

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2017-19**

**APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE GUIDEWAY EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-030-012 (PORTION), LOCATED AT 586 SOUTH STREET, HONOLULU, AND OWNED BY LAWRENCE PEIPING WONG, ET AL., AND ELIZABETH W. CHEN, ET AL., BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID EASEMENT 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 and easements 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 easements; and

WHEREAS, the acquisition by eminent domain of the guideway easement over, on, and across the real property identified as Tax Map Key (TMK) 2-1-030-012 (Portion) 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 of the guideway easement over, on, and across the real property identified as TMK 2-1-030-012 (Portion); 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 of said easement.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation  
on DEC 14 2017.

Exhibit A – Legal description of TMK 2-1-030-012 (Portion)

Exhibit B – Resolution No. 2017-\_\_\_, Authorizing the Acquisition of Guideway  
Easement Over, On, and Across the Real Property Identified as Tax Map  
Key 2-1-030-012 (Portion), located at 586 South Street, Honolulu, and  
owned by Lawrence Peiping Wong et. al. and Elizabeth W. Chen et. al. by  
Eminent Domain.



Board Chair

ATTEST:

  
Board Administrator

# Honolulu Authority for Rapid Transportation

## STAFF SUMMARY

<b>TITLE:</b> <b>RESOLUTION NO. 2017-19 APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE AN EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-030-012 (PORTION), LOCATED AT 586 SOUTH STREET, HONOLULU, AND OWNED BY LAWRENCE PEIPING WONG, ET AL., AND ELIZABETH W. CHEN, ET AL., BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID EASEMENT BY EMINENT DOMAIN</b>	<b>STAFF CONTACT:</b> Abbey S. Mayer	<b>DATE:</b> 12/14/2017	
<b>Type:</b>	<b>Goal</b>	<b>Focus Area</b>	<b>Reference Notes</b>
<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.	
<b>1. Purpose:</b> Review of Notification to City Council for condemnation of land for public use, identified as Tax Map Key 2-1-030-012 (Portion), and situated at 586 South St., Honolulu, HI 96813, which is required for guideway easement purposes for the Honolulu Rail Transit Project (H RTP). This property, for which a 511 square-foot guideway easement acquisition is required, is on the critical path for successful completion of the City Center Section of the H RTP. The property is owned by Lawrence Peiping Wong, et al., and Elizabeth W. Chen, et al.  HART recommends use of eminent domain to acquire the property.			
<b>2. Background/Justification</b> This property (Tax Map Key 2-1-030-012) was designated as needed for the H RTP and identified 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.  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.			
<b>3. Procurement Background</b> N/A			
<b>4. Financial/Budget Impact</b> The project budget includes an estimated cost for legal action associated with the eminent domain of the property.			
<b>5. Policy Impact</b> 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

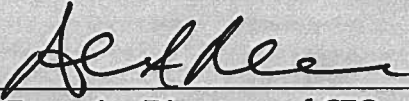
7. Alternatives

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

8. Exhibits

N/A

**Certified and Recommended by:**



Executive Director and CEO

12/0/17

Date

**HONOLULU RAIL TRANSIT PROJECT**

**EASEMENT 11  
(FOR GUIDEWAY PURPOSES)**

Affecting a certain parcel of land  
Being Portions of Royal Patent 7429,  
Mahele Award 61 to B. Namakeha and  
Royal Patent 4483,  
Land Commission Award Number 7712,  
Apana 6 to V. Kamamalu

Situate at Kaalua, Honolulu, Oahu, Hawaii

Beginning at the North corner of this easement, being the East corner of Lot C as shown on DPP Subdivision File No. 2012/SUB-26, also along the Southwest side of Halekauwila Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,661.18 feet South and 3,752.22 feet West thence running by azimuths measured clockwise from true South:

- |    |              |       |       |  |
|----|--------------|-------|-------|--|
| 1. | 320° 30'     | 90.90 | feet  | along the Southwest side of Halekauwila Street;  |
|    |              |       |       | Thence along Road Parcel 10 as shown on DPP Subdivision File No. 1985/SUB-14, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being: |
| 2. | 339° 05' 34" | 12.75 | feet; |  |
| 3. | 139° 56'     | 0.82  | feet  | along the remainder of Royal Patent 7429, Mahele Award 61 to B. Namakeha;  |
| 4. | 49° 56'      | 1.97  | feet  | along same;  |
| 5. | 139° 56'     | 28.00 | feet  | along same;  |
| 6. | 229° 56'     | 1.97  | feet  | along same;  |
| 7. | 139° 56'     | 74.17 | feet  | along same;  |



**AUSTIN, TSUTSUMI & ASSOCIATES, INC.**

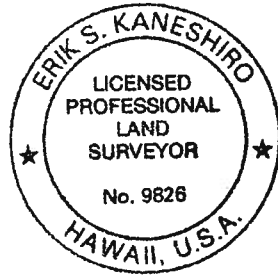
**CIVIL ENGINEERS • SURVEYORS**

501 SUMNER STREET, SUITE 521  
HONOLULU 1, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A  
WAILUKII 1, MAUI HAWAII 96793

100 PAUHAH STREET, SUITE 207  
HILO, HAWAII 96720

8. 230° 30' 5.08 feet along the Lot C as shown on DPP Subdivision File No. 2012/SUB-26, to the point of beginning and containing an area of 511 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 4/16

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

Honolulu, Hawaii  
April 27, 2016

TMK: (1) 2-1-030: 012  
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**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2017-\_\_\_**

**AUTHORIZING THE ACQUISITION OF GUIDEWAY EASEMENT OVER, ON, AND ACROSS THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-030-012 (PORTION), LOCATED AT 586 SOUTH STREET, HONOLULU, AND OWNED BY LAWRENCE PEIPING WONG, ET AL., AND ELIZABETH W. CHEN, ET AL., 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 guideway easement over, on, and across the real property identified as Tax Map Key (TMK) 2-1-030-012 (Portion) by eminent domain after written notification by HART; and

WHEREAS, the acquisition by eminent domain of said guideway 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 the guideway easement over, on, and across the real property identified as TMK 2-1-030-012 (Portion) is hereby authorized and the Corporation Counsel of the City and County of Honolulu and/or HART's selected outside legal counsel 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 and/or HART's selected outside legal 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 2-1-030-012 (Portion)



**HONOLULU RAIL TRANSIT PROJECT**

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Description Prepared By:

*Erik S. Kaneshiro* EXP 4/16

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

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