

JAN 27 2016

SENATE CONCURRENT RESOLUTION

APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-029
KUAHELANI AVENUE, NO. 128, MILILANI, HAWAII.

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
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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
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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 sell the leased fee
10 interest in 95-029 Kuahelani Avenue, No. 128, Mililani, Hawaii,
11 and provides the following information pursuant to section 171-
12 64.7, Hawaii Revised Statutes:

- 13 (1) The property is an apartment unit in the Naha
14 Apartments condominium built in 1975 and is identified
15 as a 764 square foot apartment unit, TMK No. 1-9-4-5-
16 34-27;
- 17 (2) The leased fee interest in this property was appraised
18 to have a fair market value of \$47,000;
- 19 (3) The property was appraised by Zane, Zane & Associates,
20 Real Estate Appraisal And Consultation Services, Ltd.;
- 21 (4) The appraisal valuation date is April 16, 2015;
- 22 (5) The primary purpose for the sale of this property is
23 to convey the leased fee interest to its current
24 leasehold owner;
- 25 (6) There is no development plan for this unit, which is a
26 residence; and
- 27 (7) As of August 15, 1895, the property was a portion of
28 Royal Patent No. 5732, Land Commission Award No. 8241
29 to Ioane Ii, and therefore private land; the
30 Corporation's predecessor agency, the Hawaii Housing
31 Authority, acquired title to the property through
32 warranty deed of Mililani Town, Inc., dated October 7,
33 1974, filed as Land Court Document No. 698788; and
34 this was determined by a search of the title records
35 by Title Guaranty of Hawaii on August 26, 2015; and
36

37 WHEREAS, the Corporation duly submitted a draft of the
38 Concurrent Resolution to the Office of Hawaiian Affairs on
39 September 24, 2015, more than three months prior to the opening
40 date of the Regular Session of 2016; and
41
42

1 WHEREAS, the Corporation duly conducted a public
2 informational briefing on the sale of this parcel on August 13,
3 2015, at the Mililani High School cafeteria, Mililani, Hawaii,
4 following publication of notice of the briefing in the Honolulu
5 Star-Advertiser newspaper on August 7 and 10, 2015; and
6

7 WHEREAS, no objection to the proposed sale was received at
8 the public informational briefing; now, therefore,
9

10 BE IT RESOLVED by the Senate of the Twenty-eighth
11 Legislature of the State of Hawaii, Regular Session of 2016, the
12 House of Representatives concurring, that the sale of the leased
13 fee interest in 95-029 Kuahelani Avenue, No. 128, Mililani,
14 Hawaii, TMK No. 1-9-4-5-34-27, is hereby approved; and
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16 BE IT FURTHER RESOLVED that a certified copy of this
17 Concurrent Resolution be transmitted to the Executive Director
18 of the Corporation.
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OFFERED BY: _____


BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-029 KUAHELANI AVENUE, NO. 128, MILILANI, HAWAII.

PURPOSE: To seek the prior approval of the Legislature by concurrent resolution of the sale by the Hawaii Housing Finance and Development Corporation (HHFDC) of the leased fee interest in 95-029 Kuahelani Avenue, No. 128, Mililani, Hawaii, TMK No. 1-9-4-5-34-27, to its current leasehold owner.

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

JUSTIFICATION: HHFDC is seeking legislative approval to sell the leased fee interest in 95-029 Kuahelani Avenue, No. 128, to its current leasehold owner.

The property at 95-029 Kuahelani Avenue, No. 128, is an apartment unit in the Nahoa Apartments condominium built in 1975.

The fair market value of the leased fee interest in 95-029 Kuahelani Avenue, No. 128, was determined to be \$47,000 as of April 16, 2015, by the lessee's appraiser, Zane, Zane & Associates, Real Estate Appraisal And Consultation Services, Ltd.

A title search conducted by Title Guaranty of Hawaii on August 26, 2015, determined that as of August 15, 1895, the property was private land; a portion of Royal Patent No. 5732, Land Commission Award No. 8241 to Ioane Ii. The HHFDC's predecessor agency, the 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.

HHFDC conducted a public meeting on the proposed sale on August 13, 2015, at Mililani High School cafeteria, Mililani, Hawaii, following publication of notice in the Honolulu Star-Advertiser newspaper on August 7 and 10, 2015. 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.

Impact on the public: Minimal.

Impact on the department and other agencies: Minimal.

GENERAL FUND:

None.

OTHER FUNDS:

The sale proceeds will be deposited into the Dwelling Unit Revolving Fund to support the development and construction of additional affordable housing units.

PPBS PROGRAM
DESIGNATION:

BED 160.

OTHER AFFECTED
AGENCIES:

Office of Hawaiian Affairs.

EFFECTIVE DATE:

Upon adoption.