



RESOLUTION

APPROVING THE ABANDONMENT AND SALE OF REMNANT PARCELS KP-1 AND 4 AT THE INTERSECTION OF KALIA ROAD AND PAOA PLACE ABUTTING THE HILTON HAWAIIAN VILLAGE LLC (TMK: 2-6-008:01 AND 34), HONOLULU, OAHU, HAWAII, TOTAL AREA 8,363 SQUARE FEET.

WHEREAS, Paragraph 16, Section 46-1.5, Hawaii Revised Statutes (HRS), as amended, authorizes the counties, under certain conditions, to dispose of real property as the interests of the inhabitants of the county may require; and

WHEREAS, Remnant Parcel KP-1, with an area of 8,272 square feet, is surplus to the City's needs, and is shown on the map designated as Exhibit "A", attached hereto and by reference made a part of this resolution; and

WHEREAS, the City accepted ownership and jurisdiction of Parcel KP-1 pursuant to Act 288, SLH 1993 and the adoption of City Council Resolution 93-287, CD-1, FD-1; and

WHEREAS, the City's Remnant Parcel 4, with an area of 91 square feet, is surplus to the City's needs, and is the triangular parcel on the southwest corner of Remnant Parcel KP-1; and

WHEREAS, Remnant Parcels KP-1 and 4 are portions of a county highway as defined in Section 264-1, HRS; and

WHEREAS, said Section 264-1, HRS, provides that all county highways, once established, shall continue until vacated, closed, abandoned, or discontinued by a resolution of the legislative body of the county wherein the county highway lies; and

WHEREAS, said Section 264-3, HRS, provides that a county highway, before it is disposed of in any way, it shall be first offered to the abutters for a reasonable length of time and at a reasonable price; and

WHEREAS, the Hilton Hawaiian Village LLC, as the abutting property owner of TMK: 2-6-008:01 and 34, is interested in purchasing Remnant Parcels KP-1 and 4; and

WHEREAS, the U. S. Government, as the abutting property owner of TMK: 2-6-05:01, was not interested in purchasing Remnant Parcel KP-1; and

WHEREAS, Remnant Parcels KP-1 and 4 will be sold subject to easements for water, cable, electrical, telecommunication, drainage, and sewer purposes, and a 10.33-foot wide easement for public access purposes in favor of the City; and



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WHEREAS, the various City agencies, including the Departments of Facility Maintenance and Transportation Services, have no objections to the disposal of Remnant Parcels KP-1 and 4; and

WHEREAS, the Director of Budget and Fiscal Services, with the concurrence of the Corporation Counsel, has recommended to the Council to sell Remnant Parcels KP-1 and 4, pursuant to Sections 37-1.2, 37-1.4 and 37-1.6, Revised Ordinances of Honolulu 1990, as amended; and

WHEREAS, the Director of Budget and Fiscal Services has proposed and recommended the sale of Remnant Parcels KP-1 and 4 by negotiated sale to Hilton Hawaiian Village LLC, as the abutting property owner; and

WHEREAS, on March 20, 2012, a Petition for a Contested Case Hearing, attached hereto as Exhibit B, was filed with the State Board of Land and Natural Resources in which the petitioner disagreed with the determination that an Environmental Assessment was not required before the parcels are transferred by the City to the abutting property owner; and

WHEREAS, it is the Council's belief that the sale of the parcels should be postponed until the claims in the petition are resolved; and

WHEREAS, the minimum sale price of Remnant Parcels KP-1 and 4 is \$1,250,000, based on an appraisal done by the Department of Design and Construction; and

WHEREAS, the sale price of \$1,250,000 will be deposited into the reserve for fiscal stability fund; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Remnant Parcels KP-1 and 4 are hereby abandoned as a public roadway effective as of the date of recordation of the deed of conveyance; and

BE IT FURTHER RESOLVED by the Council of the City and County of Honolulu that it approves the sale of said Remnant Parcels KP-1 and 4, with a total area of 8,363 square feet, as shown on the map attached as Exhibit "A"; and

BE IT FURTHER RESOLVED that the sale be in accordance with the recommendations of the Director of Budget and Fiscal Services, and/or designee and with all applicable laws; and



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BE IT FURTHER RESOLVED by the Council of the City and County of Honolulu that it approves the sale price of \$1,250,000 be deposited in the reserve for fiscal stability fund; and

BE IT FURTHER RESOLVED that the Director of Budget and Fiscal Services, and/or designee, shall be authorized to execute the sale and sign the deed and other necessary documents only after the claims in the Petition for a Contested Case Hearing filed with the Board of Land and Natural Resources on March 20, 2012 concerning the remnant parcels are resolved; and

BE IT FINALLY RESOLVED that the Clerk be directed to transmit a certified copy of this resolution to the Director of Budget and Fiscal Services.

INTRODUCED BY:

Ernest Martin (BR)

DATE OF INTRODUCTION:

May 18, 2012
Honolulu, Hawaii

Councilmembers



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

INSTRUCTIONS:

- File (deliver, mail or fax) this form within ten (10) days of the Board action date to:

Department of Land and Natural Resources
Administrative Proceedings Office
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813
Phone: (808) 587-1496, Fax: (808) 587-0390

- DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://hawaii.gov/dlnr/rules/Ch13-1-Official-Rules.pdf>). Please review these rules before filing a petition.
- If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
- Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name Alethea Rebman	2. Contact Person	
3. Address 1003 Bishop Street, Ste 1110	4. City Honolulu	5. State and ZIP HI, 96813
6. Email alethea@rebmanlaw.com	7. Phone (808) 545-7035	8. Fax

B. ATTORNEY (if represented)		
9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

C. SUBJECT MATTER

17. Board Action Being Contested

Quitclaim of State's Interest in Kalia Road to the City and County of Honolulu, Waikiki,

Honolulu, Oahu, Tax Map Key: (1) 2-6-008: adjacent to 001

18. Board Action Date

March 9, 2012

19. Item No.

D.7.

20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action

The proposed disposition of land is prepared to transfer the property from the City and County of Honolulu to the adjacent owner in the development of a multi-story time-share development by the Blackstone Group, a New York private equity group. This development will be a major impact to the community and will affect me directly as an adjacent home owner.

21. Any Disagreement Petitioner May Have with an Application before the Board

Disagree with the Land Agent claim that the request is exempt from Chapter 343 Environmental Assessment in accordance with Hawaii Administrative Rules Section 11-200-8(a)(1) and (4) for land involving negligible or no expansion or change in use and the recommendation for approval of the proposed disposition because the project will have minimal or no significant effect on the environment.

22. Any Relief Petitioner Seeks or Deems Itself Entitled to

Request that the Board reconsider its approval of the quitclaim of this property to the City and

County of Honolulu and conduct the required Environmental Review.

23. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

This is the highest density area in the state of Hawaii and this transfer of land will directly affect the surrounding neighborhoods. Petitioner is representative of the neighborhood and specifically of full-time Hawaii residents who live and work here. Petitioner's participation would serve the public interest by providing proper process and transparency in this transfer of public land.

24. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

Petitioner's residence is at 1910 Ala Moana Blvd, Honolulu, HI 96815

- Check this box if Petitioner is submitting supporting documents with this form.
- Check this box if Petitioner will submit additional supporting documents after filing this form.

Alethea Rebman

Petitioner or Representative (Print Name)

Signature

3/20/12

Date

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 12-124, CD1

Introduced: 05/18/12 By: ERNEST MARTIN (BR)

Committee: LEGISLATIVE MATTERS

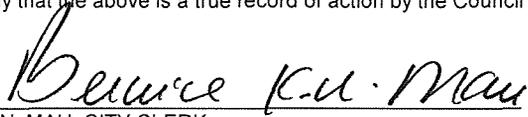
Title: RESOLUTION APPROVING THE ABANDONMENT AND SALE OF REMNANT PARCELS KP-1 AND 4 AT THE INTERSECTION OF KALIA ROAD AND PAOA PLACE ABUTTING THE HILTON HAWAIIAN VILLAGE LLC (TMK: 2-6-008:01 AND 34), HONOLULU, OAHU, HAWAII, TOTAL AREA 8,363 SQUARE FEET.

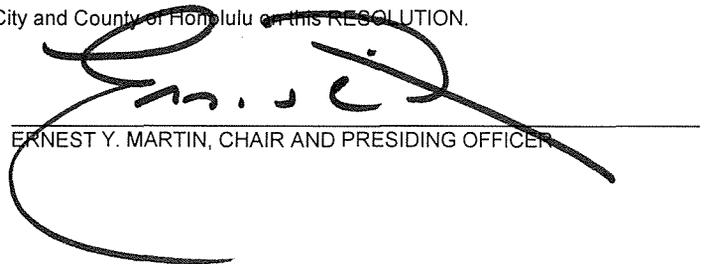
Links: [RES12-124](#)
[RES12-124, CD1](#)
[CR-198](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

LEGISLATIVE MATTERS	05/23/12	CR-198 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN <u>CD1</u> FORM.							
COUNCIL	06/06/12	CR-198 AND RESOLUTION 12-124, CD1 WERE ADOPTED.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y*	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

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.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER