

## **Honolulu Authority for Rapid Transportation**

### **RESOLUTION NO. 2015-97**

#### **AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-003-000 (PORTION) BY EMINENT DOMAIN**

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

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

WHEREAS, the City Council approved or did not object to the acquisition of the guideway easement over, on, and across the real property identified as Tax Map Key (TMK) 2-3-003-000 (Portion) by eminent domain after written notification by HART; and

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

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

1. That acquisition by eminent domain of the guideway easement over, on, and across the real property identified as TMK 2-3-003-000 (Portion) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of said easement by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of said easement by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

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

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on  
DEC 17 2015.

  
Board Chair

ATTEST:

  
Board Administrator

Exhibit A – Legal description of TMK 2-3-003-000 (Portion)

## HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

### Tax Map Key: 2-3-003: portion

Being a portion of Queen Street (Private) of Kewalo Tract, being also a portion of Royal Patent 5716, Land Commission Award 10605, Apana 7 to Kamakee Piikoi.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the Southeast corner of this parcel of land, being also the Northwest corner of Lot D-1-B (Map 17) of Land Court Consolidation 53 and on the Northerly side of Queen Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 6177.99 feet South and 1056.27 feet West and running by azimuths measured clockwise from true South:

1. 128° 46' 15" 247.15 feet along Lot D-1-B (Map 17) of Land Court Consolidation 53;
2. 141° 52' 156.51 feet along remainder of Royal Patent 5716, Land Commission Award 10605, Ap. 7 to Kamakee Piikoi;

thence along remainder of Royal Patent 5716, Land Commission Award 10605, Ap. 7 to Kamakee Piikoi, on a curve to the right with a radius of 1132.25 feet, the azimuth to the radial center being 36° 03' 43", the chord azimuth and distance being:

3. 309° 53' 45.5" 150.10 feet;

4. 215° 23'                      25.93 feet along remainder of Royal Patent 5716, Land Commission Award 10605, Ap. 7 to Kamakee Piikoi;
5. 321° 52'                      257.75 feet along Lots 24, 23, 22, 21 and 20 of Kewalo Track, Block 8, along remainder of Royal Patent 5716, Land Commission Award 10605, Ap. 7 to Kamakee Piikoi, and Lot 1-A-1 (Map 3) of Land Court Application 1832, to the point of beginning and containing an area of 9908 square feet.



1320 North School Street  
Honolulu, Hawaii 96817

Description Prepared By:  
**ENGINEERS SURVEYORS HAWAII,  
INC.**

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

June 18, 2015  
Tax Map Key: (1<sup>st</sup> Div.) 2-3-003: Portion

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-97</b> <b>AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-003-000 (PORTION) BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Morris M. Atta	<b>DATE:</b> December 17, 2015
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Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

**1. Purpose:**  
 Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Key 2-3-003-000, situated at the portion of Queen Street, Honolulu, Hawaii 96814 which is required for guideway easement of the Honolulu Rail Transit Project (H RTP). The property is owned by Charles S. Desky Trustee.

**2. Background/Justification**  
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-95 on December 1, 2015. The City Council adopted Resolution No. 15-323 approving the action on December 9, 2015. Accordingly, under the Charter of the City and County of Honolulu section 17-103.2(b), HART may now properly proceed with the condemnation proceedings for this parcel.

**3. Procurement Background**  
 N/A

**4. Financial/Budget Impact**  
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

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

**6. Public Involvement**  
 N/A

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

**8. Exhibits**  
 N/A

**Certified and Recommended by:**

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

12/10/15  
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**Date**