

DEPARTMENT OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU
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KIRK CALDWELL
MAYOR



NELSON H. KOYANAGI, JR.
DIRECTOR

GARY T. KUROKAWA
DEPUTY DIRECTOR

August 5, 2016

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

Dear Chair Martin and Councilmembers:

SUBJECT: Sale of Lot 2-B and
Granting of Easements E-1 and E-2
Within a Portion of Forest Ridge Way Adjacent to
219 Forest Ridge Way, TMK: 2-5-015:013

We request your approval to sell Lot 2-B, with an area of 209 square feet, and grant Easements E-1, with an area of 25 square feet, and E-2, with an area of 85 square feet, to Mr. and Mrs. Andrew Schwartz, the abutting property owners of 219 Forest Ridge Way (TMK: 2-5-015:013). Lot 2-B is shaded in green and Easements E-1 and E-2 are shaded in red on the attached Exhibit "A". The recommended sale price for Lot 2-B is \$16,300, and the easement fees for Easements E-1 and E-2 are \$1,950 and \$6,600, respectively. The sale price and easement fees are based on an appraisal done by the Department of Design and Construction. The total proceeds of \$24,850 will be deposited into the reserve for the fiscal stability fund.

A non-exclusive residence and carport easement within a portion of Forest Ridge Way, as shown colored in yellow on the attached map, was granted by the State of Hawaii to the former owners of 219 Forest Ridge Way and was later assigned to the current owners, Mr. and Mrs. Andrew Schwartz. This 55-year easement, with a total area of 268 square feet, commenced on June 28, 1985, and will terminate on June 27, 2040.

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The Honorable Ernest Y. Martin, Chair
August 5, 2016
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Pursuant to Act 288, SLH 1993, and the adoption of City Council Resolution 93-287, CD-1, FD-1, the City now has ownership and jurisdiction of Forest Ridge Way. Mr. and Mrs. Schwartz had requested to purchase a portion of Forest Ridge Way because their improvements, which include the retaining wall and house foundation, encroach into the roadway. The Department of Planning and Permitting recommended that Lot 2-B be sold to Mr. and Mrs. Schwartz because of the City's potential liability for the retaining wall and house foundation within the roadway.

The Department of Facility Maintenance has recommended the granting of Easements E-1 and E-2 instead of the sale of a larger area because of the narrowness of Forest Ridge Way. Easements E-1 and E-2 that will be granted by the City will cover portions of the carport and steps, and will end coterminous (in 2040) with the original carport easement granted by the State.

A hard copy and CD 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

Attachments

Approved as to
Form and Legality:



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

APPROVED:



Roy K. Amemiya, Jr.
Managing Director



RESOLUTION

APPROVING THE ABANDONMENT AND SALE OF LOT 2-B AND GRANTING OF EASEMENTS E-1 AND E-2 ABUTTING 219 FOREST RIDGE WAY (TMK: 2-5-015:013), HONOLULU, OAHU, HAWAII.

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; and

WHEREAS, Lot 2-B, with an area of 209 square feet, which is a portion of the roadway abutting 219 Forest Ridge Way (TMK: 2-5-015:013), is shown shaded in green on the map designated as Exhibit "A", attached hereto and by reference is made part of this resolution; and

WHEREAS, the City accepted ownership and jurisdiction of Lot 2-B pursuant to Act 288, SLH 1993 and adoption of the City Council Resolution 93-287, CD-1, FD-1; and

WHEREAS, Lot 2-B is a county highway as defined in Section 264-1 HRS; and

WHEREAS, said Section 264-1, HRS provides that all county highways once established shall continue until vacated, closed, abandoned, or discontinued by a resolution of the legislative body of the county wherein the county highway lies; and

WHEREAS, said Section 264-3 HRS provides that a county highway, before it is disposed of in any way, it shall be first offered to the abutters for a reasonable length of time and at a reasonable price; and

WHEREAS, a non-exclusive residence and carport easement with an area of 268 square feet was granted to the former owners, and assigned to the current owners, of 219 Forest Ridge Way (TMK: 2-5-015:013) by the State of Hawaii, as shown in yellow on the map designated as Exhibit "A"; and

WHEREAS, the non-exclusive residence and carport easement has a term of 55 years and will terminate on June 27, 2040; and

WHEREAS, Easements E-1 and E-2, with an area of 25 square feet and 85 square feet, respectively, will be granted to Andrew and Susan Schwartz, the current abutting property owners of 219 Forest Ridge Way (TMK: 2-5-015:013), and are shown colored in red on the attached Exhibit "A" and will end coterminous with the carport easement granted by the State; and



RESOLUTION

WHEREAS, the various City agencies, including the Department of Facility Maintenance, have no objections to the sale of Lot 2-B and the granting of Easements E-1 and E-2; and

WHEREAS, the Director of Budget and Fiscal Services (hereinafter "Director"), with the concurrence of the Corporation Counsel, has recommended to the Council the sale of Lot 2-B, pursuant to Sections 37-1.2, 37-1.4 and 37-1.6, Revised Ordinances of Honolulu 1990, as amended; and

WHEREAS, the granting of Easements E-1 and E-2 will be in accordance with Section 46-66, HRS; and

WHEREAS, the sale price of Lot 2-B is \$16,300, based on an appraisal done by the Department of Design and Construction; and

WHEREAS, the fees to grant Easements E-1 and E-2, are \$1,950 and \$6,600, respectively, based on an appraisal done by the Department of Design and Construction; and

WHEREAS, the total proceeds of \$24,850 will be deposited into the reserve for the fiscal stability fund; now, therefore,

BE IT RESOLVED, by the Council of the City and County of Honolulu that Lot 2-B is hereby abandoned as a public roadway effective as of the date of recordation of the deed of conveyance; and

BE IT FURTHER RESOLVED by the Council of the City and County of Honolulu that it approves the sale of Lot 2-B, and the granting of Easements E-1 and E-2 to Andrew and Susan Schwartz; and

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

BE IT FURTHER RESOLVED by the Council of the City and County of Honolulu that it approves the total proceeds in the amount of \$24,850 be deposited into the reserve for fiscal stability fund; and

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



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

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

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

