

H.C.R. NO. 30

HOUSE CONCURRENT RESOLUTION

APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-031
KUAHELANI AVENUE, NO. 242, 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
4

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
31

32 WHEREAS, pursuant to section 171-64.7(e), Hawaii Revised
33 Statutes, prior to finalizing any proposal for the sale or gift

1 of lands and prior to the submission of the concurrent
2 resolution to the Legislature, an informational briefing on the
3 proposed sale or gift of lands shall be held in the community
4 where the land to be sold or given is located; and
5

6 WHEREAS, the Hawaii Housing Finance and Development
7 Corporation (the "Corporation") desires to sell the leased fee
8 interest in 95-031 Kuahelani Avenue, No. 242, Mililani, Hawaii,
9 and provides the following information pursuant to section 171-
10 64.7, Hawaii Revised Statutes:

- 11 (1) The property is an apartment unit in the Naha
12 Apartments condominium built in 1974 and is identified
13 as a 764 square foot apartment unit, TMK No. 1-9-4-5-
14 34-0109;
- 15 (2) The leased fee interest in this property was appraised
16 to have a fair market value of \$38,900;
- 17 (3) The parcel was appraised by Harlin Young & Co, Ltd.;
- 18 (4) The appraisal valuation date is July 1, 2011;
- 19 (5) The primary purpose for the sale of this property is
20 to convey the leased fee interest to its current
21 leasehold owner;
- 22 (6) There is no development plan for this unit, which is a
23 residence; and
- 24 (7) As of August 15, 1895, the property was a portion of
25 Royal Patent No. 5732, Land Commission Award No. 8241
26 to Ioane Ii, and therefore private land; the
27 Corporation's predecessor agency, the Hawaii Housing
28 Authority, acquired title to the property through
29 warranty deed of Mililani Town, Inc., dated October 7,
30 1974, filed as Land Court Document No. 698788; and
31 this was determined by a search of the title records
32 by Title Guaranty of Hawaii on July 27, 2011; and
33

34 WHEREAS, the Corporation duly submitted a draft of the
35 Concurrent Resolution to the Office of Hawaiian Affairs on
36 October 3, 2011, more than three months prior to the opening
37 date of the Regular Session of 2012; and
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39 WHEREAS, the Corporation duly conducted a public
40 informational briefing on the sale of this parcel on August 10,
41 2011, at the Mililani High School cafeteria, Mililani, Hawaii,
42 following publication of notice of the briefing in the Honolulu
43 Star-Advertiser newspaper on August 4 and 7, 2011; and
44

1 WHEREAS, no objection to the proposed sale was received at
2 the public informational briefing; now, therefore,
3

4 BE IT RESOLVED by the House of Representatives of the
5 Twenty-sixth Legislature of the State of Hawaii, Regular Session
6 of 2012, the Senate concurring, that the sale of the leased fee
7 interest in 95-031 Kuahelani Avenue, No. 242, Mililani, Hawaii,
8 TMK No. 1-9-4-5-34-0109, is hereby approved; and
9

10 BE IT FURTHER RESOLVED that a certified copy of this
11 Concurrent Resolution be transmitted to the Executive Director
12 of the Corporation.
13

14 OFFERED BY: _____

Calvin K. Y. Au

15 BY REQUEST
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17
18

JAN 23 2012

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-031 KUAHELANI AVENUE, NO. 242, MILILANI, HAWAII.

PURPOSE: To seek the prior approval of the Legislature by concurrent resolution of the sale of the leased fee interest in 95-031 Kuaahelani Avenue, No. 242, Mililani, Hawaii, TMK No. 1-9-4-5-34-0109, to its current leasehold homeowners.

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 95-031 Kuaahelani Avenue, No. 242, to its current leasehold owners.

The property at 95-031 Kuaahelani Avenue, No. 242, is an apartment unit built in 1974 as part of the Nahoia Apartments affordable for-sale development. Only 23 lessees out of the entire 231-unit development remain.

The fair market value of the leased fee interest in 95-031 Kuaahelani Avenue, No. 242, was determined to be \$38,900 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 private land; part of Royal Patent No. 5732, Land Commission Award No. 8241 to Ioane Ii. HHFDC's predecessor agency, the Hawaii Housing Authority, acquired title to it through warranty deed of Mililani Town, Inc., dated October 7, 1974, filed as Land Court Document No. 698788.

HHFDC conducted a public meeting on the proposed sale on August 10, 2011, at Mililani High School, Mililani, 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.