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CITY COUNCIL
REFERRAL APPEAL FORM

DATE: 01/16/13

TO: COUNCIL CHAIR
FROM: Councilmember Ann Kobayashi
COMMITTEE CHAIR

BILL/RESOLUTION/COMMUNICATION AND SUBJECT:

Resolution 12-143 - APPROVING THE SALE OF THE HALEIWA REGIONAL PARK VACANT PARCELS BY SEALED BIDDING BETWEEN THE TWO ABUTTING PROPERTY OWNERS, TMK: 6-2-03:17, 19, 20, 22, 35, AND 38, INCLUSIVE.

STATUS (Reading/PH):

Deferred in committee on 6/25/12

CURRENTLY REFERRED TO
COMMITTEE(S):
BUDGET

DESIRED COMMITTEE(S)
RE-REFERRED TO:

OR

DIRECT REFERRAL TO COUNCIL
FLOOR

Reason(s) for Appeal:

Council Chair requests that the resolution be referred to the Council

Committee Chair (Requestor)

Ann Kobayashi
Committee Chair

* * * * *

[Signature]
Council Chair

1/14/2013
Date

Granted
Denied

cc: Councilmembers
City Clerk
Council Assistance



RESOLUTION

APPROVING THE SALE OF THE HALEIWA REGIONAL PARK VACANT PARCELS BY SEALED BIDDING BETWEEN THE TWO ABUTTING PROPERTY OWNERS, TMK: 6-2-03:17, 19, 20, 22, 35, AND 38, INCLUSIVE.

WHEREAS, Section 46-1.5(16)(C), 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 that all proceeds from the sale of park lands shall be expended only for the acquisition of property for park or recreational purposes; and

WHEREAS, Sections 46-61 and 101-2 HRS authorizes the counties to take private property for public use and dispose of the excess property to the abutting property owners; and

WHEREAS, the City owns in fee Parcels 1 to 8, inclusive, identified as TMK: 6-2-03:17, 19, 20, 22, 35, and 38, hereinafter referred to as the Haleiwa Regional Park vacant parcels; and

WHEREAS, the Haleiwa Regional Park vacant parcels, have a total area of 3.438 acres, and are zoned P-2, Preservation District, and are shown on Exhibits A and A-1, attached hereto and by reference made a part of this resolution; and

WHEREAS, the Department of Parks and Recreation (DPR), which has jurisdiction over the Haleiwa Regional Park vacant parcels determined that the Haleiwa Regional Park project, for which the Haleiwa Regional Park vacant parcels were acquired, was no longer a viable project; and

WHEREAS, the DPR recommended the disposition of all of the Haleiwa Regional Park vacant parcels because they would not have any need for any of the remaining parcels and could not afford to develop and continue maintaining the parcels properly; and

WHEREAS, the Haleiwa Regional Park vacant parcels are substandard in size by P-2 zoning development standards and because some of the parcels are landlocked, the Department of Planning and Permitting limited the sale of the parcels to the abutting property owners, with the condition that the parcels be consolidated with an abutting property; and



RESOLUTION

WHEREAS, upon rezoning of the Haleiwa Regional Park parcel(s), the property owner shall be required to develop a portion of the property as a park, which shall be conveyed to a private non-profit organization to be determined that shall be responsible for the maintenance of the park for the benefit of the general public; and

WHEREAS, the various City agencies have no objections to the sale of the Haleiwa Regional Park vacant parcels, which have been deemed surplus to the City's needs; and

WHEREAS, the Haleiwa Regional Park vacant parcels were offered to the following three abutting property owners: (1) Dominis Garrida Anderson and Jean Milicent Anderson (hereinafter collectively referred to as "Andersons"), the abutting property owners of TMK: 6-2-03:13; (2) Kamehameha Schools, as the abutting property owner of TMK: 6-2-03:2, 6-2-02:25 and 31; and the (3) State of Hawaii, Department of Transportation Services ("State DOT"), the abutting property owner of a portion of Kamehameha Highway, fronting TMK: 6-2-03:22; and

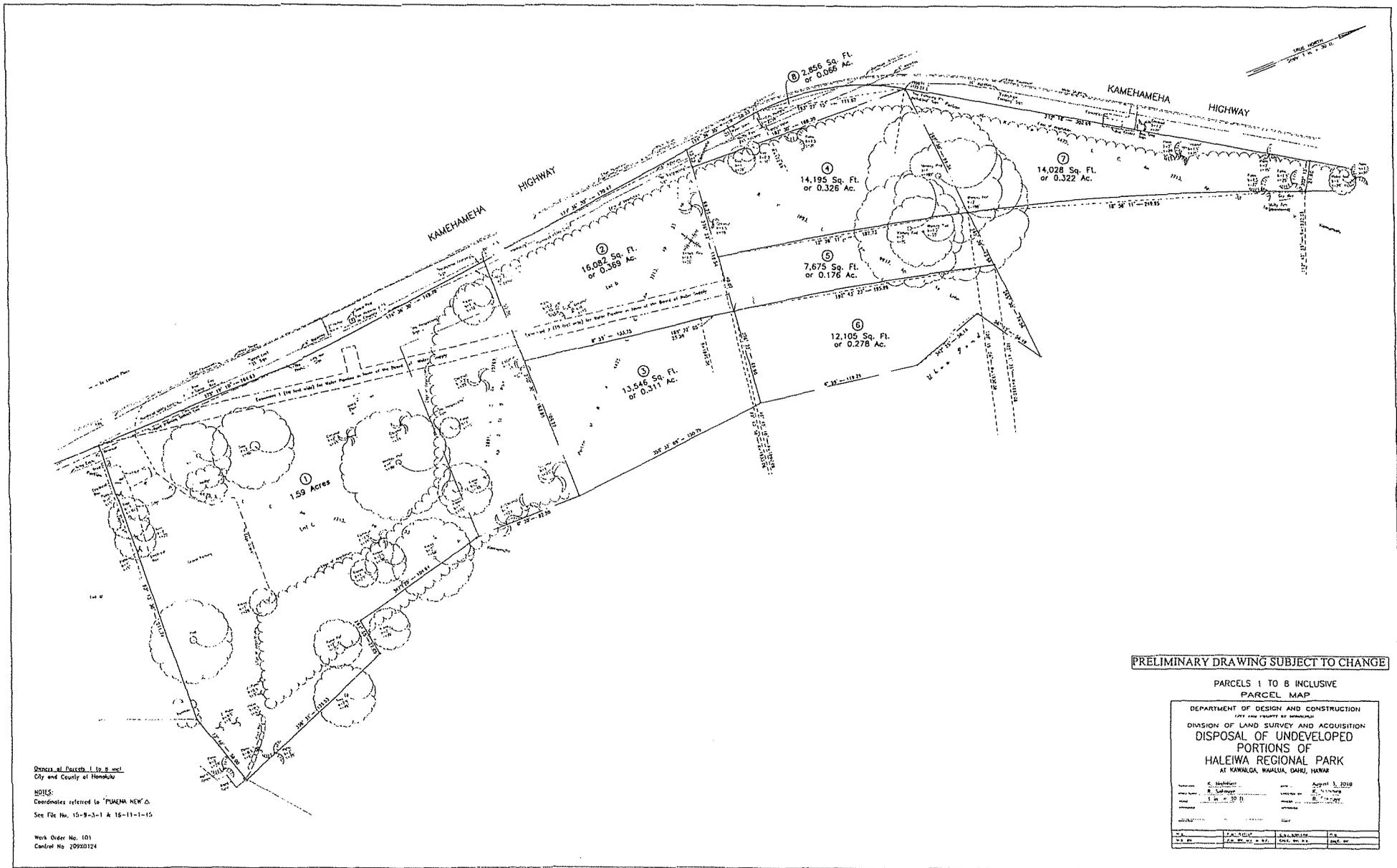
WHEREAS, the Andersons and Kamehameha Schools indicated an interest in acquiring the Haleiwa Regional Park vacant parcels, and the State DOT is not interested in acquiring said parcels; and

WHEREAS, the Director, Department of Budget and Fiscal Services ("BFS Director"), with the concurrence of the Corporation Counsel, has recommended to the Council of the City and County of Honolulu to sell the Haleiwa Regional Park vacant parcels, by sealed bidding between the two abutting property owners, the Andersons and the Kamehameha Schools, starting at the minimum upset price of \$300,000, pursuant to Sections 37-1.2, 37-1.4, and 37-1.6, Revised Ordinances of Honolulu, 1990, as amended; and

WHEREAS, the proceeds from the sale of the Haleiwa Regional Park vacant parcels shall be expended only for the acquisition of property for park or recreational purposes pursuant to said Section 46-1.5(16)(C) HRS and Section 37-1.4 ROH; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu, that it approves the sale of the Haleiwa Regional Park vacant parcels, as shown on the said Exhibits A and A-1, by sealed bidding between the two abutting property owners, the Andersons and the Kamehameha Schools starting at the minimum upset price of \$300,000; and

Exhibit A



PRELIMINARY DRAWING SUBJECT TO CHANGE

PARCELS 1 TO 8 INCLUSIVE
PARCEL MAP

DEPARTMENT OF DESIGN AND CONSTRUCTION
DIVISION OF LAND SURVEY AND ACQUISITION
DISPOSAL OF UNDEVELOPED PORTIONS OF
HALEIWA REGIONAL PARK
AT KAWALOA WAIALUA, OAHU, HAWAII

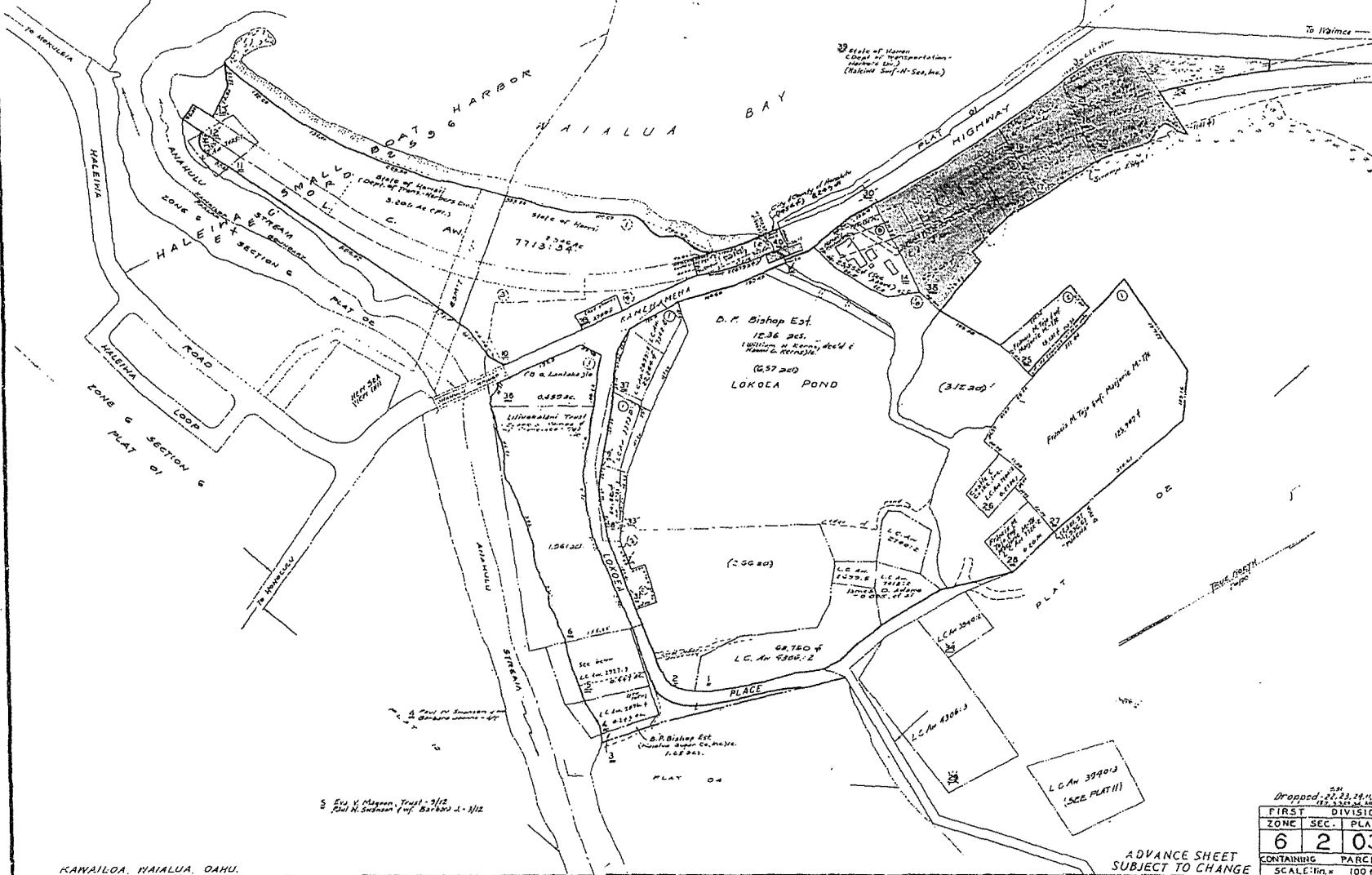
DATE	APPROVED	DATE
10/15/10	[Signature]	10/15/10
11/10/10	[Signature]	11/10/10

Owner of Parcels 1 to 8 and
City and County of Honolulu
NOTES:
Coordinates referred to "PUMAHU NEW" Δ
See File No. 15-9-3-1 & 16-11-1-15
Work Order No. 101
Contract No. 20920124

17 City and County of Honolulu

1A Waialea Investment Corporation
(Waialea Sands, Inc. 3/11)

33 State of Hawaii
Dept. of Transportation
Honolulu, O.H.
(Waialea Sub. (N-Sea, Inc.))



5 Ewa V. Magson, Trust - 7/12
Phil N. Swanson (w/ Barbara Swanson) - 1/12

Droped 2/23/24 11:52:11
177,325.24 15.0000

FIRST	DIVISION	
ZONE	SEC.	PLAT
6	2	03
CONTAINING		PARCELS
SCALE: 1" = 100 FT.		
PRINTED		

ADVANCE SHEET
SUBJECT TO CHANGE