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## SENATE RESOLUTION

REQUESTING AN UPDATE AND PRESENTATION ON THE STADIUM AUTHORITY'S EFFORTS TO TRANSFER THE RECREATIONAL USE RESTRICTION FROM THE STADIUM FACILITIES AND LANDS TO AN ALTERNATIVE STATE PARCEL.

1           WHEREAS, Aloha Stadium, which first opened on September 12,  
2 1975, has served as the venue for numerous sporting, music, and  
3 other recreational events; and  
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5           WHEREAS, remediation of the corrosion of the Aloha  
6 Stadium's structural steel alone has cost over \$80,000,000, and  
7 numerous structural repair issues remain to be addressed  
8 concerning structural safety, compliance with the Americans with  
9 Disabilities Act, and general conditions; and  
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11           WHEREAS, a 2005 study by the State estimated repair costs  
12 at \$214,000,000 and replacement of the facility at \$225,000,000;  
13 and  
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15           WHEREAS, in today's economic climate, the magnitude of the  
16 investment needed to accomplish the necessary repairs has led  
17 the State to seek public-private partnerships for private  
18 investment in the facility and commercial uses of the property;  
19 and  
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21           WHEREAS, the land under Aloha Stadium was deeded to the  
22 City and County of Honolulu in 1967 for use as a public park or  
23 public recreational use in perpetuity according to a program of  
24 utilization approved by the National Park Service; and  
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26           WHEREAS, concession agreements may be entered into for the  
27 purposes of serving a public park and recreational purposes, but  
28 commercial purposes are not allowed; and  
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30           WHEREAS, the United States Department of the Interior  
31 approved transfer of title, with all of its terms and  
32 restrictive covenants, from the City and County of Honolulu to  
33 the State of Hawaii for continued use as a public park in 1970,  
34 and amended the original program of utilization to allow the



1 State to build Aloha Stadium on the property for public  
2 recreational use; and  
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4 WHEREAS, deed restrictions have allowed hosting the Swap  
5 Meet, concerts, and certain other events deemed "recreational"  
6 at Aloha Stadium, but prohibit developing the property for  
7 strictly commercial enterprises; and  
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9 WHEREAS, in December 2008, the National Park Service and  
10 the State of Hawaii signed a Memorandum of Understanding  
11 (Agreement) establishing a process to remove the deed  
12 restrictions if the State provided an alternative site of  
13 comparable value for recreational use; and the State is  
14 exploring the possibility of a land exchange to remove the  
15 restrictive covenants from its present deed; and  
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17 WHEREAS, the Comptroller (Department of Accounting and  
18 General Services) has been designated as the lead on behalf of  
19 the Director of the Department of Land and Natural Resources and  
20 the State of Hawaii for the Agreement; and  
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22 WHEREAS, since September 2009, the Comptroller has been  
23 engaged in discussions with the United States Department of the  
24 Interior over a list of potential state lands that could be  
25 exchanged to lift the deed restrictions on Aloha Stadium lands;  
26 and  
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28 WHEREAS, under the terms of the current Agreement, the  
29 State must submit a formal proposal to the federal government  
30 identifying the lands that will be converted into new public  
31 parks and the value of the lands must be of at least equal fair  
32 market value and recreational utility to the fifty-six acres of  
33 restricted Aloha Stadium land; and  
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35 WHEREAS, the process required to complete a land exchange  
36 requires appropriate documentation, appraisal reports,  
37 justification of the public recreational utility of the lands  
38 proposed for exchange and their replacement; environmental  
39 assessments and a public process for an environmental impact  
40 analysis; plans for program utilization and development  
41 schedules; and an official acknowledgment of the requirement to  
42 apply all of the restrictions contained in the original deed to  
43 the replacement lands; and  
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1           WHEREAS, the Stadium Authority Board's minutes for the  
2 period September-December 2009 reflect substantial progress made  
3 by the Comptroller in identifying and conducting due diligence  
4 on a short list of lands suitable for land exchange; and  
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6           WHEREAS, a draft easement document is now under review and  
7 at its March 2010 meeting, the Stadium Authority Board approved  
8 funding the required appraisals; and  
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10           WHEREAS, throughout these efforts by the Stadium Authority  
11 Board and the Comptroller, little information has been available  
12 to the public, raising concerns about the lack of transparency  
13 surrounding the process from community organizations, nearby  
14 businesses, neighboring communities, and other affected  
15 constituents; now, therefore,  
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17           BE IT RESOLVED by the Senate of the Twenty-fifth  
18 Legislature of the State of Hawaii, Regular Session of 2010,  
19 that the Comptroller of the Department of Accounting and General  
20 Services and the Stadium Authority is requested to provide an  
21 update and presentation to the State Legislature on their  
22 efforts to transfer the recreational use restriction from the  
23 Stadium facilities and lands to an alternative state parcel; and  
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25           BE IT FURTHER RESOLVED that the report include:  
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- 27           (1) A description and timeline of the procedures required  
28 to transfer the recreational use restriction, and the  
29 current status of each requirement and the projected  
30 completion dates;  
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- 32           (2) Any requirements by the federal government to limit  
33 information available to the public, and efforts by  
34 the Comptroller and the Stadium Authority to keep the  
35 public informed of the transfer process, pursuant to  
36 federal requirements, including community or other  
37 public meetings, Stadium Authority Board meetings,  
38 newsletters, the Authority's website, or other means  
39 of communications;  
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- 41           (3) Copies of all relevant public documents;  
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- 43           (4) Specific recommendations for future uses of Aloha  
44 Stadium facilities, including public/private



1 partnerships for commercial/retail or other types of  
2 uses; and

- 3  
4 (5) Projections for future funding or infrastructure  
5 obligations for the Aloha Stadium site or alternative  
6 recreational sites by state government; and

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8 BE IT FURTHER RESOLVED that the Stadium Authority report to  
9 the Legislature no later than September 1, 2010; and

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11 BE IT FURTHER RESOLVED that certified copies of this  
12 Resolution be transmitted to the Comptroller; the Chair of the  
13 Stadium Authority; state and county legislators representing the  
14 neighboring communities of Salt Lake, Moanalua, Aiea, and  
15 Pearlridge; the chairs of the Oahu Neighborhood Boards No. 18  
16 (Salt Lake-Aliamanu), 20 (Aiea), and 21 (Pearl City); Aiea  
17 Community Association; Pearl City Community Association; and  
18 Aiea-Pearl City Business Association.

