

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-39**

**AUTHORIZING THE ACQUISITION OF EASEMENT OVER, ON, AND ACROSS  
THE REAL PROPERTY IDENTIFIED AS  
TAX MAP KEY 9-9-003-026 (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 an electrical easement over, on, and across the real property identified as Tax Map Key (TMK) 9-9-003-026 (por.) by eminent domain after written notification by HART; and

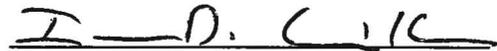
WHEREAS, the acquisition by eminent domain of said easement over, on, and across the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

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

1. That acquisition by eminent domain of an electrical easement over, on, and across the real property identified as TMK 9-9-003-026 (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 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 JUL 30 2015.

  
Board Chair

ATTEST:

  
Board Administrator

Exhibit A – Legal description of TMK 9-9-003-026 (por.)

EASEMENT A

For Electrical Purposes

Affecting Lot A

Being a Portion of R. P. 6717, L. C. Aws. 7712 and 8516-B to M. Kekuaaoa and Kamaikui

Being also a portion of R. P. 457, L. C. Aw. 2131, Apana 1 to Kanihoalii for Kaukiwaa

In favor of Hawaiian Electric Company

Situate at Halawa, Ewa, Island of Oahu, Hawaii

Beginning at the North corner of this easement, along the Southeast side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 864.40 feet North and 9,725.82 feet West, thence running by azimuths measured clockwise from true South:

1. 293° 32' 5.55 feet;
2. 23° 32' 40.00 feet;
3. 113° 32' 5.55 feet;
4. 203° 32' 40.00 feet along the Southeast side of Kamehameha Highway to the point of beginning and containing an area of 222 Square Feet, more or less.

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





R. M. TOWILL CORPORATION

Description prepared by:

A handwritten signature in black ink, appearing to read "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  
March 5, 2015



# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015 – 39</b> AUTHORIZING THE ACQUISITION OF EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 9-9-003-026 (PORTION) BY EMINENT DOMAIN	<b>STAFF CONTACT:</b> Morris Atta	<b>DATE:</b> July 30, 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 9-9-003-026, and situated at 99-9 Kalaloa Street, Honolulu, which is required for guideway construction of the Honolulu Rail Transit Project (HRTTP).

**2. Background/Justification**  
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-7 on May 21, 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

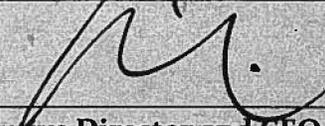
**4. Financial/Budget Impact**  
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

**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

 <b>Certified and Recommended by:</b> <hr/> <b>Executive Director and CEO</b>	<b>7/23/15</b> <hr/> <b>Date</b>
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