



MINUTES

**Board of Directors Meeting
Ali'i Place, Suite 150
1099 Alakea Street, Honolulu, Hawaii
(entrance on Richards Street)
Tuesday, November 24, 2015 9:30 am**

PRESENT:	Donald Horner Damien Kim William "Buzz" Hong Mike Formby	Ivan Lui-Kwan Terrence Lee George Atta
ALSO IN ATTENDANCE: (Sign-In Sheet and Staff)	Daniel Grabauskas Joyce Oliveira Cindy Matsushita Tom LeBeau Morris Atta Mark Garrity Whitney Birch	Anthony Aalto Russell Honma Barbra Armentrout Rose Pou Natalie Iwasa Gary Takeuchi Andrea Tantoco
EXCUSED:	Ford Fuchigami Terri Fujii	Colleen Hanabusa

I. Call to Order by Chair

HART Board Chair Donald G. Horner called the meeting to order at 11:08 a.m.

Mr. Horner and the Board acknowledged the contributions of Deputy Corporation Counsel Gary Takeuchi, who would soon be leaving employment with the City.

II. Public Testimony on All Agenda Items

Mr. Horner noted that the Board had received written testimony from Tom Berg. He called for public testimony.

Natalie Iwasa said that while she was glad to see that HART was considering the usage of photovoltaic (PV) systems, she noted the importance of recycling system components at the end of their life. She said that with regard to the integrated fare systems, bus-only

riders should have a separate fare. She said that she agreed with Board member Michael Formby's comments about clarifying information regarding the cost of the Pearl Highlands Parking Garage.

Barbra Armentrout said that smart cards would require extra staffing at satellite city halls. She expressed concern about access for disabled passengers at stations with fare gates, as well as whether the public would be able to provide input on the fare system. Board member Michael Formby assured Ms. Armentrout that while the fare system was in the planning stages, public input would be solicited at a later stage. Mr. Horner added that smart cards would allow flexibility in addressing different community needs.

III. Approval of the Minutes of the October 15, 2015 Meeting of the Board of Directors

Mr. Horner called for the approval of the minutes of the October 15, 2015 Board of Directors meeting. There being no objections, the minutes were unanimously approved.

IV. Presentation on Sustainability and Photovoltaic Programs

HART Land Use and Sustainability Manager Aki Marceau made a presentation on HART's sustainability and photovoltaic programs, a copy of which is attached hereto as Attachment A. Ms. Marceau provided a definition of sustainability, and said that ground transportation uses as much petroleum as commercial aviation and the production of electricity. She outlined legislation that codifies the State of Hawaii's commitment to sustainability, and said that rail will reduce the daily transportation energy demand by 3%. She said that HART had signed a sustainability commitment with the American Public Transportation Association in 2014.

Ms. Marceau outlined HART's sustainability strategy and renewable energy strategy. Phase I comprises the Rail Operations Center (ROC) purchase power agreement (PPA), which includes a third party agreement for installation and maintenance, no capital cost, and reduced utility costs. Phase II includes the downtown stations, at which photovoltaic systems (PV) will be added to City Center station and guideway design build request for proposals. Phase III for the Airport and west side stations and park-and-rides will involve the addition of PV at 13 potential stations and three park-and-rides.

HART is seeking Leadership in Energy & Environmental Design silver certification for the ROC for energy efficient designs. HART is also engaging in improvements to historic parks and the relocation of trees in coordination with the Departments of Parks and Recreation and Enterprise Services.

Other initiatives include electric vehicle charging stations at park-and-rides, bicycle parking at stations, and energy efficient escalators.

Board member Ivan Lui-Kwan cited a statistic that Hawaii burns more oil for energy than any other state in the union per capita, and Mr. Horner agreed.

Mr. Formby asked whether a PPA was more cost effective than purchasing PV as a capital investment. Ms. Marceau said that for the ROC and west side stations, PPAs were more

economical as the construction contracts had already been let. However, for the City Center station group, for which the contracts had not been let, PV could be integrated into the designs. Mr. Formby said that he had heard of other projects that ended up regretting entering into PPAs rather than owning the facilities. Mr. Horner suggested bringing the matter before the Finance Committee, and Mr. Grabauskas agreed.

Board member George Atta asked whether HART had considered running the train with renewable energy. Mr. Grabauskas said that HART's PV systems would contribute energy to the grid, and that the trains couldn't operate directly off solar energy. Ms. Marceau said that HART would have to get into the energy business to run its trains directly off solar energy. Mr. Horner spoke of the need to work with Hawaiian Electric Co. and Hitachi on storage capacity. He requested that HART's sustainability policy contain a cost analysis.

Mr. Lui-Kwan said that as sustainability, operations and transit oriented development (TOD) were all tied together, he requested the formation of a sustainability group.

Board member William "Buzz" Hong requested a timeline or schedule for implementation of the sustainability and PV policy.

Mr. Horner asked why PV was not initially incorporated into the design of the ROC and west side stations. Ms. Marceau said that it was included in the designs at one point, but that there had been a few versions of the design, and ultimately PV had been taken out for budgetary reasons. The designers knew that PPA could provide a solution. Mr. Grabauskas said that there had been an effort in 2011 to reduce costs, but that the buildings were designed to accommodate PV.

Anthony Aalto, Chair of the Sierra Club Oahu, provided testimony urging the Board to examine the greenhouse gases produced by rail, and fashioning creative solutions such as a microgrid or PV along the guideway. He also suggested the use of regenerative braking wayside storage. Mr. Aalto registered his interest in participating in a sustainability committee. Mr. Horner expressed his hope that eventually trains would be run from solar energy, and said that HART needs a concrete plan in that regard.

Mr. Aalto asked if there was still an opportunity to utilize an aluminum third rail. Mr. Grabauskas replied that all of the steel rail had been purchased. Mr. Atta suggested that Mr. Aalto work with Ms. Marceau on creative solutions.

Russell Honma provided testimony regarding Hitachi's role in the sustainability of rail.

V. Update on Integrated Fare Systems

Department of Transportation Services (DTS) Deputy Director Mark Garrity and HART Fare Systems Project Manager Whitney Birch provided an update on the integrated fare systems. The presentation is attached hereto as Attachment B. Mr. Garrity said that he would update the Board on the progress of HART and OTS regarding an integrated transit fare system. Mr. Horner acknowledged Mr. Formby's leadership in this regard. Mr. Garrity highlighted the change in the fare system from the original proof of payment system to fare gates, which would provide more convenience in purchasing fares, provide

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better data, and better security. Mr. Garrity said that the participants in the fare system design include HART, DTS and Oahu Transit Services, the City Department of Budget and Fiscal Services, the City Department of Information Technology, consultant CH2MHill, and the HART Board Permitted Interaction Group I (Group).

Mr. Garrity outlined the Steering Committee project goals, which include designing a simple and convenient fare collection system utilizing proven fare technology. HART Board involvement has included four briefings and four Group meetings. The interagency Steering Committee then determined fare media and system options, including smart card media, and an account-based system that utilized open architecture.

At Mr. Horner's request, Mr. Garrity provided information on his background, which includes work with Parsons Brinckerhoff in the middle east and Portland, Oregon.

Ms. Birch provided her background, which includes work on fare systems in cities such as Vancouver, Toronto, and New York. Ms. Birch reviewed the Group's policy recommendations. She said that the operations strategy would take advantage of existing skills and cost efficiencies between the City and HART, and outlined the respective responsibilities in such areas as program and financial management, information technology, call center, and equipment maintenance. She said that the fare system will integrate bus and rail with the smart card system. Mr. Horner pointed out that cash will still be accepted. Ms. Birch said that fare gates at rail station entrances will only accept smart cards to enter, which would help collect data and provide safety and security. Mr. Horner stated that the rail system in Vancouver was retrofitted with fare gates at a considerable expense. Ms. Birch said that ticket vending machines (TVMs) would be located at all rail entrances and at major bus transfer locations.

Ms. Birch outlined the fare system architecture, as well as how the system will work for passengers. She detailed how passengers will obtain, load and use the smart cards. Bus equipment would be piloted first, which would improve efficiencies in loading. Mr. Garrity said that DTS was moving forward with its all-door loading initiative. Ms. Birch reported that the fare system would then be launched at rail stations, which would include accessible gates.

Board member Damien Kim asked whether passengers would tap their cards to enter and exit the station. Ms. Birch said that concept has been included in the procurement specifications, as it yields more data. However, the decision on whether passengers will be required to tap in and out would be made at a later date, as many passengers in other systems indicate that they do not favor such an arrangement. Mr. Horner asked whether fares could be adjusted based on the card purchase location, and Ms. Birch said that option would be available.

Ms. Birch said that fare gates would be at all station entrances. TVMs will be service proven, with closed caption television monitoring.

Ms. Birch said that she would report back to the Board in the new year with a fare system vendor.

VI. Pearl Highlands Parking Garage

Mr. Grabauskas said that this conversation follows up on a discussion from the previous Board meeting, and that staff was seeking direction for repackaging the Pearl Highlands Parking Garage procurement package. Mr. Horner confirmed that the parking garage was in the original budget. Mr. Grabauskas said that staff was working to repackage different options, such as pricing individual components. Mr. Formby said that HART should obtain quotes for the cost of the facility as a whole, with options for the different components. Mr. Grabauskas said that HART could also update its independent cost estimates. HART Project Director Sam Carnaggio said that the cost estimates would take a couple of months to assemble.

Mr. Horner said the facility will need to be ready for the interim opening.

Mr. Formby asked about the Federal Transit Administration's (FTA) position if the ramp and transit center were built, but not the parking garage. Mr. Carnaggio said that the FTA would likely require HART to review ridership numbers, as Pearl Highlands would be the second largest station for ridership.

Mr. Horner asked about the possibility of additional parking at the Hoopili Station if the Pearl Highlands parking garage is not built. Mr. Carnaggio said the Hoopili Station would have 700 stalls. Board member Terrence Lee asked whether those parking stalls would be temporary. Mr. Grabauskas said that Hoopili developer DR Horton had planned to include a road to the station and surface parking for 900 vehicles at no cost to HART. This number was expanded to 1,600 spaces with HART's input. He added that it would be many years before development would occur.

VII. Executive Session

There was no need for executive session.

VIII. Sale of AnsaldoBreda and Ansaldo STS to Hitachi

Mr. Grabauskas said that pursuant to the Board's request, staff would be providing an overview of HART's due diligence efforts in the sale of AnsaldoBreda and 40% of the shares of Ansaldo STS to Hitachi. Hitachi intended to tender an offer of the remaining 60% of Ansaldo STS shares and take the company private. He said that Ansaldo asked HART if it had any objection to the sale.

Mr. Horner pointed out that Ansaldo had disclosed the likely sale at the time that it had contracted with HART.

HART Director of Procurement and Contracts Nicole Chapman introduced Deputy Corporation Counsel Ivan Torigoe, and HART counsel Joseph Stewart of Kobayashi, Sugita & Goda.

Ms. Chapman said that HART's goal in evaluating the consent to the sale of a going concern was to maintain the status quo or obtain better protection for HART, as well as the

same requirements. HART ensured that the surety company was apprised and that bonds would remain in place. It also ensured that Hitachi was agreeable to joint and several liability.

Mr. Lui-Kwan asked about the disposition of Finmeccanica's guarantee in the sale. Ms. Chapman replied that regarding Ansaldo Breda, Hitachi Rail Italy would assume Finmeccanica's guarantee. Regarding Ansaldo STS, HART was seeking assurances of the guarantee from Hitachi Limited. Mr. Horner said that he understood Finmeccanica's guarantee would remain in place for the life of the contract, regardless of any sale. Ms. Chapman clarified that the guarantee would be by Hitachi Limited, a parent company of Hitachi Rail Italy. Although Finmeccanica's guarantee remains in place, if Ansaldo STS is purchased by Hitachi, HART would need to decide whether it would like Finmeccanica's guarantee, or for the guarantee of Hitachi Limited. Mr. Horner requested a discussion regarding the matter in the Finance Committee. Mr. Lui-Kwan said that Finmeccanica would need HART's consent to be released from its obligation.

Ms. Chapman said that staff would take a close look at the guarantee documents prior to the discussion before the Finance Committee.

Mr. Stewart said that Hitachi Limited has offered a replacement guarantee equivalent to what Finmeccanica had offered in the first place. However, he pointed out that the replacement had not yet occurred.

Mr. Grabauskas said that staff would assemble a due diligence timetable.

Mr. Horner also requested the ratings of bonding agencies. Mr. Stewart said that the same bond from 2012 was still in place, so that the rating remained at an A credit rating. The replacement by Hitachi Rail Italy would not impact the surety. Mr. Horner said that was a strong guarantee far above investment grade.

Mr. Lui-Kwan asked whether Ansaldo would pay HART's expenses in evaluating the consent. Ms. Chapman said she would look into the contract.

Mr. Horner asked about the status of the rail cars. Mr. Grabauskas said that design was substantially complete, with the first four cars due in the spring of 2016.

IX. Eminent Domain – Authorization of Acquisition

- A. Resolution No. 2015-87 Authorizing the Acquisition of Utility Easement Over, On, and Across the Real Property Identified as Tax Map Key 9-8-008-029 (Portion) by Eminent Domain
- B. 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
- C. Resolution 2015-89 Authorizing the Acquisition of the Fee Simple Interest in the Real Property Identified as Tax Map Key 2-3-007-056 (Portion) by Eminent Domain

- D. Resolution No. 2015-90 Authorizing the Acquisition of Guideway Easement and Temporary Construction Easement (TCE) Over, On, and Across the Real Property Identified as Tax Map Key 2-3-039-006 (Portion) by Eminent Domain
- E. Resolution No. 2015-91 Authorizing the Acquisition of Guideway Easement Over, On, and Across the Real Property Identified as Tax Map Key 2-3-039-005 (Portion) by Eminent Domain
- F. 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
- G. Resolution No. 2015-93 Authorizing the Acquisition of Guideway Easement and Temporary Construction Easement Over, On, and Across the Real Property Identified as Tax Map Keys 1-1-004-035 (Portion) and 1-1-004-039 (Portion) by Eminent Domain
- H. Resolution No. 2015-94 Authorizing the Acquisition of the Fee Simple Interest in the Real Property Identified as Tax Map Keys 2-3-007-062 (Portion) and 2-3-007-063 (Portion) by Eminent Domain

HART Deputy Director of Right of Way Morris Atta made a PowerPoint presentation on the eminent domain items before the Board. The presentation and related documents are attached hereto as Attachment D. Mr. Atta reviewed the real estate site control process timeline. He said that agenda items A through H, for which he was requesting acquisition authorization, had already been approved by the Board for notification to the City Council.

Mr. Horner called for a motion to adopt the Resolutions 2015-87 through 2015-94. Mr. Lui-Kwan so moved, and Mr. Kim seconded the motion. All being in favor, Resolutions 2015-87 through 2015-94 were unanimously adopted.

- X. Eminent Domain – Resolution 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

Mr. Atta said that Resolution 2015-95 involved a portion of Queen Street for which ownership is in dispute. The title report shows that title vests in a trust to benefit the heirs of Charles Desky, a developer of the Kakaako area. However, Kakaako Land Company has asserted ownership on the basis of a quitclaim deed. Despite those claims, Title Guaranty's abstractors' belief is that title remains with the heirs of Desky, based on the official record. However, HART is unaware of any living heirs, so it made an offer through publication.

Mr. Horner asked the purpose for the acquisition, and Mr. Atta said that it was needed for the guideway right of way, and the property would continue to be used as a roadway. He said that given the uncertainties of the situation title needs to be cleared.

Mr. Lui-Kwan asked if Kakaako Land Company was claiming rent from neighboring businesses for parking. Mr. Atta confirmed it was. He added that Title Guaranty was not willing to recognize Kakaako Land Company's interest in the property.

Board member Terrence Lee asked what HART was seeking to acquire, and Mr. Atta clarified that HART was seeking an easement.

Mr. Lui-Kwan asked about the process in acquiring the property. Mr. Atta said after the complaint is filed, notice is given to potential parties in interest. A request for order of possession is filed. The owner has a right to object, but as there is no known living owner, the order of possession will likely be granted.

Mr. Lee said that he agrees with Title Guaranty's assessment, as he formerly represented Diamond Parking in a matter which involved the City and County of Honolulu. He said that since ownership is at question, the judge may not grant the order of possession before the matter of ownership is adjudicated. Mr. Atta responded that the possession issue is usually decided based on the public purpose. Mr. Lee opined that Kakaako Land Company would likely oppose the order of possession.

Board member William "Buzz" Hong asked who was paying the taxes on the property. Mr. Formby replied that streets were not taxed.

Mr. Atta said that HART was requesting the Board approve notification to the City Council. Mr. Lui-Kwan made a motion to adopt the Resolution 2015-95, and Mr. Formby seconded the motion. All being in favor, Resolution 2015-95 was unanimously adopted.

XI. Executive Director & CEO's Report

Mr. Grabauskas reported that the first five miles of guideway had been completed the previous week. Contractor Kiewit had been constructing six spans per week.

HART had been working with businesses to mitigate construction impacts; the Shop & Dine on the Line program had over 100 participating businesses, some of which are reporting an uptick in business.

City Council Bill 23, CD1 on the General Excise Tax surcharge extension had been reported out of the Council Budget Committee. Mr. Grabauskas thanked Mr. Horner and Mr. Lui-Kwan for their efforts thus far.

City Council Bill 73 for tax exempt commercial paper had passed. Mr. Grabauskas thanked the Mayor and City Council. The related Resolutions 15-313 and 15-314 were also passed, making short-term borrowing possible for HART. Mr. Horner pointed out that HART had always planned to borrow, and Mr. Grabauskas said that the short-term debt would be paid back with GET surcharge revenues and federal monies.

Mr. Grabauskas acknowledged Mr. Takeuchi for his contributions to HART.

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At Mr. Horner's request, Mr. Grabauskas reported that HART would be relocating certain Hawaiian Electric Co. (HECO) power lines underground, as there would not be enough clearance between the guideway and the existing power lines for HECO to make repairs. Although HART had explored other options, relocating the lines underground presented the best solution. Mr. Hong asked whether conduits could be placed on poles. Mr. Grabauskas said that doing so would result in an electromagnetic field that could interfere with the operation of the train.

Mr. Kim asked about the cost of undergrounding, and Mr. Grabauskas replied that HART would bear the cost. Mr. Kim said that as HECO would be enjoying the benefit of undergrounding, HART should negotiate some cost sharing. Mr. Grabauskas said that doing so would require going to the Public Utilities Commission (PUC), which would impact schedule. He said that the City had decided at the start of the project to pay for utility relocation to avoid PUC involvement because of schedule impacts. Mr. Horner pointed out that the public would pay for it via GET or electric bills. Mr. Grabauskas added that HART was not paying for 100% of the work in other matters involving HECO.

Mr. Hong suggested requesting the PUC to fast track a request for cost sharing. Mr. Grabauskas said that HART would reach out to the PUC.

Mr. Formby asked about the impact to schedule to relocate HECO lines underground, and Mr. Grabauskas said that undergrounding would be performed to maintain schedule. Mr. Horner added that undergrounding had been included in the updated project schedule. Mr. Formby voiced his concern over traffic, and Mr. Grabauskas said that traffic mitigation had been considered.

Mr. Lee asked whether HECO could quantify the cost savings in undergrounding lines. Mr. Grabauskas said he would look into it.

XII. Executive Session

There was no need for executive session.

XIII. Adjournment

There being no further business before the Board, Mr. Horner adjourned the meeting at 1:38 p.m.

Respectfully Submitted,


Cindy Matsushita
Board Administrator

Approved:

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November 24, 2015



Donald G. Horner
Board Chair

DEC 17 2015

Date

HONOLULU ETHICS COMMISSION COMPLAINT

EC 15-118

OFFICE OF THE HONOLULU ETHICS COMMISSION

Charles W. Totto, Executive Director & Legal Counsel

715 South King Street, Room 211

Honolulu, Hawaii 96813

RECEIVED, ACCEPTED, FEBRUARY 21, 2015

STATUS OF COMPLAINT EC 15-118

NOVEMBER 12, 2015

INVESTIGATION AND CONCLUSION OF BREACH; ADJUDICATION PENDING

DATE: **NOVEMBER 12, 2015**

TO: **UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION
INSPECTOR GENERAL**

The Honorable Calvin L. Scovel, III, Inspector General
Main Phone Number: (202) 366-1959
Mailing Address: 1200 New Jersey Ave, SE, Washington, D.C. 20590

FROM: **TOM BERG**
Telephone (808) 685-1932
Mailing Address: 91-203 Hanapouli Circle#39U, Ewa Beach, HI 96706

SUBJECT : Negligence by Grantee to Ignore the State of Hawaii Executive Branch
Independent Financial Review Released to Grantee on December 2, 2010
pertaining to the:

**HONOLULU LIGHT RAIL
FULL FUNDING GRANT AGREEMENT
HI-03-0047-02**

PURPOSE: REQUEST FOR FTA INVESTIGATION INTO HONOLULU LIGHT RAIL
FULL FUNDING GRANT AGREEMENT HI-03-0047-02

&

**CITY AND COUNTY OF HONOLULU (GRANTEE) MISREPRESENTING AND
MISCHARACTERIZING THE FULL FUNDING GRANT AGREEMENT'S TERMS AND
CONDITIONS TO PUBLIC AND DISENFRANCHISING VOTERS ON NOVEMBER 2, 2011**

PREFACE

COUNT I

The Grantee (Honolulu) executed a Full Funding Grant Agreement on December 19, 2012 that included a signatory from the City and County of Honolulu Department of Corporation Counsel that represented the facts and conditions of all Grantee's legal affairs to be in order and that upon all litigants bringing challenges to a conclusion, would have no negative impact on the Financial Plan, and hence, represented the contract to the Federal Transit Administration that all and any delays attributable to litigation, would not be of party or grounds to any Operational Date, or Revenue Collections date being extended in the event a breach of contract were made by the Grantee.

COUNT II

The Grantee further represented the Full Funding Grant Agreement to the Federal Transit Administration as being fiscally sound and after adjudicating all litigation, vendor delays, procurement delays and challenges, reported an undisclosed amount of millions of dollars would be remaining after the construction Project were completed.

COUNT III

The Grantee was served notice by the State of Hawaii, Honorable Governor Linda Lingle, on December 2, 2010 (see Addendum). The Financial Plan that the City and County of Honolulu's Department of Transportation Services submitted to the Federal Transit Administration was grossly misrepresented, seriously underestimating the Project between \$1.7 and \$8 billion. The Grantee dismissed the state of Hawaii Executive Branch Independent Financial Review and proceeded to misrepresent the true construction costs as being fiscally sound.

COUNT IV

The Grantee has represented the Full Funding Grant Agreement as having a surplus in the Property Acquisitions Contingency Fund and furthermore, reflected savings to the Financial Plan when it purchased the entire Project's 21-mile steel rails for a undisclosed savings in the tens of millions of dollars. The Grantee has also represented the Financial Plan as fiscally sound and justified approval in June of 2015 a \$300,000 a year salary to Registered Federal Lobbyist, Mr. Dennis Dwyer, with the firm

Williams and Jensen, to be another cost savings to the taxpayer when the position is not required by the Federal Government for administering any element of the Full Funding Grant Agreement.

COUNT V

The Grantee represented the Full Funding Grant Agreement as fiscally sound when it awarded a contract to Ansaldo Honolulu for \$1.4 billion in which bidder Bombardier, had provide a bid at \$231 million less than Ansaldo Honolulu. Bombardier was prohibited in litigation, from showing the public, the court, the hearings officer, the evidence that in the procurement process, the Grantee had a flawed request of a condition in which on one page a cap was placed on all third party claims, while on the next page of the same procurement form, it stated there were no caps to third party claims. This conflicting language was concealed from the public by the Grantee. Had the Grantee acted in good faith, and sought to re-bid the contract, it could have clean hands and yielded a savings of \$231 million and reflected in the Financial Plan.

COUNT VI

Any delay to the Project whereby the Grantee is unable to meet the Operational Date due to the costs of construction materials and or labor increasing costs to the Project overall, are attributable to the Grantee when it violated State Historic Preservation Law and by a unanimous decision rendered by the State of Hawaii Supreme Court, codified such negligence on the part of the Grantee to be solely responsible for all actions resulting from this serious breach of law.

BASIS FOR COMPLAINT

AND

THE REQUEST TO TERMINATE THE FULL FUNDING GRANT AGREEMENT

In conclusion, had the findings and fact of the state of Hawaii Executive Branch Independent Financial Review been honored and accepted by the Grantee, and jointly submitted to the Federal Transit Administration to expedite and mitigate the billions of dollars in discrepancies to the Project's estimated costs for mutual gain, any and all amendments necessary to alter and amend the terms and conditions of the Scope of Project contained within the Full Funding Grant Agreement needed today could have been rendered moot, and henceforth, averted any and all tax increases pending in which to pay for the Project.

OVERVIEW

DISTRIBUTION LIST

Hand Delivered to **HONOLULU ETHICS COMMISSION**
715 South King Street, Room 211, Honolulu, Hawaii 96813

Katy Y. Chen, Esq., Chair
Micheal A. Lilly, Esq., Vice Chair
Stephen A. Silva, Commissioner
Stanford B. Yuen, P.E., Commissioner
Hon. Riki May Amano (Ret.), Commissioner
Hon. Victoria S. Marks (Ret.), Commissioner
Hon. Allene R. Suemori (Ret.), Commissioner

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Honolulu, Hawaii 96809)

Susan N. DeGuzman, Chair
David O'Neal, Vice Chair
Ruth D. Tschumy
Melinda Wood
Reynaldo Grauly

Hand Delivered to **STATE OF HAWAII OFFICE OF THE OMBUDSMAN**

Robin K. Matsunaga, Ombudsman
455 South King Street, 4th Floor
Honolulu, Hawaii 96813

Mailed to **FEDERAL TRANSIT ADMINISTRATION**

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Federal Transit Administration
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ETHICS PROGRAM

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Dana Nifosi, Deputy Chief Counsel
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Mailed to **UNITED STATES DEPARTMENT OF TRANSPORTATION OFFICE OF THE
GENERAL COUNSEL** 1200 New Jersey Avenue, S.E. Washington, DC 20590

Judith S. Kaleta, Ethics Official
Deputy General Counsel

Terence W. Carlson, Assistant General Counsel
Alternate Agency Ethics

Ellen Herr, Attorney Advisor
Office of the Secretary of Department of Transportation

Hand Delivered to **STATE OF HAWAII CONGRESSIONAL DELEGATION HONOLULU OFFICES**
Honorable U.S. Senator Brian Schatz 300 Ala Moana Blvd. Rm 7-212, Honolulu, HI 96850
Honorable U.S. Senator Mazie Hirono 300 Ala Moana Blvd. Rm 3-106, Honolulu, HI 96850
Honorable Congresswoman Tulsi Gabbard 300 Ala Moana Blvd. Rm 5-104 Honolulu, HI 96850
Honorable Congressman Mark Takai 300 Ala Moana Blvd. Rm 4-104 Honolulu, HI 96850

Mailed to **U.S. CONGRESSIONAL COMMITTEE CONTACTS APPROVING RAIL PROJECT**

Honorable U.S. Congressman Representative Bill Schuster, Chair, **HOUSE
COMMITTEE ON TRANSPORTATION**
2268 Rayburn HOB, Washington, D.C. 20515

Honorable U.S. Senator John Thune, Chair, **SENATE COMMITTEE ON
COMMERCE, SCIENCE, & TRANSPORTATION**
512 Dirksen Senate Building, Washington D.C. 20510

Honorable U.S. Congressman Representative Harold Rogers, Chair, **HOUSE COMMITTEE ON APPROPRIATIONS**
2406 Rayburn House Office Building, Washington, D.C. 20515-1705

Honorable U.S. Senator Thad Cochran, Chair, **SENATE COMMITTEE ON APPROPRIATIONS**
Room S-128, The Capitol, Washington, D.C. 20510

Hand Delivered to **GRANTEE HI-03-0047-02 REPRESENTING THE CITY AND COUNTY OF HONOLULU**

Mr. Dan Grabauskas, Executive Director, **HONOLULU AUTHORITY FOR RAPID TRANSPORTATION (HART)**
1099 Alakea Street, 17th Floor, Honolulu, Hawaii 96813

Hand Delivered to **STATE OF HAWAII ATTORNEY GENERAL**

Douglas Chin, Attorney General
425 Queen Street
Honolulu, Hawaii 96813

Hand Delivered to **STATE OF HAWAII HOUSE OF REPRESENTATIVES & STATE SENATE**

State Capitol, House Clerk, Room 27
415 South Beretania Street
Honolulu, HI 96813

State Capitol, Senate Clerk, Room 10
415 South Beretania Street
Honolulu, Hawaii 96813

Hand Delivered to **STATE OF HAWAII GOVERNOR**

Honorable Governor David Ige
415 South King Street, 5th Floor
Honolulu, Hawaii 96813

Hand Delivered to **HONOLULU MAYOR**

Honorable Mayor Kirk Caldwell
530 South King Street, Room 300
Honolulu, Hawaii 96813

Hand Delivered to **CITY AND COUNTY OF HONOLULU CITY COUNCIL**

Honorable Councilman Ernie Martin, Chair, 530 S. King St., 2nd Floor, Hon., HI 96813
Honorable Councilman Ikaika Anderson, Vice Chair, 530 S. King St., 2nd Floor, Hon., HI 96813
Honorable Councilwoman Kymberly Pine 530 S. King St., 2nd Floor, Hon., HI 96813
Honorable Councilwoman Ann Kobayashi 530 S. King St., 2nd Floor, Hon., HI 96813
Honorable Councilwoman Carol Fukunaga 530 S. King St., 2nd Floor, Hon., HI 96813
Honorable Councilman Joey Manahan 530 S. King St., 2nd Floor, Hon., HI 96813
Honorable Councilman Ron Menor 530 S. King St., 2nd Floor, Hon., HI 96813
Honorable Councilman Brandon Elefante 530 S. King St., 2nd Floor, Hon., HI 96813
Honorable Councilman Trevor Ozawa 530 S. King St., 2nd Floor, Hon., HI 96813

Hand Delivered to **DEPARTMENT OF CORPORATION COUNSEL**

Donna Y.L. Leong, Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813

CONCLUDING DISTRIBUTION LIST WITH CERTIFIED MAILINGS TO:

UNITED STATES DEPARTMENT OF TRANSPORTATION

Mr. Anthony Foxx, Secretary of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

&

Peter Rogoff Secretary of Transportation for Policy
1200 New Jersey Avenue SE
Washington, DC 20590

November 12, 2015

Office of Chief Counsel
Federal Transit Administration
400 Seventh Street, SW
Washington, DC 20590

Inspector General
Department of Transportation
1200 New Jersey Ave, SE,
Washington, DC 20590

Aloha Honorable Calvin Scovel, III, and Elizabeth Martineau,

Ms. Martineau, as the Senior Attorney, Office of Chief Counsel, for the Federal Transit Administration, and jointly, with Honorable Calvin Scovel, III, Department of Transportation, Inspector General, please accept this communication and forward to any and all of the appropriate agencies for review and recourse where the jurisdiction permits.

My name is Tom Berg. I was elected to the Honolulu City Council on December 29, 2010. During the period of my term in elective office that terminated on January 2, 2013, I witnessed the Grantee misrepresent and mischaracterize the terms and conditions of the Full Funding Grant Agreement during that time.

This is to inform you that the Full Funding Grant Agreement executed on December 19, 2012, between the Federal Government and the Grantee, was violated by the Grantee on November 2, 2011, when it denied and disenfranchised voters with any recourse and remedy to appeal the notification by and from their state of Hawaii Executive Branch that concluded in an Independent Commissioned Financial Review of the Project, that the Project's construction estimate costs was grossly underestimated and warranted the Grantee take precautions to avert additional taxes and or breach of contract in the future.

Your assistance is needed to remedy the breach of contract whereby the Grantee characterized the Project on November 2, 2011, prior to the Project's Final Design being approved by the Federal Transit Administration, as a Project that could no longer be amended. And, if the Grantee had satisfied any and all necessary documentation and forms needed to amend the contract to include a change in rail systems to another rail system, that any effort to petition congress and solicit a waiver to a repay condition as a result of that request to congress and the Federal Transit Administration, was not permitted.

The Grantee made a portrayal and announcement about the Full Funding Grant Agreement that the Federal Government does not allow any changes to the Scope of Project after a Record of Decision, of which was in January of 2011, and any request after that date to amend the contract to include another type of rail technology was an automatic, mandatory repay.

The contract was portrayed by the Grantee as one that could not be amended and locked the Grantee into a steel wheels on steel rails project no matter what- and if aborting the rail technology for another to react and respond as a means for remedy to the state of Hawaii Independent Financial Review that characterized the Project as grossly underfunded, would require the Federal Government, per the Grantee, on November 2, 2011,

“Come back to Honolulu and demand every cent be returned to them. That is not a hypothetical, Mr. Chairman, but a fact. The federal government has assured me, that if Honolulu were to change the City Charter and ask for another rail system in place of a steel wheel rail system, the federal government will terminate our Project- we have to build a steel wheel rail system or else payback the federal government upwards of \$200 million dollars. With that fact Mr. Chairman, I am voting no.”

Representation of the Full Funding Grant Agreement as aforementioned above made by Councilmembers Ikaika Anderson, Ernie Martin, and Breene Harimoto; November 2, 2011; Kapolei Hale, Deliberations and Vote on Resolution 11-328.

Councilman Ikaika Anderson, on November 2, 2011, at Kapolei Hale, during deliberations on Resolution 11-328, wrongfully denied voters with the option to opt out of a steel wheel system as their former governor suggested. The former Governor made it clear, that taxpayers on the hook for this Project should be exploring with the Federal Transit Administration more efficient, less costly rail systems and advance a Project that actually meets the price taxpayers and voters brokered per the agreement (see Addendum)

The OVERVIEW enclosed is meant to serve as an introduction to the history and background to the complaint. Supporting documentation has been recorded in a video format to augment your investigation for evidentiary purposes. You may retrieve access to the video at this link and

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watch directly the proceedings where the Grantee makes statements to knowingly and willingly sway a vote and disenfranchise voters by providing a false condition of an automatic repay when no such language can be found in any document, rule, or guide involved with the Project.

VIDEO OF FALSE STATEMENTS MADE TO WRONGFULLY SWING A VOTE

<https://www.youtube.com/watch?v=OTuGKl49j9w>

The Grantee cannot produce any documentation when asked to substantiate their claim that a mandatory condition and term of contract included a condition of a mandatory repay in effect for changing the Scope of Project thirteen months prior to signing any contract with the Federal Government.

The misrepresentation and mischaracterization of the Full Funding Grant Agreement was that the Grantee made the announcement that our contract only allowed for and called for, a steel wheels on steel rails system. The Grantee also went on to portray the Full Funding Grant Agreement as a contract that required Honolulu build nothing else but a steel wheels on steel rails system or lose all federal funding. Furthermore, if the Grantee were to request to modify the contract, the Grantee would have to return all federal funding, and start all over in the grant process- that no relief as is afforded per Chapter V of the Full Funding Grant Agreement Guidance to petition congress and seek a waiver to amend the contract to reflect another type of rail transit system was permitted, per the Grantee portrayal of the Full Funding Grant Agreement.

In conclusion, as a direct witness to the false statement and inaccurate portrayal of the contract between Honolulu and the Federal Government, and as the introducer of the legislation to amend the Full Funding Grant Agreement on November 2, 2011, I plead with you, to please provide Honolulu's voters and taxpayers with an answer as to whether or not, our Full Funding Grant Agreement was misrepresented and mischaracterized.

Respectfully,

TOM BERG

Tom Berg

HONOLULU CITY COUNCIL, THE RAIL CONTRACT AND DISENFRANCHISED VOTERS

by Tom Berg, Hesh Goldstein, Al Frenzel, John Philip Souza, Jack De Feo,
Ed Wagner and Marissa Dipasupil Kerns

At Honolulu's City and County budget hearing held on November 9, 2015 at Washington Middle School, discussion was heard on the possibility of changing the scope of the rail project and asking the federal government for relief to our financial dilemma.

A letter dated April 3, 2015 from Federal Transit Administrator (FTA) Therese McMillan, states that any deviation from the terms and conditions of the contract executed between the Federal Transit Administration and Honolulu (the Grantee,) would constitute a "repay." (A repay is where all funds thus far provided from the federal government for the project are returned.) That means that an estimated \$400 million--the amount thus far spent by Honolulu--would have to be paid back to the federal government if the route, distance, technology, date of operation, or other components and elements of the contract are not satisfied and met.

However, the Administrative Rules in the Full Funding Grant Agreement (FFGA) state that that per Chapter V, the Grantee is afforded the ability to petition Congress for a waiver to any repay, penalty, or reduction of federal

funds as a result of needing to amend the scope of project. In the request to amend the terms and conditions of the FFGA and invoke Chapter V, the Grantee in essence has to spill the beans, beg for mercy and then wait for the outcome.

Chapter V: Project Implementation

1. REQUESTS FOR MODIFICATIONS OF FULL FUNDING GRANT AGREEMENTS. Procedures for requesting amendments and other types of grant modifications are set forth in FTA's "Grant Management Guidelines," Circular 5010.1C. FFGAs are unique, however, in that certain types of modifications—notably, changes in the Scope of a Project, and significant budget revisions—must be reported to the Congress. Moreover, a failure to achieve a Revenue Operations Date constitutes a breach of a material term of an FFGA, which is subject to strict scrutiny and may be waived only by the Federal Transit Administrator or his or her designee. This chapter summarizes how FTA's general procedures for grant amendments and modifications are applied to FFGAs, and introduces certain special procedures applicable only to FFGAs.

Five City Council members opened up this can of worms when they went to Washington DC, earlier this year. The purpose of the trip was to beg the FTA Administrator to let Honolulu out of the FFGA contract's terms and conditions to allow them to go with another rail technology: (paraphrasing) "Is this doable? Do we have to pay it all back, or will you agree with us, that we ran into unforeseen circumstances and a waiver to the repay is warranted? Please let us change our terms and conditions of our contract without a penalty."

The purpose of this second trip was in direct conflict with their position back in 2011 when the council said it was too late to make changes and blocked a proposal to revisit the choice of rail technology by placing it on the ballot for the people to decide.

Honolulu Ethics Complaint EC 15-118

Along with other testifiers, we presented the budget committee with information on current Honolulu Ethics Commission Complaint EC 15-118 during the testimony period the budget committee was receiving on Bill 23. We explained to the council members there that the complaint affirms that the City Council cannot misrepresent or mischaracterize the terms and conditions of the FFGA, and if it did, it is a breach of contract.

If it can be proven that the contract's true terms and conditions have been misrepresented and mischaracterized, the FTA has clear, definitive language guiding its policy what to do: in the event the contract was not presented accurately to the people, the contract has been breached. Further, under those conditions the FTA will terminate the contract it has with Honolulu and a repay will transpire.

Why file a complaint now?

If the City had kept its word and built the project like it claimed it would, then the complaints would be moot. Unfortunately, since the cost overruns are attributable to the negligence provided in the original Financial Plan, we had to wait until that scenario was triggered by necessity. Five City Councilmen trooped back to DC to talk to the FTA. (Note: Why would they do this? Supposedly, they already had their answer in 2011 when they went to DC then and were told it was not doable. Why the second trip--on our dime and time?)

The crux of the complaint is that on November 2, 2011, when Resolution 11-328 (a measure to change the scope of project to maglev or monorail by ballot initiative) was heard, the Council misrepresented the true conditions and terms of the contract and not only acted in bad faith, but with malice. The intent to sway a vote by interjecting false conditions of a contract is far greater of an offense than a simple forgetting to file a conflict of interest statement or a financial disclosure statement before voting on a subject matter.

The director and legal counsel for the Honolulu Ethics Commission Chuck Tutto is to investigate (per EC 15-118) whether or not three council members knowingly and willingly made false statements about the terms and conditions of our contract with the federal government with the intent to disenfranchise voters with that false information.

One of the components of complaint EC 15-118 is, that during the vote on Resolution 11-328, Chair Ernie Martin, Vice Chair Ikaika Anderson, and Transportation Committee Chair Breene Harimoto, made comments that in their recent trips to Washington DC, transit officials told them we could not change anything and hence, Chapter V was not only not available to us, but not applicable in any fashion whatsoever. It was off the table. Per the three councilmen, Honolulu was not allowed to petition Congress and request from them, any waiver changing the steel wheel system to another rail system.

The complaint also contends that Honolulu's voters had a right and privilege as is provided in the rules of administering FFGA's to amend the contract and not have a repay be assessed. This right and privilege was denied voters when the three returning council members reported that the Chapter V relief from payback clause had been ruled out by the FTA as an option. According to the complaint, that was not true.

The contract was misrepresented. How do we know that? The answer lies in how the contract was being portrayed in 2011 before we signed the contract. Every piece of information that has been communicated by and from the FTA over the years, has always and consistently reiterated the following: "Honolulu, the contract you signed calls for a steel wheels on steel rails system. You are bound to that by signing the agreement that this is what you wanted to construct. If you wanted to construct any other type of rail system, you could have petitioned Congress and asked them to amend your contract to do just that--as long as it was done before you agreed to sign the contract." (Note: our contract was executed on December 19, 2012.)

This implies, that prior to signing the contract, we the Grantee could have asked Congress to deploy Chapter V and seek relief since we had not yet agreed to build any one type of a rail system.

Now, the City Council is saying, via the Budget Committee meetings, that in light of the looming fiscal dilemma that Governor Lingle first revealed in 2010, Honolulu can invoke Chapter V today and make changes to our contract without penalty.

Councilwoman Anne Kobayashi, who in 2011 agreed with the claim that Honolulu had no right to seek a waiver and represented the contract back then as stating that a mandatory repay was a definitive condition if *any deviation* from the contract were made, now claims *we can* solicit Congress and the FTA to make changes and invoke Chapter V and possibly not get penalized. She just hopes they don't ask for a repay and that the FTA will have empathy for our fiscal plight- that we have no more money. She wants to see if we can shorten the route. She must not have read the FTA's McMillan letter that stated that is a 100% automatic repay.

Why did the City Council represent the contract in 2011 as one that cannot be amended, but today, take the opposite position and claim we should be looking at doing just that?

Honolulu Authority for Rapid Transportation (HART) and the City Council are now contemplating asking Congress and the FTA for relief and to change the parameters of the contract's terms on the grounds that we ran into fiscal problems.

The fiscal problems had been known and made public by Governor Lingle from the beginning. An Independent Commissioned Report (see Addendum) executed by the State of Hawaii's Executive Branch reflected findings of fact that illustrated the Financial Plan submitted to the FTA by the Grantee was seriously flawed. The plan grossly underestimated the true costs of constructing the rail. Honolulu's City Council silenced that report and refused to conduct a hearing on the discrepancies. This is gross negligence on the part of the council.

Adding insult to injury, after the governor recommended the taxpayers ask for a change in scope to the project to include changing rail systems, the City Council reacted with (paraphrasing): "We cannot do anything about it; we are locked in to a steel wheel rail system and we cannot invoke Chapter V for relief in any fashion or form. The federal government told us so. Chapter V is not available to us; the feds took it off the table and if we don't build a steel wheel system, we lose everything."

Nothing was available to us for relief according to the three Councilmen Anderson, Martin and Harimoto who represented our contract. It was an automatic repay, forfeit of project, and termination of all future grant monies for the project if the people of Honolulu believed their governor and did as she suggested. Furthermore, the three councilmen insisted that if Honolulu were to ask Congress for any modification, the vote and results would surely be a payback ruling to return every cent.

In 2010 Department of Transportation Director Brennon Morioka portrayed the rail contract as one that *could be amended without a repay* if rail technologies were changed. He suggested that Honolulu exchange the steel wheel choice for another rail system that meets the price the voters agreed to and brokered.

Today, Morioka is receiving one of the highest salaries in the state by representing HART as its Deputy Director. Morioka has attended various neighborhood board meetings and is now making statements that the governor's suggestion to change the scope of project *was actually not doable*—

reversing his position 360.° Some would call that throwing your old boss under the bus, but that is off topic.

Accordingly, Anderson, Martin and Harimoto, today still refuse to disclose the names of the transit officials who they claim told them that any relief mechanism to our financial crisis would not be available to us. These FTA people, who remain nameless, are kept hidden from the public by the councilmen. Complaint EC 15-118 contends this isn't legal.

Since the hearing date in 2011 to put rail back on the ballot through today, the two councilmen and now one state senator – have collectively refused to disclose their source of information and the names of persons at the FTA who they claim told them where the automatic repay was in any document had Honolulu wanted to change rail systems before it agreed to signing any contract.

In the ethics complaint EC 15-118, it states that council members are not allowed to make false statements to sway a vote and purport conditions of a contract at whim, especially if the statement made concocts a condition of the contract that does not really exist.

Where the Rule of Law is valued, it is expected that when a council member makes a claim about a contract being brokered between government entities, the claim must be substantiated as being truthful, must explain how it was derived, and if making a reference to the terms and conditions of a contract, must show where the reference exists.

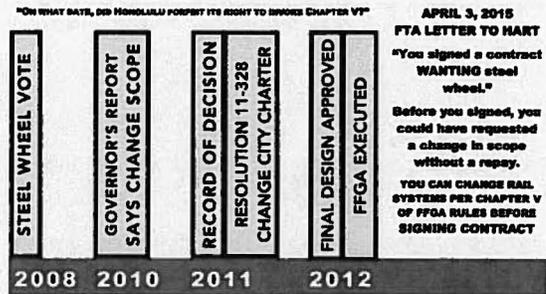
In EC 15-118, complainant Tom Berg provides evidence that it is a *violation of conduct of office* for a councilperson to make an untruthful statement about a contract; and that when the terms and conditions of our rail's contract are being deliberated upon by the people in a public hearing, posted on an agenda item, elected officials are held to a higher standard of conduct and must disclose their source of information when making claims about the contract's contents. Elected officials are not allowed to concoct any statement they like, especially when it is known to be not true. Making untruthful statements during a public hearing to sway votes and disenfranchise voters should be a major offense somewhere in the books.

But alas, the salary for Chuck Totto, legal counsel and director for the Honolulu Ethics Commission is approved by Chair Martin and the City Council. Director Totto just last month responded on the status of complaint EC 15-118 filed in February of this year with his office. Mr. Totto stated that the complaint has been put on hold and will not be investigated until the City Counsel gives him more resources. In reality, all Mr. Totto has to do is pick up the phone, or send an email to the two councilmen and one state senator and make these inquiries, for example:

- Please name your source of contact that told you that Honolulu, on or before the date of November 2, 2011, could not amend the FFGA contract, ask Congress for a waiver nor invoke Chapter V of the rules that guide and administer FFGA grants to amend our contract without a repay.
- Also, please provide the date Honolulu forfeited its right to invoke Chapter V and engage Congress for relief that you stated you had been apprised of, and please provide the documentation to substantiate your characterization of the contract that Honolulu was locked-in to a steel wheel rail system.

- Where does the language exist that Honolulu was not permitted to amend the contract as of the hearing date of November 2, 2011, when you made the reference, and where can I find that?

Please note, that Resolution 11-328 was heard on November 2, 2011, *after* the Record of Decision (ROD) was issued to Honolulu in January of that same year. Not one person in HART, the FTA, the Mayor's office, or the City Council themselves will put in writing, that once the ROD was issued, it prevented Honolulu from entertaining Chapter V for any relief it needed.



When asked if the ROD locked us into steel wheel and if the three council members' statements that we could not amend our contract without a mandatory repay was truthful or not, HART Director Dan Grabauskas responded with, "I do *not* know when Honolulu forfeited its right to amend the contract and change rail technologies without a repay."

On November 2, 2011, Councilman Anderson implied that he *knew the date* when we could no longer change rail technology to another. Further that Honolulu could not thereafter make any amendments to the contract. We the Complainants would like to see Mr. Tutto ask Councilmember Anderson and HART Director. Grabauskas just what is that date, and to require them to provide full supporting documentation.

HART will not back up or substantiate the three council members' portrayal of the terms and conditions of our contract made with the FTA as truthful. HART wrote, that they did not know of the date that the three council members gave. Instead, HART responded with an email to Tom Berg this year that stated, "We cannot speak for the FTA or the City Council."

The oddest thing happened at the City Council meeting back on November 2, 2011. HART failed to show up or offer any comments to the resolution that sought to change the rail technology and put it before the voters. It appears that when Councilman Ikaika Anderson made the claim Honolulu was not allowed to entertain anything but steel wheel at the hearing, HART must have known that was not a truthful representation of the contract, and rather than be a party to the deceit or worse, called up to counter the false portrayal of the contract being made, they played hooky and left the dirty deed to the three councilmen to disenfranchise voters with false information.

At that same meeting, only Councilman Berg sided with former Governor Lingle's report about the project's flawed cost findings. No one else agreed with him that Honolulu should change rail technologies. And without HART being present, Berg could not question the statements made. Lingle's report was not given the consideration it was due, and the people lost out.

Amending the FFGA without repayment penalty

According to the Ethics Complaint EC 15-118, the complainant claims that per Chapter V of the Administrative Guide that regulates and oversees our project's light rail implementation, all of the conditions, requisites, and terms necessary to switch from a steel wheels on steel rails project to another type of rail system was doable without any repay. We being the complainant contend that the FTA contract could have been amended without a repay in the year 2011 with these stipulations:

1. Changing the City Charter – yes, it could have been done before the FFGA was signed in December of 2012. Resolution 11-328 did not rule out or prevent a Special Election from transpiring if the election itself to change the Charter had to be expedited to meet the FTA's timetable.
2. Any and all Supplemental Environmental Impact Statements that would be necessitated, new Environmental Assessments, a new Financial Plan, along with any other requisites required by the FTA to accommodate the change in scope, were doable, and all could have been completed before October 1, 2012, when the first draft of the contract was made public.
3. The Operational Date would remain untouched—there would have been no delay in generating revenue if the voters decided to scrap steel wheel in place of a monorail or an urban maglev rail system. Both monorail and maglev systems are constructed much faster than steel wheel, since they require far less construction materials, utilize a much smaller footprint and consume less energy. Studies in China and from a symposium held in October of 2011 in South Korea held that Urban Magnetic Levitation is superior on all fronts when compared to subways and light rail systems.
4. The level of service would remain the same as was proposed in Resolution 11-328. There would be no reduction of service, stations, distance, or alteration of the project's route had the voters been afforded to invoke Chapter V of the rules of the FFGA.

Council members have not responded when asked to reveal and disclose their source of information as to where the information came from that they made during a public hearing to describe the contract's parameters, such as who said it, and where does the prohibitive language exist in any document that our right to access Chapter V was taken away.

In other words, we contend that what the budget committee and HART and the Mayor were saying in their exchanges at Washington Middle School recently—this "Plan B" to ask Congress and the FTA to amend the contract—diametrically conflicts with the council's earlier statements and portrayal of the contract that took place on November 2, 2011.

Case in Point

The City Council says today we can have access to Chapter V and make amendments to the contract to change the scope of project without a repay if we just ask Congress and the FTA.

While in contrast, before we agreed to build anything, eight council members on November 2, 2011 wanted us to believe just the opposite: that we could not have access to Chapter V's "get out of jail free cards" and still pass go and collect the grant monies.

Councilman Ikaika Anderson made his claim known to the public at the November 2, 2011 hearing on Resolution 11-328. Anderson stated that the resolution introduced by colleague Tom Berg to put rail back on the ballot, could not be implemented because no waiver, no petitioning Congress option to get out of a repay would be tolerated. If it were tried, such as asking Congress if we can switch rail technologies like Resolution 11-328 proposed, Honolulu would have no rail project at all to play with according to Councilman Anderson. Any relief sought per Chapter V was simply not in play for us on November 2, 2011.

In addition, the rail project would terminate according to Councilman Anderson, Martin, and Harimoto, if Honolulu tried to invoke Chapter V and seek out a monorail or urban maglev system costing less. This is also not true.

Compounding the threats at the people, scaring them away from any relief or remedy, Councilman Anderson went on to state at the November 2, 2011 hearing, "Chair, that is not an assumption, that is a definitive. The federal government has assured me they will indeed come back to Honolulu and demand every cent be returned to them if this measure passes."

And now, the most disheartening act, after misrepresenting and mischaracterizing the true terms and conditions of the contract, *eight council members on November 2, 2011, voted to suspend the rules, seek a motion to waive sunshine law, and file Resolution 11-328 right then and there and not permit the resolution to be placed on the next council calendar agenda.* Ninety-nine percent of all legislation in the history of the Honolulu City Council after not passing on First Reading, are placed on a future agendas for filing so the public can react to the vote that just took place. More importantly, the public are thus respected and afforded with the opportunity to refute and expose misinformation stated by any government official at the meeting.

Per the principles of our Rule of Law, waiver of the sunshine law is not an ethical violation and is not part of the complaint. However, it begs the question: "Why did the three council members who made the claim Honolulu could not entertain anything else and could not amend their contract without killing the entire project, orchestrate the scrip together and make the motion, second the motion, and vote to get Resolution 11-328 out of the public eye as quickly as possible?"

On November 2, 2011, when Chair Martin affirmed Councilman Ikaika Anderson's statement, as did Councilman Breene Harimoto at the November 2, 2011 hearing, it refuted the suggestions made by Governor Lingle that in her report released on December 2, 2010, it would be advantageous for the City to ask Congress to change the scope of project to another rail transit technology, averting more taxes down the road.

The governor was quoted on the news as telling the public that there are less costly rail systems available to them and voters should ask their elected officials to entertain alternative rail systems—then Councilman Tom Berg, elected three weeks after the governor made that recommendation, acted on the governor's advice because the rules according to Berg and Lingle - per Chapter V, permitted it.

Contract A or B? Which is it?

The complaint, EC 15-118, points out that the contract has been represented by the City Council in two ways. This is not legal. Either a contract says this, or it says that. Thus far, the City Council has advanced two conflicting portrayals of the contract and behaved as if two separate contracts exist:

A: Contract Does NOT include provisions for change; Chapter V NOT available.

This is the Council's original stance in 2011—that amendments to the FFGA and Chapter V relief were denied Honolulu by the FTA.

On November 2, 2011, before the FFGA was agreed to, the Council by a vote of 8-1, made the claim that the voter was not permitted nor afforded the privilege to petition Congress and initiate the process for relief per Chapter V of the FFGA rules. Chapter V (how a Grantee can ask Congress for a petition and request a waiver to the terms and conditions of the contract and not suffer any negative consequences; and or minimize losses) was prohibited to Honolulu and not available to them as portrayed as a condition of the contract.

This is how the City Council represented the contract on November 2, 2011, that it was an automatic repay in funds- that Congress would not entertain a request to change the scope of project because any change in scope of project would terminate the project and the Grantee was required to build a steel wheel system before November 2, 2011.

Thus, the public was informed by their City Council that no relief was available--that *the contract we had with the Federal Government did not allow Honolulu to exercise any of the options in Chapter V to change anything*: "we were locked-in, we were bound to, we were required and mandated per all conditions that no matter what financial plight we are in, we had to build what we have presented to the Federal Transit Administration.

On November 2, 2011, the conditions as presented by the City Council were that we the Grantee, cannot, under any circumstances, change the rail technology without an automatic repay in effect. Honolulu had forfeited its right to invoke Chapter V and amend the scope of project for any reason, for any cause, and for any purpose; and, the City Council portrayed facts as being, that they could answer, speak for, and conclude what Congress might say in the event a request to change the contract and amend it was to transpire. They said they were told this in advance, and stated it was a "Definitive yes." They already knew how Congress would vote.

B: Contract DOES include provisions for change; Chapter V relief IS available.

Now in 2015, the Council says that Chapter V *is available* to them today to change the Operational Date and to seek a waiver to any repay for violating the terms and conditions of the contract.

On November 9, 2015, HART announced that if a rail surcharge was not increased, they would have to amend their Financial Plan and invoke Chapter V of the FFGA rules and make a formal request to Congress and the FTA for a waiver to the contract.

In order to successfully garner a waiver from Congress and the FTA to avoid a repay or penalty, HART, per Council directive, *can invoke Chapter V* of the FFGA rules. If directed by the City Council to shorten the route, change the rail technology, lessen the number of stations, or alter any of the terms and conditions of the original contract, HART can solicit a waiver from Congress.

HART will have to petition Congress for a waiver to amend numerous aspects of the FFGA and cannot answer, speak for, nor conclude what Congress might say in the events that would transpire. The city council members at the budget committee hearing on November 9, 2015, stated they "did not know or have any kind of a crystal ball to know in advance how Congress would vote."

In Conclusion

Honolulu City Councilmen went to DC during the spring of 2015, to ask the FTA about whether or not they could amend the contract to specifically have a maglev or monorail system. Why the second trip at all if, according to Councilmen Anderson and Martin in 2011, they already had been told that they were locked in to steel and locked out of Chapter V relief?

For Honolulu, this debacle poses a growing risk, seemingly thanks to the City Council inaction. Had we addressed the issue and scrapped steel wheel in 2011, the risk of possible repay was \$200 million. Without a Congressional waiver, to scrap it today would cost just over \$400 million.

In conclusion, the purpose and end result sought by the complaint, is that if it turns out that any sitting council person cannot produce the exact date, the event or milestone in which Honolulu forfeited its right to invoke Chapter V for relief as suggested by our governor in 2010, then that would substantiate the claim made per EC 15-118, that three council members made up a false condition that did not really exist in the contract.

The FTA, in receipt of that information, would then in turn, terminate our FFGA contract on the basis it was misrepresented and mischaracterized by three councilmen on November 2, 2011. Any misrepresentation of the contract is considered a breach.

Voters were disenfranchised on November 2, 2011, but in order to have the complaint mitigated to prove this, the council has to give Chuck Totto and his team the resources to investigate. This is like asking your boss for money so you can investigate him for wrongdoing. Something is seriously upside down with that, and the outcome of EC 15-118 will let us know if this town still has any concern for the Rule of Law left in it.

Respectfully Submitted By

TOM BERG

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Signing in behalf of Complainants:

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ADDENDUM

Double-click Executive Summary below and full document will open in your default PDF Reader.

If document does not open, the Executive Summary can be found at

<http://archive.jan2013.hawaii.gov/dot/railtransit/documents/Executive%20Summary%20-%20Honolulu%20Rail%20Transit%20Financial%20Plan%20Assessment.pdf>

EXECUTIVE SUMMARY

Financial Plan Assessment, Feasibility and Fiscal Implications of the Honolulu Rail Transit Project

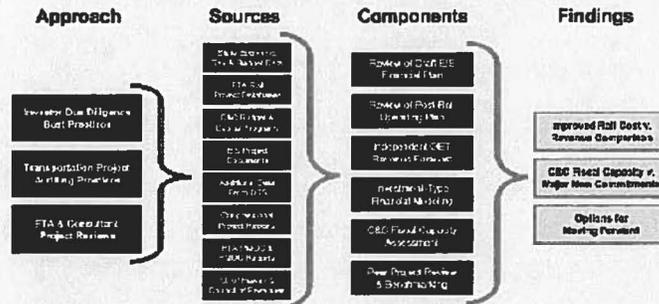
prepared by
Infrastructure Management Group, Inc.
 in conjunction with the Land Use and Economic
 Consulting Group of CB Richard Ellis and Thomas A. Rubin

1. Study Overview

The Honolulu High Capacity Rail Transit Project is one of the largest proposed transit projects in the country. Its budget dwarfs the New York Second Avenue Subway Phase I and the Washington Dulles Corridor Metrorail Project. Of the 43 projects listed in the Federal Transit Administration's ("FTA's") *Annual Report on Funding Recommendations*, the only projects with larger dollar values are the New York Long Island Rail Road East Side Access and the New Jersey Access to the Region's Core, which was recently canceled by the New Jersey governor due to its cost overruns. In light of Honolulu project's size compared to the population served by it, Governor Linda Lingle requested that the Hawaii Department of Transportation procure an independent financial review.

Infrastructure Management Group, Inc. ("IMG"), in conjunction with the Land Use and Economic Consulting Group of CB Richard Ellis ("CBRE") and Thomas A. Rubin (together, the "IMG Team") was tasked by the Hawaii Department of Transportation to evaluate the rail project's financial plan, including revenues and costs, the post-rail operating plan, and the fiscal implications for Honolulu. In addition, the IMG Team examined the financial performance history of other relevant transit rail projects relevant to Honolulu's plans. The diagram below summarizes the analytic process.

The Independent Financial Assessment Process



ATTACHMENT A

HART

HONOLULU AUTHORITY for RAPID TRANSPORTATION

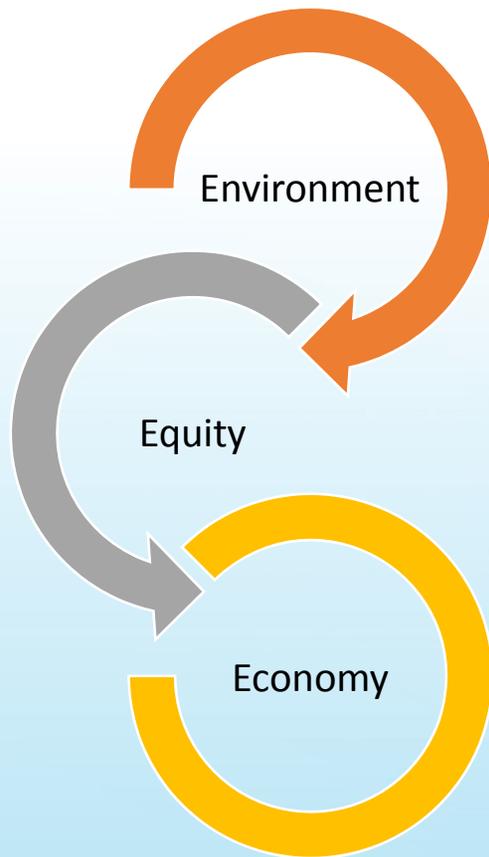
Sustainability Strategy

H O N O L U L U R A I L T R A N S I T P R O J E C T

WWW.HONOLULUTRANSIT.ORG

HART
HONOLULU AUTHORITY for RAPID TRANSPORTATION

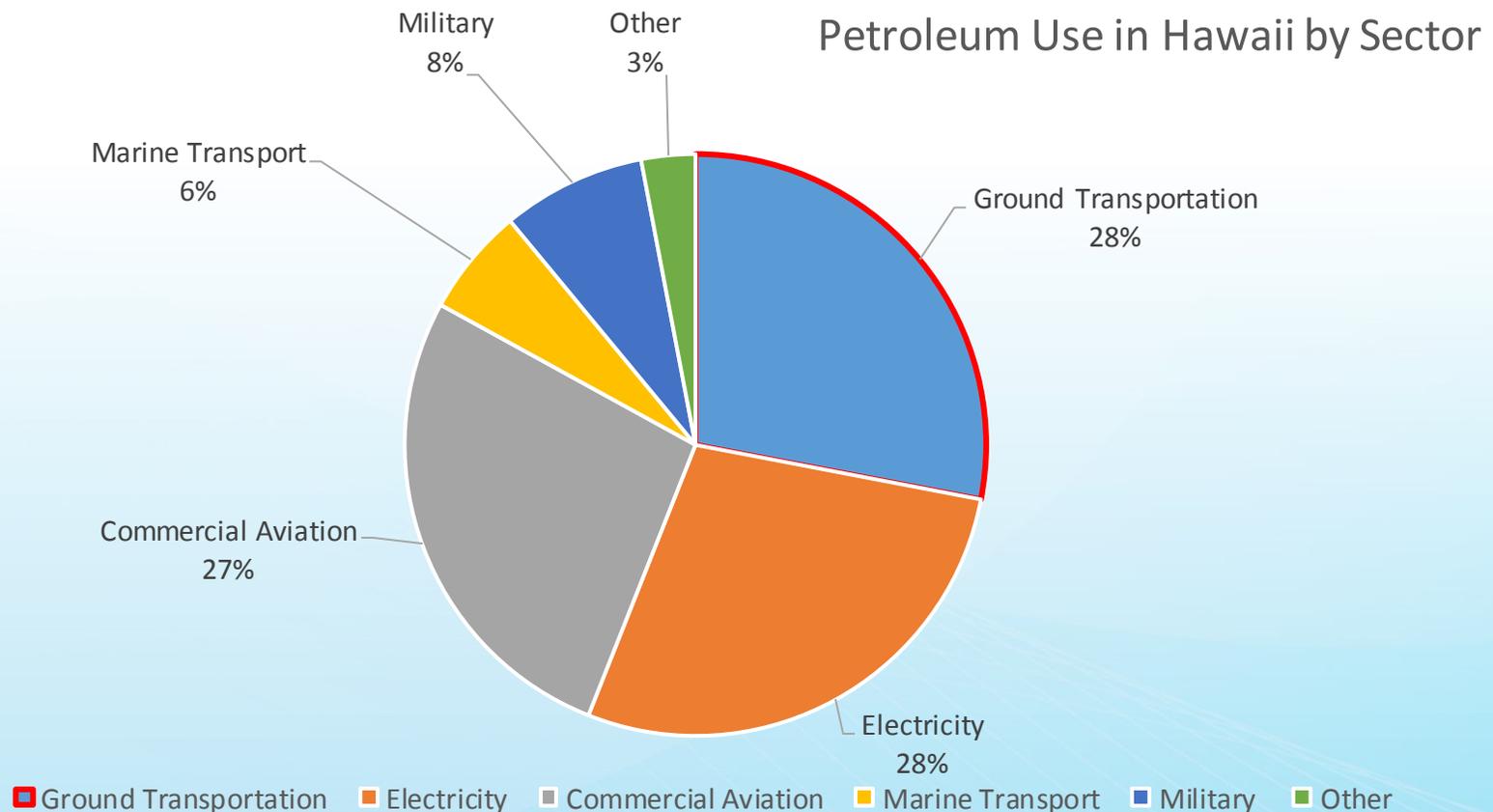
What is Sustainability?



“To meet the needs of the present without compromising the ability of future generations to meet their own needs.”

– Brundtland Commission, United Nations, 1987

Sustainability and Transportation



Source: Hawaii Department of Business, Economic Development and Tourism, Hawaii Energy Facts and Figures. May 2015

State of Hawaii Legislation

- Act 38
 - Commitment to “increas[ing] energy security and self-sufficiency through the **reduction and ultimate elimination of Hawaii's dependence on imported fuels for electrical generation and ground transportation**”.
- Act 97
 - “Goal of one hundred per cent renewable by 2045... [to] ensure that Hawaii moves beyond its dependence on imported fuels and continues to grow a local renewable energy industry.”

Rail will reduce energy demand in transportation

Each day HART:

- *Serves almost 120,000 passenger trips*
- *Removes 40,000 car trips*
- *Saves 20,000 gallons of gasoline*

The Project will reduce daily transportation energy demand by 3%.

3%/day = 52,700 mT CO₂/year = **ENERGY SAVINGS** equivalent to:



6,500
homes use of electricity
for one year



120,000
barrels of
oil consumed



2.2 million
propane cylinders used
for home barbecues



5.9 million
gallons of
gasoline consumed

Source: Honolulu Authority for Rapid Transportation, Final Environmental Impact Statement

Note: Calculations include energy used to run the train.

American Public Transportation Association Sustainability Commitment

- Signed March 2014
- Joined over 100 other transit agencies and private companies committed to sustainable transportation
- Committed HART to:



Sustainability
Champion

Sustainability
as Strategic
Objective

Outreach
Program for
Staff

Baseline
Measurements
for Operations

Sustainability Strategy

Energy

Green Building

Waste

Land Use

Culture

Photovoltaics

Efficiency

Storage

LEED

Green Infrastructure

Construction

Operations

TOD

Multimodal

Community

Agency

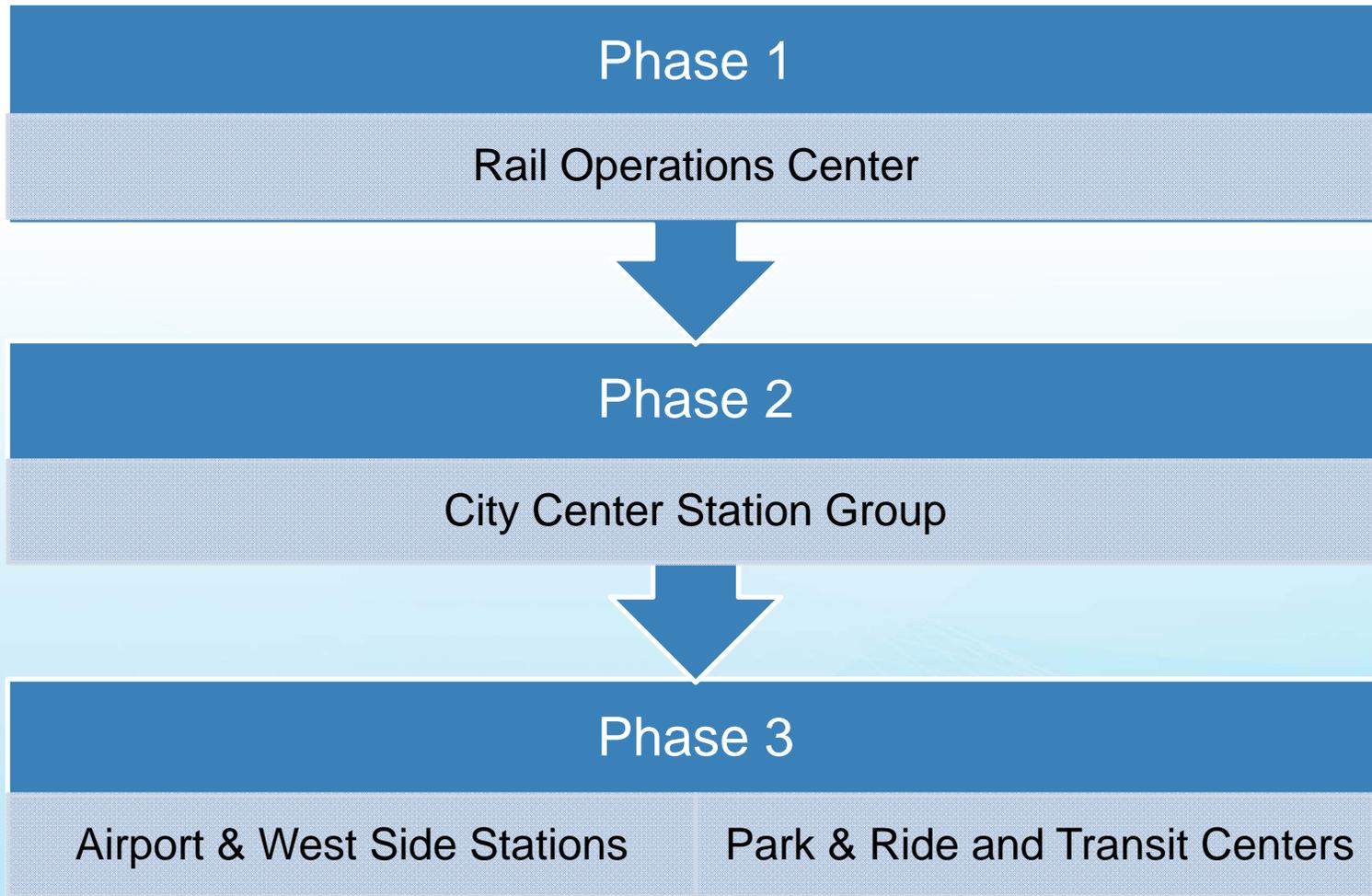
H O N O L U L U R A I L T R A N S I T P R O J E C T

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HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

Renewable Energy Strategy



Phase 1: Rail Operations Center

- **Purchase Power Agreement**
 - Third Party Agreement for installation and maintenance
 - No Capital Cost
 - Reduced Utility Cost
- **ROC Characteristics**
 - Ground and Roof Mount Available
 - Offset loads for Operations Service Building and Maintenance of Way building
 - Option for battery storage
 - RFP announcement in 2016



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Phase 2: Downtown Stations

- PVs added to City Center Station and Guideway Design Build RFP to offset energy used by stations
- Integration into station package allows for built in photovoltaic panels (BIPVs)



Phase 3: Airport & West Side Stations; Park & Ride

- RFP for PPA
 - 13 potential stations
 - 3 potential park & ride lots
 - Installation after construction of stations
 - Offset electrical loads



LEED Silver Rail Operations Center

- Energy efficient designs energy savings and cost
 - Maintenance of Way: 20.6 percent
 - Operations Service Building: 15.6 percent
 - Average savings: 16.8 percent
- Expected rebate from Hawaii Energy of \$152,000; Opportunities for future rebate
- Recycled water to wash trains
- Eight electric vehicle charging stations



Hawaii Energy
YOUR CONSERVATION & EFFICIENCY PROGRAM

Parks and Trees

- Project mitigation includes \$750,000 in improvements to historic parks
- Coordinating with Department of Parks and Recreation & Enterprise Services to transplant affected street trees
- Local high schools are using repurposed wood



Kapiolani Park



Kapalama



Waipahu High School

Other initiatives

- Electric vehicle charging stations at all park-and-rides
- Bicycle parking at all stations
- Energy efficient escalators
 - 650 mWh/year savings
 - ~\$200,000 in savings per year, not including maintenance
- Over 3,000 LED lights which use 1/6 amount of energy as metal halide and last 3.5 times longer



Mahalo!



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HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

Photovoltaic Program

November 2015

Sustainability Strategy

The Honolulu Authority for Rapid Transportation (HART) became a signatory of the American Public Transportation Association (APTA) Sustainability Commitment in 2014. This committed HART to assigning resources to the development of a sustainability program for the agency. Figure 1 illustrates priorities set by the HART Sustainability Strategy.

Photovoltaic Program

HART's photovoltaic (PV) program is one part of its Energy Program, which also includes energy efficiency and storage. HART has initiated the process for procurement of a power purchase agreement (PPA) to include PVs at the Rail Operations Center (ROC) in 2016. This is the first phase of HART's three phase program described in Figure 2.

FAQ:

What is a Power Purchase Agreement (PPA)?

A PPA is an agreement with a third party provider who owns, installs and maintains PVs and sells the energy to HART at a discounted rate for a predesignated time period. A benefit of a PPA is the third party provider is responsible for maintaining the PV panels.

How much will this cost?

There is no upfront capital cost to HART. While in operations, HART will purchase electricity from the PPA provider at a rate lower than the utility.

Will HART feed back into the grid?

Under current utility regulations, HART will not likely feed back into the grid.

Will HART feed energy into the third rail?

No, the energy produced by PVs is not stable enough to power the third rail.

Will HART save money?

Yes, HART will spend less on electricity. The exact savings will be revealed after completing PPA procurement and rate discussions with the utility.

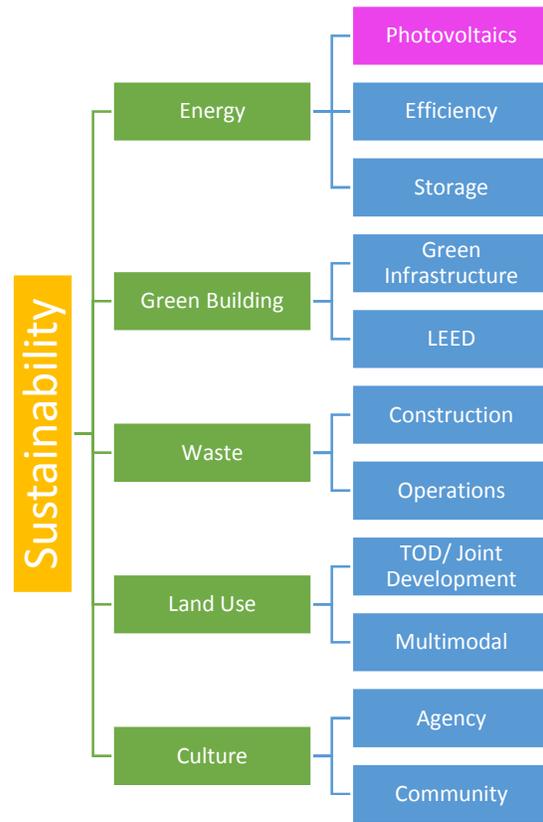


FIGURE 1 HART SUSTAINABILITY STRATEGY

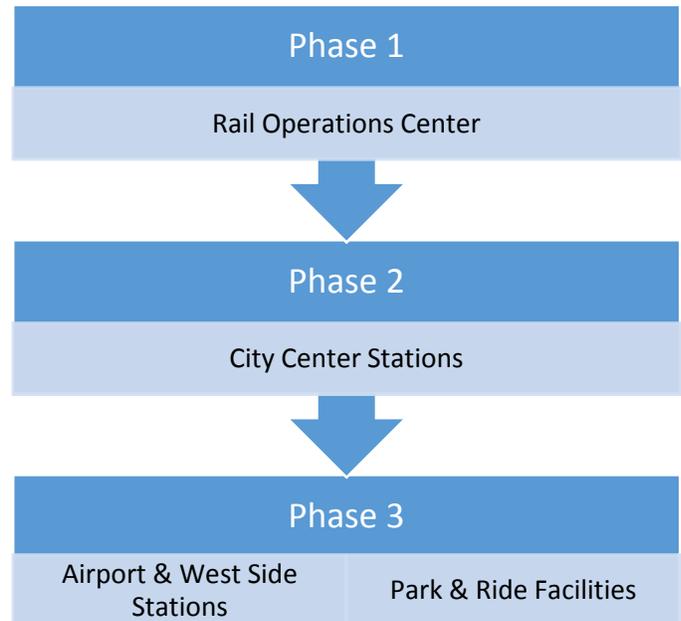


FIGURE 2 PHOTOVOLTAIC PROGRAM PHASES



For illustrative purposes only

ATTACHMENT B

Board Briefing

Integrated Fare Systems for Honolulu



Purpose

- Update Board on progress with Fare System for HART
- Overview of Fare System decision
- Overview of Integrated Transit Fare System for Oahu

Fare Systems Project

- Originally planned to purchase basic ticket vending machines to issue print tickets
- Concerns about fraud, integration and station safety with this approach arose
- Updated system allowed for:
 - ❖ More convenient methods for purchasing tickets or passes;
 - ❖ Better data about customers travel needs;
 - ❖ Faregates to provide additional security in stations;
 - ❖ Updated system that reduces fraud and provides for operational efficiencies

Participants for Fare System Design

- Multi-agency Steering Committee met beginning in Fall 2013 to March 2015 comprised of
 - ❖ HART
 - ❖ DTS/OTS
 - ❖ BFS
 - ❖ DIT
- Consultant: CH2M Hill
- HART Permitted Interaction Group I
 - ❖ (“Group” = Bunda, Formby, Horner, Hui, Okinaga)

Project Goals by Steering Committee

- Design a simple and convenient fare collection system that operates seamlessly between modes
- Adopt proven fare technology based upon industry standards that reduces fraud and maximizes interoperability
- Enables enhanced data collection for improved customer service
- Increase distribution channels and fare purchasing options
- Increase participation in instructional programs and facilitate new transit partnerships e.g. bike share
- Minimize capital and operating costs

Board Involvement

- Meetings
 - ❖ 4 Board Briefings (including PIG recommendation in October 2014)
 - ❖ 4 Group Meetings
- Interagency Steering Committee determined optimal fare media and system options
- PIG I makes 2 main fare policy recommendations to the Board

Interagency Steering Committee made several key fare system determinations

- Smart card media
- Account based
- Open architecture

These features provide:

- Security of proven IT architecture
- Transition path to new payment systems in the future
- Greatest potential for integration with Handi-Van and other non-transit services
- Potential for differential and location-specific fares
- Accommodates new payment systems in the future

PIG I Policy Recommendations

- Design of the fare collection system should plan for operations that maximize use of existing expertise and capacity at the City, OTS and HART
- HART's fare collection system should include use of fare gates
- Both recommendations are intended to provide general direction, and are subject to further appropriation and budgeting decisions by the City and HART

Today is an update to the Board on the status of these recommendations

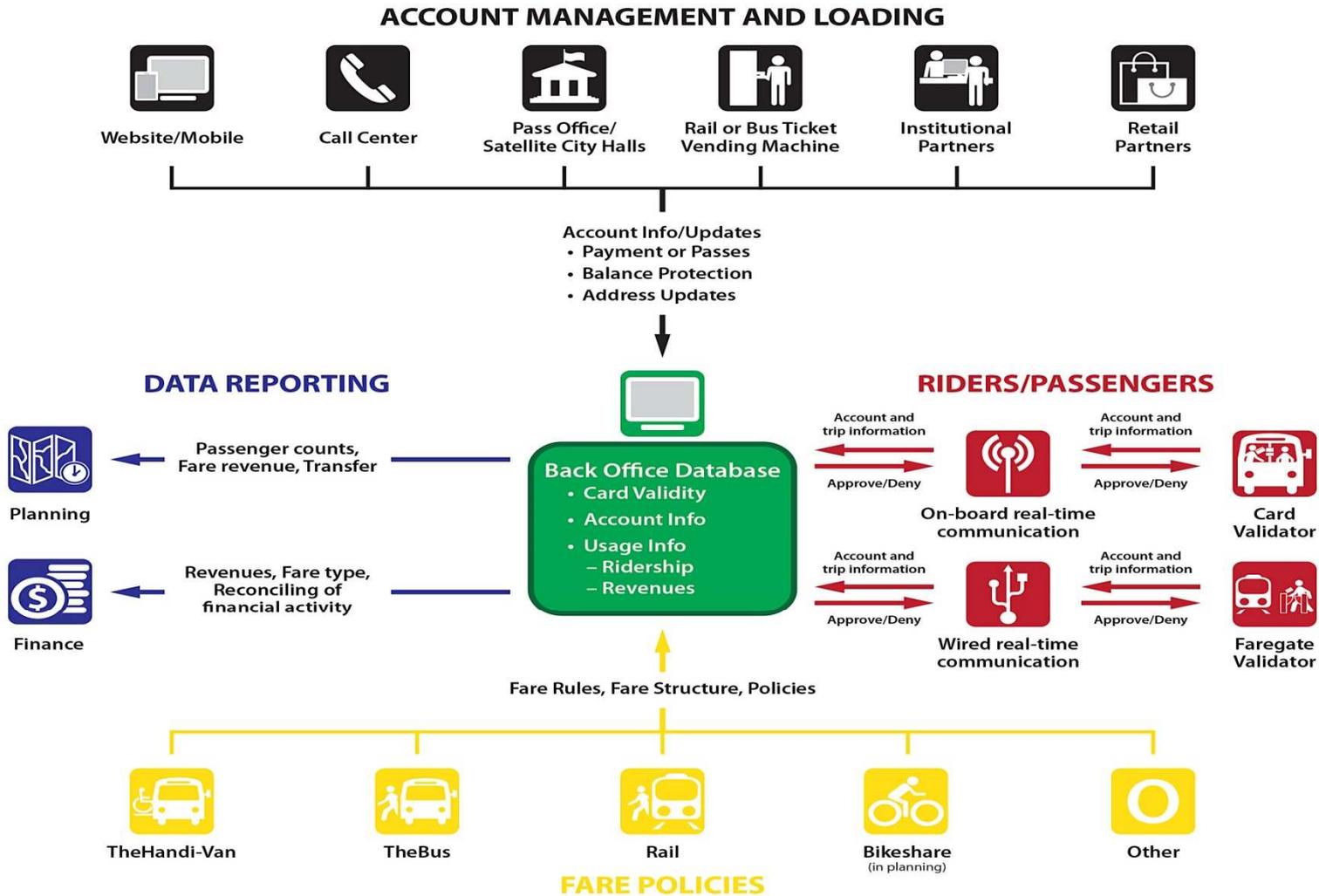
Operations Strategy takes advantage of Existing Skills and Cost Efficiencies

- City/HART
 - ❖ Program and Financial Management
 - ❖ Central System Hosting (DIT)
- OTS
 - ❖ Fare system call center
 - ❖ Special Program/Retail Management
 - ❖ Bus equipment maintenance

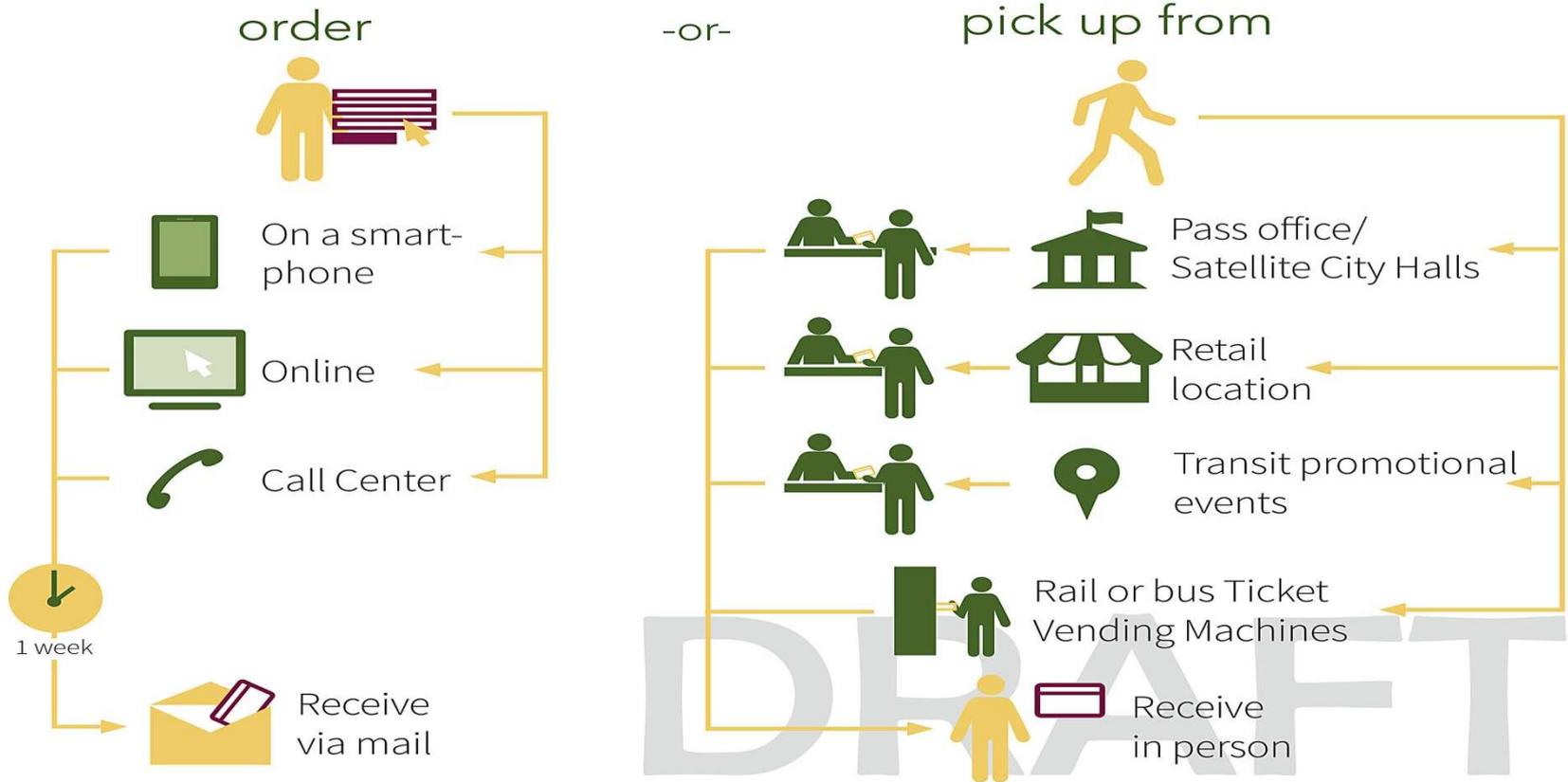
Honolulu Fare System will integrate Bus and Rail

- Closed loop, account based smart card system
 - ❖ Cash will be accepted on board bus and at TVMs in rail stations
- Faregates at rail station entrances will only accept smart cards to enter
 - ❖ Seamless transfer using smart card from bus to rail \rail to bus
- TVMs at all rail entrances (2 per entrance)
- TVMs also planned at major bus transfer locations

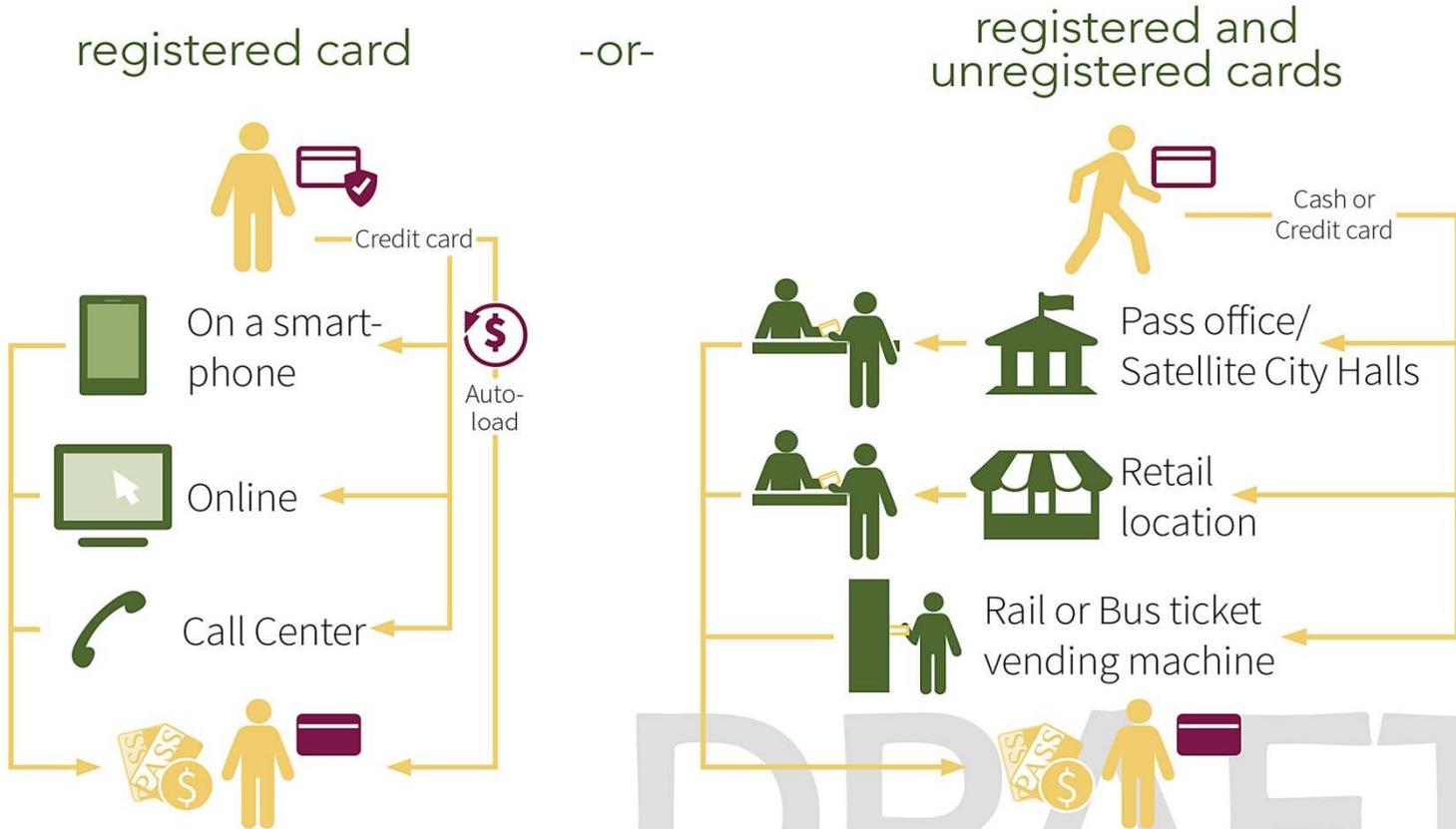
Fare System Architecture



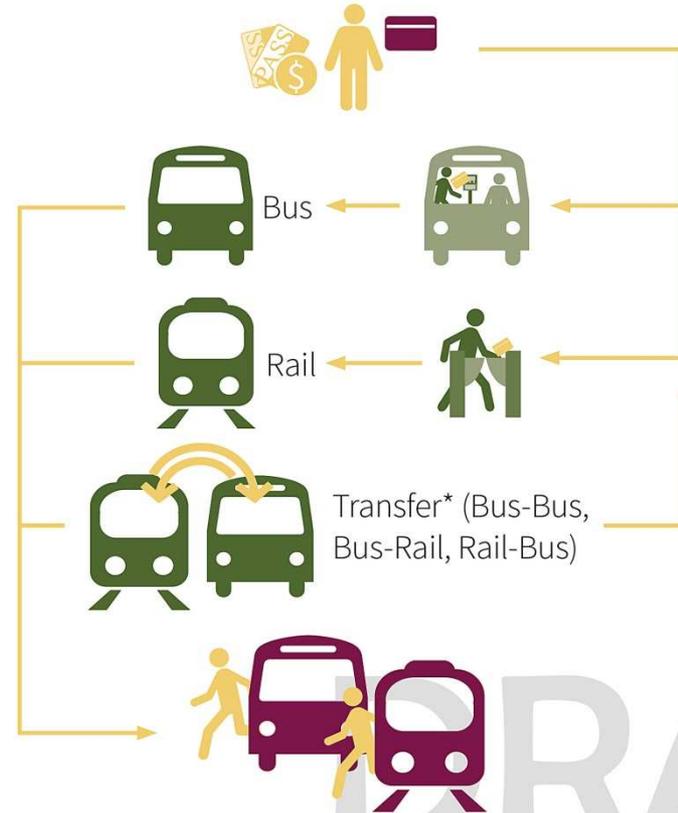
How the System will Work- Getting a Card



How the System Will Work— Loading a Card



How the System Will Work- Using the Card



*Subject to transfer rules.

Bus equipment will be piloted first

- Exiting farebox for cash collection will remain
- Smart card target will be mounted before farebox with minimal driver interaction
- Routers on board will allow for real time connection



Stations will be launched after bus service



- Ticket Vending Machines (TVMs)
- Faregates & Wheelchair ADA Access
- Neighborhood & Station Locations Map
- Customer Information Phones
- Emergency Phones
- Public Address and Digital Variable Messages
- Directional Signage to Platform
- Automated External Defibrillator (AED)

Faregates will be at all station entrances

- Quantities determined based upon anticipated ridership and NFPA 130
- Also considers ADA requirements



Equipment will be service proven



- Two TVMs at every entrance
- TVMs will be ADA compliant
- Intent is to have CCTV monitoring at the array

Mahalo!



HONOLULU RAIL TRANSIT

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HART

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION



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ATTACHMENT C

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-87

**AUTHORIZING THE ACQUISITION OF UTILITY EASEMENT OVER, ON, AND
ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 9-8-008-029
(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 utility easement over, on, and across the real property identified as Tax Map Key (TMK) 9-8-008-029 (portion) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said utility 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 utility easement over, on, and across the real property identified as TMK 9-8-008-029 (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

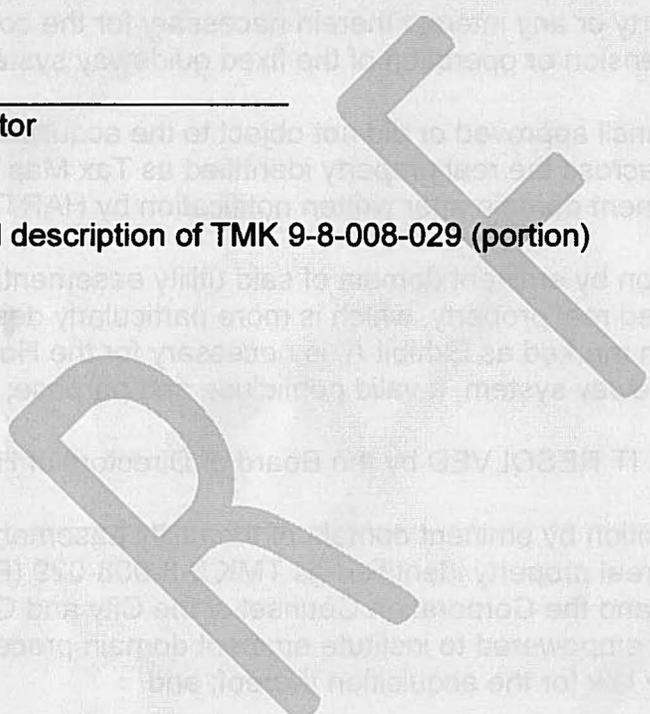
_____.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal description of TMK 9-8-008-029 (portion)



POWERLINE EASEMENT (Burger King)

Exhibit A

Affecting LOT A, being the consolidation of Lot 2-B (being a portion of the consolidation and resubdivision of Lots 1 to 12, inclusive of Hila Tract, Lots A and B and a portion of Grant 130, Apana 2 to Salem P. Hanchett), Lot 5 (Map 16) of Land Court Consolidation 84, and a Portion of R. P. 329, L. C. Aw. 9407, Ap. 1 to Kuaalu, situate at Waimalu, Ewa, Oahu, Hawaii.

Beginning at the West corner of this powerline easement, and on the northerly side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "EWA CHURCH" being 1,622.79 feet South and 8,709.64 feet East, and running by azimuths measured clockwise from true South:

1. 205° 57' 30" 5.00 feet along the remainder of Lot A;
2. 295° 57' 30" 73.30 feet along the remainder of Lot A;

Thence along the northerly side of Kamehameha Highway, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

3. 100° 26' 59" 18.72 feet;
4. 115° 57' 30" 55.26 feet along the northerly side of Kamehameha Highway, to the point of beginning and containing an AREA of 337 SQUARE FEET.



March 19, 2015

Leaps & Boundaries, Inc.
2016 Waterhouse Street, Ste #101
Honolulu, Hawaii 96819
TMK: (1) 9-8-008: 029

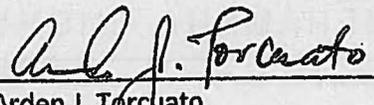
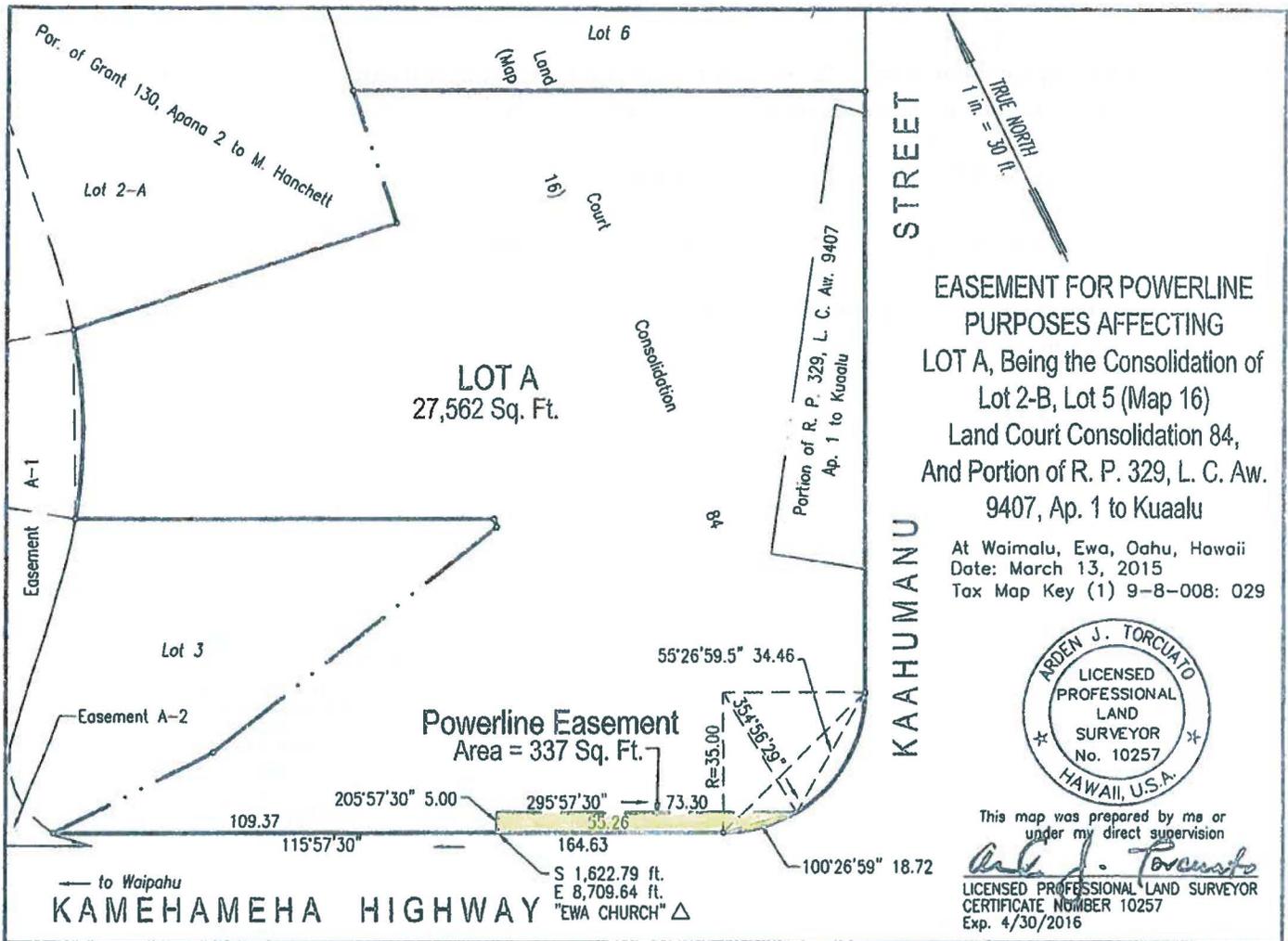

Arden J. Torcuato
Licensed Professional Land Surveyor
Certificate No. 10257

Exhibit A



98-1214 Kaahumanu St., Pearl City
 F.B. 65:53

LEAPS & BOUNDARIES, INC.
 2016 WATERHOUSE ST., STE. 101 PH. (808) 484-5701
 HONOLULU, HI 96819 FAX (888) 542-2097

8 1/2" x 11"

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015-87 AUTHORIZING THE ACQUISITION OF UTILITY EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 9-8-008-029 (PORTION) BY EMINENT DOMAIN	STAFF CONTACT: Morris M. Atta	DATE: November 24, 2015
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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 9-8-008-029, and situated at 98-1214 Kaahumanu Street, Pearl City, which is required for utility easements of the Honolulu Rail Transit Project (H RTP). The property is owned by Kazi Family Hawaii, LLC.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-71 on August 27, 2015. 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.

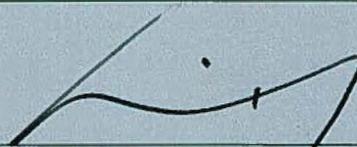
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO

11/3/15

Date

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

_____.

Board Chair

ATTEST:

Board Administrator

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

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. |



Description Prepared By:
Engineers Surveyors Hawaii, Inc.

Miles S. Horie

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

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: 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	STAFF CONTACT: Morris M. Atta	DATE: November 24, 2015
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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 2-3-007-061, situated at 1211 Hopaka Street, Honolulu which is required for guideway construction of the Honolulu Rail Transit Project (H RTP). The property is owned by Scott Shoe Co., Ltd.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-74 on August 27, 2015. 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.

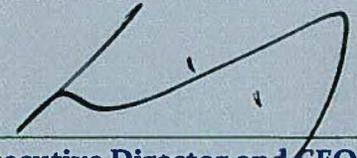
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO

11/3/15

Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-89

AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-007-056 (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 in fee simple real property identified as Tax Map Key (TMK) 2-3-007-056 (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 2-3-007-056 (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

_____.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal Description of TMK 2-3-007-056 (Portion)

DRAFT

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

Parcel 490

Being portions of Lots 682 and 683, as shown on Map 4 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 889 (Map 60) of Land Court Application 880, Section 2, and on the Northerly side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 924.05 feet South and 1557.62 feet East and running by azimuths measured clockwise from true South:

1. 200° 42' 8.60 feet along Lot 889 (Map 60) of Land Court Application 880, Section 2;
2. 290° 42' 100.00 feet along remainders of Lots 682 and 683 (Map 4) of Land Court Application 880, Section 2;
3. 20° 42' 8.60 feet along Lot 685 (Map 4) of Land Court Application 880, Section 2;
4. 110° 42' 100.00 feet along the Northerly side of Kona Street to the point of beginning and containing an area of 860 square feet.



1320 North School Street
Honolulu, Hawaii 96817

August 20, 2015

Tax Map Key: (1st Div.) 2-3-07: 56

14-73

Description Prepared By:
ENGINEERS SURVEYORS HAWAII,
INC.

A handwritten signature in black ink that reads "Andy R. Harada".

Andy R. Harada Exp. 4/30/16
Licensed Professional Land Surveyor
Certificate Number 5963

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015-89 AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-007-056 (PORTION) BY EMINENT DOMAIN	STAFF CONTACT: Morris M. Atta	DATE: November 24, 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 2-3-007-056, situated at 1237 Hopaka Street, Honolulu which is required for guideway construction of the Honolulu Rail Transit Project (H RTP). The property is owned by RSD Corporation.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-75 on August 27, 2015. 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.

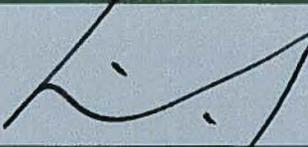
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO

11/3/15

Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-90

**AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT AND TEMPORARY
CONSTRUCTION EASEMENT (TCE) OVER, ON, AND ACROSS THE REAL
PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-039-006 (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 easement and TCE over, on, and across the real property identified as Tax Map Key (TMK) 2-3-039-006 (portion) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said easement and TCE 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 easement and TCE over, on, and across the real property identified as TMK 2-3-039-006 (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 and TCE 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 and TCE 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

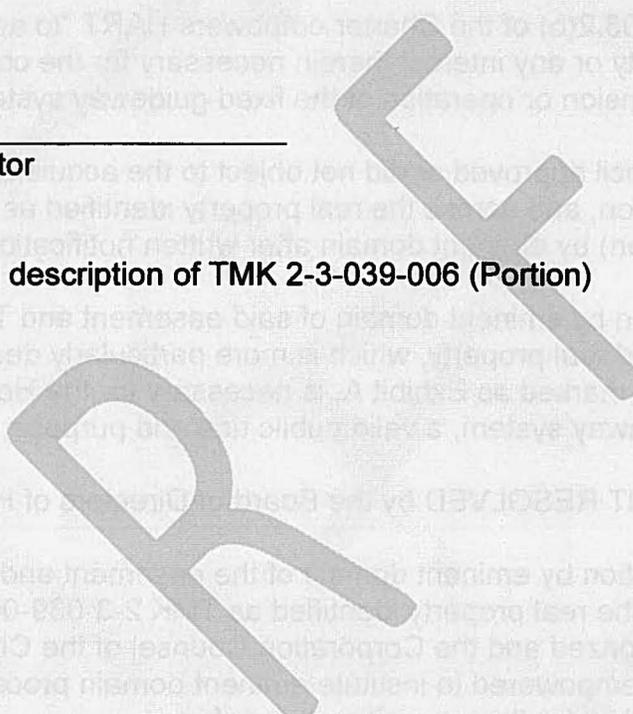
_____.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal description of TMK 2-3-039-006 (Portion)



HONOLULU RAIL TRANSIT PROJECT

**EASEMENT 5
(FOR STATION AND GUIDEWAY PURPOSES)**

Affecting Lot 19 (Map 2) of
Land Court Consolidation 20

Situate at Kalia, Honolulu, Oahu, Hawaii

Beginning at the Southwest corner of this easement, being the Southeast corner of Lot 67 (Map 17) of Land Court Consolidation 20, being also along the North side of Lot 7 (Map 10) of Land Court Consolidation 65 (Kona Street), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 7,051.72 feet South and 1,783.80 feet East thence running by azimuths measured clockwise from true South:

- | | | | | |
|-----|----------|-------|------|---|
| 1. | 205° 20' | 68.67 | feet | along Lot 67 (Map 17) of Land Court Consolidation 20; |
| 2. | 295° 20' | 10.00 | feet | along the remainder of Lot 19 (Map 2) of Land Court Consolidation 20; |
| 3. | 25° 20' | 18.34 | feet | along same; |
| 4. | 295° 20' | 4.50 | feet | along same; |
| 5. | 25° 20' | 39.75 | feet | along same; |
| 6. | 115° 20' | 4.53 | feet | along same; |
| 7. | 25° 20' | 4.71 | feet | along same; |
| 8. | 295° 20' | 32.09 | feet | along same; |
| 9. | 205° 20' | 13.37 | feet | along same; |
| 10. | 295° 20' | 7.94 | feet | along same; |
| 11. | 25° 20' | 19.25 | feet | along Lot 20 (Map 2) of Land Court Consolidation 20; |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PAUJAH STREET, SUITE 207
HILO, HAWAII 96720

12. 115° 20'

50.00 feet along Parcel 495-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,207 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro *exp 4/16*

ERIK S. KANESHIRO

Licensed Professional Land Surveyor
Certificate No. 9826

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

Honolulu, Hawaii
November 10, 2015

TMK: (1) 2-3-039: 006

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HONOLULU RAIL TRANSIT PROJECT

EASEMENT 6
(FOR STATION AND GUIDEWAY PURPOSES)

Affecting Lot 20 (Map 2) of
Land Court Consolidation 20

Situate at Kalia, Honolulu, Oahu, Hawaii

Beginning at the Southwest corner of this easement, being the Southeast corner of Lot 19 (Map 2) of Land Court Consolidation 20, being also along the North side of Lot 7 (Map 10) of Land Court Consolidation 65 (Kona Street), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 7,073.12 feet South and 1,828.99 feet East thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|-------|------|---|
| 1. | 205° 20' | 19.25 | feet | along Lot 19 (Map 2) of Land Court Consolidation 20; |
| 2. | 295° 20' | 20.06 | feet | along the remainder of Lot 20 (Map 2) of Land Court Consolidation 20; |
| 3. | 25° 20' | 13.37 | feet | along same; |
| 4. | 295° 20' | 29.94 | feet | along same; |
| 5. | 25° 20' | 5.88 | feet | along Lot 21 (Map 2) of Land Court Consolidation 20; |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PAUHAH STREET, SUITE 207
HILO, HAWAII 96720

6. 115° 20' 50.00 feet along Parcel 495-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 562 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro EXP 04/16

ERIK S. KANESHIRO

Licensed Professional Land Surveyor

Certificate No. 9826

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

Honolulu, Hawaii

August 19, 2015

TMK: (1) 2-3-039: 006

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HONOLULU RAIL TRANSIT PROJECT**EASEMENT 15
(FOR TEMPORARY CONSTRUCTION PURPOSES)**

Affecting Lot 19 (Map 2) of
Land Court Consolidation 20

Situate at Kalia, Honolulu, Oahu, Hawaii

Beginning at the Southeast corner of this easement, being an azimuth and distance of 205°20' 19.25 feet from the Southwest corner of Lot 20 (Map 2) of Land Court Consolidation 20, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 7,055.71 feet South and 1,837.23 feet East thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|-------|------|---|
| 1. | 115° 20' | 7.94 | feet | along the remainder of Lot 19
(Map 2) of Land Court
Consolidation 20; |
| 2. | 25° 20' | 13.37 | feet | along same; |
| 3. | 115° 20' | 9.99 | feet | along same; |
| 4. | 205° 20' | 43.12 | feet | along same; |
| 5. | 295° 20' | 17.93 | feet | along same; |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

CIVIL ENGINEERS • SURVEYORS

1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PAUJAH STREET, SUITE 207
HILO, HAWAII 96720

6. 25° 20' 29.75 feet along Lot 20 (Map 2) of Land Court Consolidation 20, to the point of beginning and containing an area of 667 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro EXP 08/16
ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

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

Honolulu, Hawaii
August 19, 2015

TMK: (1) 2-3-039: 006
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HONOLULU RAIL TRANSIT PROJECT

**EASEMENT 16
(FOR TEMPORARY CONSTRUCTION PURPOSES)**

Affecting Lot 20 (Map 2) of
Land Court Consolidation 20

Situate at Kalia, Honolulu, Oahu, Hawaii

Beginning at the Southwest corner of this easement, being an azimuth and distance of 205°20' 19.25 feet from the Southwest corner of Lot 20 (Map 2) of Land Court Consolidation 20, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 7,055.71 feet South and 1,837.23 feet East thence running by azimuths measured clockwise from true South:

1. 205° 20' 29.75 feet along Lot 19 (Map 2) of Land Court Consolidation 20;
2. 295° 20' 10.13 feet along the remainder of Lot 20 (Map 2) of Land Court Consolidation 20;
3. 25° 20' 29.75 feet along same;
4. 115° 20' 10.13 feet along same to the point of beginning and containing an area of 301 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro EXP 04/16
ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

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

Honolulu, Hawaii
August 19, 2015

TMK: (1) 2-3-039: 006
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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015-90 AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT (TCE) OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-039-006 (PORTION) BY EMINENT DOMAIN	STAFF CONTACT: Morris M. Atta	DATE: November 24, 2015
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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 2-3-039-006, situated at 1405 Kapiolani Boulevard, Honolulu which is required for guideway easement and temporary construction easement of the Honolulu Rail Transit Project (H RTP). The property is owned by P.H. (Hawaii) Corporation.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-77 on August 27, 2015. 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.

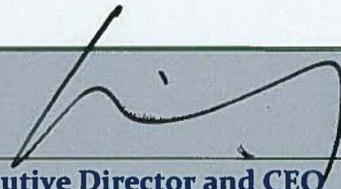
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO

11/3/15

Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-91

**AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT OVER, ON, AND
ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-039-005
(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) 2-3-039-005 (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 2-3-039-005 (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

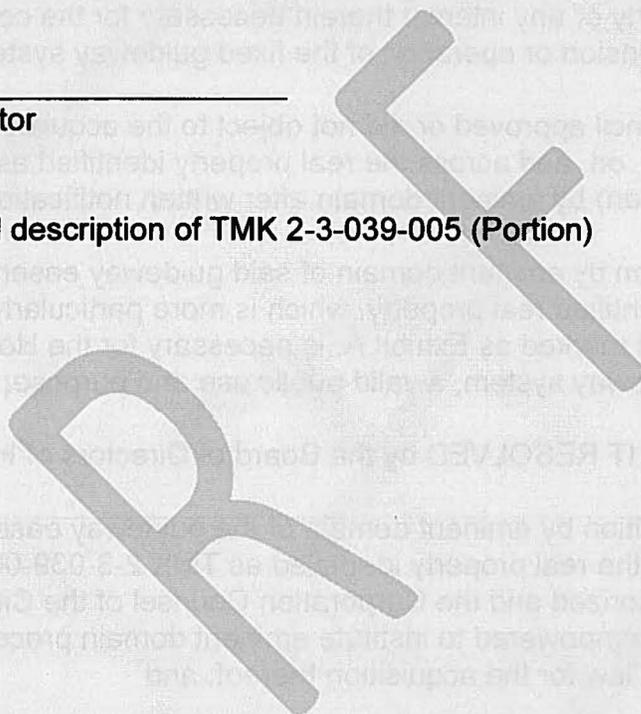
_____.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal description of TMK 2-3-039-005 (Portion)



HONOLULU RAIL TRANSIT PROJECT

EASEMENT 7
(FOR STATION AND GUIDEWAY PURPOSES)

Affecting Lot 21 (Map 2) of
Land Court Consolidation 20

Situate at Kalia, Honolulu, Oahu, Hawaii

Beginning at the Southwest corner of this easement, being the Southeast corner of Lot 20 (Map 2) of Land Court Consolidation 20, being also along the North side of Lot 7 (Map 10) of Land Court Consolidation 65 (Kona Street), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 7,094.51 feet South and 1,874.18 feet East thence running by azimuths measured clockwise from true South:

1. 205° 20' 5.88 feet along Lot 20 (Map 2) of Land Court Consolidation 20;
2. 295° 20' 50.00 feet along the remainder of Lot 21 (Map 2) of Land Court Consolidation 20;
3. 25° 20' 5.88 feet along Lot 22 (Map 2) of Land Court Consolidation 20;
4. 115° 20' 50.00 feet along Parcel 495-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 294 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

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

Honolulu, Hawaii
August 19, 2015

TMK: (1) 2-3-039: 006
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 498 - Easement 7.docx



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PAUHAHI STREET, SUITE 207
HILO, HAWAII 96720

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015-91 AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-039-005 (PORTION) BY EMINENT DOMAIN	STAFF CONTACT: Morris M. Atta	DATE: November 24, 2015
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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 2-3-039-005, situated at 1415 Kapiolani Boulevard, Honolulu which is required for guideway easement of the Honolulu Rail Transit Project (H RTP). The property is owned by P.H. (Hawaii) Corporation.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-78 on August 27, 2015. 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

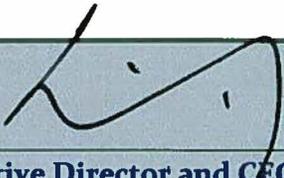
4. Financial/Budget Impact
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

 _____ Executive Director and CEO	Certified and Recommended by:	_____ 11/3/15 Date
---	--------------------------------------	---------------------------------

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

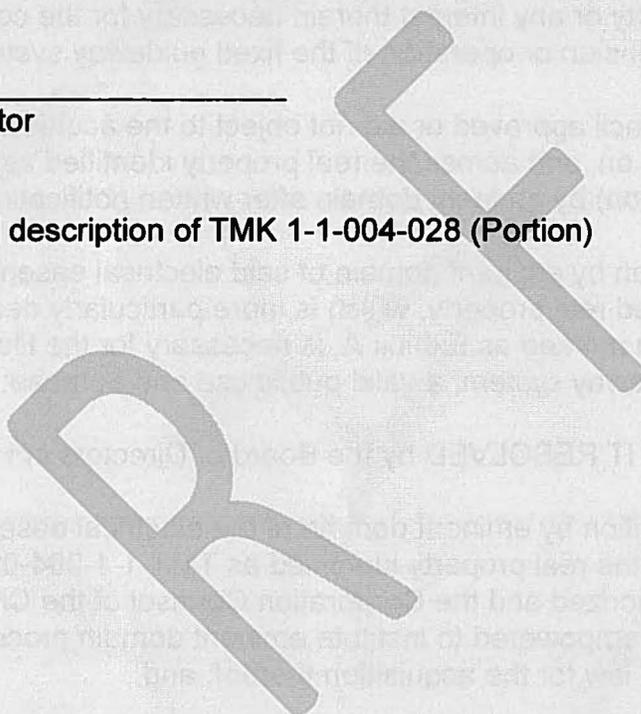
_____.

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
 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.



Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: 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	STAFF CONTACT: Morris M. Atta	DATE: November 24, 2015
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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 1-1-004-028, and situated at 2918 Ualena Street, Honolulu, Hawaii 96819 which is required for electrical utility easement of the Honolulu Rail Transit Project (HRT). The property is owned by K.J.L. Associates.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-44 on September 24, 2015. 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.

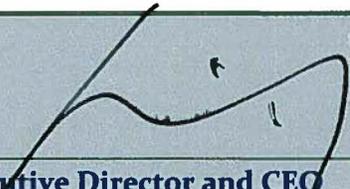
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO

11/23/15

Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-93

AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-1-004-035 (PORTION) AND 1-1-004-039 (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 and temporary construction easement over, on, and across the real property identified as Tax Map Keys (TMKs) 1-1-004-035 (Portion) and 1-1-004-039 (Portion) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said guideway easement and temporary construction 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 and temporary construction easement over, on, and across the real property identified as TMKs 1-1-004-035 (Portion) and 1-1-004-039 (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 easements 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 easements 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 TMKs 1-1-004-035 (Portion) and 1-1-004-039 (Portion)

Easement A
For Guideway Purposes
Affecting Lot 944 (Map 198) of Land Court Application 1074
In Favor of HART

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 11,005.91 feet South and 3,317.54 feet West, thence running by azimuths measured clockwise from true South:

- 1. 179° 27' 8.18 feet;
- 2. 269° 27' 30.00 feet;
- 3. 359° 27' 10.96 feet;
- 4. Thence along the North side of Ualena Street, on a curve to the left with a radius of 2,720.00 feet, the chord azimuth and distance being:
94° 44' 40" 30.13 feet to the point of beginning and containing an area of 286 Sq. Ft., 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
July 16, 2015
TMK: 1-1-004: 035 (PDQ 303A)

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



Easement B
For Guideway Purposes
Affecting Lot 944 (Map 198) of Land Court Application 1074
In Favor of HART

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 11,015.88 feet South and 3,214.36 feet West, thence running by azimuths measured clockwise from true South:

- 1. 182° 59' 8.61 feet;
- 2. 272° 59' 29.00 feet;
- 3. 2° 59' 10.61 feet;
- 4. Thence along the North side of Ualena Street, on a curve to the left with a radius of 2,720.00 feet, the chord azimuth and distance being:
96° 55' 01" 29.06 feet to the point of beginning and containing an area of 278 Sq. Ft., 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
July 16, 2015
TMK: 1-1-004: 035 (PDQ 303A)

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



Easement C
For Temporary Construction Purposes
Affecting Lot 944 (Map 198) of Land Court Application 1074
In Favor of HART

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 11,005.85 feet South and 3,318.24 feet West, thence running by azimuths measured clockwise from true South:

1. 184° 24' 44" 15.00 feet;
2. Thence on a curve to the right with a radius of 2,735.00 feet, the chord azimuth and distance being:
276° 12' 56.5" 172.15 feet;
3. 9° 04' 15.00 feet;
4. Thence along the North side of Ualena Street, on a curve to the left with a radius of 2,720.00 feet, the chord azimuth and distance being:
96° 12' 46" 170.93 feet to the point of beginning and containing an area of 2,573 Sq. Ft., 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
 September 17, 2015
 TMK: 1-1-004: 035 (PDQ 303A)



Easement D
For Guideway Purposes
Affecting Lot 873 (Map 196) of Land Court Application 1074
In Favor of HART

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 11,033.15 feet South and 3,090.33 feet West, thence running by azimuths measured clockwise from true South:

1. 189° 04' 9.75 feet;
2. 279° 04' 27.00 feet;
3. 9° 04' 16.25 feet;
4. Thence along the North side of Ualena Street, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
83° 20' 58.5" 16.25 feet;
5. 99° 04' 11.35 feet along the North side of Ualena Street to the point of beginning and containing an area of 241 Sq. Ft., 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
July 16, 2015
TMK: 1-1-004: 039 (PDQ 303A)

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



Easement E
For Temporary Construction Purposes
Affecting Lot 873 (Map 196) of Land Court Application 1074
In Favor of HART

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 11,033.05 feet South and 3,062.97 feet West, thence running by azimuths measured clockwise from true South:

1. 189° 04' 5.34 feet;
2. 279° 04' 6.48 feet;
3. Thence along the North side of Ualena Street, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
59° 35' 17.5" 8.40 feet to the point of beginning and containing an area of 19 Sq. Ft., 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
 July 16, 2015
 TMK: 1-1-004: 039 (PDQ 303A)

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



Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015-93 AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-1-004-035 (PORTION) AND 1-1-004-039 (PORTION) BY EMINENT DOMAIN	STAFF CONTACT: Morris M. Atta	DATE: November 24, 2015
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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 Keys 1-1-004-035 (Portion) and 1-1-004-039 (Portion), and situated at 2815 Koapaka Street; 2806 Ualena Street; 520 Lagoon Drive, Honolulu, Hawaii, which is required for guideway easement and temporary construction easement of the Honolulu Rail Transit Project (H RTP). The property is owned by K.J.L. Associates.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-45 on September 24, 2015. 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

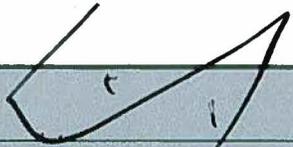
4. Financial/Budget Impact
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A


Certified and Recommended by:
11/3/15

Executive Director and CEO
Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-94

AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 2-3-007-062 (PORTION) and 2-3-007-063 (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 Keys (TMKs) 2-3-007-062 (Portion) and 2-3-007-063 (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 TMKs 2-3-007-062 (Portion) and 2-3-007-063 (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

_____.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal Description of TMKs 2-3-007-062 (Portion) and 2-3-007-063 (Portion)

DRAFT

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

PARCEL 484

**Being portions of Lots 675 and 676, as shown on Map 4
of Land Court Application 880, Section 2.
Situate at Kewalo, Honolulu, Oahu, Hawaii**

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 892 (Map 66) of Land Court Application 880, Section 2, and on the Northerly side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 835.68 feet South and 1323.76 feet East and running by azimuths measured clockwise from true South:

1. 110° 42' 100.00 feet along the Northerly side of Kona Street;
2. 200° 42' 33.00 feet along the Southeasterly side of Pensacola Street;
3. 290° 42' 5.72 feet along remainder of Lot 675 (Map 4) of Land Court Application 880, Section 2;
4. 20° 42' 6.00 feet along remainder of Lot 675 (Map 4) of Land Court Application 880, Section 2;

thence along remainder of Lot 675 (Map 4) of Land Court Application 880, Section 2, on a curve to the left with a radius of 17.50 feet, the chord azimuth and distance being:
5. 335° 42' 24.75 feet;
6. 290° 42' 44.68 feet along remainders of Lots 675 and 676 (Map 4) of Land Court Application 880, Section 2;
7. 20° 42' 2.50 feet along remainder of Lot 676 (Map 4) of Land Court Application 880, Section 2;
8. 290° 42' 32.10 feet along remainder of Lot 676 (Map 4) of Land Court Application 880, Section 2;

9. 20° 42' 7.00 feet along Lot 892 (Map 66) of Land Court Application 880, Section 2, to the point of beginning an containing and area of 1,070 square feet.



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

August 20, 2015

Tax Map Keys: (1st Div.) 2-3-07: 62 and 63
14-73

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015-94 AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 2-3-007-062 (PORTION) and 2-3-007-063 (PORTION) BY EMINENT DOMAIN	STAFF CONTACT: Morris M. Atta	DATE: November 24, 2015
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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 Keys 2-3-007-062 (Portion) and 2-3-007-063 (Portion), and situated at 1207 Hopaka Street; 1205 Hopaka Street, Honolulu, Hawaii 96814 which is required for guideway of the Honolulu Rail Transit Project (H RTP). The property is owned by K. Iida Properties, Ltd.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-83 on September 24, 2015. 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

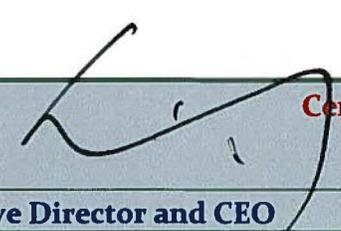
4. Financial/Budget Impact
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

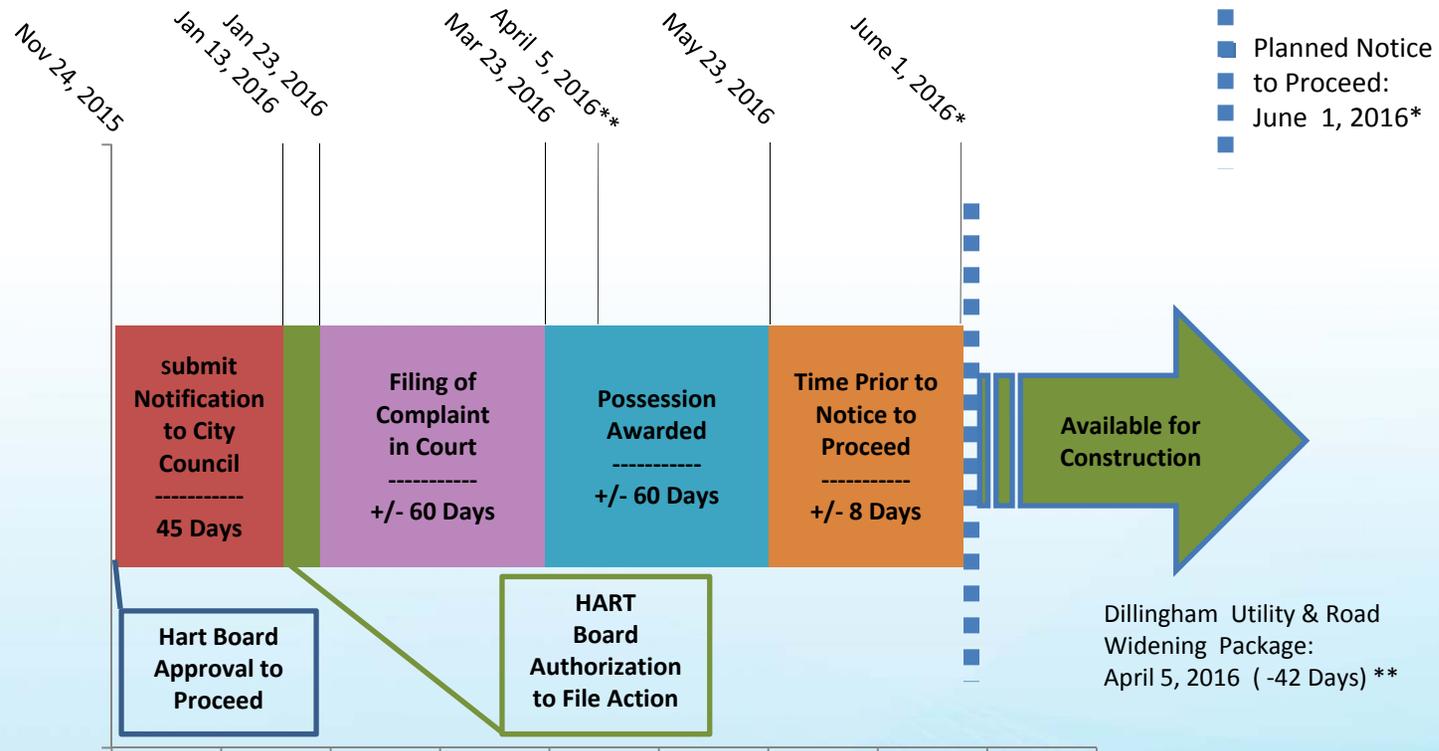

Certified and Recommended by:
11/3/15

Executive Director and CEO
Date

Summary of Proposed Eminent Domain

November 24, 2015

Real Estate Site Control Timeline



Resolution No. 2015-95

**Heirs and/or Assigns of Charles S.
Desky, Trustee**

Tax Map Key: 2-3-003-000

Resolution No. 2015-95
Tax Map Key: 2-3-003-000
Heirs and/or Assigns of Charles S. Desky, Trustee

- Partial Fee Acquisition
- Total Acquisition: 9,908 square feet
- July 9, 2015: Notice of Offer to Purchase
- July 17, 2015: Received from Corporation Counsel - Publically post Notice of Offer to Purchase and Referral for Eminent Domain Action
- September 7-13, 2015: Publically Posted Notice of Offer
- September 9, 2015: Response from Interested Party requesting a Title Report and Survey of Condemned Area
- To clear clouded Title, maintain Project construction, Land Court, mapping and escrow may cause delays

Mahalo!



HONOLULU RAIL TRANSIT

H O N O L U L U R A I L T R A N S I T P R O J E C T

www.HONOLULUTRANSIT.ORG

HART

HONOLULU AUTHORITY for RAPID TRANSPORTATION

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 _____.

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

Exhibit B – Resolution No. 2015-95, 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

Board Chair

ATTEST:

Board Administrator

RF

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

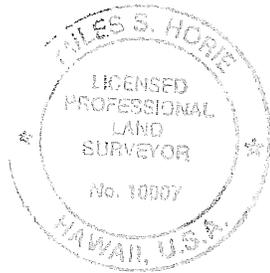
Beginning at the Southeast corner of this parcel of land, being also the Northwest corner of Lot D-1-B (Map 17) of Land Court Consolidation 53 and on the Northerly side of Queen Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 6177.99 feet South and 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.



1320 North School Street
Honolulu, Hawaii 96817

Description Prepared By:

ENGINEERS SURVEYORS HAWAII,
INC.

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

14-73

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-95

**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

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.



1320 North School Street
Honolulu, Hawaii 96817

Description Prepared By:

ENGINEERS SURVEYORS HAWAII,
INC.

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

14-73

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: 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	STAFF CONTACT: Elizabeth Scanlon Morris Atta	DATE: 11/24/2015
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Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input checked="" type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input checked="" type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

1. Purpose:

Review of Notification to City Council for condemnation of land for public use, identified as Tax Map Key 2-3-003-000 (Portion), and situated at a portion of Queen Street, which is required for guideway easement purposes for the Honolulu Rail Transit Project (HRTTP). This property, for which 9,908 square-foot guideway easement acquisition is required, is on the critical path for successful completion of the City Center Section of the HRTTP. The property is owned by the Heirs and/or Assigns of Charles S. Desky, Trustee.

HART recommends use of eminent domain to acquire the property.

2. Background/Justification

This property (Tax Map Key 2-3-003-000) was designated as needed for the HRTTP and identified in the Final Environmental Impact Statement (FEIS). As required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and FTA C5010.1D, the Owners were notified of HART's intent to acquire the property. An appraisal was conducted following URA guidelines, which took into consideration all site conditions and potential impacts.

- The portion of property was given a value of \$1.00 (streets typically do not hold value).
- Heirs and/or Assigns of Charles S. Desky Trustee could not be located.
- Offer to Purchase was publically posted in the Star Advertiser September 7, 2015 through September 13, 2015.

This parcel is being referred to eminent domain in order to adhere to the project construction timeline. Access to this parcel is needed as soon as possible in order to avoid costly delays to the project schedule and timing. Negotiations with the Owner will continue during the eminent domain process.

3. Procurement Background

N/A

4. Financial/Budget Impact

The project budget includes an estimated cost for legal action associated with the eminent domain of the property.

5. Policy Impact

There is no policy impact since this action conforms to the requirement of the URA, FTA 5010.1D and Article SVII of the Charter of the City and County of Honolulu.

6. Public Involvement

N/A

7. Alternatives

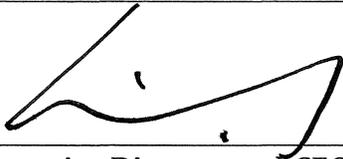
There is no feasible alternative to avoid the above described impacts to the property.

8. Exhibits

Exhibit 1 – Notice of Offer to Purchase dated July 9, 2015.

Exhibit 2 – Public Notice

Certified and Recommended by:



Executive Director and CEO

11/3/15

Date



IN REPLY REFER TO:
CMS-APOOROW-00969

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas
EXECUTIVE DIRECTOR AND CEO

PUBLIC POSTING

BOARD OF DIRECTORS

July 9, 2015

Ivan M. Lui-Kwan
CHAIR

Donald G. Horner
VICE CHAIR

Heirs and/or Assigns of Charles S. Desky, Trustee
Mailing Address Unknown

George I. Atta
Michael D. Formby
Ford N. Fuchigami
Colleen Hanabusa
William "Buzz" Hong
Damien T.K. Kim
Terrence M. Lee

Ladies and Gentlemen:

Subject: Honolulu Rail Transit Project (H RTP)
Portion of Queen Street
Parcel 472A: Tax Map Key (TMK) 2-3-003-000 (Portion)
Notice of Offer to Purchase

Based on our good faith efforts to identify the owners of the property identified as TMK 2-3-003-000 (portion), the Heirs and/or Assigns of Charles S. Desky, Trustee (Property Owner) is identified as the last known title holder for the subject property. The Honolulu Authority for Rapid Transportation (HART) is unable to locate any address for the Property Owner and is seeking to make an offer for the subject property by publication.

HART hereby offers to purchase a portion of the subject property for a guideway easement consisting of 9,908 square feet for a consideration of \$1.00 (One Dollar). The easement is to be used to facilitate construction of improvements within the right-of-way of straddle bent, including but not limited to: foundation, column, beam, and restoration of disturbed area. Demolition, grading, utilities, traffic items, paving, and sidewalk construction may also take place. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing.

If this offer is acceptable, please respond to this solicitation by contacting HART located at Alii Place Building, 1099 Alakea Street, Honolulu, Hawaii 96813 by **August 10, 2015**. A map showing the area to be acquired and the General Acquisition and Relocation Information Brochure is available for your information upon contacting HART.

It is the desire of HART to acquire private property through voluntary purchase if possible. While HART has the power of eminent domain, HART has not sought the authority nor made any decision to exercise the power of eminent domain to acquire your property at this time.

Heirs and/or Assigns of Charles S. Desky, Trustee
Page 2
July 9, 2015

HART has retained the services of Paragon Partners Ltd to assist you with the acquisition process. Please contact Mrs. Brooke Sipe at 536-5900 if you have any questions or to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Grabauskas". The signature is fluid and cursive, with a large loop at the end.

Daniel A. Grabauskas
Executive Director and CEO

PUBLIC NOTICE TO THE HEIRS AND/OR ASSIGNS OF CHARLES S. DESKY, TRUSTEE IS HEREBY GIVEN that the Honolulu Rail Transit Project (H RTP) is offering to purchase a Portion of Queen Street identified as Parcel 472A: Tax Map Key (TMK) 2-3-003-000 (Portion).

The Honolulu Authority for Rapid Transportation (HART) hereby offers to purchase a portion of the subject property for a guideway easement consisting of 9,908 square feet for a consideration of \$1.00 (One Dollar). The easement is to be used to facilitate construction of improvements within the right-of-way, including but not limited to: foundation, column, beam, and restoration of disturbed area. Demolition, grading, utilities, traffic items, paving, and sidewalk construction may also take place. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing.

Please respond to this notice by contacting HART located at Alii Place Building, 1099 Alakea Street, Suite 1700, Honolulu, Hawaii 96813 or by calling Paragon Partners Ltd. HART's consultant at 536-5900 by October 12, 2015.

It is the desire of HART to acquire private property through voluntary purchase if possible. While HART has the power of eminent domain, HART has not sought the authority nor made any decision to exercise the power of eminent domain to acquire your property at this time.
(SA794099 9/7, 9/8, 9/9, 9/10, 9/11, 9/12, 9/13/15)



Ad Order Confirmation

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eMail: MattGDerby@yahoo.com	
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From: Rose Rosales	Phone: 808-529-4825
eMail: rrosales@staradvertiser.com	

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