

FOR ACTION

I. SUBJECT

Consider Authorizing the Executive Director to Execute a Right of Entry, for a period of five years, with the Honolulu Authority for Rapid Transportation for the Use, for Construction Purposes, of a Portion of Halekauwila Street, Cooke Street, and Mother Waldron Neighborhood Park, Identified by Oahu Tax Map Keys (1) 2-1-015-003; (1) 2-1-015:019; (1) 2-1-030:046; (1) 2 1 050:067; (1) 2-1-051:039; (1) 2-3-003:087; and (1) 2-3-004:080 During Construction of the Honolulu Rail Transit Project.

II. BACKGROUND

In March 2024, the Kakaako Board approved a Right of Entry (“ROE”) agreement with the Honolulu Authority for Rapid Transportation (“HART”) for the relocation and installation of electrical lines, water/sewer lines, gas lines, and storm drains, and to conduct archaeological inventory surveys in preparation for construction of the Honolulu rail transit project, guideway, and stations. Some of this work is being done on HCDA remnant road properties in Kakaako, as indicated in the premises maps attached hereto as Exhibits A-1 and A-2.

As part of the March 2024 approval, HART noted it would return to the Kakaako Board for a separate ROE agreement when it was ready to begin construction of the rail project. Since then, HART has awarded the design-build construction contract for the final segment of the rail project to Kakaako.

III. DISCUSSION

As reported in March 2024, the HCDA owns numerous road remnant parcels throughout Kakaako Mauka that are intended to be transferred to the City and County of Honolulu.

In 2018, the Honolulu City Council approved a blanket transfer of these remnant road parcels, as well as HCDA’s other Kakaako Makai properties, through Resolution 18-149. The HCDA completed Phase 1 of the transfer (Kakaako Makai park lands and Kakaako Makai remnant roads) in November 2019. However, the timeline for Phase 2 of the transfer (Kakaako Mauka land and Kakaako Mauka remnant roads) was previously unclear.

With HART’s recent request for the subject Construction Right of Entry, the HCDA resumed discussions with City leadership and the City has now committed to accept transfer of the HCDA’s 51 road remnant parcels in Kakaako Mauka. As the Director of the Department of Land Management, Catherine Taschner, noted in an email on November 21, 2024, “The City Council has already accepted transfer of the remnant parcels through the prior resolution; please consider this the City’s firm commitment.” The City will require updated title reports, deeds, descriptions, and surveys to effectuate

the transfer, which HCDA staff are now procuring. Director Taschner was informed that we are expecting the transfer to take place by the second quarter of 2025 at the latest.

Although such a transfer would render the subject construction ROE moot, HCDA staff recognizes that HART needs such an agreement in place by the end of 2024 to remain on schedule with their contractor. The construction ROE would then either terminate or transfer to the City upon conveyance of the remnant road parcels.

All standard HCDA ROE requirements, such as diligence and due care for public safety, indemnity, and insurance will also be included in the subject ROE.

IV. RECOMMENDATION

It is recommended that the Board Authorize the Executive Director to Execute a Right of Entry, for a period of five years, with the Honolulu Authority for Rapid Transportation for the Use, for Construction Purposes, of a Portion of Halekauwila Street, Cooke Street, and Mother Waldron Neighborhood Park, Identified by Oahu Tax Map Keys (1) 2-1-015-003; (1) 2-1-015:019; (1) 2-1-030:046; (1) 2 1 050:067; (1) 2-1-051:039; (1) 2-3-003:087; and (1) 2-3-004:080 During Construction of the Honolulu Rail Transit Project, in Accordance with the Terms and Conditions Described in This Staff Report and undertake all tasks necessary to effectuate the purpose(s) of this For Action.

Prepared By: Lindsey Doi-Leaverton, Asset Manager



Reviewed By: Craig Nakamoto, Executive Director



Attachments

Exhibit A-1 – ROE Premises Map Halekauwila Street, South Street to Koula Street

Exhibit A-2 – ROE Premises Map Queen Street, Cummins Street to Waimanu Street