



RESOLUTION

RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION'S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-030-012 (PORTION).

WHEREAS, Sections 17-101 and 17-103.1 of the Revised Charter of the City and County of Honolulu 1973, as amended ("RCH"), establish the Honolulu Authority for Rapid Transportation ("HART"), which has the authority to develop, operate, maintain and expand the City's fixed guideway system; and

WHEREAS, RCH Section 17-103.2(b) provides that HART is empowered to acquire by eminent domain, in the name of the City, all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system; provided that prior to commencing such action, HART must submit to the Council, in writing, a list of the parcels and areas to be acquired; and

WHEREAS, RCH Section 17-103.2(b) further provides that HART may proceed with such condemnation action if the Council: (1) fails to adopt a resolution objecting to the condemnation within 45 days of receipt of notification, or (2) affirmatively approves of the acquisition by resolution; and

WHEREAS, by Departmental Communication No. 342 ("D-342"), dated May 16, 2016, and officially received by the City Clerk's Office on May 17, 2016, HART notified the Council of its intention to acquire one property by eminent domain; and

WHEREAS, the property described in D-342 for condemnation is a guideway easement over, on, and across the real property identified as Tax Map Key 2-1-030-012 (portion), as more particularly identified in the legal description attached to D-342; and

WHEREAS, the abovementioned property is located at 586 South Street, Honolulu, Hawaii 96813, and is owned Lawrence P. Wong et al., and Elizabeth W. Chen et al.; and

WHEREAS, the Council finds that given the current uncertainty regarding the route of the fixed guideway system through the City's urban core, the proposed acquisition is premature and may not be in the best interest of the people of the City and County of Honolulu; and

WHEREAS, the 45th day following receipt of notification is July 1, 2016; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that it objects (without prejudice) to HART's acquisition, in the name of the City, by eminent domain of a guideway easement over, on, and across the real property identified as Tax Map Key 2-1-030-012 (portion) and situated at 586 South Street, as more particularly identified in D-342; and

BE IT FURTHER RESOLVED that pursuant to RCH Section 17-103.2(b), HART is directed to suspend condemnation action relating to such property interest; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to Colleen Hanabusa, Chair of the Board of the Honolulu Authority for Rapid Transportation; Daniel Grabauskas, Executive Director and CEO of the Honolulu Authority for Rapid Transportation; and Mayor Kirk Caldwell.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

MAY 23 2016

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 16-141

Introduced: 05/23/16

By: ERNEST MARTIN

Committee: COUNCIL

Title: RESOLUTION RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION'S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY 2-1-030-012 (PORTION)

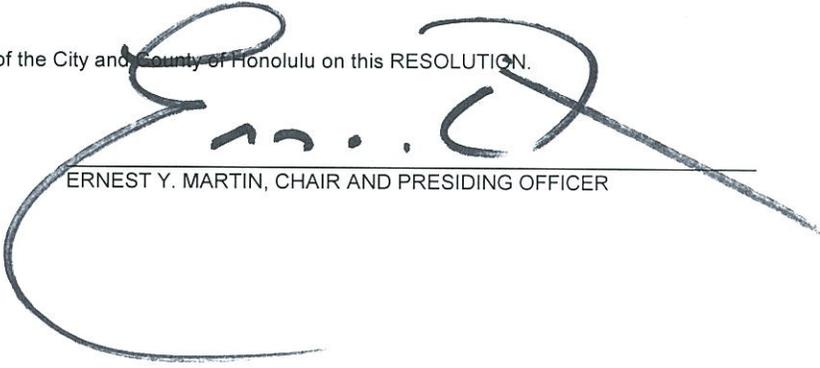
Voting Legend: * = Aye w/Reservations

06/01/16 COUNCIL RESOLUTION 16-141 WAS ADOPTED.
7 AYES: FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
1 NO: ELEFANTE.
1 ABSENT: ANDERSON.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER