Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-95

APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE GUIDEWAY EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-003-000 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID EASEMENT 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, prior to such acquisition the Charter directs HART to submit a list of real property and easements to be acquired by eminent domain to the City Council; and

WHEREAS, the City Council may approve the acquisition by eminent domain or may object by adoption of a resolution within 45 days of the notification to acquire the real property and easements; and

WHEREAS, the acquisition by eminent domain of the guideway easement over, on, and across the real property identified as Tax Map Key (TMK) 2-3-003-000 (Portion) and 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 written notification to the City Council is approved, for the acquisition by eminent domain of the guideway easement over, on, and across the real property identified as TMK 2-3-003-000 (Portion); and

2. That in the event the City Council approves or does not object to the acquisition within 45 days of notification, then HART is authorized to publish in a daily newspaper at least three days prior to Board action, the attached resolution marked as Exhibit B, authorizing acquisition by eminent domain of said easement.

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

Exhibit A – Legal description of TMK 2-3-003-000 (Portion)
Exhibit B – Resolution No., 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

Donald G. Horner
Chair for Board Chair

ATTEST:

Board Administrator

Exhibit A

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.

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

Description Prepared By:

ENGINEERS SURVEYORS HAWAII, INC.

1320 North School Street
Honolulu, Hawaii 96817

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

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

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Exhibit B

Honolulu Authority for Rapid Transportation

RESOLUTION NO.

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 _____.

_____
Board Chair

ATTEST:

_____
Board Administrator

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

DRAFT

Exhibit A

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

Tax Map Key: 2-3-003: portion

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Situate at Kewalo, Honolulu, Oahu, Hawaii

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