

## **Honolulu Authority for Rapid Transportation**

### **RESOLUTION NO. 2015 – 2**

#### **AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 9-9-003:066 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) 9-9-003:066 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;

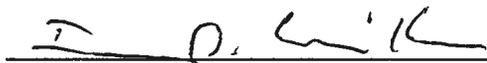
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 9-9-003:066 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 JAN 29 2015.

  
Board Chair

ATTEST:

  
Board Administrator

Exhibit A – Legal description of TMK 9-9-003:066

**PARCEL 1**

**Honolulu Rail Transit Project**

Being a Portion of Royal Patent 6717,

Land Commission Award 7712 and 8516-B to M. Kekuaaoa and Kamaikui

And Royal Patent 457, Land Commission Award 2131 Apana 1 to Kanihoalii for Kaukiwaa

Situate at Halawa, Ewa, Island of Oahu, Hawaii

Beginning at the West corner of this parcel of land and along the East side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 653.17 feet North and 9,331.23 feet West, thence running by azimuths measured clockwise from true South:

1. 203° 32' 116.70 feet along the East side of Kamehameha Highway;
2. 293° 32' 15.00 feet along the East side of Kamehameha Highway;
3. 203° 32' 710.19 feet along the East side of Kamehameha Highway;
4. Thence along the East side of Kamehameha Highway, on a curve to the right with a radius of 5,679.65 feet, the chord azimuth and distance being:  
203° 46' 00.5" 46.29 feet;
5. 267° 30' 17.39 feet along Lot A, being a portion of R. P. 6717, L.C. Aw. 7712 and 8516-B to M. Kekuaaoa and Kamaikui;
6. 17° 33' 30" 577.95 feet along Lot 4-B, being a portion of R. P. 6717, L.C. Aw. 7712 and 8516-B to M. Kekuaaoa and Kamaikui, a portion of R. P. 157, L. C. Aw. 2131, Apana 1 to Kanihoalii for Kaukiwaa, Kalaloa Street, and Lot A, being a portion of R. P. 6717, L.C. Aw. 7712 and 8516-B to M. Kekuaaoa and Kamaikui;
7. 23° 32' 322.54 feet along Lot A, being a portion of R. P. 6717, L.C. Aw. 7712 and 8516-B to M. Kekuaaoa and Kamaikui;



8. 123' 50'

92.49 feet along Kamehameha Highway, to the point of beginning and containing an area of 1.196 Acres, 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  
December 19, 2012

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



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

|  |                                      |                                  |
|--|--------------------------------------|----------------------------------|
| <b>TITLE:</b><br><b>RESOLUTION NO. 2015 – 2</b><br><b>AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 9-9-003:066 BY EMINENT DOMAIN</b> | <b>STAFF CONTACT:</b><br>Morris Atta | <b>DATE:</b><br>January 29, 2015 |
|--|--------------------------------------|----------------------------------|

| Type:   | Goal   | Focus Area                                   | Reference Notes |
|---|--|--|-----------------|
| <input checked="" type="checkbox"/> Action/Approval | <input checked="" type="checkbox"/> Project Delivery | <input type="checkbox"/> Livability/Land Use |                 |
| <input type="checkbox"/> Information                | <input type="checkbox"/> Service Delivery            | <input type="checkbox"/> Partnerships        |                 |
| <input type="checkbox"/> Follow-up                  | <input type="checkbox"/> Resource Stewardship        | <input type="checkbox"/> Agency Admin.       |                 |

**1. Purpose:**  
 Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Key 9-9-003:066, and situated at Kamehameha Highway, Aiea, which is required for guideway construction of the Honolulu Rail Transit Project (H RTP).

**2. Background/Justification**  
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2014-5 on November 13, 2014. More than 45 days has elapsed since the notice. The City Council neither approved or adopted a resolution in objection of the action. Accordingly, under the Charter of the City and County of Honolulu section 17-103.2(b), HART may now properly proceed with the condemnation proceedings for this parcel.

**3. Procurement Background**  
 N/A

**4. Financial/Budget Impact**  
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

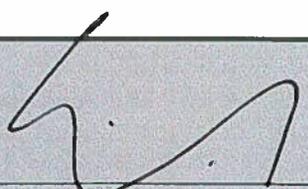
**5. Policy Impact**  
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 1050.1D and Article XVII of the Charter of the City and County of Honolulu.

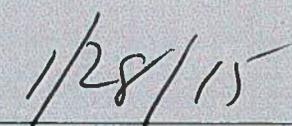
**6. Public Involvement**  
 N/A

**7. Alternatives**  
 The alternative to condemnation is to allow the potential Trustees of Harry B. Kronick Trust to file a court order to establish a Trustee of the Trust. This alternative would be costly and time consuming. In the interest of time, condemnation is the faster method of HART obtaining clear title to the property.

**8. Exhibits**  
 N/A

**Certified and Recommended by:**

  
 \_\_\_\_\_  
**Executive Director and CEO**

  
 \_\_\_\_\_  
**Date**