

ACT 356

H.B. NO. 2096

A Bill for an Act Relating to the Aloha Tower Development Corporation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 206J-1, Hawaii Revised Statutes, is amended to read as follows:

“§206J-1 Findings and purpose. The legislature finds that the area in downtown Honolulu on the waterfront, [bounded by piers 8, 9, 10, and 11 and

Nimitz Highway,] including the Hale Awa Ku Moku Building and Irwin Memorial Park, hereinafter called the Aloha Tower complex, is one of the most valuable properties in downtown Honolulu and that certain portions of this area should be redeveloped, renovated, or improved to better serve the economic, maritime, and recreational needs of the people of Hawaii.

The legislature further finds that the Aloha Tower complex still serves a vital maritime function that must be maintained to insure adequacy and viability for existing and future maritime activities.

The purpose of this chapter is to establish a new public body corporate and politic, public instrumentality, and agency of the State for the purpose of undertaking the redevelopment of the Aloha Tower complex to strengthen the international economic base of the community in trade activities, to enhance the beautification of the waterfront, and in conjunction with the department of transportation, to better serve modern maritime uses, and to provide for public access and use of the waterfront property. Properly developed, the Aloha Tower complex will further serve as a stimulant to the commercial activities of the downtown business community and help transform the waterfront into a "people place."

The legislature finds and determines that the purpose of this chapter is in the public interest and constitutes a valid public purpose."

SECTION 2. Section 206J-2, Hawaii Revised Statutes, is amended by amending the definition of "project" to read:

" "Project" means [a public undertaking, improvement, or system consisting of a work or improvement including] an undertaking of work or improvement of public or private real or personal property or any interest therein, developed, acquired, constructed, reconstructed, rehabilitated, improved, altered, or repaired by the development corporation, by itself or in conjunction with qualified persons, and including public facilities and, any law to the contrary notwithstanding, facilities for and functionally related and subordinate to maritime purposes."

SECTION 3. Section 206J-3, Hawaii Revised Statutes, is amended to read as follows:

"§206J-3 Aloha Tower complex; designated boundaries. [Being portions of Honolulu Harbor (Governor's Executive Order No. 1793), Irwin Memorial Park (Governor's Executive Order No. 472), Fort Street and Ala Moana

Being also portions of:

L. P. 8489 L.C.Aw. 11219 to the Hawaiian Government, Sea Boundary of "Kaa-kaukukui" R. P. 4483 L.C.Aw. 7712 Apana 6 No. 1 to M. Kekuaaoa no V. Kamamalu, R. P. 4532 L.C.Aw. 9971 Parts 1 and 2 to W.P. Leleiohoku and L.C.Aw. 784 Parts 1 and 2 to James Robinson, Exchange Deed: Minister of Interior to Samuel C. Allen dated December 21, 1897 and recorded in Liber 173, Pages 432-434, Grant 1753 No. 2 to William Miller, Land Court Application 787 Land situated at Kaakaukukui and Waikahalulu, Honolulu, Oahu, Hawaii

Beginning at the most Northerly corner of this piece of land, on the West side of the present Nimitz Highway (Honolulu-Pearl Harbor Road), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being 1,160.55 feet South and 5,210.55¹ feet West, thence running by azimuths measured clockwise from true South:

1. 6° 00' 1.45 feet along the West side of the present Nimitz Highway;
2. 276° 00' 5.50 feet along same;

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3. 6° 00' 28.00 feet along same;
4. 6° 00' 50.00 feet along same;
5. 6° 00' 241.10 feet along same;
6. 6° 00' 35.00 feet along same;
7. 331° 06' 50" 166.90 feet along the Westerly side of the present Nimitz Highway;
8. 329° 35' 226.07 feet along the Westerly side of the present Nimitz Highway;
9. Thence along same on a curve to the right with a radius of 72.29 feet, the chord azimuth and distance being 11° 12' 30" 96.04 feet;
10. 52° 50' 120.37 feet along the Northerly side of Bishop Street;
11. 52° 50' 69.73 feet along same;
12. 52° 50' 110.32 feet across Ala Moana;
13. 149° 35' 29.33 feet along the remainder of Honolulu Harbor (Governor's Executive Order No. 1793), the true azimuths and distances to a "+" cut on concrete (found and adopted) being (a) 149° 35' 2.36 feet and (b) 239° 35' 2.00 feet;
14. 59° 34' 594.52 feet along same;
15. Thence along same on a curve to the right with a radius of 12.98 feet, the chord azimuth and distance being 116° 17' 45" 21.70 feet;
16. 173° 01' 30" 608.15 feet along the remainder of Honolulu Harbor (Governor's Executive Order No. 1793);
17. 228° 25' 495.96 feet along same;
18. 318° 25' 0.94 of a foot along same;
19. 228° 25' 459.72 feet along same to the point of beginning and containing an area of 572,408 square feet or 13.141 acres.]

The Aloha Tower complex is established. The complex shall include the area bounded by Nimitz Highway beginning at its intersection with the Diamond Head boundary of tax map key 2-1-13:7 north along Nimitz Highway to its intersection with the makai boundary of tax map key 1-7-1:6; northeast along River Street to its intersection with King Street; north along King Street to its intersection with Iwilei Road west along Iwilei Road to its intersection with Nimitz Highway at Ewa makai corner of tax map key 1-5-08:1; south along Nimitz Highway to its intersection with the boundary between tax map key 1-5-8:1; and tax map key 1-5-8:9; west along a line to the Diamond Head mauka corner of tax map key 1-5-40:4; west along Nimitz Highway to its intersection with the Ewa boundary of tax map key 1-5-38:4; south along the Ewa boundaries of tax map key 1-5-38:4 and 1-5-38:5 to Honolulu Harbor; east along the waterfront boundary of tax map key 1-5-38:5 to Pier 23; south along Pier 23 to the southwest end of Pier 22; continuing along a line in the same direction to its intersection with the Honolulu Harbor Federal Project Line; northeast along the Honolulu Harbor Federal Project Line to a point

in Honolulu Harbor 475 feet perpendicular to Pier 11; southwest along a line parallel to Piers 10 and 11 to its intersection with a line extending from the southwest end of Pier 22 to the point of intersection of the Honolulu Harbor Federal Project Line and a line extending along Pier 8 into Honolulu Harbor; southeast along a line to the point of intersection of the Honolulu Federal Project Line and a line extending along Pier 8 into Honolulu Harbor; northeast along Pier 8; from the mauka end of Pier 8 to the point of beginning at the intersection of the Diamond Head boundary of tax map key 2-1-13:7 and Nimitz Highway. All fast and submerged lands contained within this area shall also be included.”

SECTION 4. Section 206J-5, Hawaii Revised Statutes, is amended to read as follows:

“**§206J-5 Powers; generally.** (a) The development corporation shall have all the powers necessary to carry out its purposes, including the following powers:

- (1) To sue and be sued;
- (2) To have a seal and alter the same at its pleasure;
- (3) To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
- (4) To make and alter bylaws for its organization and internal management;
- (5) To adopt rules under chapter 91 necessary to effectuate this chapter in connection with its projects, operations, properties, and facilities;
- (6) Through its chief executive officer, to appoint officers, agents, and employees, prescribe their duties and qualifications, and fix their salaries, consistent with chapters 76 and 77;
- (7) To prepare or cause to be prepared a development plan for the Aloha Tower complex, incorporating the needs of the department of transportation[;] and accommodating the plans, specifications, designs, or estimates of any project acceptable to the development corporation;
- (8) To own, lease, hold, clear, improve, and rehabilitate real, personal, or mixed property and to assign, exchange, transfer, convey, lease, sublease, or encumber any project or improvement, including easements, constituting part of a project within the Aloha Tower complex, except that required for necessary maritime purposes[;], including leases or other agreements for the rehabilitation, repair, maintenance, and operation of the Aloha Tower;
- (9) By itself, or in [partnership] conjunction with qualified persons, to develop, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the development, construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project[;], including projects or any portion thereof under the control or jurisdiction of qualified persons; to own, hold, assign, transfer, convey, exchange, lease, sublease, or encumber any project[;], including projects or any portion thereof under the control or jurisdiction of qualified persons;
- (10) [To] Notwithstanding any other provision of law to the contrary, to arrange or initiate appropriate action for the planning, replanning, opening, grading, relocating, or closing of streets, roads, roadways, alleys, easements, piers, or other places, the furnishing of facilities, the acquisition of property or property rights, or the furnishing of property, development rights, or services in connection with a project;
- (11) To grant options or renew any lease entered into by it in connection with any project, on terms and conditions as it deems advisable;
- (12) To prepare or cause to be prepared plans, specifications, designs, and estimates of project cost for the development, construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project,

and from time to time to modify such plans, specifications, designs, or estimates;

- (13) To provide advisory, consultative, training, and educational services, technical assistance, and advice to any person, partnership, or corporation, either public or private, in order to carry out the purposes of this chapter, and engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;
- (14) To procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable;
- (15) To contract for and accept gifts or grants in any form from any public agency or from any other source;
- (16) To pledge or assign all or any part of the moneys, rents, charges, or other revenues and any proceeds derived by the development corporation from proceeds of insurance or condemnation awards, less guarantees to the harbor special fund for the loss of revenues or incurrence of costs and expenses because of any action taken by the development corporation; and
- (17) To issue bonds of the development corporation for the purpose of providing funds for any of its corporate purposes.

(b) The development corporation shall impose, prescribe, and collect rates, rentals, fees, or charges for the lease and use and services of its projects at least sufficient to pay the costs of operation, maintenance and repair, if any, of its projects and the required payments of the principal of and interest on all bonds issued to finance its projects. Notwithstanding anything to the contrary contained in this section, the development corporation may take into account any project costs supplied by qualified persons in calculating such rates, rentals, fees, or charges, to the extent that if the qualified person selected by the development corporation is willing to underwrite the entire or substantially all of the costs of development and construction of that project, the development corporation is empowered to negotiate nominal rentals.

SECTION 5. Section 206J-6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read as follows:

“(b) The development corporation shall preserve the Aloha Tower as an historical monument and shall not sell, remove, demolish, deface, or alter the structure in any reasonable degree to lessen its historical value to the community. However, and notwithstanding any other law to the contrary, repairs, maintenance, relocation of pier platforms, or any essential reconstruction necessary for the preservation of the Aloha Tower as an historical monument shall be permissible.”

2. By amending subsection (d) to read as follows:

“(d) The development corporation or its lessees shall not exercise any jurisdiction over the provided replacement facilities located within the Aloha Tower complex required for necessary maritime purposes and activities[;] (hereinafter “maritime facilities.”)[except that facilities] Jurisdiction over any such replacement facilities shall be in the department of transportation. Facilities functionally related [and subordinate] to maritime purposes[,] and the purposes outlined in the development plan for the Aloha Tower complex, such as hotel facilities for maritime passengers[,] and waterfront visitors, concession facilities adjacent to maritime terminal facilities, public parking facilities which are situated on property not cur-

rently under the jurisdiction of the department of transportation, and commercial, retail, residential, and office facilities may be under the jurisdiction of the development corporation or its lessees. [Jurisdiction over any such replacement facilities shall be in the department of transportation.]”

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 14, 1988.)

Note

1. So in original.