agreement, executed by the Parties.

17. Recordation of Agreement. It is agreed HART will record this document.

18. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, HART and GRANTOR have executed this Agreement.

"HART"

"GRANTOR"

HONOLULU AUTHORITY FOR RAPID  
TRANSPORTATION

\_\_\_\_\_  
By: Daniel A. Grabauskas  
Its: Executive Director and CEO

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Morris M. Atta  
Deputy Director, Right-of-Way

APPROVED AS TO FORM AND  
LEGALITY:

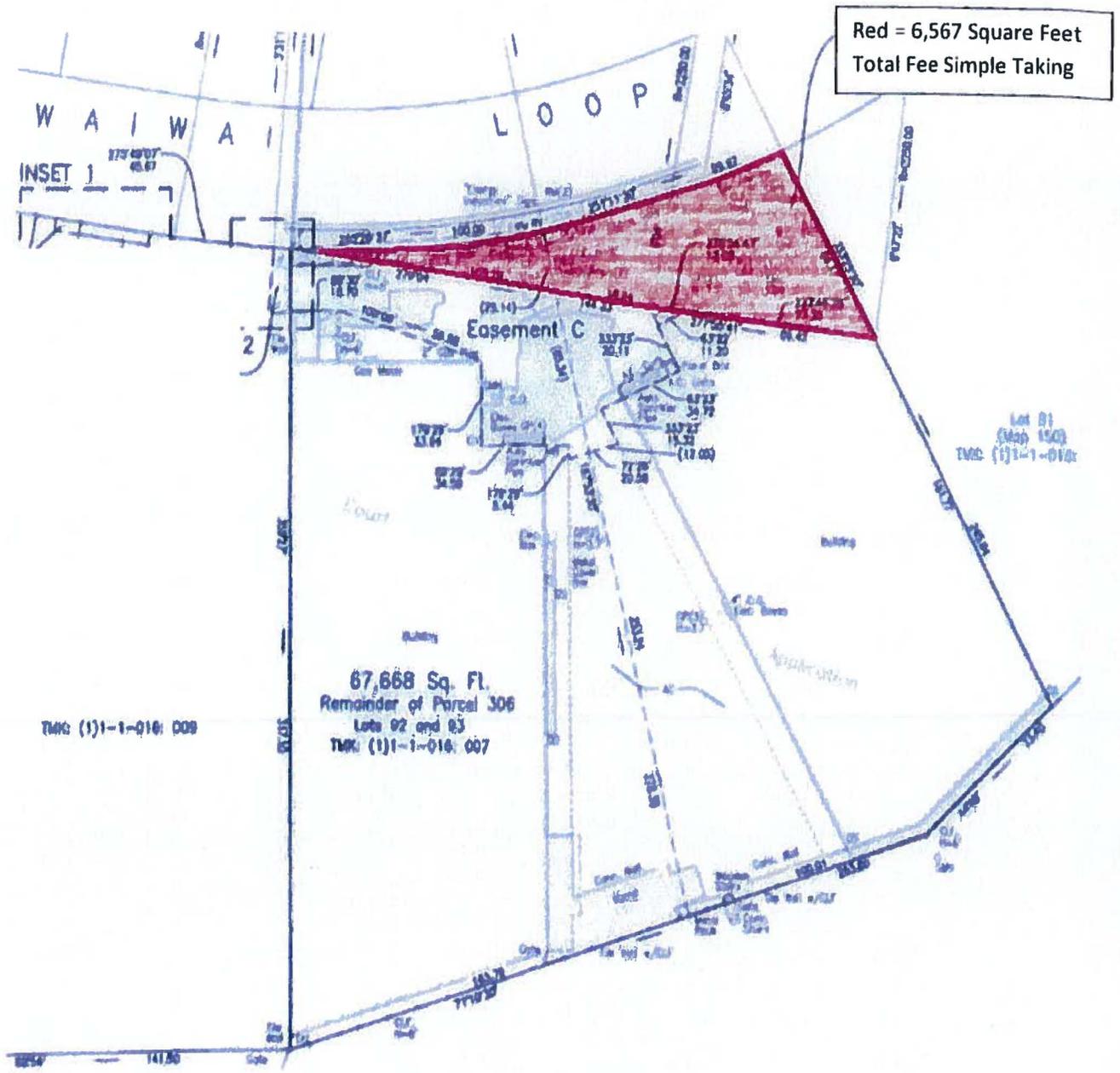
\_\_\_\_\_  
Deputy Corporation Counsel

[Add notary pages]

STATE OF TEXAS  
COUNTY OF [illegible]

[illegible text]

PARCEL MAP EXHIBIT  
TMK 1-1-016-007 (Portion)



## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

<b>Print or type See Specific Instructions on page 2.</b>	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶ _____	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
	List account number(s) here (optional)	

<b>Part I Taxpayer Identification Number (TIN)</b>									
Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;"><b>Social security number</b></td> </tr> <tr> <td style="text-align: center;">[ ] [ ] [ ] - [ ] [ ] - [ ] [ ] [ ] [ ]</td> <td></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;"><b>Employer identification number</b></td> </tr> <tr> <td style="text-align: center;">[ ] [ ] - [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]</td> <td></td> </tr> </table>	<b>Social security number</b>		[ ] [ ] [ ] - [ ] [ ] - [ ] [ ] [ ] [ ]		<b>Employer identification number</b>		[ ] [ ] - [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]	
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<b>Employer identification number</b>									
[ ] [ ] - [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]									
<b>Note.</b> If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.									

<b>Part II Certification</b>	
Under penalties of perjury, I certify that:	
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and 3. I am a U.S. citizen or other U.S. person (defined below).	
<b>Certification Instructions.</b> You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.	
<b>Sign Here</b>	Signature of U.S. person ▶ _____
	Date ▶ _____

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA) name" on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

### Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

### Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

### Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>3</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3408, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



**JOHN CHILD & COMPANY**  
APPRAISERS & CONSULTANTS

March 17, 2015

City and County of Honolulu  
Honolulu Authority for Rapid Transportation  
c/o Mr. Mike Brown  
Senior Acquisition Agent  
1099 Alakea Street, Suite 2150  
Honolulu, Hawaii 96813

Karen Char, MAI, CRE  
Paul D. Cool, MAI, CRE  
Shelly H. Tanaka, MAI  
Elizabeth Tang

Dear Mr. Brown:

**Re: Partial Acquisition of the Watumull Property at 2656/2660 Waiwai Loop,  
Tax Map Key (1) 1-1-016:007; PDQ 306**

At your request, John Child & Company has estimated the fair market value of a 6,567 $\frac{1}{2}$  guideway easement and a 518 $\frac{1}{2}$  electrical easement encumbering a portion of the 2656/2660 Waiwai Loop Property (Watumull Property). This letter summarizes the background and estimated value presented in the attached report.

**STUDY BACKGROUND**

The Watumull Property consists of a 74,235 $\frac{1}{2}$  (1.704-acre) industrial-zoned parcel at 2656/2660 Waiwai Loop, near the Honolulu International Airport on Oahu, Hawaii. The parcel is identified as Tax Map Key 1-1-016-007 of the First Taxation Division.

The parcel is improved with two, multi-tenant masonry and steel warehouses built in 1974. The buildings include a total 45,186 $\frac{1}{2}$  of ground floor warehouse space, plus mezzanine and second floor office space.

Watumull Enterprises, Ltd. owns the fee simple interest in the property and has leased the property to five different tenants. The adjacent property owner, SCI Corporation, has an agreement to purchase the fee simple interest in the property for \$16,500,000.

Honolulu Authority for Rapid Transportation (HART), a semi-autonomous public transit authority, has retained Paragon Partners Ltd. as its consultant for the Honolulu Rail Transit Project (HRTTP). The HRTTP requires an acquisition of a guideway easement that will encumber a 6,567 $\frac{1}{2}$  triangular-shaped portion of the property along Waiwai Loop. A 518 $\frac{1}{2}$  electrical easement is also required. The electrical easement is located within the guideway easement area.

Vehicular and pedestrian access will be allowed within the guideway easement. However, the following uses are specifically prohibited:

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
March 17, 2015  
Page 2



- Permanent or temporary structures
- Fencing and gates
- Underground features (utilities and structures) – except for existing utility services
- Storage of materials
- Parking.

The guideway easement will bisect a major portion of warehouse Bay A-1. As a result, Bay A-1 will have to be demolished, and a new exterior wall will be constructed.

Twelve parking stalls within the guideway easement area will also be eliminated. Seven stalls are used exclusively by Bay A-1 and do not need to be replaced because Bay A-1 will be demolished. Five parking stalls used by the remaining tenants can be relocated in order to maintain current parking ratios.

HART will reimburse the property owner for its costs to demolish Bay A-1, reconstruct an exterior wall, and relocate all necessary utilities servicing the property (e.g., fire sprinkler main). HART will also patch and pave former building areas for on-grade driveway and parking purposes.

The 518<sup>sq</sup> electrical easement is required for a pad-mounted transformer. The electrical easement will be located at the northeast corner of the site and entirely within the guideway easement.

John Child & Company previously estimated the fair market value of the 6,567<sup>sq</sup> guideway easement as of July 1, 2013 to be \$1,100,000 before demolition and remediation costs. The Summary Appraisal Report dated August 15, 2013 and Supplemental Addendum dated September 16, 2013 are incorporated herein by reference and collectively referred to as the "2013 Appraisal."

At the direction of HART, the 2013 Appraisal assumed the guideway easement area could be secured and used for driveway access, open storage and parking. HART requires an updated appraisal of the easement based on current market conditions, and based on the revised assumption that parking and open storage will not be allowed within the easement area. In this regard, you asked us to assist you.

#### **STUDY OBJECTIVE**

The objective of our assistance is to estimate the fair market value of the partial taking that includes a 6,567<sup>sq</sup> guideway easement and 518<sup>sq</sup> electrical easement that will encumber a portion of the Watumull Property.

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
March 17, 2015  
Page 3



#### **INTENDED USE AND USERS**

Our assistance is intended to be used by HART, Paragon Partners Ltd. (Paragon Partners), and the U.S. Department of Transportation Federal Transit Administration (FTA) in connection with the HHCTCP.

As a result, our assistance is intended for the sole and exclusive use of HART (Client), Paragon Partners, and the FTA. The Client has agreed that our assistance is not intended for any other purpose or users and is not to be relied upon by any third parties for any purpose, whatsoever.

#### **DATE OF PROPERTY VISIT**

The property was visited on October 29, 2014. The property manager, Mr. Ron Barron, accompanied the appraiser on behalf of Watumull Enterprises, Ltd., the current property owner.

#### **EFFECTIVE DATE OF APPRAISAL**

The effective date of appraisal is March 10, 2015.

The valuation assumes property conditions did not change materially between the October 29, 2014 property visit and March 10, 2015 effective date of appraisal.

#### **DATE OF REPORT**

The date of this report is March 17, 2015.

#### **REPORT FORMAT**

The appraisal assignment is presented in an Appraisal Report intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice.

The report contains summary discussions of the data, reasoning, and analyses used to estimate the market value of the property. Any data, reasoning, and analyses not presented in the Appraisal Report are available in our workfile.



## **DEFINITIONS OF TERMS**

Terms used in this report are defined in the Appraisal Institute's, **The Dictionary of Real Estate Appraisal**, Fifth Edition, unless otherwise footnoted.

### **Fair Market Value**

"Fair market value" has the same meaning as "market value."

Market value means the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal. [1]

### **Fee Simple Interest**

"Fee simple interest" is the same as "fee simple estate."

Fee simple estate is defined as absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

### **Easement in Gross**

An easement is the right to use another's land for a stated purpose.

An easement in gross is an easement that benefits a legal person or entity (individual, corporation, partnership, LLC, government entity, etc.) and not a particular tract of land; an easement having a servient estate but no dominant estate.

The Watumull Property is the servient estate.

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[1] Interagency Land Acquisition Conference, **Uniform Appraisal Standards for Federal Land Acquisitions**, 2000.



## ASSUMPTION OF HYPOTHETICAL CONDITIONS

A hypothetical condition is that which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of the data used in an analysis.[1]

This report is subject to the following hypothetical conditions.

### Valuation Assumes No Impact of H RTP

Section 24.103(b) of the Code of Federal Regulation (CFR) states:

“The appraiser shall disregard any decrease or increase in the market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.”

Therefore, the estimated value of the taking is based on the hypothetical condition that the property is not impacted by the rail project as of the date of valuation.

### Value of the “After Property”

The value of the taking is estimated using the *before* and *after* method of valuation, described as follows:

$$\begin{array}{r} \text{Fair market value of the “before property”} \\ - \text{Fair market value of the “after property”} \\ \hline = \text{Fair market value of the taking (difference in value)} \end{array}$$

The value of the “after property” is based on the hypothetical conditions that:

1. The property is encumbered by the 6,567<sup>sq</sup>ft guideway easement and 518<sup>sq</sup>ft electrical easement, as shown on the October 29, 2014 Acquisition Parcel Map included in Addendum 3.

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[1] Appraisal Institute's, **The Dictionary of Real Estate Appraisal**, Fifth Edition,



2. Bay A-1 has been demolished and the property has been remediated as described in the Demolition Plan included in Addendum 4.

#### **Valuation Assumes Fee Simple Interest**

The property is encumbered by various tenant leases. At the direction of HART, the valuation of the easement is based on the hypothetical condition that the property is unencumbered by the various tenant leases.

The assumption of these hypothetical conditions has an effect on the value of the taking.

#### **EXTRAORDINARY ASSUMPTIONS**

An extraordinary assumption is an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis. [1]

The report is based on the following extraordinary assumptions:

- The proposed guideway easement will encompass portions of the parcel's driveways. The estimated values are based on the extraordinary assumption that ingress and egress to the remainder parcel will not be affected.
- The valuation also assumes property conditions did not change materially between the October 29, 2014 property visit and March 10, 2015 effective date of appraisal.

#### **STUDY CONDITIONS**

This report is subject to the study conditions included in Section I of the accompanying report.

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[1] Appraisal Institute, **The Dictionary of Real Estate Appraisal**, Fifth Edition.

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
March 17, 2015  
Page 7



**ESTIMATED FAIR MARKET VALUE**

The fair market value of the partial taking is estimated using the before and after method of valuation. The before and after method accounts for severance damages to the remainder property.

Based on the hypothetical condition, valuation assumptions, and analyses presented in the accompanying report, the fair market value of the partial taking that includes a 6,567 $\overline{7}$  guideway easement and 518 $\overline{7}$  electrical easement that will encumber a portion of the Watumull Property is estimated to be:

**ONE MILLION SIX HUNDRED THOUSAND DOLLARS**  
**\$1,600,000.**

The estimated fair market value is of the real estate only. An inventory of the personal property is included in Addendum 5.

The estimated fair market value assumes HART will pay for, or reimburse the property owner for, the costs to remediate the property as described in the Demolition Cost to Cure Plan included in Addendum 4.

\* \* \* \* \*

We appreciate the opportunity to assist you on this interesting assignment. Please contact us if you have any questions.

Sincerely,  
JOHN CHILD & COMPANY, INC.

Shelly H. Tanaka, MAI  
Vice President  
Certified General Appraiser License No. 648  
State of Hawaii  
Expires December 31, 2015

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-31**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-5-015-005 (PORTION) and 1-5-015-001 (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) 1-5-015-005 (por.) and 1-5-015-001 (por.) 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 1-5-015-005 (por.) and 1-5-015-001 (por.); 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 1-5-015-005 (por.) and 1-5-015-001 (por.)  
Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of the Real  
Property Identified as Tax Map Keys 1-5-015-005 (por.) and 1-5-015-  
001 (portions) by Eminent Domain

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

ATTEST:

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

## HONOLULU RAIL TRANSIT PROJECT

## PARCEL 432-A

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

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 431 of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,548.09 feet North and 6,525.57 feet West thence running by azimuths measured clockwise from true South:

- |    |          |       |      |  |
|----|----------|-------|------|--|
| 1. | 302° 04' | 77.54 | feet | along the South side of<br>Dillingham Boulevard;                         |
| 2. | 32° 04'  | 6.24  | feet | along Parcel 432-B of the<br>Honolulu Rail Transit Project;              |
| 3. | 122° 04' | 45.59 | feet | along Remainder of Parcel 432-<br>A of Honolulu Rail Transit<br>Project; |

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

- |    |          |       |                  |
|----|----------|-------|------------------|
| 4. | 84° 13'  | 24.54 | feet;            |
| 5. | 70° 21'  | 6.38  | feet along same; |
| 6. | 122° 04' | 4.17  | feet along same; |
| 7. | 212° 04' | 20.07 | feet along same; |
| 8. | 122° 04' | 4.44  | feet along same; |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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

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

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 005  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 432-A.docx



**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 432-A**

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

Situate at Kuwili, Honolulu, Oahu, Hawaii

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

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



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

CIVIL ENGINEERS • SURVEYORS  
1871 WILI PA LOOP, SUITE A

501 SUMNER STREET, SUITE 521

100 PAJAHAI STREET, SUITE 207

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

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

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

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

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



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

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

Honolulu, Hawaii  
June 16, 2015

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**HONOLULU RAIL TRANSIT PROJECT**

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

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

**Situate at Kuwili, Honolulu, Oahu, Hawaii**

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

- |    |          |       |       |   |
|----|----------|-------|-------|---|
| 1. | 32° 04'  | 3.32  | feet  | along Remainder of Parcel 432-B of the Honolulu Rail Transit Project;   |
| 2. | 122° 04' | 48.19 | feet  | along remainder of Remainder of Parcel 432-A of the Honolulu Rail Transit Project;                            |
| 3. | 32° 04'  | 16.74 | feet  | along same;   |
| 4. | 122° 04' | 20.73 | feet  | along same;   |
| 5. | 250° 21' | 6.38  | feet  | along Parcel 432-A of the Honolulu Rail Transit Project;  |
|    |          |       |       | Thence along same, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being: |
| 6. | 264° 13' | 24.54 | feet; |   |



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

7. 302° 04'

45.59 feet along same to the point of beginning and containing an area of 431 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

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

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**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 432-B**

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

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 432-A of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,506.93 feet North and 6,459.87 feet West thence running by azimuths measured clockwise from true South:

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

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

2. 321° 31' 40" 18.74 feet;

3. 122° 04' 144.20 feet along Remainder of Parcel 432-B of Honolulu Rail Transit Project;



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CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILU PA LOOP, SUITE A

100 PALIAHI STREET, SUITE 207

4. 212° 04'

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

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

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

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



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

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

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

Honolulu, Hawaii  
June 16, 2015

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

**REMAINDER OF PARCEL 432-B**

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

Situate at Kuwili, Honolulu, Oahu, Hawaii

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

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

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

2. 316° 33' 28.5" 143.32 feet;

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

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



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

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS  
1871 WILJ PA LOOP, SUITE A

100 PALIAHI STREET, SUITE 207

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

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

Subject to the following:

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

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**HONOLULU RAIL TRANSIT PROJECT**

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

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

**Situate at Kuwili, Honolulu, Oahu, Hawaii**

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

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

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

**2. 320° 38' 04" 10.42 feet;**

**3. 122° 04' 154.07 feet along remainder of Remainder of Parcel 432-B of the Honolulu Rail Transit Project;**



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

601 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS  
1871 WILI PA LOOP, SUITE A

100 PAUHI STREET, SUITE 207

4. 212° 04'

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 001 (Portion)  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 432 - Easement B.docx



HONOLULU RAIL TRANSIT PROJECT

PARCEL 432-C

Being a portion of Land Court Application 904

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 432-B of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,439.75 feet North and 6,352.64 feet West thence running by azimuths measured clockwise from true South:

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

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

2. 300° 46' 45" 34.12 feet;

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

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

4. 119° 44' 58" 63.24 feet;

5. 122° 04' 166.75 feet along same;

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

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

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

Honolulu, Hawaii  
June 16, 2015

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

REMAINDER OF PARCEL 432-C

Being a portion of Land Court Application 904

Situate at Kuwili, Honolulu, Oahu, Hawaii

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

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

Thence along Lot 14-B (Map 14) of Land Court Application 1758 and Remainder of Parcel 432-B of the Honolulu Rail Transit Project, on a curve to the right with a radius of 935.00 feet, the chord azimuth and distance being:



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

801 SUMNER STREET, SUITE 921

CIVIL ENGINEERS • SURVEYORS  
1871 WILI PA LOOP, SUITE A

100 PAUANI STREET, SUITE 207

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

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

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

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



*Erik S. Kaneshiro*

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

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

Honolulu, Hawaii  
June 16, 2015

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

EASEMENT C  
(FOR TEMPORARY CONSTRUCTION PURPOSES)

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

Situate at Kuwili, Honolulu, Oahu, Hawaii

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

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

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

2. 299° 44' 58" 63.24 feet;

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

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

4. 119° 18' 55" 57.51 feet;

5. 121° 25' 7.32 feet along same;

6. 212° 04' 0.71 feet along same;

7. 122° 04' 158.65 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILJ PA LOOP, SUITE A

100 PAUANI STREET, SUITE 207

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

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 06/16

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

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

Honolulu, Hawaii  
June 16, 2015

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

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEYS 1-5-015-005 (PORTION) and 1-5-015-001 (PORTION)  
BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Keys (TMKS) 1-5-015-005 (por.) and 1-5-015-001 (por.) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMKS 1-5-015-005 (por.) and 1-5-015-001 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and

4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and
5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

Exhibit A – Legal Description of TMKS 1-5-015-005 (por.) and 1-5-015-001 (por.)

**HONOLULU RAIL TRANSIT PROJECT****PARCEL 432-A**

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

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 431 of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,548.09 feet North and 6,525.57 feet West thence running by azimuths measured clockwise from true South:

- |    |          |       |      |   |
|----|----------|-------|------|---|
| 1. | 302° 04' | 77.54 | feet | along the South side of Dillingham Boulevard;                     |
| 2. | 32° 04'  | 6.24  | feet | along Parcel 432-B of the Honolulu Rail Transit Project;          |
| 3. | 122° 04' | 45.59 | feet | along Remainder of Parcel 432-A of Honolulu Rail Transit Project; |

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

- |    |          |       |                  |
|----|----------|-------|------------------|
| 4. | 84° 13'  | 24.54 | feet;            |
| 5. | 70° 21'  | 6.38  | feet along same; |
| 6. | 122° 04' | 4.17  | feet along same; |
| 7. | 212° 04' | 20.07 | feet along same; |
| 8. | 122° 04' | 4.44  | feet along same; |



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

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

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

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

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



*Erik S. Kaneshiro* 5/16

ERIK S. KANESHIRO

Licensed Professional Land Surveyor  
Certificate No. 9826

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 005  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 432-A.docx



**HONOLULU RAIL TRANSIT PROJECT**

**REMAINDER OF PARCEL 432-A**

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

Situate at Kuwili, Honolulu, Oahu, Hawaii

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

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



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

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

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

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

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

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



*Erik S. Kaneshiro* EXP 6/16

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 005  
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**HONOLULU RAIL TRANSIT PROJECT**

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

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

Situate at Kuwili, Honolulu, Oahu, Hawaii

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

1. 32° 04' 3.32 feet along Remainder of Parcel 432-B of the Honolulu Rail Transit Project;
2. 122° 04' 48.19 feet along remainder of Remainder of Parcel 432-A of the Honolulu Rail Transit Project;
3. 32° 04' 16.74 feet along same;
4. 122° 04' 20.73 feet along same;
5. 250° 21' 6.38 feet along Parcel 432-A of the Honolulu Rail Transit Project;  
  
Thence along same, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
6. 264° 13' 24.54 feet;



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

7. 302° 04'

45.59 feet along same to the point of beginning and containing an area of 431 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

ERIK S. KANESHIRO

Licensed Professional Land Surveyor  
Certificate No. 9826

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

Honolulu, Hawaii

June 16, 2015

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

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**HONOLULU RAIL TRANSIT PROJECT**

**PARCEL 432-B**

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

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 432-A of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,506.93 feet North and 6,459.87 feet West thence running by azimuths measured clockwise from true South:

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

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

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



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

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS  
1871 WILI PA LOOP, SUITE A

100 PALAHI STREET, SUITE 207

4. 212° 04' 6.24 feet along Parcel 432-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 845 Square Feet.

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

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

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



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

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

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

Honolulu, Hawaii  
June 16, 2015

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

**REMAINDER OF PARCEL 432-B**

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

**Situate at Kuwili, Honolulu, Oahu, Hawaii**

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

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

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

2. 316° 33' 28.5" 143.32 feet;

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

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



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

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

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

Subject to the following:

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", with a date "EXP 04/16" written to the right.

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

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

Honolulu, Hawaii  
June 16, 2015

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

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

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

**Situate at Kuwili, Honolulu, Oahu, Hawaii**

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

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

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

2. 320° 38' 04" 10.42 feet;

3. 122° 04' 154.07 feet along remainder of Remainder of Parcel 432-B of the Honolulu Rail Transit Project;



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

4. 212° 04'

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

ERIK S. KANESHIRO

Licensed Professional Land Surveyor  
Certificate No. 9826

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

Honolulu, Hawaii  
June 16, 2015

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

PARCEL 432-C

Being a portion of Land Court Application 904

Situate at Kuwili, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 432-B of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,439.75 feet North and 6,352.64 feet West thence running by azimuths measured clockwise from true South:

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

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

2. 300° 46' 45" 34.12 feet;

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

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

4. 119° 44' 58" 63.24 feet;

5. 122° 04' 166.75 feet along same;

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PALUHI STREET, SUITE 207

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

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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

ERIK S. KANESHIRO

Licensed Professional Land Surveyor  
Certificate No. 9826

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

Honolulu, Hawaii  
June 16, 2015

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

**REMAINDER OF PARCEL 432-C**

Being a portion of Land Court Application 904

Situate at Kuwili, Honolulu, Oahu, Hawaii

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

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

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

2. 299° 44' 58" 63.24 feet;

3. 350° 15' 25.97 feet along Remainder of Parcel 433-A of the Honolulu Rail Transit Project;

4. 14° 15' 5.01 feet along same;

5. 93° 30' 33.56 feet along Remainder of Parcel 433-B of the Honolulu Rail Transit Project;

6. 110° 05' 29.00 feet along same;

Thence along Lot 14-B (Map 14) of Land Court Application 1758 and Remainder of Parcel 432-B of the Honolulu Rail Transit Project, on a curve to the right with a radius of 935.00 feet, the chord azimuth and distance being:



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

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PALAHI STREET, SUITE 207

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

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

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 6/16

ERIK S. KANESHIRO

Licensed Professional Land Surveyor  
Certificate No. 9826

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 001 (Portion)  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 432-C Remainder.docx



**HONOLULU RAIL TRANSIT PROJECT**

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

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

**Situate at Kuwili, Honolulu, Oahu, Hawaii**

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

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

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

2. 299° 44' 58" 63.24 feet;

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

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

4. 119° 18' 55" 57.51 feet;

5. 121° 25' 7.32 feet along same;

6. 212° 04' 0.71 feet along same;

7. 122° 04' 158.65 feet along same;



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

**CIVIL ENGINEERS • SURVEYORS**

501 SUMNER STREET, SUITE 621

1871 WILI PA LOOP, SUITE A

100 PALUANI STREET, SUITE 207

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

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 6/16

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

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

Honolulu, Hawaii  
June 16, 2015

TMK: (1) 1-5-015: 001 (Portion)  
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 432 - Easement C.docx



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

**TITLE:**  
**RESOLUTION NO. 2015-31 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-5-015-005 PORTION) and 1-5-015-001 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN**

**STAFF CONTACT:**  
 Elizabeth Scanlon  
 Morris Atta

**DATE:**  
 6/25/2015

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 portions of Tax Map Keys 1-5-015-001 and 1-5-015-005, and situated at 735 Dillingham Boulevard, Honolulu, Hawaii, 96817, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 2,999 square-foot portion and 1,722 temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by The Harry and Jeanette Weinberg Foundation, Inc.

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

Portions of this property (Tax Map Keys 1-5-015-001 and 1-5-015-005) was designated as a partial take 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 the portion would have on the remainder of the property.

- Owner has not provided a formal response to the Offer. Owner is currently working on a 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 XVII of the Charter of the City and County of Honolulu.

**6. Public Involvement**

N/A

**7. Alternatives**

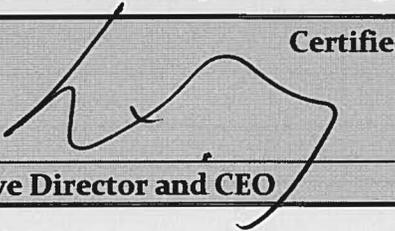
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

Exhibit 1 – Offer letter dated 2/20/2015

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 12/18/2014

Certified and Recommended by:



Executive Director and CEO

6/19/15

Date

RL 1766



IN REPLY REFER TO:  
CMS-AP00ROW-00763

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

February 20, 2015

*[Handwritten signature]*  
**Received**  
*Janna Osada* 3/4/15  
**Print Name** **Date**

*Delivered By: Jackson Magdon*

BOARD OF DIRECTORS  
Ivan M. Lui-Kwan, Esq. CHAIR  
Donald G. Horner VICE CHAIR

The Harry and Jeanette Weinberg Foundation, Inc.  
3660 Waialae Avenue, Suite 400  
Honolulu, Hawaii 96816

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.

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)  
735 Dillingham Boulevard  
Parcel 432: Tax Map Key (TMKS) 1-5-015-001 and 1-5-015-005 (Portions)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 2,999 square foot portion of your property, identified as TMKS 1-5-015-001 and 1-5-015-005 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of **\$372,000** (Three Hundred Seventy-Two Thousand Dollars).

In addition, HART offers to purchase a Temporary Construction Easement (TCE) consisting of 1,722 square feet (shown colored in red on the enclosed map) for a consideration of **\$8,335** (Eight Thousand Three Hundred Thirty-Five Dollars). The intent of the TCE is to facilitate construction of improvements within the right-of-way which may include demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to the driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCE will be six 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 **\$380,335** (Three Hundred Eighty Thousand and Three Hundred Thirty-Five Dollars).

The Harry and Jeanette Weinberg Foundation, Inc.  
Page 2  
February 20, 2015

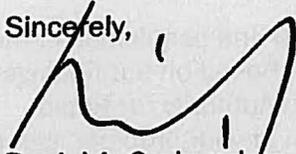
If this offer is acceptable, please sign the duplicate of this letter and return it in the enclosed envelope by **March 22, 2015**. The remaining copies are for your files. Enclosed for your information are the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure. Also enclosed is a draft Right of Entry, Possession and Use Agreement for your review, consideration and to be further discussed with your acquisition agent.

If we do not hear from you by **March 22, 2015**, this offer shall be considered rejected and HART will proceed to review options to acquire the subject property.

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.

Please contact Mr. Jackson Blagden 536-5900 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosures

ACCEPTED:

The Harry & Jeanette Weinberg Foundation, Inc.

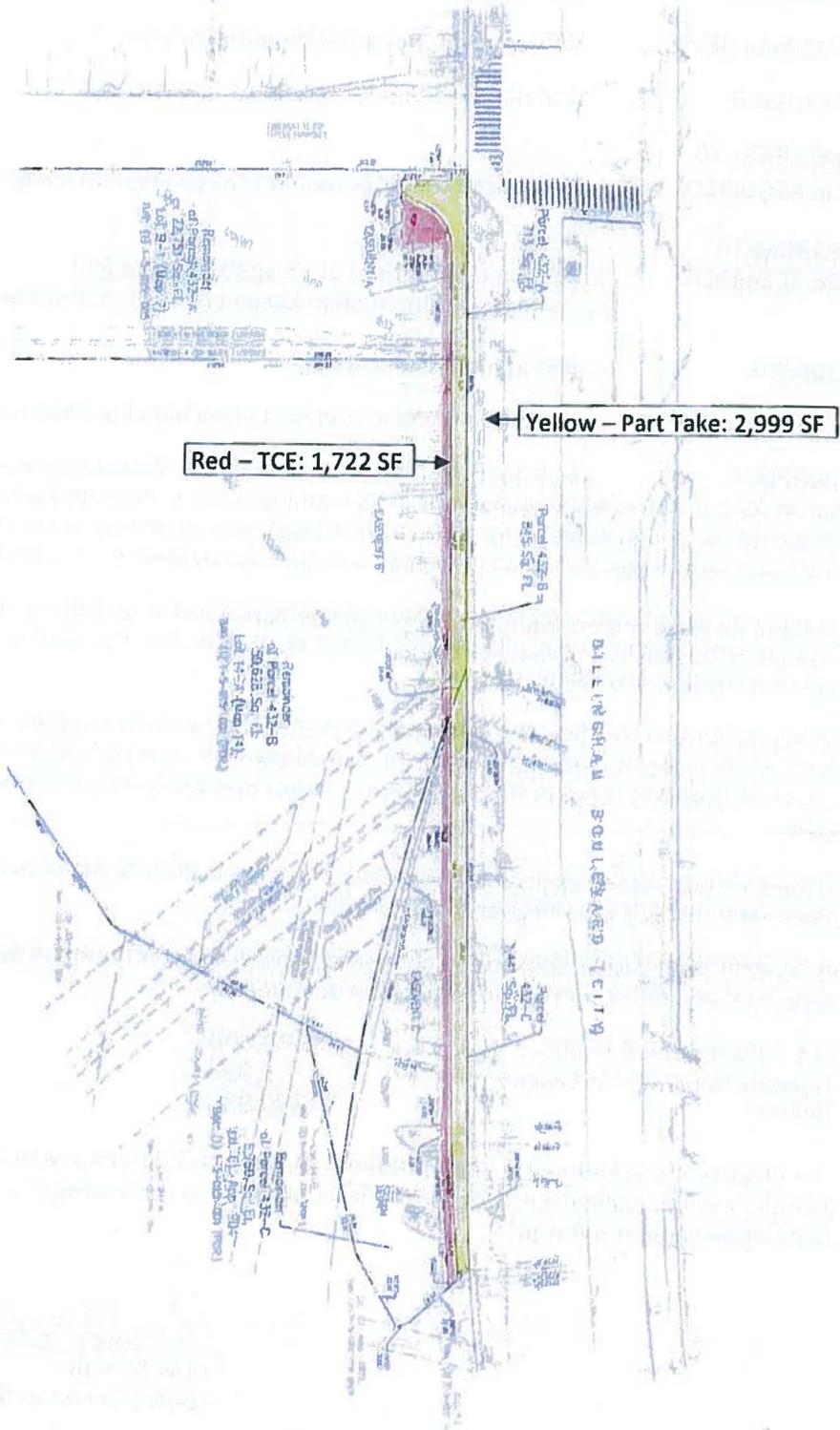
By \_\_\_\_\_  
Its

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

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

# PARCEL MAP EXHIBIT

## TMKS 1-5-015-001 & 1-5-015-005 (Portions)



**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 735 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEYS:** 1-5-015-001 and 1-5-015- 005 (Portions)  
**OWNER(S):** The Harry & Jeanette Weinberg Foundation, Inc.  
**INTEREST TO BE ACQUIRED:** Partial Fee Taking & Temporary Construction Easement (if applicable)  
**PARCEL TO BE ACQUIRED:** Fee Simple (Portion) of +/- 2,999 square feet  
Temporary Construction Easement of +/- 1,722 square feet  
**ZONING:** IMX-1, Industrial Mixed-Use  
**IMPROVEMENTS:** Contributory Value is given to Landscaping, Irrigation and Driveway

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

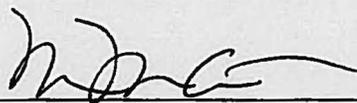
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Fee Simple (Partial Taking)	<b>\$372,000</b>
Temporary Construction Easement	<b>\$ 8,335</b>
<b>TOTAL:</b>	<b><u>\$380,335</u></b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.

  
\_\_\_\_\_  
Morris M. Atta  
Deputy Director of Right-of-Way

**APPRAISAL SUMMARY STATEMENT**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 735 Dillingham Boulevard, Honolulu, Oahu, Hawaii  
**TAX MAP KEYS:** 1-5-015-001 & 1-5-015-005 (Portions)\*

\*The "larger parcel" for purposes of the valuation includes an assemblage of parcels including TMKS 1-5-015-001, 1-5-015-003, 1-5-015-004, and 1-5-015-005

**OWNER(S):** The Harry & Jeanette Weinberg Foundation, Inc.

**PARCEL AREA:** +/- 2,999 square feet of Fee Simple Interest  
+/- 1,722 square feet of Temporary Construction Easement

**PROPERTY ACQUIRED:** ALL:    PART:   X  

**INTEREST TO**

**BE ACQUIRED:** Unencumbered Fee Simple & Temporary Construction Easement

**ZONING:** IMX-1, Industrial Mixed-Use

**HIGHEST & BEST USE:** Light Industrial, Office / Commercial

<b>ASSESSED VALUE (2014):</b>	Land Value	\$10,622,800
<b>FOR TOTAL "LARGER PARCEL"</b>	Building Value	\$ <u>  000,000  </u>
	<b>TOTAL</b>	<b>\$10,622,800</b>

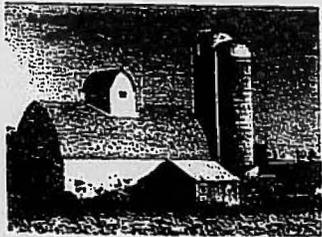
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	Fee Simple Partial Taking	\$363,000
	Contributory Value	\$ <u>  9,000  </u>
	Temporary Construction Easement	\$ <u>  8,335  </u>
	<b>TOTAL</b>	<b>\$380,335</b>

The Appraisal Estimate is: **\$380,335**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

---

Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

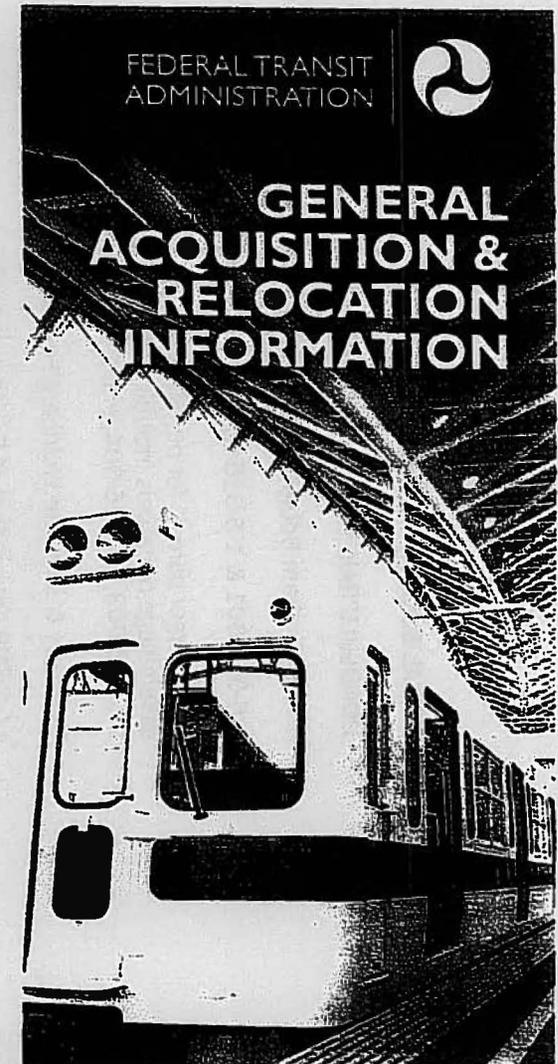
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

Residential Homeowner Occupants, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

90 day Occupant or Tenant, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL (X) PICK UP ( )

Tax Map Key No.: \_\_\_\_\_

Total Pages: [ ]

**RIGHT OF ENTRY, POSSESSION AND USE AGREEMENT**

THIS RIGHT OF ENTRY, POSSESSION AND USE AGREEMENT (the "Agreement") is dated \_\_\_\_\_, 2014, and entered into by and between the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, whose business and mailing address is 1099 Alakea Street, Suite 1700, Honolulu, Hawaii 96813, and \_\_\_\_\_, whose mailing address is \_\_\_\_\_ ([collectively,] "GRANTOR"). HART and GRANTOR are collectively referred to as the "Parties," and individually, a "Party," all as governed by the context in which such words are used.

**WITNESSETH THAT:**

WHEREAS, GRANTOR is the owner of the real property located at \_\_\_\_\_ Honolulu, Hawaii \_\_\_\_\_, and legally described in the attached Exhibit "A" (the "Property");

WHEREAS, although HART is seeking to acquire the Property for the construction and operation of the Honolulu Rail Transit Project (the "Project"), the acquisition of [an easement over] the Property is pending;

WHEREAS, HART requires immediate possession and use of the Property to construct the Project;

WHEREAS, HART and GRANTOR agree that any delay in the start of construction of the Project is contrary to the public interest;

WHEREAS, the purpose of this Agreement is to allow HART to proceed with construction of the Project without delay; and

WHEREAS, pursuant to Hawaii Revised Statutes ("HRS") § 101-3, GRANTOR agrees to grant HART an irrevocable right to entry, possession and use of the Property on the terms and conditions set forth below;

### AGREEMENT

NOW, THEREFORE, in consideration of the sum to be paid to GRANTOR which is set forth in Section 2 below, and in consideration of the foregoing recitals, which are incorporated herein by reference, and the mutual promises, covenants, terms, conditions and restrictions contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, HART and GRANTOR hereby agree as follows:

1. Possession and Use. GRANTOR hereby irrevocably grants to HART the right of entry and exclusive possession and use of the Property for the purpose of constructing the Project and the right to remove any improvements. Authorized activities include surveying, inspection, environmental studies, archaeological studies and mitigation measures, clearing, demolition, construction of permanent improvements, relocating, replacing, and improving existing utility facilities, locating new utility facilities, and other work required to be performed in connection with the Project. This Agreement will extend to HART, its contractors and assigns, owners of any existing utilities on the Property and those who may be lawfully permitted on the Property by HART in the future, and all others deemed necessary by HART for the purpose of the Project. This grant will allow the construction, relocation, replacement, repair, improvement, operation and maintenance of utilities on the Property.

2. Payment. In full consideration for this irrevocable grant of entry, possession and use and other GRANTOR covenants, warranties, and obligations under this Agreement, HART will tender to GRANTOR the sum of \_\_\_\_\_ AND NO/100 DOLLARS (\$ \_\_\_\_\_). GRANTOR agrees that this sum represents adequate and full compensation for the possession and use of the Property. HART will be entitled to enter, take possession and use the Property upon tender of payment. The Parties agree that the sum tendered represents \_\_\_\_\_ percent of HART's approved appraisal of the fair market value of the Property, which assumes no adverse environmental conditions affecting the value of the Property. The approved appraised value is HART's determination of the just compensation owed to GRANTOR for the real property interest to be acquired by HART in the Property, encumbered with the improvements thereon, if any, and damages to the remainder of GRANTOR's interest in any larger tract of which the Property is a part (the "Remainder"), if any. The Parties agree that the sum tendered to GRANTOR will be deducted from any final settlement amount voluntarily negotiated by the Parties or from any court judgment. In the event the amount of the final settlement or judgment for acquisition of [an easement over] the Property is less than the amount HART has paid for the possession and use of the Property, then GRANTOR agrees that the original amount tendered represents an overpayment for the difference and, upon written notice from HART, GRANTOR will promptly refund the overpayment to HART.

3. Term. The effective date of this Agreement will be the date on which payment pursuant to Section 2 above is tendered to GRANTOR by HART, or disbursed to GRANTOR by a title company acting as escrow agent for the transaction (the "Effective Date"). This Agreement shall continue to remain in effect until [an easement over] the Property is acquired either by negotiation or final court judgment.

4. Warranties. GRANTOR warrants and represents that the title to the Property is free and clear of all liens and encumbrances or that proper releases will be executed for the Property prior to funds being disbursed under this Agreement. GRANTOR further warrants that GRANTOR has the full right and authority to enter into this Agreement and grant HART the rights described, and that no other person or entity owns an interest in the fee title to the Property and further agrees to indemnify HART from all unreleased or undisclosed liens, claims or encumbrances affecting the Property.

5. Valuation Date. The Parties agree that the valuation date for determining the amount of just compensation for the real property interest proposed to be acquired in the Property, for negotiation or eminent domain proceeding purposes, will be the Effective Date of this Agreement.

6. Acquisition of [an Easement over] the Property. HART and GRANTOR agree that HART will acquire [an easement over] the Property, in the name of the City and County of Honolulu, either by negotiated settlement by the Parties or by condemnation and that this Agreement is made pursuant to HRS § 101-3. GRANTOR reserves all rights of compensation for the title and interest in and to the Property which GRANTOR holds as of the time immediately prior to the Effective Date of this Agreement. This Agreement shall in no way prejudice GRANTOR's rights to receive full and just compensation as allowed by law for all of GRANTOR's interests in and to the Property to be acquired by HART, encumbered with the improvements thereon, if any, and damages, if any, to the Remainder, if any; all as the Property exists on the Effective Date of this Agreement. HART's removal or construction of improvements on the Property shall in no way affect the fair market value of the Property in determining compensation due to GRANTOR in the eminent domain proceedings, if any. There will be no project impact upon the appraised value of the Property. This grant will not prejudice GRANTOR's rights to any relocation benefits for which GRANTOR may be eligible.

- a. Acquisition [of an Easement] by Negotiated Settlement. In the event [an easement over] the Property is acquired by negotiated settlement by the Parties, HART will not be liable to GRANTOR for interest upon the negotiated settlement amount, except as provided by HRS § 101-3. Payment of any interest will be on the difference between the amount of the payment in Section 2 above and the amount of the negotiated settlement.
- b. Acquisition [of an Easement] by Condemnation. In the event HART institutes or has instituted eminent domain proceedings to acquire [an easement over] the Property, HART will not be liable to GRANTOR for interest, including blight of summons damages, upon any award or judgment as a result of such proceedings,

except as provided by HRS § 101-3. Payment of any interest, including blight of summons damages, will be on the difference between the amount of the payment in Section 2 above and the amount of the judgment.

7. Non-Transferability. GRANTOR shall not assign, sell, encumber, or otherwise transfer all or any portion of the Property without first obtaining HART's written consent.

8. Public Purpose of the Project. The purpose of this Agreement is to allow HART to proceed with its Project without delay and to allow GRANTOR to have the use, at this time, of a percentage of the estimated compensation for HART's acquisition of a real property interest in the Property. GRANTOR expressly acknowledges that the proposed Project is for a valid public use and voluntarily waives any right GRANTOR has or may have, known or unknown, to contest the jurisdiction of the court in any condemnation proceeding for acquisition of [an easement over] the Property related to the Project, based upon claims that the condemning authority has no authority to acquire the Property through eminent domain, has no valid public use for the Property, or that acquisition of [an easement over] the Property is not necessary for the public use.

9. Parties' Intent to Be Bound. HART and GRANTOR intend that this Agreement, including, without limitation, the right of entry, possession and use provisions set forth above, constitutes a binding contract. In particular in this regard, GRANTOR acknowledges and agrees that it is important for HART to have assurances that the Project may be constructed in a timely manner, and that the rights granted to HART in this Agreement are crucial to the Project's success. In the event of any dispute concerning the right of entry, possession and use provisions set forth above, GRANTOR and HART agree that monetary damages will not be adequate to make them whole, and intend for the terms of such right of entry, possession and use provisions to be specifically enforceable.

10. Entire Agreement. This Agreement reflects the entire agreement between the Parties and shall supersede all prior or contemporaneous oral or written understandings, statements, representations or promises between the Parties concerning the matters contained herein.

11. Governing Law. This Agreement is made and entered into in the State of Hawaii, and shall in all respects be interpreted, enforced and governed under the laws of said state. The language of all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning and not strictly for or against any of the Parties.

12. Successors in Interest. This Agreement shall be binding upon and inure to the benefit of the heirs, devisees, successors in trust, personal representatives, successors and assigns of the Parties.

13. Understanding of Agreement. This Agreement has been negotiated in good faith and each Party warrants and represents that in executing this Agreement, they are not relying upon any representation, promise, inducement or statement made in negotiation that has not been included in the terms of this Agreement.

14. Fees and Costs. Each Party shall bear its own costs and attorneys' fees incurred in connection with negotiating the matters described in this Agreement.

15. Severability. In case any part, term, portion or provision of this Agreement is determined to be illegal, invalid or unenforceable, the remaining parts, terms, portions and provisions shall remain valid, enforceable, and in full force and effect.

16. Amendment to Agreement. This Agreement may only be amended by written agreement, executed by the Parties.

17. Recordation of Agreement. It is agreed HART will record this document.

18. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, HART and GRANTOR have executed this Agreement.

"HART"

"GRANTOR"

HONOLULU AUTHORITY FOR RAPID  
TRANSPORTATION

\_\_\_\_\_  
By: Daniel A. Grabauskas  
Its: Executive Director and CEO

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Morris M. Atta  
Deputy Director, Right-of-Way

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

[Add notary pages]



## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

Print or type  
See Specific Instructions on page 2.

Name (as shown on your income tax return)	
Business name/disregarded entity name, if different from above	
Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶	
<input type="checkbox"/> Exempt payee	
<input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code	
List account number(s) here (optional)	

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number									

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number									

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
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### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

#### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8632 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3678).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records from Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-368-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup>  The actual owner <sup>4</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>3</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>3</sup>
9. Corporation or LLC electing corporate status on Form 990 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Privacy Act Notice**

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



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

December 18, 2014

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 432  
Parcel Designation: TMK (1) 1-5-15-001 & 005  
735 Dillingham Boulevard, Honolulu, Hawaii 96817

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 properties physically consist of four adjacent parcels: Parcel 001 (60,256 square feet) and Parcel 005 (23,464 square feet) fronting Dillingham Boulevard; Parcel 003 (33,168 square feet) and Parcel 004 (11,172 square feet) located adjacent to the south boundary of Parcel 001. All parcels are zoned IMX-1 Industrial Mixed-Use and have unity of ownership, contiguity and unity of use; therefore, the larger parcel is identified as a combination of the four adjacent parcels with a total area of 128,060 square feet. It is improved with asphalt paving and used as open parking area. These improvements are not included as part of our appraisal job scope.

The partial acquisition area along the property boundary frontage on Dillingham Boulevard consists of 2,999 square feet. HART also requires a Temporary Construction Easement (TCE) identified as Easement A, Easement B and Easement C that is adjacent to the partial acquisition area and consists of 1,722 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 December 18, 2014.

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 135-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 December 3, 2014:

\$ 15,495,000	<i>"As Is" Indicated Market Value of the Larger Parcel</i>
\$ 15,132,000	<i>"As Is" Indicated Market Value of the Remainder Parcel</i>
\$ 363,000	<i>"As Is" Indicated Market Value of the Partial Acquisition</i>
\$ 363,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 9,000	<i>Add: Contributory Value</i>
\$ 372,000	<i>Total Fair Market Value of the Partial Acquisition (Rounded)</i>
\$ 16,669	<i>Estimated Annual Rent Per Annum @ 8% for the TCE</i>
\$ 1,389	<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.



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. 2015-32**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-031-030 (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 perpetual easement and temporary construction easement, on, and across the real property identified as Tax Map Key (TMK) 2-1-031-030 (por.) 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 an easement over, on, and across the real property identified as TMK 2-1-031-030 (por.); 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 2-1-031-030 (por.)**

**Exhibit B – Resolution No. 2015-\_\_\_\_, Authorizing the Acquisition of Easement  
Over, On, and Across the Real Property Identified as Tax Map Key  
2-1-031-030 (Portion) by Eminent Domain.**

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

**ATTEST:**

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

**HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT****Parcel 447****BEING PORTION OF LOT 6-A (MAP 9) OF LAND COURT APPLICATION 345  
SITUATE AT HONUAKAHA AND KAAKAUKUKUL, HONOLULU, OAHU, HAWAII**

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

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

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

Description Prepared By:

ENGINEERS SURVEYORS HAWAII,  
INC.



*Miles S. Horie*

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

1320 North School Street  
Honolulu, Hawaii 96817

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

December 5, 2014

Revised: June 15, 2015

Tax Map Key (1<sup>st</sup> Div) 2-1-031: 30 Por.

14-73

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-**

**AUTHORIZING THE ACQUISITION OF EASEMENT OVER, ON, AND ACROSS  
THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-031-030  
(PORTION) BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain . . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of a perpetual easement Temporary Construction Easement (TCE), on, and across the real property identified as Tax Map Key (TMK)2-1-031-030 (por.) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said easement over, on, and across the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain of an easement over, on, and across the real property identified as TMK 2-1-031-030 (por.) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of said easement by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of said easement by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and

4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and
5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

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

ATTEST:

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

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

## HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

### Parcel 447

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

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

- |    |          |             |   |
|----|----------|-------------|---|
| 1. | 140° 30' | 235.32 feet | along the North side of Halekauwila Street;                       |
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ENGINEERS SURVEYORS HAWAII,  
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*Miles S. Horie*

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Licensed Professional Land Surveyor  
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1320 North School Street  
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This description is for exhibit purposes and does not purport a legally subdivided lot.

December 5, 2014

Revised: June 15, 2015

Tax Map Key (1<sup>st</sup> Div) 2-1-031: 30 Por.

14-73

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

**TITLE:**  
**RESOLUTION NO. 2015-32 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-031-030 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID EASEMENT BY EMINENT DOMAIN**

**STAFF CONTACT:**  
 Elizabeth Scanlon  
 Morris Atta

**DATE:**  
 6/25/2015

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 Key 2-1-031-030, and situated at 616 Keawe Street, Honolulu, Hawaii, 96813, which is required for guideway easement and temporary construction easement purposes for the Honolulu Rail Transit Project (HRTTP). This property, for which a 5,383 square-foot perpetual easement and 649 temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the HRTTP. The property is owned by Servco Pacific, Inc. (Attorney Scott MacKinnon).

HART recommends use of eminent domain to acquire the property.

**2. Background/Justification**

This property (Tax Map Key 2-1-031-030) was designated as a partial take 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 the portion would have on the remainder of the property.

- A Letter of Offer was presented to Owner. The Owner rejected the Offer for the easement acquisition and responded with an extensive list of issues relating to the acquisition; including but not limited to easement to fee take, demolishing all of the service bays, refurbishing unused portion of the on-site existing warehouse, and indemnifying them of environmental and cultural obligations. We are hopeful that the Owner will reengage in dialogue with HART once eminent domain commences.

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**

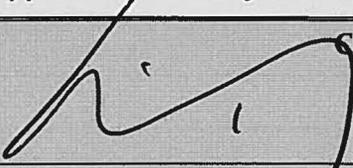
There is no feasible alternative to avoid the above-described impacts to the property.

**8. Exhibits**

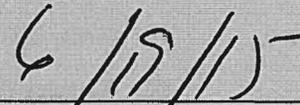
Exhibit 1 – Offer letter dated 10/1/2014

Exhibit 2 – Appraisal Summary from John Child & Company dated 8/20/2014

Certified and Recommended by:



Executive Director and CEO



Date



IN REPLY REFER TO:  
CMS-APOOROW-00621

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas  
EXECUTIVE DIRECTOR AND CEO

HAND-DELIVERED

October 1, 2014

<b>Received</b>	
<b>Print Name</b>	<b>Date</b>

BOARD OF DIRECTORS

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  
Kestie W.K. Hui  
Damien T.K. Kim  
Carrie K.S. Okinaga, Esq.

Ms. Carol K. Lam, Senior Vice President  
Servco Pacific Inc.  
Corporate Properties  
2850 Pukoloa Street, Suite 300  
Honolulu, Hawaii 96819

Dear Ms. Lam:

Subject: Honolulu Rail Transit Project (H RTP)  
616 Keawe Street  
Parcel 447: Tax Map Key 2-1-031-030 (Partial)  
**Letter of Offer**

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 5,383 square foot portion of your property, identified as Tax Map Key 2-1-031-030 (shown colored in yellow on the enclosed tax map), as a perpetual easement, for the total consideration of \$664,000 (Six Hundred Sixty-Four Thousand Dollars). Only ingress/egress will be permitted within the proposed easement. Parking, open yard storage, and fencing will not be permitted within the overhead station easement area. Clearance below the overhead station easement will be sufficient to allow containerized vehicles access to the property.

In addition, HART offers to purchase a Temporary Construction Easement (TCE) encompassing a total of 649 square feet (shown in blue on the enclosed map), for a total consideration of \$4,000 (Four Thousand Dollars). The purpose of the TCE is to facilitate street widening and construction of the improvements with the right-of-way (ROW). Activities that may be performed with the TCE may include: demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCE's will be six months, with a start date to be determined thru coordination with you and HART's contractor.

The total offer for acquiring both interests in your property is \$668,000 (Six Hundred Sixty-Eight Thousand Dollars).

Ms. Carol K. Lam, Senior Vice President  
Page 2  
October 1, 2014

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.

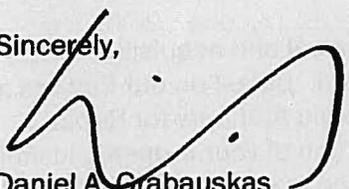
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by November 1, 2014. The remaining copies are for your files.

Also enclosed for your information is the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

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.

Please call Mr. Walter "Cap" Havekorst at 808-799-3655 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas  
Executive Director and CEO

Enclosure

cc: Mr. D. Scott MacKinnon, Esq.

ACCEPTED:

SERVCO PACIFIC INC.

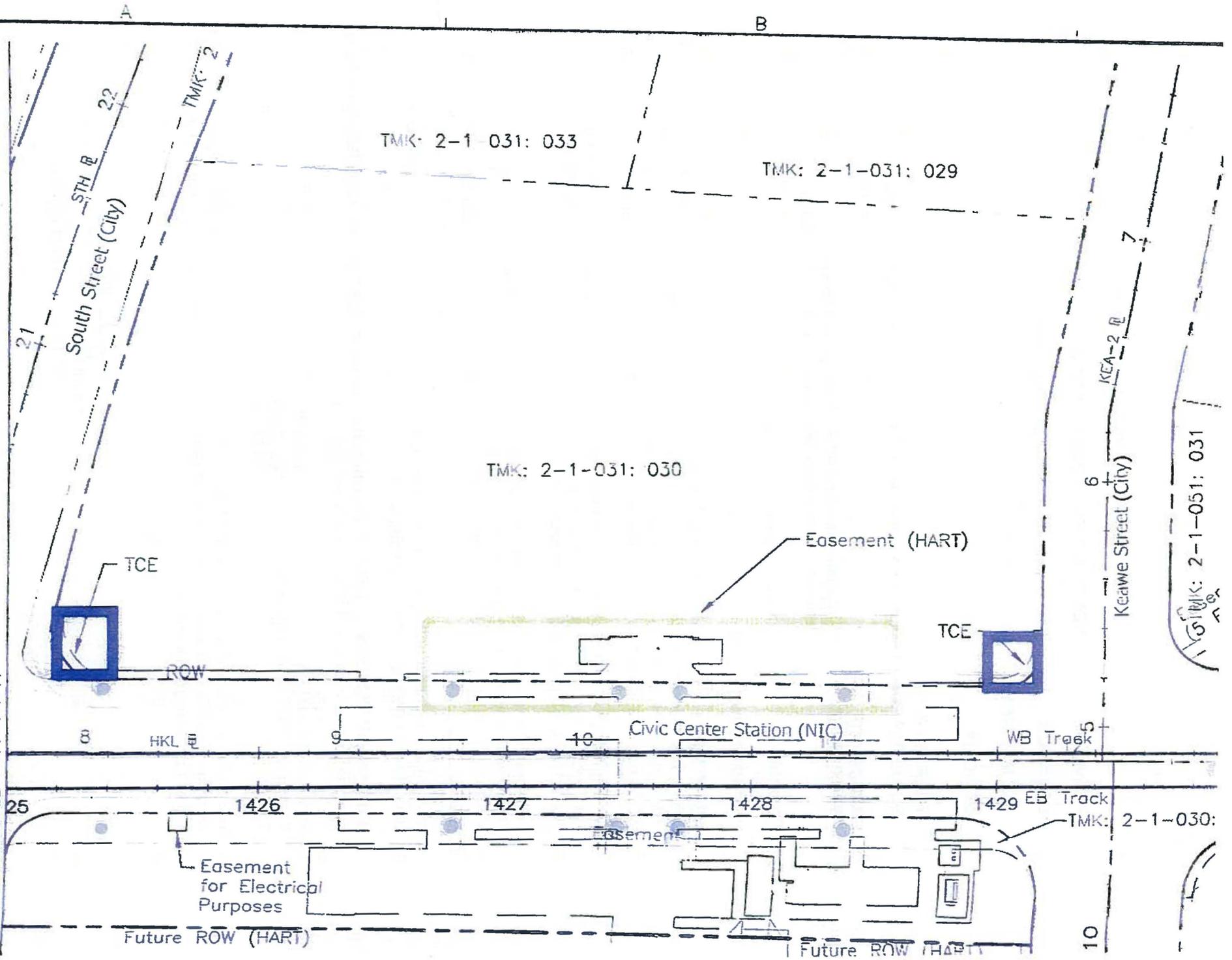
By \_\_\_\_\_

Its \_\_\_\_\_

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

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

Match Line EB 1425+00  
See Dwg. No. RW0043



A

B

TMK: 2-1-031: 033

TMK: 2-1-031: 029

TMK: 2-1-031: 030

Easement (HART)

TCE

TCE

ROW

Civic Center Station (NIC)

WB Track

EB Track

TMK: 2-1-030: 031

Easement for Electrical Purposes

Future ROW (HART)

Future ROW (HART)

**STATEMENT OF JUST COMPENSATION**

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**LOCATION:** 616 Keawe Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** (1) 2-1-031-030  
**OWNER(S):** SERVCO PACIFIC, INC.  
**INTEREST TO BE ACQUIRED:** Permanent easement & Temporary Construction Easement  
**PARCEL TO BE ACQUIRED:** Permanent Easement of +/- 5,383 square feet and Temporary Construction Easements (TCE"s) of +/- 649sf.  
**ZONING:** Kakaako Community Development District (HCDA)  
**IMPROVEMENTS:** None

**PURPOSE:** Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

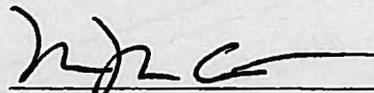
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

**JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Permanent Easement	<b>\$664,000</b>
Temporary Construction Easement	<b>\$ 4,000</b>
<b>TOTAL:</b>	<b>\$668,000</b>

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



Morris M. Atta  
Deputy Director of Right-of-Way

## APPRAISAL SUMMARY STATEMENT

**PROJECT:** HONOLULU RAIL TRANSIT PROJECT (H RTP)  
**ADDRESS:** 616 Keawe Street, Honolulu, Oahu, Hawaii  
**TAX MAP KEY:** (1) 2-1-031-030  
**OWNER(S):** SERVCO PACIFIC, INC.

**PARCEL AREA:** +/- 5,383 Square Feet of Permanent Easement  
+/- 649 Square Feet of Temporary Construction Easement

**PROPERTY ACQUIRED:** ALL: \_\_\_ PART: X

**INTEREST TO BE ACQUIRED:** Permanent Easement & Temporary Construction Easement

**ZONING:** Kakaako Community Development District (HCDA)

**HIGHEST & BEST USE:** Commercial

<b>ASSESSED VALUE (2014): FOR TOTAL PARCEL</b>	Land Value	\$12,842,100
	Building Value	\$ 316,900
	<b>TOTAL</b>	<b>\$13,159,000</b>

---

Permanent Easement:	\$664,000
Temporary Construction Easement:	\$ 4,000
<b>TOTAL:</b>	<b>\$668,000</b>

The Appraisal Estimate is: \$668,000

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

### **CONSENT TO ENTER**

The undersigned, being the owner of that certain property bearing the tax map key listed hereinbelow, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

**PROJECT: Honolulu Rail Transit Project (H RTP)**  
**TAX MAP KEY: (1) 2-1-031-030**  
**LOCATION: 616 Keawe Street, Honolulu, Oahu, Hawaii**  
**PURPOSE: Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

(1) That the area covered by this consent document is colored in yellow outlined on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a **nominal** consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

TAX MAP KEY: (1) 2-1-031-030  
Consent to Enter - Page 2

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII \_\_\_\_\_.

SERVCO PACIFIC, INC.

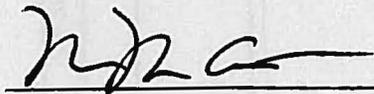
By \_\_\_\_\_  
Its

Phone \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED AS TO CONTENTS

  
\_\_\_\_\_  
Honolulu Authority for Rapid Transportation

A

B

TMK: 2-1-031: 033

TMK: 2-1-031: 029

TMK: 2-1-031: 030

Easement (HART)

TCE

TCE

ROW

Civic Center Station (NIC)

WB Track

HKL #

8

9

10

EB Track

TMK: 2-1-030:

Easement for Electrical Purposes

Easement

Future ROW (HART)

Future ROW (HART)

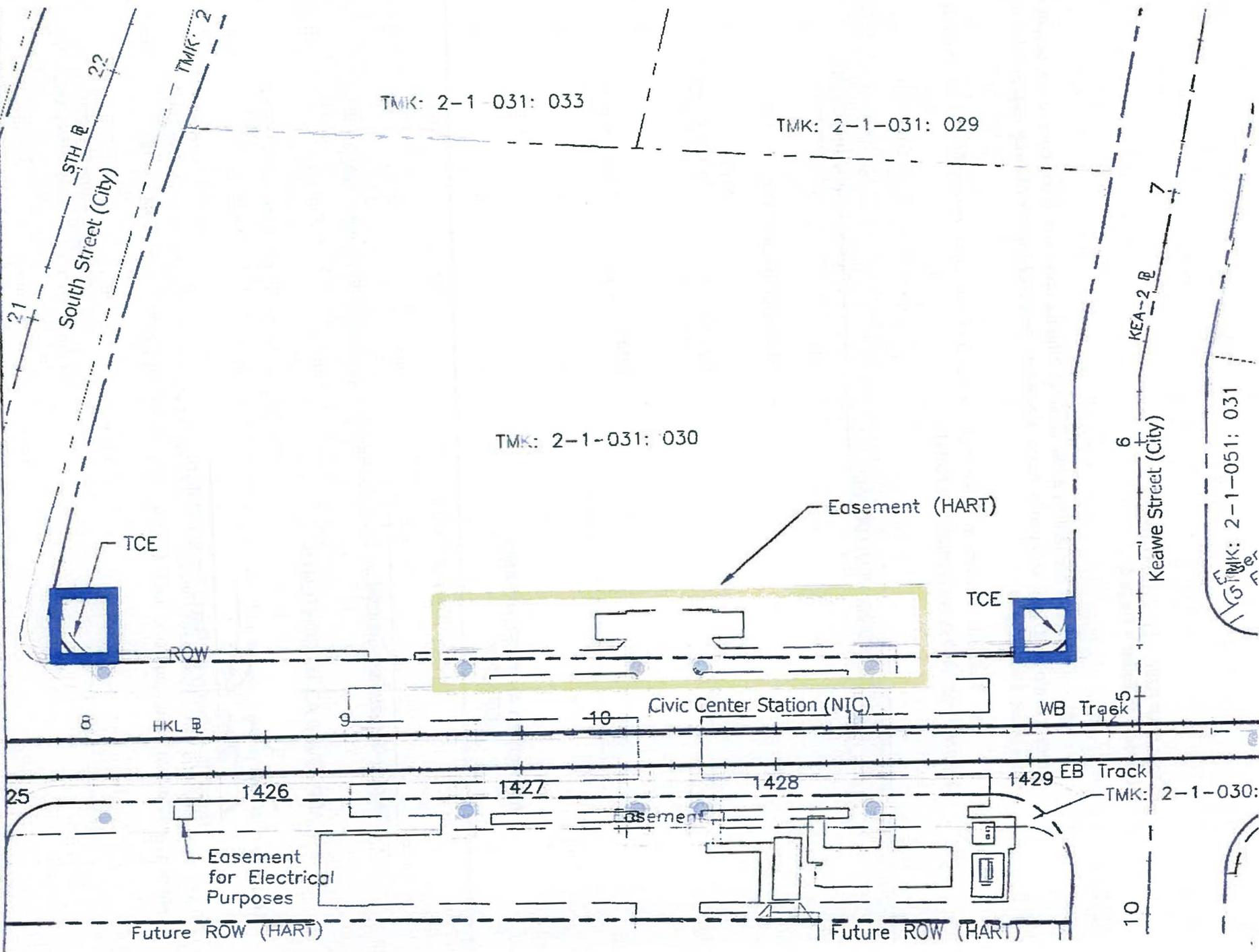
10

South Street (City)

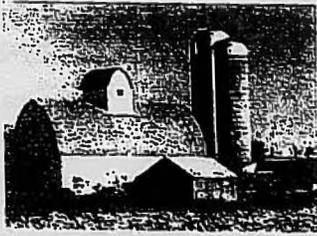
Keawe Street (City)

TMK: 2-1-051: 031

Match Line EB 1425+00  
See Dwg. No. RW0043



## More Relocation Information



### Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

---

Statements applicable to all categories and benefits listed

*Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.*

*No one may be displaced until adequate housing has been made available to them.*

*All persons required to move personal property, their home, or business must be given at least 90 days to vacate.*

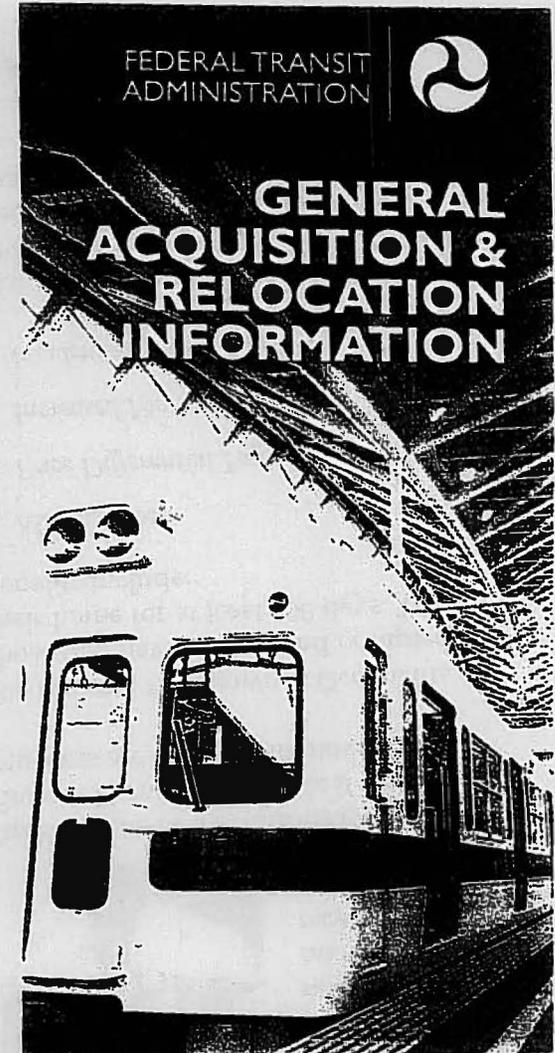
*Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.*

## A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

*For further information, please contact:*



**FTA** | U.S. DEPARTMENT OF  
TRANSPORTATION   
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR  
INFORMATION ON CONTACTING YOUR LOCAL AGENCY.



## GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

## Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



## Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

**Residential Homeowner Occupants**, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

**90 day Occupant or Tenant**, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

Print or type  
See Specific Instructions on page 2.

Name (as shown on your income tax return)	
Business name/disregarded entity name, if different from above	
Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____	
<input type="checkbox"/> Exempt payee	
<input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code	
List account number(s) here (optional)	

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

<b>Social security number</b>				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> </tr> </table>				
<b>Employer identification number</b>				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> </tr> </table>				

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2).
  2. The United States or any of its agencies or instrumentalities.
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities.
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>3</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>3</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>3</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



**JOHN CHILD & COMPANY**  
APPRAISERS & CONSULTANTS

August 20, 2014

Karen Char, MAI, CRE  
Paul D. Cool, MAI, CRE  
Shelby H. Tanaka, MAI  
Sammy Agsen

City and County of Honolulu  
Honolulu Authority for Rapid Transportation  
c/o Mr. Todd A. Salvatore  
Paragon Partners Ltd.  
5762 Bolsa Avenue, Suite 201  
Huntington Beach, California 92649

Dear Mr. Salvatore:

**Re: Partial Acquisition of the Servco South Street Property  
Tax Map Key (1) 2-1-031:030, PDQ Parcel 447**

At your request, John Child & Company has estimated the fair market value and annual market rent for certain ownership interests in the Servco South Street Property. This letter summarizes the background and estimated values presented in the attached report.

**STUDY BACKGROUND**

Servco Pacific, Inc. (Servco) owns the fee simple interest in a commercial property at 607 South Street, with frontage along Halekauwila and Keawe Streets, in Kakaako, Honolulu, Oahu, Hawaii. The property is identified as Tax Map Key 2-1-031:030 of the First Taxation Division.

The 75,714<sup>sq</sup> parcel is improved with two warehouse structures and adjacent and paved driveway and parking. The improvements were constructed in the early 1950s. The property functions as Servco's automotive service and parts supply centers in Honolulu.

Honolulu Authority for Rapid Transportation (HART), a semi-autonomous public transit authority, has retained Paragon Partners Ltd. as its consultant for the Honolulu Rail Transit Project (H RTP). The proposed H RTP guideway and Civic Center Station will encroach into a 5,383<sup>sq</sup> portion of the Servco South Street Property along Halekauwila Street. HART will also require Temporary Construction Easements totaling 649<sup>sq</sup>.

HART plans to acquire certain property rights across the affected portion of the property. In this regard, you asked us to assist you.

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
August 20, 2014  
Page 2



## **STUDY OBJECTIVES**

The objectives of our assistance are to:

1. Estimate the fair market value of the property rights over a 5,383<sup>sq</sup> portion of the Servco South Street Property associated with the H RTP guideway and Civic Center Station to be acquired by HART.
2. Estimate the annual market rent for the proposed 649<sup>sq</sup> Temporary Construction Easement on portions of the Servco South Street Property.

## **INTENDED USE AND USERS**

Our assistance is intended to be used by HART, Paragon Partners, Ltd. (Paragon Partners), and the U.S. Department of Transportation Federal Transit Administration (FTA) in connection with the H RTP.

As a result, our assistance is intended for the sole and exclusive use of HART (Client), Paragon Partners, and the FTA. The Client has agreed that our assistance is not intended for any other purpose or users and is not to be relied upon by any third parties for any purpose, whatsoever.

## **DATE OF PROPERTY VISIT**

The property was visited on May 20, 2014. Representatives of the property owner, Ms. Karen Shimizu and Mr. Cameron Camara, accompanied the appraiser. The appraiser subsequently visited the property on August 10, 2014.

## **EFFECTIVE DATE OF APPRAISAL**

The effective date of appraisal is August 10, 2014.

## **DATE OF REPORT**

The date of this report is August 20, 2014.



## **DEFINITIONS OF TERMS**

Terms used in this report are defined in the Appraisal Institute's, **The Dictionary of Real Estate Appraisal**, Fifth Edition, unless otherwise footnoted.

### **Fair Market Value**

"Fair market value" has the same meaning as "market value."

Market value means the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal. [1]

### **Market Rent**

Market rent means the most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the lease agreement, including permitted uses, use restrictions, expense obligations; term, concessions, renewal and purchase options, and tenant improvements (TIs). [2]

### **Fee Simple Interest**

"Fee simple interest" is the same as "fee simple estate."

Fee simple estate is defined as absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

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[1] Interagency Land Acquisition Conference, **Uniform Appraisal Standards for Federal Land Acquisitions**, 2000.

[2] Appraisal Institute, **The Dictionary of Real Estate Appraisal**, Fifth Edition.



### **Hypothetical Condition**

That which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of the data used in an analysis.

### **ASSUMPTION OF A HYPOTHETICAL CONDITION**

Section 24.103(b) of the Code of Federal Regulation (CFR) states:

“The appraiser shall disregard any decrease or increase in the market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.”

Therefore, the estimated fair market value of the property rights over a portion of the Servco South Street Property to be acquired by HART is based on the hypothetical condition that the property is not impacted by the rail project as of the date of valuation.

### **STUDY CONDITIONS**

This report is subject to the study conditions included in Section I.

### **ESTIMATED MARKET VALUE OF THE HART EASEMENT**

Based on the analysis presented in Section III of the attached report, the fair market value of the property rights over a 5,383<sup>7</sup>/<sub>100</sub> portion of the Servco South Street Property, as of August 10, 2014, is estimated to be:

**SIX HUNDRED SIXTY-FOUR THOUSAND DOLLARS**  
**\$664,000.**

Honolulu Authority for Rapid Transportation  
Paragon Partners Ltd.  
August 20, 2014  
Page 5



**ESTIMATED ANNUAL MARKET RENT FOR  
THE TEMPORARY CONSTRUCTION EASEMENT**

Based on the analysis presented in Section IV of the attached report, the annual market value for the Temporary Construction Easement over a 649<sup>sq</sup> portion of the Servco South Street Property, as of August 10, 2014, is estimated to be:

**EIGHT THOUSAND DOLLARS**  
**\$8,000.**

The annual market rent is equivalent to about \$667 per month, or \$4,000 for a six-month period.

\* \* \* \* \*

We appreciate the opportunity to assist you on this interesting assignment. Please contact us if you have questions.

Sincerely,

JOHN CHILD & COMPANY, INC.

Paul D. Cool, MAI, CRE  
Vice President  
Certified General Appraiser License No. 71  
State of Hawaii  
Expires December 31, 2015

