

# S.C.R. NO. 12

JAN 24 2013

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## SENATE CONCURRENT RESOLUTION

APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-011  
KUAHELANI AVENUE, NO. 111, 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  
31

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 95-011 Kuahelani Avenue, No. 111, 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 Nahoia  
14 Apartments condominium built in 1975 and is identified  
15 as a 764 square foot apartment unit, TMK No. 1-9-4-5-  
16 34-0011;
- 17           (2) The leased fee interest in this property was appraised  
18 to have a fair market value of \$34,600;
- 19           (3) The property was appraised by Harlin Young & Co, Ltd.;
- 20           (4) The appraisal valuation date is August 1, 2012;
- 21           (5) The primary purpose for the sale of property is to  
22 convey the leased fee interest to its current  
23 leasehold owner;
- 24           (6) There is no development plan for this unit, which is a  
25 residence; and
- 26           (7) As of August 15, 1895, the property was a portion of  
27 Royal Patent No. 5732, Land Commission Award No. 8241  
28 to Ioane Ii, and therefore private land; the  
29 Corporation's predecessor agency, the Hawaii Housing  
30 Authority, acquired title to the property through  
31 warranty deed of Mililani Town, Inc., dated October 7,  
32 1974, filed as Land Court Document No. 698788; and  
33 this was determined by a search of the title records  
34 by Title Guaranty of Hawaii on July 31, 2012; and  
35

36           WHEREAS, the Corporation duly submitted a draft of the  
37 Concurrent Resolution to the Office of Hawaiian Affairs on  
38 September 12, 2012, more than three months prior to the opening  
39 date of the Regular Session of 2013; and  
40  
41



JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-011 KUAHELANI AVENUE, NO. 111, MILILANI, HAWAII.

PURPOSE: To seek the prior approval of the Legislature by concurrent resolution of the sale of the leased fee interest in 95-011 Kuahelani Avenue, No. 111, Mililani, Hawaii, TMK No. 1-9-4-5-34-0011, 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 95-011 Kuahelani Avenue, No. 111, to its current leasehold owner.

The property at 95-011 Kuahelani Avenue, No. 111, is an apartment unit in the Nahoa Apartments condominium built in 1975.

The fair market value of the leased fee interest in 95-011 Kuahelani Avenue, No. 111, was determined to be \$34,600 as of August 1, 2012, by HHFDC's appraiser, Harlin Young & Co, Ltd.

A title search conducted by Title Guaranty of Hawaii on July 31, 2012, 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 September 5, 2012, at Mililani High School, Mililani, Hawaii, following publication of notice in the Honolulu Star-Advertiser newspaper on August 30 and September 2, 2012. 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 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.