



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

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NOTICE AND AGENDA
KAKAAKO PUBLIC INFRASTRUCTURE AND FACILITIES
WORKING GROUP

FRIDAY, DECEMBER 11, 2015
COUNCIL COMMITTEE MEETING ROOM
2nd FLOOR
HONOLULU HALE
2:30 p.m.

1. Call to Order
2. Approval of Meeting Minutes from Thursday, November 12, 2015
3. Review Questions and Responses
 - a. Ownership
 - b. Maintenance, Usage, and Enforcement
4. Discussion of Recommendations
5. Public Comments
6. Discussion of Final Report
7. Announcements
8. Future meetings of the Kakaako Public Infrastructure and Facilities Working Group are subject to the call of the co-chairs, availability of the committee meeting room, and the Council's calendar.
9. Adjournment

Any physically challenged person requiring special assistance should call 768-5078 at least one day prior to the meeting date.

Questions/Responses and Recommendations

KPIF Working Group Meeting #3
Friday, December 11, 2015 • 2:30 p.m.

Ownership

1. In an ownership transfer of a road parcel, can a landowner dedicate the travel lane portion of the road and retain ownership of the remainder of the right of way?
 - o MISC. COM. 3821: Hawaii Community Development Authority

Maintenance, Usage, and Enforcement

o MISC. COM. 3821: Hawaii Community Development Authority

2. Is a road taxed differently when there are commercial activities occurring (i.e. a private landowner charging for parking), compared to when there are no commercial activities occurring (i.e. free, public parking on a private road)?
 - Any examples?
3. When does an access become a prescriptive easement (i.e. the right to use the property of another, acquired by continued use without permission of the private landowner for a prescribed period of time)?
 - What is the current law, rule, or policy? Is a prescriptive easement formalized by a document (i.e. resolution, memo of understanding, etc.)? If a prescriptive easement is granted, would the City be able to maintain the roadway?
4. How do DFM and ENV decide whether or not to provide services (trash pickup, road repaving, etc.) on a private road?
 - What is the controlling ordinance?
 - Is the decision/agreement to provide services formalized by document (i.e. resolution, memo of understanding, etc.)?
5. How do HPD and DTS decide whether or not to enforce regulations (traffic violations, homeless issues, etc.) on a private road?
 - What ordinances are applicable to streets outlined in Reso 15-45, CD1, FD1?
6. Do any other private landowners alienate the interest (i.e. alienate a portion of the road, from property line to property line, and claim ownership of only part of the property)?
 - Do any landowners of other private roads use the unimproved shoulders/sidewalks for parking (i.e. Kakaako, Kalihi, Mililani, etc.)? Have they erected parking meters, with proceeds going to the private landowner instead of to the City?

Potential Recommendations Based on Discussion/Member Submitted Recommendations

7. The State could condemn the road (i.e. the entire right-of-way, including the road, shoulders, etc.), make road and infrastructure improvements (gradually, if necessary), and subsequently dedicate the improved road to the City. The City could then accept the entire right-of-way (including the road, shoulders, improvements, etc.) and maintain the road going forward.
 - The State Legislature could appropriate funds to the appropriate State department(s) for condemnation and infrastructure improvements in preparation for dedication to the City.

- HCDA's Improvement District (ID) Program could be utilized to fund infrastructure improvements. Relaxed requirements (compared to current City standards) could be adopted by State/City agencies, thereby minimizing the assessment amounts on small landowners. The City would then accept the dedication of the road upon completion of the agreed-upon infrastructure improvements.
 - The City Council could appropriate funds to the appropriate City department(s) for maintenance.
 - MISC. COM. 3821: Hawaii Community Development Authority
8. HCDA does not currently require developers to provide supplemental documentation as to ownership of the surrounding roads at the time of a development project application.
- The State Legislature could adopt legislation to require, at the time of a development project application, that developers provide supplemental documentation to HCDA regarding ownership of all surrounding roads.
 - MISC. COM. 3821: Hawaii Community Development Authority
9. The City/State could build a public parking structure/lot in the Kakaako area to address the limited public parking issue.
- The City Council/State Legislature could appropriate funds.
 - MISC. COM. 3821: Hawaii Community Development Authority
10. The City could enforce traffic regulations on private roads in Kakaako, as HRS section 46-16 and ROH section 15-1.1 allows the City to enforce traffic regulations on private streets that have been used by the public for more than six months.
- The City could enforce the appropriate ordinance, to allow pedestrians unobstructed access to a safe walking area; or the City could enforce the appropriate ordinance, to restrict the parking of vehicles where it is dangerous to those using the road and to prevent parked vehicles on the shoulder of the road from obstructing the normal flow of traffic.
11. Request City to research the ROH and make a determination on whether or not Kakaako Land Co. is violating any City ordinances.
- If they are found to be in violation, inform the appropriate City agencies in charge of enforcement of the violations and have them contact Kakaako Land Co. with a deadline to comply with correction. If correction of violations isn't performed, then the appropriate agencies would levy penalties and remove all Kakaako Land Co. signage. With signage and rented parking spaces removed, the roadways would qualify for surface maintenance by the City.

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