



LATE TESTIMONY

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.B. NO. 2604, H.D. 1, S.D. 1, RELATING TO THE ACQUISITION OF REAL PROPERTY.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Thursday, March 31, 2016 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Michael G.K. Wong, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General offers the following comments on this measure.

The purpose of the bill is to clarify that acceptance by the Territorial Legislature or the Legislature, of a dedication of land in the Kakaako Community Development District by a private owner, is sufficient to convey title to the State Department of Transportation.

There is currently a dispute relating to the ownership of public rights-of-way in the Kakaako Community Development District involving the State, City and County of Honolulu and the Kakaako Land Company, LLC. In 1903, the Territorial Legislature accepted a deed from Charles Desky for seven roads in the Kakaako District pursuant to Joint Resolution No. 9 (the "Roads"). To the extent any party may question whether the Desky deed was accepted by the Territory of Hawaii, the bill would ratify the action of the Territorial Legislature. It is not clear exactly what property was conveyed pursuant to the Joint Resolution. The Roads are defined by name only and there are no metes and bounds descriptions in the Joint Resolution. Further, the length, width, and location of the Roads may have changed since 1903. Accordingly, if this bill is intended to address this pending dispute, we respectfully submit that this bill will not fully resolve the issue underlying this dispute as these matters can only be resolved by an agreement between the parties or a determination by the court.

Further, while the Hawaii Community Development Authority ("HCDA") is the governmental entity responsible for overseeing the planning and permitting aspects of development projects in the community development districts under its jurisdiction, including the Kakaako Community Development District, HCDA is not a governmental entity whose purpose

includes the maintenance and repair of roadways or the administration and enforcement of parking and other traffic-related operations and services.

Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: Submitted testimony for HB2604 on Mar 31, 2016 09:30AM
Date: Wednesday, March 30, 2016 10:50:24 PM

HB2604

Submitted on: 3/30/2016

Testimony for JDL on Mar 31, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
jodie fujio	Individual	Support	No

Comments: I support this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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