

# H.C.R. NO. 28

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## HOUSE CONCURRENT RESOLUTION

APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-557  
KAMANAAINA PLACE, WAIMANALO, 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 41-557 Kamanaaina Place, Waimanalo, Hawaii, and  
11 provides the following information pursuant to section 171-64.7,  
12 Hawaii Revised Statutes:

- 13 (1) The parcel is a single family home that is part of the  
14 Waimanalo Village Annex Self Help affordable housing  
15 project built in 1994 and is identified as a 7,325  
16 square foot parcel, TMK No. 1-4-1-34-96;
- 17 (2) The leased fee interest in this parcel was appraised  
18 to have a fair market value of \$301,200;
- 19 (3) The parcel was appraised by Harlin Young & Co, Ltd.;
- 20 (4) The appraisal valuation date is July 1, 2011;
- 21 (5) The primary purpose for the sale of this parcel is to  
22 convey the leased fee interest to its current  
23 leasehold owner and the owner's leasehold agreement  
24 included the right to purchase the leased fee interest  
25 in the land;
- 26 (6) There is no development plan for this unit, which is a  
27 single family residence; and
- 28 (7) As of August 15, 1895, the parcel was a portion of the  
29 Government (Crown) Land of Waimanalo; the  
30 Corporation's predecessor agency, the Hawaii Housing  
31 Authority, acquired title to the property through  
32 Grant No. S-15,415, dated March 15, 1978; and this was  
33 determined by a search of the title records for this  
34 parcel by Title Guaranty of Hawaii on July 27, 2011;  
35 and

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37 WHEREAS, pursuant to section 5(f) of the Admission Act,  
38 "the development of farm and home ownership on as widespread a  
39 basis as possible for the making of public improvement" is an  
40 expressly authorized purpose of the ceded lands inventory; and

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42 WHEREAS, the Corporation duly submitted a draft of the  
43 Concurrent Resolution to the Office of Hawaiian Affairs on  
44 October 3, 2011, more than three months prior to the opening  
45 date of the Regular Session of 2012; and

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WHEREAS, the Corporation duly conducted a public informational briefing on the sale of this parcel on August 15, 2011, at the Waimanalo School cafeteria, Waimanalo, Hawaii, following publication of notice of the briefing in the Honolulu Star-Advertiser newspaper on August 4 and 7, 2011; and

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

BE IT RESOLVED by the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2012, the Senate concurring, that the sale of the leased fee interest in 41-557 Kamanaaina Place, Waimanalo, Hawaii, TMK No. 1-4-1-34-96, is hereby approved; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Executive Director of the Corporation.

OFFERED BY: Calvin K. Day

BY REQUEST

JAN 23 2012

HCR 28

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-557 KAMANAAINA PLACE, WAIMANALO, HAWAII.

PURPOSE: To seek the prior approval of the Legislature by concurrent resolution of the sale of the leased fee interest in 41-557 Kamanaaina Place, Waimanalo, Hawaii, TMK No. 1-4-1-34-96, 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 41-557 Kamanaaina Place to its current leasehold owner.

The property at 41-557 Kamanaaina Place is a single family home built in 1994 as part of the Waimanalo Village Annex, a 40-unit affordable self-help housing development.

The long-term leases executed by the homebuyers in that development included a clause giving the lessees the right to purchase the leased fee interest in the land. The fair market value of the leased fee interest in 41-557 Kamanaaina Place was determined to be \$301,200 as of July 1, 2011, by HHFDC's appraiser, Harlin Young & Co, Ltd.

A title search conducted by Title Guaranty of Hawaii on July 27, 2011, determined that as of August 15, 1895, the parcel was part of the Government (Crown) Land of Waimanalo, and that HHFDC's predecessor agency, the Hawaii Housing Authority, acquired title to it through Grant No. S-15,415, dated March 15, 1978.

HHFDC conducted a public meeting on the proposed sale on August 15, 2011, at Waimanalo School cafeteria, Waimanalo, Hawaii, following publication of notice in the Honolulu Star-Advertiser newspaper on August 4 and 7, 2011. There was no objection to the proposed sale raised at that time.

HHFDC has also worked closely with the Office of Hawaiian Affairs during the interim to keep them informed of these findings and our intent to sell the leased fee interest in this parcel.

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.