

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2015-81**

**AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-014-006 (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 real property identified as Tax Map Key (TMK) 2-1-014-006 (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 2-1-014-006 (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 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  
SEP 24 2015.

  
Board Chair

ATTEST:

  
Board Administrator

Exhibit A – Legal Description of TMK 2-1-014-006 (portion)

**HONOLULU RAIL TRANSIT PROJECT**

**EASEMENT B  
(FOR STATION CONSTRUCTION PURPOSES)**

Affecting Hawaiian Electric Company  
Being Grant 3537 to H.A. Widemann,  
Grant 3651 to The Hawaiian Electric Company, Limited,  
Grant 3664 to The Hawaiian Electric Company, Limited,  
Grant 4690 to J.A. McCandless,  
Grant 6879 to The Hawaiian Electric Company, Limited,  
Grant 7041 to The Hawaiian Electric Company, Limited

Situate at Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Northwest corner of Grant 7041 to The Hawaiian Electric Company, Limited, also along the West side of Ala Moana Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 1,878.64 feet South and 4,921.98 feet West thence running by azimuths measured clockwise from true South:

- |    |          |        |      |   |
|----|----------|--------|------|---|
| 1. | 329° 35' | 53.46  | feet | along the West side of Ala Moana Boulevard;                           |
| 2. | 58° 54'  | 123.48 | feet | along remainder Grant 7041 to The Hawaiian Electric Company, Limited; |
| 3. | 148° 54' | 73.98  | feet | along same;   |
| 4. | 232° 50' | 91.46  | feet | along the South side of Bishop Street;                                |

Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:



**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

5. 281° 12' 30" 44.85 feet to the point of beginning and containing an area of 9,738 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  
July 20, 2015

TMK: (1) 2-1-014: 006 (Portion)  
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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 621  
HONOLULU, HAWAII 96817-5031

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

100 PAUAAHI STREET, SUITE 213  
HILO, HAWAII 96720

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2015-81</b> <b>AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-014-006 (PORTION) BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Morris M. Atta	<b>DATE:</b> September 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 2-1-014-006, and situated at 170 Aloha Tower Drive, Honolulu, which is required for guideway and station construction of the Honolulu Rail Transit Project (H RTP). The property is owned by Hawaiian Electric Company Inc.

**2. Background/Justification**  
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2015-50 on July 30, 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.

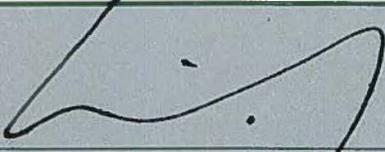
**5. Policy Impact**  
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

**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:**


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**Executive Director and CEO**

9/24/15

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**Date**