

DEPARTMENT OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 208 • HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

NELSON H. KOYANAGI, JR.
DIRECTOR

GARY T. KUROKAWA
DEPUTY DIRECTOR

July 11, 2014

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

RECEIVED
CITY CLERK
C & C OF HONOLULU
2014 JUL 17 PM 2:22

Dear Chair Martin and Councilmembers:

**SUBJECT: Resolution for the Sale of Parcel 1, Surplus Portion of
Noelani Elementary School, Manoa, TMK 2-9-23:23**

We request your approval to sell Parcel 1 to Kekoa Beaupre and Kaleimakamaekawena Beaupre (Beaupre's), the abutting property owners of Tax Map Key No. 2-9-23:07, for the recommended sale price of \$95,000, based on an appraisal by the Department of Design and Construction. The Superintendent of the Department of Education has consented to the sale of Parcel 1 to the Beaupre's, pursuant to Section 46-1.5 (16) of the Hawaii Revised Statutes, as amended. Parcel 1 is a surplus portion of Noelani Elementary School, and is shown colored in yellow on the attached map.

The sale of Parcel 1 to the Beaupre's is part of the settlement for Civil No. 09-1-2628-11, Kekoa A. Beaupre, et. al. vs. Makaulii, et. al. On June 24, 2014, at the request of the Department of the Corporation Counsel (COR), your Committee on Executive Matters and Legal Affairs (EMLA) recommended settlement of the above-referenced lawsuit by selling Parcel 1 to the Beaupre's for the sum of \$95,000. In the request to the EMLA, COR advised that the Department of Budget and Fiscal Services would be submitting a separate request and the attached draft resolution to the City Council for the sale of Parcel 1. On July 9, 2014, the recommendation of EMLA was adopted by the Council.

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The various City agencies have no objections to the sale of Parcel 1, which is surplus to the needs of the City. The University of Hawaii, as the abutting property owner of Tax Map Key No. 2-9-23:01, was not interested in purchasing Parcel 1. The property owners of Tax Map Key Nos. 2-9-23:10 and 12 have also declined to purchase said parcel.

The Beaupre's have agreed to allow the public continued pedestrian use of the land from Hipawai Place to Woodlawn Drive as long as Hipawai Place is open to pedestrian use. Parcel 1 will be sold subject to an overhead electrical easement and other restrictions on the construction of structures on the parcel and density calculations related to the parcel. The sale proceeds of \$95,000 will be deposited into the reserve for fiscal stability fund.

A hardcopy and CD containing the proposed resolution are attached. If you have any questions, please feel free to call me at extension 83901.

Sincerely,



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

Attachments

APPROVED AS TO FORM AND LEGALITY:



Donna Y.L. Leong, Corporation Counsel *YLV*
Department of the Corporation Counsel

APPROVED:



Ember Lee Shinn
Managing Director



RESOLUTION

APPROVING THE SALE OF PARCEL 1, SURPLUS PORTION OF NOELANI ELEMENTARY SCHOOL, MANOA VALLEY, OAHU, HAWAII, TMK: 2-9-23:23.

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, except that any property held for school purposes may not be disposed of without the consent of the superintendent of education; and

WHEREAS, Parcel 1, with an area of 13,637 square feet, is City-owned, and a surplus portion of the Noelani Elementary School, and further identified as Tax Map Key No. 2-9-23:portion of 23, as shown colored in yellow on the map attached as Exhibit A, attached hereto and by reference made a part of this resolution; and

WHEREAS, the Superintendent of Education has consented to the City’s disposal of Parcel 1 to the abutting property owners of Tax Map Key No. 2-9-23:07, Kekoa Beaupre and Kaleimakamaekawena Beaupre (“Beaupres”); and

WHEREAS, the Director, Department of Budget and Fiscal Services (“BFS Director”), with the concurrence of the corporation counsel, is proposing and recommending that Parcel 1 be sold to the Beaupres by negotiated sale and in settlement of Civil No. 09-1-2628-11, at the estimated market value of \$95,000, based on an appraisal; and

WHEREAS, the Beaupres have agreed to keep said parcel open to pedestrian traffic between Hipawai Place and Woodlawn Drive as long as Hipawai Place remains open to pedestrian traffic; and

WHEREAS, the University of Hawaii, as the abutting property owner of Tax Map Key No. 2-9-23:01, was not interested in purchasing said parcel; and

WHEREAS, the abutting property owners of Tax Map Key Nos. 2-9-23:10 and 12 have also declined to purchase said parcel; and

WHEREAS, the various City agencies have no objections to the sale of Parcel 1, which is deemed as surplus real property pursuant to Section 37-1.2, Revised Ordinances of Honolulu, 1990 (“ROH”), as amended; and



RESOLUTION

WHEREAS, Parcel 1 shall be sold subject to an overhead electrical easement and other restrictions on the construction of structures and density calculation of said parcel; and

WHEREAS, the BFS Director is recommending to the Council of the City and County of Honolulu to sell Parcel 1 pursuant to ROH Sections 37-1.2, 37-1.4, and 37-1.6; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves of the sale of Parcel 1 to the Beaupres; and

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

BE IT FURTHER RESOLVED that the sale price of \$95,000 for Parcel 1 be deposited into the reserve for fiscal stability fund; and

BE IT FURTHER RESOLVED that the BFS Director and/or designee, shall be and is hereby authorized to sign the deed, and other necessary documents; and



RESOLUTION

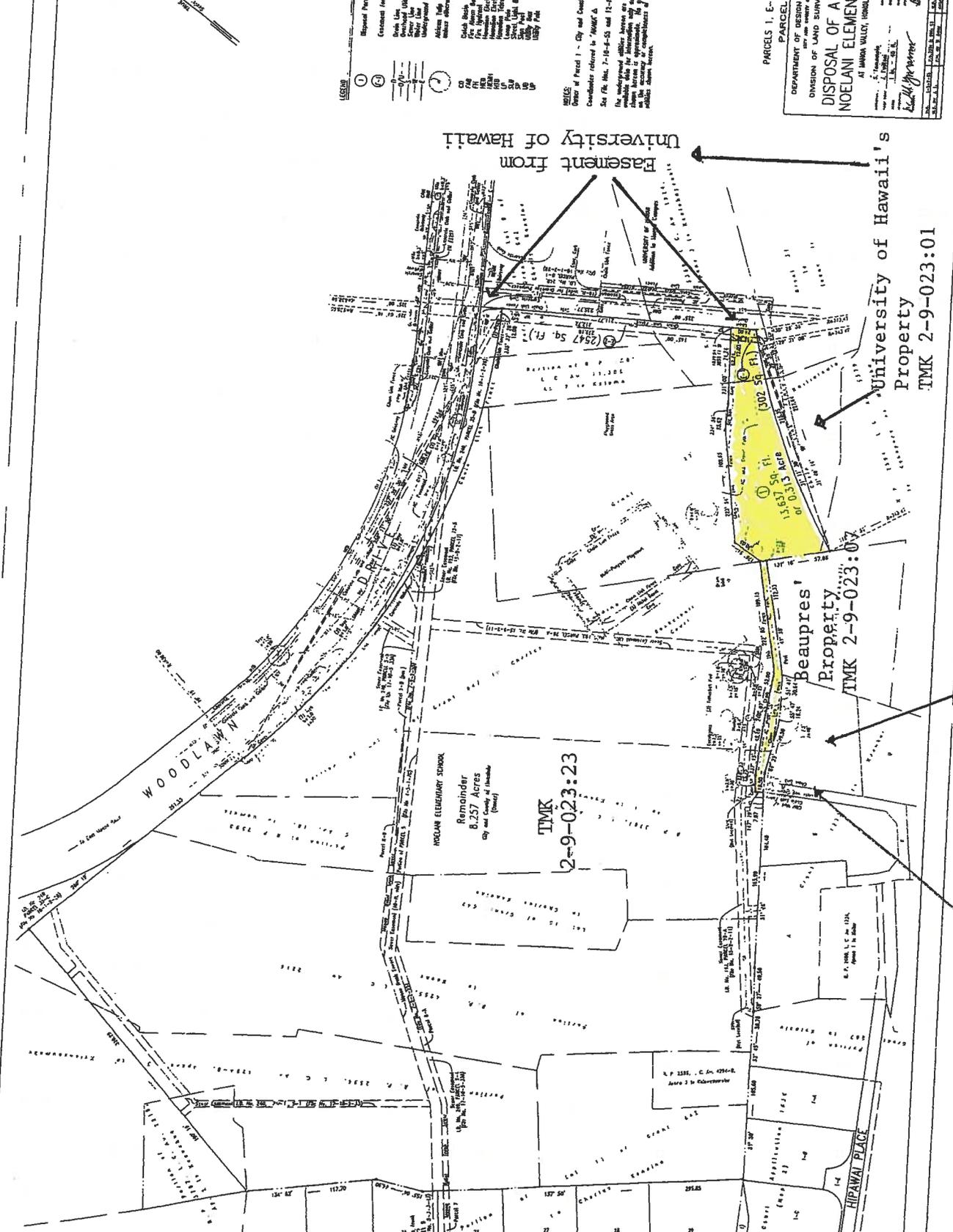
BE IT FINALLY RESOLVED that the Clerk be directed to transmit a certified copy of this resolution to the BFS Director.

INTRODUCED BY:

Councilmembers

DATE OF INTRODUCTION:

Honolulu, Hawaii



Easement from University of Hawaii

University of Hawaii's Property
TMK 2-9-023:01

Beaupres' Property
TMK 2-9-023:07

TMK 2-9-023:23
Remainder
8.257 Acres
City and County of Honolulu
(Remainder)

TMK 2-9-023:12

TMK 2-9-023:10

- LEGEND**
- ① Proposed Parcel
 - ② Easement for Overhead Wire Lines
 - ③ Easement for Overhead Wire Lines
 - ④ Easement for Overhead Wire Lines
 - ⑤ Easement for Overhead Wire Lines
 - ⑥ Easement for Overhead Wire Lines
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NOTES
 Director of Parcel 1 - City and County of Honolulu
 Consideration referred to "Parcel 1".
 See File Nos. 7-16-54-55 and 12-24-1-1-1
 The undersigned officers have not completed their
 examination of the records of the City and County of Honolulu
 and are unable to determine whether the above described
 parcels are subject to any other claims or encumbrances of the undersigned
 public record.

PARCELS 1, E-1, AND E-2
PARCEL MAP
 DEPARTMENT OF DESIGN AND CONSTRUCTION
 DIVISION OF LAND SURVEY AND ACQUISITION
DISPOSAL OF A PORTION OF
NOELANI ELEMENTARY SCHOOL
 AT MANOA VALLEY, HONOLULU, OAHU, HAWAII

Prepared by: [Signature]
 Date: [Date]
 Title: [Title]

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5