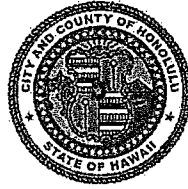


DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

711 KAPIOLANI BOULEVARD, SUITE 1600
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

RICK BLANGIARDI
MAYOR



J. ROGER MORTON
DIRECTOR

JON Y. NOUCHI
DEPUTY DIRECTOR

August 26, 2022

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Draft Resolution Accepting the Dedication of a Section of Leahi Avenue By Quitclaim Deed from Safe Leahi LLC.

The Department of Transportation Services ("DTS") proposes that the City and County of Honolulu ("City") accept the dedication of a section of Leahi Avenue from Monsarrat Avenue to Noela Street ("Leahi Avenue Portion") to the City through the deliverance of a quitclaim deed. In accordance with Section 264-1(c), Hawaii Revised Statutes, this dedication requires the acceptance of the quitclaim deed by the City Council ("Council").

In October 2020, Safe Leahi LLC acquired the Leahi Avenue Portion to address traffic and pedestrian safety concerns, and implemented various traffic calming measures including erecting traffic signs, reducing the speed limit, prohibiting parking on shoulders, changing the traffic flow, and creating pay-to-park stalls on the makai side of the street. However, the measures implemented by Safe Leahi LLC to improve traffic and pedestrian safety may have had the unintended effect of exacerbating the traffic conditions.

Based on the continuing traffic and pedestrian safety concerns of the community regarding the Leahi Avenue Portion, and the need for City oversight and resources, it is in the best interest of the people in the Diamond Head area, surrounding communities, and the general public for the Council to accept the dedication of the Leahi Avenue Portion.

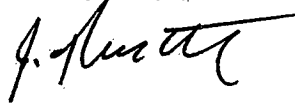
DEPT. COM. 632

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
August 26, 2022
Page 2

DTS requests that the Council approve and accept the dedication of the Leahi Avenue Portion by quitclaim deed received from Safe Leahi LLC, and authorize the Mayor and the Mayor's designees to countersign the quitclaim deed and any other incidental or related agreements, amendments, or other documents in furtherance of the conveyance of the Leahi Avenue Portion to the City. The acceptance of the Leahi Avenue Portion shall not be deemed complete or effective until the quitclaim deed is fully executed by Safe Leahi LLC and the City, and the fully executed quitclaim deed is recorded in the Bureau of Conveyances.

We ask for your favorable consideration. Should you have any questions, please contact me at (808) 768-8303.

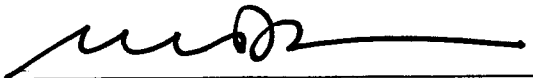
Very truly yours,



J. Roger Morton
Director

Attachment

APPROVED:



Michael D. Formby
Managing Director



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

ACCEPTING THE DEDICATION OF THAT SECTION OF LEAHI AVENUE BETWEEN MONSARRAT AVENUE AND NOELA STREET BY QUITCLAIM DEED FROM SAFE LEAHI LLC, IN ACCORDANCE WITH SECTION 264-1(c), HAWAII REVISED STATUTES.

WHEREAS, the section of Leahi Avenue between Monsarrat Avenue and Noela Street ("Leahi Avenue Portion"), 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, by quitclaim deed dated October 6, 2020, Trustees Under the Will and of the Estate of William Charles Lunalilo conveyed the Trust's interests in the Leahi Avenue Portion to Safe Leahi LLC "to provide safe and unimpeded vehicular and pedestrian access over the real property until the City and County of Honolulu ... accepts in writing the dedication of such real property as a public road"; and

WHEREAS, Safe Leahi LLC acquired the Leahi Avenue Portion to address traffic and pedestrian safety concerns, and implemented various traffic calming measures including erecting traffic signs, reducing the speed limit, prohibiting parking on shoulders, changing the traffic flow, and creating pay-to-park stalls on the makai side of the street; and

WHEREAS, the measures implemented by Safe Leahi LLC to improve traffic and pedestrian safety may have had the unintended effect of exacerbating the traffic conditions, with residents finding it difficult to reach their homes and pedestrians having to weave through various vehicles parked along the road; and

WHEREAS, in light of the continuing traffic and pedestrian safety concerns, the Council, by Resolution 21-175, CD1, adopted on October 6, 2021, requested the City Administration to take steps necessary to acquire the Leahi Avenue Portion, including, if necessary, the preparation of a resolution to initiate proceedings in eminent domain; and

WHEREAS, through ongoing discussions and negotiations between Safe Leahi LLC and the City, Safe Leahi LLC has agreed to dedicate the Leahi Avenue Portion to the City, and has delivered a quitclaim deed attached hereto as Exhibit A and incorporated herein by reference, which in accordance with Section 264-1(c), Hawaii Revised Statutes, requires the acceptance of the Council; and



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

WHEREAS, based on the continuing traffic and pedestrian safety concerns of the community regarding the Leahi Avenue Portion, and the need for City oversight and resources, 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 Council to accept the dedication of the Leahi Avenue Portion; now, therefore,

BE IT RESOLVED by the City Council of the City and County of Honolulu that the Council hereby accepts the dedication of the section of Leahi Avenue between Monsarrat Avenue and Noela Street by the quitclaim deed from Safe Leahi LLC, attached hereto as Exhibit A and incorporated herein by reference, in accordance with the provisions of Section 264-1(c), Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that the Mayor and the Mayor's designees are authorized to countersign the quitclaim deed attached hereto as Exhibit A and any other incidental or related agreements, amendments, or other documents in furtherance of the conveyance of the Leahi Avenue Portion to the City; and

BE IT FURTHER RESOLVED that the City Council's acceptance of the Leahi Avenue Portion shall not be deemed complete or effective until the quitclaim deed is fully executed by Safe Leahi LLC and the City, and the fully executed quitclaim deed is recorded in the Bureau of Conveyances; and

BE IT FURTHER RESOLVED that upon approval of this resolution, the City Administration is asked to work with Safe Leahi LLC to restore two-lane traffic through the Leahi Avenue Portion, and is asked to undertake traffic studies to assess the best traffic control and calming measures for the road; and



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI'I

No. _____

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Director of Transportation Services, Director of Facility Maintenance, the Corporation Counsel, and Safe Leahi LLC.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawai'i

Councilmembers

Return by Mail () Pickup (x) To:
Division of Land Survey & Acquisition
City and County of Honolulu
Phone: (808) 768-8706

Document contains ____ pages

Tax Map Key No.: N/A

QUITCLAIM DEED

SAFE LEAHI LLC, a Hawaii limited liability company, whose mailing address is 4348 Waialae Avenue #866, Honolulu, Hawai'i 96816, hereinafter called the "**Grantor**", in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration to Grantor paid, the receipt of which is hereby acknowledged, does hereby remise, release and forever quitclaim unto the **CITY AND COUNTY OF HONOLULU**, a municipal corporation of the State of Hawai'i, whose address is Honolulu Hale, 530 South King Street, Honolulu, Hawai'i 96813, hereinafter called the "**Grantee**", as tenant in severalty, and Grantee's successors and assigns, all of the Grantor's estate, right, title and interest (if any) in and to:

ALL of the land and premises more fully described in Exhibit "A"
attached hereto and made a part hereof, subject, however, to any encumbrance(s);

TO HAVE AND TO HOLD the same, together with all buildings, improvements, tenements, rights, easements, privileges and appurtenances to the same belonging or appertaining or held and enjoyed therewith, unto the Grantee as aforesaid, forever, subject, however, to any encumbrances.

The terms "Grantor" and "Grantee" as and when used herein or any pronouns used in place thereof, shall mean and include the masculine, feminine and neuter, the singular and plural number, individuals, trustees, partnerships, companies or corporations, and their and each of their respective heirs, devisees, personal representatives, successors, successors-in-trust and assigns, according to the context thereof.

This Quitclaim Deed may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument. Duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

[The remainder of this page is intentionally left blank. Signature pages follow.]

IN WITNESS WHEREOF, the Grantor and Grantee have executed this instrument
this _____ day of _____, 2022.

SAFE LEAHI LLC, a Hawai'i limited liability
company

By: _____
Name: Mary Jones
Title: Manager

"GRANTOR"

Approved as to Content:

CITY AND COUNTY OF HONOLULU, a
municipal corporation of the State of Hawai'i

Name:
Department of Facility Maintenance

By: _____
Name: Rick Blangiardi
Title: Mayor

"GRANTEE"

Name:
Department of Transportation Services

Approved as to Form and Legality:

Name:
Deputy Corporation Counsel

GRANTOR

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

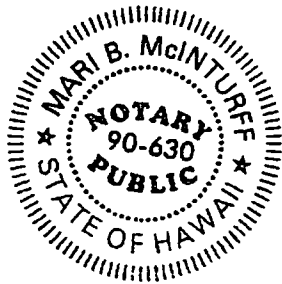
)
) SS.
)

On this _____ day of AUG 15 2022, 2022, before me personally appeared **MARY JONES**, to me known or proven on the basis of satisfactory evidence to be such person, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

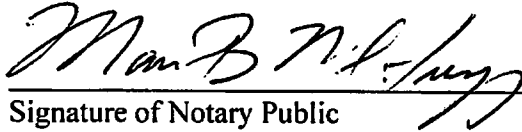
I further certify the following with regard to the foregoing instrument:

Doc. Date: _____ or ☒ Undated at time of notarization No. of Pages: 7

Document Identification or Description: Quitclaim Deed



(Official Stamp or Seal)


Signature of Notary Public

Name: MARI B. McINTURFF

Notary Public, State of Hawaii

My commission expires: OCT 17 2022

Jurisdiction in which notarial act is performed:
First Circuit, State of Hawaii

GRANTEE

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

)
) SS.
)

On this _____ day of _____, 2022, before me personally appeared **RICK BLANGIARDI**, to me known or proven on the basis of satisfactory evidence to be such person, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

I further certify the following with regard to the foregoing instrument:

Doc. Date: _____ or ☐ Undated at time of notarization No. of Pages: _____

Document Identification or Description: Quitclaim Deed

Signature of Notary Public

Name: _____

Notary Public, State of Hawaii

My commission expires: _____

Jurisdiction in which notarial act is performed:

First Circuit, State of Hawaii

(Official Stamp or Seal)

EXHIBIT "A"

All of that certain parcel of land situate at Kapahulu, Waikiki, Kona, Honolulu, Oahu, Hawaii, being a portion of Leahi Avenue between Noela Street and Monsarrat Avenue, and being a portion of Land Patent Number 8165, Part B, Land Commission Award 8559-B, Apana 32 to William C. Lunalilo, being more particularly described as follows:

Beginning at a pipe at the Northwest corner of this piece of land, and the Southwest corner of Monsarrat Road and Leahi Avenue, the coordinates of said point of beginning referred to Government Survey Trig. Station "Leahi" being 3386.8 feet North and 1149.8 feet West, as shown on Government Survey Registered Map No. 1079, and running by true azimuths:-

1.	10°	11'	611.0	feet along Kapiolani Park Lots (C.S.F. 3112; Registered Maps 1079 and 3096);
2.	23°	21'	71.5	feet along Kapiolani Park Lots (C.S.F. 3112; Registered Maps 1079 and 3096);
3.	23°	21'	223.0	feet along Park Avenue Tract (File Plan 132);
4.	32°	00'	466.0	feet along same;
5.	32°	00'	150.0	feet along Kapiolani Park Lots (C.S.F. 3112; Registered Maps 1079 and 3096);
6.	17°	42'	148.6	feet along same to Northwest corner of Leahi Avenue and Noela Street;
7.	118°	55'	40.56	feet across Leahi Avenue to Northeast corner of Leahi Avenue and Noela Street;
8.	197°	42'	233.5	feet along Leahi Terrace (File Plan 118);
9.	212°	00'	413.0	feet along Leahi Terrace (File Plan 118) and including 31.1 feet across Holei Street;
10.	212°	00'	200.0	feet along Pualei Subdivision (File Plan 0613);
11.	203°	20'	303.5	feet along Leahi Avenue and Pualei Subdivision (File Plan 0613; Registered Maps 1079 and 3096);

- | | | | | |
|-----|------|-----|-------|--|
| 12. | 190° | 11' | 620.0 | feet along Leahi Avenue to Southeast corner of Leahi Avenue and Monsarrat Avenue (Registered Maps 1079, 3096); |
| 13. | 95° | 19' | 43.49 | feet across Leahi Avenue to point of beginning and containing an area of 71,643 square feet, more or less. |