

3.44.015 - Acquisition of real property.

- A. Except as otherwise provided for by law, any acquisition of real property by the County, whether by agreement, purchase, exchange, gift, devise, eminent domain or otherwise, shall be accomplished in accordance with the provisions of this chapter.
- B. The director may negotiate for the purchase of real property for purposes in the public interest.
 - 1. In negotiating the purchase price, the director shall obtain an appraisal by a disinterested appraiser contracted for by the County, or accept an appraisal furnished by the prospective seller that has been reviewed by an appraiser employed by the County.
 - 2. Notwithstanding the foregoing provisions of this subsection, the director may waive the appraisal when the real property's assessed value is \$3,750 or less. If an appraisal is waived pursuant to this paragraph, the purchase price shall not exceed 200 percent of the assessed value or \$7,500, whichever is lower.
- C. The director may acquire property; except that in the case of real property with a purchase price that exceeds \$250,000, the council shall authorize the acquisition by resolution; except that council approval is not required for the purchase of housing units for \$500,000 or less pursuant to repurchase options and other buy-back provisions granted to the County as follows:
 - 1. Deed restriction in a County housing project that secured final subdivision approval or certificate of occupancy prior to January 1, 1999.
 - 2. Agreement that was executed by and between the County and the developer of a housing project prior to January 1, 1999 under a County housing program.
- D. The council may, by resolution, authorize the acceptance of gifts or donations of real property or any interest in real property, including any conveyance described in subsection (F) that is rejected by the director.
- E. The council may authorize proceedings in eminent domain by resolution. Any proceedings so authorized are subject to the requirements of chapter 101, Hawaii Revised Statutes.
- F. The director may accept the conveyance of real property or easements to the County without council approval if any one of the following applies:
 - 1. The conveyance is approved by the director of environmental management, and is part of a capital improvement project by the department of environmental management or is necessary for improvement to a publicly owned treatment works, as defined in section 14.19A.040.

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2. The conveyance is approved by the director of water supply, and is part of a capital improvement project by the department of water supply or is necessary for improvement to a public water system, as defined in section 14.01.040.
 3. The conveyance is approved by the director of parks and recreation, and is made in accordance with a park assessment agreement approved by council resolution pursuant to section 18.16.320.
 4. The conveyance is approved by the director of public works, and is part of a capital improvement project by the department of public works; involves a road lot, road widening lot, remnant lot, or easement that complies with title 16 or title 18; or is required by and complies with title 16 or title 18; except that council approval is required when the conveyance is not compliant with title 16 or title 18.
- G. The director shall not acquire, or accept any conveyance of, any real property or easement pursuant to this section unless:
1. The corporation counsel reviews and approves as to form and legality the conveyance documents.
 2. The director of public works reviews and approves the metes and bounds description of the real property or easement being acquired or conveyed.
- H. The director shall notify the council in writing of any acquisition or conveyance made pursuant to this section that does not require council approval. The notice shall include a map of the real property or easement acquired or conveyed, and shall be submitted no later than five days after the date the acquisition or conveyance is completed.
- I. No later than thirty days after the end of each calendar year, the director shall submit to the council an annual report of all acquisitions made, and conveyances accepted, pursuant to this section.

(Ord. No. 4274, § 2, 2016; Ord. No. 3793, § 2, 2010; Ord. 3180 § 1, 2004; Ord. 2759 § 1, 1999; Ord. 2660 § 1, 1998; Ord. 1558 § 1 (part), 1986)