



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.B. NO. 2604, H.D. 1, RELATING TO THE ACQUISITION OF REAL PROPERTY.

BEFORE THE:

HOUSE COMMITTEE ON WATER, LAND, AND AGRICULTURE

DATE: Wednesday, March 16, 2016

TIME: 3:00 p.m.

LATE

LOCATION: State Capitol, Room 224

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Julia H. Verbrugge, Deputy Attorney General

Chair Gabbard and Members of the Committee:

The Department of the Attorney General provides the following comments on this measure.

The purpose of the bill is to clarify that acceptance by the Territorial Legislature or the Legislature, of a dedication of land in the Kakaako Community Development District by a private owner, is sufficient to convey title to the State. The bill addresses, among other things, ownership issues regarding certain roads within the Kakaako District.

A question has arisen as to who is the legal owner of certain roads. In 1903, the Territorial Legislature accepted a deed from Charles Desky for seven roads in the Kakaako District pursuant to Joint Resolution No. 9 (the "Roads"). A disagreement has arisen whether the State, City and County of Honolulu, or the Kakaako Land Company, LLC, is the owner of the Roads.

To the extent any party may question whether the Desky deed was accepted by the Territory of Hawaii, the bill would ratify the action of the Territorial Legislature.

It is not clear exactly what property was conveyed pursuant to the Joint Resolution. The Roads are defined by name only; there are no metes and bounds description in the resolution. The length, width, and even location of the Roads may have changed since 1903. These matters can only be resolved by an agreement between the parties or through court action.

With respect to acceptance of roads in the Kakaako District, there is a conflict between the bill's provision that the Legislature is the accepting authority for lands in the Kakaako District, and section 264-1(c)(1), Hawaii Revised Statutes, which provides that a voluntary conveyance of property for a state highway requires a deed accepted by the Director of

Transportation. Section 264-1(c)(1) should be amended to clarify that the Legislature, either the territorial or current, is the accepting authority for the roads in the Kakaako District. We note that there is another bill, House Bill No. 2049, House Draft 2, that makes proposed amendments to section 264-1(c)(1). The amendments should be harmonized with each other so that the dedication of the roads and streets in the Kakaako District may be ratified by the Legislature.

Thank you for the opportunity to comment on this bill.

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 16, 2016 7:47 AM
To: WLA Testimony
Cc: klhpolticalactioncommittee@gmail.com
Subject: *Submitted testimony for HB2604 on Mar 16, 2016 15:00PM*

LATE

HB2604

Submitted on: 3/16/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
M. Healani Sonoda-Pale	Ka Lahui Hawaii Political Action Committee	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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