

SCR26

Measure Title: APPROVING THE SALE OF THE LEASED FEE INTEREST IN 94-946
MEHEULA PARKWAY, NO. 363, MILILANI, HAWAII.

Report Title:

Description:

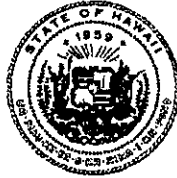
Companion: HCR20

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. 26 APPROVING THE SALE OF THE LEASED FEE INTEREST IN
94-946 MEHEULA PARKWAY, NO. 363, MILILANI, HAWAII.**

The HHFDC supports S.C.R. 26. 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 May 27, 2016 was \$40,500. A title search conducted by Title Guaranty of Hawaii on August 23, 2016, 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.

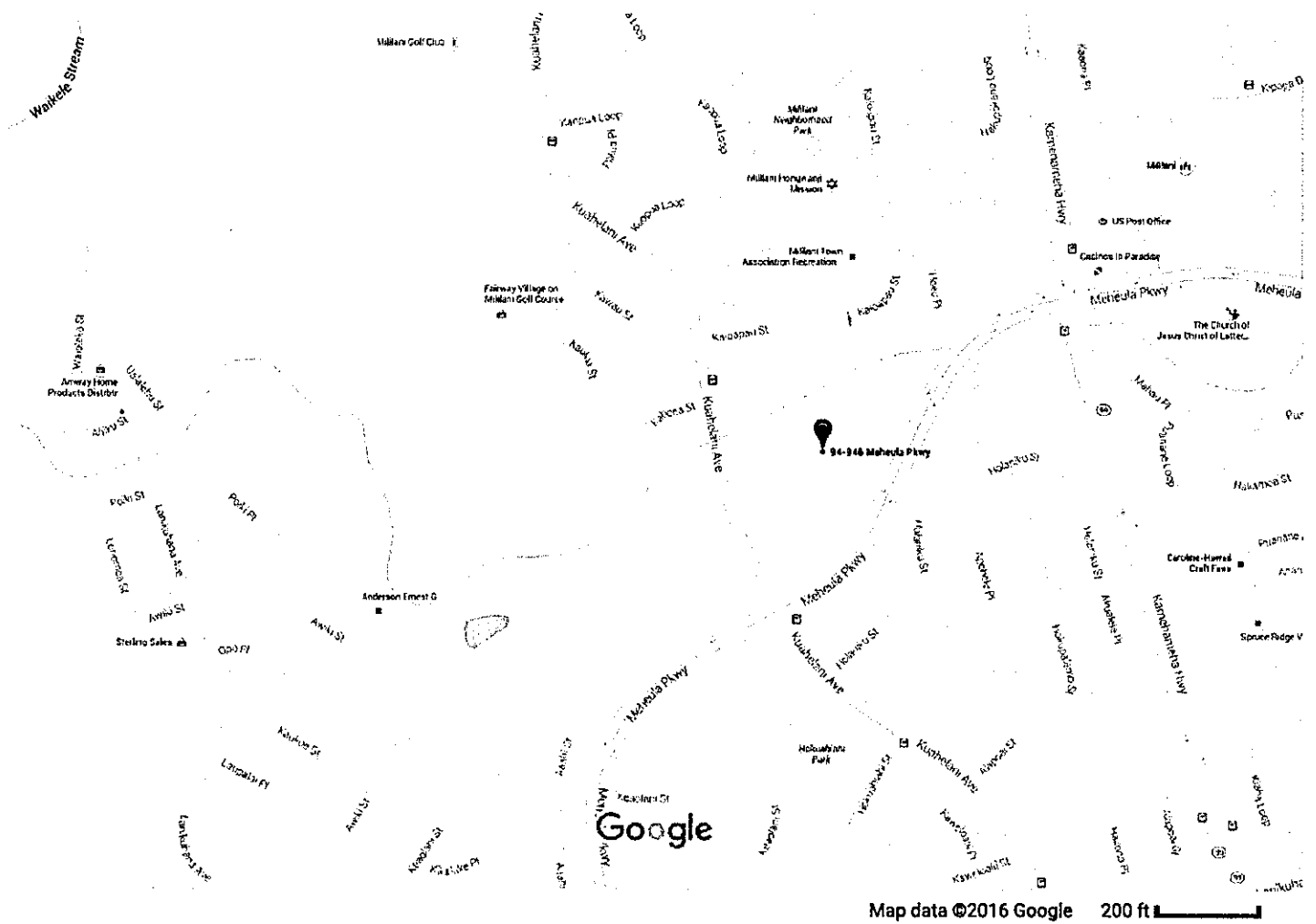
HHFDC has also worked with the Office of Hawaiian Affairs during the interim to keep them informed of these findings and intent to sell the leased fee interest in this parcel. A copy of the draft resolution was provided to OHA on October 3, 2016.

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 94-946 Meheula Pkwy



94-946 Meheula Pkwy
 Mililani, HI 96789



TITLE GUARANTY OF HAWAII, INC.

Established in 1896

RECEIVED
HAWAII HOUSING FINANCE
DEVELOPMENT CORP

2016 AUG 24 1:43

August 23, 2016

ELAINE GOMA

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. 201627014
Project: NAHOA APARTMENTS
Unit/Lot No: 363
Property Address: 94-946 Meheula Parkway #363
TMK: (1) 9-4-005-034 HPR 0198
Lessee: Big Palm Partners, LLC, a Hawaii limited liability company

Dear Ms. Goma,

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 LI 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 Millilani 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.

Elaine Goma
August 23, 2016
Page 2

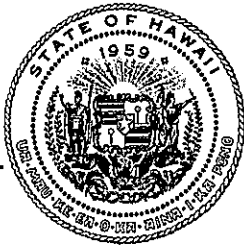
Please be informed that liability for any actual loss incurred by reason of any incorrectness herein is limited to the lesser of \$3,500.00 or two times the amount paid for this product.

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



**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.



SCR26

**APPROVING THE SALE OF THE LEASED FEE INTEREST IN 94-946 MEHEULA PARKWAY, NO.
363, 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 SCR26, 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.**

SCR26 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 SCR26 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 SCR26. Mahalo for the opportunity to testify on this measure.

Big Palm Partners, LLC
1314 S. King Street, Ste. #756
Honolulu, HI 96814
Email: Andygeiser@aol.com
Phone: 808-371-1334

TESTIMONY OF ANDREW L. GEISER
BIG PALM PARTNERS, LLC.

BEFORE THE SENATE COMMITTEE ON HOUSING

MARCH 24, 2017
2:45 P.M.

RESOLUTION NO. SCR 26
RELATING FOR THE LEASE FEE PURCHASE
94-946 Meheula Parkway #363, Mililani, HI 96789

**Chairperson Espero, Vice Chairperson Harimoto and Members of
the Committee:**

**Respectfully submitted herein is testimony for the above-
referenced RESOLUTION NO. SCR 26.**

I stand in support of the proposed Resolution.

Thank you very much



Andrew L. Geiser, Manager,
Big Palm Partners, LLC
March 14, 2017

SENATE CONCURRENT RESOLUTION

APPROVING THE SALE OF THE LEASED FEE INTEREST IN 94-946 MEHEULA PARKWAY, NO. 363, MILILANI, HI.

WHEREAS, section 171-64.7, Hawaii Revised Statutes, requires the prior approval of the Legislature by concurrent resolution to sell certain state lands in fee simple; and

WHEREAS, section 171-647 (c), Hawaii Revised Statutes, states that "(t)he concurrent resolution shall contain the following information:

- (1) The specific location and size in square feet or in other precise measure of the parcels of land to be sold or given;
- (2) The appraisal value of the land to be sold or given;
- (3) The names of all appraisers performing appraisals of the land to be sold or given;
- (4) The date of the appraisal valuation;
- (5) The purpose for which the land is being sold or given;
- (6) A detailed summary of any development plans for the land to be sold or given; and
- (7) A statement of whether the land is, or is not, land that was classed as government or crown lands previous to August 15, 1895, or was acquired by the State in exchange for such lands, and a detailed explanation of how the state department or agency made this determination.

A draft of the concurrent resolution for the prior approval of a sale or gift of land shall also be submitted to the office of Hawaiian affairs at least three months prior to the convening of a regular or special session of the legislature to allow the office to determine whether the land was classed as government or crown lands previous to August 15, 1895, or was acquired by the State in exchange for such lands"; and

WHEREAS, pursuant to section 171-64.7(e), Hawaii Revised Statutes, prior to finalizing any proposal for the sale or gift of lands and prior to the submission of the concurrent resolution to the Legislature, an informational briefing on the proposed sale or gift of lands shall be held in the community where the land to be sold or given is located; and

WHEREAS, the Hawaii Housing Finance and Development Corporation (the "Corporation") desires to sell the leased fee interest in 94-946 Meheula Parkway, No. 363, Mililani, Hawaii, and provides the following information pursuant to section 171-64.7, Hawaii Revised Statutes:

- (1) The property is an apartment unit in the Nahoia Apartments condominium built in 1975 and is identified as a 764 square foot apartment unit, TMK No. 1-9-4 005 034 0198;
- (2) The leased fee interest in this property was appraised to have a fair market value of \$40,500.00
- (3) The property was appraised by Harlin Young & Co., Ltd.;
- (4) The appraisal valuation date is May 27, 2016;
- (5) The primary purpose for the sale of this property is to convey the leased fee interest to its current leasehold owner;
- (6) There is no development plan for this unit, which is a residence; and
- (7) As of August 15, 1895, the property was a portion of Royal Patent No. 5732, Land Commission Award No. 8241 to Ioane Ii, and therefore private land; the Corporation's predecessor agency, the Hawaii Housing Authority, acquired title to the property through warranty deed of Mililani Town, Inc., dated October 7, 1874, filed as Land Court Document No. 698788; and this was determined by a search of the title records by Title Guaranty of Hawaii on August 23, 2016; and

WHEREAS, the Corporation duly submitted a draft of the Concurrent Resolution to the Office of Hawaiian Affairs on October 3, 2016, more than three months prior to the opening date of the Regular Session of 2017; and

WHEREAS, the Corporation duly conducted a public informational briefing on the sale of this parcel on August 11, 2016, at the Mililani High School cafetorium, Mililani, Hawaii, following publication of notice of the briefing in the Honolulu Star-Advertiser newspaper on August 3 and 5, 2016; and

WHEREAS, no objection to the proposed sale was received at the public informational briefing; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, the House of Representatives concurring, that the sale of the leased fee interest in 94-946 Meheula Parkway, No. 363, Mililani, Hawaii, TMK No. 1-9-4 005 034 0198, is hereby approved; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Executive Director of the Corporation.

Offered by: Andrew L. Sei
BY REQUEST

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. 26 – Approving the Sale of the Leased Fee Interest
in 91-946 Meheula Parkway, No. 363, Mililani, Hawaii

WRITTEN TESTIMONY ONLY

Thank you for the opportunity to offer testimony in **support** for Senate Concurrent Resolution No. 26 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