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**From:** rexann dubiel [mailto:dubielsdesign@hotmail.com]  
**Sent:** Saturday, June 23, 2012 10:06 AM  
**To:** Martin, Ernie; Figueira, Laura  
**Cc:** blakemcelheny@yahoo.com; Diane M. Anderson; corasanchez@hawaii.rr.com  
**Subject:** People's Park--Haleiwa

Dear Councilmember,

I am in support of keeping the park next to Jameson's in Haleiwa in the hands of the people, Resolution 12-143.

That land belongs to the Citizens of Hawaii.

I am sorely disappointed that this has even become a resolution. That park is used by North Shore Canoe Clubs as well as paddlers around the island, fisherman, swimmers, community residents, and visitors. It would be a crime to sell it to a developer at the expense of the people.

Also, have you looked into the drop in the value of the land in the last two years? That remnant parcel was valued at 2.7 million and now it's worth about \$80,000. What gives? Is the City for sale to the highest bidder? (For documentation, see the article below my signature.)

Who will stand up for the people unless you do---it's your job to stand up for us, to represent us.

It's your job to keep park lands in the people's hands.

Aloha,  
Rexann Dubiel  
Teacher, Sunset Beach Elementary (24 years)  
Vice President, North Shore Outdoor Circle (20+ years)  
Former Liaison from Sunset Beach to Rep. Michael Magaoay (3 legislative sessions)

## **Groups challenge plan to sell North Shore park land**

June 20th, 2012 · environment, Politics

Is the “fix” in on the mayor’s proposal to sell 3.4 acres of city park land to the highest bidder?

This press release sent out yesterday by a coalition of groups adds considerable factual background to the discussion. I'm reprinting it in full below.

**Mayor Carlisle Pushes to Sell Haleiwa  
Public Park to Developer  
Andy Anderson for Hotel Construction**  
*Resolution for closure and sale already  
introduced to the City Council, despite opposition  
by residents and community groups*

On June 15<sup>th</sup>, Mayor Carlisle introduced Resolution 12-143 to secure City Council approval for the closure and sale of the 3.4 acre Haleiwa Beach Park Mauka (also referred to as Haleiwa Regional Park) [1]. The Resolution proposes sealed "competitive" bidding between the two property owners that own land abutting Haleiwa Beach Park Mauka: **Andy Anderson** and **Kamehameha Schools**, and may be heard as early as June 25 by the City Council's Budget Committee, whose 5 members

include Council Vice-Chair, Ikaika Anderson (Andy Anderson's grand-nephew).

According to the Resolution, **the minimum bid for the 3.4 acre coastal property is \$300,000.** However, trusts such as Kamehameha Schools are bound by fiduciary duty and federal tax law to purchase property at appraised value and therefore may be at a disadvantage in this type of process, making Andy Anderson the prime bidder.

Many community organizations and residents across the island are opposed to the closure and sale of this public park for a variety of reasons:

### **Sudden devaluation of the park's property value**

There are various discrepancies between the City's original position with respect to the park's economic and public use value and the Mayor's sudden decision to sell it for private development:

For example, the total 3.4 acres of Park land in question had a City real property tax assessed value in 2009 of \$2.7 million, but by 2012 (after Anderson announced his plans to purchase the park land in 2010) its tax assessed value dropped by 97% to **\$83,000**[2]. No other nearby North Shore park experienced a similar precipitous assessment devaluation by City staff.

On the other hand, Anderson purchased his adjacent .57 acre parcel, where the restaurant Jameson's By the Sea currently stands, for approximately \$2.3 million in September 2010. Also, the directly adjacent makai portion of Haleiwa Beach Park was assessed at \$22 million for 2012.

At the time of its condemnation and purchase from Kamehameha Schools in 1970, the park's value was **\$262,476**. According to the United States Department of Labor inflation calculator, the purchasing power of \$262,476 in 2012 is **\$1,533,354**.

### **Conflict with widespread public opinion on the park's value**

Public opposition to the sale of the Haleiwa Beach Park Mauka is clearly reflected in the 2011 North Shore Sustainable Communities Plan, approved by the City Council and Mayor Carlisle himself in 2011, which documents that there is a *shortage of community-based parks in the North Shore area* and that these specific 3.4 acres should be improved as "Haleiwa Beach Park Mauka" to meet these needs[3].

According to State Law, proceeds from the sale of its Park lands are required to be used to purchase other Park lands[4].

In 2006, Anderson submitted a request to the City to purchase four of the six parcels comprising Haleiwa Regional Park. In March of that year, City Land Division Chief Thomas Miyata “strongly recommend[ed] against the sale of the...Haleiwa Regional Park.” He stated that “the City expended considerable funds, time, and effort to acquire this land...for park and recreational purposes” and “although as yet undeveloped, it would *defeat the purpose to sell these properties.*”

In May 2006, Mary Pat Waterhouse, Director of Parks and Recreation, sent a letter to Anderson denying his request and stating that the Department of Parks and Recreation and Design and Construction “do not consider the subject parcels surplus to the City’s needs and strongly recommend against the sale of the subject parcels.” She explained:

*The City has acquired properties, when available, in advance of the ability to develop them. This strategy has served as a means to set aside lands for recreational needs when lands are still available at reasonable costs. The subject parcels*

*are considered to be an integral part of Haleiwa Regional Park when developed.[5]*

Between 2006 and 2012, something resulted in the Mayor's decision to overturn the City's previous policies regarding Haleiwa Beach Park Mauka, culminating in the recently announced plans to sell the park to the highest bidding abutting landowner.

### **Past precedent and present needs**

Although Andy Anderson has stated that a 2-acre portion of the park property would continue to be made available for public use, similar promises in the past were not kept. In 2002, the City required that Andy Anderson's "Sunset Colony" residential development at Velzyland include 1.5 acres to be transferred to the Parks Department. Property tax information shows the land is still owned by Anderson's development partner Western Life Assurance.[6]

A wide variety of residents, canoe paddlers, and visitors—including Kamehameha School students and families who use the park to access the nearby Loko Ea Fishpond—enjoy Haleiwa Beach Park Mauka on a daily basis. Kamehameha Schools has even offered an alternative revenue generating mechanism for the City whereby the City retains the Park for the benefit of the public

and receives a monthly fee in return for Kamehameha Schools' vehicles and program participants being able to park at the Park. Also, in March 2012, Mayor Carlisle personally signed a thank you letter to the Hui o Hee Nalu for their efforts to maintain Haleiwa Beach Park Mauka under an official City and County of Honolulu Adopt-a-Park agreement.

According to North Shore resident Lucky Cole, "It is an absurdity for the Mayor to call the invaluable 3.4 acres along the North Shore's renown coastline 'excess' or 'remnant' property, 'surplus' to the City's park needs, when it is well-known that one of the new adjacent land-owners believes the park to be a prime location for a world-class hotel for visitors to enjoy the natural and cultural resources of the site (including Haleiwa town's widest and most accessible beach as well as Loko Ea Fishpond)."

"There are serious questions regarding the legality and underlying purpose of the Mayor's dealings with Haleiwa Beach Park Mauka," says North Shore resident and activist Larry McElheny. "The Mayor needs to go back to the drawing board before the City Council should even consider taking the drastic step of closing a public park along the precious North Shore coastline,

eliminating a public park that is being cared for by the community, and selling it to a private party for private purposes at a very small fraction of its value to the tax-payer.”

**Organizations supporting the effort to save Haleiwa Beach Park (partial list):**

Malama Loko Ea Foundation

Hui o Hee Nalu

Defend Oahu Coalition

Save Sunset Beach Coalition

Friends of Kukaniloko

Livable Hawaii Kai Hui

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[1] To read Resolution 12-143: <http://www4.honolulu.gov/docushare/dsweb/Get/Document-127692/RES12-143.htm>. Also See City Resolution 03 (1968) for Condemnation Purposes, “Providing for the acquisition of various parcels of land for public use, to-wit:

Haleiwa BeachPark Addition . . .”, approved by Mayor on Jan. 10, 1968 (copy available at Hawaii Bureau of Conveyances) (hereinafter “City Resolution 03”); see also City and County of Honolulu v. Market Center, Ltd., et al, Civ. No. 23005, Final Order of Condemnation (July 23, 1969); City and County of Honolulu v. Frank Midkiff, et al, Civ. No. 24273, Final Order of Condemnation (July 10, 1970). Available by request.

[2] Honolulupropertytax.com (TMK: 6-2-003:017, 19, 20, 22, 35, and 38)

[3][http://honoluluodpp.org/Planning/NorthShore/NS-5yr/NSSCP\\_FinalPlan\\_April2011.pdf](http://honoluluodpp.org/Planning/NorthShore/NS-5yr/NSSCP_FinalPlan_April2011.pdf) (p. 3-31, 3-33, and 5-13, 5-14)

[4] (Section 46-1.5(16)(C), Hawaii Revised Statutes

(HRS):[http://www.capitol.hawaii.gov/hrscurrent/Vol02\\_Ch0046-0115/HRS0046/HRS\\_0046-0001\\_0005.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0001_0005.htm)

[5] See Memorandum to Thomas T. Miyata, Chief, Land Division, from Clifford Lau, Chief, Facilities Division re: Haleiwa Regional Park Addition, Tax Map Keys 6-2-003:017, 019, 020, 022, and 038 (March 10, 2006). (emphases added) Available on request. See Letter to Andy Anderson from Mary Pat Waterhouse re: Haleiwa Regional Park Addition Tax Map Key No. 6-2-003:17, 19, 20, 38

(May 23, 2006) (emphases added). Available on request.

[6]

TMK: 58006058; [www.honolulupropertytax.com](http://www.honolulupropertytax.com)