Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-91

AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-039-005 (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) 2-3-039-005 (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 2-3-039-005 (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
Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal description of TMK 2-3-039-005 (Portion)

HONOLULU RAIL TRANSIT PROJECT

EASEMENT 7
(FOR STATION AND GUIDEWAY PURPOSES)

Affecting Lot 21 (Map 2) of
Land Court Consolidation 20

Situate at Kalia, Honolulu, Oahu, Hawaii

Beginning at the Southwest corner of this easement, being the Southeast corner of Lot 20 (Map 2) of Land Court Consolidation 20, being also along the North side of Lot 7 (Map 10) of Land Court Consolidation 65 (Kona Street), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 7,094.51 feet South and 1,874.18 feet East thence running by azimuths measured clockwise from true South:

1.	205°	20′	5.88	feet	along Lot 20 (Map 2) of Land Court Consolidation 20;
2.	295°	20′	50.00	feet	along the remainder of Lot 21 (Map 2) of Land Court Consolidation 20;
3.	25°	20′	5.88	feet	along Lot 22 (Map 2) of Land Court Consolidation 20;
4.	115°	20′	50.00	feet	along Parcel 495-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 294 Square Feet.

ERIK S. KANESHIRO
LICENSED PROFESSIONAL LAND SURVEYOR
No. 9826
HAWAII, U.S.A.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro EXP 04/16

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
August 19, 2015

TMK: (1) 2-3-039: 006
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