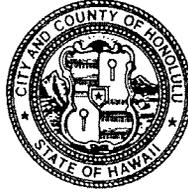


DEPARTMENT OF BUDGET AND FISCAL SERVICES  
**CITY AND COUNTY OF HONOLULU**  
530 SOUTH KING STREET, ROOM 208 • HONOLULU, HAWAII 96813  
PHONE: (808) 768-3900 • FAX: (808) 768-3179 • INTERNET: www.honolulu.gov

KIRK CALDWELL  
MAYOR



NELSON H. KOYANAGI, JR.  
DIRECTOR

GARY T. KUROKAWA  
DEPUTY DIRECTOR

October 21, 2013

The Honorable Ernest Y. Martin, Chair  
and Members  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

RECEIVED  
CITY CLERK  
& C OF HONOLULU  
2013 OCT 23 PM 3:03

Dear Chair Martin and Councilmembers:

**SUBJECT:** Resolution for a 55-year Lease Agreement for the Waiaka Dog Pound Property to the Hawaiian Humane Society, TMK: 2-8-024:37

We request your approval to grant a new Lease Agreement for a 55-year term to the Hawaiian Humane Society ("HHS") for the subject property, as shown colored in yellow on the map attached as Exhibit A, for the purposes of operating and maintaining a dog pound and animal shelter, pursuant to Section 28-4.1, Revised Ordinances of Honolulu, 1990, as amended ("ROH").

### **BACKGROUND INFORMATION**

The State of Hawaii set aside to the City the 2.54-acre property, identified as TMK: 2-8-024:37, by Executive Order No. 996, dated February 20, 1943, for a dog pound (Waiaka Dog Pound), under the control and management of the City. The City granted a Lease Agreement, dated May 23, 1969, to the HHS for the subject property for a 55-year period from July 1, 1969 to June 30, 2024.

ROH Section 28-3.1(7) authorizes the Director, Department of Budget and Fiscal Services, to award contracts to lease or rent property on terms, conditions and rentals approved by the corporation counsel as to form and legality without calling for public bids, when the real property and/or improvements thereon are leased or rented to any eleemosynary corporation, society or organization formed for the prevention of cruelty to animals, and which is authorized and empowered by law to seize and impound stray dogs running at large.

The Honorable Ernest Y. Martin, Chair  
and Members  
October 21, 2013  
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## **PROPOSED HHS CAPITAL IMPROVEMENTS**

The existing animal care facilities on the subject property are in need of new construction and renovations to provide better quality animal care. The existing HHS facilities on the subject property are inadequate and ineffective to meet the current animal care demands, and to provide an optimal environment for the animals, staff and the operations of the HHS.

The HHS is proposing in excess of \$7.0 million dollars in capital improvements on the subject property to meet its long-term goals of becoming a contemporary animal care facility, and to increase its operational efficiency, animal holding capacity and the number of adoptions. The proposed improvements will provide increased space and will help to provide better quality care for the animals. The proposed facilities will be constructed in two phases, which will allow the shelter to remain open to the public as the new facilities are constructed and existing facilities are upgraded. Phase 1 of the proposed project will include the construction of a new Veterinary Clinic/Holding/Admissions Building; renovation of the existing operations building; relocation of the dog park and parking stalls; and driveway and infrastructure improvements. Phase 2 of the proposed project will include the construction of new dog adoption kennels that will also include an exercise area; construction of new cat condos, and construction of a new dog acquaintance yard.

## **AUTHORIZATION FOR LONG-TERM LEASE AGREEMENT**

The City is not providing funding for the proposed capital improvements and the HHS must raise the funds for its proposed improvements through donations and other fundraising activities. By receiving a new 55-year Lease Agreement, the HHS can commence with its capital funding campaign for the proposed improvements.

ROH Section 28-4.1(1) permits the Council to authorize by resolution the leasing or renting of property for a longer period than the five years when deemed necessary in the public interest and when the lessee or tenant is required by the terms of the proposed contract to expend the sum of \$25,000.00 or more for capital assets or to provide for the renovation or maintenance of any capital asset, or the lessee or tenant's expenditure is equal to or in excess of the sum of \$25,000.00 as determined by the council. The capital improvements proposed by the HHS for the subject property meets the capital asset expenditure requirement. The HHS' continued provision of animal care, the operation and maintenance of the dog pound and animal shelter, and the proposed capital improvements at the subject property, would serve the public interest.

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and Members  
October 21, 2013  
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The State Department of Land and Natural Resources ("DLNR") will be informed of the City Council's approval of a new 55-year term Lease Agreement and a copy of the Lease Agreement will be provided to DLNR for its prior approval in compliance with Section 171-11 of the Hawaii Revised Statutes, as amended ("HRS"). In compliance with HRS Section 171-36(a), the existing HHS' Lease Agreement, dated May 23, 1969, will be cancelled simultaneously with the execution of the new 55-year Lease Agreement granted to the HHS.

A hard copy and diskette containing the proposed Resolution are attached. If you have any questions, please feel free to call me at ext. 83901.

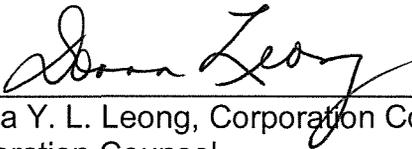
Sincerely,



Nelson H. Koyanagi, Jr., Director  
Department of Budget and Fiscal Services

Attachment

Approved as to  
Form and Legality:



Donna Y. L. Leong, Corporation Counsel  
Corporation Counsel

APPROVED:



*for* Ember Lee Shinn  
Managing Director



## RESOLUTION

APPROVING A 55-YEAR LEASE AGREEMENT FOR HAWAIIAN HUMANE SOCIETY FOR THE WAIAKA DOG POUND, WITH AN AREA OF 2.54 ACRES, TMK: 2-8-024:37.

WHEREAS, the parcel of land situated at Kamoiliili, Honolulu, Hawaii, identified as TMK: 2-8-024:37, is set aside to the City and County of Honolulu for the operation of a dog pound to be under the control and management of the City and County of Honolulu under the State of Hawaii Executive Order No. 996, dated February 20, 1943, as shown colored in yellow on the Exhibit A, attached hereto and by reference made a part hereof; and

WHEREAS, the Hawaiian Humane Society (“HHS”) currently leases said property for a term of fifty-five (55) years for the purpose of operating and maintaining a dog pound and animal shelter; and

WHEREAS, the Indenture of Lease of said property is dated May 23, 1969, and the term of the lease is for fifty-five (55) years for the period from July 1, 1969 to June 30, 2024; and

WHEREAS, the HHS is proposing in excess of \$7.0 million dollars in capital improvements on the property to meet its long-term goals of becoming a contemporary animal care facility, and to increase its operational efficiency, animal holding capacity and the number of adoptions; and

WHEREAS, the proposed capital improvements will provide increased space and a new veterinary clinic, and will help to provide better quality care for the animals; and

WHEREAS, the City and County of Honolulu is not providing funding for the proposed capital improvements and the HHS must raise the funds for its proposed improvements through donations and other fundraising activities; and

WHEREAS, by receiving a new 55-year lease agreement, the HHS can commence with its capital funding campaign for the proposed improvements on said property; and

WHEREAS, said property shall be used at all times under the 55-year lease term as an animal shelter and dog pound, under the control and management of the City and County of Honolulu, in accordance with said State Executive Order No. 996; and



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## RESOLUTION

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WHEREAS, the HHS shall be authorized and empowered by law to seize and impound stray dogs running at large, and shall seize and impound stray dogs running at large at all times during the 55-year lease term; and

WHEREAS, Section 28-3.1 (7), Revised Ordinances of Honolulu, 1990, as amended ("ROH") permits the director, department of budget and fiscal services, to award contracts to lease or rent property on terms, conditions and rentals approved by the corporation counsel as to form and legality without calling for public bids when the real property and/or improvements are leased or rented to any eleemosynary corporation, society or organization formed for the prevention of cruelty to animals, and which is authorized and empowered by law to seize and impound stray dogs running at large; and

WHEREAS, ROH Section 28-4.1(1) permits the council to authorize by resolution the leasing or renting of property of the City and County of Honolulu for a longer period than five years when deemed necessary in the public interest and when the lessee or tenant is required by the terms of the proposed contract to expend the sum of \$25,000.00 or more for capital assets or to provide for the renovation or maintenance of any capital asset, or the lessee's or tenant's expenditure is equal to or in excess of the sum of \$25,000.00, as determined by the council; and

WEREAS, the proposed capital improvements by the HHS meet the requirement for the expenditure of \$25,000.00 or more for capital assets or to provide for the renovation of maintenance of any capital asset, or the expenditure is equal to or in excess of the sum of \$25,000.00; and

WHEREAS, the continued use of said property for a dog pound and animal shelter, and the proposed capital improvements by HHS under a new 55-year lease would serve the public interest; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it authorizes the leasing or renting of said property to HHS under a new 55-year lease term; and



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**RESOLUTION**

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BE IT FINALLY RESOLVED that the Clerk be directed to transmit a certified copy of this resolution to the director of the department of budget and fiscal services.

INTRODUCED BY:

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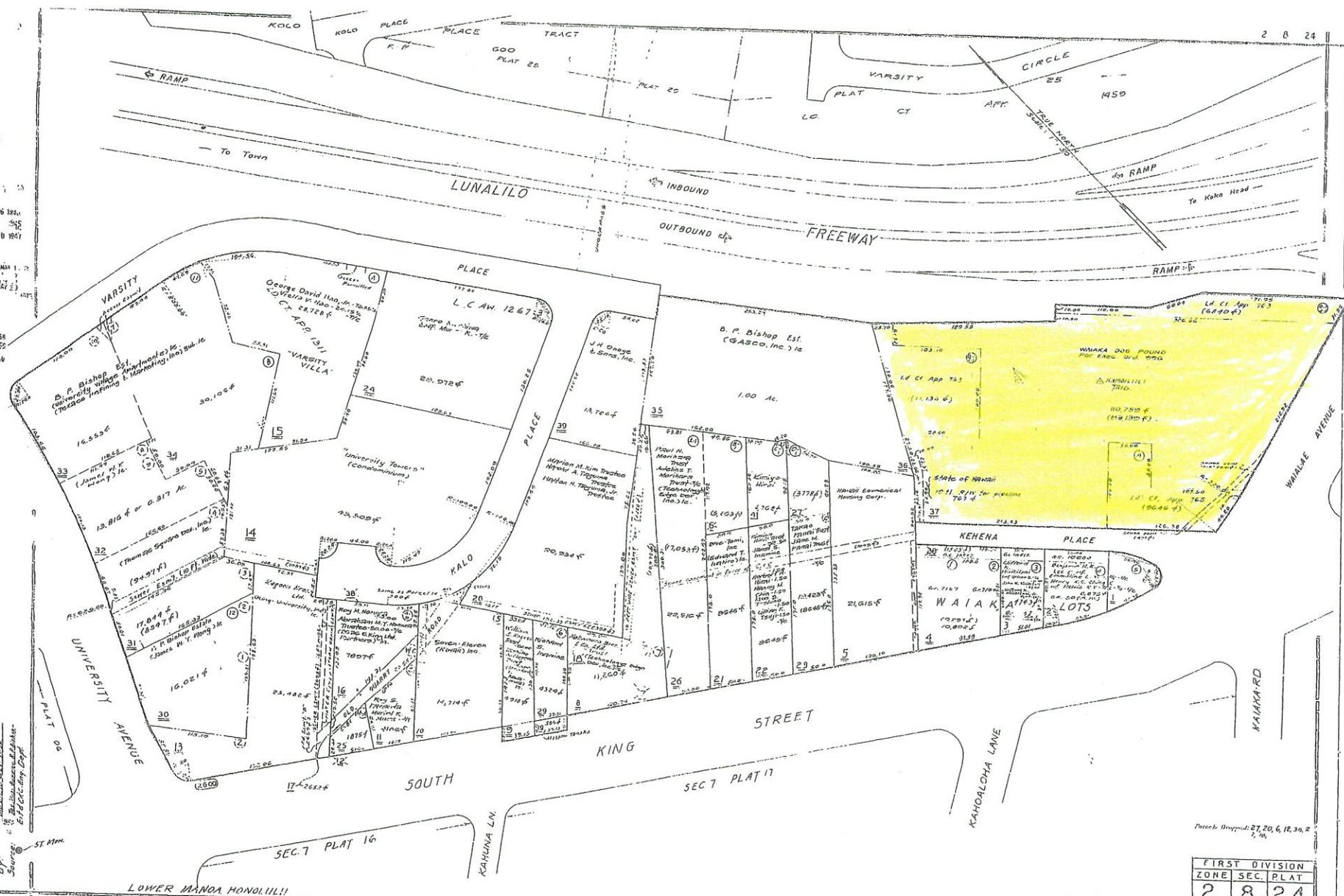
Councilmembers

DATE OF INTRODUCTION:

\_\_\_\_\_  
Honolulu, Hawaii

MAY 16 1984  
FEB 20 1984

DBG  
TALKER, O'NEILL  
B. J.  
Source: E.A.C.C. Eng. Dept.  
ST. 0104



Parcel Grouped: 27, 20, 6, 12, 30, 2

FIRST DIVISION
ZONE 2
SEC. 8
PLAT 24
CONTAINING PARCELS
SCALE: 1 in = 50 FT.
PRINTED.

EXHIBIT A