
SENATE CONCURRENT RESOLUTION

APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE
VILLAGES OF KAPOLEI, KAPOLEI, HAWAII.

1 WHEREAS, Act 176, Session Laws of Hawaii 2009, requires the
2 prior approval of the Legislature by concurrent resolution to
3 sell certain state land in fee simple; and
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5 WHEREAS, the Hawaii Housing Finance and Development
6 Corporation (the "Corporation") desires to sell in fee simple
7 Kekuilani Village 4, which consists of 35 non-ceded, single-
8 family cluster lots totaling 2.490 acres, as well as 0.362 acres
9 of shared driveways, in Kapolei, Hawaii, TMK Nos. 1-9-1-79:01 to
10 35, 1-9-1-79:129 to 134, all currently zoned R-3.5 residential
11 (collectively, "subject properties"); and
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13 WHEREAS, the Corporation used the Request for Proposals
14 procurement method to select Castle & Cooke Homes Hawaii, Inc.
15 ("CCHHI") as the developer of the subject properties and on
16 March 8, 2007, executed a development agreement with CCHHI to
17 develop 35 single-family cluster homes on the subject properties
18 for sale in fee simple to families at or below one hundred forty
19 per cent of the area median income; and
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21 WHEREAS, said development agreement became effective on
22 September 19, 2007; and
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24 WHEREAS, the fee simple transfer of the subject properties
25 to CCHHI was not closed prior to the effective date of Act 176,
26 Session Laws of Hawaii 2009; and
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28 WHEREAS, the executed development agreement, including the
29 affordability requirements, will be recorded on the subject
30 properties and continue as covenants running with the land; and
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1 WHEREAS, the subject properties were appraised on
2 December 22, 2009, by Stellmacher & Sadoyama, Ltd. to have a
3 fair market value of \$5,079,000; and
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5 WHEREAS, the Corporation submitted a copy of the Concurrent
6 Resolution to the Office of Hawaiian Affairs on January 25,
7 2010; and
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9 WHEREAS, pursuant to the requirements of Act 176, Session
10 Laws of Hawaii 2009, the Corporation did duly conduct a public
11 informational briefing on the sale of the subject properties on
12 December 16, 2009, at the Villages of Kapolei Community Center,
13 Kapolei, Hawaii; and
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15 WHEREAS, the Corporation did not receive any objection to
16 the proposed sale of the subject properties as proposed by the
17 Corporation at the December 16, 2009, public informational
18 briefing nor at any other time; now, therefore,
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20 BE IT RESOLVED by the Senate of the Twenty-fifth
21 Legislature of the State of Hawaii, Regular Session of 2010, the
22 House of Representatives concurring, that the fee simple sale of
23 the subject properties to CCHHI is hereby approved; and
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25 BE IT FURTHER RESOLVED that the Corporation is urged to
26 provide the Office of Hawaiian Affairs a right of first refusal
27 to purchase the subject property within thirty days, if:
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- 29 (1) The Office deems the purchase necessary to preserve
30 the ceded lands corpus; and
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32 (2) Providing the right of first refusal does not unduly
33 interfere with the existing development agreement with
34 Castle & Cook Homes Hawaii, Inc.; and
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36 BE IT FURTHER RESOLVED that certified copies of this
37 Concurrent Resolution be transmitted to the Administrator of the
38 Office of Hawaiian Affairs and the Executive Director of the
39 Hawaii Housing Finance and Development Corporation.

