

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-87

AUTHORIZING THE ACQUISITION OF UTILITY EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 9-8-008-029 (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 utility easement over, on, and across the real property identified as Tax Map Key (TMK) 9-8-008-029 (portion) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said utility 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 utility easement over, on, and across the real property identified as TMK 9-8-008-029 (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
NOV 24 2015.

Donald G. Horner
Chair Board Chair

ATTEST:

Cindy Matzson
Board Administrator

Exhibit A – Legal description of TMK 9-8-008-029 (portion)

Affecting LOT A, being the consolidation of Lot 2-B (being a portion of the consolidation and resubdivision of Lots 1 to 12, inclusive of Hila Tract, Lots A and B and a portion of Grant 130, Apana 2 to Salem P. Hanchett), Lot 5 (Map 16) of Land Court Consolidation 84, and a Portion of R. P. 329, L. C. Aw. 9407, Ap. 1 to Kuaalu, situate at Waimalu, Ewa, Oahu, Hawaii.

Beginning at the West corner of this powerline easement, and on the northerly side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "EWA CHURCH" being 1,622.79 feet South and 8,709.64 feet East, and running by azimuths measured clockwise from true South:

1. 205° 57' 30" 5.00 feet along the remainder of Lot A;
2. 295° 57' 30" 73.30 feet along the remainder of Lot A;

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

3. 100° 26' 59" 18.72 feet;
4. 115° 57' 30" 55.26 feet along the northerly side of Kamehameha Highway, to the point of beginning and containing an AREA of 337 SQUARE FEET.



March 19, 2015

Leaps & Boundaries, Inc.
2016 Waterhouse Street, Ste #101
Honolulu, Hawaii 96819
TMK: (1) 9-8-008: 029

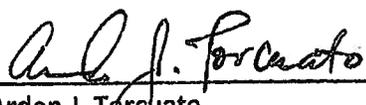
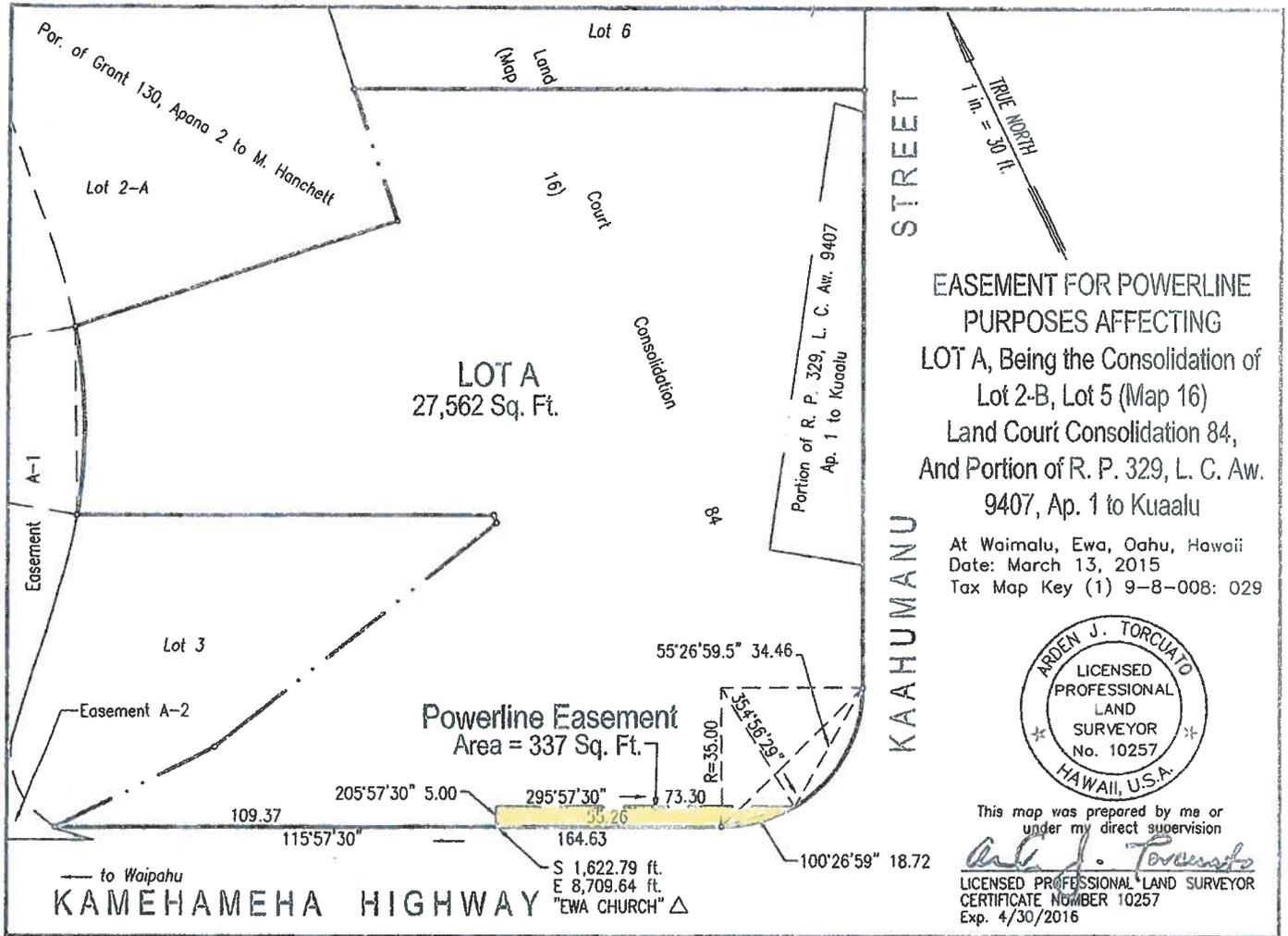

Arden J. Torcuato
Licensed Professional Land Surveyor
Certificate No. 10257

Exhibit A



98-1214 Kaahumanu St., Pearl City
F.B. 65:53

LEAPS & BOUNDARIES, INC.
2016 WATERHOUSE ST., STE. 101 PH. (808) 484-5701
HONOLULU, HI 96819 FAX (888) 542-2097

8 1/2" x 11"