



COMMITTEE ON RESOURCE MANAGEMENT
Dan Ahuna, Chairperson
Robert K. Lindsey, Jr., Vice Chairperson
Leina'ala Ahu Isa, At-Large
Kalei Akaka, O'ahu
Keli'i Akina, At-Large
Brendon Kalei'aina Lee, At-Large
Carmen Hulu Lindsey, Maui
Colette Y. Machado, Moloka'i/Lāna'i
John Waihe'e IV, At-Large

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
John Waihe'e IV, Chairperson
Kalei Akaka, Vice Chairperson
Leina'ala Ahu Isa, At-Large
Dan Ahuna, Kauai/Ni'ihau
Keli'i Akina, At-Large
Brendon Kalei'aina Lee, At-Large
Carmen Hulu Lindsey, Maui
Robert K. Lindsey, Jr., Hawai'i Island
Colette Y. Machado, Moloka'i/Lāna'i

JOINT MEETING OF THE COMMITTEE ON RESOURCE MANAGEMENT AND THE COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

DATE: Tuesday, March 5, 2019
TIME: 10:00 am
PLACE: OHA Board Room, Nā Lama Kukui
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

AGENDA

- I. Call to Order
II. Public Testimony*
III. Approval of Minutes†
A. June 19, 2018
B. June 26, 2018
IV. Executive Session‡
A. Approval of Minutes†
1. July 12, 2016
2. June 19, 2018
3. June 26, 2018
B. Consultation with Attorney Randall Sakumoto, Esq. and Board Attorney Robert G. Klein, Esq. pertaining to the OHA Board of Trustees' powers, privileges, immunities, and liabilities regarding the potential Sale of Kaka'ako Makai Parcel Lot I, TMK (1) 2-1-015:061, to City & County of Honolulu. Pursuant to HRS section 92-5(a) (4).
V. New Business†
A. Action Item RM/BAE #19-01: 1) Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Lot I, TMK (1) 2-1-015:061, and 2) approval of legislative resolution related to potential sale of Kaka'ako Lot I, TMK (1) 2-1-015:061, to the City and County of Honolulu.
VI. Announcements
VII. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Albert Tiberi at telephone number 594-1754 or by email at: albertt@oha.org no later than three (3) business days prior to the date of the meeting.

*Notice: Persons wishing to provide testimony are requested to submit 13 copies of their testimony to the Chief Executive Officer at 560 N. Nimitz, Suite 200, Honolulu, HI, 96817 or fax to 594-1868, or email BOTmeetings@oha.org 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes.

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

‡ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

Dan Ahuna 2/27/19
Trustee Dan Ahuna Date
Chairperson, Committee on Resource Management

Trustee John Waihe'e, IV. Date
Chairperson, Committee on Beneficiary Advocacy & Empowerment

**STATE OF HAWAI‘I
OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Hwy, Suite 200
HONOLULU, HI 96817**

**Minutes of the Office of Hawaiian Affairs
Joint Committees on Resource Management and
Beneficiary Advocacy and Empowerment**

**March 5, 2019
10:00 am**

ATTENDANCE:

Trustee Dan Ahuna, Chairperson
Trustee Leina‘ala Ahu Isa
Trustee Kalei Akaka
Trustee Keli‘i Akina
Trustee Brendon Kalei‘aina Lee

Trustee Carmen Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe‘e

EXCUSED

Trustee Robert Lindsey, Vice-Chair

STAFF PRESENT:

Albert Tiberi
Kamana‘opono Crabbe
Everett Ohta
Miles Nishijima
Sterling Wong
Sylvia Hussey
Jocelyn Doane
Raina Gushiken
Carol Ho‘omanawanui
Lopaka Baptiste
Ron Porter
Alyssa Kau
Kama Hopkins

Maria Calderon
Paul Harleman
Melissa Wennihan
Crayn Akina
Kauikeaolani Wailehua
Zuri Aki
Lei Ann Durant

Guest and Community:

Randall Sakamoto, Esq.
Keli Makekai
Robert G. Klein, Board Counsel

I. CALL TO ORDER

Chair Ahuna – Calls the Committee on Resource Management to order at 10:01 am, noting for the record the following Trustees present:

	Present	Excused	Comments
TRUSTEE LEI AHU ISA	X		
TRUSTEE KALEI AKAKA	X		
TRUSTEE KELI 'I AKINA	X		
TRUSTEE BRENDON KALEI 'AINA LEE	X		
TRUSTEE HULU LINDSEY	X		
TRUSTEE ROBERT LINDSEY		X	EXCUSED
TRUSTEE JOHN WAIHE'E			
CHAIRPERSON DAN AHUNA	X		
TOTAL	8		
At the Call to Order, there are eight (8) Trustees present.			

II. PUBLIC TESTIMONY

Chair Ahuna calls Keali'i Makekau.

Keali'i Makekau states this is my first joint committee, so I'm kind of new to procedure, so does there need to be like in a committee-of-the-whole, or are we already in one. It's a procedural thing. Where everyone can participate rather than, being recognized and so forth. It's a parliamentary thing. We use this a lot in the resident manager stuff and community associations so that all the board members can speak, and the public can speak on a 1 topic. I came to action item #19-01, sale of the Lot I. I just want to throw some facts and stuff on the table to refresh everybody's memory. Historical facts, we got this property from the ceded lands settlement, many years ago. At that time we didn't necessarily address the conditions of the land, we felt we actually rushed into the agreement and made a big announcement. Not fully understanding the conditions of these parcels of lands. They sit on former landfill, the states designation were legal definitions called fast lands. We've been moving forward with that designation ever since. I think in the haste of the agreement again, we fail to address certain needs and then when the public kind of found out about the deal, whether the price was accurate or considered fair, we found out some of the conditions. One of which I have been very adamant on, was the water rights to the place, we did not get that. The public found that out many months, if not a year afterward, so I felt that was not the best use of value and the

conditions of the property. We were hampered with it. Remove today now to the current facts. The property been addressed at in tandem with other partnerships. The most current deal that was on the table was Trustee Stender's proposal, 2 condominiums was supposed to go up, but that met opposition from those across the street, the save Kaka'ako people. So that deal pretty much died. The next step was trying to get Fisherman's Wharf demolished. I remember when I was coming out, helping Hulu, trying to get that thing down. We even tried to approach a moving company; they could blow it up and use it for the movie studios. At least something to come out of it, but nothing happened. Eat the street came in, you folks were gracious enough to give them some sort of lease for the food truck thing and that delivered some revenues and so forth. The next step was a possible partnership, if Obama decided to build his library on top there, a possible partnership there. But of course he decided to go to Chicago. So the property then sits there. Other than that, OHA has only taken couple of focus group meetings which I've attended with the community. I think you guys have given some small contractor that Group 70 or what about the other partnerships, where they come and presented possible ideas and stuff with the plans. There's been no signs of any development and stuff coming forward. Now I'm moving forward today. Taking into account the best use and value of the property. Are we seriously considering selling this property for the needs of the beneficiary or are we unfortunately looking at the needs of the city. The property sits in an area where Kaka'ako is actually in dire need of something like this, because it's actually over developed. The sewer system there is not adequate. You just drive down there you can smell the problems. And they've been hampered back and forth with problems, so we have to look at it. I'm actually in a stalled position with you folks because I don't know which way you guys are going to move on this thing so. Good points about this thing, is if you guys do go ahead and sell the property, environmental issues of course because that area is hampered. Second thing would probably be the people of Hawai'i and investors, especially the people who are buying condos and down there. They're going to be adamant about this deal, because they want their securities or their investments to be addressed and looked at. And of course the last one is our government or I mean authority, because they're going to look at it as a win-win for their promises to their constituents in Hawai'i as a whole. Especially in the district. On the bad note, compensation for for this property. Regardless of the dollar amount, the beneficiaries, I feel are going to be very adamant about this because they see it as their land, but yest we are getting compensated. But you're being compensated unfortunately through OHA. And this agency is unfortunately going through some financial ridicule with your audit as well. The audit reports and the pending audit that seems to somehow left in lingle. Another bad point is losing this property. The chance is for best use and value for whatever mission, it becomes small. So what I would like to see, if the sale comes out on this property, is that the way to reinforce the beneficiary thing is, we have to walk away from this deal as the primary caregiver. As the stakeholder here. Not just that we can sit back and say we got a \$30 million price tag and see what a shot in the arm for the Hawaiians. We need to actually get on this and say we want to do the right thing and stand by Kaka'ako and for the reasons that we want. We deserve more and by that I say, a partnership with the city and the state and by doing that we should actually revisit going back and asking them for the water rights for our property. Something tangible, right now we're going to lose a very good piece of land, that sits right by itself on its own. To lose that, will actually minimize now what we're going to be doing in that property and our opportunities. I think that opportunity should be reinforced by us now saying, we're going to do this sale, but we want something from you folks too. You're going to all the sewer and everything all that fixed. Your quality of life is good, our beneficiaries need to be reinforced. That's what was the intent of this thing. The money coming in, goes to the native Hawaiians. We're still not at that point, we're losing the zest of what this property. The opportunity to present us with, so I feel we should do this. And I

only reaffirmed my closing statement a long time ago. Marjory Bronster came to this office before some of you folks were here. She gave a workshop about OHA and its constitutionality and all that stuff. She made a great statement about saying to the Trustees, I just wish you would realize the potential that you folks have. You have to step up and assert yourself rather than playing along. That's what all the other agencies do. I would like to see OHA do that. I cannot necessarily recommend sell or do this, but I'm just hoping that my input drives an emotion for you guys and I think the public would be reassured if you showed some backbone on this matter. Either way it goes, one side or the other is going to claim victory on this thing. I would like to see OHA win for example by saying yes and showing diligence. The legislature look at them right now, it's very confusing time down, there marijuana. This all over the place. I feel the water right this always been the strongest point for the property, even if it means selling it off in the later land or whatever. That still makes that property much more tangible and it increases the value and opportunity. Thank you.

Chair Ahuna thanks Mr. Makekau.

Trustee Ahu Isa thanks him for the history on that, she did not know there were two condo's being considered for that lot. And she did find the book on community engagement and all the comments from the beneficiaries when they went out.

Keli'i Makekau states we are on the heels of completing and election thing and I know not only half the Board was told. This was part of the election task about what to do with this property so please, take it in consideration.

Chair Ahuna asks if anyone else is speaking. None.

III. APPROVAL OF MINUTES

A. June 19, 2018

B. June 26, 2018

Chair Ahuna announced the 72-hour rule shall be waived for materials under agenda item III. A. June 19, 2018 and III. B. June 26, 2018.

Trustee Brendon Kalei 'aina LEE, MOVED, SECOND by Trustee Waihee to approve minutes: June 19, 2018 and June 26, 2018						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI 'AINA LEE	X		X			
TRUSTEE HULU LINDSEY			X			

TRUSTEE ROBERT LINDSEY						EXCUSED
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON DAN AHUNA			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with eight (8) YES votes.						

IV. EXECUTIVE SESSION

Chair Ahuna asks for motion to move into Executive Session.

Trustee Waihe'e moved.

Trustee Ahu Isa second.

A. Approval of Minutes

1. July 12, 2016
2. June 19, 2018
3. June 26, 2018

B. Consultation with Attorney Randall Sakumoto, Esq. and Board Attorney Robert G. Klein, Esq. pertaining to the OHA Board of Trustees' powers, privileges, immunities, and liabilities regarding the potential Sale of Kaka'ako Makai Parcel Lot I, TMK (1) 2-1-015:061, to City & County of Honolulu. Pursuant to HRS section 92-5(a) (4).

Meeting resolved into executive session at 10:13 am for discussion.

Meeting reconvenes into open session at 11:20 am.

V. NEW BUSINESS

A. Action Item RM/BAE #19-01: 1) Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Lot I, TMK (1) 2-1-015:061, and 2) approval of legislative resolution related to potential sale of Kaka'ako Lot I, TMK (1) 2-1-015:061, to the City and County of Honolulu.

Chair Ahuna asks for any discussion, Hearing none. Calls for roll call vote.

		1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
Trustee Waihe'e, MOVED, SECOND by Trustee Lee. Trustee Lee moves to authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Lot I, TMK (1) 2-1-015:061.							
TRUSTEE LEI	AHU ISA				X		
TRUSTEE KALEI	AKAKA			X			
TRUSTEE KELI'I	AKINA			X			
TRUSTEE BRENDON KALEI 'AINA	LEE		X	X			
TRUSTEE HULU	LINDSEY			X			
TRUSTEE ROBERT	LINDSEY						EXCUSED
TRUSTEE COLETTE	MACHADO			X			
TRUSTEE JOHN	WAIHE'E	X		X			
CHAIRPERSON DAN	AHUNA			X			
TOTAL VOTE COUNT				7	1		1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED							
Motion passes with seven (7) YES votes, one (1) NO vote.							

Trustee Machado states she heard from Sterling, that our public land trust measure did the cross over to the Senate from the House on Friday. Sent her congratulations.

VI. ANNOUNCEMENTS

None.

VII. ADJOURNMENT

Chair Ahuna asks for motion to adjourn.

Trustee Waihe'e moved.

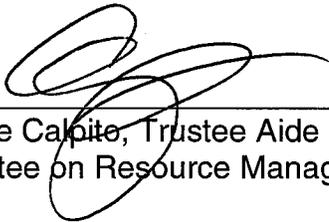
Trustee Akaka second.

Chair Ahuna asks for roll call vote.

Trustee Waihe'e, MOVED, SECOND by Trustee Akaka. Trustee Waihe 'e moves to adjourn meeting.						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE KALEI AKAKA		X	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI 'AINA LEE			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY						EXCUSED
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON DAN AHUNA			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with eight (8) YES votes.						

Meeting adjourned at 11:22 am.

Respectfully Submitted,



Claudine Calpito, Trustee Aide
Committee on Resource Management



Dan Ahuna, Chairperson
Committee on Resource Management

Approved: Joint RM-BAE Committee meeting 3/20/19

ATTACHMENTS:

- A. Action Item RM/BAE #19-01: 1) Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Lot I, TMK (1) 2-1-015:061, and 2) approval of legislative resolution related to potential sale of Kaka'ako Lot I, TMK (1) 2-1-015:061, to the City and County of Honolulu.

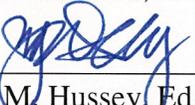
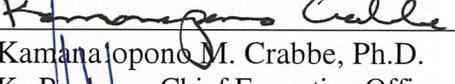
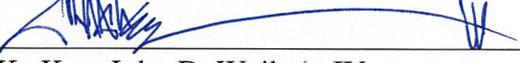
OFFICE OF HAWAIIAN AFFAIRS
Action Item

**Joint Committees on Resource Management
and Beneficiary Advocacy and Empowerment**

March 5, 2019

RM/BAE #19- 01

Action Item Issue: (1) Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Makai Parcel Lot I, TMK (1) 2-1-015:061, and (2) approval of legislative resolution related to potential sale of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061, to the City & County of Honolulu.

Prepared by:	 Miles T. Nishijima Pou Kihī Kanaloa, 'Āina, Land Assets Director	<i>02/28/2019</i> Date
Reviewed by:	 Sylvia M. Hussey, Ed.D. Ka Pou Nui, Chief Operating Officer	<i>3/1/2019</i> Date
Reviewed by:	 Kamana'opono M. Crabbe, Ph.D. Ka Pouhana, Chief Executive Officer	<i>2/28/19</i> Date
Reviewed by:	 Ke Kua, John D. Waihe'e IV Luna Ho'omalu Kōmike BAE, BAE Chairperson	<i>03/04/2019</i> Date
Reviewed by:	 Ke Kua, Dan Ahuna Luna Ho'omalu Kōmike RM, RM Chairperson	<i>03/04/2019</i> Date

I. Proposed Action:

Authorize and approve the OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding a possible disposition of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061.

II. Issue:

Whether to authorize the OHA CEO/Administration to resume negotiations with the

City & County of Honolulu regarding a possible disposition of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061 or to authorize the OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding a possible sale of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061 and approval of a legislative resolution related to the potential sale of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061, to the City and County of Honolulu.

III. Discussion:

A. Background

Lot I is an approximately 3.3 acre property located in Kaka'ako Makai. The property is bordered by Ala Moana Boulevard, Forrest Avenue, Ilalo Street, TMK (1) 2-1-015:062 (containing the City's existing sewer pump station) and TMK (1) 2-1-015:063 (containing the historic Kaka'ako Pump Station). HCDA's Kaka'ako Makai Area Rules allow for Mixed Use development, with a maximum floor area ratio of 3.5 and a maximum height of 200 feet. HCDA is prohibited by statute from allowing residential use in the Kaka'ako Makai area, which applies to all of OHA's Kaka'ako Makai properties. Lot I is partially encumbered by a sewer easement and an existing coral block wall along Ala Moana Boulevard could possibly be deemed historic.

Lot I is undeveloped and partially paved, and is currently being used for short-term surface parking. The property is not contiguous to any of OHA's other land parcels in Kaka'ako Makai, and the Comprehensive Master Plan concluded that the highest and best use under existing entitlements would be a mid-rise commercial development.

Discussions with the City started at the end of 2015, when OHA was approached by the City about its interest in acquiring Lot I as a site for a new sewer pump station to serve East Honolulu. Lot I was considered ideal for the siting because it was adjacent to the City's existing sewer pump station. Initially, OHA and the City discussed a long-term lease, but the City later changed its position and instead sought a fee purchase of Lot I.

Since OHA's acquisition of Lot I, the parcel has generated approximately \$2.6 million of revenue. Prior to the 2012 settlement with the State of Hawai'i, by which OHA acquired Lot I and its other Kaka'ako Makai parcels, the appraised value of Lot I was \$23.9 million, as of December 29, 2011. According to a December 5, 2017 appraisal, Lot I's valuation was \$29.64 million. According to a January 26, 2019 appraisal, Lot I's current valuation is \$30.14 million.

On June 26, 2018, following review and discussion of the final Purchase and Sale Agreement terms proposed by the City, the Board of Trustees approved Action Item RM/BAE #18-02, which authorized the OHA CEO to cease ongoing negotiations. However, the City recently expressed a strong interest in resuming negotiations.

B. Legislative approval requirements

Hawai'i Revised Statutes (HRS), section 171-64.7 requires all state agencies and departments to obtain legislative approval prior to the sale of former crown or government lands. OHA staff have previously determined that Lot I was formerly government land, as well as ceded land and public land trust land.

To obtain legislative approval, a state agency must receive approval of the potential sale through a concurrent resolution adopted by two-thirds of the members of each legislative chamber. The concurrent resolution must include:

- (1) the specific location and size of the parcel to be sold;
- (2) the appraisal value of the land;
- (3) the names of all appraisers performing appraisals of the land;
- (4) the date of the appraisal valuation;
- (5) the purpose for which the land is being sold;
- (6) a detailed summary of any development plans for the land; 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, and a detailed explanation of how the state department or agency made this determination.

The state agency proposing the sale must also conduct a public informational briefing on the proposed sale in the community where the parcel is located. The state agency proposing the sale is also required to submit a draft resolution to OHA three months prior to the convening of the legislative session, to provide OHA time to determine whether the parcel proposed for sale is subject to the requirements of HRS §171-64.7.

A draft house concurrent resolution, which complies with HRS §171-64.7, is attached and incorporated herein by reference (See Attachment A). If the resolution is approved for introduction in 2019, then house and senate concurrent resolutions would need to be introduced by Thursday, March 8, 2019, the deadline for substantive resolutions to be introduced for the 2019 legislative session.

C. Sale of ceded lands:

OHA has sought to maintain the ceded lands corpus and has generally opposed the alienation (sale) of ceded lands in order to protect the long-term interests of Native Hawaiians in their unresolved and un-relinquished claims arising from the overthrow of the Native Hawaiian government and resulting transfer of former crown and government lands to the United States. To this end, the OHA Board of Trustees (BOT) adopted its Ceded Lands policy on February 7, 2013, as section 2.1 of the OHA Executive Policy Manual.

A sale of Lot I would not violate OHA's Ceded Land policy or OHA's long-standing position on ceded lands. As noted earlier, Parcel I is a ceded lands parcel. The City and County of Honolulu is a political subdivision of the State of Hawai'i; therefore, Lot I would still remain part of the ceded land corpus following a sale to the city. Although OHA has previously raised concerns that inter-agency sales of ceded land from a state agency to the federal or county

governments would remove the subject parcel from the protections of HRS §171-64.7 should a future sale occur, such concerns are minimal here, where the city has long-term plans to build sewer facilities on the property that would make a future sale highly unlikely. Similar transfers, such as the sale or gift of state road parcels to the counties, have not been opposed by OHA. A sale of Lot I to the City and County of Honolulu would similarly maintain Native Hawaiians' long-term interests in the parcel.

Pursuant to OHA's Board of Trustee's Executive Policy Manual, Series 1030 Trustee Duties, Responsibilities, and Conduct, section 1.3.n, the BOT must approve all transactions involving the conveyance of land. Although this action is not currently seeking BOT approval of a conveyance, this action is intended to provide guidance to the administration as to whether the BOT would like OHA to devote resources towards resuming negotiations with the City and County of Honolulu. If the BOT wishes to resume negotiations toward a sale, Administration is also seeking approval to submit the required resolution to the legislature for introduction.

IV. Recommended Action:

Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061.

V. Alternatives:

(1) Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061 and (2) approve a legislative resolution for introduction related to a potential sale of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061, to the City and County of Honolulu.

VI. Time Frame:

Immediate action is recommended. If a legislative resolution is to be introduced in the 2019 legislative session, OHA Administration would need to coordinate with senate and house leadership immediately, in order to meet the Friday, March 8, 2019 deadline to introduce substantive resolutions.

VII. Funding Source and Certification of Funding Availability:

Funds to continue negotiations and introduce resolution to legislature are available in current budget.

VIII. Attachment:

House Concurrent Resolution: Approving the Sale of Certain Office of Hawaiian Affairs Land to the City and County of Honolulu

ATTACHMENT A

House Concurrent Resolution: Approving the Sale of Certain Office of Hawaiian Affairs
Land to the City and County of Honolulu

1

HOUSE CONCURRENT
RESOLUTION

APPROVING THE SALE OF CERTAIN OFFICE OF
HAWAIIAN AFFAIRS LAND TO THE CITY AND COUNTY
OF HONOLULU.

2 WHEREAS, the state of Hawai‘i transferred to the Office of Hawaiian Affairs the fee
3 simple interest to certain parcels in Kaka‘ako, including Tax Map Key (“TMK”) no. (1) 2-1-
4 015:061 (“Parcel I”), pursuant to Act 15, Session Laws of Hawai‘i 2012; and

5 WHEREAS, section 171-64.7, Hawai‘i Revised Statutes, requires the prior approval of
6 the Legislature, by concurrent resolution, to sell in fee simple certain lands classed as
7 government or crown lands previous to August 15, 1895, or acquired or reserved by the
8 government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of
9 the right of eminent domain, or any other manner; and

10 WHEREAS, section 171-64.7(c), Hawai‘i Revised Statutes, states that “[t]he concurrent
11 resolution shall contain the following information:

12 (1) The specific location and size in square feet or in other precise measure of the
13 parcels of land to be sold or given;

14 (2) The appraisal value of the land to be sold or given;

15 (3) The names of all appraisers performing appraisals of the land to be sold or given;

16 (4) The date of the appraisal valuation;

- 1 (5) The purpose for which the land is being sold or given;
- 2 (6) A detailed summary of any development plans for the land to be sold or given;
- 3 and
- 4 (7) A statement of whether the land is, or is not, land that was classed as government
- 5 or crown lands previous to August 15, 1895, or was acquired by the State in
- 6 exchange for such lands, and a detailed explanation of how the state department
- 7 or agency made this determination"; and

8 WHEREAS, the Office of Hawaiian Affairs desires to obtain legislative approval to sell
9 the fee interest in Parcel I and provides the following information pursuant to section 171-64.7,
10 Hawai‘i Revised Statutes:

- 11 (1) Parcel I is located on Forest Avenue and Ala Moana Boulevard, Honolulu,
12 Hawai‘i in the Kaka‘ako Makai Area. TMK no. (1) 2-1-015:061. The size of the
13 parcel is approximately 141,832 square feet;
- 14 (2) The fee interest in Parcel I was appraised to have a fair market value of
15 \$30,139,000.00;
- 16 (3) Parcel I was appraised by Nathan W. Alexander of CBRE, Inc.;
- 17 (4) The appraisal valuation date is January 26, 2019;
- 18 (5) The primary purpose for a sale to the City and County of Honolulu would be to
19 address municipal sewage needs and increase system capacity to service the east
20 Honolulu service basin, including other Kaka‘ako Makai lands owned by the
21 Office of Hawaiian Affairs;

1 (6) The development plans for Parcel I would be to build a major pump station and/or
2 other wastewater facility, as determined by the needs of the City and County of
3 Honolulu; and

4 (7) Parcel I was classed as government or crown lands previous to August 15, 1895.
5 This status was determined through title research conducted by staff of the Office
6 of Hawaiian Affairs in connection with the acquisition of Parcel I by the Office of
7 Hawaiian Affairs; and

8 WHEREAS, a draft of this concurrent resolution was submitted to the Office of Hawaiian
9 Affairs three months prior to the convening of the regular session of 2019; and

10 WHEREAS the Office of Hawaiian Affairs duly conducted an informational briefing on
11 the sale of Parcel I at a publicly noticed meeting of the Office of Hawaiian Affairs on March 5,
12 2019 in the ahupua'a of Honolulu, moku of Kona, mokuuni of O'ahu; now, therefore,

13 BE IT RESOLVED by the House of Representatives of the Thirtieth Legislature of the
14 State of Hawai'i, Regular Session of 2019, the Senate concurring, that the sale of the fee simple
15 title in Parcel I from the Office of Hawaiian Affairs to the City and County of Honolulu is
16 approved; and

17 BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be
18 transmitted to the Chairperson of the Office of Hawaiian Affairs and the Mayor of the City and
19 County of Honolulu.

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INTRODUCED BY: _____

By Request

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