

Measure Title:	APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-011 KUAHELANI AVENUE, NO. 111, MILILANI, HAWAII.
Report Title:	Sale of Leased Fee Interest in 95-011 Kuahelani Avenue, No. 111, Mililani, Hawaii
Description:	
Companion:	HCR17
Package:	Gov
Current Referral:	HMS/THA, WAM
Introducer(s):	KIM (Introduced by request of another party)



SCR11 & SCR12 APPROVING THE SALE OF THE LEASED FEE INTEREST IN CERTAIN LANDS

Senate Committee on Human Services Senate Committee on Tourism and Hawaiian Affairs

The Office of Hawaiian Affairs (OHA) offers the following comments on SCR11 and SCR12, which approve the sale of the leased fee interest in certain lands. These parcels do not appear to be "ceded" lands and accordingly OHA does not oppose the sale of these parcels.

These resolutions were offered for consideration by the Legislature in accordance with Act 176, Session Laws of Hawai'i 2009, as amended. Among other things, Act 176 requires a two-thirds majority vote of both houses of the Legislature before any specific lands controlled by the State can be sold (including, but not limited to, ceded lands).

In the 1993 "Apology Resolution," the United States Congress, referring to Native Hawaiians' loss of control of their lands, stated:

[t]The Republic of Hawaii . . . ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government.

Sales of ceded lands raise significant concerns for OHA and its beneficiaries, because the Native Hawaiian people's claim to ceded lands has yet to be resolved. OHA urges your committees to consider these unresolved claims carefully as they deliberate regarding each specific sale. However, SCR11 & SCR12 do not appear to involve the sale of ceded lands. Accordingly, OHA does not oppose these sales.

Mahalo for the opportunity to testify on these important measures.

NEIL ABERCROMBIE GOVERNOR

> **RICHARD C. LIM** DIRECTOR

(808) 586-2355

(808) 586-2377

MARY ALICE EVANS DEPUTY DIRECTOR

Telephone:

Fax:

ECONOMIC DEVELOPMENT & TOURISM No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813 Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

DEPARTMENT OF BUSINESS,

Web site: www.hawaii.gov/dbedt

Statement of Richard C. Lim Director Department of Business, Economic Development and Tourism before the

SENATE COMMITTEES ON HUMAN SERVICES AND TOURISM AND HAWAIIAN AFFAIRS

Monday, March 25, 2013 2:45 p.m. State Capitol, Room 224

In consideration of S.C.R. 12 APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-011 KUAHELANI AVENUE, NO. 111, MILILANI, HAWAII.

Chairs Chun Oakland and Galuteria, Vice Chairs Green and Keith-Agaran, and Members of the Committees.

DBEDT **supports** S.C.R. 12, a part of the Administration's legislative package. HHFDC is seeking legislative approval to sell the leased fee interest in this condominium unit to its leasehold owner. This apartment unit is part of the Nahoa Apartments condominium which was built in 1975. As the resolution itself states, HHFDC has met all statutory prerequisites to request approval of the sale of this parcel.

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





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 Karen Seddon Hawaii Housing Finance and Development Corporation Before the

SENATE COMMITTEE ON HUMAN SERVICES SENATE COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS

March 25, 2013 at 2:45 p.m. State Capitol, Room 224

In consideration of

S.C.R 12

APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-011 KUAHELANI AVENUE, NO. 111, MILILANI, HAWAII.

The HHFDC <u>supports</u> S.C.R. 12, which seeks legislative approval to sell the leased fee interest in this condominium apartment unit to its leasehold owner. This apartment is a 764 square foot unit in the Nahoa Apartments condominium built in 1975. The fair market value of the leased fee interest in this parcel as of July 1, 2012 was \$34,600. A title search conducted by Title Guaranty of Hawaii on July 31, 2012, showed that this parcel was <u>not</u> classified as Government lands previous to August 15, 1895.

HHFDC conducted a public meeting on the proposed sale on September 5, 2012, at Mililani High School, Mililani, Hawaii, following publication of notice in the Honolulu Star-Advertiser newspaper on August 30 and September 2, 2012. 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 unit. A copy of the draft resolution was provided to OHA on September 12, 2012.

The attached documents provide more information on this property to the Committee:

- 1. A map showing the general location of Nahoa Apartments;
- 2. A photo of Nahoa Apartments ; and
- 3. A copy of the title report prepared for this unit.

We respectfully request your favorable consideration of this concurrent resolution. Thank you for the opportunity to testify.





Address 95 Kuahelani Avenue

Address is approximate 95-011 Kuahelani Avenue Mililani, Hawaii



TITLE GUARANTY OF HAWAII

INCORPORATED 235 QUEEN STREET HONOLULU, HAWAII 96813

Phone No. (808) 539-7743

Residential Title

Fax No. (808) 521-0288

Lorna Kometani, Housing Sales Coordinator HHFDC-Real Estate Services Section 677 Queen Street, Suite 300 Honolulu, Hawaii 96813

Re: TMK (1) 9-4-005-034-0011

LIMITED LETTER REPORT Maximum liability limited to \$3,500.00

In accordance with your request, we have made a search as to the Fee Simple ownership of the property identified as Tax Map Key (1) 9-4-005-034-0011, and find that the land as of August 15, 1895 was a portion of Royal Patent No. 5732, Land Commission Award No. 8241 to Ioane Ii. HAWAII HOUSING AUTHORITY acquired title through WARRANTY DEED of MILILANI TOWN, INC., a Hawaii corporation, dated October 7, 1974, filed as Land Court Document No. 698788.

1. Land is classified as Private Land as of August 15, 1895.

2. Determination of Land Class is stated through Royal Patent No. 5732, Land Commission Award No. 8241 to Ioane Ii, as attached.

Dated July 31, 2012

Inquiries concerning this report Should be directed to Justin Lee Email: jmlee@tghawaii.com Fax (808) 521-0288 Telephone (808) 539-7743 Refer to Order No. 201127512





PALAPALA SILA NUI.

A NEWALLL MAMULI O KA OLELO A KA POE HOONA KULEANA.

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