

REPORT OF THE COMMITTEE ON TRANSPORTATION, SUSTAINABILITY AND HEALTH

Voting Members:

Radiant Cordero, Chair; Brandon J.C. Elefante, Vice-Chair,
Esther Kia'āina, Augie Tulba

Committee Meeting Held
September 21, 2021

Honorable Tommy Waters
Council Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Transportation, Sustainability and Health, which considered Resolution 21-175 entitled:

"RESOLUTION REQUESTING THE CITY ADMINISTRATION TO TAKE THE STEPS NECESSARY TO ACQUIRE THAT SECTION OF LEAHI AVENUE BETWEEN MONSARRAT AVENUE AND NOELA STREET, INCLUDING, IF NECESSARY, THE PREPARATION OF A RESOLUTION TO INITIATE PROCEEDINGS IN EMINENT DOMAIN,"

introduced on August 5, 2021, reports as follows:

The purpose of the Resolution is to request the City Administration to take the steps necessary to acquire that section of Leahi Avenue between Monsarrat Avenue and Noela Street, including, if necessary, the preparation of a resolution to initiate proceedings in eminent domain.

At your Committee's meeting on September 21, 2021, the Director of the Department of Transportation Services testified that with 800 miles of private roads on Oahu, the City's policy before acquiring a roadway is that it must first be brought up to Code and meet current City standards. Having said that, the Director stated that the department is willing to work with all stakeholders to determine if there is a solution that addresses everyone's concerns.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **OCT 06 2021**

COMMITTEE REPORT NO. **270**

REPORT OF THE COMMITTEE ON TRANSPORTATION, SUSTAINABILITY AND HEALTH

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Your Committee received remote testimony in support of the Resolution from three individuals and comments from one person.

Written testimony in support of the Resolution was received from 56 individuals, while testimony in opposition to the Resolution was received from one person. Two individuals submitted comments.

Your Committee also received testimony in support of the Resolution from Safe Leahi, LLC, Iopono Holdings Group, LLC, and Waikiki Elementary School.

Your Committee considered and approved a proposed posted CD1 (OCS2021-0838/9/1/2021 3:59 PM) version that makes the following amendments:

- A. Amends the second BE IT FURTHER RESOLVED clause to change the reference to the requested negotiated purchase price from "the fair market value" to "a value consistent with all applicable laws."
- B. Makes miscellaneous technical and nonsubstantive amendments.

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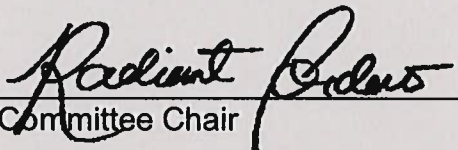
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Your Committee on Transportation, Sustainability and Health is in accord with the intent and purpose of Resolution 21-175, as amended herein, and recommends its adoption in the form attached hereto as Resolution 21-175, CD1. (Ayes: Cordero, Elefante, Kia'āina, Tulba – 4; Noes: None.)

Respectfully submitted,


Committee Chair

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON OCT 06 2021

COMMITTEE REPORT NO. 270



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-175, CD1

RESOLUTION

REQUESTING THE CITY ADMINISTRATION TO TAKE THE STEPS NECESSARY TO ACQUIRE THAT SECTION OF LEAHI AVENUE BETWEEN MONSARRAT AVENUE AND NOELA STREET, INCLUDING, IF NECESSARY, THE PREPARATION OF A RESOLUTION TO INITIATE PROCEEDINGS IN EMINENT DOMAIN.

WHEREAS, Leahi Avenue, between Monsarrat Avenue and Noela Street, is a private roadway located in the Diamond Head area that abuts Waikiki Elementary School and two City and County of Honolulu ("City") facilities, Paki Hale and the Honolulu Emergency Services Department's Ocean Safety Division Headquarters; and

WHEREAS, for several years members of the Diamond Head community have requested that the City address safety concerns on this section of Leahi Avenue, including speeding, illegal parking, blocked roadway shoulders, and the absence of sidewalks, which together create hazardous pedestrian conditions for families, kupuna, and children; and

WHEREAS, following years of the City refusing to take ownership of this section of Leahi Avenue and address these safety concerns, certain community members founded Safe Leahi LLC in February 2020 as a last resort effort to improve roadway safety for pedestrians; and

WHEREAS, in October 2020, Safe Leahi LLC acquired by quitclaim deed all of the interest of the Lunalilo Trust to this section of Leahi Avenue, subject to, among other conditions, the stipulation that Safe Leahi LLC must relinquish ownership of the road to the City if the City ever wants to take it over; and

WHEREAS, since acquiring the Lunalilo Trust's interest in this section of Leahi Avenue, Safe Leahi LLC has erected traffic signs reducing the speed limit from 25 to 15 miles per hour, notified motorists through additional signage that vehicles illegally parked on unpaved shoulders would be subject to tow, and instituted a "yield movement" traffic strategy to slow motorists by creating pay-to-park stalls on one side of the street; and

WHEREAS, these attempts by Safe Leahi LLC to improve pedestrian safety on this section of Leahi Avenue have divided the community between those who support the improvements and those who oppose these efforts, with supporters claiming that pedestrian safety is better with reduced vehicular speeds and unobstructed shoulders, while opponents allege that this yield movement implementation has resulted in a motorist nightmare, with drivers unsure of the rules of yield movement and new blind spots created by the newly-created parking stalls; and



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WHEREAS, although the City continues to state that under current law it is prohibited from managing Leahi Avenue because it is a private roadway operating under its own rules and regulations, a City spokesperson stated in a recent email to a local journalist that: "The City has been in contact with Safe Leahi LLC's attorney of record and understands that the company is not presently interested in conveying the roadway to the City . . . The City remains open to further discussions with Safe Leahi LLC"; and

WHEREAS, based on the continuing safety concerns of the community regarding the urgent need for sidewalks and other pedestrian safety improvements, and the public's need for City oversight and resources for this section of the roadway, the Council believes it is in the best interest of the people in the Diamond Head area, surrounding communities, and the general public for the City Administration to commence certain actions to prepare for the acquisition of this section of Leahi Avenue to ensure that all safety concerns, including the construction of absent sidewalks, are analyzed and addressed, and if it is unable to negotiate a purchase of this section of the roadway at a fair price that takes into account the improvements already made by Safe Leahi LLC, to submit to the Council for its approval a resolution authorizing the Corporation Counsel to initiate condemnation proceedings to acquire this section of Leahi Avenue; now, therefore,

BE IT RESOLVED by the City Council of the City and County of Honolulu that the City Administration is requested to complete the following actions, as may be required, to prepare for the City's acquisition of the section of Leahi Avenue between Monsarrat Avenue and Noela Street:

1. Prepare a land survey of this section of the roadway;
2. Prepare a land survey map of this section of the roadway;
3. Prepare a metes and bounds description of this section of the roadway;
4. Conduct a title search for this section of the roadway to accurately determine the current ownership thereof; and
5. Prepare an appraisal of the fair market value of this section of the roadway; and

BE IT FURTHER RESOLVED that within 45 days after the adoption of this resolution, the City Administration is requested to submit to the Council a schedule with estimated completion dates for each action set forth above; and



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HONOLULU, HAWAII

No. 21-175, CD1

RESOLUTION

BE IT FURTHER RESOLVED that upon completion of the preparatory actions set forth above, the City Administration is requested to negotiate a purchase of that section of Leahi Avenue between Monsarrat Avenue and Noela Street at a value consistent with all applicable laws, and, if it is unable to negotiate such a purchase, to submit to the Council for its approval a resolution authorizing the Corporation Counsel to initiate proceedings in eminent domain to acquire the section of Leahi Avenue between Monsarrat Avenue and Noela Street for a public purpose, to serve as a public thoroughfare and to address public safety concerns regarding the roadway; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Director of Land Management, the Director of Transportation Services, the Director of Facility Maintenance, the Director of Design and Construction, the Director of Planning and Permitting, and the Corporation Counsel.

INTRODUCED BY:

Tommy Waters

DATE OF INTRODUCTION:

August 5, 2021
Honolulu, Hawaii

Councilmembers