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**A BILL FOR AN ORDINANCE**

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RELATING TO THE ACQUISITION OF REAL PROPERTY FOR CITY FACILITIES AND PURPOSES.

BE IT ORDAINED by the People of the City and County of Honolulu:

**SECTION 1. Purpose, findings, and intent.**

The purpose of this ordinance is to increase the City and County of Honolulu's ("City") inventory of land that can be used for City facilities and purposes through the implementation of a review process that considers whether to acquire the remaining portion(s) of real property being partially condemned by the Honolulu Authority for Rapid Transportation ("HART") along the route of the Honolulu High-Capacity Transit Corridor Project ("Rail Project").

Oahu is an island community, and there are geographic limitations for the development of City facilities for Oahu's residents, and the opportunities for the City to acquire real property in the urban core are both rare and involved, requiring condemnation proceedings in many cases.

The Council finds that if HART condemns only the portion of a parcel that is needed for the Rail Project, the landowner may be left with a remnant that is unsuitable for the landowner's continued use and operations, as in the case of the Hawaii Blood Bank's Dillingham Boulevard property.

The Council also finds that HART's partial condemnation of real property along the Rail Project presents a unique opportunity for the City to acquire the remaining portions of the condemned properties for City facilities and purposes.

Therefore, it is the intent of the Council that the remaining portions of real property that is being partially condemned by HART along the Rail Project, are to be reviewed and evaluated for acquisition by the City in accordance with provisions of the new article enacted in Section 2 of this ordinance.



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SECTION 2. Chapter 37, Revised Ordinances of Honolulu 1990 ("Real Property Transactions Involving the City and County of Honolulu"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

**"Article \_\_. Acquisition of Remnant Real Property**

**Sec. 37-\_\_.1 Purpose.**

This article establishes a regulatory scheme for the consideration of acquisition of remaining portions of parcels of real property being partially condemned by the Honolulu Authority for Rapid Transportation along the route of the Honolulu High-Capacity Transit Corridor Project. It requires the City to review and evaluate whether the acquisition of the remaining portions of a parcel of real property by the City serves a public interest.

**Sec. 37-\_\_.2 Definitions.**

As used in this article, unless the context requires otherwise:

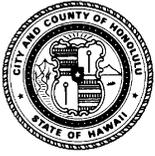
"Director" means the director of land management, or the director's authorized representative.

"Public utility" means the same as defined in HRS Section 269-1.

"Rail project remnant property" means the portion or portions of a parcel of real property that remain after the rest of the parcel is acquired by the Honolulu Authority for Rapid Transportation for the Honolulu High-Capacity Transit Corridor Project; but does not include real property owned by a public utility for the production, conveyance, transmission, delivery, or furnishing of electric power.

**Sec. 37-\_\_.3 Review and Evaluation.**

For each rail project remnant property, the director shall consider whether the acquisition of the rail project remnant property for city purposes serves the public interest and supplements the inventory of city real property interests, taking into consideration the development potential for city real property interests in transit-oriented development special districts, all in accordance with the director's responsibilities under Charter Section 6-1802(e) and (f).



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**Sec. 13-\_\_4 Rules.**

The director may, pursuant to HRS Chapter 91, adopt rules having the force and effect of law for the implementation, administration, and enforcement of this article."

SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Joey Manahan

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DATE OF INTRODUCTION:

March 23, 2018  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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KIRK CALDWELL, Mayor  
City and County of Honolulu