

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2015-66

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED
AS TAX MAP KEY 2-3-007-039 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) 2-3-007-039 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 2-3-007-039 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
AUG 27 2015.


Board Chair

ATTEST:


Board Administrator

Exhibit A – Legal description of TMK 2-3-007-039

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

Parcel 477

Being Lot 352 (Map 1) of Land Court Application 880, Section 2.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the Northeast corner of this parcel of land, being also the Northwest corner of Lot 885-B (Map 136) of Land Court Application 880, Section 2, and on the Southerly side of Kona Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 767.04 feet South and 1028.77 feet West and running by azimuths measured clockwise from true South:

1. 20° 42' 100.00 feet along Lot 885-B (Map 136) of Land Court Application 880, Section 2;
2. 110° 42' 50.00 feet along Lot 353-A (Map 33) of Land Court Application 880, Section 2;
3. 200° 42' 100.00 feet along Lot 352-A (Map 1) of Land Court Application 880, Section 2;

4. 290° 42'

50.00 feet along the Southerly side of Kona Street to the point of beginning and containing an area of 5,000 square feet.



Description Prepared By:

ENGINEERS SURVEYORS HAWAII, INC.

A handwritten signature in black ink, appearing to read "Miles S. Horie".

Miles S. Horie

Exp. 4/30/16

Licensed Professional Land Surveyor
Certificate Number 10007

1320 North School Street
Honolulu, Hawaii 96817

May 29, 2014

Revised: June 15, 2015

Tax Map Key: (1st Div.) 2-3-02: 39

14-73

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2015 – 66 AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-3-007-039 BY EMINENT DOMAIN	STAFF CONTACT: Morris Atta	DATE: August 27, 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 2-3-007-039, and situated at 1163 Kona Street, Honolulu, which is required for guideway construction of the Honolulu Rail Transit Project (H RTP).

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-27 on June 25, 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	8/14/15 Date
---	-----------------