DEPARTMENT OF PARKS AND RECREATION
KA ʻOIHANA MĀLAMA PĀKA A ME NĀ HANA HOʻONANEA
CITY AND COUNTY OF HONOLULU

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June 12, 2026

MEMORANDUM

TO: Keith Hayashi, Superintendent
Department of Education

FROM: Laura H. Thielen, Director
Department of Parks and Recreation

SUBJECT: Memorandum of Understanding between
State of Hawai'i Department of Education and
City & County of Honolulu, Department of Parks and Recreation
regarding Kilauea District Park

Please see enclosed for Memorandum of Understanding requiring the signatures of the Hawai'i State Department of Education Superintendent and the Hawai'i State Deputy Attorney General of the Education Division. Upon receipt of both signatures, please send back to the City & County of Honolulu, Department of Parks and Recreation using the provided envelope.

If you have any questions or concerns, please contact me at (808) 768-3001 or via email at Laura.Thielen@honolulu.gov.

Attachment

MEMORANDUM OF UNDERSTANDING

This **Memorandum of Understanding** ("MOU") is effective as of the date of the signature of the last party to sign the MOU (the "Effective Date") and is made by and between the **STATE OF HAWAII, DEPARTMENT OF EDUCATION,** whose principal place of business and mailing address is 1390 Miller Street, Honolulu, HI 96813 ("DEPARTMENT"), and the **CITY AND CITY OF HONOLULU** ("CITY"), **DEPARTMENT OF PARKS AND RECREATION** ("DPR"), whose principal place of business and mailing address is Kapolei Hale, 1000 Ulu'ohi'a St #309, Kapolei, HI 96707.

RECITALS

WHEREAS, CITY is the owner of a parcel located at Tax Map Key No. (1) 3-2-059-002, situated in Kaimuki, Hawaii, (the "Property"), as shown on Exhibit A, attached hereto and incorporated herein by reference, which is managed by DPR;

WHEREAS, the Property is the site of Kaimuki Middle School and the DPR gymnasium, recreation building, and parking lot ("Park Facilities") for Kilauea District Park, which is located on the adjacent parcel located at Tax Map Key No. (1) 3-2-059-003 ("Park");

WHEREAS, Senate Bill No. 2613, S.D.1, H.D.23, C.D.1 (2026) directs the CITY to transfer fee simple title ownership of the Property to the DEPARTMENT;

WHEREAS, Section 2(b) of Senate Bill No. 2613 provides that the DEPARTMENT may elect to obtain "all or a portion of each parcel identified by this Act," and, where applicable, the parties may take the actions necessary to legally effect the conveyance of only those portions deemed appropriate;

WHEREAS, the DEPARTMENT's Superintendent of Education notified DPR by letter dated May 15, 2026 that it was not the DEPARTMENT's intent to assume or acquire ownership of the entire Property beyond the Kaimuki Middle School footprint;

WHEREAS, the May 15, 2026 letter further states that the DEPARTMENT intends to work with the CITY to carve out the Park Facilities and underlying and surrounding land from the Property ("Recreational Interests") so that the CITY retains ownership of the Recreational Interests and that DPR will continue to maintain and operate the Park Facilities and the DEPARTMENT will acquire ownership of the area consisting of the Kaimuki Middle School footprint;

WHEREAS, the conveyance of the portion of the Property desired by the DEPARTMENT will require consolidation and subdivision of the Property and the Park, necessitating the preparation of new property surveys and the creation of various preliminary and final consolidation and subdivision maps;

WHEREAS, it is the intent of DEPARTMENT and DPR that until such time when the conveyance document is recorded at the Bureau of Conveyances, State of Hawai'i, DPR will continue to operate, maintain, and manage the Park Facilities.

NOW, THEREFORE, in consideration of the foregoing, and subject to the terms and

conditions set forth below, DPR and DEPARTMENT do hereby agrees as follows:

1. **Subdivision responsibilities**. The DEPARTMENT agrees that it will cooperate with the CITY in the consolidation and subdivision of the Property and Park and designation of easements as necessary.

2. **Control, Management and Maintenance responsibilities**.

a. DPR shall provide control and management, including permitting and scheduling, and routine maintenance and upkeep of the Park Facilities as determined by DPR, including maintenance and repair of the gymnasium, recreational building, parking lot and surrounding landscaping and payment of all associated utility costs. DPR shall have exclusive control over access to and use of the Park Facilities.

b. DEPARTMENT shall not exercise any control, management, or maintenance authority over the Park Facilities and shall obtain a DPR recreational permit prior to using the Park Facilities.

3. **Term.** The term of this MOU shall commence on the Effective Date and shall terminate upon recordation of the conveyance document transferring the portion of the Property limited to the Kaimuki Middle School footprint and improvements to the DEPARTMENT at the Bureau of Conveyances, State of Hawai'i.

4. **Damage.** DEPARTMENT shall not be responsible for any damage or loss, including, but not limited to personal injury or death, caused by or arising out of or from CITYs activities authorized under Paragraph 2.a above and not caused by the negligence or willful misconduct of the DEPARTMENT.

IN WITNESS WHEREOF, the parties have executed this MOU as of the dates written below to be effective as of the date of the signature of the last party to sign the MOU.

Department of Education
State of Hawaii

Name: Keith T. Hayashi
Its: Superintendent

APPROVED AS TO FORM

Name: Karen Y. Arikawa-Hu
Deputy Attorney General
Education Division

Department of Parks and Recreation
City and County of Honolulu

Name: Laura H. Thielen
Its: Director

APPROVED AS TO FORM
AND LEGALITY:

Name: DAWN D. M. SPURLIN
Deputy Corporation Counsel