

# SCR 12

Measure Title: APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-011 KUAHELANI AVENUE, NO. 111, MILILANI, HAWAII.

Report Title: Sale of Leased Fee Interest in 95-011 Kuahelani Avenue, No. 111, Mililani, Hawaii

Description:

Companion: HCR17

Package: Gov

Current Referral: HMS/THA, WAM

Introducer(s): KIM (Introduced by request of another party)



**SCR11 & SCR12**  
**APPROVING THE SALE OF THE LEASED FEE INTEREST IN CERTAIN LANDS**  
Senate Committee on Human Services  
Senate Committee on Tourism and Hawaiian Affairs

March 25, 2013

2:45 p.m.

Room 224

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The Office of Hawaiian Affairs (OHA) offers the following comments on SCR11 and SCR12, which approve the sale of the leased fee interest in certain lands. **These parcels do not appear to be “ceded” lands and accordingly OHA does not oppose the sale of these parcels.**

These resolutions were offered for consideration by the Legislature in accordance with Act 176, Session Laws of Hawai‘i 2009, as amended. Among other things, Act 176 requires a two-thirds majority vote of both houses of the Legislature before any specific lands controlled by the State can be sold (including, but not limited to, ceded lands).

In the 1993 “Apology Resolution,” the United States Congress, referring to Native Hawaiians’ loss of control of their lands, stated:

[t]The Republic of Hawaii . . . ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government.

Sales of ceded lands raise significant concerns for OHA and its beneficiaries, because the Native Hawaiian people’s claim to ceded lands has yet to be resolved. OHA urges your committees to consider these unresolved claims carefully as they deliberate regarding each specific sale. However, SCR11 & SCR12 do not appear to involve the sale of ceded lands. Accordingly, OHA does not oppose these sales.

Mahalo for the opportunity to testify on these important measures.



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE  
GOVERNOR

RICHARD C. LIM  
DIRECTOR

MARY ALICE EVANS  
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Web site: [www.hawaii.gov/dbedt](http://www.hawaii.gov/dbedt)

Telephone: (808) 586-2355  
Fax: (808) 586-2377

Statement of  
**Richard C. Lim**  
Director

Department of Business, Economic Development and Tourism  
before the

**SENATE COMMITTEES ON HUMAN SERVICES AND  
TOURISM AND HAWAIIAN AFFAIRS**

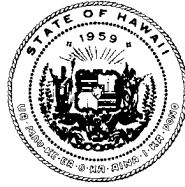
Monday, March 25, 2013  
2:45 p.m.  
State Capitol, Room 224

In consideration of  
**S.C.R. 12**  
**APPROVING THE SALE OF THE LEASED FEE INTEREST  
IN 95-011 KUAHELANI AVENUE, NO. 111, MILILANI, HAWAII.**

Chairs Chun Oakland and Galuteria, Vice Chairs Green and Keith-Agaran, and  
Members of the Committees.

DBEDT **supports** S.C.R. 12, a part of the Administration's legislative package. HHFDC is seeking legislative approval to sell the leased fee interest in this condominium unit to its leasehold owner. This apartment unit is part of the Naha Apartments condominium which was built in 1975. As the resolution itself states, HHFDC has met all statutory prerequisites to request approval of the sale of this parcel.

Accordingly, DBEDT respectfully requests that the Committee pass this concurrent resolution. Thank you for the opportunity to testify.



**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
677 QUEEN STREET, SUITE 300  
Honolulu, Hawaii 96813  
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of  
**Karen Seddon**  
Hawaii Housing Finance and Development Corporation  
Before the

**SENATE COMMITTEE ON HUMAN SERVICES  
SENATE COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS**

March 25, 2013 at 2:45 p.m.  
State Capitol, Room 224

In consideration of

**S.C.R 12  
APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-011 KUAHELANI  
AVENUE, NO. 111, MILILANI, HAWAII.**

The HHFDC **supports** S.C.R. 12, which seeks legislative approval to sell the leased fee interest in this condominium apartment unit to its leasehold owner. This apartment is a 764 square foot unit in the Nahoia Apartments condominium built in 1975. The fair market value of the leased fee interest in this parcel as of July 1, 2012 was \$34,600. A title search conducted by Title Guaranty of Hawaii on July 31, 2012, showed that this parcel was not classified as Government lands previous to August 15, 1895.

HHFDC conducted a public meeting on the proposed sale on September 5, 2012, at Mililani High School, Mililani, Hawaii, following publication of notice in the Honolulu Star-Advertiser newspaper on August 30 and September 2, 2012. There was no objection to the proposed sale raised at that time. HHFDC has also worked with the Office of Hawaiian Affairs during the interim to keep them informed of these findings and intent to sell the leased fee interest in this unit. A copy of the draft resolution was provided to OHA on September 12, 2012.

The attached documents provide more information on this property to the Committee:

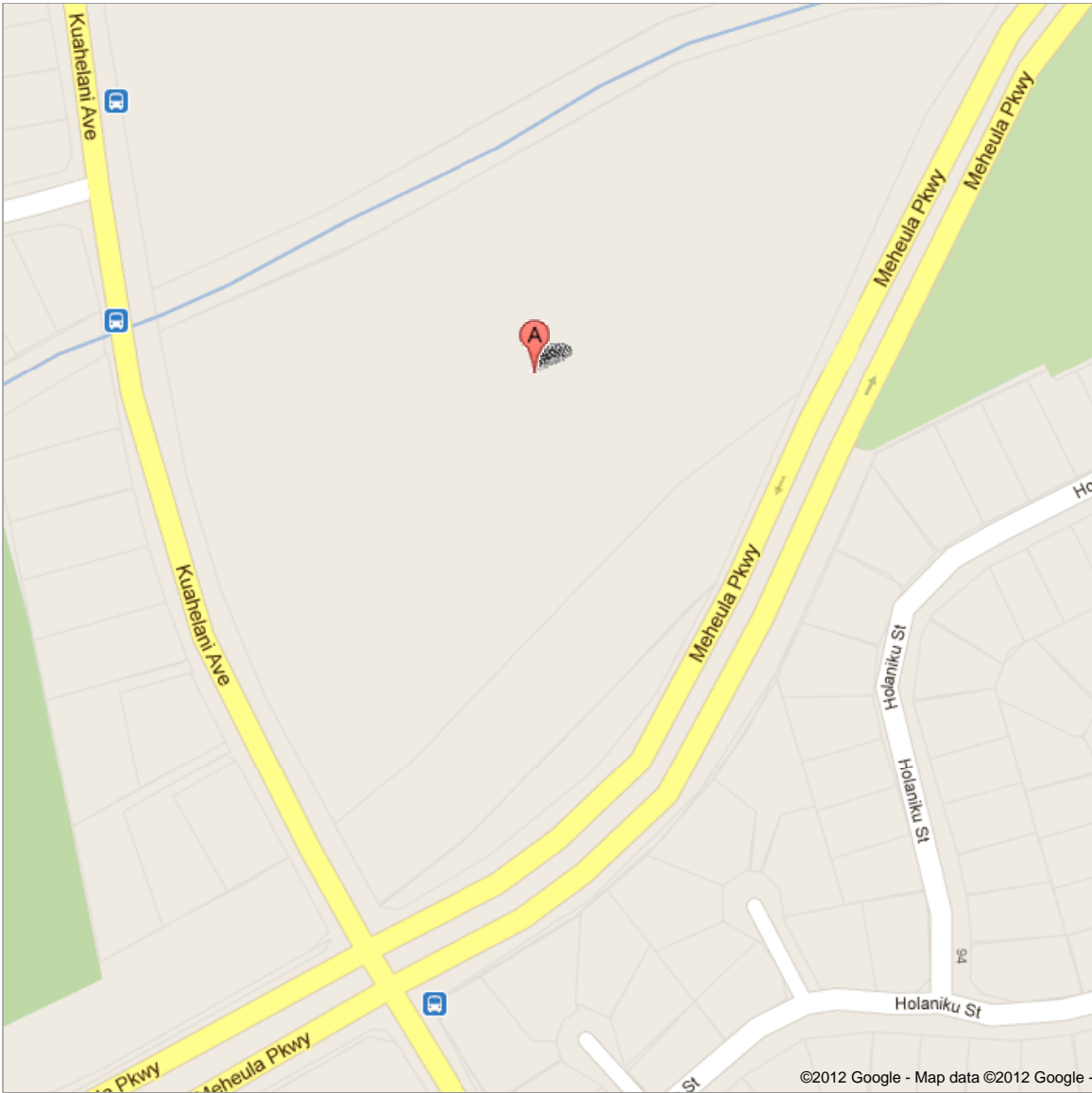
1. A map showing the general location of Nahoia Apartments;
2. A photo of Nahoia Apartments ; and
3. A copy of the title report prepared for this unit.

We respectfully request your favorable consideration of this concurrent resolution.  
Thank you for the opportunity to testify.



Address **95-11 Kuahelani Ave**  
**Mililani, HI 96789**

95-011 Kuahelani Avenue #111  
TMK No. 1-9-4-5-34-0011





Address **95 Kuahelani Avenue**

Address is approximate

95-011 Kuahelani Avenue  
Mililani, Hawaii



# TITLE GUARANTY OF HAWAII

INCORPORATED

235 QUEEN STREET  
HONOLULU, HAWAII 96813

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Phone No. (808) 539-7743

Residential Title

Fax No. (808) 521-0288

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Lorna Kometani, Housing Sales Coordinator  
HHFDC-Real Estate Services Section  
677 Queen Street, Suite 300  
Honolulu, Hawaii 96813

Re: TMK (1) 9-4-005-034-0011

## LIMITED LETTER REPORT

Maximum liability limited to  
**\$3,500.00**

In accordance with your request, we have made a search as to the Fee Simple ownership of the property identified as Tax Map Key (1) 9-4-005-034-0011, and find that the land as of August 15, 1895 was a portion of Royal Patent No. 5732, Land Commission Award No. 8241 to Ioane Ii. HAWAII HOUSING AUTHORITY acquired title through WARRANTY DEED of MILILANI TOWN, INC., a Hawaii corporation, dated October 7, 1974, filed as Land Court Document No. 698788.

1. Land is classified as Private Land as of August 15, 1895.
2. Determination of Land Class is stated through Royal Patent No. 5732, Land Commission Award No. 8241 to Ioane Ii, as attached.

Dated July 31, 2012

Inquiries concerning this report  
Should be directed to  
Justin Lee  
Email: [jmlee@tghawaii.com](mailto:jmlee@tghawaii.com)  
Fax (808) 521-0288  
Telephone (808) 539-7743  
Refer to Order No. 201127512



HELU 5/32

PALAPALA SILA NUI.

KA KE ALII, MAMULI O KA OLELO A KA POE HOONA KULEANA.

No ka mea, ua hooholo ma Luna Hoona i na kumu kuleana aia i ke olelo, he kuleana aia...

ma ke mo Kuleana Nui malalo o ke Aho Aloha iloko o kahi i nioleia malalo, a no ka mea... by a Resolution dated 20th August 1850 have authorized the Minister of Interior to grant a Royal Patent for the said land without demand or Communication with the Government.

Notaila, ma keia Palapala Sila Nui, ke hooke aku nei o Kamehameha III, Alii nui a ke Aha i kama lokomaikai i hoenoho ni malama o ke Hawaii Pae Aina, i na kanaka a pau, i kahi i hoona aia no ka mea...

i kela wahi a pau iou ma... ma ka makupuni o

- AP 1st 1/2 Acre... AP 2nd 1/2 Acre... AP 3rd 1/2 Acre... AP 4th 1/2 Acre... AP 5th 1/2 Acre... AP 6th 1/2 Acre... AP 7th 1/2 Acre... AP 8th 1/2 Acre... AP 9th 1/2 Acre... AP 10th 1/2 Acre... AP 11th 1/2 Acre... AP 12th 1/2 Acre... AP 13th 1/2 Acre... AP 14th 1/2 Acre... AP 15th 1/2 Acre... AP 16th 1/2 Acre... AP 17th 1/2 Acre... AP 18th 1/2 Acre... AP 19th 1/2 Acre... AP 20th 1/2 Acre... AP 21st 1/2 Acre... AP 22nd 1/2 Acre... AP 23rd 1/2 Acre... AP 24th 1/2 Acre... AP 25th 1/2 Acre... AP 26th 1/2 Acre... AP 27th 1/2 Acre... AP 28th 1/2 Acre... AP 29th 1/2 Acre... AP 30th 1/2 Acre... AP 31st 1/2 Acre... AP 32nd 1/2 Acre... AP 33rd 1/2 Acre... AP 34th 1/2 Acre... AP 35th 1/2 Acre... AP 36th 1/2 Acre... AP 37th 1/2 Acre... AP 38th 1/2 Acre... AP 39th 1/2 Acre... AP 40th 1/2 Acre... AP 41st 1/2 Acre... AP 42nd 1/2 Acre... AP 43rd 1/2 Acre... AP 44th 1/2 Acre... AP 45th 1/2 Acre... AP 46th 1/2 Acre... AP 47th 1/2 Acre... AP 48th 1/2 Acre... AP 49th 1/2 Acre... AP 50th 1/2 Acre... AP 51st 1/2 Acre... AP 52nd 1/2 Acre... AP 53rd 1/2 Acre... AP 54th 1/2 Acre... AP 55th 1/2 Acre... AP 56th 1/2 Acre... AP 57th 1/2 Acre... AP 58th 1/2 Acre... AP 59th 1/2 Acre... AP 60th 1/2 Acre... AP 61st 1/2 Acre... AP 62nd 1/2 Acre... AP 63rd 1/2 Acre... AP 64th 1/2 Acre... AP 65th 1/2 Acre... AP 66th 1/2 Acre... AP 67th 1/2 Acre... AP 68th 1/2 Acre... AP 69th 1/2 Acre... AP 70th 1/2 Acre... AP 71st 1/2 Acre... AP 72nd 1/2 Acre... AP 73rd 1/2 Acre... AP 74th 1/2 Acre... AP 75th 1/2 Acre... AP 76th 1/2 Acre... AP 77th 1/2 Acre... AP 78th 1/2 Acre... AP 79th 1/2 Acre... AP 80th 1/2 Acre... AP 81st 1/2 Acre... AP 82nd 1/2 Acre... AP 83rd 1/2 Acre... AP 84th 1/2 Acre... AP 85th 1/2 Acre... AP 86th 1/2 Acre... AP 87th 1/2 Acre... AP 88th 1/2 Acre... AP 89th 1/2 Acre... AP 90th 1/2 Acre... AP 91st 1/2 Acre... AP 92nd 1/2 Acre... AP 93rd 1/2 Acre... AP 94th 1/2 Acre... AP 95th 1/2 Acre... AP 96th 1/2 Acre... AP 97th 1/2 Acre... AP 98th 1/2 Acre... AP 99th 1/2 Acre... AP 100th 1/2 Acre...

Handwritten notes and signatures at the top of the page, including a signature that appears to be "John F. Kennedy".

President John F. Kennedy  
Washington, D.C.

Extensive handwritten notes, possibly a list or a detailed report, covering the majority of the page. The text is dense and difficult to decipher due to the handwriting and image quality.

Uo ka-nama ana i na...

Uo ke kope ana i na olelo a na hoike

Uo ke ana ana i ka la

Uo ke kope ana

Uo ka hoohele ana i ka olelo i ka la 28 o Iwaki 1855.

H. E. Smith, G. M. Robertson, I. Tekaulaha.

500

Ua hoohele aku makou i keia kuleana mamuli o na olelo o na Lannavai i hoo-  
hoohele ma ka la 19 o Iune M. H. 1852. e fili ana i na Hononiki

Helele 8241 Ioane Ii.

P. P. 523

Ua koi mai oia ma kona Ahupuaa o Maipio ma Ewa, ma ka Mokupuni  
o Oahu, no ke maamaa loa i ia keia ana no ka Ivi Hamakua M., mai  
i ka matua ana i ka M. H. 1848. a ua noho keia olelo a hiki i keia ma-  
nana

Oia ka makou e hoohele nei no Ioane Ii, ke kuleana hoo hoohele maiaho iho oke  
Ana Aloha. Imao aku mai oia i ke ke Ahupuaa Kapakolu, aiaia ua kope  
ia i ka Palapala eila Aloha. Aia, hoi ma na kuleana o na kaanaka



