

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2016-9

**AUTHORIZING THE ACQUISITION OF PERMANENT EASEMENT OVER, ON, AND
ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY
1-2-010-069 (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 permanent easement over, on, and across the real property identified as Tax Map Key (TMK) 1-2-010-069 (Portion) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said permanent 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 permanent easement over, on, and across the real property identified as TMK 1-2-010-069 (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
MAR 17 2016.



Board Chair

ATTEST:



Board Administrator

Exhibit A – Legal description of TMK 1-2-010-069 (Portion)

Easement A
For Guideway Purposes
Affecting a Portion of Lots 24 and 26 in Block 7 of "Kapiolani Tract"
Being a Portion of Royal Patent 8194, Land Commission Award 6450,
Apana 1 to Kaunuohua no Moehonua

SITUATE AT MOKAUEA, KALIHI, HONOLULU, ISLAND OF OAHU, HAWAII

Beginning at the South corner of this easement, being the West corner of a Portion of Lot 30 in Block 7 of "Kapiolani Tract", along the Northeast side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA", being 4,457.78 feet South and 5,032.76 feet West, thence running by azimuths measured clockwise from true South:

- 1. 132° 20' 86.12 feet along the Northeast side of Dillingham Boulevard;
- 2. 222° 20' 9.17 feet;
- 3. 312° 20' 86.12 feet;
- 4. 42° 20' 9.17 feet along a Portion of Lot 30 to the point of beginning and containing an area of 790 Square Feet, more or less.



R. M. TOWILL CORPORATION

Description prepared by:

Ryan M. Suzuki

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

2024 North King Street, Suite 200
Honolulu, Hawaii 96819
August 11, 2015

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

