

REPORT OF THE COMMITTEE ON PUBLIC INFRASTRUCTURE AND TECHNOLOGY

Voting Members:

Carol Fukunaga, Chair; Andria Tupola, Vice-Chair;
Brandon J.C. Elefante, Heidi Tsuneyoshi

Committee Meeting Held
February 10, 2021

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

Mr. Chair:

Your Committee on Public Infrastructure and Technology, which considered Resolution 20-334 entitled:

"RESOLUTION ACCEPTING OWNERSHIP OF THE PORTION OF WAIMANU STREET BETWEEN WARD AVENUE AND DREIER STREET DEEMED TO HAVE BEEN SURRENDERED TO THE CITY AND COUNTY OF HONOLULU FROM THE STATE PURSUANT TO ADMINISTRATIVE ORDER ISSUED BY THE STATE DIRECTOR OF TRANSPORTATION IN ACCORDANCE WITH ACT 208 (2017), CODIFIED AS HAWAII REVISED STATUTES SECTION 264-2.1,"

introduced on December 17, 2020, reports as follows:

Act 208, Session Laws of Hawaii ("SLH") 2017, provides that, with respect to disputed roads within the county, if no party has exercised ownership over a disputed road in the five years prior to July 1, 2017, the disputed road is deemed to have been surrendered to the county in which the road is situated, pursuant to an administrative order issued by the State Director of Transportation.

On December 7, 2020, the State Director of Transportation ("Director") issued Administrative Order Pursuant to Act 208 (2017), which found that the portion of Waimanu Street between Ward Avenue and Dreier Street was deemed to have been surrendered to the City and County of Honolulu pursuant to Act 208.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **FEB 17 2021**

COMMITTEE REPORT NO. **56**

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The Administrative Order acknowledged that a portion of Waimanu Street between Ward Avenue and Dreier Street ("Road") has been the subject of a number of lawsuits, including *Shelton Investments, LLC et al. v. Kakaako Land Company, LLC, Cedric Chun, Calvert J.T. Chun, and New Direction IRA, Inc.*, Civil No. 16-1-2027-10 ("Road Lawsuit"), in settling competing ownership claims over private roads in Kakaako between individuals, City, State, and the Hawaii Community Development Authority.

Based on the outcomes of various lawsuits and the court's final order in the Road Lawsuit on October 18, 2018, which opined that the Chun Defendants have no ownership interest in or legal right to exert control over the Road, the Director determined that the Road is a disputed road within the meaning of HRS Section 264-2.1; that no person, entity, or party had exercised ownership over the Road in the five years prior to July 1, 2017; and ordered that the Road shall be deemed to have been surrendered to the City pursuant to HRS Section 264-2.1, and the City shall record its ownership immediately with the Bureau of Conveyances.

Act 208, SLH 2017, provides that the City shall accept without exercise of discretion all surrendered roads and shall record its ownership immediately with the Bureau of Conveyances.

The purpose of this Resolution is to accept ownership of the portion of Waimanu Street between Ward Avenue and Dreier Street that was deemed to have been surrendered to the City by the State pursuant to the Administrative Order of the State Director of Transportation in accordance with Act 208, SLH 2017, codified as Hawaii Revised Statutes Section 264-2.1.

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Department of Facility Maintenance Chief Engineer Designate Babcock testified in support of the resolution during the January 13, 2021, committee meeting and provided comments and responded to questions at the February 3rd and 10th committee meetings.

Your Committee received written testimony in support of the Resolution from two individuals.

Your Committee notes that maintenance and oversight over Waimanu Street and other private roads in central Kakaako has been a very contentious issue since a private entity began charging fees for parking on the side of the roads. During 2014, the City discontinued maintenance and enforcement of traffic laws on portions of Waimanu and Kawaiahao Streets, which resulted in the adoption of Resolution 16-213, CD1, FD1 and Resolution 19-291, CD1, and the passage of several state legislative measures. As such, your Committee believes that the Resolution represents an important first step towards improving roadway safety for the businesses and residents that have been adversely affected during the past seven years of litigation.

Your Committee on Public Infrastructure and Technology is in accord with the intent and purpose of Resolution 20-334 and recommends its adoption (Ayes: Elefante, Fukunaga, Tsuneyoshi – 3; Noes: None; Excused: Tupola – 1.)

Respectfully submitted,



Committee Chair

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