Honolulu Authority for Rapid Transportation

RESOLUTION 2013-5

AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS
TAX MAP KEY 1-9-7-023:008 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) 1-9-7-023:008 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 1-9-7-023:008 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 MAR 21 2013.

Board Chair

ATTEST:

Board Administrator

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE:	STAFF CONTACT:	DATE:
AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-9-7-023:008 BY EMINENT DOMAIN	Jerry Iwata/Laura Ray	March 21, 2013

Type:	Goal	Focus	Area	Reference Notes
XX☐ Action/Approval	☐ Project Delivery	☐ Livability/Land Use		
☐ Information	☐ Service Delivery	☐ Partnerships		
☐ Follow-up	☐ Resource Stewardship	☐ Agency Admin.		

1. Purpose:

Final action of the Board in authorizing the condemnation of the parcel identified as Parcel 28, bearing Tax Map Key No. 1-9-7-023:008, and located at 945 Kamehameha Highway, Pearl City, Hawaii, which is on the critical path for successful completion of the Kamehameha Section (KHG).

2. Background/Justification

Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2013-3 on January 28, 2013. 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 Assistance and Real Property Acquisition Policies Act, FTA 1050.10 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 KHG contractor in constructing the guideway.

8. Exhibits

Certified and Recommended by:

3/19/13

Executive Director and CEO