

MAR 10 2010

SENATE RESOLUTION

REQUESTING AN UPDATE AND PRESENTATION ON THE STADIUM AUTHORITY'S EFFORTS TO TRANSFER THE RECREATIONAL USE RESTRICTION FROM THE STADIUM FACILITIES AND LANDS TO AN ALTERNATIVE STATE PARCEL.

1 WHEREAS, Aloha Stadium, which first opened on September 12,
2 1975, has served as the venue for numerous sporting, music, and
3 other recreational events; and

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5 WHEREAS, remediation of the corrosion of the Aloha
6 Stadium's structural steel alone has cost over \$80,000,000, and
7 numerous structural repair issues remain to be addressed
8 concerning structural safety, compliance with the Americans with
9 Disabilities Act, and general conditions; and

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11 WHEREAS, a 2005 study by the State estimated repair costs
12 at \$214,000,000 and replacement of the facility at \$225,000,000;
13 and

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15 WHEREAS, in today's economic climate, the magnitude of the
16 investment needed to accomplish the necessary repairs has led
17 the State to seek public-private partnerships for private
18 investment in the facility and commercial uses of the property;
19 and

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21 WHEREAS, the land under Aloha Stadium was deeded to the
22 City and County of Honolulu in 1967 for use as a public park or
23 public recreational use in perpetuity according to a program of
24 utilization approved by the National Park Service; and

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26 WHEREAS, concession agreements may be entered into for the
27 purposes of serving a public park and recreational purposes, but
28 commercial purposes are not allowed; and

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30 WHEREAS, the United States Department of the Interior
31 approved transfer of title, with all of its terms and
32 restrictive covenants, from the City and County of Honolulu to
33 the State of Hawaii for continued use as a public park in 1970,
34 and amended the original program of utilization to allow the



1 State to build Aloha Stadium on the property for public
2 recreational use; and

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4 WHEREAS, deed restrictions have allowed hosting the Swap
5 Meet, concerts, and certain other events deemed "recreational"
6 at Aloha Stadium, but prohibit developing the property for
7 strictly commercial enterprises; and

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9 WHEREAS, in December 2008, the National Park Service and
10 the State of Hawaii signed a Memorandum of Understanding
11 (Agreement) establishing a process to remove the deed
12 restrictions if the State provided an alternative site of
13 comparable value for recreational use; and the State is
14 exploring the possibility of a land exchange to remove the
15 restrictive covenants from its present deed; and

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17 WHEREAS, the Comptroller (Department of Accounting and
18 General Services) has been designated as the lead on behalf of
19 the Director of the Department of Land and Natural Resources and
20 the State of Hawaii for the Agreement; and

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22 WHEREAS, since September 2009, the Comptroller has been
23 engaged in discussions with the United States Department of the
24 Interior over a list of potential state lands that could be
25 exchanged to lift the deed restrictions on Aloha Stadium lands;
26 and

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28 WHEREAS, under the terms of the current Agreement, the
29 State must submit a formal proposal to the federal government
30 identifying the lands that will be converted into new public
31 parks and the value of the lands must be of at least equal fair
32 market value and recreational utility to the fifty-six acres of
33 restricted Aloha Stadium land; and

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35 WHEREAS, the process required to complete a land exchange
36 requires appropriate documentation, appraisal reports,
37 justification of the public recreational utility of the lands
38 proposed for exchange and their replacement; environmental
39 assessments and a public process for an environmental impact
40 analysis; plans for program utilization and development
41 schedules; and an official acknowledgment of the requirement to
42 apply all of the restrictions contained in the original deed to
43 the replacement lands; and

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1 WHEREAS, the Stadium Authority Board's minutes for the
 2 period September-December 2009 reflect substantial progress made
 3 by the Comptroller in identifying and conducting due diligence
 4 on a short list of lands suitable for land exchange; now,
 5 therefore,

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 7 BE IT RESOLVED by the Senate of the Twenty-fifth
 8 Legislature of the State of Hawaii, Regular Session of 2010,
 9 that the Comptroller of the Department of Accounting and General
 10 Services and the Stadium Authority is requested to provide an
 11 update and presentation to the State Legislature on their
 12 efforts to transfer the recreational use restriction from the
 13 Stadium facilities and lands to an alternative state parcel; and
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15 BE IT FURTHER RESOLVED that the report include projections
 16 for future funding or infrastructure obligations by state and
 17 county governments; and
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19 BE IT FURTHER RESOLVED that the Stadium Authority report to
 20 the Legislature no later than June 30, 2010; and
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22 BE IT FURTHER RESOLVED that certified copies of this
 23 Resolution be transmitted to the Comptroller, to the Chair of
 24 the Stadium Authority, to state and county legislators
 25 representing the neighboring communities of Salt Lake, Moanalua,
 26 Aiea, and Pearlridge, and to the chairs of the Oahu Neighborhood
 27 Boards No. 18 (Salt Lake-Aliamanu), 20 (Aiea), and 21 (Pearl
 28 City).
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OFFERED BY: Carol Furumasa
Randy de Beck
David Y. Lee
Michael S. Sauer
CPM 184

