

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-18

APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-017 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY 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 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

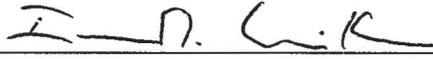
WHEREAS, the acquisition by eminent domain in fee simple of the real property identified as Tax Map Key (TMK) 1-5-015-017 (por.) and more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public 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 in fee simple of the real property identified as TMK 1-5-015-017 (por.); 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 in fee simple of the above-identified real property.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on JUN 25 2015.

Exhibit A – Legal description of TMK 1-5-015-017 (por.)
Exhibit B – Resolution No. 2015-____, Authorizing the Acquisition of the Real Property
Identified as Tax Map Key 1-5-015-017 (portion) by Eminent Domain



Board Chair

ATTEST:



Board Administrator

HONOLULU RAIL TRANSIT PROJECT

PARCEL 428

Being a portion of Lot 14-B-2 (Map 19) of
Land Court Consolidation 165

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 427 of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,003.99 feet North and 7,253.69 feet West thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|-------|-------|--|
| 1. | 310° 05' | 71.68 | feet | along Parcel 428-A of the Honolulu Rail Transit Project; |
| 2. | 302° 04' | 84.00 | feet | along same; |
| | | | | Thence along same, on a curve to the right with a radius of 32.00 feet, the chord azimuth and distance being: |
| 3. | 347° 04' | 45.25 | feet; | |
| 4. | 32° 04' | 5.00 | feet | along same; |
| | | | | Thence along Remainder of Parcel 428 of Honolulu Rail Transit Project, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being: |
| 5. | 167° 04' | 42.43 | feet; | |
| 6. | 122° 04' | 91.06 | feet | along same; |
| | | | | Thence along same, on a curve to the right with a radius of 155.00 feet, the chord azimuth and distance being: |
| 7. | 127° 29' | 29.26 | feet; | |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

8. 132° 54' 37.46 feet along same;
9. 212° 04' 7.19 feet along Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,379 Square Feet.

Subject to portion of Easement 14 for Sewer Purposes, as shown on Map 9 of Land Court Consolidation 165.

Subject also, to portion of 5-foot wide Roadway Setback as shown on Maps 1 and 9 of Land Court Consolidation 165.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", written over a horizontal line.

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

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

Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 017
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 428.docx



HONOLULU RAIL TRANSIT PROJECT

REMAINDER OF PARCEL 428

Being a portion of Lot 14-B-2 (Map 19) of
Land Court Consolidation 165

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 428 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,997.89 feet North and 7,257.51 feet West thence running by azimuths measured clockwise from true South:

1. 312° 54' 37.46 feet along Parcel 428 of the Honolulu Rail Transit Project;
Thence along same, on a curve to the left with a radius of 155.00 feet, the chord azimuth and distance being:
2. 307° 29' 29.26 feet;
3. 302° 04' 91.06 feet along same;
Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
4. 347° 04' 42.43 feet;
5. 32° 04' 60.70 feet along Remainder of Parcel 428-A of the Honolulu Rail Transit Project;
Thence along same, on a curve to the right with a radius of 340.00 feet, the chord azimuth and distance being:
6. 38° 43' 13.5" 78.79 feet;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SUMNER STREET, SUITE 521

CIVIL ENGINEERS • SURVEYORS
1871 WILIPA LOOP, SUITE A

100 PAUHI STREET, SUITE 207

Thence along same, on a curve to the right with a radius of 570.00 feet, the chord azimuth and distance being:

- 7. 53° 51' 44" 168.27 feet;
- 8. 62° 21' 20.62 feet along the West side of Alakawa Street;
- 9. 122° 04' 104.98 feet along Lot 14-B-1 (Map 19) of Land Court Consolidation 165;
- 10. 212° 04' 352.81 feet along Remainder of Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 56,989 Square Feet.

Reserving therefrom Easement C for Temporary Construction Purposes in favor of Honolulu Authority for Rapid Transportation.

Subject to portion of Easement 14 for Sewer Purposes, as shown on Map 9 of Land Court Consolidation 165.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro".

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
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Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 017
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HONOLULU RAIL TRANSIT PROJECT

EASEMENT C
(FOR TEMPORARY CONSTRUCTION PURPOSES)

Affecting Remainder of Parcel 428
of the Honolulu Rail Transit Project
Being a portion of Lot 14-B-2 (Map 19) of
Land Court Consolidation 165

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Southwest corner of Parcel 428 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 2,997.89 feet North and 7,257.51 feet West thence running by azimuths measured clockwise from true South:

1. 312° 54' 37.46 feet along Parcel 428 of the Honolulu Rail Transit Project;
Thence along same, on a curve to the left with a radius of 155.00 feet, the chord azimuth and distance being:
2. 307° 29' 29.26 feet;
3. 302° 04' 91.06 feet along same;
Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
4. 347° 04' 42.43 feet;
5. 32° 04' 5.00 feet along Remainder of Parcel 428-A of the Honolulu Rail Transit Project;
6. 122° 04' 11.02 feet along remainder of Remainder of Parcel 428 of Honolulu Rail Transit Project;
7. 212° 04' 20.88 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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1875 WILPAI ROAD SUITE A

501 SUMNER STREET, SUITE 521

100 BAHAMU STREET SUITE 207

- | | | | | |
|-----|----------|-------|------|-------------|
| 8. | 122° 04' | 3.37 | feet | along same; |
| 9. | 212° 04' | 3.30 | feet | along same; |
| 10. | 122° 04' | 41.17 | feet | along same; |
| 11. | 212° 04' | 3.93 | feet | along same; |
| 12. | 122° 04' | 29.26 | feet | along same; |
| 13. | 212° 04' | 2.88 | feet | along same; |
| 14. | 122° 04' | 36.24 | feet | along same; |

Thence along same, on a curve to the right with a radius of 159.00 feet, the chord azimuth and distance being:

- | | | | | |
|-----|----------|-------|-------|--|
| 15. | 127° 29' | 30.02 | feet; | |
| 16. | 132° 54' | 36.69 | feet | along same; |
| 17. | 212° 04' | 4.08 | feet | along Remainder of Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,300 Square Feet. |

AUSTIN, TSUTSUMI & ASSOCIATES, INC.
Description Prepared By:



Erik S. Kaneshiro 6/16

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
June 16, 2015

TMK: (1) 1-5-015: 017
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Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED
AS TAX MAP KEY 1-5-015-017 (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) 1-5-015-017 (por.) 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 1-5-015-017 (por.) 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 1-5-015-017 (por.)

REF

HONOLULU RAIL TRANSIT PROJECT

PARCEL 428

Being a portion of Lot 14-B-2 (Map 19) of
Land Court Consolidation 165

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 427 of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,003.99 feet North and 7,253.69 feet West thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|-------|-------|--|
| 1. | 310° 05' | 71.68 | feet | along Parcel 428-A of the Honolulu Rail Transit Project; |
| 2. | 302° 04' | 84.00 | feet | along same; |
| | | | | Thence along same, on a curve to the right with a radius of 32.00 feet, the chord azimuth and distance being: |
| 3. | 347° 04' | 45.25 | feet; | |
| 4. | 32° 04' | 5.00 | feet | along same; |
| | | | | Thence along Remainder of Parcel 428 of Honolulu Rail Transit Project, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being: |
| 5. | 167° 04' | 42.43 | feet; | |
| 6. | 122° 04' | 91.06 | feet | along same; |
| | | | | Thence along same, on a curve to the right with a radius of 155.00 feet, the chord azimuth and distance being: |
| 7. | 127° 29' | 29.26 | feet; | |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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501 SUMNER STREET, SUITE 521

1871 WILI PA LOOP, SUITE A

100 PAUAAHI STREET, SUITE 207

8. 132° 54' 37.46 feet along same;
9. 212° 04' 7.19 feet along Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,379 Square Feet.

Subject to portion of Easement 14 for Sewer Purposes, as shown on Map 9 of Land Court Consolidation 165.

Subject also, to portion of 5-foot wide Roadway Setback as shown on Maps 1 and 9 of Land Court Consolidation 165.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:


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

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

Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 017
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HONOLULU RAIL TRANSIT PROJECT

REMAINDER OF PARCEL 428

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Thence along same, on a curve to the right with a radius of 340.00 feet, the chord azimuth and distance being:
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Thence along same, on a curve to the right with a radius of 570.00 feet, the chord azimuth and distance being:

7. 53° 51' 44" 168.27 feet;
8. 62° 21' 20.62 feet along the West side of Alakawa Street;
9. 122° 04' 104.98 feet along Lot 14-B-1 (Map 19) of Land Court Consolidation 165;
10. 212° 04' 352.81 feet along Remainder of Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 56,989 Square Feet.

Reserving therefrom Easement C for Temporary Construction Purposes in favor of Honolulu Authority for Rapid Transportation.

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Honolulu, Hawaii
June 16, 2015

TMK: (1) 1-5-015: 017
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HONOLULU RAIL TRANSIT PROJECT

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

**Affecting Remainder of Parcel 428
of the Honolulu Rail Transit Project
Being a portion of Lot 14-B-2 (Map 19) of
Land Court Consolidation 165**

Situate at Kapalama, Honolulu, Oahu, Hawaii

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Thence along same, on a curve to the left with a radius of 155.00 feet, the chord azimuth and distance being:
2. 307° 29' 29.26 feet;
3. 302° 04' 91.06 feet along same;
Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
4. 347° 04' 42.43 feet;
5. 32° 04' 5.00 feet along Remainder of Parcel 428-A of the Honolulu Rail Transit Project;
6. 122° 04' 11.02 feet along remainder of Remainder of Parcel 428 of Honolulu Rail Transit Project;
7. 212° 04' 20.88 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521

1871 WILPA LOOP, SUITE A

100 DALLAS STREET, SUITE 207

- | | | | | |
|-----|----------|-------|------|-------------|
| 8. | 122° 04' | 3.37 | feet | along same; |
| 9. | 212° 04' | 3.30 | feet | along same; |
| 10. | 122° 04' | 41.17 | feet | along same; |
| 11. | 212° 04' | 3.93 | feet | along same; |
| 12. | 122° 04' | 29.26 | feet | along same; |
| 13. | 212° 04' | 2.88 | feet | along same; |
| 14. | 122° 04' | 36.24 | feet | along same; |

Thence along same, on a curve to the right with a radius of 159.00 feet, the chord azimuth and distance being:

- | | | | | |
|-----|----------|-------|-------|--|
| 15. | 127° 29' | 30.02 | feet; | |
| 16. | 132° 54' | 36.69 | feet | along same; |
| 17. | 212° 04' | 4.08 | feet | along Remainder of Parcel 427 of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,300 Square Feet. |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.
Description Prepared By:

Erik S. Kaneshiro 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
June 16, 2015

TMK: (1) 1-5-015: 017
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Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015-18 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-017 (PORTION) BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN	STAFF CONTACT: Elizabeth Scanlon Morris Atta	DATE: 6/25/2015
--	---	---------------------------

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 1-5-015-017, and situated at 925 Dillingham Boulevard, Honolulu, Hawaii, 96817, which is required for road widening purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 1,379 square-foot portion and 1,300 square-foot temporary construction easement are required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Tradewind Dillingham, LLC.

HART recommends use of eminent domain to acquire the property.

2. Background/Justification

This property (Tax Map Key 1-5-015-017) was designated as a partial take 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 would have on the remainder of the property.

- Letter of Offer clarifying terms was delivered and Owner who then accepted the Offer amount on 5/13/2015. Escrow is open and waiting for subdivision maps, Land Court, and Department of Planning and Permitting to close escrow.

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 XVII of the Charter of the City and County of Honolulu.

6. Public Involvement

N/A

7. Alternatives

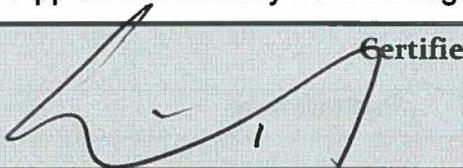
There is no feasible alternative to avoid the above-described impacts to the property.

8. Exhibits

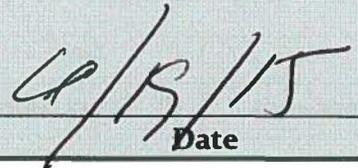
Exhibit 1 – Offer letter dated 11/19/2014

Exhibit 2 – Appraisal Summary from Yamaguchi & Yamaguchi, Inc. dated 10/15/2014

Certified and Recommended by:



Executive Director and CEO



Date



HONOLULU AUTHORITY for RAPID TRANSPORTATION

IN REPLY REFER TO:
CMS-APOOROW-00692HAND-DELIVERED

November 19, 2014

Mr. Jeremy Shorenstein
 Tradewind Dillingham, LLC
 1132 Bishop Street, Suite 2450
 Honolulu, Hawaii 96813

Dear Mr. Shorenstein:

Subject: Honolulu Rail Transit Project (H RTP)
 925 Dillingham Boulevard
 Parcel 428: Tax Map Key (TMK) 1-5-015-017 (Portion)
Letter of Offer

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase a 1,379 square foot portion of your property, identified as TMK 1-5-015-017 (shown colored in yellow on the enclosed map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$179,500 (One Hundred Seventy-Nine Thousand Five Hundred Dollars).

In addition, HART offers to purchase a Temporary Construction Easement (TCE) consisting of 1,300 square feet (shown colored in red on the enclosed map) for a consideration of \$6,292 (Six Thousand Two Hundred Ninety-Two Dollars). The intent of the TCE is to facilitate construction of improvements within the right-of-way which may include: demolition, grading, utilities, traffic items, paving, and sidewalk. These activities may involve operation of equipment, movement of a work force on the described easement, and may include site security with temporary fencing. Construction within the TCE area would be limited to the driveway and back of sidewalk connections to existing grades and surface restoration. The duration of the TCE will be six months, with a start date to be determined thru coordination with you and HART's contractor.

The total offer for acquiring both interests in your property is \$185,792 (One Hundred Eighty-Five Thousand Seven Hundred Ninety-Two Dollars).

Daniel A. Grabauskas
 EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

Ivan M. Lui-Kwan, Esq.
 CHAIR

Donald G. Horner
 VICE CHAIR

George I. Atta
 Robert Bunda
 Michael D. Formby
 Ross M. Higashi
 William "Buzz" Hong
 Kestie W.K. Hul
 Damien T.K. Kim
 Carrie K.S. Okinaga, Esq

Received
 Jeremy Shorenstein 11/2/14
 Print Name Date

Mr. Jeremy Shorestein
Page 2
November 19, 2014

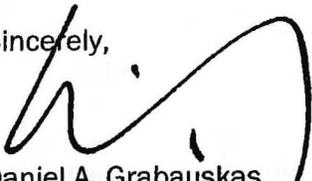
If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by December 19, 2014. The remaining copies are for your files. Also enclosed for your information is the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

If we do not hear from you by December 19, 2014, this offer shall be considered rejected and HART will proceed to review options to acquire the subject property.

In accordance with federal regulations affecting real property transactions, we request your cooperation in providing us with your Taxpayer Identification Number. Please execute and return the enclosed IRS Form W-9 at the same time. The W-9 is required by our Department of Budget and Fiscal Services to release the check.

Please contact Mr. Alex Sutterer at 441-0546 if you have any questions regarding this matter.

Sincerely,



Daniel A. Grabauskas
Executive Director and CEO

Enclosures

ACCEPTED:

TRADEWIND DILLINGHAM, LLC

By _____
Its

Print Name: _____

Dated: _____

STATEMENT OF JUST COMPENSATION

PROJECT: HONOLULU RAIL TRANSIT PROJECT (H RTP)
LOCATION: 925 Dillingham Boulevard, Honolulu, Oahu, Hawaii
TAX MAP KEY: 1-5-015-017 (Portion)
OWNER(S): TRADEWIND DILLINGHAM, LLC
INTEREST TO BE ACQUIRED: Unencumbered Fee Simple & Temporary Construction Easement
PARCEL TO BE ACQUIRED: Fee Simple Taking of +/- 1,379 square feet
Temporary Construction Easement of +/- 1,300 square feet
ZONING: IMX-1, Industrial Mixed-Use
IMPROVEMENTS: Contributory Value is given to sidewalks, metal railings, landscaping, irrigation, signage platform, and lighting

PURPOSE: Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

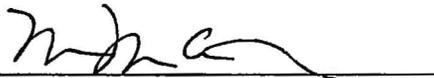
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

JUST COMPENSATION: Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired is:

Partial Fee Simple Acquisition	\$179,500
Temporary Construction Easement	\$ <u>6,292</u>
TOTAL:	\$185,792

The original of this statement to be tendered to the above named owner has been signed in ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.



Morris M. Atta
Deputy Director of Right-of-Way

APPRAISAL SUMMARY STATEMENT

PROJECT: HONOLULU RAIL TRANSIT PROJECT (HRTP)
ADDRESS: 925 Dillingham Boulevard, Honolulu, Oahu, Hawaii
TAX MAP KEY: 1-5-015-017 (Portion)
OWNER(S): TRADEWIND DILLINGHAM, LLC
PARCEL AREA: +/- 1,379 square feet of Partial Parcel Acquisition
+/- 1,300 square feet of Temporary Construction Easement
PROPERTY ACQUIRED: ALL: ___ PART: X
INTERESTS TO BE ACQUIRED: Unencumbered Fee Simple & Temporary Construction Easement
ZONING: IMX-1, Industrial Mixed-Use
HIGHEST & BEST USE: Light industrial, office or commercial use
ASSESSED VALUE (2014): Land Value \$5,019,100
FOR TOTAL PARCEL Building Value \$7,281,300
TOTAL \$12,300,400

Partial Fee Taking	\$179,500
Temporary Construction Easement	<u>\$6,292</u>
TOTAL	\$185,792

The Appraisal Estimate is: **\$185,792**

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

CONSENT TO ENTER

The undersigned, being the owner of that certain property bearing the tax map key listed hereinbelow, hereby consents to the entry by the Honolulu Authority for Rapid Transportation ("HART"), a semi-autonomous agency of the City and County of Honolulu, and /or its representatives and consultants for the purpose stated:

PROJECT: **Honolulu Rail Transit Project (H RTP)**
TAX MAP KEY: **1-5-015-017 (Portion)**
LOCATION: **925 Dillingham Boulevard, Honolulu, Oahu, Hawaii**
PURPOSE: **Construction Activities**

It is understood that this consent to enter is granted upon the following terms:

(1) That the areas covered by this consent document are colored in yellow and red on the attached map. That this consent includes the right of ingress to and egress from said consent to enter area over the land of the undersigned, adjacent thereto for all purposes in connection with this consent to enter.

(2) That this consent to enter is granted for a **nominal** consideration of \$1.00.

(3) That HART shall indemnify the undersigned against loss or damage to the property of the undersigned and from liability for injury to or death of persons in the manner provided by law when such loss, damage, injury or death is caused by the negligent use of said property by HART and/or its representatives and consultants, resulting from this consent to enter.

(4) That the entire cost of the work proposed to be done and all other expenses incidental thereto will be borne by HART.

(5) That HART will, in its discretion, determine the extent of the work to be done.

(6) That this consent to enter is granted for a period of thirty-six (36) months commencing from the date of actual entry and terminating at the end of the period or upon completion of work, whichever is sooner.

(7) That HART or its representative will provide the undersigned written notification at least two weeks prior to the entry into said property by HART's contractor.

(8) That this consent to enter shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, devisees, personal representatives, successors in trust, successors and assigns.

TAX MAP KEY: 1-5-015-017
Consent to Enter - Page 2

(9) That this consent to enter shall be null and void upon recordation of the deed or other document conveying said property to HART.

DATED: HONOLULU, HAWAII _____.

TRADEWIND DILLINGHAM, LLC

By _____
Its

Phone _____

APPROVED AS TO FORM AND
LEGALITY

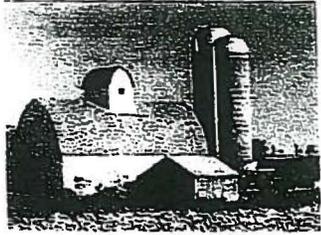
Deputy Corporation Counsel

APPROVED AS TO CONTENTS



Honolulu Authority for Rapid Transportation

More Relocation Information



Business

A business that is relocated as a result of the project may

be entitled to benefits such as:

1. *Moving and Related Costs*
2. *Reestablishment Costs*
3. *Fixed Payment*

Statements applicable to all categories and benefits listed

Please keep in mind that there are specific benefit requirements that must be met to receive any of the funds mentioned above. Your assigned relocation agent will assist you to fully understand the payments and requirements.

No one may be displaced until adequate housing has been made available to them.

All persons required to move personal property, their home, or business must be given at least 90 days to vacate.

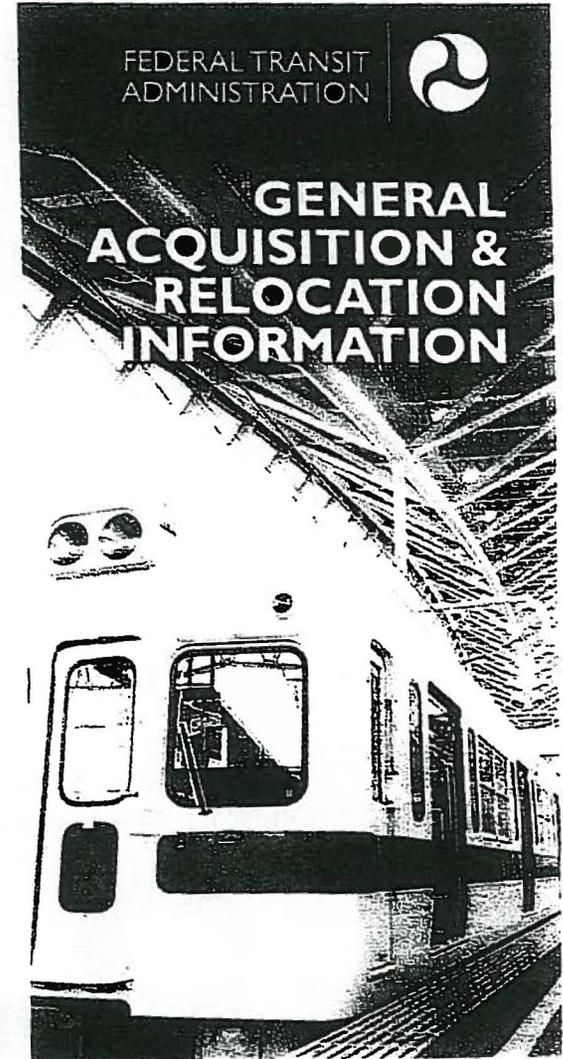
Your Local Transit Agency will establish an appeal process should you be aggrieved by a denial of benefits or if you feel the benefits are inadequate.

A message from the FTA and your local transit agency

It is sometimes necessary to acquire private property and displace persons and businesses in order to build a transit facility that will benefit the entire community. However, we will work with you to minimize the inevitable disruption that this causes. Please feel free to contact the agency and person listed below should you have any further questions.

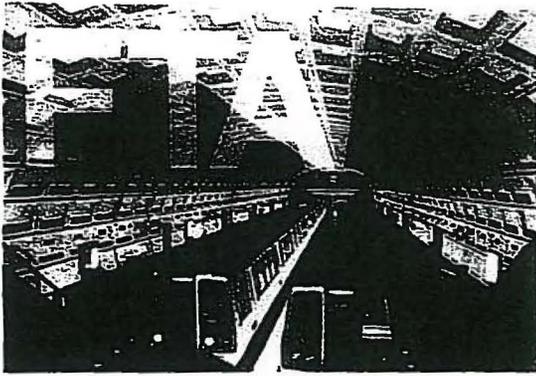
Revised rules for the Uniform Act were published in the Federal Register on January 4, 2005. The rules are reprinted each year in the Code of Federal Regulations, Title 49, Part 24. All Federal, State and local government agencies, as well as others receiving Federal financial assistance for public programs and projects, that require the acquisition of real property, must comply with the policies and provisions set forth in the Uniform Act and the regulation.

For further information, please contact:



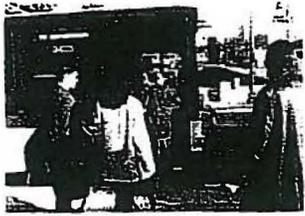
FTA | U.S. DEPARTMENT OF
TRANSPORTATION 
FEDERAL TRANSIT ADMINISTRATION

SEE THE BACK PANEL OF THIS BROCHURE FOR
INFORMATION ON CONTACTING YOUR LOCAL AGENCY



GENERAL INFORMATION

Your local transit agency may need to purchase property from you with funding from the Federal Transit



Administration (FTA) in order to benefit the general public. To assure fair and consistent treatment of all

persons, the FTA will require your local transit agency to follow the Uniform Relocation Assistance and Real Property Policies Act of 1970, as amended. The Uniform Act is a law passed by Congress to promote uniformity and fairness when a local transit agency must acquire property or displace persons. There are two main parts of this process:

1. *Acquisition, which is the purchase of your real estate.*
2. *Relocation which offers additional benefits should you or your business be displaced.*

Acquisition of Real Property

The purchase of real estate by a transit agency begins with the appraisal of your property. An appraiser will inspect your property to determine the value. The property owner should accompany the appraiser while making this inspection. A second appraiser will then review and approve the work of the first appraiser and will recommend a value to the local transit agency.

You should then receive a written offer to purchase your property. You will have sufficient time to consider the offer or make any counter offers that you believe is fair.

If you elect to sell your property to the local transit agency, you will be paid the full amount less any encumbrances (mortgage, lien, etc.) owed on that property. Possession of vacant property may be taken the day of closing by the local transit agency; possession of occupied property will be at an agreed future date.



Relocation



Advisory Assistance will be offered to every displaced person. A Relocation Agent will visit you to explain all of the benefits and services that you may be eligible to receive.

Below is a very brief outline of the various types of financial benefits available if you or your business are required to move.

Residential Homeowner Occupants, are those that have owned and occupied their home for at least 180 days. Typical benefits include:

1. *Moving Costs*
2. *Price Differential Payment*
3. *Increased Mortgage Interest*
4. *Incidental Closing Costs*

90 day Occupant or Tenant, is either a tenant or a homeowner that has occupied their home for less than 180 days but at least 90 days. Relocation benefits include:

1. *Moving Costs*
2. *Rental Assistance Payment/Down Payment*



**Yamaguchi &
Yamaguchi, Inc.**
Real Estate Appraisal &
Consulting Services

October 15, 2014

Ms. Georgia Marquis
Director of Acquisition & Relocation Services
Paragon Partners Ltd. for the Honolulu Authority for Rapid Transportation
5762 Bolsa Ave., Suite 201
Huntington Beach, CA 92649

Re: Honolulu Rail Transit Project
HART RW Parcel 428
Parcel Designation: TMK (1) 1-5-015-017 and TMK (1) 1-5-015-016
925 Dillingham Boulevard, Honolulu, Hawaii 96817

Dear Ms. Marquis,

At your request, we have appraised a real property interest for the above real estate. Our objective was to form one opinion about the market value for the "*Partial Acquisition*" of the subject property's fee simple estate assuming no liens or encumbrances other than normal covenants and restrictions of record.

The purpose of this appraisal report is to assist the Honolulu Authority for Rapid Transportation in the *Partial Acquisition* and *Easement Evaluation* for Eminent Domain acquisition proceedings of the subject property as part of the Honolulu Rail Transit Project.

As a preview, the subject property physically consists of two adjacent parcels: Parcel 17 constituting 58,368 square feet fronting Dillingham Boulevard and Parcel 16 constituting 55,662 square feet fronting Alakawa Street. Both parcels are zoned IMX-1 Industrial Mixed-Use and have unity of ownership, contiguity and unity of use; therefore, the larger parcel is identified as a combination of the two adjacent parcels with a total area of 114,030 square feet. Per our exterior observation and tax office records Parcel 17 is improved with a 29-year old, two story office building with an auxiliary warehouse space totaling approximately 55,100 square feet. These improvements are not included as part of our appraisal job scope.

The partial acquisition area along the property boundary frontages involving the corner of Dillingham Boulevard and Alakawa Street consists of 1,379 square feet. HART also requires a Temporary Construction Easement (TCE) identified as Easement C that is situated inside of the partial acquisition area consisting of 1,300 square feet.

This valuation contains analyses, opinions, and conclusions along with market data and reasoning appropriate for the scope of work detailed later herein. It was prepared solely for the intended use and intended user(s) explicitly identified in the attached report. Unauthorized users do so at their own risk. The appraisal is communicated in the attached Summary report, and conforms to the version of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on this report's preparation date of October 15, 2014.

For purposes of this appraisal report the definition of market value from the fifth edition of the *Uniform Appraisal Standards for Federal Land Acquisitions* was utilized and is defined in the Market Value Criterion section of this report.

This letter is not an appraisal report hence it must not be removed from the attached 117-page report. If this letter is disjoined from the attached appraisal report, then the value opinions set forth in this letter are invalid because the analyses, opinions, and conclusions cannot be properly understood.

In general, valuation of the subject property involves a few complex issues. All value opinions are affected by all the information, extraordinary assumptions, hypotheses, general limiting conditions, facts, descriptions, and disclosures stated in the attached appraisal report. After careful consideration of all factors pertaining to and influencing value, the data and analysis thereof firmly supports the following final value opinion(s) for the *Partial Acquisition* as of October 10, 2014:

\$ 13,798,000	<i>"As Is" Indicated Market Value of the Larger Parcel (Rounded)</i>
\$ 13,631,000	<i>"As Is" Indicated Market Value of the Remainder Parcel (Rounded)</i>
\$ 167,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 167,000	<i>"As Is" Indicated Market Value of the Partial Acquisition (Rounded)</i>
\$ 0	<i>Add: Total Severance Damages to the Remainder Property</i>
\$ 0	<i>Less: Special Benefits to the Remainder Property</i>
\$ 12,500	<i>Add: Contributory Value</i>
\$ 179,500	<i>Total Fair Market Value of the Partial Acquisition</i>
\$ 12,584	<i>Estimated Annual Rent Per Annum @ 8% for the TCE</i>
\$ 1,048.67	<i>Estimated Monthly Rent Per Annum @ 8% for the TCE</i>

Thank you for your business. Let us know how we may further serve you.



Jon F. Yamaguchi, CRE, FRICS, SRPA, SRA
 President / CEO
 Certified General Appraiser
 Hawaii License CGA 31
 License Expiration Date: 12/31/2015