CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 23-135

RESOLUTION

APPROVING AN AMENDMENT TO THE RENTAL AGREEMENT FOR AN EXTENSION FOR A MONTH-TO-MONTH TENANCY, NOT TO EXCEED THREE YEARS, WITH TENANT, MRS. LEIALOHA "ROCKY" KALUHIWA, WITHIN A PORTION OF HE`EIA KEA VALLEY PARK, TMK: 4-6-016:032 (PORTION).

WHEREAS, Section 38-3.1, Revised Ordinances of Honolulu 2021, as amended, ("ROH") provides that the Director of the Department of Budget and Fiscal Services ("Director") may award contracts to lease or rent property on terms, conditions and rentals approved by the corporation counsel as to form and legality without calling for public bids when real property and/or improvements thereon have been acquired by the city by eminent domain proceedings, or negotiated purchase or exchange in lieu thereof, and where immediate use of the property acquired is not necessary; and

WHEREAS, said Section 38-3.1 ROH further provides that the total tenancy under any such lease or rental agreement shall not exceed one year from the effective date of such lease or rental agreement, provided that with the consent of the City Council, a renewal or extension of tenancy beyond such period may be allowed; and

WHEREAS, said Section 38-3.1 ROH further provides that if the Director determines that there are extraordinary circumstances, the Director may recommend, and the City Council by adoption of a single resolution, approve a continuation of a month-to-month tenancy not to exceed four years; and

WHEREAS, said Section 38-3.1 ROH further provides that the month-to-month tenancy as approved shall be revocable at the option of the City upon 30 days' written notice to vacate; and

WHEREAS, pursuant to Section 38-3.1 ROH, the Director has requested the Council's approval for an Amendment to the Rental Agreement with Mrs. Leialoha "Rocky" Kaluhiwa, to extend the month-to-month tenancy for a portion of the City's He`eia Kea Valley Park property (the "Property"), identified as TMK: 4-6-016:032 (por.), as shown in red on the map that is designated as Exhibit A, which is attached hereto and by reference is incorporated herein; and

WHEREAS, the Director of BFS and the Director of the Department of Parks and Recreation have determined that there are extraordinary circumstances for the continuation of a month-to-month tenancy, not to exceed three years, with Mrs. Kaluhiwa as there are no immediate uses of the Property by the City; and

D-387(23)

BUD

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WHEREAS, in accordance with Section 38-3.1, ROH, the Director has requested the Council's approval to amend the Rental Agreement with Mrs. Kaluhiwa, for an extension on a month-to-month tenancy, not to exceed three years at the above described Property, at a monthly rent of $600.00 for the first year, based on an appraisal completed by the Department of Design and Construction, and the second, third and fourth year's monthly rental term to be determined by appraisal and shall not be less than the previous year's rental amount; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director be authorized to amend the Rental Agreement with Mrs. Kaluhiwa to extend the month-to-month tenancy, not to exceed three years, and pursuant to the terms, conditions, and provisions approved by the City's Corporation Counsel as being necessary, advisable, or desirable for such purposes; and

BE IT FINALLY RESOLVED that the Clerk be directed to transmit a certified copy of this resolution to the Director, Department of Budget and Fiscal Services.

INTRODUCED BY:

Tony Watton (br)

Councilmembers

DATE OF INTRODUCTION:
JUN 14 2023
Honolulu, Hawaii

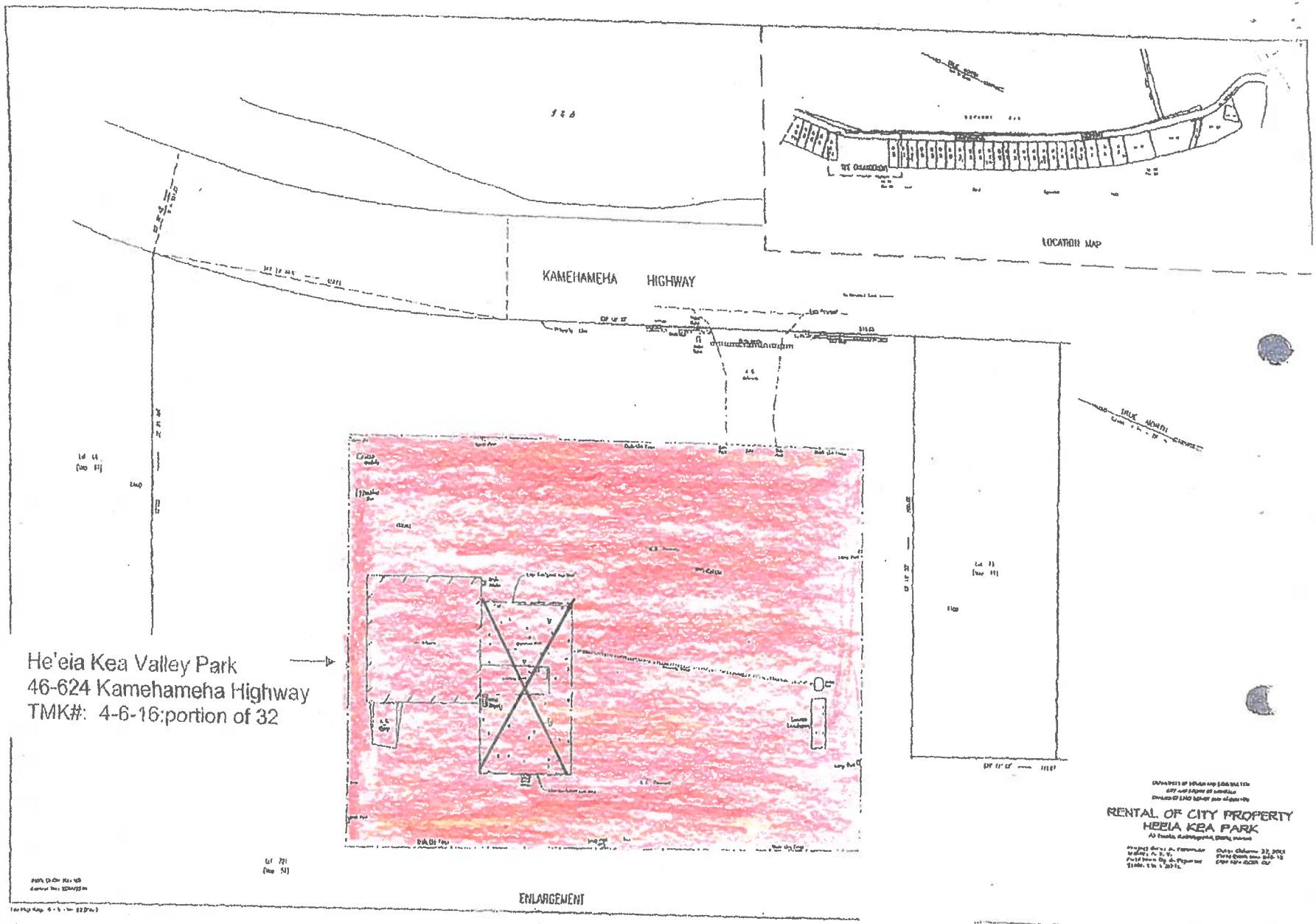


Exhibit A
He'eia Kea Valley Park
46-624 Kamehameha Highway
TMK#: 4-6-16:portion of 32

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 23-135

Introduced: 06/14/23 By: TOMMY WATERS - BY REQUEST Committee: BUDGET (BUD)

Title: APPROVING AN AMENDMENT TO THE RENTAL AGREEMENT FOR AN EXTENSION FOR A MONTH-TO-MONTH TENANCY, NOT TO EXCEED THREE YEARS, WITH TENANT, MRS. LEIALOHA "ROCKY" KALUHIWA, WITHIN A PORTION OF HE'EIA KEA VALLEY PARK, TMK: 4-6-01 6:032 (PORTION).

Voting Legend: * = Aye w/Reservations

06/14/23	INTRO	Introduced.
06/20/23	BUD	Reported out for adoption. CR-176 5 AYES: CORDERO, KIA'ĀINA, SAY, TULBA, WEYER
07/12/23	CCL	Committee report and Resolution were adopted. 8 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, WATERS, WEYER 1 ABSENT: TUPOLA

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER