

CITY COUNCIL
REFERRAL APPEAL FORM

DATE: February 1, 2022

22 FEB 1 PM 2:14 CITY CLERK

TO: COUNCIL CHAIR
FROM: HEIDI TSUNEYOSHI
COMMITTEE CHAIR

BILL/RESOLUTION/COMMUNICATION AND SUBJECT:
Resolution 21-280- ACQUISITION OF 1421 PENSACOLA STREET, HONOLULU, HAWAII 96822.

STATUS:
Introduced on 12/28/21 by Councilmember Fukunaga and Councilmember Say

CURRENTLY REFERRED TO
COMMITTEE(S):
PUBLIC SAFETY

☒ DESIRED COMMITTEE(S)
RE-REFERRED TO:
Executive Matters & Legal Affairs

OR

☐ DIRECT REFERRAL TO COUNCIL
FLOOR

Reason(s) for Appeal:
Request of the Committee Chair

Heidi Tsuneyoshi

Committee Chair (Requestor)

Committee Chair

Tammy Watson

Council Chair

2/1/2022

Date

Granted ☒
Denied ☐

cc: Councilmembers
City Clerk
Council Assistance

COUNCIL COM. 22



RESOLUTION

REQUESTING THE CITY ADMINISTRATION TO TAKE THE STEPS NECESSARY TO ACQUIRE 1421 PENSACOLA STREET, HONOLULU, HAWAII 96822, INCLUDING, IF NECESSARY, THE PREPARATION OF A RESOLUTION FOR THE COUNCIL TO INITIATE PROCEEDINGS IN EMINENT DOMAIN.

WHEREAS, an approximately 5,000 square-foot parcel of real property located in Makiki at 1421 Pensacola Street, Honolulu, Hawaii 96822, identified as Tax Map Key No. 2-4-019:048 ("Property"), has for some time been the subject of public complaints about its blighted condition; and

WHEREAS, the Property is owned by Rollin Yee ("Owner"); and

WHEREAS, the Property has been the subject of discussion and complaints from community members at numerous meetings of the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10; and

WHEREAS, neighbors of the Property have complained that due to the Owner's neglectful maintenance of the property (which includes, among other things, leaving mounds of trash and debris on the Property), the Property continues to attract homeless individuals, squatters, vagrants, and rats; and

WHEREAS, as a result of the blighted condition of the Property and in accordance with Section 27-10.1 of the Revised Ordinances of Honolulu 1990, the City Administration, in 2016, began legal proceedings against the Owner to remove the accumulated trash and debris from the Property; and

WHEREAS, it has been reported that the Department of Planning and Permitting has issued numerous notices of violations and notices of orders to the Owner; and

WHEREAS, it was reported in 2018 that the Owner had accrued over \$360,000 in unpaid City fines; and

WHEREAS, on July 5, 2018, a Circuit Court judge deemed the property unsafe and a public nuisance, and issued a court order authorizing the City Administration and its contractors to remove the trash and debris on the Property; and

WHEREAS, thereafter, in August of 2018, the City Administration removed roughly 45 tons of garbage from the Property at a cost of \$13,120; and



RESOLUTION

WHEREAS, in 2019, however, mounds of trash and debris continued to build at the Property once again prompting concerns and complaints from neighboring residents; and

WHEREAS, in 2020, two fires broke out on the Property, further prompting concerns from neighboring residents regarding the dilapidated condition of the Property; and

WHEREAS, community gardens foster the creation of social ties and build a greater sense of community, fellowship, and neighborliness among gardeners; and

WHEREAS, community gardens have been shown to have therapeutic and positive health effects, particularly for seniors, for whom gardening increases their level of physical activity and encourages the use of motor skills; and

WHEREAS, community gardens also promote good health through providing an opportunity to grow fresh produce, especially where such produce may be hard to find or where residents find that such produce offered for sale at stores is unaffordable; and

WHEREAS, there are waitlists to get a garden plot at the 10 existing community gardens under the jurisdiction of the Department of Parks and Recreation; and

WHEREAS, in light of the complaints and public safety concerns regarding the condition of the Property raised by community residents, the Council believes that it would be in the best interest of the people of the City to develop the property into a City-owned community mini-park that would house community gardens for public use; and

WHEREAS, accordingly, the Council believes that it is in the best interest of the people of the City for the City Administration to commence preparation for the acquisition of the Property for the public use set forth above and, if the Administration is unable to negotiate a purchase of the Property at a fair price, to submit to the Council for its consideration a resolution authorizing the Corporation Counsel to initiate condemnation proceedings to acquire the Property; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that the City Administration is requested to complete the following actions to prepare for the City's acquisition of the parcel of real property located at 1421 Pensacola Street, Honolulu, Hawaii 96822, and identified as Tax Map Key No. 2-4-019:048:

1. Prepare land surveys of the Property;
2. Prepare land survey maps of the Property;
3. Prepare metes and bounds descriptions of the Property;
4. Conduct title searches for the Property;
5. Prepare appraisals of the fair market value of the Property; and
6. Prepare a public infrastructure map amendment, if necessary; 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

BE IT FURTHER RESOLVED that upon completion of the preparatory actions set forth above, the City Administration is requested to negotiate a purchase of the Property at its fair market value and, if the Administration 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 Property for the public purpose of developing a City-owned community mini-park that would house community gardens for public use; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-280

RESOLUTION

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 Parks and Recreation, the Director of Design and Construction, and the Corporation Counsel.

INTRODUCED BY:

Calvin K. Aoy

Carol Forman

DATE OF INTRODUCTION:

DEC 28 2021

Honolulu, Hawaii

Councilmembers