Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-88

AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-007-061 (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) 2-3-007-061 (Portion) 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 2-3-007-061 (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 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 NOV 24 2015.

Donald G. Horner
Acting for Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal Description of TMK 2-3-007-061 (Portion)

Exhibit A

PARCEL 485

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

BEING A PORTION OF LOT 892 (MAP 66) OF LAND COURT APPLICATION 880, SECTION 2

SITUATE AT KEWALO, HONOLULU, OAHU, HAWAII

Beginning at the Southwest corner of this parcel of land, being also the Southeast corner of Lot 676 (Map 4) of Land Court Application 880, Section 2, and on the North side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 835.68 feet South and 1,323.76 feet East and running by azimuths measured clockwise from true South:

1.	200°	42'	7.00 feet	along Lot 676 (Map 4), of Land Court Application 880, Section 2;
2.	290°	42'	50.00 feet	along remainder of Lot 892 (Map 66) of Land Court Application 880, Section 2;
3.	20°	42'	7.00 feet	along Lot 889 (Map 60) of Land Court Application 880, Section 2;
4.	110°	42'	50.00 feet	along the Northeast side of Kona Street to the point of beginning and containing an area of 350 square feet.

MILES S. HORIE
LICENSED PROFESSIONAL LAND SURVEYOR
No. 10007
HAWAII, U.S.A.

Description Prepared By:
Engineers Surveyors Hawaii, Inc.

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

1320 North School Street
Honolulu, Hawaii 96817

Revised: August 5, 2015

Tax Map Key: (1st Div.) 2-3-07: 61 Por.

14-073