

# S.C.R. NO. 23

JAN 23 2020

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## SENATE CONCURRENT RESOLUTION

APPROVING THE TRANSFER OF THE LEASED FEE INTEREST IN A PORTION  
OF 610 COOKE STREET, HONOLULU, HAWAII, TO THE CITY AND  
COUNTY OF HONOLULU.

1           WHEREAS, section 171-64.7, Hawaii Revised Statutes,  
2 requires the prior approval of the Legislature by concurrent  
3 resolution to sell certain state lands in fee simple; and  
4

5           WHEREAS, section 171-64.7(c), Hawaii Revised Statutes,  
6 states that "[t]he concurrent resolution shall contain the  
7 following information:

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

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

1 WHEREAS, pursuant to section 171-64.7(e), Hawaii Revised  
2 Statutes, prior to finalizing any proposal for the sale or gift  
3 of lands and prior to the submission of the concurrent  
4 resolution to the Legislature, an informational briefing on the  
5 proposed sale or gift of lands shall be held in the community  
6 where the land to be sold or given is located; and  
7

8 WHEREAS, the Hawaii Housing Finance and Development  
9 Corporation (the "Corporation") desires to transfer the fee  
10 interest in a portion of 610 Cooke Street, Honolulu, Hawaii, and  
11 provides the following information pursuant to section 171-64.7,  
12 Hawaii Revised Statutes:

- 13 (1) The parcel is a portion of the site of Na Lei Hulu  
14 Kupuna Senior Apartments, identified as a 6,937 square  
15 foot parcel, TMK No. 1-2-1-051:004;
- 16 (2) The fee interest in this parcel was appraised to have  
17 a fair market value of \$210,000;
- 18 (3) The parcel was appraised by Medusky & Co., Inc.;
- 19 (4) The appraisal valuation date is April 15, 2018;
- 20 (5) The primary purpose for the proposed transfer of this  
21 parcel is as part of a land exchange with the City and  
22 County of Honolulu for their fee interest in a portion  
23 of Coral Street between Pohukaina Street and  
24 Halekauwila Street, Honolulu, Hawaii, to facilitate  
25 roadway access to HHFDC's planned mixed-use  
26 development in conjunction with the Department of  
27 Education at 690 Pohukaina Street, Honolulu, Hawaii,  
28 which will include a public elementary school. The  
29 concept and strategy is to maintain the limited  
30 roadway access as open green space. However, due to  
31 anticipated high use during pick-up and drop-off times  
32 of the school day, the Department of Education will  
33 study the most appropriate type of paving or street  
34 covering in terms of durability and maintenance;
- 35 (6) The conveyance will be subject to the existing sub-  
36 lease to Na Lei Hulu Kupuna Senior Rentals, LP, which  
37 extends until December 12, 2082, and will not affect  
38 existing rental operations; and
- 39 (7) As of August 15, 1895, title to a portion of this  
40 parcel, identified as Parcel 6B-1, Government Remnant,  
41 was held by the Territory of Hawaii, and title to the  
42 remainder of the parcel was covered by Royal Patent  
43 Number 4483, Land Commission Award Number 7712, Apana  
44 6, Number 1, held by the Trustees Under the Will and  
45 of the Estate of Bernice Pauahi Bishop, Deceased, as

1           devised by the Last Will and Testament of Bernice  
2           Pauahi Bishop probated in the Supreme Court of the  
3           Hawaiian Islands in Probate Number 2425; and this was  
4           determined by a search of the title records by Title  
5           Guaranty of Hawaii on January 2, 2018; and  
6

7           WHEREAS, pursuant to section 5(f) of the Admission Act,  
8 "the development of farm and home ownership on as widespread a  
9 basis as possible for the making of public improvement" is an  
10 expressly authorized purpose of the ceded lands inventory; and  
11

12           WHEREAS, the Corporation duly submitted a draft of the  
13 Concurrent Resolution to the Office of Hawaiian Affairs on  
14 September 27, 2019, more than three months prior to the opening  
15 date of the Regular Session of 2020; and  
16

17           WHEREAS, the Corporation duly conducted a public  
18 informational briefing on the dedication of this parcel on  
19 July 18, 2019, at the HHFDC Boardroom, 677 Queen Street, Suite  
20 300, Honolulu, Hawaii, following publication of notice of the  
21 briefing in The Honolulu Star-Advertiser newspaper on June 27,  
22 2019, and July 11, 2019; and  
23

24           WHEREAS, HHFDC did not receive any public comments  
25 objecting to the proposed transfer at the public informational  
26 briefing; now, therefore,  
27

28           BE IT RESOLVED by the Senate of the Thirtieth Legislature  
29 of the State of Hawaii, Regular Session of 2020, the House of  
30 Representatives concurring, that the transfer of the leased fee  
31 interest in a portion of 610 Cooke Street, Honolulu, Hawaii, TMK  
32 No. 1-2-1-051:004, to the City and County of Honolulu is hereby  
33 approved; and  
34

35           BE IT FURTHER RESOLVED that a certified copy of this  
36 Concurrent Resolution be transmitted to the Executive Director  
37 of the Corporation.  
38

39  
40           OFFERED BY: \_\_\_\_\_  
41

A handwritten signature in black ink, appearing to read "N. N. G.", written over a horizontal line.

BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: CONCURRENT RESOLUTION APPROVING THE TRANSFER OF THE LEASED FEE INTEREST IN A PORTION OF 610 COOKE STREET, HONOLULU, HAWAII, TO THE CITY AND COUNTY OF HONOLULU.

PURPOSE: To seek the prior approval of the Legislature by concurrent resolution of the transfer of a portion of 610 Cooke Street, Honolulu, Hawaii, TMK No. 1-2-1-051:004, to the City and County of Honolulu.

MEANS: Concurrent resolution pursuant to section 171-64.7, Hawaii Revised Statutes.

JUSTIFICATION: The Hawaii Housing Finance and Development Corporation (HHFDC) is seeking legislative approval to transfer a portion of 610 Cooke Street, Honolulu, Hawaii, to the City and County of Honolulu (the City). Approval of this proposed transfer is a prerequisite to a planned land exchange between HHFDC and the City in which HHFDC would ultimately obtain a portion of Coral Street between Pohukaina Street and Halekauwila Street to facilitate roadway access to HHFDC's planned mixed-use development at 690 Pohukaina Street, Honolulu, Hawaii, which will include a public elementary school. The concept and strategy of this plan is to maintain the limited roadway access as open green space. However, due to anticipated high use during pick-up and drop-off times of the school day, the Department of Education will study the most appropriate type of paving or street covering in terms of durability and maintenance.

This parcel is a 6,937 square foot portion of the site of the Na Lei Hulu Kupuna Senior Apartments. Na Lei Hulu Kupuna Apartments, located on 610 Cooke Street, Honolulu, Hawaii, is comprised of the subject parcel

and another parcel already owned by the City. The senior housing project holds a sublease on this parcel until December 12, 2082, so there is no development plan for it.

The fair market value of the subject parcel was determined to be \$210,000 as of April 15, 2018, by HHFDC's appraiser, Medusky & Co., Inc.

A title search conducted by Title Guaranty of Hawaii on January 2, 2018, determined that as of August 15, 1895, title to a portion of this parcel, identified as Parcel 6B-1, Government Remnant, was held by the Territory of Hawaii, and title to the remainder of the parcel was by Royal Patent Number 4483, Land Commission Award Number 7712, Apana 6, Number 1, held by the Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, Deceased, as devised by the Last Will and Testament of Bernice Pauahi Bishop probated in the Supreme Court of the Hawaiian Islands in Probate Number 2425.

HHFDC conducted a public meeting on the proposed transfer on July 18, 2019, at the HHFDC Boardroom, 677 Queen Street, Suite 300, Honolulu, Hawaii, following publication of notice in The Honolulu Star-Advertiser newspaper on June 27, 2019, and July 11, 2019. HHFDC did not receive any comments objecting to the proposed transfer of the parcel to the City.

HHFDC has also worked closely with the Office of Hawaiian Affairs to keep them informed of these findings and our intent to transfer this parcel to the City.

Impact on the public: Minimal.

Impact on the department and other agencies: Minimal.

GENERAL FUND:

None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: BED 160.

OTHER AFFECTED  
AGENCIES: Hawaii Community Development Authority;  
Office of Hawaiian Affairs.

EFFECTIVE DATE: Upon adoption.