

SCR24

Measure Title: APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-029
KUAHELANI AVENUE, NO. 128, MILILANI, HAWAII.

Report Title:

Description:

Companion: HCR18

Package: Governor

Current Referral: HOU, WAM

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

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
EXECUTIVE DIRECTOR

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
Craig K. Hirai
Hawaii Housing Finance and Development Corporation
Before the

SENATE COMMITTEE ON HOUSING

March 9, 2017 at 2:45 p.m.
State Capitol, Room 225

In consideration of
**S.C.R. 24 APPROVING THE SALE OF THE LEASED FEE INTEREST IN
95-029 KUAHELANI AVENUE, NO. 128, MILILANI, HAWAII.**

The HHFDC **supports** S.C.R. 24. HHFDC is seeking legislative approval to sell the leased fee interest in this apartment unit to its leasehold owner.

This apartment unit was built in 1974 as part of the Nahoia Apartments affordable for-sale development. Only 19 units out of the entire 231-unit development remain in leasehold. The fair market value of the leased fee interest in this property as of July 29, 2016 was \$50,000. A title search conducted by Title Guaranty of Hawaii on August 26, 2015, showed that the parcel upon which Nahoia Apartments is located was not classified as Government land previous to August 15, 1895.

HHFDC conducted a public meeting on the proposed sale on August 11, 2016, at Mililani High School Cafetorium, Mililani, Hawaii, following publication of notice in the Honolulu Star-Advertiser newspaper on August 3 and 5, 2016. 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 parcel. A copy of the draft resolution was provided to OHA on October 3, 2016.

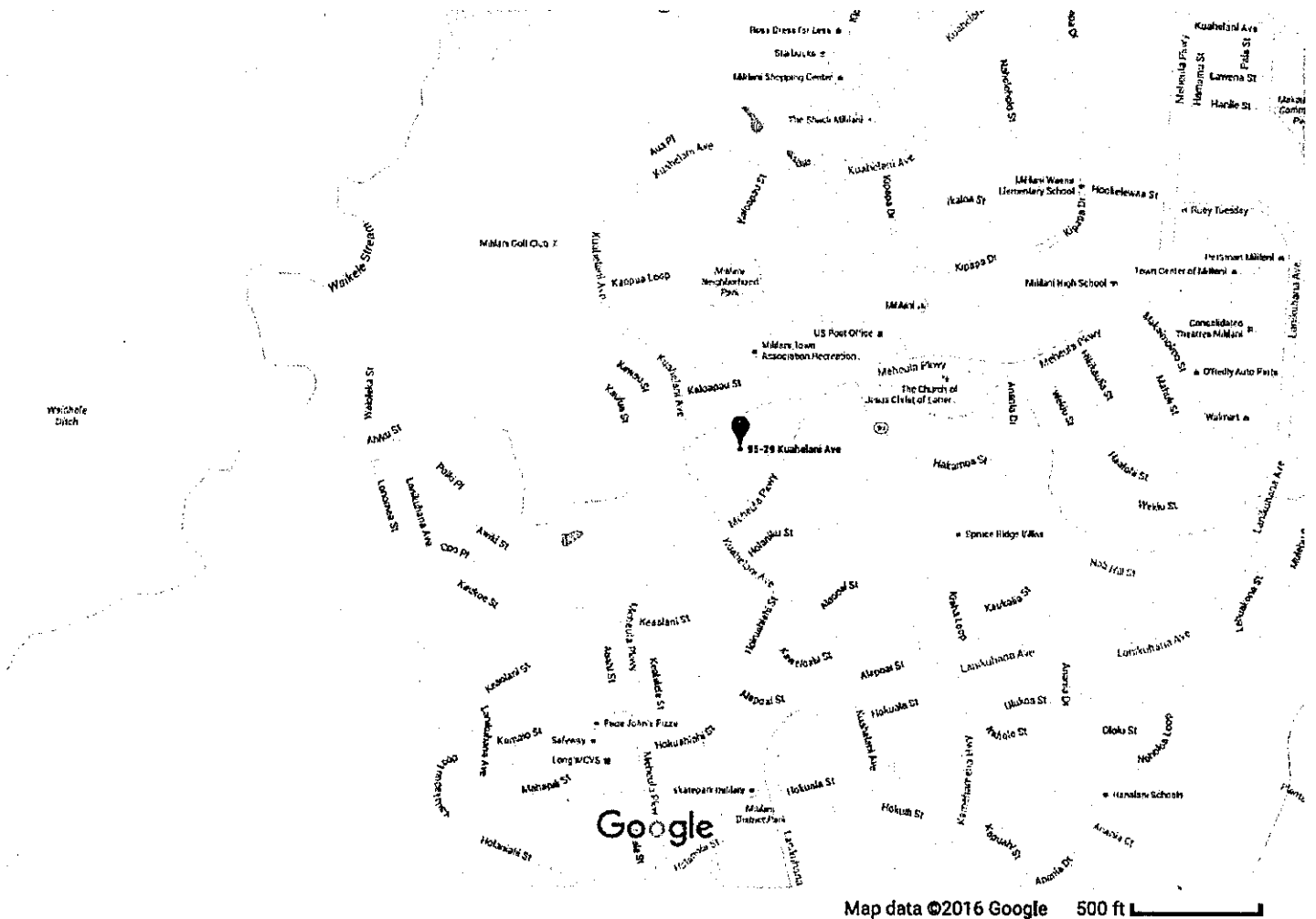
The attached documents provide more information on this property:

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

Thank you for the opportunity to testify.

Google Maps 95-29 Kuahelani Ave

95-029 Kuahelani Avenue



95-29 Kuahelani Ave
Mililani, HI 96789



TITLE GUARANTY OF HAWAII, INC.

Established in 1896

August 26, 2015

LORNA KOMETANI
STATE OF HAWAII – HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
REAL ESTATE SERVICES SECTION
677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813

Re: TG Order No. 201521373
Project: NAHOA APARTMENTS
Unit/Lot No: 128
Property Address: 95-029 Kuaahelani Avenue #128
TMK: (1) 9-4-005-034 HPR 0027
Lessee: Aaron Masaru Shimizu

RECEIVED
HAWAII HOUSING FINANCE
DEVELOPMENT CORP
2015 AUG 28 9:56

Dear Ms. Kometani,

In accordance with your request of August 11, 2015, I confirm that as of **August 15, 1895**, title to the subject land was held in **private ownership** by IRENE II BROWN, the daughter of Ioane li, the awardee of Land Commission Award Number 8241, covering the Ahupuaa of Waipio, District of Ewa, Island of Oahu.

Title descends straight and unbroken to HAWAII HOUSING AUTHORITY, a public body and a body corporate and politic of the State of Hawaii, by Deed of Mililani Town, Inc., a Hawaii corporation, dated October 7, 1974, filed as Land Court Document No. 698788.

The corporate name of HAWAII HOUSING AUTHORITY was changed to HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII as set forth in Land Court Order No. 131893 filed June 25, 1998.

The corporate name of HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII was changed to HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION as set forth in Land Court Order No. 166725 filed June 30, 2006 and Land Court Order No. 171023 filed February 6, 2007.

Lorna Kometani
August 26, 2015
Page 2

Please be informed that liability for any actual loss incurred by reason of any incorrectness herein is limited to the lesser of \$3,500.00 or two times the amount paid for this product.

Should you have any follow-up questions or comments, please contact me; I can be reached directly by phone at (808) 533-5834, by fax at (808) 533-5870 or by email at cuahinui@tghawaii.com.

Yours truly,



Colleen H. Uahinui
Lead Senior Title Abstractor
Historic Title Services

Hawaii Housing Authority
845-6491

NC ✓

DOC NO 698788

OFFICE OF THE ASSISTANT REGISTRAR
LAND COURT
REC-1 11/17/74

74 OCT 11 AM 11:55

William K. Antone

NOTED ON CERTIFICATE NO. 169175
IN REGISTER BOOK PAGE
TRANSFER OF CERTIFICATE OF TITLE ISSUED
AND TRANSFERRED TO
REGISTRATION BOOK 1715 PAGE 113
BEING CERTIFICATE NO. 171429 IN

OFFICE OF THE ASSISTANT REGISTRAR
LAND COURT

071932

071932

STATE OF HAWAII CONVEYANCE TAX... 00.00
FEB OCT 11 '74
0872

Le...

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That MILILANI TOWN, JNC., a Hawaii corporation, whose principal place of business is 130 Merchant Street, Honolulu, Hawaii 96813, and whose mailing address is P. O. Box 2780, Honolulu, Hawaii 96803, hereinafter called "Grantor", in consideration of TEN DOLLARS (\$10.00) and other valuable consideration to it paid by the HAWAII HOUSING AUTHORITY, a public body and a body corporate and politic with perpetual existence under and by virtue of the laws of the State of Hawaii, whose principal place of business is 1002 North School Street, Honolulu, Hawaii 96817, and whose mailing address is P. O. Box 17907, Honolulu, Hawaii 96817, hereinafter called "Grantee", receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, forever, the following described property, to wit:

All of that certain parcel of land situate at Waipio, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT NO. 5417, area 433,885 square feet, as shown on Map 403, filed in the Office of the Assistant Registrar of the Land Court of Hawaii with Land Court Application No. 1000 of John Ii Estate, Limited, being a portion of the property covered by Transfer Certificate of Title No. 169,175 issued to Mililani Town, Inc., a Hawaii corporation.

TOGETHER WITH a nonexclusive appurtenant easement for road purposes over, along and upon Lots 5415 and 5410 as shown on Map 403 and described in said Certificate of Title No. 169,175; PROVIDED, HOWEVER, that in the event that said lots, or any of them, are conveyed to the State of Hawaii or City and County of Honolulu, or other governmental authority, said easement as to the lot or lots so conveyed shall immediately terminate.

EXCEPTING AND RESERVING, HOWEVER, unto the Grantor, its successors and assigns, for the period from the date hereof up to and including December 31, 1980, and not thereafter, the right to grant to the State of Hawaii, City and County of Honolulu, Board of Water Supply of the City and County of Honolulu or any other appropriate governmental agency or to any public utility easements for electrical, gas, communications and other utility purposes and for sewer, drainage and water facilities over, under, along, across and through said Lot 5417 under the usual terms and conditions required by such governmental agency or public utility for such easement rights; provided, however, that such easement rights must be exercised in such manner as to not unreasonably interfere with the use of said Lot 5417 by the Grantee, its successors and assigns, and in connection with the installation, maintenance or repair of any facilities pursuant to any of said easements the premises shall be promptly restored by and at the expense of the person owning and exercising such easement rights to the condition of the premises immediately prior to the exercise thereof, and the Grantee, by accepting this Deed, agrees that the Grantee and any person claiming an interest in said Lot 5417 by, through or under the Grantee will, upon request, join in and execute any and all documents designating and granting any such easements.

SUBJECT HOWEVER to the following:

1. Declaration of Covenants, Conditions and Restrictions, dated April 19, 1968, filed as Document No. 441561, as amended by Document No. 445150, and Annexation instrument, dated September 30, 1974, filed as Document No. 698082.

2. Grant of Easement in favor of Hawaiian Electric Company, Inc., dated September 16, 1974, filed as Document No. 696505 and assigned by Document No. 696506.

3. Grant to Oceanic Cablevision, Inc. by instrument, dated September 24, 1974 and filed as Document No. 698083.

4. Easements 1522, 1523, 1524 and 1525 as shown on Map 415 as set forth by Land Court Order No. 40719 filed October 7, 1974. ←

5. Said Easements 1524 and 1525 are subject to grant of easement in favor of Waiahole Irrigation Company, Ltd., dated September 20, 1974 for ingress and egress filed as Document No. 698161. ←

6. Said Easements 1522, 1523 and 1525 are subject to grant of easement in favor of City and County of Honolulu and Board of Water Supply for water purposes, dated October 3, 1974 and filed as Document No. _____

TO HAVE AND TO HOLD the same, together with the rents, issues and profits thereof, the improvements thereon, and the tenements, rights, easements, privileges, and appurtenances thereunto belonging, or appertaining, or held and enjoyed therewith, unto the Grantee and its successors and assigns forever.

AND said Grantor does hereby, for itself and its successors, covenant with said Grantee and its successors and assigns that it is lawfully seised in fee simple of said granted property and has good right to grant and convey the same as aforesaid; that said property is free and clear of all encumbrances, except as aforesaid and except for real property taxes assessed for the current year; and that it will, and its successors shall, warrant and defend the same unto the Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed these
presents this 7th day of October, 1974.

MILLANI TOWN, INC.

By *Willie Brock*
Its VICE PRESIDENT

By *Sizim*
Its SECRETARY

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this _____ day of OCT 7 1974,
before me appeared WENDELL BROOKS, JR. and G. YIM,

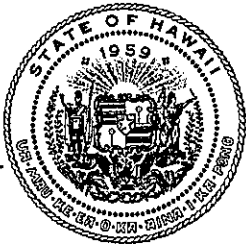
to me personally known, who, being by me duly sworn, did say
that they are VICE PRESIDENT and SECRETARY,

respectively, of MILILANI TOWN, INC., a Hawaii corporation;
that the seal affixed to the foregoing instrument is the
corporate seal of said corporation; that said instrument was
signed and sealed in behalf of said corporation by authority
of its Board of Directors; and said Officers acknowledged
this instrument to be the free act and deed of said corporation.

Lillian T. Oasa

Notary Public, First Circuit
State of Hawaii

My commission expires: May 21, 1978



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

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
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

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

Statement of
LUIS P. SALAVERIA
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON HOUSING

Thursday, March 9, 2017
2:45 PM
State Capitol, Conference Room #225

In consideration of

- SCR 19 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-529
INOAOLE STREET, WAIMANALO, HAWAII;**
- SCR 20 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-648
INOAOLE STREET, WAIMANALO, HAWAII;**
- SCR 21 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-652
INOAOLE STREET, WAIMANALO, HAWAII;**
- SCR 22 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-659
INOAOLE STREET, WAIMANALO, HAWAII;**
- SCR 23 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-1362
WAIKALOA STREET, WAIMANALO, HAWAII;**
- SCR 24 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-029
KUAHELANI AVENUE, NO. 128, MILILANI, HAWAII;**
- SCR 25 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 94-946
MEHEULA PARKWAY, NO. 264, MILILANI, HAWAII;**
- SCR 26 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 94-946
MEHEULA PARKWAY, NO. 363, MILILANI, HAWAII;**
- SCR 27 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 94-950
MEHEULA PARKWAY, NO. 367, MILILANI, HAWAII; and**
- SCR 28 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 47-394
KEOHAPA PLACE, KANEOHE, HAWAII.**

Chair Espero, Vice Chair Harimoto and members of the Committee.

The Department of Business, Economic Development and Tourism (DBEDT) **supports** SCR19 through SCR 28, all part of the Administration's legislative package. HHFDC is seeking legislative approval to sell the leased fee interest in these homes to their respective leasehold owners. HHFDC has met all statutory prerequisites to request approval of the sale of these parcels.

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



SCR24

**APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-029 KUAHELANI AVENUE,
NO. 128, MILILANI, HAWAII**
Senate Committee on Housing

March 14, 2017

2:45 p.m.

Conference Room 225

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SCR24, which approves the sale of the leased fee interest in an apartment in the Nahoia Apartments affordable housing condominium complex. **This parcel does not appear to be “ceded” land and OHA does not oppose the sale of this parcel.**

SCR24 was offered for consideration by the Legislature in accordance with Act 176, Session Laws of Hawai'i (SLH) 2009, and Act 169, SLH 2011, as amended. Act 176 requires a two-thirds majority approval by both houses of the Legislature before any specific lands controlled by the state can be sold. In addition, state departments must prepare and submit legislative resolutions containing detailed information regarding their anticipated land transactions, and share these resolutions with OHA at least three months prior to the opening of the legislative session. See HRS §§ 171-64.7(c). This three months' detailed notice provides OHA with sufficient time to ensure that the contemplated sale is fair, equitable, and in the best interests of the state.

The language of SCR24 was provided to OHA in compliance with the three month notice requirement for the proposed disposition of public lands. This allowed OHA to independently confirm that the parcel being proposed for sale is not comprised of “ceded” lands.

Accordingly, OHA does not oppose the proposed sale in SCR24. Mahalo for the opportunity to testify on this measure.

Senator Will Espero, Chair
Senator Breene Harimoto, Vice Chair
Senate Committee on Housing

Testimony of Jame K. Schaedel

Tuesday, March 14, 2017

Support for Senate Concurrent Resolution No. 24 – Approving the Sale of the Leased Fee Interest
in 95-029 Kuahelani Avenue, No. 128, Mililani, Hawaii

WRITTEN TESTIMONY ONLY

Thank you for the opportunity to offer testimony in support for Senate Concurrent Resolution No. 24 which would approve the sale of “the leased fee interest” of a portion of Royal Patent No. 5732 to a private citizen.

I offer this testimony as a private citizen.

I believe the sale and/or use of lands previously granted by a Royal Patent are justified under the laws of the Kingdom of Hawai‘i and the State of Hawai‘i. I encourage you to pass this resolution so it can be discussed further by the Senate Committee on Ways and Means.

Respectfully,

Jame K. Schaedel