

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-92

**AUTHORIZING THE ACQUISITION OF ELECTRICAL EASEMENT OVER, ON, AND
ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-1-004-028
(PORTION) BY EMINENT DOMAIN**

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

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

WHEREAS, the City Council approved or did not object to the acquisition of the electrical easement over, on, and across the real property identified as Tax Map Key (TMK) 1-1-004-028 (Portion) by eminent domain after written notification by HART; and

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

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

1. That acquisition by eminent domain of the electrical easement over, on, and across the real property identified as TMK 1-1-004-028 (Portion) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of said easement by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of said easement by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

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

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on
NOV 24 2015.

Donald G. Horner
Camfor Board Chair

ATTEST:


Board Administrator

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

Easement 303
For Electrical Purposes
Affecting Lot 895 (Map 196) of Land Court Application 1074
In Favor of Hawaiian Electric Company

SITUATE AT MOANALUA, HONOLULU, ISLAND OF OAHU, HAWAII

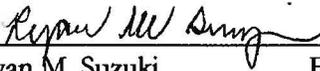
Beginning at the Southwest corner of this easement, along the North side of Ualena Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 10,914.23 feet South and 4,284.25 feet West, thence running by azimuths measured clockwise from true South:

1. 189° 04' 9.41 feet;
2. 279° 04' 13.00 feet;
3. 9° 04' 9.41 feet;
4. 99° 04' 13.00 feet along the North side of Ualena Street to the point of beginning and containing an area of 122 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:


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

2024 North King Street, Suite 200
Honolulu, Hawaii 96819
July 16, 2015
TMK: 1-1-004: 028 (PDQ 303)

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

